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Testimony of
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before the
SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT, WATER, LAND, CULTURE AND THE ARTS, AND ENERGY AND INTERGOVERNMENTAL AFFAIRS

Wednesday, February 18, 2026
3:00 PM
State Capitol, Conference Room 224, and Videoconference

Providing Comments on
SB 2371

RELATING TO AGRIVOLTAICS.

Chairs Gabbard, Lee, and Wakai, Vice Chairs Richards, Inouye, and Chang, and Members of the Committees, the Hawai'i State Energy Office (HSEO) offers comments and concerns on SB 2371 that (1) Requires a landowner leasing agricultural sub-parcels on property used for agrivoltaics to prioritize lease offers for beginning farmers; (2) Requires a landowner leasing agricultural sub-parcels on property used for agrivoltaics to submit an annual agrivoltaics compliance report to the department of agriculture and biosecurity; (3) Authorizes the department of agriculture and biosecurity to penalize any landowner that fails to meet agrivoltaics requirements; (4) Authorizes the development of solar energy facilities on agricultural lands with productivity ratings of B, C, or D under certain conditions; and (5) Authorizes a county planning commission or department to issue special permits for agrivoltaics requirements before the approval of the land use commission under certain conditions.

HSEO supports the balance of agricultural productivity and energy feedstock and electricity generation on public and private lands in Hawai'i. HSEO also appreciates thoughtful policies that encourage the potential synergies between energy generation and agricultural activity. The integration of agriculture and renewable energy through

agrivoltaics represents a promising pathway to support both agriculture and the State's energy goals.

At the same time, HSEO understands that the historical challenges involved in stimulating local agricultural production predates the advent of renewable energy in Hawai‘i. Policies to stimulate local production and use of agricultural lands are also subject to a number of factors that go beyond land use and high land costs, including labor costs, limited infrastructure, consumer preferences, and economies of scale,

With that in mind, HSEO is concerned how the framework proposed in SB 2371 may interact with existing renewable energy development processes. The addition of new certification, reporting, and compliance requirements to an already intricate process raises concerns about jurisdictional oversight, procedural coordination across agencies, and the risk of unintended consequences affecting project timelines and outcomes—for both solar developers and potential agricultural partners. Specifically, SB 2371 introduces regulatory requirements for agrivoltaics, including annual reporting, penalties, and referrals to other agencies for permit-related matters. Though intended to strengthen agricultural outcomes, these additions complicate operational and administrative matters and could deter developers, agricultural partners, and landowners from pursuing projects that integrate productive uses.

SB 2371 amends Section 205-4.5, Hawai‘i Revised Statutes (HRS) to impose detailed requirements on solar facilities on agricultural land, including mandatory minimum agricultural use percentages, infrastructure obligations, lease rate limitations, vegetative cover stipulations, and decommissioning protocols. While well-intentioned, these requirements may be overly prescriptive and risk creating financial and logistical barriers to agrivoltaics deployment on lands that might otherwise support both agriculture and energy.

The bill also requires landowners to prioritize beginning farmers for agricultural sub-parcels (page 4). While HSEO appreciates the intention of this provision, HSEO worries that this provision may limit flexibility in matching land with farmers most capable of sustaining production. Agrivoltaics relies on cooperative arrangements between energy and farming stakeholders; overly rigid leasing rules could impede productive partnerships that serve both goals.

Additionally, the introduction of a new agency role in reviewing and overseeing these arrangements adds another layer of process and uncertainty. Without clearly defined timelines, standards, and coordination mechanisms, this additional review step could create delays and unpredictability that affect project financing, permitting, and implementation. Greater clarity regarding agency responsibilities and procedural integration could help avoid unintended barriers to otherwise viable agrivoltaic development.

Finally, the inclusion of productivity rating class C and D lands within new requirements amending Section 205-4.5(a)(21), HRS, (page 15, line 4) appears inconsistent with the existing statutory framework under Section 205-4.5(a), HRS, and Section 205-2(6)(b), HRS. Section 205-2(6)(b), HRS, expressly limits solar energy facilities placed on lands with overall productivity ratings of class B or C to no more than ten percent of the parcel’s acreage, or twenty acres, whichever is less, absent a special use permit pursuant to Section 205-6, HRS. Notably, Section 205-2(6)(b), HRS, does not impose the same acreage limitation on class D lands. By extending these new agrivoltaic requirements to include class D lands without reconciling the existing acreage limitations and permitting structure, the bill creates ambiguity as to how the provisions are intended to interact. In particular, it is unclear whether the bill is implicitly modifying the acreage caps currently applicable to class B and C lands, and it is unclear whether class D lands, previously not subject to the same statutory cap, are now intended to be treated equivalently. Absent clarifying language, these amendments introduce statutory conflict. For consistency within Chapter 205, HRS, the measure should clearly articulate how these new provisions align with, or modify, the existing land classification and solar siting framework.

In conclusion, it is questionable whether the bill’s agricultural output documentation and enforcement mechanisms will lead to the apparent aim of the bill to ensure meaningful production. The overly narrow definitions or compliance burdens could discourage innovative or emerging agri-food systems that do not fit traditional metrics — such as specialty crops, pollinator habitats, or regenerative practices integrated with solar infrastructure. HSEO recommends careful reconsideration or

recalibration of these requirements to ensure a practical and efficient process that achieves its goals while not impeding projects, which are already subject to extensive and exhaustive review.

Thank you for the opportunity to testify.