

## Government Stakeholder Meeting

Date: April 6, 2009

### Attendees

#### Stakeholders:

Adam Griesemer, *DLNR Department of Fish and Wildlife*  
Alton Miyamoto, *First Wind*  
Andrea Erichsen, *DLNR Department of Fish and Wildlife*  
Beth Tokioka, *Mayor's Office, County of Kauai*  
Ed Nakaya, *Kauai Island Utility Cooperative (KIUC)*  
George Costa, *County of Kauai Office of Economic Development*  
Glenn Sato, *County of Kauai Office of Economic Development*  
Ian Costa, *County of Kauai Planning Department*  
Jack Benzie, *Pacific Missile Range Facility*  
JoAnn Yukimura, *EPAC*  
Laurie Yoshida, *Governor's Liaison*  
Mattie Yoshioka, *Kauai Economic Development Board*  
Mike Tresler, *Grove Farm Co.*  
Ray McCormick, *Hawaii Department of Transportation, Highways Division*  
Stanley Doi, *Hawaii Department of Accounting and General Services*  
Thomas Kaiakapu, *DLNR Department of Fish and Wildlife*  
Wayne Souza, *Department of Land and Natural Resources, State Parks*

#### SENTECH Hawai'i Team Members:

Diane Zachary, *Kauai Planning & Action Alliance*  
Douglas Hinrichs, *SENTECH Hawai'i, LLC*  
Marguerite Harden, *SENTECH Hawai'i, LLC*  
Rayne Regush, *Kauai Planning & Action Alliance*

### Notes

#### Vision

- "Achieving a balance..."; there isn't a balance of preserving the resources and complying; it's is more than compliance, it is to enhance wildlife
- All environmental laws rather than just wildlife environmental laws
- The last bullet (re: assisted by government at all levels...); should say something like, "making non-fossil fuel ground transportation more accessible"
- Last bullet continued: "Government policies and programs that create systems that support individual behaviors and make it easy to conserve energy, use energy efficiency in their homes and businesses, and facilitates appropriate renewable energy projects"
- Create a more balanced transportation system with more multimodal opportunities that provide and enhance routes for bikes, pedestrians, equestrian, buses, cars, etc.
- Third bullet: "A thriving, diversified, sustainable green economy"
- The question is "who"? Government needs to provide leadership to show how these visions can be balanced.

#### Government as an End-User

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- Most of lighting is solar at PMRF, ONR is designing a power management system as a model on how to best manage power, there are several programs that are being considered including large capacity storage. Some of the barriers include internal bureaucracy.
- IECC building codes will be presented to the County. The economic stimulus money may go toward a revolving loan fund for state and county agencies under consideration.
- One participant would like to know the energy use by end user (within commercial and government).
- 453/year is the state. State is the largest customer (5%) the county is second (4.3%), PMRF is third with 3.4%). The solar rebate program is of much more interest than the loans
- Asked for a definition of FITs
- Schedule Q explanation....
- Schedule Q is for smaller producers
- Asked for a definition of cap and trade...
- Regarding transportation, there is a move in Kauai toward improved traffic management through smart grid systems
- Create green lighting standards

### **Government as a Regulator**

- Challenges as a developer: One developer has been successful on other islands. Kauai is unique because of economies of scale. On Kauai there is the largest amount of protected species, and the environmental review process requires too much as compared to the amount of energy that is going to be used; because the island is so small, the onerous process does not justify the review process. Outside money is needed to do a project that is profitable in Kauai. There is a large upfront cost for the environmental review process.
- Challenges as developer: everyone is fearful on the development side because; grid and scale is a challenge; you almost don't want to discuss the project because there are many unknowns-- need to have guidance and costs around the unknowns.
- The County is another venue that allows use permits and conditional use permits that allows developers to conduct economic studies. DOFAW is not the only government agency.
- We are not going to solve this problem, and the plan can contribute how to get around it

### **Guest Presentation: Department of Fish and Wildlife**

- HCP (Habitat Conservation Plan) is an expensive, piecemeal, and challenging process and it is their goal to make a working plan that is easier for developers.
- Solid, spiral looking turbines ok for development on Kauai?
- The solid looking turbines are thought to be ok, but we wouldn't know until we modeled. Sky Stream wind turbines are up in places already. National Botanical Gardens is going to be the first on the island. The small turbines would be more of

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a hazard because the smaller (6 ft. blades) are harder for birds to see as opposed to the large turbines.

- There are maps coming out that show areas of the island that are better for birds than others.
- If the bird populations increase it is hard to define if the sites are ok... just because they are ok now does not mean that the same site will be ok in the future.
- The HCP is going to be adaptively managed, but the agency draft out will be out before November 2009. Stakeholders will be involved soon.
- Challenge: after development additional requirements may be made that would then affect the landowners that are offering their land.
- HCPs have a "no surprises" rule that is signed; if circumstances change developers will not be penalized.
- Best to find a technology that is compatible...
- BMPs are common in Europe; They only allow development is certain, best management practices for renewable energies. Ideally there would be island-specific BMPs.
- The idea is good, but the technologies may not be cost effective. Government has not stepped up to take care of how developers and DOFAW will be integrated; who is going to put it together.
- The HCP tried to combine these risk mitigations.
- The County is going to address this; the County permitting plan can play a huge role.
- How can we make the use permitting process with Win-Win Solutions.
- County? State? Federal?
- Someone has to be the agency that agrees to sacrifices based on other gains. The County cannot always be that person because of federal regulations. There will be environmental concerns that butt up against each other. County does allow permitting, but that does not mean they have total control.
- HCEI could be an independent group that helps to find that balance; the governor's office could also provide this service by having a task force for these issues (such as to expedite permits)
- There are existing task forces that do expedite permits, and there may have to be a task force to balance the needs of different government agencies.
- The large scale wind throws up a lot of red flags.
- Permits are needed for seabirds, water birds, and bats. Wind developers come up with a take estimates. Challenges looking at in Kauai (see map in presentation)
- If the developer has a federal grant, that incentive is later (hence going through Section 10 which needs HCP), if there is a grant he thinks it would be Section 6 (no HCP required).
- There are currently no studies on Niihau. There is historic presence of seabirds, but there are no quotas.
- A native Hawaiian woman suggested that there are few sea birds and it would be great if there was a wind farm on that island and an interisland cable could be run. It is unclear how deep the channel is (One participant thinks it's too deep, another heard it was not deep).

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- Economies of scale point reiterated.
- Large developers would do their own HCP.
- Funding of HCPs could be funded through Counties, environmental groups, Ducks Unlimited, Wind Developers, etc. If a cost was defined then it then the money for the HCP could be raised by various entities.
- The County is funding a lighting HCP currently, so that is possible.

### Strategies

- Could the County facilitate users with small turbines to conduct studies to determine how much the turbines effect bird populations?
- Regulatory change to agricultural land. Identify that some of the land use policies need to change to include renewable energy on certain zones. The rules could be on a case-by-case basis or (preferably) by zones.
- Opposition to using zones: "If you are going to allow renewable energy, allow it. Don't base the decision on a study in the 60's that classified lands as type A, B, or C." When they did this study, all development was thrown onto Ag land, but really other types of land (such as A and B) do not have valuable resources. If we truly want energy we need more flexibility through state legislation that allows more flexibility. Specific example of Ag and energy: biofuels integrated onto agricultural lands.
- This past weekend there was an Agricultural Forum that incorporated Ag and energy into one system. It exists, especially in biofuels.
- We may have to pay more before we pay less.
- ERACs for renewables is a good idea to show where our money is going.
- At the community meetings you need to discuss the fact that renewable energy prices are not less, especially upfront.
- The county now has a process through federal procurement laws where bidders could get paid for their efforts even if they lose. (?)
- Are we considering ocean and solar? The conversation has been wind based.
- Someone needs to be the energy czar? There are a lot of pros and cons.
- There is someone at the State level to help people through the permitting process, but he does not have the power to trump agencies to allow development. She suggests that we work with developers to come up with a list of the many agencies and specific names of people that developers have to deal with for siting and permitting.
- Josh Strickler from DBEDT could be an important contact for permitting.
- If you get a team that knows how to resolve conflicts, they would know how to work within groups. It's not necessarily one czar making a decision, but rather a group to work together. Maybe rather than a task force it could be a support group, or swat group, or tiger team. There is a center for alternative dispute resolution; their budget is cut so much that they do not work on a case-by-case process.
- The Plan should show a future scenario that looks into the long term.
- Need to make assumptions for each scenario; will result in a graphic.

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- Negotiations are not going to be possible. You need political will to overcome the barriers. Some issues are a matter of law that you cannot go around.