



Land Use Commission
Department of Business, Economic Development & Tourism
State of Hawaii

Conformance of C&C of Honolulu Important Agricultural Lands Recommendation to Applicable
Statutory and Procedural Requirements

WRITTEN TESTIMONY - COMMENTS
Hearing, April 28, 2021, 9:00 AM

Frederick Redell
Executive Director
Hawaii Clean Power Alliance

Chair Scheuer and Members of the Commission,

My name is Frederick Redell, and I am testifying on behalf of Hawaii Clean Power Alliance (“HCPA”) and provide the following comments regarding “Conformance of C&C of Honolulu Important Agricultural Lands Recommendation to Applicable Statutory and Procedural Requirements”. HCPA has concerns regarding the Important Agricultural Lands (“IAL”) process and IAL Recommendation and respectfully requests that the Commission postpone action on this matter for the reasons noted below.

As you know, the State has made the development of renewable energy projects in Hawaii a priority and has mandated that the State achieve a 100% renewable portfolio standard and carbon neutrality goal by 2045. The LUC should note that designating lands as IAL will impose additional regulatory restrictions on landowners and will potentially negatively impact the development of renewable projects in Hawaii. Renewable energy projects are sited on lands that often overlap with lands that are zoned agricultural and are now proposed to be designated as IAL. The County’s proposed designation would classify a significant portion of land on Oahu as IAL and impose additional restrictions upon the land for uses that are not primarily agricultural in nature.

The issue of land use is more critical now than ever given that the AES Coal Plant will be closing in 2022, which the State’s Public Utilities Commission has indicated will potentially cause instability and blackouts to the electric grid, and significantly increase energy prices for customers.



HCPA believes that the State should not be making it more difficult to develop renewable energy projects to fill this void. As stewards of the land, the State must look at all of the sustainable issues holistically in relation to each other, including agriculture, economic development, housing and energy. Hawaii consumers, including farmers, already pay the highest energy bills in the nation and adding additional burdens to siting renewable energy projects will only drive prices even higher.

Hawaii Revised Statutes § 205-47(d) requires the counties, upon identification of potential lands to be recommended as potential IAL, to "take reasonable action to notify each owner of those lands by mail or posted notice on the affected lands to inform them of the potential designation of their lands." Although the County self-reports that the landowners were notified by mail on two separate occasions, (County Report, pp. 34, 54), the County's recommendation is based upon a report that is dated August 2018. The last Technical Advisory Committee meeting convened by the County occurred on June 19, 2013, over 5 years before the County's recommendation was submitted to the LUC, which is now almost 8 years ago. The County's notices to landowners that their lands could be designated as IAL were sent in December of 2016 and November of 2017. The last notices to landowners were mailed 3.5 years ago.

Of note, a total of 74 written comments were received from approximately 1,800 landowners, which constitutes a 4% return rate (County report p. 54). Ninety percent of those comments were from landowners, including farmers, who expressed dissatisfaction with the lack of notification, the lack of process and with the designated inclusion of their lands in the County's IAL recommendation. HCPA respectfully submits that too much time has passed. HCPA questions whether current landowners will have the opportunity to agree, comment or object now. Also, given that there are existing renewable energy facilities and/or PUC approved projects on some of the IAL identified parcels, why were those landowners not included in the Technical Advisory Committee? Given the 4% response rate and negative comments from landowners, will the County be required to further engage with the notification procedure and solicit meaningful feedback? In light of these concerns, HCPA respectfully requests that the LUC postpone action on this matter until further information can be gathered, and further discussion had, regarding the process and whether it conformed to statutory requirements.

Lastly, HCPA notes that the LUC's Meeting Agenda requests written testimony no later than 24 hours before the hearing. However, HCPA understands that the applicable regulations, including HAR §§ 15-15-125 and -109(e), provide HCPA 10 days after the hearing date within which to submit written testimony, as noted by the LUC staff in its February 11, 2021 presentation.

Thank you for the opportunity to provide this testimony regarding the IAL Recommendation.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Redell", with a stylized flourish extending to the right.

Frederick Redell, PE

Executive Director

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