

Vigilance Needed to Protect Public from Bad Bills

Should the state allow industrial solar energy development on our best agricultural lands? I most passionately say No.

Several years ago, when I served on the House Committee on Agriculture, we voted to allow solar energy projects on agriculture lands rated C in soil quality. When I mentioned to the chair that I thought this might be a pretty good idea, he said he was comfortable with limited solar development on C lands, but he worried that in the coming years, they would come after the prime ag lands, grades A and B. That day nearly arrived.

HB593 would allow large scale industrial solar energy development on A grade land. Of the 1.8 million acres of land classified as agricultural in Hawaii, there remain only 55,800 acres of Grade A land, the highest quality and most valuable ag land. Food farmers, who already struggle to secure good land and long term leases, would have to compete against multinational energy companies for our last, best available farm land.

The Senate version of this measure failed to pass out of the Senate Committee on Agriculture. However, when the House version arrived, Senate leadership directed it to a different combination of committees. HB 593, which relates to agricultural land, was not referred to the agricultural committee. It seems there was a concerted push to get this bill passed.

A foreign energy company was seeking to develop a new solar farm on quality farm land in Kunia, which is one of Oahu's important food producing regions. Nearly all farming advocates and the public voiced strong opposition, yet the bill passed out of the House and two Senate Committees.

After several news reports and highly visible pushback, the developer heeded public will and backed out of the effort to build on A grade land. Incredibly, HB593 was then scheduled for a vote in the final Senate committee, where it finally stalled. It is shocking that the bill advanced as far as it did, yet it will probably be back again in the future. Those of us who are committed to preserving our best land for agriculture will have to remain vigilant.

Another alarming bill could allow large water diverters like Alexander and Baldwin (A&B) and Kauai Island Utility Cooperative (KIUC) to continue, without leases, to divert tens of millions of gallons a day of publicly owned water from streams. I opposed the "temporary fix" three years ago and I now oppose another seven-year extension, proposed in HB 1326 HD2.

The water diversion permits for these companies expired decades ago, yet they have still not completed the required environmental studies and permit conditions. A&B lost a long, contentious legal battle against East Maui residents, Native Hawaiians and environmentalists in January 2016, then immediately went to the legislature for a law to foil the court decision. In so doing, they have drawn into the controversy other entities such as KIUC and smaller farmers and ranchers.

A&B closed its sugar plantation and its successor, Mahi Pono, has not yet developed its farm plan. In the sales agreement, A&B guaranteed a large supply of water for several years with a \$62 million rebate condition. It is hard to not think that this bill, like the one from three years ago, is special legislation for the benefit of one company who avoided the lease renewal for decades and now wants to be guaranteed to never pay the rebate.

Please do not hesitate to call or write if you have any opinions, questions or solutions that might help me better represent you. My phone number is 586-7330. My email address is SenRiviere@capitol.hawaii.gov. Follow us on FaceBook or online at SenatorRiviere.com. Please visit us in Room 202 at the Capitol; or let's talk closer to home, maybe the next time we pass in the street. Mahalo.