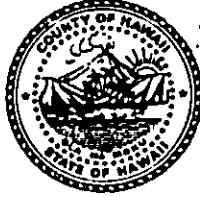


Stephen K. Yamashiro  
Mayor



RECEIVED

Donna Fay K. Kiyosaki  
Chief Engineer

Jiro A. Sumada  
Deputy Chief Engineer

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County of Hawaii  
OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL  
DEPARTMENT OF PUBLIC WORKS  
25 Aupuni Street, Room 202 • Hilo, Hawaii 96720-4252  
(808) 961-8321 • Fax (808) 969-7138

August 3, 1995

MR GARY GILL DIRECTOR  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL  
220 SOUTH KING STREET 4TH FLOOR  
HONOLULU HI 96813

SUBJECT: NEGATIVE DECLARATION FOR HELCO SSPP UNIT-71  
12.47/7.2 kV OVERHEAD DISTRIBUTION SYSTEM  
Puna, Hawaii  
TMK: 1-2-09: por. 03 and 1-2-30 through 41

The County of Hawaii Department of Public Works has reviewed the comments received during the 30-day public comment period which began on June 8, 1995. The agency has determined that this project will not have significant environmental effect and has issued a negative declaration. Please publish this notice in the August 23, 1995 OEQC Bulletin.

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the final EA. Please contact Mr. Galen Kuba of my staff, or Ms. Colette Sakoda of R. M. Towill Corporation, if you have any questions.

A handwritten signature in black ink, appearing to read 'Jiro A. Sumada'.

JIRO A. SUMADA  
Deputy Chief Engineer

Enclosures

104

1995-08-23-HI-*FEA-HELCO SSPP Unit 71*  
*12.47/7.2 kV Overhead*  
*Distribution System*

AUG 23 1995

**FILE COPY**

**FINAL ENVIRONMENTAL ASSESSMENT**

For

***SSPP Unit-71 12.47/7.2 kV Overhead  
Distribution System***

TAX MAP KEY NOs. 1-2-09:03 (portion); 1-2-30 to 1-2-41  
PUNA, ISLAND OF HAWAII

August 1995

Submitted for:  
Hawaii Electric Light Company, Inc.  
Hilo, Hawaii

Prepared for:  
Department of Public Works  
County of Hawaii

Prepared by:  
RMTC  
R. M. Towill Corporation  
Honolulu, Hawaii

Environmental Assessment  
for  
Special Subdivision Project Provision (SSPP) Program  
Unit-71 12.47/7.2 kV Overhead Distribution System  
Tax Map Key Nos.: 1-2-09:03 (portion); 1-2-30 to 41  
Puna, Hawaii

Submitted for:

Hawaii Electric Light Company, Inc. (HELCO)  
P. O. Box 1027  
Hilo, Hawaii 96721-1027

Prepared for:  
Department of Public Works  
County of Hawaii  
25 Aupuni Street, Rm. 202  
Hilo, Hawaii 96720-4252

Prepared by:  
R. M. Towill Corporation  
420 Waiakamilo Road, Ste. 411  
Honolulu, Hawaii 96817-4941

## TABLE OF CONTENTS

		<u>Page</u>
Section 1.0	PROJECT SUMMARY . . . . .	1-1
Section 2.0	PROJECT DESCRIPTION . . . . .	2-1
	2.1 Background and Location . . . . .	2-1
	2.2 Determination. . . . .	2-3
	2.3 Project Features. . . . .	2-4
	2.3.1 Construction. . . . .	2-5
	2.3.2 Schedule and Cost. . . . .	2-8
	2.3.3 Maintenance. . . . .	2-8
Section 3.0	DESCRIPTION OF THE AFFECTED ENVIRONMENT . . . . .	3-1
	3.1 Physical Characteristics. . . . .	3-1
	3.1.1 Geologic Characteristics . . . . .	3-1
	3.1.2 Lava Flow Hazard Zone. . . . .	3-2
	3.1.3 Streams and Drainageways . . . . .	3-2
	3.1.4 Climate . . . . .	3-3
	3.1.5 Air Quality . . . . .	3-3
	3.1.6 Noise . . . . .	3-4
	3.2 Biological Characteristics. . . . .	3-4
	3.2.1 Flora. . . . .	3-4
	3.2.2 Fauna . . . . .	3-6
	3.2.2.1 Initial Survey . . . . .	3-6
	3.2.2.2 Radar and Visual Surveys . . . . .	3-8
	3.3 Historical and Archaeological Resources. . . . .	3-11
	3.4 Land Use/Land Ownership . . . . .	3-14
	3.5 Infrastructure . . . . .	3-15
	3.5.1 Roads . . . . .	3-15
	3.5.2 Electrical and Communication . . . . .	3-16
	3.6 Visual Character . . . . .	3-16
	3.7 Socio-Economic Characteristics . . . . .	3-17
	3.8 Electric and Magnetic Fields . . . . .	3-20
Section 4.0	PROBABLE IMPACTS AND MITIGATION MEASURES . . . . .	4-1
	4.1 Geologic Hazards. . . . .	4-1
	4.2 Flora . . . . .	4-2
	4.3 Fauna . . . . .	4-3
	4.4 Air Quality . . . . .	4-4
	4.5 Noise Levels . . . . .	4-4

TABLE OF CONTENTS, *contd.*

	<u>Page No.</u>
4.6	Historic and Archaeological . . . . . 4-5
4.7	Electric and Magnetic Fields . . . . . 4-5
4.8	Traffic. . . . . 4-6
4.9	Other . . . . . 4-6
4.10	Surrounding Land Uses. . . . . 4-7
4.11	Visual Quality. . . . . 4-7
4.12	Social and Economic Impacts . . . . . 4-8
Section 5.0	RELATIONSHIP TO LAND USE PLANS, POLICIES, CONTROLS. . . 5-1
5.1	State Land Use Designation . . . . . 5-1
5.2	County General Plan Designations . . . . . 5-1
5.3	County Zoning . . . . . 5-2
5.4	Coastal Zone Management Law . . . . . 5-2
5.5	Puna Community Development Plan . . . . . 5-6
Section 6.0	IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES . . . . . 6-1
Section 7.0	ALTERNATIVES TO THE PROPOSED ACTION. . . . . 7-1
7.1	No Action. . . . . 7-1
7.2	Underground Cable. . . . . 7-1
7.3	Alternative Routes . . . . . 7-2
7.4	Solar Energy, Biomass and Wind Power . . . . . 7-4
7.4.1	Solar Energy. . . . . 7-4
7.4.2	Biomass . . . . . 7-6
7.4.3	Wind Power. . . . . 7-7
Section 8.0	DETERMINATION . . . . . 8-1
8.1	Permits . . . . . 8-1
Section 9.0	PARTIES AND AGENCIES CONSULTED . . . . . 9-1
9.1	Preparation of Draft EA. . . . . 9-1
9.2	Comments on Draft EA for State Portion. . . . . 9-1
9.3	Comments on Expanded Draft EA . . . . . 9-2
Section 10.0	REFERENCES. . . . . 10-1

TABLE OF CONTENTS, *Contd.*

COMMENTS AND RESPONSES TO THE DEC. 23, 1994 DRAFT EA  
FOR THE STATE-OWNED PORTION OF THE PROJECT

COMMENTS AND RESPONSES TO THE JUNE 7, 1995 DRAFT EA

FIGURES

Figure 1	Location Map	} sec chk ✓
Figure 2	Puna Location Map	
Figure 3	Project Phases Map	
Figure 4	Puna District Zoning	
Figure 5	SMA Map	
Figure 6	Typical Pole Occupancy	
Figure 7	12.47/7.2 kV O.H. Distribution System	2-8
Figures 1P to 4P	Photos of Existing Site Conditions	} follows 3-18
Figures 8a and 8b	SMA Relative to Subdivisions and Shoreline	follows p 5-3
Figures 9a and 9b	Alternate Routes	p. 7-3

APPENDICES

Appendix A	Botanical Study
Appendix B	Fauna Studies
Appendix C	Archaeological Study

TABLES

Table 2-1	No. of Houselots vs. Homes Built
Table 2-2	HELCO to GTE Hawaiian Tel Pole Replacements
Table 3-1	Appliances and 12.47 kV Distribution Line EMFs

**SECTION 1**  
**PROJECT SUMMARY**

**APPLICANT:** Hawaii Electric Light Company, Inc.  
P. O. Box 1027  
Hilo, Hawaii 96721-1027

**APPROVING AGENCY:** County of Hawaii  
Department of Public Works  
25 Aupuni Street, Room 202  
Hilo, Hawaii 96720-4252

**FEE SIMPLE OWNERS:** State of Hawaii  
County of Hawaii

**PROPOSED PROJECT:** Hawaii Electric Light Company, Inc. (HELCO) plans to install a 12.47/7.2 kilovolt (kV) overhead distribution system to serve Special Subdivision Project Provision (SSPP) Unit 71 residential subdivisions in Puna, Hawaii. The project involves 2 phases: Tax Map Key No. 1-2-09: 03(por) is located on State-owned land. Tax Map Key Nos.: 1-2-30 to 41 through which the HELCO poles and lines will be located in County of Hawaii Rights-of-Ways. GTE Hawaiian Tel will jointly use project poles.

**PROJECT LOCATION:** Kehena, Keekee Homestead, Puna, Hawaii

**PROJECT AREA:** Phase 1: 8,710 linear feet x 50 feet wide =  
435,500 square feet or 9.9 acres  
Phase 2: 61,350 linear feet throughout the 3 subdivisions.

**STATE LAND USE DESIGNATION:** Agriculture

**GENERAL PLAN LUPAG:** Orchards; Open

**EXISTING ZONING:** Ag-3A; Ag-1A; Open

**EXISTING APPROVED USE:** Utility Easement in favor of GTE Hawaiian Tel in Phase 1

**PROJECT SUMMARY, Continued**

portion; GTE Hawaiian Tel poles and lines in County of Hawaii Rights-of-Ways in Phase 2

**SURROUNDING  
LAND USE:**

Phase 1: Bounded by Highway 130 northwest (mauka) of the site; vacant and open to the north and south, and mauka areas.  
Phase 2: Bounded by Highway 137 along the coast; County road ROWs serve the 3 residential subdivisions that are proposed to be served by the project.



SECTION 2  
PROJECT DESCRIPTION

**2.1 Background and Location**

Hawaii Electric Light Company, Inc. (HELCO) proposes to construct a 12.47/7.2 kilovolt (kV) overhead electrical distribution system that will serve three residential subdivisions in the Kehena, Keekee Puna homesteads district of Puna on the Island of Hawaii (see Figures 1 and 2, Location Map and Vicinity Map). The subdivisions are Kalapana Seaview, Puna Beach Palisades, and Kehena Beach Estates. About 1,200 lots within these three subdivisions would be eligible for service upon completion of the proposed project. The project, known as the Special Subdivision Project Provision (SSPP) Program Unit-71, in its entirety includes the installation of six 35-foot, 235 40-foot, 103 45-foot and one 55-foot poles, and 155 anchors.

The objective of the SSPP Unit-71 program for rural electrification is for HELCO to provide line extension to qualifying residential lots within subdivisions developed before 1967 (PUC Rule 13-S).

The proposed project consists of two phases (Figure 3). Phase 1 consists of an 8,710 foot long portion of the electrical distribution system that is to be co-located within an existing GTE Hawaiian Tel easement that contains an overhead telephone system which was built in 1984. The existing GTE Hawaiian Tel poles will be replaced with the HELCO poles and the replacement system will be jointly utilized by both utility companies. Because the 8,710 foot segment of the distribution system is located on land under State of Hawaii jurisdiction, an easement is required for installation and maintenance of the distribution line.

The mauka or Phase 1 portion of the project site is accessible directly from State Highway

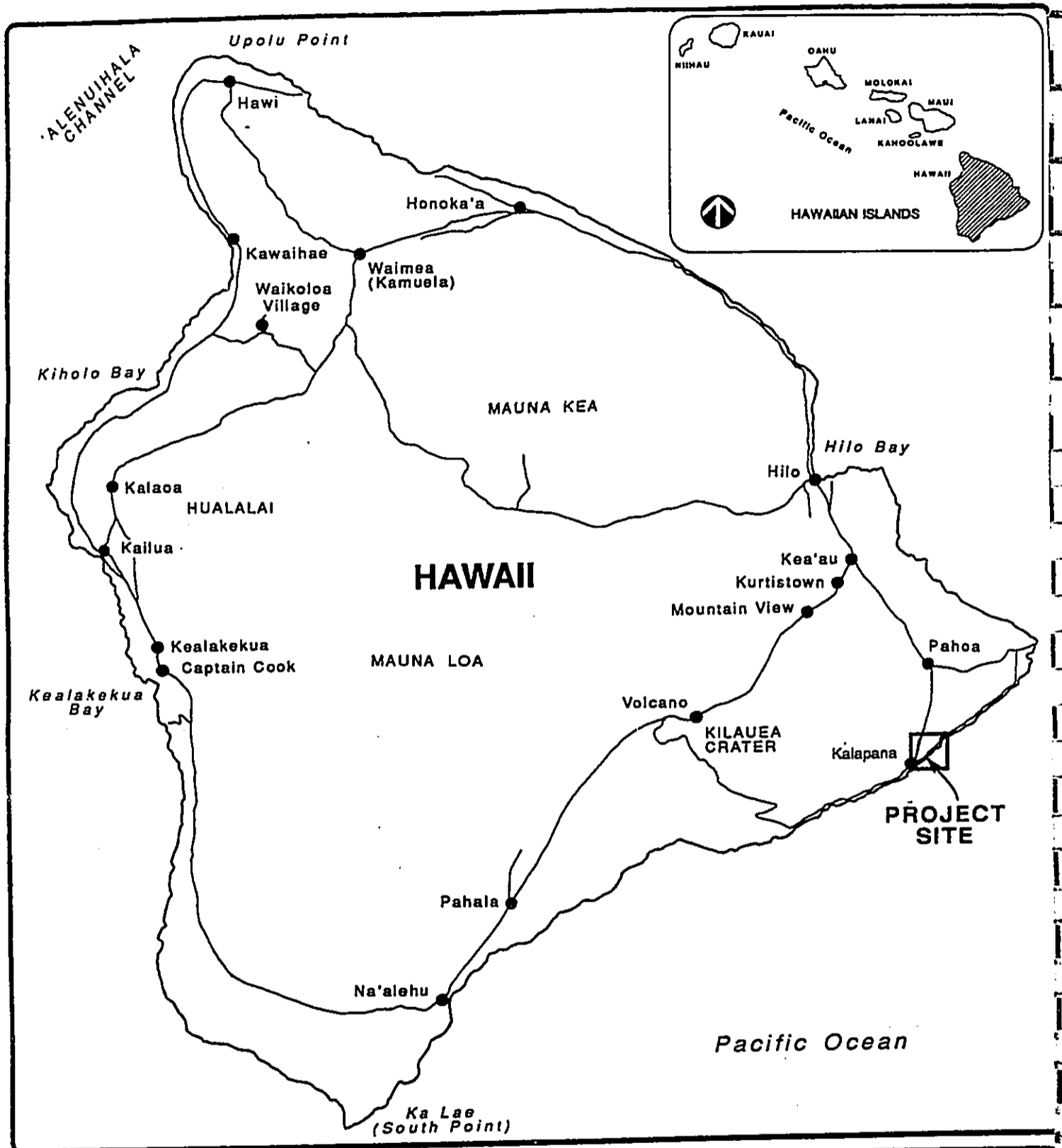
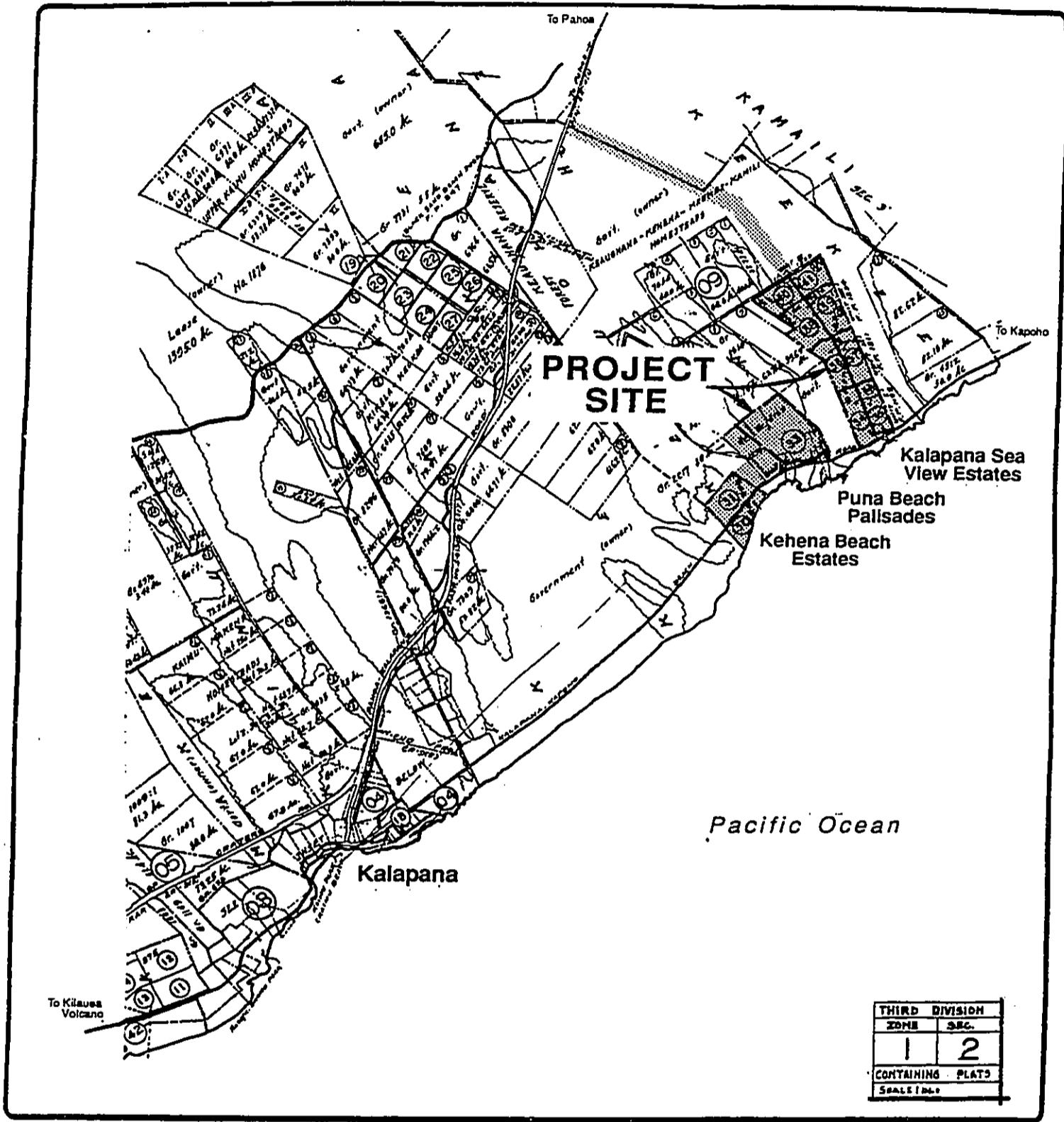


Figure 1  
**LOCATION MAP**  
 SSPP Unit 71  
 Kehena - Keekee Homestead  
 Puna, Hawaii



R. M. TOWILL CORPORATION  
 April 1995



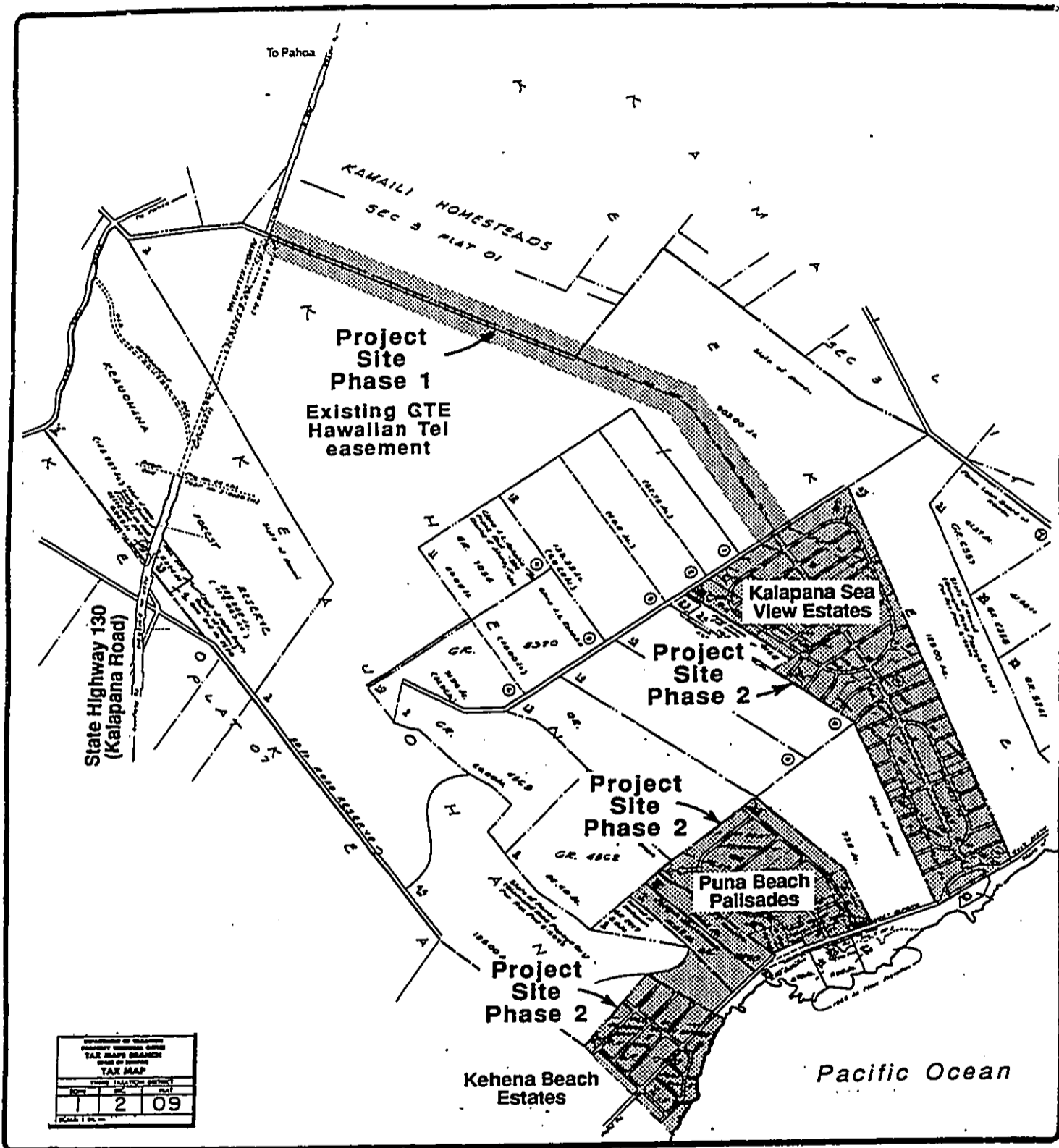
**Figure 2**  
**PUNA LOCATION MAP**  
 SSPP Unit 71  
 Kehena - Keekee Homestead  
 Puna, Hawaii






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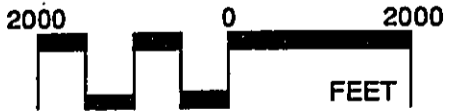
**R. M. TOWILL CORPORATION**  
 April 1995



Department of Taxation PROPERTY RECORDS SECTION TAX MAPS BRANCH BUREAU OF RECORDS TAX MAP		
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SCALE 1" = 100'		

**Figure 3**  
**PROJECT PHASES MAP**  
**SSPP Unit 71**  
**Kehena - Keekee Homestead**  
**Puna, Hawaii**





FEET

**R. M. TOWILL CORPORATION**  
 April 1995

130 (Pahoa-Kalapana Road), a north-south primary route in Puna between Keaau, Pahoa and Kalapana. The easement runs in a southeasterly direction toward the coast, perpendicular to Highway 130, servicing the residential subdivisions located in Kalapana and Keekee.

Phase 2 or makai portion of the project includes the County of Hawaii rights-of-ways that serve the three residential subdivisions within which HELCO poles and lines have been partially installed. GTE Hawaiian Tel will transfer their facilities to the new poles and the original poles will be removed. This portion of the SSPP project area is bounded on the south by Highway 137 (Kalapana-Kapoho Road), which is a 50-foot wide easement serving as access to the three subdivisions. Kalapana Seaview Estates, Puna Palisades, and Kehena Beach Estates subdivisions were developed about 30 years ago. Telephone service to the three subdivisions was begun approximately ten years ago. Of the 1,200± houselots developed, the following is a summary of the number of homes, by subdivisions, that have been built to date:

TABLE 2-1:  
NO. OF HOUSELOTS VS. HOMES BUILT

<u>Subdivision</u>	<u>Total Number of Lots</u>	<u>No. of Homes as of April 1995</u>
Kehena Beach Estates	197	50
Puna Beach Palisades	155	26
Kalapana Seaview Estates	935	70

source: Hawaii Electric Light Company Inc.

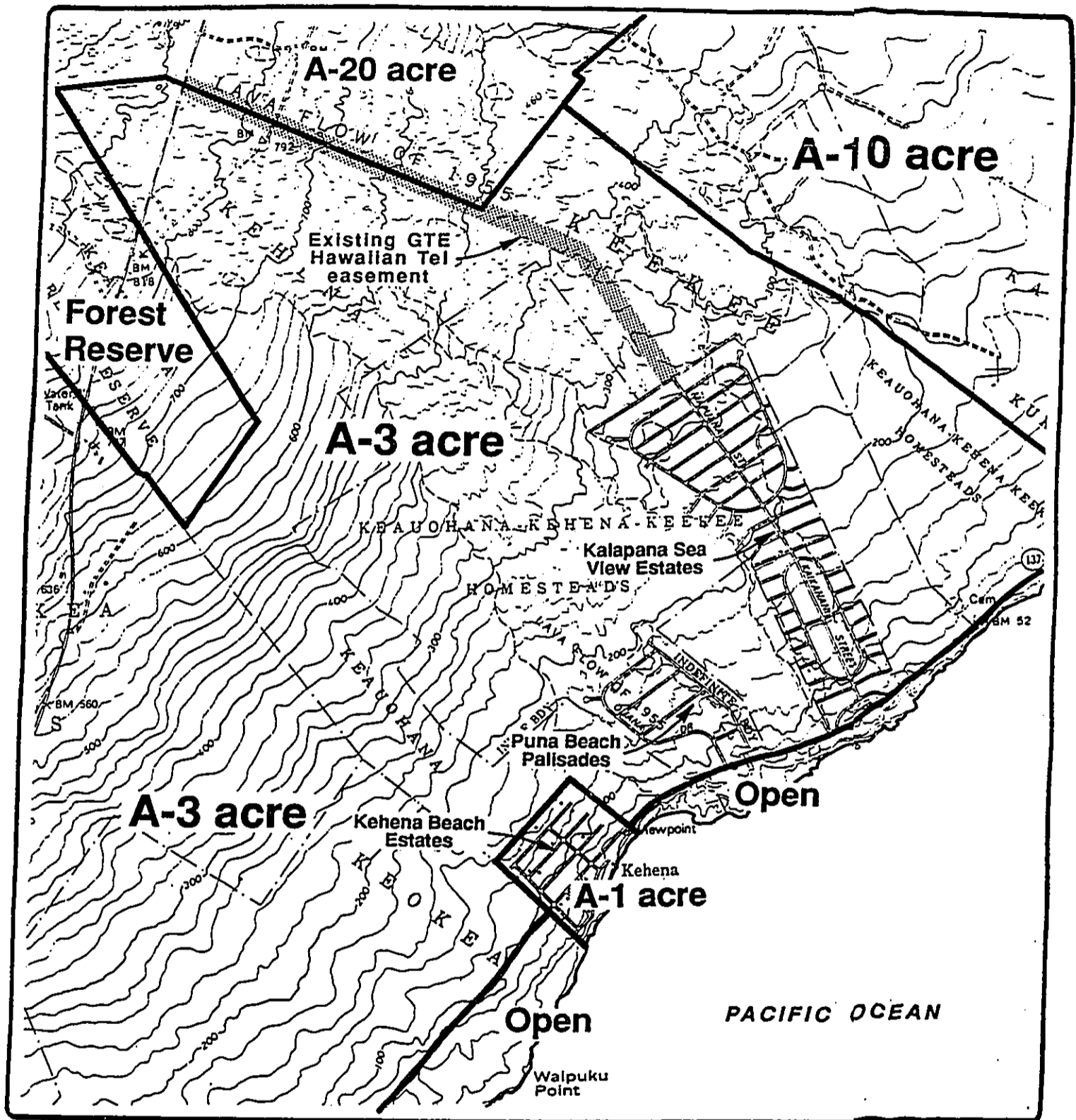
Phase 1 of the proposed alignment will be located entirely within the Agricultural district on State-owned land, and will be approximately 8,710 feet long within a 50-foot wide right-of-way. For the entire length of this easement, new poles will be installed and shared between HELCO and GTE Hawaiian Tel. The existing telephone poles within the easement will be

removed. Phase 2 of the proposed overhead distribution line project is located within the Agricultural district. County of Hawaii General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the project site as Orchards. The coastal portions are designated Open. Kehena Beach Estates subdivision is zoned Agriculture-1 acre (A-1a) by the County with the exception of TMK 1-2-30:1, which is located at the extreme northeast edge of Kehena Beach Estates and zoned Open. The remainder of the area is zoned A-3a (see Figure 4). Approximately 9,101 linear feet of Phase 2 is located within the County of Hawaii's Special Management Area. See Figure 5.

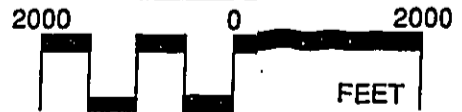
## 2.2 Determination

The environmental assessment (EA) is a document that is prepared for a proposed action which prompts the environmental impact statement (EIS) process. In accordance with the Hawaii Environmental Impact Statement (EIS) Law, Hawaii Revised Statutes (HRS), Chapter 343-5, there are eight triggers for the environmental review process. The proposed project will affect one of these: the use of State lands. A Draft EA prepared for the portion affecting land owned by the State of Hawaii was published in the OEQC Bulletin in December 1994. Based on the interest expressed in the project, HELCO determined that an expanded EA containing descriptions of the portion of the project that includes County of Hawaii rights-of-ways should be published in order to facilitate public input. Therefore, this EA is being prepared in accordance with Chapter 343 of the Hawaii Revised Statutes and Chapter 200, Title 11, Hawaii Administrative Rules, as amended. This EA provides detailed information on the proposed action, existing environmental conditions, and an assessment of probable impacts and mitigation measures.

The project was determined to be exempt from County of Hawaii Special Management Area (SMA) requirements under Section 9-4((10)B.iv) of Rule 9 of the Planning Commission. Further, in accordance with the State OEQC exemption list, the County of Hawaii



**Figure 4**  
**PUNA DISTRICT ZONING**  
**SSPP Unit 71**  
**Kehena - Keekee Homestead**  
**Puna, Hawaii**



**R. M. TOWILL CORPORATION**  
 April 1995

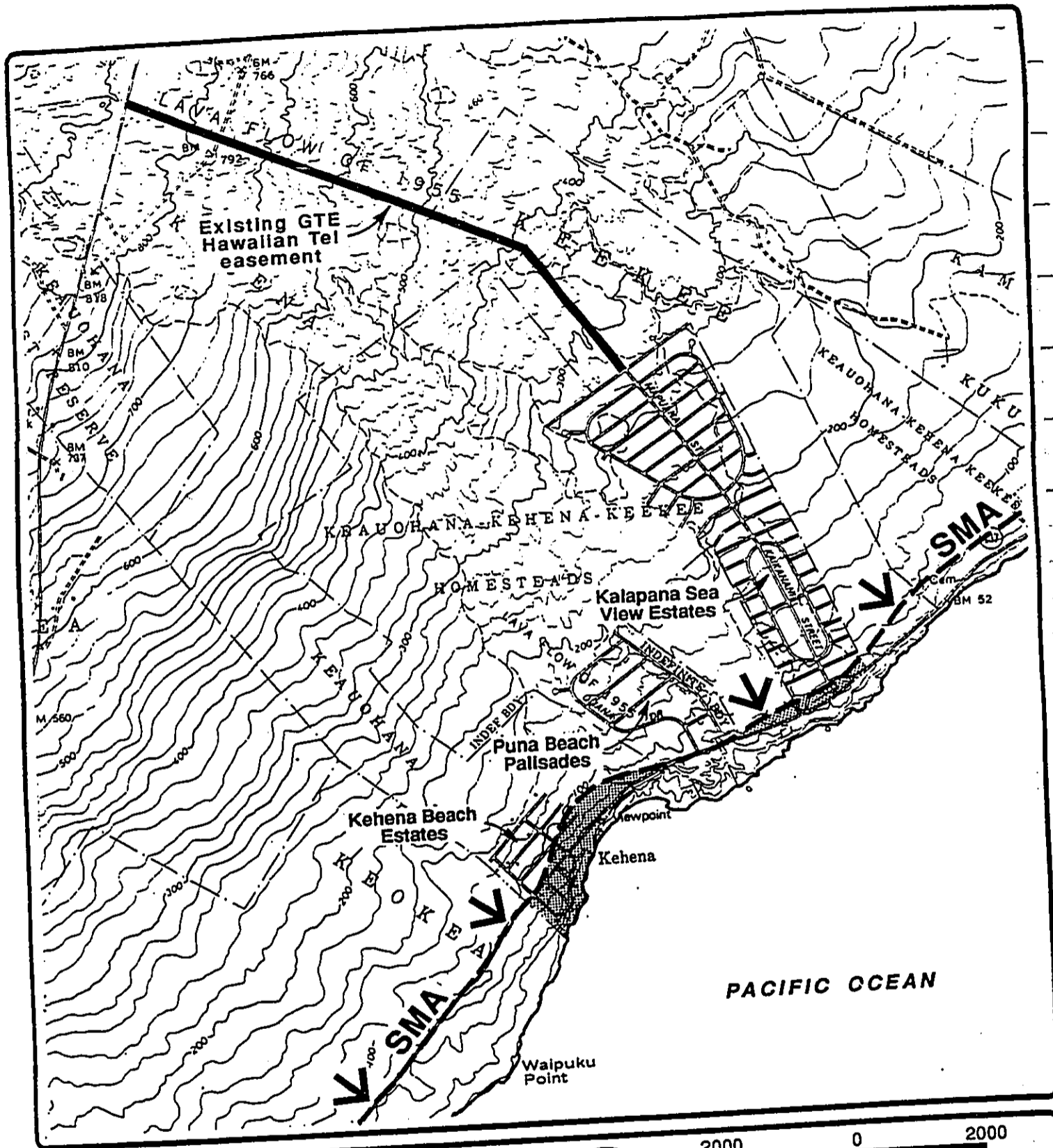
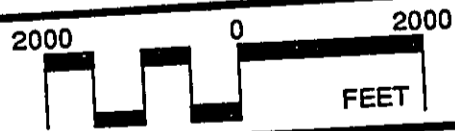


Figure 5  
**SMA MAP**  
 SSPP Unit 71  
 Kehena - Keekee Homestead  
 Puna, Hawaii



R. M. TOWILL CORPORATION  
 April 1995



Department of Public Works determined that the proposed project falls within Exemption Classes #2 and #4, and is therefore exempt from the requirements of Chapter 343, HRS. However, HELCO has decided to prepare an SMA permit application in the interest of facilitating public comment. The total length of the proposed distribution line within the Special Management Area is approximately 9,101 feet.

### 2.3 Project Features

The proposed 12.47/7.2 kV distribution line will consist of three primary aluminum conductors. These conductors will be supported by horizontal post insulators or strings of suspension insulators on crossarms that will extend 4.5 feet on each side of the pole line. The poles will be spaced approximately 250 feet apart, depending upon physical conditions in the pole sites and various structural factors such as tension or weight on the conductors caused by high wind velocities and other climatic or atmospheric conditions.

The distribution system will be constructed with class 3 wooden poles 39 feet above ground with 6 feet embedded in the ground. The poles will have an approximate diameter of 11.4 inches at the base, tapering to approximately 7.5 inches at the top (Figure 6). The wood will be fully treated against termite damage and rot. Guy wires and anchors may be installed on some poles as necessary.

GTE Hawaiian Tel poles will be replaced by HELCO poles in Phase 1. In Phase 2, HELCO poles have been installed within the subdivisions, and for the most part, are erected alongside the GTE Hawaiian Tel poles that will eventually be removed. Both utility companies will share usage of the HELCO overhead system in Phases 1 and 2. All in all, pole replacement has been nearly one-to-one with the exception of Kalapana Seaview where the HELCO to GTE pole ratio is approximately 1.4 to 1. The replacement plan for the poles follows:

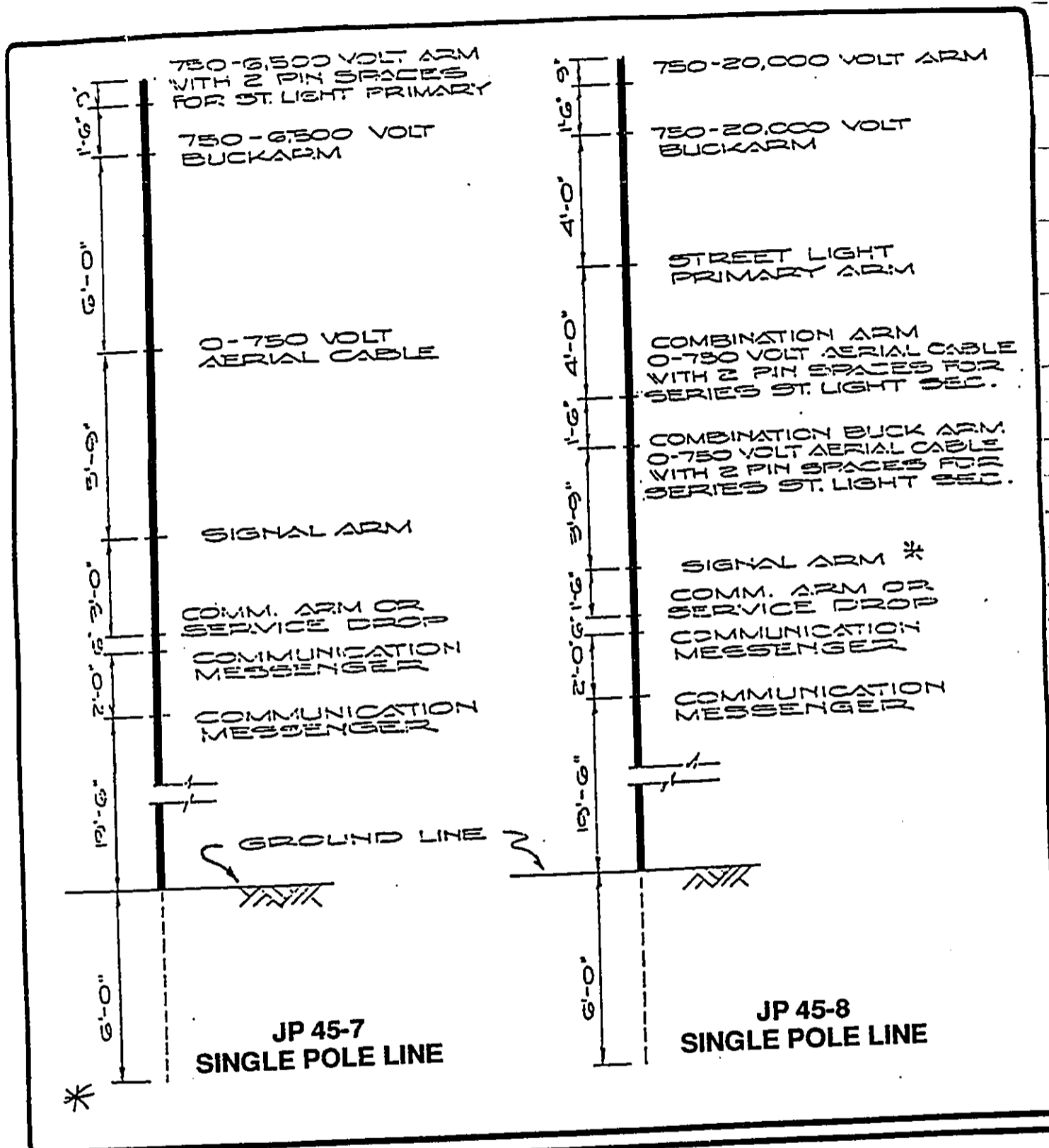


Figure 6  
**TYPICAL POLE OCCUPANCY**  
 SSPP Unit 71  
 Kehena - Keekee Homestead  
 Puna, Hawaii

R. M. TOWILL CORPORATION  
 April 1995

**TABLE 2-2:  
HELCO TO GTE HAWAIIAN TEL POLE REPLACEMENTS**

	<u>No. of HELCO Poles</u>	<u>No. of GTE Hawaiian Tel Poles</u>
Phase 1	39	37
Phase 2:		
Kalapana Seaview	199	144
Puna Palisades	33	33
Kehena Beach	55	51

In Phase 2, an additional 55 HELCO poles were installed in Kalapana Seaview, mainly within the shorter streets of the residential subdivision. Previously, no GTE Hawaiian Tel poles existed in these short streets.

### 2.3.1 Construction

Construction of Phase 1 of the proposed distribution line will entail the following steps:

- Preparing pole sites.
- Hauling poles to their sites and framing the poles.
- Setting the poles.
- Stringing the conductors on the poles.
- GTE Hawaiian Tel transfer of its facilities to the new poles.

A Traffic Control Plan will be prepared for the anticipated construction and installation work; for example, there will be flagmen to minimize disruption to traffic flow on Highways 130 and 137, as well as safety signs strategically placed (for easy visibility) along the road.

Further, site safety measures will also include such things as covering of any holes with steel plates at the end of each day of work in this area. The potential incidence of road blockages

will be minimized as well.

The poles will be the largest and heaviest materials to be transported over ground. A trailer rig can carry about 10 poles per trip. In Phase 1, since a total of up to 37 poles will be required, approximately 4 round trips between a storage yard in Hilo and the staging area will be made. The trailer rigs will travel during off-peak hours on Highway 130 and will utilize secondary roads as much as possible.

Due to the relative accessibility of the area, construction of the distribution line will be undertaken primarily by ground crews and heavy ground equipment.

At each pole site, minimal additional digging and excavation will be necessary since existing holes currently occupied by GTE Hawaiian Tel poles will not be used. Hand tools and a back hoe will be used where necessary. After the pole has been set, the hole will be backfilled with excavated or imported material. Installation of anchors will be performed in a similar manner.

Most of the pole foundations will be embedded into basaltic rock which has a high lateral load bearing capacity. Lava tubes should not be a concern mainly because of the previous construction of the GTE Hawaiian Tel poles and line. However, as a precautionary measure, the construction crew will be prepared to seek out and repair any lava tubes or other cavities immediately adjacent to the embedded foundations. When a pole site is directly above a lava tube or cavity, HELCO's general procedure is to evaluate the size and depth of the opening to determine its feasibility for a pole foundation. If the opening is small, and not identified by an archaeologist to be preserved or repaired, HELCO will build a foundation in it by filling the opening with rock, soil, and/or concrete. If a cave or cavity is too large, it will be resealed, and another pole site selected.

As the pole holes are prepared, distribution poles and necessary materials will be hauled to each pole site either by helicopter or ground transportation, as appropriate. The poles will be laid alongside the alignment near the respective pole site and a crew will install distribution and grounding fixtures, conductor devices, and insulators on the poles while on the ground.

Poles will be lifted into place using a crane, and held in place while the hole is backfilled with the excavation material. A utility line-truck and 4-wheel drive would be at the site also, plus crew.

The construction process for Phase 1 may be accomplished either by ground or helicopter. The location of the line determines the method of stringing. Use of helicopters saves time and cost, however, such use should be exercised only in open country, at sufficient distances from residential areas and highly traveled roads. In order to avoid the potential noise disturbance and property damage caused by helicopter rotor backwash, ground stringing methods will be used in the remainder of the project area of Phase 2. Using the ground method, an average of one mile of conductors can be installed per day. Using one helicopter, an average of 2 to 3 miles of conductor can be installed per day.

Disposal of construction waste will be the responsibility of the contractor hired by the HELCO. The contractor will be responsible for daily clean up and disposal of any waste generated by Phases 1 and 2 of the project.

For construction procedures in Phase 2, the work that remains is the stringing of the conductors in the County of Hawaii rights-of-ways within the residential subdivisions. Vehicular access to these sites will be from Highway 137. Tree cable design will be used in Kehena Beach Estates. The cable is protected with a polyethylene cover to minimize

threats to power outages due to overgrown branches. The contractor will be required by HELCO to implement appropriate traffic and equipment management practices to ensure pedestrians' health and safety at all times. At minimum, safety signs will need to be placed along the roads, and contractor equipment will need to be stored away from driveways. See Figure 7. Also, indicated in this figure are numbers of lines/cables between poles, referred to as "phases"; e.g., a single line in Kehena Beach Estates is referred to as "single phased."

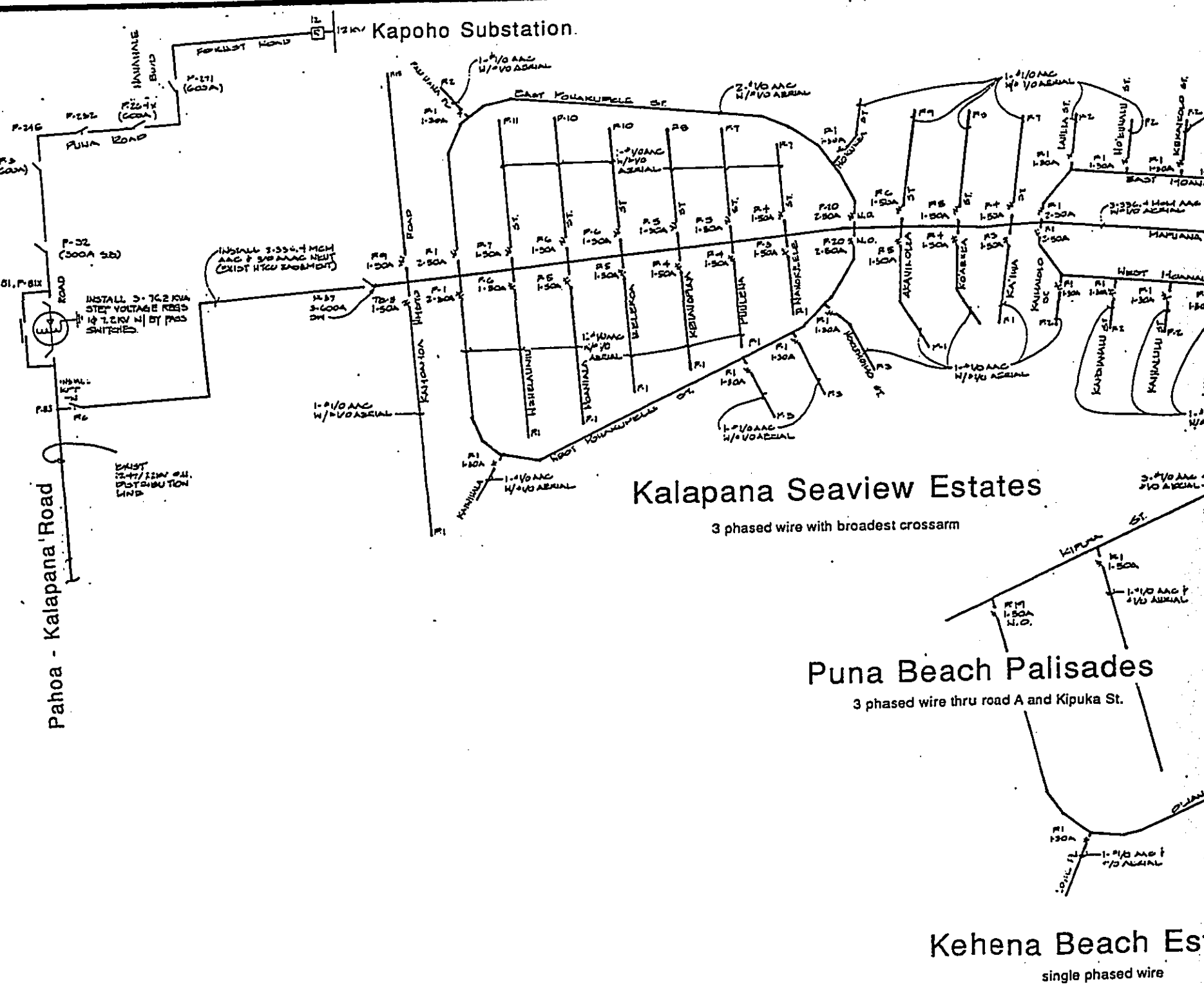
### **2.3.2 Schedule and Cost**

Upon receipt of approval for an easement/right-of-entry from the State, construction can be expected to begin soon thereafter. Construction for Phase 1 is expected to take about three to four weeks. Work for Phase 2 is expected to take four to six weeks after receipt of the SMA permit from the County of Hawaii.

The design and construction of Phases 1 and 2 are expected to cost approximately \$1.8 million (1994 dollars).

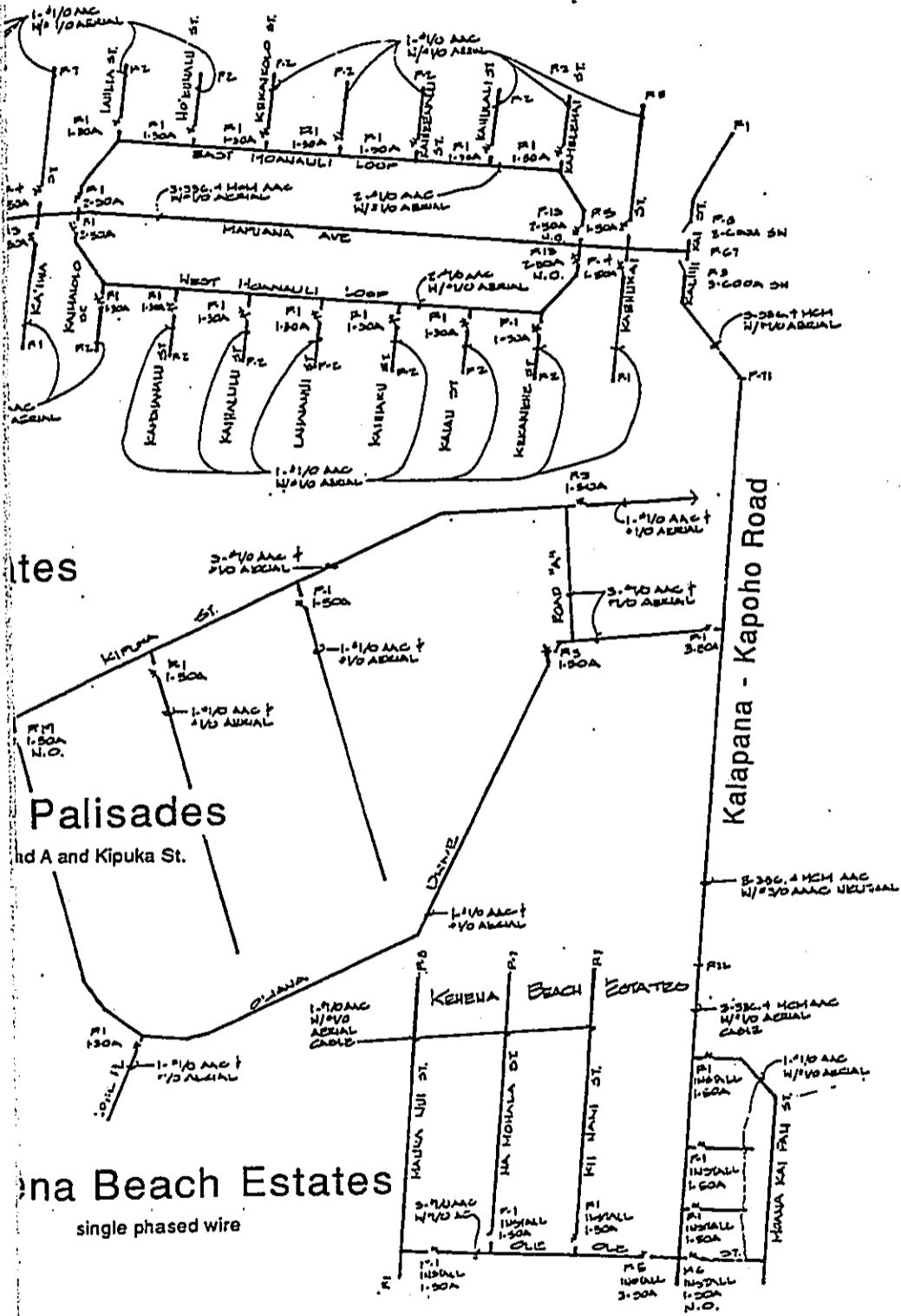
### **2.3.3 Maintenance**

Once the proposed 12.47/7.2 kV distribution system is built and in operation, the right-of-ways will be used for maintenance purposes only. Vegetation will be allowed to grow back within the right-of-way, especially at the edges. Tree-trimming will be conducted as needed, to help avert threats to public safety and power outages due to overgrown branches.



NO.	DATE	REVISIONS	BY	CHK'D	CHK'D
2	12/9/04	CHANGED FUSING WITHIN KEHENA S/D DUE TO DOWN GRADING OF 3Φ TO 1Φ	RR		
1	11/4/04	RELOCATE H-FRAME FROM P-7 TO P-81 ON PAHOA-KALAPANA RO	RR	PM	

Figure 7  
**12.47/7.2 KV O.H. DISTRI**  
 SSPP Unit 71  
 Kehena - Keekee Home  
 Puna, Hawaii  
 Drawing from: Engineering Department, Haw



ates

Palisades  
hd A and Kipuka St.

na Beach Estates  
single phased wire

Figure 7  
**O.H. DISTRIBUTION SYSTEM**  
 SSPP Unit 71  
 Kehena - Keekee Homestead  
 Puna, Hawaii  
 Engineering Department, Hawaii Electric Light Co., Inc.



Not to scale



SECTION 3  
DESCRIPTION OF THE AFFECTED ENVIRONMENT

**3.1 Physical Characteristics**

**3.1.1. Geologic Characteristics**

The proposed alignment is located on the lower east slopes of Kilauea volcano. The lava flows have created an irregular, undulating landscape. Within the last 1500 years, many lava flows from the Kilauea summit have entered the corridor region. Most of the recent flows in the region have been emitted from Kilauea's east rift zone, including an 1840 and 1955 flow.

The general geology of the area is conducive to the formation of lava tubes and cavities, and they are present along the alignment. Soils consist primarily of organic and volcanic ash that is typically very rocky and less than 8 inches deep, and pahoehoe and a'a lava flows. Soils in the Puna region generally have rapid permeability, slow runoff, and slight soil erosion potential as rated by the Soil Conservation Service.

The majority of the project area is dominated by a 1955 lava flow. The easement extending from Highway 130 to Kalapana Seaview Estates is essentially entirely on the 1955 flow with only few hundred feet within an older vegetated *kipuka*. Kalapana Seaview Estates and Puna Beach Palisades subdivisions are also on the 1955 flow, except for the extreme eastern edge of Kalapana Seaview which is on older (ca. A.D. 1840-1950; Burtchard 1994) vegetated lava. Kehena Beach Estates is entirely within older 1250-1600; Burtchard 1994) vegetated lava.

### **3.1.2. Lava Flow Hazard Zone**

According to the U.S. Geological Survey, the project site is located in Lava-Flow Hazard Zones 1 and 2 (Map dated 1992, produced using U.S. Geological Survey base, Hawaii, 1975), along with Pahoa town and vicinity. About one-half of the island of Hawaii (much of southern Hawaii County, including Hilo town), is located in zones 1, 2, and 3. Zone 1 includes summits and rift zones of Kilauea and Mauna Loa, where vents have been repeatedly active in historical time. Zone 2 is defined as follows: "Fifteen to twenty-five percent (of zone 2) has been covered by lava since 1800, and 25 to 75 percent has been covered within the past 750 years. Relative hazard within zone 2 decreases gradually as one moves away from zone 1." Zone 3 includes areas less hazardous than zone 2 because of greater distance from recently active vents and/or because of topography. One to five percent of zone 3 has been covered since 1800, and 15 to 75 percent has been covered within the past 750 years.

Lava flow hazard zones are characterized on the basis of location of eruption vents, past lava coverage, and topography. There are 9 zones in this system, wherein the increasing severity of hazard can be found in the lower scaled zones; that is, zone 9 would be a zone that would likely be the least hazardous, and zone 1 the most hazardous. The importance of this hazard information for planning purposes results from the interaction of the hazard with human activities that create risk.

Earthquake epicenters are also concentrated along the east rift zone. As a result, there is a higher risk for potential lava flows and seismic hazards near the Kilauea east rift zone.

### **3.1.3. Streams and Drainageways**

There are no well-defined streams in the vicinity of the project site. Rainfall percolates rapidly into the well-drained soils and highly permeable lava flows.

#### 3.1.4. Climate

The Puna region has a relatively high annual rainfall. The project area between Pahoa town and the Puna Substation have an average annual rainfall of 150 inches, while the area east of Pahoa, near the project site, receives 75 to 100 inches of rain per year. By comparison, Kailua-Kona and downtown Honolulu receive 20 to 30 inches of rain per year.

Temperatures in the area are quite uniform throughout the year, with the monthly means ranging from 71 to 76 degrees. The wettest and coolest month in Puna is December, while the hottest and driest are June and July.

Winds are affected by Mauna Loa where the onshore flow provides an upslope wind by day and a counter downslope wind develops at night and in the early morning. The latter flow predominates. Average wind speeds range between 7 and 8 miles per hour, with slightly stronger winds in mid-afternoon and light winds in the evening hours.

#### 3.1.5. Air Quality

The present air quality in the Puna area is good most of the time since the area is not highly urbanized. Air quality is primarily affected by sulfur dioxide (SO<sub>2</sub>) emissions from volcanic activities at Kilauea summit. Studies conducted between 1983-1985 were summarized by the Department of Planning and Economic Development (DPED, currently known as Department of Business, Economic Development and Tourism) in Baseline Air Quality - Kilauea East Rift, Executive Summary, 1985 indicate that the majority of the time, atmospheric concentrations of SO<sub>2</sub> in the project area are relatively low. However, during periods of vigorous volcanic activity or periods of unusual meteorological conditions, such as winds from the south, episodes of high concentrations do occur.

Adding to these episodes of pollution from volcanic sources (vog), is acid rain which is

caused by chemical reaction to form sulfuric acid from SO<sub>2</sub>.

Particulate matter has also been monitored along the Kilauea East rift and was found to be very low. The particulate concentrations of the area are much lower than mainland values and the U.S. Environmental Protection Agency standards.

There are no available readings for carbon monoxide (CO) levels in the region, but they are expected to be low because of the region's rural character and lack of significant traffic.

Air quality in the Puna area is also effected by the Puna Geothermal development, which is located approximately 5 miles north of the proposed project site. Gases emitted from geothermal wells and associated with geothermal steam are similar to volcanic fume, except that all the sulfur in geothermal steam is in its unoxidized form, i.e., hydrogen sulfide. It oxidizes to SO<sub>2</sub> when it mixes with air (Puna Community Development Plan, Community Management Associates, Inc., 1992). Due to the toxicity of hydrogen sulfide at high concentrations, the State of Hawaii Department of Health has been studying hydrogen sulfide levels produced by geothermal power plants for the past 14 years. Currently, State standards for hydrogen sulfide have not been developed.

### **3.1.6. Noise Levels**

Due to the rural character of the region and the relative absence of urban uses and highway traffic, noise levels throughout much of the project area are quite low. Prevalent noise during the daytime hours is from distant traffic, wind, birds, and insects.

## **3.2 Biological Characteristics**

### **3.2.1. Flora**

Field surveys were conducted for endangered plant species and unique biological

communities in and adjacent to the proposed distribution line in late March and early April 1995. A summary of the findings follows, and a complete report is included in the document as Appendix A.

The project area surveyed included powerline routes within and between the three subdivisions. A corridor 50 feet wide extending from Highway 130 to the mauka end of Kalapana Seaview Estates along the existing telephone line was also surveyed. The majority of the land surface in the telephone line easement is utilized as an access/service road. Two botanists surveyed the entire project area on foot. Adjacent sites of botanical interest were also examined for rare plants.

No plant species listed as endangered, threatened, or candidate under the U.S. Endangered Species Act or the State of Hawaii endangered species program were found in the survey area. Unusual native plants were found in the study area but none have legal status requiring planning considerations.

Results: Rare Plants.

One federally listed endangered plant species, *Ischaemum byrone*, occurs on coastal bluffs near the survey area approximately one-half mile south of Kehena Beach Subdivision, but this population appears to occur on a different type of lava flow than found in the project area. No *Ischaemum byrone* occurs in the subdivisions or in the State-owned portion of the proposed utility easement. The species is not expected to occur mauka of the beach road since it is always confined to the immediate coast in the spray zone where ever it is found.

The Hawaiian ko'oko'olau (*Bidens hawaiiensis*) was found in the lower portions of the existing telephone easement and on the northeast edge of the Kalapana Seaview subdivision area and southward into Hawaii Volcanoes National Park.

Other rare plants found were pilo (*Coprosma rynchocarpa*) was found in kipukas just outside of the proposed utility corridor mauka of Seaview subdivision. A species of 'akia (*Wikstroemia phyillyreifolia*) confined to Puna and Kau was also found in the kipukas on the south side of the proposed utility corridor. A distinctive population of maile (*Alyxia oliviformis*) was also found in the kipukas on the south side of the proposed corridor.

Unique biological communities were found in forested portions of Kehena Beach and Seaview subdivisions and approximately 60 meters south of the proposed utility easement in the form of forested kipukas. Except for the lowest, these kipukas will not be affected by the proposed action. The lowest kipuka on the proposed easement contains 'ohi'a/hala forest already affected by the existing telephone line.

### **3.2.2 Fauna**

An initial faunal survey was conducted by Rana Productions in early April 1995. A four-day radar and visual survey of seabirds was conducted along the project alignment by ABR, Inc. and Rana Productions from July 10 to July 13, 1995 during the nesting season. The results of both surveys are summarized below, and the reports are included as Appendix B.

#### **3.2.2.1 Initial Survey**

The purposes of the initial survey were to: 1) document what bird and mammal species occur on the site, or are likely to occur given the type of habitat available; 2) provide baseline data on the relative abundance of the species found and 3) determine the presence of any native species, particularly any that are listed as threatened or endangered by either the United States Fish and Wildlife Service (USFWS) or the State of Hawaii, Department of Land and Natural Resources (DLNR); 4) determine if there was any nesting activity by Hawaiian Hawks (*Buteo solitarius*) on the subject property.

Study Methods. One transect was laid through the north-south right-of-way and another along the east-west (shoreline) right-of-way. Count stations were placed 150 meters apart along these transects. Eight minute unlimited distance circular plot counts (Reynolds et al. 1980) were made at each of the count stations. Field observations were made with the aid of Leitz 10x40 binoculars and by listening for vocalizations. Counts were concentrated during the early morning hours-- between 0600 hrs and 1100 hrs)-- peak bird activity time. Four separate crepuscular counts were made in an attempt to locate Hawaiian hoary bats (*Lasiurus cinereus semotus*) and seabirds. Time on site not spent either laying or counting was spent "prospecting" in pockets of vegetation away from the transects, in an attempt to locate any species not recorded during count periods. A thorough search for Hawaiian Hawk (*Buteo solitarius*) nests was also made. In addition Michelle Reynolds an avian biologist with the USFWS who has experience surveying for seabirds and bats in Puna was contacted for additional information on the avian and mammalian fauna, especially seabirds of the surrounding area. Observations of feral mammals were limited to visual and auditory detection, as well as observation of scat, tracks and road kills. No trapping study was conducted to obtain data on their relative abundance.

A total of 548 birds of 16 species representing 12 families were detected during the course of this survey. Of these 16 species, 2 are endemic Hawaiian Honeycreepers (native and unique to Hawaii), 1 indigenous migrant shorebirds (native to but also found elsewhere), 1 native seabird and the remaining 11 are introduced species. None of the birds recorded are listed as either endangered or threatened by either the USFWS or by the State DLNR. During the course of this survey 6 mammalian species were detected. Five of these were terrestrial species all introduced by man and the sixth was an indigenous whale species. None of the mammals detected are listed as either endangered or threatened by either the USFWS or the State DLNR.

Although no threatened or endangered avian or mammalian species were detected during the survey it is expected that there is some usage of the site by four listed species. These species are the Hawaiian Hawk, Newells' Shearwater, Dark-rumped Petrel, and Hawaiian hoary bat. Appropriate methods of detection include conducting a survey at night rather than by sight or by vocalizations. Because of these conditions, and the unanswered questions such as the possible use of the project site by the Newells' Shearwater, it was decided that a radar and visual survey be conducted as a follow-up. Further, the month of July was a known period during which the seabird would be nesting. Thus, a radar and visual survey was conducted July 10 to July 14, 1995.

#### 3.2.2.2 Radar and Visual Survey, July 1995

A follow-up study was conducted by ABR, Inc. and Rana Productions during the known nesting season of the Newell's Shearwater. The purpose of the survey was to collect baseline information on seabird abundance and flight behavior over the proposed overhead distribution line route.

##### Methods: Sampling Strategy and Radar Equipment

Two types of sampling were conducted: surveillance radar and visual sampling. Visual sampling was conducted concurrently with radar sampling. The mobile laboratory consisted of a small marine radar mounted in the back of a pick-up truck. This surveillance radar scanned the entire area around the mobile lab and was used to obtain information on flight paths, movement rates, and ground speeds of seabirds and bats detected.

The surveillance radar (Furuno Model FCR-1411, Furuno Electric Company, Nishinomiya, Japan) is a standard marine radar transmitting at 9410 MHz (i.e., X-band) through a slotted wave guide 2 m long; the peak power output is 10 kW. This radar can be operated at a variety of ranges from 0.5 km to 133 km. Pulse length can be set at 0.08, 0.6, or 1.0  $\mu$ sec,



depending on the range setting used. At the shorter pulse lengths, echo definition is improved (giving more accurate information on target location and, hence, distance), whereas, at longer pulse lengths, echo detection is improved (increasing the probability of detecting a target). An echo is a picture of a target on the video display screen; a target is one or more birds that are flying so closely that the radar detects them as one echo on the display screen. Using night-vision equipment, we were able to verify that essentially all targets were of one bird. This radar has a digital, color display with several scientifically useful features, including color-coded echoes (to differentiate the strength of return signals), on-screen plotting of a sequence of echoes (to depict flight paths), and True North correction for the display screen.

Radar sampling was conducted between 10 and 14 July. The radar was operated during the evening (1900-2130 h) and morning (0430-0600 h) peaks of movement. Radar data was not collected during periods of rain because the adjustments required removal of echoes of the precipitation which would have simultaneously removed bird-caused echoes. Visual sampling was conducted during daylight and crepuscular hours with 10X binoculars, and at night with a 5X Noctron-V night-vision scope. Visual data also include any birds heard but not seen. Sampling occurred during the evening (1900-2159 h) and morning (0430-0559 h) peaks of movement.

#### Study Findings

The results of the survey are reported in terms of frequency of movement per daily observation period. The four-day survey indicated that seabirds were detected at a very low rate of 0 to 1.6 per hour. Surveyors concluded that the low number of birds observed was not unexpected, given the generally low nesting density of seabirds inland from the study site. Radar and visual observations at other coastal areas in Puna (e.g., Kapoho, Kahakai) also have suggested that the number of seabirds coming inland over the coast are relatively

low (B. Cooper, pers. obs.). In contrast, radar and visual observations in the Waipio Valley of Hawaii and on the eastern and northern coasts of Kauai indicate that relatively high numbers of seabirds fly inland over those areas (Cooper and Day 1994; Day and Cooper, in press; B. Cooper, pers. obs.).

With respect to existence of flight corridors in the study area, based on work elsewhere in Hawaii and on Kauai and on the uniform nature of the local topography, the survey team believes that the birds cross over the area along a broad front and that the major feature that influences the position of seabird movements over the area probably is colony location. Flight directions of birds were consistent with the idea that birds move inland during the evening and seaward in morning. A similar pattern has been observed on Kauai (Cooper and Day 1994; Day and Cooper, in press). The morning flights observed came from the NNW. Iilewa Crater is located approximately 6 km toward the NNW from the Eastern sample site. Perhaps there are birds nesting in the crater; to date, no surveys have been conducted to determine if seabirds breed in the crater.

Along with number of birds, flight altitude is an important variable for determining the likelihood of bird collisions with proposed powerlines. However, because bird densities were so low during the course of the survey, no flight altitude data was obtainable (i.e., no visual observations of seabirds). Data from a similar study conducted on Kauai during summer 1993 may provide some insight into flight altitudes in the Kehena area (Cooper and Day 1994; Day and Cooper, in press). Two of the most heavily sampled sites on Kauai, Wailua and Kealia, were very similar to the Kehena area. Both sites were located within 100 m of the coast and were not directly adjacent to large mountains. At Wailua, mean flight altitudes ( $\pm$ SD) of all procellariids combined was 159  $\pm$ 95 m agl (above ground level) during the evening and 43  $\pm$ 28 m agl in the morning. At Kealia, mean flight altitudes of all procellariids combined was 93  $\pm$  64 m agl during the evening and 37  $\pm$  18 m agl in the

morning. Assuming that seabird flight behavior is similar between the sites on Kauai and the Kehena site, these data suggest that the majority of seabirds in the Kehena study area may fly above the proposed powerline height (~ 15 m agl), especially during the evening hours.

Other Findings: During the survey in July three (3) Hawaiian hoary bats were visually detected.

### 3.3 Historical and Archaeological Resources

There are no known historical, cultural, architectural and/or archaeological resources on Phase 1, or the State-owned portion that are listed on the Hawaii Register and/or the National Register of Historic Places, or that have been determined eligible for inclusion on the National Register of Historic Places (Memorandum from Division of State Parks, DLNR regarding GTE Hawaiian Tel's easement request, 1984, to the State Board of Land and Natural Resources).

An Archaeological Impact Study was conducted by Cultural Surveys Hawaii of Phases 1 and 2 project areas in April 1995. The results of the study are summarized in this section, and the report in its entirety is found as Appendix C of this document.

The objectives of the archaeological assessment were: 1) Conduct a literature review of past research of the project site to identify sensitive areas and previously identified archaeological sites as well as historic context and previous land use. 2) Conduct fieldwork involving assessment level survey of the powerline route and the three subdivisions with special emphasis on the area within the County of Hawaii Special Management Area. 3) Prepare a report that included the results of the historic background research as well as fieldwork results.

Background research conducted as part of this study has identified a general zonal pattern for the Puna District. Recent research by International Archaeological Research Institute, Inc. (Burtchard 1994) has attempted to summarize archaeological and historic literature to better define the zonal pattern. The zonal pattern of land use and settlement that would be representative of the project area ahupua'a includes: 1) coastal settlement zone, characterized by "highest density, variety and complexity of prehistoric surface features. Primary aggregations of residential, ceremonial, garden and associated features at sheltered embayments with adjacent inland agricultural soils" (Burtchard 1994); 2) coastal margin agricultural zone characterized by "moderate to high density and variety of surface features spatially linked to coastal settlement and agriculturally productive sediments" (Ibid.); 3) inland agricultural zone characterized by "moderate to low density of surface features linked to agricultural land use, possibly in isolated pockets of suitable agricultural sediments. Trails link agricultural areas with coastal settlements" (Ibid.); 4) upland forest exploitation zone characterized by a "very low feature density consisting of isolated agricultural and short-term and lava tube residences" (Ibid.).

Three of these zones, coastal settlement, coastal margin agricultural and inland agricultural would be represented within the overall project, if not for the 1955 lava flow and the subdivision and highway construction. The proposed easement extending makai from roughly the 900 ft. elevation would have, based on the above zonal pattern, traversed through the inland agricultural zone to the coastal margin agricultural zone. The three subdivisions are in what would have been the coastal settlement and coastal margin agricultural zones.

#### Survey Methods and Findings.

The field survey was initiated at the northern (mauka) end of the proposed easement where it intersects Highway 130. The proposed easement, which is an existing telephone

easement, includes a bulldozed road and telephone poles and lines. Additionally, virtually the entire length of the easement is on the 1955 lava flow, except for a small kipuka near the makai end, some 2,000 feet mauka of Kalapana Seaview subdivision. Survey of the easement consisted of a combination of walking and driving. The kipuka area, near the makai end of the easement was specifically checked for historic remains. No historic sites of any kind were observed within the proposed/existing easement.

The remainder of the project area was surveyed utilizing the same methods described above. Special attention was placed on the following areas, with findings detailed as appropriate:

- 1) Eastern portion of Kalapana Seaview because it consists of older (ca 1840-1950; Burchard 1994) more vegetated lava. No historic sites of any kind were observed within this subdivision which has been entirely altered for roadway and housing construction.
- 2) Area fronting the same subdivision was walked to check for sites and possibly a remnant of the Kehena Beach Trail (-2540). The area, like the subdivision has been entirely bulldozed and is presently a maintained lawn with no historic sites.
- 3) A field check of previously identified sites (Cordy 1987) to the east of Kehena Beach Estates was undertaken. The field check confirmed site locations and that apparently there has been major changes at least at the sites as observed. Sites visited included -10922, 10925 and 10926, a trail, agricultural complex, and cemetery respectively. The archaeological survey team assumes that by the construction style, orientation and previous research that Trail Site 10922 is another section of trail Site 2540 (Bevacqua and Dye 1972). The trail is an impressive, well-constructed

stepping stone trail oriented roughly parallel to the coastline. The trail is bulldozed out at the extreme eastern edge of the subdivision and thus pole placement has no adverse affect as they are on the edge of the existing paved roads.

All in all, the Cultural Surveys Hawaii study confirmed the absence of historic sites within the proposed distribution line. Virtually the entire length of the proposed distribution line has been disturbed by human induced disturbance and recent lava activity.

#### 3.4 Land Use/Land Ownership

Major land uses in the project area include residential subdivisions and vacant lava fields. Phase 1 of the project site is owned by the State of Hawaii. The only existing use in the project site is the Hawaiian Telephone service line which was constructed ten years ago. The 8,710 foot-long portion has been cleared for the telephone utility poles and lines. Because of this, the corridor has been disturbed for the installation of the telephone utility system. With this exception, the terrain remains in its natural state with minimal grading or leveling due to construction of the GTE Hawaiian Tel line.

Phase 2 of the project site includes three residential subdivisions east (makai) of Phase 1. These subdivisions were developed about 30 years ago. Currently 50 homes exist in Kehena Beach Estates, 26 homes in Puna Palisades, and 70 exist in Kalapana Seaview Estates. Roads are under County of Hawaii jurisdiction.

Despite the extensive agricultural zoning in the Puna district and the emphasis on agriculture in the County General Plan, the project site and lands in the vicinity are not productive due to the recent (1955) lava flow. Large portions of the Puna district, especially upper Puna, have been subdivided into fee simple residential lots. The subdivisions in the project area are zoned for agriculture by the County and are in the State Land Use Agricultural District.

For the most part, however, they are not in agricultural use, but are generally in residential use. Yet, they generally do not conform to current subdivision standards for lot size and infrastructure developments (roads, sewer, water, utilities), because they were developed prior to enactment of the County subdivision and zoning codes.

Much of the area consists of vacant, undeveloped land with sparse, natural vegetation. Natural vegetation is also the predominant cover type within the residential subdivisions except where small parts of these areas have been cleared for roads and residences.

### **3.5 Infrastructure**

#### **3.5.1. Roads**

State Highway 130 is the primary route in Puna between Keaau and Pahoia and Kalapana. The highway is a two-lane paved, all-weather road in good to excellent condition. The highway right-of-way is 100 feet.

As the primary route in the Puna region, Highway 130 is travelled by commuting residents as well as tourists, having an adjusted average daily traffic count of 12,819 in 1988 (Pohoiki Geothermal Transmission Line EIS, 1989).

Highway 130 would be the major route for transporting construction equipment and a crew between Hilo and the project site.

The other major roadway in the region is Highway (Route 137) which runs along the coast and provides access to the residential subdivisions. This is a two-lane, narrow road in a 60-foot wide right-of-way. In addition to these roads, there are private roads primarily within the subdivisions.

### 3.5.2. Electrical and Communication

Electricity is provided by the Hawaii Electric Light Company through a series of subtransmission lines in the Puna district. A 34.5 kV subtransmission line between Keaau and Kalapana, along Highway 130, feeds the Kapoho substation which presently services the Kalapana region. HELCO's main power grid is located at the Puna switching station, and lines servicing residential and other properties in Puna receive power from the switching station.

The existing subtransmission system in the area is providing approximately 9 megawatts (MW) of power daily to HELCO customers. The proposed 12.47/7.2 kV line is capable of providing 2.5 MW of demand to residents in the service area.

In addition to subtransmission lines, there is an existing network of electric distribution lines in the Puna area, typically along roadways. HELCO has franchise rights to use public right-of-way for power lines, although State and County agency regulations must be adhered to. In areas where existing HELCO lines are not along roads, easements have been acquired. An easement is required for this proposed distribution line because the route is to occur over State-owned property.

GTE Hawaiian Tel's line is located within the easement proposed for use by HELCO in Phase 1 of the site. HELCO proposes to replace GTE Hawaiian Tel's poles with its new poles thereby enabling both utilities to coexist jointly within the same easement as well as in the County rights-of-ways in the Phase 2 area. Sharing of the same utility poles within subdivisions often occurs between the two utility companies.



### 3.6 Visual Character

The Puna region has a clearly rural visual character exemplified by the natural vegetation and low-density development. Most of Phase 1 of the project area's gentle sloping topography allows wide-angle or panoramic views across areas with scrub vegetation and recent lava flows. Some of the ohia trees are as tall as or taller than the existing GTE Hawaiian Tel poles within the easement corridor.

Coastal views in the Phase 2 area are somewhat limited by the undulating topography. Views toward the ocean from street level within Kalapana Seaview subdivision are that of Highway 137 for the most part. Views of existing GTE Hawaiian Tel polelines have been part of the scenario of the entire project area for approximately ten years. Recently introduced HELCO polelines that are about fifteen feet taller than the telephone polelines now vary in visibility throughout the residential subdivisions. The HELCO poles are dwarfed by existing trees in Kehena Beach Estates as some of the trees are as tall or taller than the electrical poles. However, the overhead polelines are highly visible along Mapuana Avenue through Kalapana Seaview Estates due to sparse vegetation along this corridor.

Overhead electrical poles and lines that have been installed (but not yet activated) between late 1994 and early 1995 have been introduced into the landscape alongside existing telephone polelines. Helco pole lines are approximately 15 feet taller than co-existing GTE Hawaiian Tel pole lines throughout the three subdivisions and along the mauka portion of the Highway 137 right-of-way. Existing views in the makai or Phase 2 portion of the project area are shown in Figures 1p to 4p.

### 3.7 Socio-Economic Characteristics

The proposed transmission line is within Census Tract 211 (Pahoa-Kalapana) of the Puna district of Hawaii. Throughout the island of Hawaii and the Puna district, the population

increased significantly between 1970 and 1980. Island-wide there was a 45 percent increase over the 1970 population, from about 63,500 to 92,000. In Puna, there was an increase of 128 percent from 5,150 to 11,750. In the period from 1980 to 1990, Puna had a growth rate of 76.8 percent, with an estimated 1990 population of 20,781. Likewise, the number of residential HELCO customers has increased dramatically. The meter count between 1970 and 1980 increased 68% island-wide and 123% in the Puna district.

Puna's rapid population growth during the 1970's resulted in large part from in-migration, partially due to the abundant supply of relatively low-priced land for residential and /or agricultural purposes. Ethnically, Puna changed from a largely Japanese to a largely Caucasian area. Also, more than half of Puna's net population growth from 1970 to 1980 was not Hawaii-born.

Significant growth is expected to continue in the Puna district, particularly in terms of the district's role within the County. Hawaii County Planning Department projections for the year 2005 consider Puna to have a larger percent of the island's total population than in the past - 23% as compared to about 13% in 1980. The projected population, based on a "medium" growth rate, is nearly 50,000 for Puna and 217,000 for the island of Hawaii.

As has been the case in the past, additional population growth will generate housing development in Puna rather than vice-versa. Since there are no proposals for major residential home development in this area, the general prospect is for continued development of single homes on undeveloped subdivision lots.

The following describes and defines what "rural" lifestyle might mean to Puna residents (source: Pohoiki Geothermal Transmission Lines EIS, 1989). Other independent lifestyle values are also operating in the community. For example:



Figure 1P Area Fronting Kalapana Seaview Estates



Figure 2P Area Fronting Kalapana Seaview Estates

Photos Courtesy Cultural Surveys Hawaii



Figure 3P Pole Placements Within Highway #137 Right-of-Way



Figure 4P Pole Placements Within Highway #137 Right-of-Way

Photos Courtesy Cultural Surveys Hawaii

- Jobs. People in Puna are seriously concerned about the district's economic future. A commonly reported problem in survey conducted in 1982 was lack of job opportunities.
- Services. Although the Puna lifestyle image is one of independence and a pioneering spirit, the residents are demanding better infrastructure and services.
- Education. People in the Puna area place a high value on education. Education is usually associated with upward mobility and economic success.
- "Off-Grid" Energy. Because of its undeveloped, off-grid subdivisions and the do-it-yourselfers attracted to those remote locations, approximately 25% of the homes depend on energy supplied by individual "off-power" systems (comparing Census dwelling counts against electric meter counts; Puna Community Development Plan, 1992). This discussion is expanded in Section 6, Alternatives to the Proposed Action.

Since publication of the Draft Environmental Assessment on December 23, 1994 for the subject project, comment letters were received from Puna residents and concerned individuals in the area. The concerns expressed reflected a desire among some residents to maintain an independence from the more traditional "grid system" of electrical energy service that HELCO is proposing to provide through the subject project.

These present values can be expected to persist in the future with or without the proposed project.

### 3.8 Electric and Magnetic Fields (EMF)

An electric field is caused by the voltage generated by an object such as a power line, storm cloud, or household appliance. The effect of voltage from an object can also exist in the air surrounding the object and is typically expressed in terms of number of volts per meter (kV/m). This measure indicates the difference in electrical voltage between two points, one-meter apart. The electric field increases nearer the charged object, and decreases with distance.

A magnetic field is created by an electric current flowing in any conductor (electric equipment, household appliance or otherwise). Magnetic fields are generally expressed using a Gauss (G). A gauss is a measure of the intensity of a magnetic field over a given area or unit. As with electrical fields, magnetic field strength diminishes rapidly with distance from the source.

Electric and magnetic field measurements were taken in March 1987 at a site where an existing 12.47 kV distribution line was operating (Leilani Estates, by Eneritech Consultants, Inc. for the HELCO Pohoiki Geothermal Transmission Line EIS). The line was of vertical construction with common neutral and telephone underbuild, and was similar in design to the proposed 12.47/7.2 kV distribution line.

Table 3-1 summarizes measurements taken from several appliances and the 12.47 kV distribution line.

**TABLE 3-1:  
APPLIANCES and 12.47 kV DISTRIBUTION LINE EMFs**

Item Measured	Distance from Object (C.L. feet)	Electric Field (kV/m)	Magnetic Field (mG)
<b>APPLIANCES</b>			
Refrigerator	1	0.06	0.3 - 3.0
Iron	1	0.06	1.0 - 3.0
Hand Mixer	1	0.05	6.0 - 100
<b>12.47 kV Distribution Line</b>	0	0.009	0.050
	5	0.010	0.056
	10	0.013	0.052
	15	0.012	0.046
	20	0.009	0.035
	25	0.007	0.031

The general findings of the study taken in 1987 indicate that the values of electric and magnetic field exposure will be comparable to that which results from normal use of household appliances. Therefore, according to these findings and other research to date, there is no established cause and effect relationship between EMF exposure and cancer or other disease. HELCO, however, will continue to conduct research to ascertain if there are long term consequences from exposure to EMFs.

## SECTION 4

### PROBABLE IMPACTS AND MITIGATION MEASURES

The proposed construction of the electrical distribution system is expected to result in minimal adverse impact on the existing environment because construction will occur within an existing right-of-way currently occupied by a GTE Hawaiian Tel communication line. Most of the adverse impacts are short term and construction related, including noise and localized dust. Existing disturbed open plane views that include GTE Hawaiian Tel overhead communication lines through the Kalapana Seaview subdivision have been slightly impacted by the introduction of the taller pole lines installed by HELCO. This view impact will be minimized in time with expected maturation of vegetation. A positive long term impact will be that the new system will provide an opportunity to the residents of the Kalapana Seaview, Puna Beach Palisades, and Kehena Beach Estates subdivisions to choose HELCO as their electricity provider. The potential impacts are minimal and appropriate mitigation measures are discussed further in this section.

#### 4.1 Geologic Hazards

Geologic hazards in the project area include lava tubes and cavities and lava flows. The likelihood of encountering unidentified subsurface lava tubes and cavities along the alignment is minimal since existing Hawaiian Telephone poles demarcate the alignment and subsurface conditions.

The proposed alignment is expected to be at sufficient enough distance from the Kilauea east rift zone to reduce any risk of damage from lava overrunning the line.

Although seismic events are probable throughout the alignment, the lateral loads due to seismic conditions would be expected to be less than that due to wind loads. Wind loads



have thus been used as the criteria for design.

#### 4.2 Flora

Possible impacts on flora will be limited to flora along the immediate alignment, because some clearing and tree trimming will be required. Direct affects of the proposed project on endangered plants and unique biological communities will be minimal. Disruption of the existing vegetation has been minimized by locating the proposed distribution system within an existing communication line easement, and existing roads and jeep trail will be used to access the pole sites by construction and maintenance crews. Some removal of vegetation may occur when a pole may have to be located in a new site within the existing GTE Hawaiian Tel easement.

Kehena subdivision is the only subdivision which may require any tree removal (coconut palms), and these trees are not indigenous to the area. The developers of the Kehena subdivision planted three hundred coconut palms to delineate lot lines. The palms lie within the County of Hawaii easements, and over the past 30 years the palms have multiplied from the original 300 to approximately 1,300. Falling fronds and coconuts from the increasing number of palms along the narrow streets of the Kehena subdivision pose a safety hazard to pedestrians.

Between poles 27 and 31 the existing telephone line easement passes through a portion of an extensive kipuka containing a stand of lowland hala/'ohi'a forest. The kipuka is already affected by the existing telephone line. Tree removal in the kipuka will be kept to a minimum.

Due to the maintenance of the line, HELCO's policy of selectively using herbicides in the right-of-way will eliminate chances of killing any host plants or of herbicides percolating

down into caves and directly affecting animals.

Other than the effects of direct physical disturbance to areas along the proposed alignment during construction and maintenance activity, the transmission line's probable impact on nearby ecosystems is expected to be negligible. The possibility of fire due to arcing or spark discharge from conductors is extremely remote.

#### 4.3 Fauna

Based on the findings of the radar and visual surveys conducted in July 1995, the low occurrence of birds observed utilizing the project site indicates that the project would have minimal impact on the federally threatened Newell's Shearwater. Further, although Hawaiian hoary bats were detected within the project site, it is highly unlikely that the project would impact this species. The placement of another line on the existing poles that descend from Highway 130 to the coast will have negligible effect on the avian and mammalian species present on the project site. It should be borne in mind that at least in the Kalapana subdivision there are already poles and lines going in all directions.

Vegetation height also influences the potential for seabird collisions with powerlines. In Kauai, seabirds flying over the coast on their way to or from their colonies rarely if ever flew lower than the surrounding vegetation (Cooper and Day, 1994). The area from approximately 0.6 km to 1.2 km west of the Eastern site has a relatively dense forest that is approximately 15 m tall. It is unlikely that seabirds would fly within the canopy in that area and be exposed to the powerline. The rest of the proposed powerline corridor along the coast has scattered trees, or low growing trees, where it would be possible for seabirds to fly at or below the powerline height. In the long term, however, as foliage matures in the Kalapana Seaview subdivision the potential threat of seabird and powerline collision would diminish.

#### 4.4 Air Quality

Temporary and very localized negative impacts on air quality will occur during construction of the distribution line. The digging for poles and anchors, the movement of construction vehicles over unpaved trails, and the use of helicopters will create dust and particulate emissions. Fugitive dust emissions from construction are a factor of rainfall and the soil silt content. Since much of the project corridor consists of lava flows with little or no soil cover, dust emissions will be minimal in these areas.

Since there is only slight potential for fugitive dust, and the disturbed areas will be small and localized, adequate control measures should not be difficult to employ. Further, travelling speeds along unpaved trails within one mile of residences and roadways will be restricted to 20 mph. This will reduce dust generation by 65 to 80 percent. Should dry periods occur, dust control could also be accomplished through frequent watering of construction areas near the roadway and residential areas where dust may be an annoyance or problem. At no time will State or Federal ambient air quality standards be exceeded.

Long term operation and maintenance of the line will have no effect on air quality.

#### 4.5 Noise Levels

There will be temporary and localized noise level impacts during construction of the project; however all pertinent State noise control regulations and ordinances will be complied with.

Noise generated by the construction equipment will contribute to the noise along the roadway. Although this noise generation will be of short duration, the levels will be substantially higher than ambient noise levels along much of the alignment. Noise emissions generated by various pieces of equipment such as trucks, backhoes, and jack hammers range from 70 to 95 dBA at 50 feet from the source. These outdoor noise levels

will be loud enough to interfere with human speech within approximately a half-mile of the construction site.

Any noise impacts due to helicopters will be temporary, and duration of pole and line installation activities with the use of helicopters will be done quickly and efficiently to minimize such impacts. Other construction noise will be controlled and mitigated as required to meet State standards.

After construction, there will be no long term or permanent noise impacts.

#### **4.6 Historic and Archaeology**

The proposed project is not expected to have a negative impact on known historic or archaeological resources. The majority of the project area is recent (1955) lava and the remainder is within existing bulldozed areas of the three subdivisions or within the Highway #137 right-of-way. In the event that any unanticipated sites or remains such as artifacts, shell, bone or charcoal deposits; human burials, rock or coral alignments, pavings, or walls are encountered during construction, the contractor will stop work and contact the Department of Land and Natural Resources Historic Preservation Division immediately.

#### **4.7 Electric and Magnetic Fields**

The preponderance of scientific research indicates that there are no adverse health effects associated with EMF from electrical power lines. The State Department of Health has indicated as a matter of policy that they do not consider EMF standards to be appropriate at this time. The EMF exposure from the proposed distribution line will be comparable to that which results from normal use of household appliances.

Although adverse health effects have not been clearly demonstrated, HELCO's policy is to

design power lines to minimize electric and magnetic fields where feasible and reasonable in cost. The proposed design will comply with standards suggested by the Department of Health.

#### 4.8 Traffic

Construction of the proposed line will create short-term impacts on traffic conditions along Highway 130 in the vicinity of Keekee and Kalapana. The most frequent and regular type of vehicle trip will be the transporting of workers and materials to various locations along the alignment under construction. The most concentrated use of the highway will be hauling of poles from Hilo to the staging area.

Construction-related traffic will be limited to weekday daylight hours. Slow-moving, large transport vehicles carrying poles and other heavy materials may delay other drivers from time to time. However, increased traffic resulting from the project will not generally be noticeable on the major highway except during construction of the line.

A slight increase in vehicular traffic may occur as a secondary impact of the project. Additional homes that may eventually be built with the installation of electrical power may subsequently bring in more vehicles. However, with the project area's ocean breezes and tradewinds and the continuing rural environment of the area, ambient air quality is not expected to exceed federal air emission standards.

#### 4.9 Other

Beneficial effects on public health and safety will result from the proposed project. The new distribution line will provide the choice of electrical power to residential lots of Kalapana Seaview, Puna Beach Palisades, and Kehena Beach Estates who desire such service from HELCO.

#### 4.10 Surrounding Land Uses

The project will not significantly impact existing land uses in the immediate vicinity of the proposed alignment. Since HELCO will acquire an easement rather than a fee-simple right-of-way for the proposed transmission line, existing land ownership patterns will not be affected. The use will be restricted by safety requirements applying primarily to buildings and structures. A secondary impact is that the project may promote development in the long run. Of the total 1,280+ residential lots in the project area's three subdivisions, 146 homes have been built as of April 1995. More lots within these subdivisions may be developed with the availability of electrical power.

#### 4.11 Visual Quality

For the mauka or Phase 1 portion, the proposed HELCO distribution line will be built within an existing easement occupied by an overhead line owned and maintained by GTE Hawaiian Tel. The generally open plane, rural views are already broken by this row of wooden poles. The proposed electrical poles will be about 15 feet taller than the existing telephone poleline. However, there are some existing ohia trees throughout the easement that are taller than the anticipated electrical pole heights. The proposed project will have minimal impact on the existing views in the Phase 1 project site.

Views toward the ocean through the makai or Phase 2 portion will vary. Clear, open panoramic views toward the ocean from within the residential subdivisions will be disrupted, as they have been by telephone polelines since around 1984. Ocean views from ground level along Highway 137 will still be possible unless one is standing directly behind a utility pole. The change in views with the proposed project will be a qualitative difference from views without the proposed electrical polelines. The linear view along Mapuana Avenue in Kalapana Seaview has been impacted with the additional overhead pole lines. The continuous view of the pole lines would be softened with expected maturation of vegetation

in the long term as has occurred in Kehena Beach Estates.

#### 4.12 Social and Economic Impacts

The creation of direct jobs requiring specialized construction-related work and the purchase of supplies and materials for construction will support jobs locally through the multiplier effect.

After construction, the project will have little direct or indirect effect on employment levels, since the maintenance requirements for a distribution line are not substantial. Household appliance retailers may benefit through potential increase in sales of items such as refrigerators, color televisions, and stereo systems. Such sales would also generate sales tax revenues to local and state governments.

As a secondary impact, installation of the proposed electrical distribution system may facilitate development of the residential dwellings within the three subdivisions that the project was intended to serve.

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SECTION 5  
RELATIONSHIP OF THE PROJECT TO LAND USE PLANS,  
POLICIES AND CONTROLS

5.1 State Land Use Designation

The project is located within the State Land Use Agricultural District, and according to the State Land Use Law (HRS Chapter 205), a distribution line is a permitted use in this district.

5.2 County General Plan Designations

The County of Hawaii's General Plan land use designations are embodied in the Land Use Pattern Allocation Guide (LUPAG) Map. The project site is designated on the LUPAG map as Orchards. The coastal portions are designated Open. The project is an allowed use within these County designations, as HELCO has franchise rights to use public rights-of-ways for power lines, although State and County agency regulations must be adhered to.

The Hawaii County General Plan (1989) contains goals, policies and objectives that guide decision makers on county matters. The following policy regarding electricity is discussed:

- Power distribution shall be placed underground when and where feasible. The County shall encourage developers of new urban areas to place utilities underground.

The SSPP program received PUC approval in 1991 (Rule 13) as a rural overhead electrical distribution system for qualified subdivisions developed prior to 1967. In evaluating alternatives to the proposed action an underground line was considered. Some discussion was conducted with affected members of the community regarding the undergrounding alternative to the proposed action. The principal advantages are the low level of visual impact and greater protection from hurricanes, lightning, and fires, than overhead lines.

The disadvantages include significantly higher construction and maintenance costs, and risk



to botanical resources along the cable alignment. The extensive excavation needed to construct an underground cable would likely lead to the cutting and destruction of root systems thereby resulting in the destruction of more trees than would the installation of the proposed overhead line. HELCO estimates the cost of installing the line underground would be approximately ten times the cost of the proposed overhead system. Also, locating and repairing faults in an underground system would be more costly and time-consuming than for an overhead line. The costs of an underground cable therefore, would be higher than those of an overhead line and would increase the cost of electricity to customers. Thus, the cost of undergrounding the cable in the project area is considered unfeasible.

### 5.3 County Zoning

Kehena Beach Estates subdivision is zoned Agriculture-1 acre (A-1a) by the County of Hawaii with the exception of TMK 1-2-30:1, which is located at the extreme northeast edge of Kehena Beach Estates and zoned Open. The remainder of the area is zoned A-3a. The project is an allowed use within these zoning designations because of HELCO's franchise rights to use public rights-of-ways for power lines.

### 5.4 Coastal Zone Management Law, 1975 (Figures 8a and 8b)

As part of the Hawaii Coastal Zone Management program the County of Hawaii Planning Department designates and administers the Special Management Area (SMA) along the coast of Hawaii. Approximately 9,100 linear feet of Phase 2 is located within the Special Management Area. The SMA Rules and Regulations require that any project proposed within the SMA boundaries must be consistent with the Objectives and Policies of Chapter 205A, HRS, relating to Coastal Zone Management, which are: 1) Maintenance of access to recreational resources; 2) Identification and maximization of information retention of historic resources; 3) Protection, preservation of scenic and open space resources; 4) Protection of coastal ecosystems; 5) Provision of public and private facilities

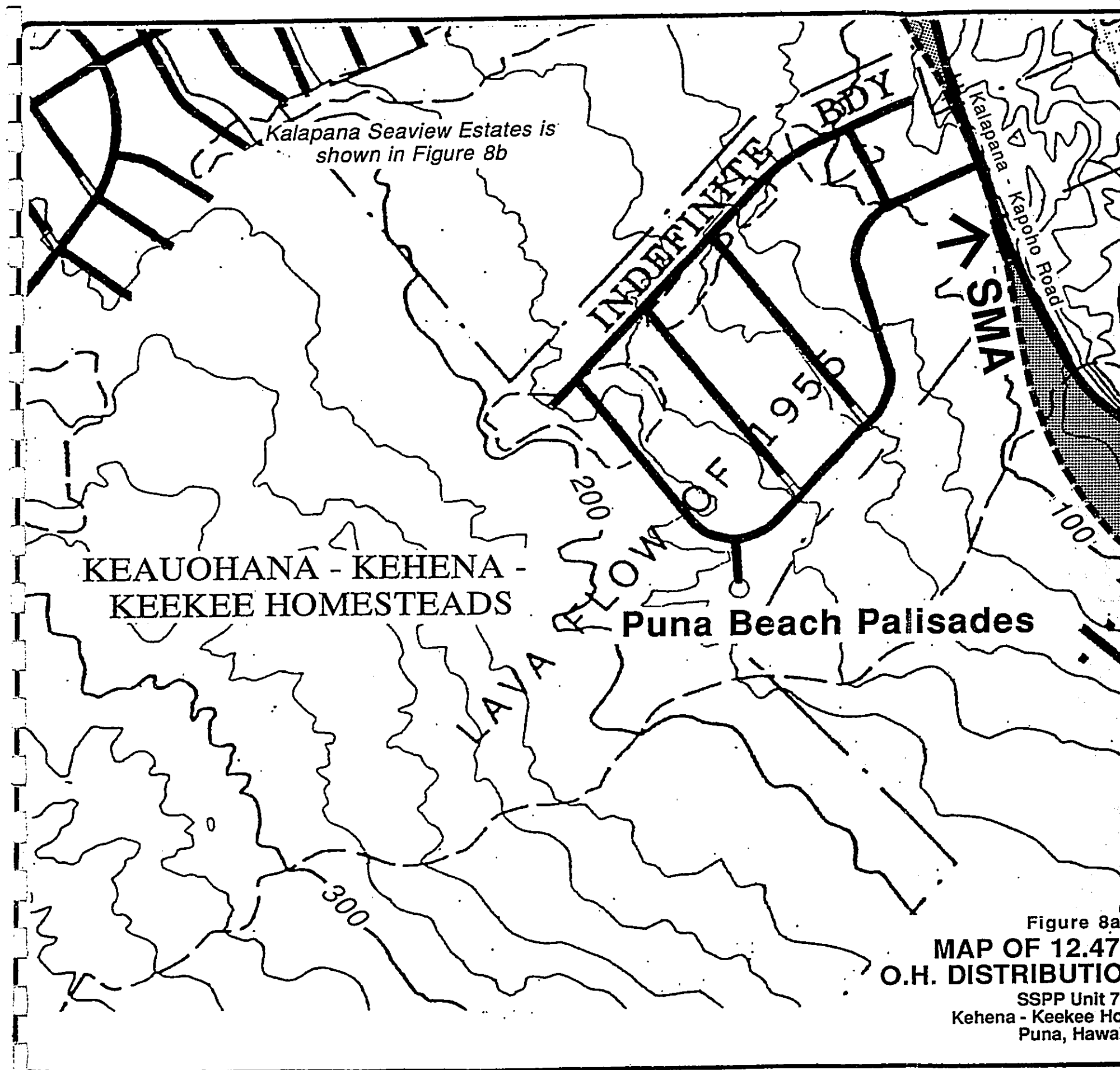


Figure 8a  
**MAP OF 12.47**  
**O.H. DISTRIBUTION**  
 SSPP Unit 7  
 Kehena - Keekee Ho  
 Puna, Hawai

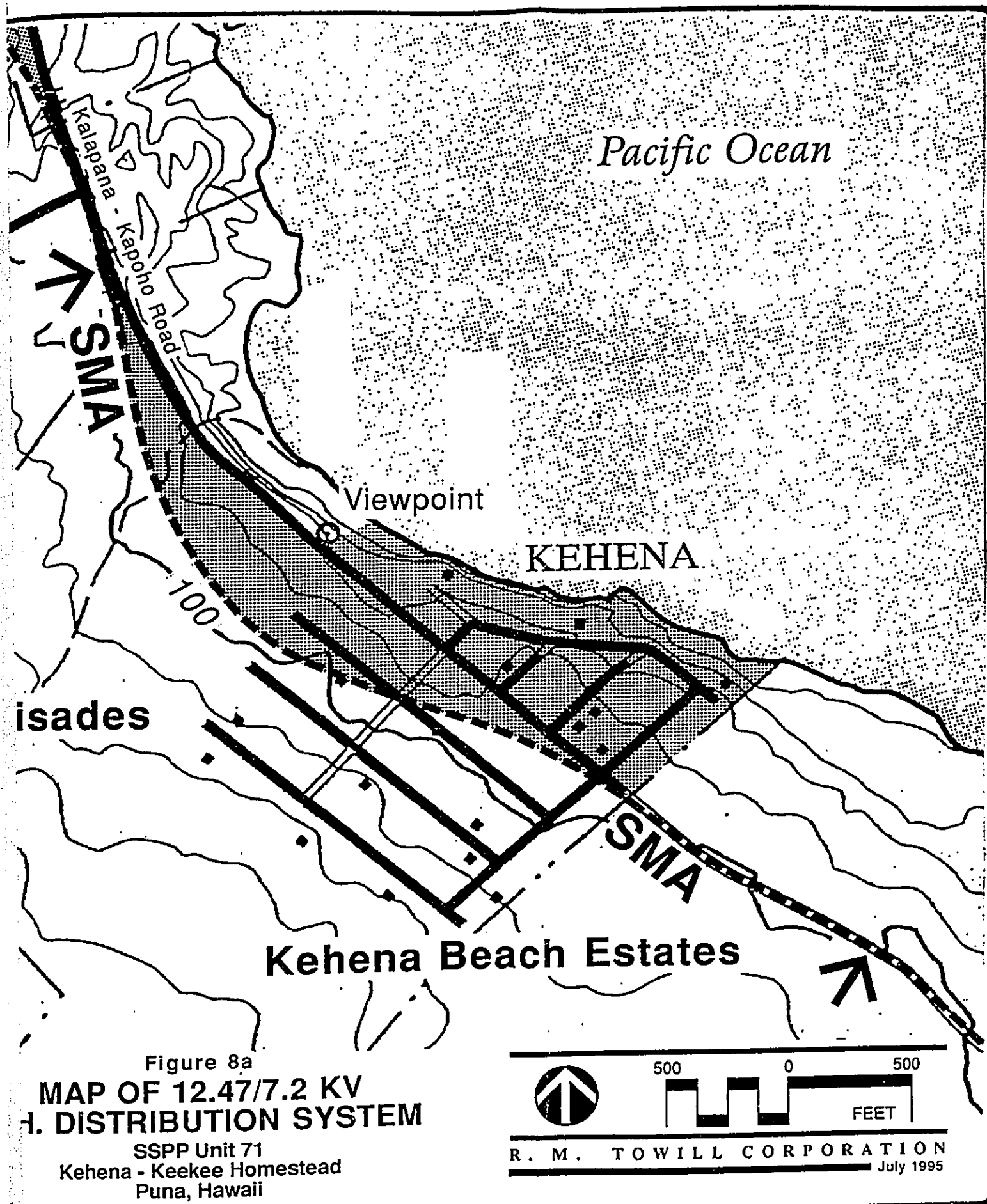

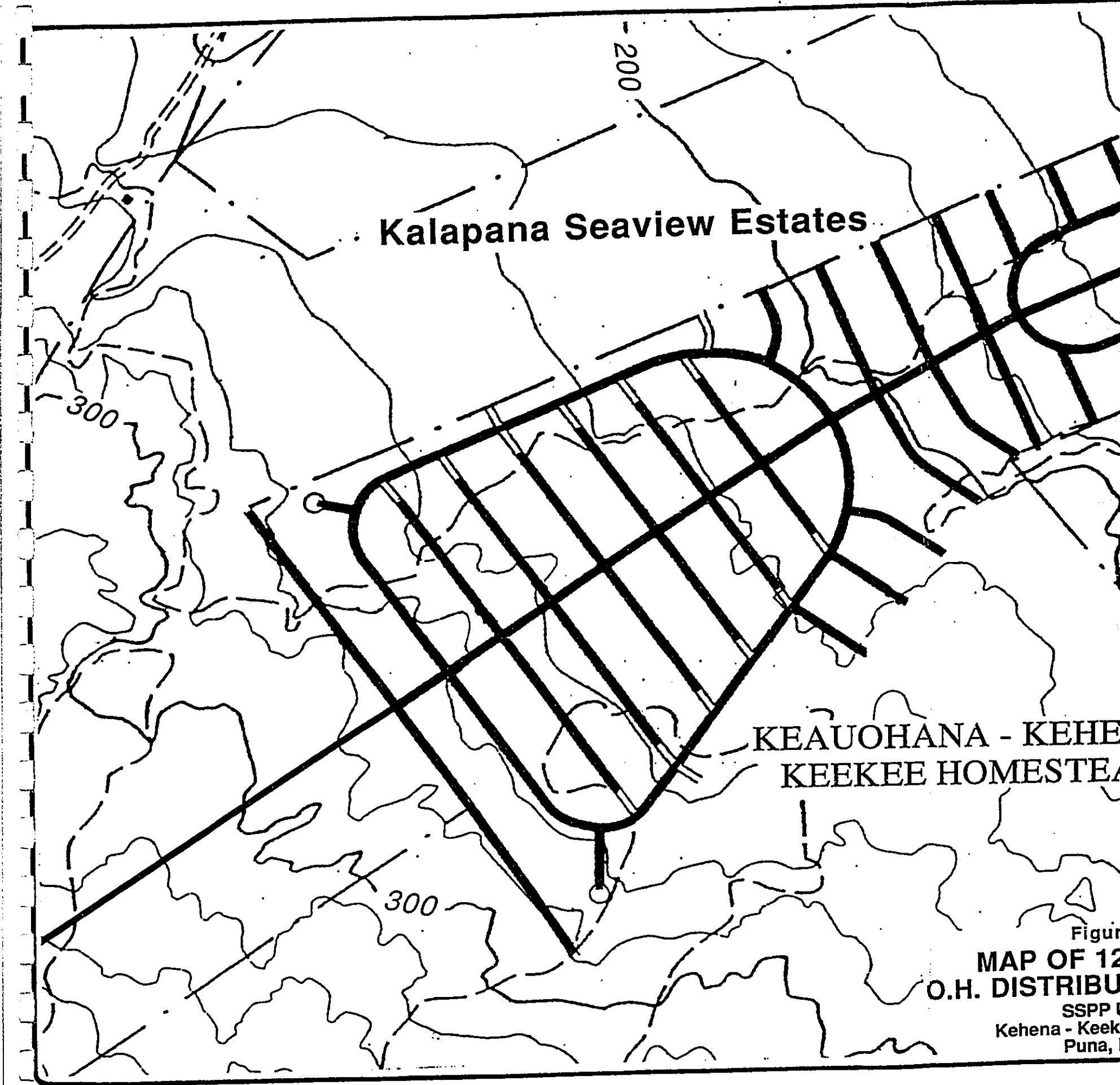


Figure 8a  
**MAP OF 12.47/7.2 KV  
 H. DISTRIBUTION SYSTEM**  
 SSPP Unit 71  
 Kehena - Keekee Homestead  
 Puna, Hawaii

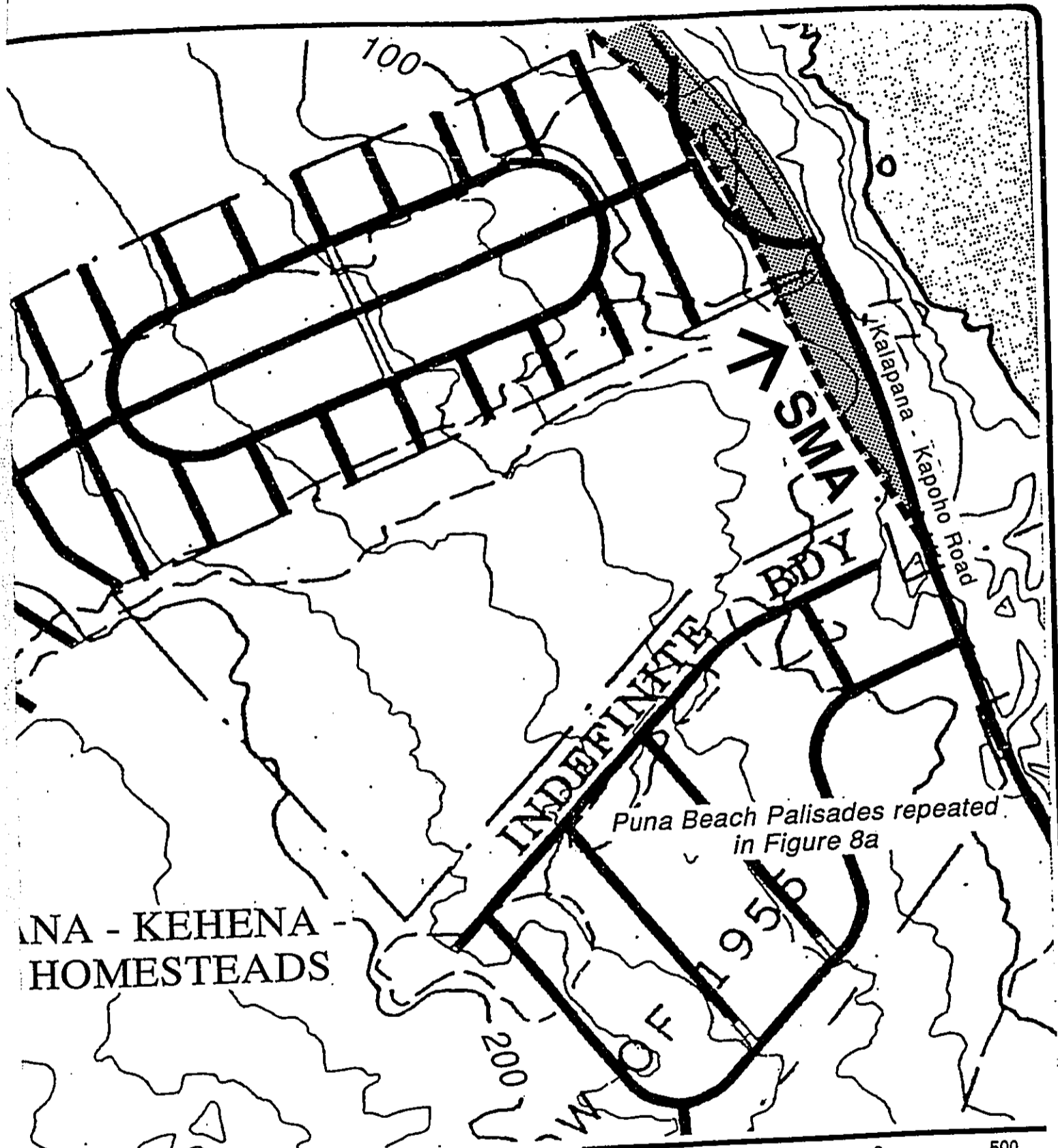

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 July 1995



Kalapana Seaview Estates

KEAUOHANA - KEHE  
KEEKĒE HOMESTEAD

Figure  
MAP OF 12  
O.H. DISTRIBUTION  
SSPP I  
Kehena - Keekēe  
Puna, I



PUNA - KEHENA -  
HOMESTEADS

*Puna Beach Palisades repeated  
in Figure 8a*

Figure 8b  
**MAP OF 12.47/7.2 KV  
 O.H. DISTRIBUTION SYSTEM**  
 SSPP Unit 71  
 Kehena - Keekee Homestead  
 Puna, Hawaii

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and improvements important to the State's economy in suitable locations; and 6) Compliance with requirements of the Federal Flood Insurance Program to reduce exposure to coastal hazards.

Rule 9.6 of the Planning Commission's Rules and Regulations contains the complete list of Objectives and Policies. The following discusses the project with respect to the SMA guidelines to be used by the County of Hawaii for projects proposed in the SMA:

- (a) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles.

The project will in no way impede access to beaches, recreation areas, or natural reserves. The project has been sited to avoid permanently affecting any rights-of-ways for pedestrians or vehicles. The HELCO overhead distribution system is being sited where GTE Hawaiian Tel has been in existence for approximately ten years.

- (b) Adequately and properly located public recreation areas and wildlife preserves are reserved.

The project is not a consumptive use of land. Uses that are compatible with distribution line safety and security, including recreation, will continue within the distribution line easement and rights-of-ways.

- (c) Provisions are made for solid and liquid waste treatment, disposition, and management that will minimize adverse effects upon Special Management Area resources.

The project will not generate solid or liquid waste other than any excess backfill from pole excavations in Phase 1 and telephone poles, which will either be reused in other forms or

trucked to a landfill.

Section 205A-2 of the Hawaii Revised Statutes sets out the objectives and policies of the Coastal Zone Management program and the Special Management Areas.

(1) Maintenance of access to recreational resources

The project will not interfere with the use of any existing recreational areas or with the development of future recreational areas. Kehena Beach is maintained by the County of Hawaii Parks and Recreation Department. The beach is a public recreational resource within the Phase 2 area. The shoreline that fronts the Phase 2 project area is used for fishing and ocean viewing as well. The project will not reduce the size of the beach or other areas useable for public recreational activities including fishing and ocean viewing.

(2) Protect, preserve, and where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area.

As discussed in Section 4, there will be no impacts to known cultural resource sites. There is a possibility of resource site discovery with digging, excavation activities in Phase 1. If such remains or evidence of archaeological resources are discovered during construction, appropriate measures will be taken.

(3) Identify valued scenic and open space resources; preserve, maintain shoreline open space and scenic resources.

Among the three residential subdivisions that are expected to receive HELCO service, Kehena Beach Estates will be the least affected by views of the overhead system because existing trees are taller than the HELCO poles which have already been installed. The majority of the 9,100 linear feet of the affected SMA area of the project is located at the

makai portion of Kehena Beach Estates. Kalapana Seaview Estates, located at the northern end of the project site can be considered to be the most affected by the introduction of the overhead system due to the fact that there is minimal vegetation to soften the visual impacts of a series of poles and lines. Ocean views from within Kalapana Seaview, however, are limited because of the rolling topography from the subdivision to the shore. Actual scenic ocean viewing exists only from the makai side of Highway 137. The long term impact within the subdivision would be minimized by eventual growth of trees and foliage in Kalapana Seaview Estates.

The replacement of the existing GTE Hawaiian Tel polelines with the HELCO overhead system will help reduce the number of poles and lines within the rights-of-ways. Although the HELCO poles are approximately 15 feet taller than the telephone poles, mature trees will eventually dwarf the electrical poles as they are already doing in Kehena Beach Estates.

#### (4) Protect coastal ecosystems

As documented in Section 3 of this environmental assessment, biological surveys (flora and fauna) of the project area revealed few areas of natural plant or animal communities within or adjacent to Phases 1 and 2. Between poles 27 and 31 the existing telephone line easement passes through a portion of an extensive kipuka containing a stand of lowland hala/'ohi'a forest. The kipuka is already affected by the existing telephone line. Tree removal in the kipuka will be kept to a minimum.

With regard to the federally threatened Newell's Shearwater or 'A'o seabird, a four-day radar survey conducted in July 1995 (known nesting season) revealed a siting rate of 0 to 1.6, which is too low to indicate that the project would result in an adverse impact on this species.



Other offshore ecosystems that offer recreational activities such as fishing, will not be impeded by the project.

- (5) Provide public or private facilities and improvements important to the State's economy in suitable locations.

As documented in Section 1 of this environmental assessment, the project is essential for electrical power distribution to serve local requirements.

- (6) Reduce hazard to life and property from coastal hazards.

The project is not located in any area subject to tsunami, storm waves, or erosion.

#### 5.5 Puna Community Development Plan (1992)

The purpose of the Puna Community Development Plan is to "show how the (County) General Plan will be implemented in Puna," (Introduction, 1992). In the effort to implement the County General Plan goal to "establish the Big Island as a demonstration community for the development and use of natural energy resources," the Puna Community Development Plan Technical Reference Document expresses the need to continue to strive toward efficient use of available energy resources.

In accordance with PUC approved Rule 13, HELCO is attempting to respond to 181 potential participants through the SSPP Unit 71 program. The Puna Community Development Plan recognizes alternative energy systems as part of the array of consumer choices. For as long as Puna is to remain part of HELCO's SSPP service area, those who desire traditionally supplied electricity would need to be serviced. Simultaneously, steps are being taken to develop an Integrated Resource Planning (IRP) process, which for communities, should mean increased opportunity for participation in the

utility planning process. For utilities, IRP will provide a mechanism for recovering costs associated with the promotion of more efficient energy use or the utilization of resources that have lower social costs.

SECTION 6

**IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES**

Construction of the proposed project will require an irreversible commitment of capital, labor, construction materials and fossil fuels. The facilities, once installed, will remain there for the life of the project and will require periodic maintenance. Some of the construction materials could be recycled if the facilities were dismantled, such as the copper and aluminum used for conductors, the steel used for guy wires and anchors and the wood poles used for supports.

SECTION 7  
ALTERNATIVES TO THE PROPOSED ACTION

The alternatives considered for this evaluation include the "no project" option, underground location of the proposed distribution system, alternative routes, and alternative energy sources.

7.1 No Action

The no action alternative would result if the distribution line was not built. The existing GTE Hawaiian Tel line would remain intact with no foreseeable construction occurring within the easement. For those potential customers who have been anticipating HELCO service, the no action alternative would be an adverse alternative.

In this "no action" alternative, residential properties in the three Kalapana subdivisions would be foregoing electricity from HELCO as a power source thereby necessitating residents to seek alternative forms of energy other than that which utilizes primary sources from HELCO. The SSPP program was created to address the needs of residents in qualifying rural subdivisions who wanted to receive electrical service but could not afford to pay the entire cost of a line extension to their property. This program allows the community to share in the cost of overhead line extensions which front their properties, making these extensions affordable and fair to all lot owners. Should existing lines located at a greater distance from the residential lots need to be tapped for service due to the no action option, the cost of acquiring electric service may be higher than anticipated.

7.2 Underground Cable

In evaluating alternatives to the proposed action an underground line was considered. The

underground cable technology has both advantages and disadvantages. The principal advantages are the low level of visual impact and greater protection from hurricanes, lightning, and fires, than overhead lines.

The disadvantages include significantly higher construction and maintenance costs, than required for a conventional overhead line, and risk to botanical resources along the cable alignment. HELCO estimates the cost of installing the line underground would be approximately ten times the cost of the proposed overhead system. Also, locating and repairing faults in an underground system would be more costly and time-consuming than for an overhead line. The costs of an underground cable therefore, would be higher than those of an overhead line and would increase the cost of electricity to customers.

The extensive excavation needed to construct an underground cable would also pose a greater risk to biological and cultural resources along the cable alignment than the proposed overhead line. Some residents are concerned about the removal of existing trees on the makai portion of the distribution system, but the amount of underground construction and clearing work necessary to install the underground duct bank would likely lead to the cutting and destruction of root systems, resulting in the destruction of more trees than would the installation of the proposed overhead line. Some discussion was conducted with affected members of the community regarding alternatives to the proposed project, including undergrounding the line.

In conclusion, after reviewing distribution line alternatives, HELCO determined that the conventional overhead line technology is the most reasonable and cost-effective technology for the proposed 12.47/7/2 kV distribution line. It should be noted that SSPP was approved as an overhead distribution system.

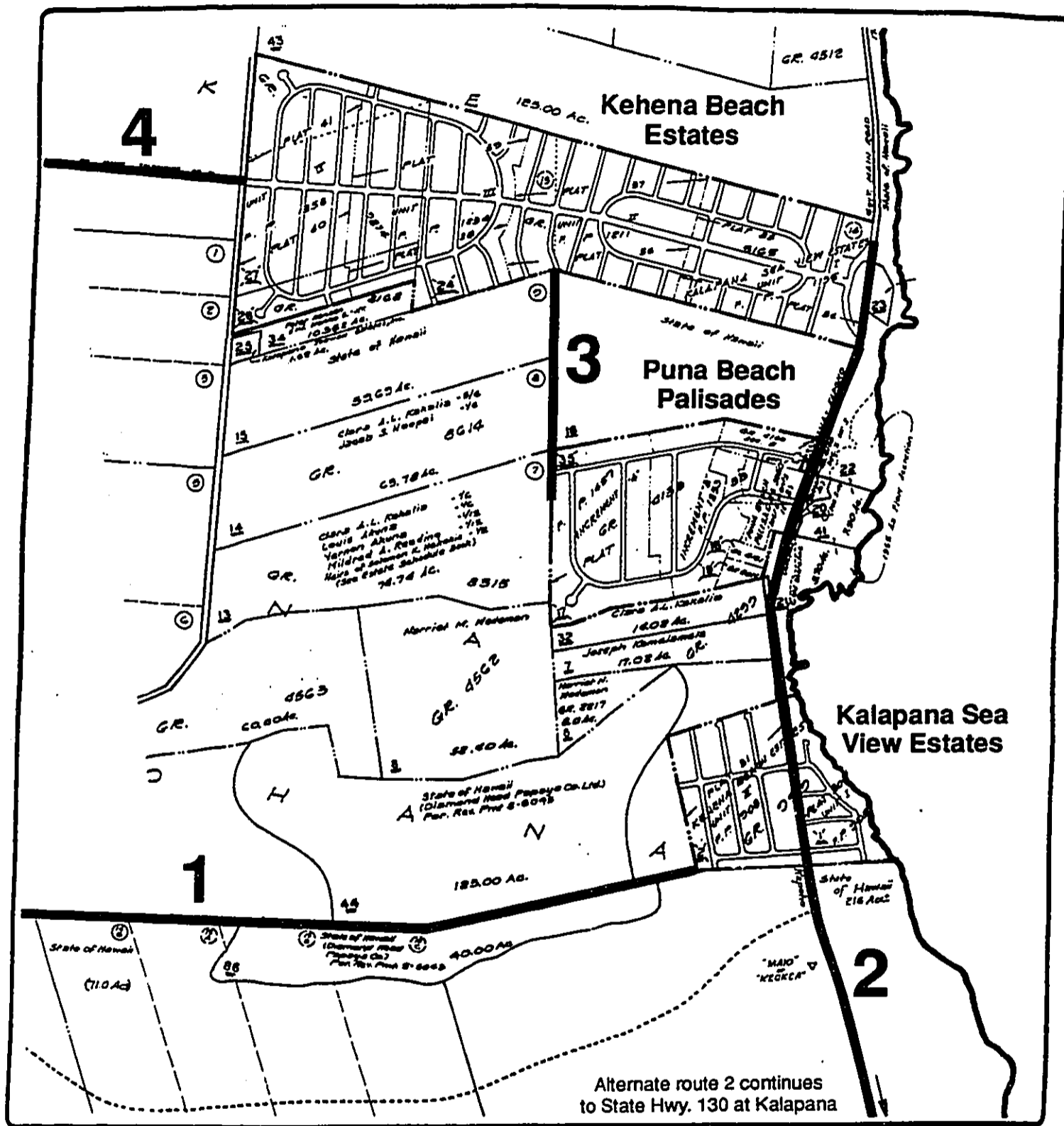
### 7.3 Alternative Routes

Besides the current route, three different geographic routes were considered by HELCO. The alternative routes are shown in Figures 9a and 9b.

Alternative Number 1 proposed use of State-owned land for access shown as "50-foot Road Reserve" on Tax Map Key 1-2-09, located south of the existing GTE Hawaiian Tel easement (labeled Alternative Number 4 in Figure 9a). The road reserve is only a paper road, and access and an easement from the State of Hawaii would have been required. If this route were selected, HELCO would only be servicing Kehena Beach Estates thereby limiting the number of potential participants. The proposed installation of poles and lines through property that had no previous construction activity would have necessitated baseline studies and the possibility of preparation of a State Conservation District Use Permit application. Given the amount of resources necessary to plan and install the overhead distribution line for a small number of participants, HELCO concluded that this alternative would not be feasible.

Alternative Number 2 proposed a southern (coastal) approach from Kalapana along Highway 137 to the project site (shown in Figures 9a and 9b). This route would have involved an extension of about 2.5 miles from the Highway 130-Highway 137 intersection, at a cost of \$80,000 per mile for installation. The potentially high upfront planning and engineering costs of routing the alignment along a portion of Highway 137 that fronts so few properties that may or may not potentially utilize HELCO service proved this to be an unfeasible alternative.

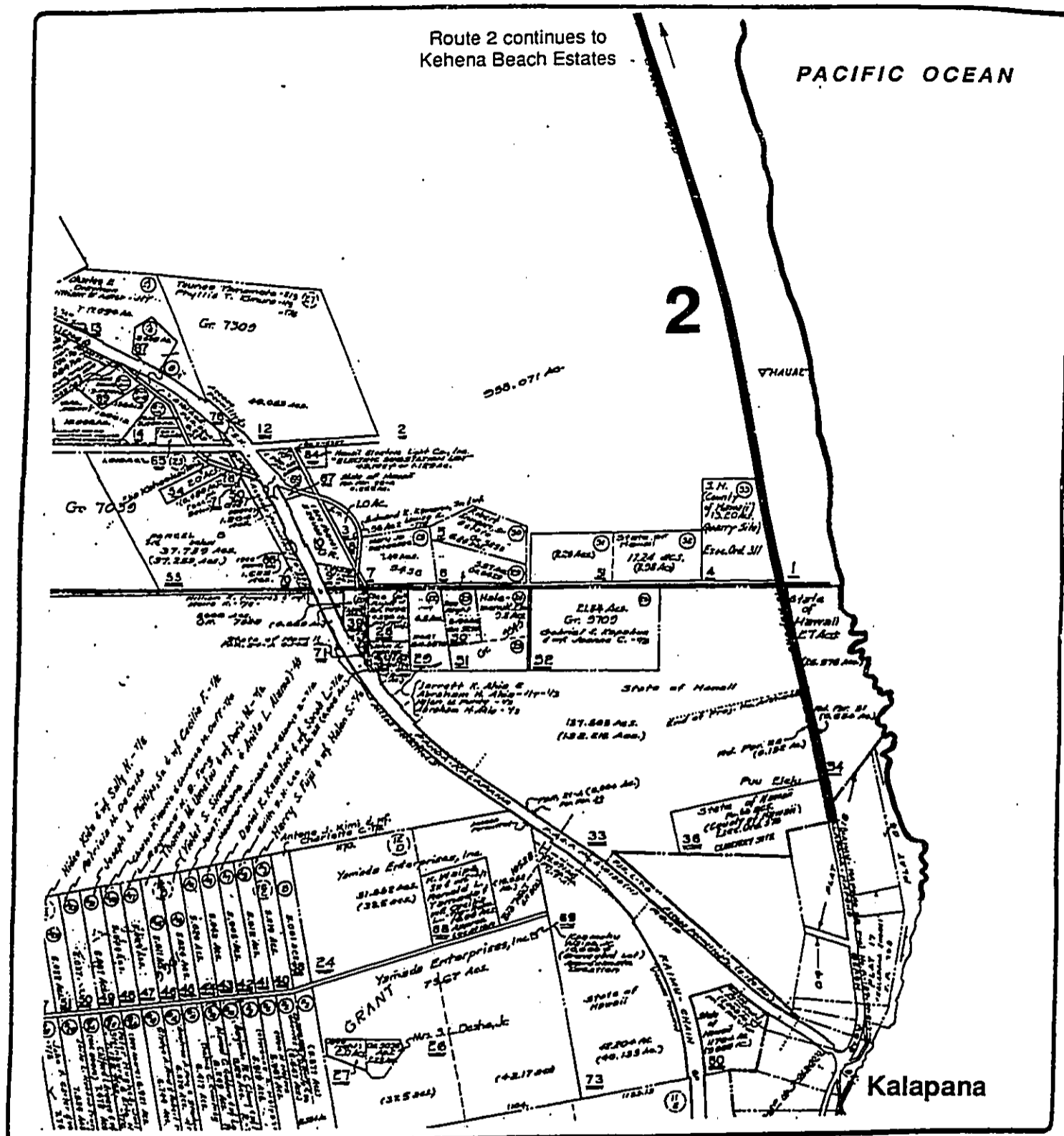
Alternative Number 3 proposed an alignment that would provide limited services to Kalapana Seaview and Puna Beach Palisades. This route offered no clear access, and would have required HELCO to cross through State-owned land as well as a privately



**Figure 9a**  
**ALTERNATE ROUTES**  
 SSPP Unit 71 - Rauenhorst  
 Kehena - Keekee Homestead  
 Puna, Hawaii

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**Figure 9b**  
**ALTERNATE ROUTES**  
**SSPP Unit 71 - Rauenhorst**  
**Kehena - Keekee Homestead**  
**Puna, Hawaii**



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 August 1995



owned lot (Tax Map Key no. 1-2-09: 13). Accesses and easements would have been required for use of State and private properties. Initial discussions with the private owner of the affected property indicated that pole placement in that lot would not be acceptable. Therefore, this alternative would not be a viable one as well.

As a result of this consideration and analyses of alternative alignments, the alignment through the existing GTE Hawaiian Tel communication line easement on State-owned property (Alternative Number 4) and in County rights-of-ways through Kalapana Seaview Estates and along Highway 137 offers the most feasible alternative. Further, the alignment would result in minimal adverse impacts on the existing environment.

#### 7.4 Solar Energy, Biomass, and Wind Power

##### 7.4.1 Solar Energy

Two means of converting solar radiation into energy are solar thermal power and photovoltaics (PV). Solar thermal power is heat energy obtained by exposing a collecting device to the rays of the sun. A solar thermal system makes use of the warmth absorbed by the collector to heat water or another working fluid, or to make steam. PV is a renewable energy technology that converts sunlight directly into electricity. Sunlight shining on specially treated cells or film produces direct-current electricity.

To encourage the installation of these systems the State of Hawaii offers a 35 percent tax credit or \$1,750, whichever is less for the purchase and installation of PV and other solar equipment. Also, PV and solar water heaters installed when a home is built may be financed by the home mortgage. However, even with these incentives, only a little less than one fourth of all single family homes in Hawaii have solar water heaters (Solar Water Heater Attitude Survey, 3237, December 1994). This may be due to the high initial cost of solar

water heating systems.

Advances in photovoltaic (solar electric) technology have reduced costs from \$1.50 per kilowatt hour in 1980 to \$0.20-\$0.30 per kilowatt hour in 1990 and costs are expected to continue to decline.

Optimizing the cost of living with a residential-size photovoltaic (PV) system requires implementing energy efficiency and conservation measures whenever possible, in addition to using non-electric or high efficiency electric appliances as a substitute for high consumption electric appliances (such as the water heater, stove/oven, clothes dryer and refrigerator). These measures help to reduce the upfront capital costs of the PV system. Weather patterns in a given area not only influence the design of the system, but may also influence how the system is used with respect to energy conservation practices. This differs from living with electricity supplied by the utility grid, which can power a house with all electric appliances and which requires little special attention to how or where the electricity is used or what the weather conditions are.

PV system cost and electricity output are directly related to a number of variables including quality and type of components used; energy usage patterns and consumption levels of residents; type and number of appliances; design considerations with regard to how long the generator needs to be run, and the weather patterns in a given area, among other considerations.

A PV system with a 1000 watt array might power most of the needs of the average, full-scale household that implements energy efficiency and uses non-electric or high efficiency electric appliances. The upfront capital cost to have a system of this size installed could range from \$15,000 to \$30,000.

Over the 20 year life of a PV system additional costs would be involved, including necessary replacement of the batteries, fuel for the generator, and maintenance and replacement requirements for the generator.

All solar systems must be reviewed and approved by the County Public Works Department prior to installation.

Commercial-scale power plants using alternative energy resources (i.e., PVs, solar thermal concentrators, wind, etc.) are not being considered in this environmental assessment since line extensions into the residential areas from the power plant would still be required.

#### 7.4.2 Biomass

Biomass consists of growing plants or the remains of growing things (i.e. trees, grasses, manure, paper etc.). Biomass can be treated with chemicals, converted by microorganisms, or put under high pressures and temperatures to produce liquids, gases and solids which offer the possibility of replacing petroleum-based fuels. Small-scale biogas digesters can be used to supply some of the energy needs of Puna residences. Currently however, these systems are not commonly utilized.

While biomass crops have the potential to replace oil for the large-scale production of electricity in Puna, further research is needed to reduce the costs of production of biomass-based fuels. "There are a number of alternative biomass crops, from eucalyptus trees to napier grass, that are being tested by the Hawaiian Sugar Planters' Association (HSPA). Each behaves differently in different locations; has different burning qualities according to type and moisture content; requires large acreage to be profitable; and presents a number



shoreline may be considered objectionable. Overall, the long term impact is that the resident will have a broader choice of options, assuming HELCO will be allowed to install its system.

**SECTION 8**  
**DETERMINATION**

The impacts resulting from the proposed project are expected to be short-term and construction related. County and State rules and regulations will be adhered to in order to mitigate any potentially adverse impacts from heavy construction equipment, trucks and helicopters during construction and installation of the distribution line.

Because the project is not expected to result in adverse short- or long-term environmental impacts, an Environmental Impact Statement is not needed.

**8.1 Permits**

HELCO is in the process of preparing a Special Management Area Permit and Chapter 343, HRS environmental document. For work in State of Hawaii highways, a permit is required from the State Department of Transportation. HELCO has acquired one for its anticipated work.

SECTION 9  
**PARTIES AND AGENCIES CONSULTED**

**9.1 Parties and Agencies Consulted**

The following parties were consulted during the preparation of the Draft Environmental Assessment. Requests for comments were sent to:

County of Hawaii

Planning Department  
Department of Public Works  
Department of Water Supply  
Mayor's Office  
County Council

State:

Department of Agriculture  
Department of Health  
Department of Hawaiian Homelands  
Office of Hawaiian Affairs  
Office of State Planning

Department of Land and Natural Resources

Division of Forestry and Wildlife  
State Historic Preservation Division  
Division of Water and Land Development  
Office of Conservation and Environmental Affairs  
Agricultural Resources Specialist  
Na Ala Hele  
Division of Land Management

**9.2 Comments on Draft Environmental Assessment for State-Owned Portion**

The Draft Environmental Assessment (DEA) was published in the OEQC Bulletin of December 23, 1994 for a 30-day public review/comment period, in accordance with Chapter

200 of Title 11. Fifty-five letters were received from fifty-three individuals, as a result of the publication of the DEA, to whom fifty-two were responded. One letter, while printed in this publication for public information purposes, was not signed nor did it contain a return address. Thus, no response letter was prepared for the sender of this letter.

Overall, the comments received reflected these individuals' concerns that the overhead electrical lines in the coastal area would adversely impact existing resources, including views, natural beauty, and reported flight paths of seabirds. While the focus of the subject EA is on a portion of the proposed project that would involve State-owned land only, comments were taken under advisement, and appropriate sections of the EA particularly where the project area or vicinity was described, were amended.

As of April 1995, 2 additional letters were received. These and their response letters are also included in this section.

The comment letters, along with response letters from the State Department of Land and Natural Resources, and response letters from R. M. Towill Corporation, follow.

### 9.3 Comments Received on Expanded Draft EA Comment Period, June 8 to July 7, 1995

Comment Letters Received during period June 8th to July 7th, 1995

<u>Agencies:</u>	<u>Comments Received</u>	<u>Response Sent</u>
U.S. Fish and Wildlife Service	July 12, 1995	✓
Office of State Planning	June 20, 1995	No reply needed
Office of Hawaiian Affairs	June 19, 1995	No reply needed
State Dept. of Transportation	July 6, 1995	✓
State Dept. of Land & Natural Resources	July 7, 1995	✓



<u>Agencies:</u>	<u>Comments Received</u>	<u>Response Sent</u>
County of Hawaii Planning Dept.	July 7, 1995	✓
County of Hawaii Dept. of Water Supply	June 13, 1995	No reply needed
County of Hawaii Public Works	July 6, 1995	✓
<u>Others:</u>		
H. T. Harvey & Associates	June 23, 1995	✓
Friends of the Red Road (37 signatures)	July 8, 1995 (postmarked date)	✓
Friends of the Red Road (27 sigs)	July 7, 1995	✓
Residents of Puna and Hawaii (42 signatures)	July 2, 1995	✓
Sande Greene	July 5, 1995	✓
Robert Beaudry	July 6, 1995	✓
Jeffrey Redman	July 5, 1995	✓
Daniel Shapiro	July 5, 1995	✓
James P. Tierney	July 7, 1995	✓
Thea Jenssen	July 5, 1995	✓
Lisa Castro	July 7, 1995	✓
Clive Cheetham	July 5, 1995	✓
Amelia Myers	June 27, 1995	✓
Michael Hyson	no date	✓
Bettie L. Van Overbeke	June 28, 1995	✓
Hank Roberts	June 28, 1995 (postmarked date)	✓
David C. Wright	July 7, 1995	✓
Isaac Davis Hall	July 7 & 18, 1995	✓
Athena Peanut, President		✓
Friends of the Red Road	July 7, 1995	✓
Fax from Island Residents (28 sigs) (attn: Chris Gould)	July 8, 1995	✓
Kehena Beach Homeowners Assn	July 17, 1995	Letter enclosed

SECTION 10  
REFERENCES

- 1) Puna Geothermal Area Biotic Assessment, Puna District, Final Report April 1985, Department of Botany, University of Hawaii at Manoa.
- 2) Pohoiki Geothermal Transmission Line Environmental Impact Statement, August 1989, DHM, Inc.
- 3) State of Hawaii Grant of Easement Non-exclusive easement to GTE Hawaiian Tel, June 5, 1985, Board of Land and Natural Resources.
- 4) Puna Community Development Plan Technical Reference Report, January 1992, Community Management Associates, Inc.
- 5) U.S. Geological Service Hazard Zone Map, Island of Hawaii, Map MF-2193, 1992.
- 6) Kalani Honua Direct Sale of Utility Easement Environmental Assessment, March 1993.
- 7) "Botanical Resources Survey", Rex Palmer & David Paul, April 1995.
- 8) "Faunal Survey of HELCO SSPP Unit-71 - Rauenhurst, Kehena-Keekee Homestead, Puna, Hawaii," Rana Productions, Ltd., April 1995.
- 9) "Radar and Visual Survey of Seabirds in the HELCO SSPP Unit 71, Puna, Hawaii, During July 1995," Brian A. Cooper and Reginald David, ABR, Inc., Rana Productions, Ltd., July 1995.
- 10) "Archaeological Resource Assessment," Cultural Surveys Hawaii, April 1995.

**COMMENT LETTERS ON**  
**DECEMBER 23, 1994**  
**DRAFT ENVIRONMENTAL ASSESSMENT,**  
**AND RESPONSES**

R M Towill

100  
JAN 21 1995  
05

HWR 21 895

Ref: LM-EL

Mr. Gary Gill, Director  
Office of Environmental Quality Control  
220 South King Street, 4th Floor  
Honolulu, Hawaii 96813

Dear Ms. Gill:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-09; 3

This is in regards to the March 21, 1995 phone conversation between Nancy Heinrich of your office and our Land Management Division staff regarding the status of the above-captioned subject matter. The notice for the subject Draft Environmental Assessment was published in the December 23, 1994 OEQC bulletin and has generated many inquiries that HELCO's consultant, R.M. Towill Corporation, is still researching in order to thoroughly and properly address them as they prepare the Final Environmental Assessment.

Your request for a more thorough discussion of the presence of threatened and endangered species in the area and your inquiry as to whether or not the change in the number or type of utility lines will have adverse impacts on any endangered species, were forwarded to R.M. Towill and they have assured us that they intend to include a thorough response to your concerns as they prepare the Final Environmental Assessment.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 567-0414.

Very truly yours,  
*W. Mason Young*

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
✓ R.M. Towill Corporation



RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
JAN 14 9 48 AM '95

STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

778 SOUTH KING STREET  
FOURTH FLOOR  
HONOLULU, HAWAII 96813  
TELEPHONE: (808) 541-4141  
FACSIMILE: (808) 541-4047

January 20, 1995

The Honorable Michael D. Wilson, Chairperson  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Attention: Eric Leong

Dear Mr. Wilson: *Eric Leong*

Subject: Request for Direct Grant of An Easement for Electrical Utility Purposes SSPP Unit 71 Rauenhurst

We have reviewed the subject document and request that the final Environmental Assessment present a more thorough discussion of the presence of threatened and endangered species. Also discuss whether a change in the number or type of utility lines would have adverse impacts on any endangered species.

If there are any questions, please contact Betty Wood at 546-4815.

Sincerely,

*Gary Gill*

GARY GILL  
Director

GG:bjw

c: HELCO

RECEIVED  
95 JAN 24 12 42  
DEPT OF LAND  
& NATURAL RESOURCES  
STATE OF HAWAII

**R. M. TOWILL CORPORATION**

410 Waikeahu Rd #411 Honolulu HI 96817-4041 (808) 838-1133 Fax (808) 838-1037

April 19, 1995

Honorable Gary Gill  
Director  
State Office of Environmental Quality Control  
220 South King Street, Fourth Floor  
Honolulu, Hawaii 96813

Dear Mr. Gill:

Subject: Draft Environmental Assessment for Electrical Utility Easement  
Request SSPP Unit-71 Rauenhorst, Puna, Hawaii  
TMK No. 1-2-09-03 (portion)

We are in receipt of your letter dated January 20, 1995 regarding the subject project.

In response to your request, the Final Environmental Assessment will include an expanded discussion of threatened and endangered species, the potential impacts on existing species and appropriate mitigation measures for the project.

Sincerely,



Colette Sakoda  
Project Manager

cc: HELCO

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services



LAND MANAGEMENT DIV.  
PATSY T. MINK  
SECOND DISTRICT, HAWAII

ID:808-587-0455

MAR 21 '95

5:03 PM 001 P.02

RECEIVED  
DIVISION OF  
LAND MANAGEMENT

Office of the United States  
Representatives

MAR 14 1995  
Washington, DC 20515-1102

February 1, 1995

COMMITTEE ON EDUCATION  
AND LABOR  
COMMITTEE ON ENVIRONMENTAL  
AND PUBLIC RESOURCES  
COMMITTEE ON GOVERNMENT OPERATIONS

RECEIVED  
13 PM 3:55

The Honorable Michael Wilson  
Chair  
Dept. of Land and Natural Res.  
State of Hawaii  
P.O. Box 621  
Honolulu, HI 96809

Dear Chair Wilson:

Please advise your decision on the matter of HELCO's pole and line construction in Seaview, Kehena and Puna Fallsides on the Big Island.

I believe that the law requires an Environmental Impact Statement prior to approval of this construction.

Please send me your response to the enclosed letter from Dr. Michael T. Hyson dated January 11, 1995 on this subject.

I enclose other letters I have received on this matter.

If HELCO's project is because landowners have requested it, please explain the statement in one of the letters that only 2 out of 1,287 live in this area.

Further with respect to Kehena, only 3 out of 60 houses signed up for this service.

This is a volcanic active area and subject to inundation by lava. Isn't this risk sufficient to require a thorough analysis of need?

Given Kaula Electric (Citizen's Utilities) Company's request that all the people of Hawaii pay for their iniki losses in increased utility rates, it is important that this hazard review be conducted as it will have future implications for the entire state.

Please explain why this construction was allowed to begin without an EIS given the obvious environmental and economic consequences.

Very truly yours,

*Patsy T. Mink*

PATSY T. MINK  
Member of Congress

\* 700 envelopes received.

MAIL ROOM 618-6444

R M Towill

MAR 31 1995

Ref: LM-EL

Congresswoman Patsy T. Mink  
U.S. House of Representatives  
2135 Rayburn House Office Building  
Washington, D.C. 20515-1102

Dear Congresswoman Mink:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

This is in regards to the March 21, 1995 phone conversation between your office and our Land Management Division staff regarding the status of the above-captioned subject matter. The notice for the subject Draft Environmental Assessment was published in the December 23, 1994 bulletin of the Office of Environmental Quality Control and has since generated many inquiries from the general public. HELCO's consultant, R.M. Towill Corporation, is still researching the concerns in order to thoroughly and properly address them as they prepare the Final Environmental Assessment.

Per your request, enclosed is our January 24, 1995 response to Dr. Michael T. Hyson's January 11, 1995 letter along with the February 11, 1995 response from R.M. Towill. R.M. Towill has informed us that HELCO's records as of February 7, 1995 indicate that there are 184 houselots awaiting electrical service from this proposed transmission line.

R.M. Towill is still looking into your inquiry regarding any possible volcanic activity in the area that may cause a rate hike due to potential damages. They intend to include a thorough response to this concern as they prepare the Final Environmental Assessment.

As far as why construction was allowed to begin before completion of the environmental review process, it should be noted that Ralph Ratific of HELCO has assured us that no construction has occurred in any of the State-owned land areas which this Environmental Assessment is covering. The only construction that has occurred has been in the privately-owned residential subdivision areas which fall under the jurisdiction of the County of Hawaii.

374

Congresswoman Patsy T. Mink  
Page 2

MAR 31 1995

For your information, the County of Hawaii Board of Appeals has tentatively scheduled a meeting for May 1995 to hear the petition filed by the Friends of the Red Road to overturn the decision of the County of Hawaii Planning Department and Department of Public Works to exempt HELCO from the Special Management Area (SMA) process.

Should your staff have any further questions with regards to this matter, they may contact Eric Leong of our Land Management Division office at (808) 587-0414.

Aloha,



MICHAEL D. WILSON

Enclosure

cc: Hawaii District Land Office  
Hawaii Land Board Member  
✓ R.M. Towill Corporation

JUN 24 1995

Ref: LM-EL

Dr. Michael T. Hyson, Ph.D.  
Research Director  
Sirius Institute  
P.O. Box 2108  
Pahoa, Hawaii 96778

Dear Dr. Hyson:

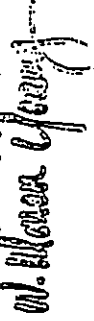
Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: Jrd/1-2-09; 3

Your letter dated January 11, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,



M. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

17  
M

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

**R. M. TOWILL CORPORATION**

420 Waikeamilo Rd #411 Honolulu, HI 96817-4041 (808) 842-1133 Fax: (808) 842-1037

April 28, 1995

Honorable Patsy T. Mink  
Congress of the United States  
U. S. House of Representatives  
Washington, D. C. 20515-1102

Dear Congresswoman Mink:

Subject: Draft Environmental Assessment for Electrical Utility Easement  
Request SSPP Unit-71 Rauenuhoi, Puna, Hawaii  
TMK No.: 1-2-09-03 (portion): 1-2-30 to 41

We are in receipt of your letter dated February 1, 1995 regarding the subject project. The following has been prepared in response to your questions and concerns.

1. Helco has prepared a Chapter 343, HRS Draft Environmental Assessment specifically addressing the portion of the project that is owned by the State in compliance with the State requirement that such a document be prepared to supplement Helco's request for a utility easement on State-owned land. Thus, it is our understanding that Chapter 343, HRS is being complied with and construction on State land would proceed only after the Board of Land and Natural Resources approves the granting of the easement.
2. Per your request, a copy of the response letter to Dr. Michael T. Hyson is enclosed.
3. HELCO has made a decision to fulfill its franchise obligation by responding to 181 lot owners' requests for electrical service. The numbers contained in your letter (i.e., only 2 out of 1,287 and 3 out of 60 (in Keheua)) may reflect lots that are currently occupied. According to HELCO's records, the following is the distribution of participants (those requesting HELCO service) in the 3 subdivisions:

Subdivision	Existing Homes	No. of HELCO Participants
Keheua	50	14
Puna Palisades	26	5
Kalapana Seaview	70	8

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Hon. Patsy T. Mink  
April 28, 1995  
Page 2

4. While the project area has been designated by the U.S. Geological Survey as Lava-flow Hazard Zones 1 and 2, there are 181 (potential) customers who also own land in the same area and they have requested electrical service. The purpose of the Environmental Assessment is to disclose the environmental and economic conditions, potential impacts and mitigation. Helco is fulfilling a PUC requirement in responding to those customers who request its service.
5. Your comment regarding the commencement of installation of poles in the residential subdivision areas has been referred to the County of Hawaii since the area in which construction has begun does not affect land owned by the State.

Sincerely,

Collette Sakoda  
Project Manager

attach.  
cc: HELCO



R. M. TOWILL CORPORATION

430 Waikele Rd #411 Honolulu, HI 96817-4041 808-948-1155 Fax 808-948-1037

February 11, 1995

Dr. Michael T. Hyson, Ph.D.  
Research Director  
Sirius Institute  
P.O. Box 2108  
Paioa, HI 96778

Dear Dr. Hyson:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorst,  
Puna, Hawaii TMK No.: 1-2-09-03 (portion)

We have received your comment letter of January 11, 1995. The following has been prepared in response to your comments.

1. Your question regarding the exemption under which the County considers this subject project exempt has been referred to the County of Hawaii. Helco is in the process of meeting a State of Hawaii requirement to prepare an environmental assessment specifically for its request to the State Department of Land and Natural Resources for a utility easement on land owned by the State.
2. Comments regarding the environmentally sensitive character of the coastal areas of Scaview, Kehena and Puna Palisades have been taken under advisement. The need to address direct and indirect consequences of the proposed action in the environmental assessment has been noted.
3. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
4. The project description as cited on page 2 of the Draft EA will be clarified to differentiate the total number of utility poles from the number of poles proposed to be located in the easement site owned by the State.

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Construction Managers • Environmental Services

Dr. Michael T. Hyson, Ph.D.  
February 11, 1995  
Page 2

5. Statements regarding a portion of the project's potential conflict with federal, state and county laws and policies have been noted.
6. Comments regarding archaeological resources, EM fields, and alternative energy have been noted.
7. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.47/7.2 kV distribution line.

Your comments are being included in the subject Environmental Assessment.

Sincerely,

Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

DATE	TIME	BY	INITIALS
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FILE			
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SERIALIZED			
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From: The Residents and Friends of the Red Road Area  
 Please send answers to 76 RR 2 Box 4518  
 PAHOA, HAWAII 96778  
 Dec 24, 1994

To: Mike Wilson  
 Chairman  
 DLNR  
 Land Management Division  
 POB 621  
 Honolulu, HI 96809  
 1-800-468-4644 x70414  
 Attn: Eric Leong

Dear Mr. Wilson,

As a property owner and resident of Kalapana Seaview Estates, I request an immediate Environmental Assessment and a complete Environmental Impact Statement on this project, Hawaii Electric Company For Direct Grant Of Easement For Public Utility Purposes, as required by law. [Published in the OEQC Bulletin December 23, 1994.] We are definitely in a particularly sensitive environment: experiencing more frequent volcanic eruptions and more frequent earthquakes. The FEMA Disaster Report 864, Kalapana Inundation, strongly recommends no further development be encouraged in Hazard Zones 1 and 2. We are in Hazard Zone 2. We would like to see a model community developed in harmony with those who live here and the Aina. Grid intrusion would definitely promote higher density development. We have two endangered species, the AO bird (Newall's Shearwater) and the Hoary Bat and the threatened species Io, the Hawaiian hawk in this area. We strongly object to the number of trees that have already been cut on private and public land.

The public has had no prior notification of this Helco line extension project: The project was in progress in September, 1994 and at present Kalapana Seaview Estates has poles on almost every street and there are two poles already on HWY 137 near Seaview, all county-owned road shoulders. The notification in the OEQC Bulletin, Dec. 23, 1994, addresses only the 8,710 foot long Hawaii State-owned segment of the electrical distribution system concerning TMK 1-2-9-3.

Only a segment of the project was announced in the OEQC Bulletin.

As stated in "A Guidebook for the Hawaii State Environmental Review Process, on page 1 of Appendix F: "CAN ACTIONS OR PROJECTS BE SEGMENTED? NO. The proposed action must be described in its entirety; therefore, projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6 (a)(2), Chapter 11-200-7]."

This Helco line extension project is already in progress and is putting poles into the Kalapana Seaview and Highway 137 (the Red Road). If current Helco plans are followed, they will begin putting poles into the Kihuna Beach and Puna Beach Palisades subdivisions starting again on January 9, 1995, according to Army Curtis of Helco.

Stop this, now, please.  
 Thank you very much for your attention to these matters.

Sincerely yours,

28/94 Joyce C. Tulena Joyce A. Tulena  
 28/94 William P. Roberts William P. Roberts 112 Box 4518  
 12/94 Dana L. Perry Dana L. Perry RR 2 Box 4500, P.H. 96778

c.c. Honorable T. Patsy Hink  
 c.c. Senator Andy Levin  
 c.c. OEQC  
 c.c. FUC  
 cc: Helco  
 cc: R. M Towill Co. (Consultant)  
 CC.

Residents of Kapaemahu, Kona, Hawaii  
 We the undersigned... in full support of this letter

Residents of Kona Area & Puna  
 We, the undersigned are in full support of the above letter.

Name (please print)	Signature	Address & Phone	Date
LISA LIGHT	Lisa Light	Gen. Del. Pahoa 12/24/94	
Nancy Young	Nancy Young	PO BOX 2103 Pahoa HI 96778	
Kalia E Avery	Kalia E Avery	P.O. Box 718 Bhoos HI 96778	
Yves Zoutrin	Yves Zoutrin	PO Box 10869 Hilo, HI 96721	
Michael Halperin	Michael Halperin	PO Box 2160 Pahoa 96778	
Amber Lynn	Amber Lynn	RR 2 Pahoa 96778	
DALE DAP	[Signature]	RR 2 Pahoa, HI. 965-7116	
JEAN PAUL FRENCH-KISON	JEAN PAUL FRENCH-KISON	PAHOA, HI. 965-7116	
John Gaudin	JOHN GAUDIN	PAHOA, HI. 12/24/94	
Dan Johnson	Dan Johnson	RR 2 Box 4552 Pahoa 12/24/94	
James Janssens	James Janssens	Gen Del Pahoa 96778	
David Anderson	DAVID ANDERSON	PO. Box 694 Aloa 965-7174 12/24/94	
Shari Blum	Gunn Blum	P.O. Box 250 Pahoa HI.	
Mark West	Mark Verniye	Gen Del Pahoa 12/24/94	
Bonnie Selva	Bonnie Selva	BOX 1951 PAHOA 96778	
SUN MIDDLEBROOK	[Signature]	P.O. BX 1951 PAHOA 96778 HI	
Arthur Johnson	ARTHUR JOHNSON	RR 2 Box 1500 Pahoa 96778	
Fatal Anderson	Fatal Anderson	RR 2 Box 1500 Pahoa HI 96778	
Bruce Harlow	Bruce Harlow	Box 1155 Pahoa HI 96778	
Henry Caracci	Henry Caracci	RR 2 Box 1500 Pahoa HI 96778	
Key Rouch	Key Rouch	POB 2115 PAHOA HI 96778	

Name	Print	Signature	Address	Phone	Date
James Joel LeBlanc	James Joel LeBlanc	#7 Kepoho Paganis Tuna Rd.			12/24/94
John R-m-z-mail	John R-m-z-mail	PO Box 1957			12/24/94
John R MacNEIL	John R MacNEIL	Box 1663 Keauau			12-24-94
Holly Long	Holly Long				
Johanna Kamae	Johanna Kamae	Chelsea Lake Gen Deliv. Keauau			12/24/94
Chelsea Saxe	Chelsea Saxe				
Margie Maciejewski	Margie Maciejewski	Gen. Delivery Pahoa			12/24/94
Daniel W. Slight	Daniel W. Slight	PO Box 2087 Pahoa			12/24/94
Dennis W. Cooper	Dennis W. Cooper	RR 2 Box 4758 Pahoa HI 96778			12/24/94
Paul Moore	Paul Moore	PO Box 10688 Hilo, HI 96721			12/24/94
David Bell	David Bell	12-445 Ole Kehehe 1/2			
Robert Grant	ROBERT AMATO	PO BOX 1577 PAHOA HI.			96778-106
Monica Devlin	Monica Devlin	PO Box 2125 Pahoa, HI 96778			12-27-94
John Brownfield	John Brownfield	POB-1328 Pahoa 96778			12/27/94
Anna Reinhardt	Anna Reinhardt	PO Box 969 Pahoa, 96778			12/27/94

all of the above signatures are dated 12/24/94

R. M. TOWILL CORPORATION

420 WAIKAMU RD #411 HONOLULU, HI 96817-4941 PHONE 848-1133 FAX 808-848-1537

February 6, 1995

Residents and Friends of the  
Red Road Area and Puna  
c/o RRA Box 4518  
Pahoa, Hawaii 96778

Dear Residents and Friends of the Red Road:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhors,  
Puna, Hawaii TMK No. 1-2-09-03(portion)

We received your letter dated December 24, 1994 that was signed by 39 residents of Kelema,  
Puna, and Kalapana Seaview. Your comments and concerns have been noted.

With regard to compliance with Chapter 343-6(a)(2), Chapter 11-200-7, the intent in the  
preparation of an Environmental Assessment (EA) was specifically to document an easement  
request to the State of Hawaii for use of State-owned land. Therefore, as stated in section 2.0  
Project Description, the subject of the EA was the portion for the utility easement being  
requested.

Your letter will be included in the subject EA.

Sincerely,



Colette Sakoda  
Project Manager

cc: Honorable Patsy T. Mink  
Senator Andy Levin  
OEQC  
PUC  
Helco  
DLNR - Land Management Division

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

The Residents and Friends of  
the Red Road Area and Puna  
c/o RR2 Box 4518  
Pahoa, Hawaii 96778

Dear Residents and Friends:

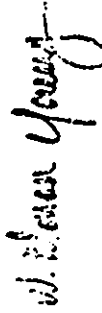
Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated December 24, 1994 concerning the above-  
captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill  
Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our  
Land Management Division staff at 587-0414.

Very truly yours,



W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

RECEIVED  
DIVISION OF  
LAND MANAGEMENT

Amelia Myers  
12-423 Oie'Oie  
Pahoa, HI 96778  
965-6773  
Dec 21 1 37 PM '94

Department of Land and Natural Resources  
Land Management Division  
P.O. B. 621  
Honolulu, HI 96809  
att Eric Leong

Dear Mr. Leong:

I am a coowner of property along the Red Road in the proposed Helco line extension for Kehena Beach. My home is surrounded by coconut trees which are 12 feet from the existing road. Helco wants to cut these trees for a proposed line extension that a very small minority of residents want. The clear cutting proposed by HELCO along our subdivision will cause the destruction of hundreds of coconut trees about 30 years old and bearing. The trees are what is most beautiful about our area along with a gorgeous unobstructed natural landscape. Tourists frequently stop to photograph oceanview in our neighborhood as the coconuts and blacksand are so picturesque. Several companies have filmed commercials at our area, a situation that power lines couldn't ethically mar. We have the rare Hawaiian bat. No birds and many waterbirds nesting along our area. Our subdivision is a virtual orchard next to the road with coconuts, mangos, waiwi and guava in profusion. All these trees will be removed according to HELCO's plan. Before the most gorgeous area in Hawaii gets trashed by unsightly poles replacing the stately trees, shouldn't there at least be an EA or EIS? Helco claims at group meetings that this study is not necessary but the OEQC just published their line intent, so it seems they might be jumping the gun removing the trees from Seaview Estates and threatening property owners in Kehean with suits if we don't allow our trees to be cut.

For the above reasons, I am requesting an EA or EIS before HELCO continues their line into Kehena Subdivision. Surely it isn't necessary to cut so many trees when the lava took so many just a few miles down the road. Please do an Environmental Assessment before you allow HELCO to needlessly destroy our beautiful place.

sincerely,

*Amelia Myers*  
Amelia Myers

cc. to HELCO

R. M. Towill  
EQC

12-423 Oie'Oie  
Pahoa, HI 96778  
965-6773  
Dec 21 1 37 PM '94

R. M. TOWILL CORPORATION

480 Waikeamilo Rd #411 Honolulu, HI 96817-4041 (808) 848-1153 Fax (808) 848-1037

February 6, 1995

Ms. Amelia Myers  
12-423 Ole'Ole  
Pahoa, HI 96778

Dear Ms. Myers:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhurst,  
Puna, Hawaii TMK No. 1-2-09:03 (portion)

We are in receipt of your letter dated December 19, 1994 in which you requested that an EA or EIS be prepared before Helco continues its line into Kehena Subdivision.

The subject Environmental Assessment focuses on the portion of the project, located close to Highway 130, that requires an easement from the State of Hawaii because this 8,710 foot long section would be located on land owned by the State.

Your concerns have been noted and will be documented as part of the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: Helco  
OEQC  
DLNR

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Ms. Amelia Myers  
12-423 Ole'Ole Street  
Pahoa, Hawaii 96778

Dear Ms. Myers:

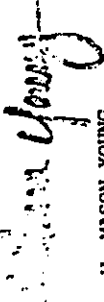
Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated December 19, 1994 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,



W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

# CORRECTION

THE PRECEDING DOCUMENT(S) HAS  
BEEN REPHOTOGRAPHED TO ASSURE  
LEGIBILITY  
SEE FRAME(S)  
IMMEDIATELY FOLLOWING

R. M. TOWILL CORPORATION

480 Waiakamilo Rd #411 Honolulu, HI 96817-4941 (808) 848-1133 (808) 848-1037

February 6, 1995

Ms. Amelia Myers  
12-423 Ole'Ole  
Pahoa, HI 96778

Dear Ms. Myers:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Uni-71 Rauchenhorst,  
Puna, Hawaii. TMK No.: 1-2-09-03 (portion)

We are in receipt of your letter dated December 19, 1994 in which you requested that an EA or EIS be prepared before Helco continues its line into Kehena Subdivision.

The subject Environmental Assessment focuses on the portion of the project, located close to Highway 130, that requires an easement from the State of Hawaii because this 8,710 foot long section would be located on land owned by the State.

Your concerns have been noted and will be documented as part of the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: Helco  
OEQC  
DLNR

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Ms. Amelia Myers  
12-423 Ole'Ole Street  
Pahoa, Hawaii 96778

Dear Ms. Myers:

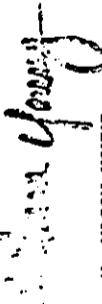
Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated December 19, 1994 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,



M. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
✓ R. M. Towill Corporation



Bettie Van Overbeke  
12-423 Ole'ole St  
Honolulu, HI 96809

RE: SSPP Unit 71 - Rauenhorst HELCO

Mike Wilson  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809  
att: Eric Leong

Dear Chairman Wilson:

I believe errors in the Draft Assessment that are serious enough to require a continuation of the Environmental Assessment process. Endangered bird species are in the area of THK 1-2-09:03, the Hawaii State owned segment of the line extension project and in the surrounding area. The fauna species noted as being in predominance, False Staghorn fern (*Dicranopteris linearis*) is not in this area as there is not yet enough soil to support this plant.

The A'O or Neval's Shearwater (*Puffinus nevelii*) the I'O or Hawaiian Hawk (*Buteo hawaiiensis*), and the OPE'APE'A or Hawaiian Hoary bat (*Lasiurus cinereus semotus*) are seen and heard in our areas of the State and County segments of the HELCO project. The A'O nests on the slopes above the sea in the Opihikao area between May and October, and is frequently heard calling at night.

Page 7 of the Draft EA states "B. Birds: common exotic bird species such as Japanese white eye, spotted dove and zebra dove are commonly in the area. The lack of native forest birds or currently threatened endangered species in the area is largely due to the non-existence of wetland habitat"

In addition to calling for an Environmental Impact Statement for the state owned segment of the line extension, I also want an Environment Impact Statement for the County of Hawaii owned easements of the project due to particularly sensitive environment See Chapter 200 of title 11, subchapter 8 of the Hawaii Administration Rules, 11 - 200 - 8 - 9-b. which states: "All the exemptions under the classes in this section are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment"

Thank you for your earliest response.

cc Gary Gill Chairman  
OEQC  
220 South King St.  
Suite 44 Central Pacific Plaza  
Honolulu,

Bettie Van Overbeke

Bettie L. Van Overbeke  
12-423 Ole'ole St  
Honolulu, HI 96809  
December 19, 1994  
1 - 808 - 965-6673

Department of Land and Natural Resources  
Land Management Division  
P.O. B. 621  
Honolulu, HI 96809  
att: Eric Leong

Dear Mr Leong:

The OEQC just published about the HELCO project for the Kehena, Kalapana Seaview Estates line extension. Helco has already cut swaths of trees in Seaview Estates and plans to cut deep into property lines of residents to remove all, the coconut trees for which our area is noted. We are in a small subdivision between lava flows including the flow that recently destroyed Kalapana village. All the current residences have alternative power systems and only a tiny minority of current residents want the extensions. Most of the power is desired by off-island land speculators. Regardless of who makes money, Kehena is one of the most beautiful places on planet earth. There are endangered Hawaiian bats, ho , and occasional iivis in the area. Kehena itself is a old kipuka of soil which supports large lovely coconuts, mangos, avacados, as well as wild lilicoqui, guava, and waiwi alongside and assessable to the narrow winding road. The roads here may have a 50 foot easement , but the road itself is only about twentyfive feet with two foot shoulders. Over the years the vegetation has grown up along the roadways overhanging in many picturesque places. Many tourists stop to photograph the natural beauty of the Kehena area with its stately coconut and plumeria borders.

I am requesting the you do an ES or EIS of this area to evaluate the beauty of the area and how that would be adversely impacted by the power as well as how rare wildlife and the community itself might be negatively impacted. Kehena is an alternative energy community that has many hyperallergic people like myself who have had to flee the complex chemistry of developed areas. A large number of residents feel seriously threatened by power and this is having a very large impact on the community esprit d'corps.

Sincerely,

Bettie Van Overbeke

Bettie Van Overbeke

November 16, 1994



Bettie Overbeke  
12-423 Ole Ole St.  
Paheo, HI 96778

Aloha,

As you may be aware, Hawaii Electric Light Company, Inc. (HELCO) must continually inspect and repair its transmission and distribution lines and equipment in order to provide reliable electrical service to its customers on the Big Island.

A significant part of our effort is directed towards the trimming or removal of trees which may result in either a safety or liability hazard to the public.


Our tree trimming contractor recently contacted you for permission to remove (2) Coconut trees on the right side of mail box 12-423, tmk 1-2-031-135 Kehena Beach Estates.

You indicated in your reply that our contractor does not have your permission to do the work requested.

Please be advised that this refusal places you at risk for all liabilities that may occur in the future as a result of your trees. These damages may include the costs to repair and/or replace our electric lines damaged by your trees, as well as liabilities incurred by our customers. While we are not implying that this situation will occur in the immediate future, you are placing yourself in a position of considerable liability should your trees cause an outage.

HELCO, by providing this tree service at our cost when appropriate, would like to assist property owners prevent costly damage to lines and equipment. Should you change your mind on granting our contractor permission, we can still take care of the work at no cost to you. However, we must receive your signed permission within 10 days of receipt of this letter.

Mahalo,

  
R.A. Curtis, Manager  
Distribution department

An HEC Company



my home & offending trees  
 Roadway is not in picture!  
 So I highlighted where it should appear.

### Snow flight

Jed Keener, 5, of Redmond, Ore., leaps off a snow bank at Hoodoo ski area near Sisters, Ore., where his family stopped to romp before driving home from the Willamette Valley. "It was just

too nice of a day not to stop," said Jed's mother, Ann Hendrick. Much of the rest of the nation was being buried under winter storms. See story and Weather, Page 2.

—Associated Press photo

cited about them. No, I didn't, said Bentsen, the Cabinet's leading voice on economics, speaking on CBS' "Face the Nation."

In a speech Tuesday to the centrist Democratic Leadership Council, Reich challenged Republicans to match their call for changes in social welfare programs with an overhaul of what he termed "corporate welfare."

While not specifying programs that might be targeted, Reich said the DLC's research arm had compiled a "formidable" list of special tax benefits for particular industries, totaling over \$11 billion over five years.

Reich's remarks caught White House and Cabinet by surprise. Commerce Secretary Ron Brown, another key economic aide, told reporters hours after the speech that he had not been consulted. Bentsen said yesterday he had not been briefed in advance, either.

"As I understand it, Secretary

## Sparks fly over Kehena electric

Residents divided over the removal of trees for utility poles

By Dave Smith  
 Tribune-Herald

Some lower Puna residents are threatening civil disobedience over the installation of electrical poles that will provide power to three subdivisions.

Those opposing the project say they are trying to prevent the cutting of coconut palms and

other trees, some of which must be removed to make room for the electrical lines.

The three subdivisions, Kehena Beach Estates, Kalapana Seaview Estates and Puna Palisades, all lie along Highway 137, also known as the Red Road.

The focus of the opposition involves the Kehena subdivision, the streets of which are lined with coconut palms planted years ago by its developer.

Some of those opposing the Hawaii Electric Light Company project say they depend on co-

conuts from those and other trees for food. Zephyr Pangala, a resident of Kapoho, said he and others "are prepared to do whatever non-violent action it takes to prevent this potential tragedy."

Others, like Athena Peanut of Seaview, say they don't want the beauty of the Red Road spoiled by power poles and the loss of trees along the poles' route.

Peanut said a group called Friends of the Red Road is trying to establish an "electrical grid-free zone" along the

roadway.

However, some supporters of the project say many of those who oppose it are not landowners and are mostly interested in keeping more residents from moving into the area.

Daniel Bona, president of the Kehena Beach community association, said those opposed in his area are a definite minority.

"They are basically hippies living with candles and they want it to stay that way fore-

See KEHENA,  
 Page 8

See BENTSEN  
 Page 8

## Mainland retailers report strong weekend



POLES from which will benefit YMCA activities on the Big Island.

-T-H photo by William Ing

# KEHENA: Utility poles or coconut trees?

From Page 1

ver," Bona said. Bona said many of the subdivision's trees along Red Road have already been removed by landowners and sold to resorts in advance of treecutters hired by Helco.

But opponents of the project say they will continue to press Helco to either abandon their plans or put the lines underground, which Helco says is too costly.

Helco has agreed to temporarily discontinue the cutting of trees until after meeting with area residents scheduled for 3 p.m. tomorrow at the Pahoa Community Center.

Opponents of the project say about 12 percent of the

owners of the roughly 1,200 lots in the subdivisions have signed up for electrical service.

Bona said that only represents those who have already signed up and many lot owners will sign up later when they decide to build a house on their property.

Critics of the electrification project say the roughly \$3,000 cost per lot to tap into the island's power grid will buy residents a solar electrical system which is "more reliable than Helco."

One-third of the entire cost of the project is being paid by Helco. Those signing up to receive the service can either pay

the amount in cash or finance it with Helco over 30 years.

Bona said although Helco has a top-of-the-line solar system, he plans to hook up to Helco anyway. He said he would prefer to use the electricity to recharge batteries after periods of cloudy days rather than haul gasoline for the noisy generator he currently uses.

Bona noted that electrical poles being installed are replacing telephone poles. He said Helco agreed to pay one-third of the \$100,000 cost of removing the old poles and replacing the telephone lines on the electrical poles. Helco spokesman Army Cur-

tis said even though the telephone poles are already in place, trees nearby must be removed near the taller electrical poles to prevent them from touching and possibly short-circuiting the lines. He said almost all of the electrical poles being installed are replacing telephone poles.

Besides, Bona said, the coconut palms Helco plans to cut in the Kehena subdivision are all within the right-of-way for roads dedicated to the county long ago.

"They are not cutting down any trees on private property," he said. "They are cutting trees the developer planted on the road."

and the ocean around us," s. Oesterling.

Recycle Hawaii said used a lubricant, or burned as fuel with oil collected Dec. 10, 11. Also to be collected are tires and motorcycle shock oil. AJ by other chemicals such as pesticides and oil stored in spec-

Recycle Hawaii said apoin traffic congestion at the drop ment call 329-2886 or 961-2-

## Search for fishes

A 44-year-old Hawaiian B after being washed into the t along the shore.

Police said the man, who with others just after 10 a.m. vision. According to his fishi gone to a spot known as "H" to fill a bucket with water w ocean by a large wave.

Attempts to rescue the man unsuccessful and the man disti hit by another wave.

A search along the shoreline scuba divers turned up no sig suspended at 5 p.m. will resu

## Alleged kidnapp

A 23-year-old Waimoa man legedly holding his former gir ally assaulting her.

Salvadore Morales was arre cion of kidnapping. He was c Morales was released pendii Police said the victim, a 33 was forcibly held by the man

# HOLIDAY: Mainland retailers are smiling

From Page 1

items were among his top

Although they responded to special offers and bargains, shoppers were willing to spend in the frivolous.

Ways Cos., a chain of 330 furnishing and improve- stores, had a great week,

dolls. Spokesman Cliff Oxford said some shoppers bought as much as \$300 to \$400 worth.

Americans are also fixing up their homes for the holidays, Oxford said, noting that wall-paper sales were up 45 percent last week, while carpeting was up 68 percent and sales of bath-room vanities rose 60 percent.

and Dayton's, Hudson's and Marshall Field's department stores. "The shopper is definitely in a holiday mood," buying sweaters with holiday patterns and holiday party clothes, spokesman Gail Dorn said.

At Neiman-Marcus, business Friday and Saturday was ahead of last year, "and we had a

of women's merchandising for the upscale chain.

"Luxury and prestige items are driving the business," she said. Cashmere clothes, precious jewelry, Baccarat and Waterford crystal and expensive leather goods like Chanel backpacks were among Neiman-Marcus' items.

## Police make sev

Big Island police arrested a persons:

- Douglas Reavis, 23, of Kir harassment.
- Lamons Angel, 22, of Hav wrol, littering from a vehicle, n insurance.

Hawaiian Tribune - Herald, Thursday, December 1, 1984-9

Daniel Bona  
Kehena Beach Estates

## Few good films shown here

I have noticed that there are only a few good movies that get played in Hilo, and they usually start playing well after their national opening dates. Also, these films do not last long. Currently, there are movies like the Santa Claus in the theaters, but not Pulp Fiction which was only won the Palme d'Or at Cannes but was the number one movie at the box office when it was pulled (after a week in Hilo) from the theater.

Some movies never get here in the first place: Clerks, Hoop Dreams, Killa, Man Bites Dog, and countless others. Then there are the movies, including play in Hilo for a few weeks at the most, including French or Dart, Sental Mom, and Natural Born Killers.

It's true that there are only two movie houses in Hilo. Yet why this dearth of quality films? Either the people running the theaters don't take the entire audience into consideration (in other words, catering to only little children and teenagers) or people don't demand the movies they want to see. It would be a shame if it were the latter.

We have some very respectable residents who are satisfied with their "state of the art" solars system, that are against the invasion of overhead lines. Contrary to another quote in the article, these system cost between \$10,000 and \$20,000 with installation and a quiet, reliable backup generator in its own sound-proof enclosure. Those against Helco have as much right to their opinion as the old, set in their ways, couple from Pasadena, that are waiting for the effortlessness of building public utilities before building their retirement homes.

Any comments that may have been perceived as derogatory, were made by a private, tax-paying citizen angered upon discovering that a group of non-residents and/or non-property owners had represented themselves as the voice of our subdivision. None of my statements reflect the official position of the Kehena Beach Homeowners Association.

Brian J. De Lima  
Councilman

## Apology to Kehena residents

I would like to make a public apology to any of the residents of Kehena Beach Estates who may have been offended by my supposed quotes out of context or not, attributed to me in Monday's "Sparks fly over Kehena" front page story. It is true that there is a great difference of opinion in our community over the issue of Helco's approach. As a whole, I would like to praise the residents of our subdivision who have worked long hours at achieving some compromise from both sides in a reasonable, productive manner. We have some very respectable residents who are satisfied with their "state of the art" solars system, that are against the invasion of overhead lines. Contrary to another quote in the article, these system cost between \$10,000 and \$20,000 with installation and a quiet, reliable backup generator in its own sound-proof enclosure. Those against Helco have as much right to their opinion as the old, set in their ways, couple from Pasadena, that are waiting for the effortlessness of building public utilities before building their retirement homes.

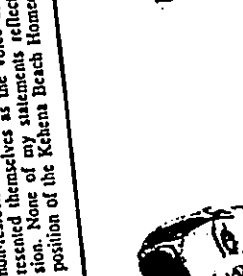
Any comments that may have been perceived as derogatory, were made by a private, tax-paying citizen angered upon discovering that a group of non-residents and/or non-property owners had represented themselves as the voice of our subdivision. None of my statements reflect the official position of the Kehena Beach Homeowners Association.

Brian J. De Lima  
Councilman

## Family Fun Day letter

I appreciated the letter of Glenn Carvelho regarding the Family Fun Day because it confirmed that the event was not a political function and that I was not involved in the planning of the event. I am sorry that I did not give credit to all the organizations that participated in the planning of the event and that it was because I was approached by the ILWU for donations and that was the extent of my knowledge.

Brian J. De Lima  
Councilman



## Urchins

International (AI) there of street children in sudden new wave of children have been killed le agencies working with itals, there are some 5,000 xits of Guatemala City. In ve been several periods e target of abuses carried alican police as well as e Ministry of the Inter- ecluded harassment, cruel, treatment, torture, interna-tional executions.

## Richard Carter is our new police chief

Richard Carter is our new police chief

cannot support an indictment. My wife, daughter and I need to get on with our lives.  
John Ireland  
Springfield, Va.

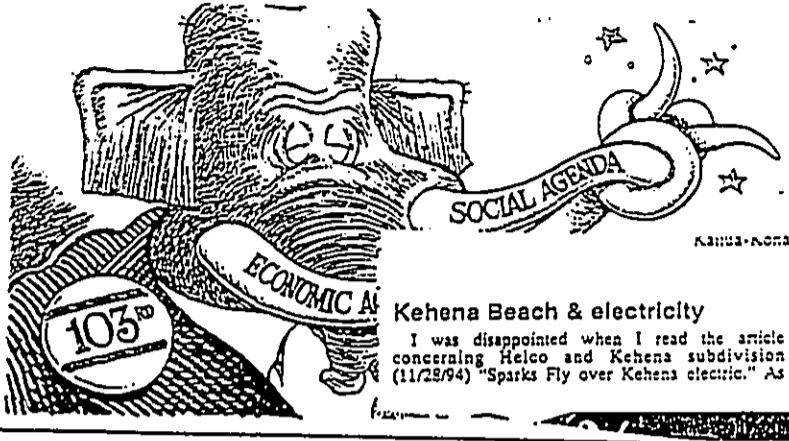
**Kehena Beach perfect**

Not all solarpowered Kehena residents are "candle burning hippies," and what if we were? As long time resident and officer of the association I feel that I have every right not to have coconut trees cut on my property under threat of being sued by HELCO if I resist. I have received such threatening correspondence. I paid more for a lot that had vegetation on it than Scaviews rocks and I want to keep my trees. I use the coconuts for food and also sell nuts. As a very happy owner of a solar system I enjoy freedom from electric bills. I am also positioned along the red road in such a way that my entire lot will be denuded of the trees if the line continues down red road. Even though the trees are on the property I paid for, the county has extended their easement without compensating me. I should add that the power company has not offered to replace, repair or compensate me for trees they wish to cut, instead they threatened to sue me if my selfish powermad neighbors suffer a power outage.

I also felt that the article by Dave Smith was biased and yellow journalism trying to divide a neighborhood by using the socially undesirable term "hippies" for anyone who had sense enough to move to a place that was already perfect and wanted to continue the status quo.  
Bettle Van Overbeke  
Kehena Beach Estates

**Police-community relations**

In West Hawaii Today on November 23 an article titled, "Carvalho plans to hire \$35-an-hour media consultant" left me wondering whether Police Chief Carvalho thinks he can remedy bone-deep infection with a make-up artist. Medicine and surgery are more likely to produce the results Chief Carvalho and citizens seek. Truth serum might be the medicine of choice. Then the public would know exactly how and why a cover-up of evidence almost led to a misdemeanor charge instead of murder in the death of a police officer's wife.



\$24,000 on a non-bid contract with a campaign supporter?  
Coco Pierson  
Keanu

**Humpback whales being hunted**

As the Islands head into winter and we are once again graced by the visit of the humpback whales, it may seem that the dreadful specter of whaling is over. Indeed, a global moratorium on commercial whaling has been in place since 1986. However, the reality is much more grim. The whaling moratorium contains a major loophole which allows a certain number of whales from non-endangered stocks to be killed under the designation "scientific whaling." The whale meat is then sold to consumers, perpetuating a market for whale meat. Whale meat is considered a delicacy in Japan where it is sold under the name "kujira." It is eaten either dried and salted or as sashimi.

And, to make things worse, the International Whaling Commission is apparently planning to lift the moratorium on whaling so that more of the non-endangered species may be hunted. The expanded market for whale meat will make the black market trade in endangered species all the more difficult to police. If you...

**Kehena Beach & electricity**

I was disappointed when I read the article concerning Helco and Kehena subdivision (11/22/94) "Sparks Fly over Kehena electric." As

a long-time resident and homeowner of Kehena, I feel the article misrepresented the majority of people that live in Kehena by quoting a statement from one individual, referring to the people in Kehena as "hippies living with candles." The reality is the vast majority of homeowners living in Kehena have adequate solar systems, and the concept of utility poles and lines replacing coconut trees detracts from the beauty of why we all live here in the first place. I hope a compromise can be reached and that everyone involved is understanding of his neighbors needs. I have to admit, though I have the choice of turning on lights in my house, I still occasionally use candles; they work wonders for a romantic evening.  
Annabelle Lewis  
Kehena Beach Estates

**Legalize cockfighting**

The continuing persecution of cockfighting still upsets many people including myself. Sportsfisherman going after the majestic marlin, do so with high tech equipment and use barbaric gaffs larger than gaffs on fighting cocks. Jackpot...

*Tribune Herald*

**Letters**

**Response to Evans**

This letter is to respond to Amy Evans letter in which she states that our helicopters are safe and that the noise they generate in our communities is of little consequence. Amy, even the FAA has questioned the safety of helicopter tours. Contrary to your belief, the helicopter accident record is nothing to be proud of. That the helicopter tour association is opposed to the minimum safety measures imposed by a timid FAA shows their lack of understanding of the problem. Do you not have any sympathy for the people who are constantly bombarded by helicopter noise? People and communities who are living in a sort of Vietnam War hell. Amy do you own a house in Hawaii? Have you worked hard and invested in a home only to find it invaded by constant buzzsaw noise? Are you angry all the time because of helicopter noise? Amy, do you care about us?

Nancy McKone  
Hawaiian Paradise Park

**Helco & meeting in Pahoa**

On Tuesday, Nov. 29 there was a meeting at the Pahoa Community Center. I was made aware of said meeting by the front page story your paper ran the day before - informative, unbiased and timely - all about Helco's responsibility or irresponsibility, depending on how you look at it. I was there - your paper was evidently not - for your paper has not printed anything about same.

Now, I feel, a story that is front page news, deserves a follow-up, preferably by the same reporter and especially in such acute environmental matters, as this one. There was a standing room only crowd - pleading with Helco to become more responsible on what they are doing. Continuing to make the same old-archaic-mistakes that have put us where we are today - environmentally, as well as economically - will serve the short term. But if the general public were given all of the facts, they would cry stop for the future's sake, and if we do not, someday children will cry "why did you make it so hard for us to live so easy for us to die."

Hank Roberts  
Pahoa

**Tall grass along the road**

I am a resident and owner of a house on Kinolee Street close to Anodo Stone and Hokama's - Larry's Waialea Chevron. I have four children who, 20 or so years ago, to avoid the heavy traffic, had to walk through tall grass and mud to get to Waialea Elementary School. They are now

now the grass is again as tall. Around 20 years ago I called to inquire into a footpath for that area and their reply was that they had the funds, but they were going to start from the other end. What I don't understand is, driving down the Keanu-Pahoa Road, I see Glover working Saturday and Sunday digging up the asphalt shoulders that are not bad and replacing them. I think I speak for many in the people who live down that way and see it everyday. It looks like a waste of a taxpayer's money, and since they have it, why not put it into the Keanu Bypass and, maybe, just a little bit for a footpath on Kinolee?

And I do wonder who makes the decision as to where it is to be improved; and where does our mayor find these people? Could it be from E.K. Fernandez?  
Nobu Ono  
Hilo

**Crime & the justice system**

Have you ever noticed why we as taxpayers are prisoners in their own house and place of business. We have to lock our doors, put alarm system up, and then spend so much money on protecting our goods that we've worked so hard for, just to have some punks rip them off. Then, the justice system steps in, which is the State of Hawaii. You know those people we pay taxes to. So here we have juveniles or an adult caught, after vandalizing the area and with the goods on them. They go to court which cost money just to have them put back on the streets. So it seems like the state is training these repeated offenders how to become professional at our expense. What's happening? Am I missing something or what?

Where did we go wrong? We should be moving forward not backward. If this is an example of the justice system, maybe the citizen should become criminal. I remember back in the '50s and I'm sure the '40s we never had these problems; people did a crime they were punished, but now they get rewarded instead. Working people better stick together because our money is going down the drain.  
Darryl What  
Hilo

**Waioala Center needs help**

At the meeting of the Doll Collectors Club of East Hawaii held on Nov. 19, the members present voted unanimously to write a letter to Mrs. Pudding Lassiter, director of Waioala Center in Hilo, regarding the shortened hours and decreased staff at the center.

The Doll Collectors Club of East Hawaii has held two shows in Waioala Center in the past three years, and will hold another show there in February, 1995. Both shows were seen by thousands of Hawaii residents and tourists. Our first show in March of 1992 had a record attendance of over 4,000 people.

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Letters

have no family, and only a couple of new friends, so I am asking the paper to keep my case before the public eyes.

Diana "S" Holmes Paho

Still no justice

I went into a six-hour serious depression after seeing the front page of the Sunday paper (Dec 11). Dana Ireland's murder again was front page news. And I want to make it clear that I have nothing against her family or friends trying to seek out justice for her. They have my full support. I met Dana's family - Sandy, Louise and John at a support rally in Paho six months ago. I, in my wheelchair, attended that event. Yes, I do want justice for Dana.

BUT WHERE IS MY JUSTICE!! I, like Dana, was attacked and left for dead with my skull split open three times by a cane knife. I was not raped, probably because the neighbor's dogs were making so much commotion that the neighbors called the police, which saved my life. Or did it?

To family, and pre-attack friends, Diana Holmes perished, and they go on with their lives. The fact that my body is still alive makes no difference to them. I have no relationship to any family. They were glad that I was attacked, and going to die. Once again I disappointed them. My sister and mother came over here after my attack, and they go on with their lives. The doctor told them to make funeral plans, that I would be dead in five days. They contacted my insurance companies to send my benefits directly to them. They collected \$4,200, and when I recovered they refused to return the money to me. I had to go through the police and the prosecuting attorney before I was able to recover my money. That's my family.

Now my former friends: I was a good friend to them. Never a fire-loader, and helped whenever and however I could. But now that I have been home for 18 months I have not had one. NOT ONE, phone call from a former friend, and I have only had TWO visits from former friends, and then only after many, many phone calls from me to them. My body is still alive, but for all practical purposes I died in the attack on July 8, 1988.

Dana's was a random attack, whereas mine was a premeditated, cold-blooded murder attempt. I was attacked because I am a lesbian who dared to run for public office. Dana was attacked because she was a woman, and an easy target. The police were warned weeks ahead of my pending attack. Why did they do nothing? I spoke to our new chief-of-police at last month's Police Commission meeting. He told me that he would meet with me to go over my case. He has made no attempt to contact me. Is this incompetence, or a cover-up? I

Lifeguards needed

Something terrible keeps happening in Hilo that prompts me to write this letter. I am wondering why we don't make issue of the fact that there isn't enough lifeguard coverage at our kids' favorite surfing spots in East Hawaii. There is a lifeguard from 9 or 10 in the morning till 3 or 4.

Skp Thomson  
Leilani Estates

Letters

Julien Heald

Promotion insensitive to culture

I was appalled at the stories in the Honolulu Advertiser on Monday, Nov. 21, on "Attracting infrequent tourists to Paho, Keau or Hilo, passing the visitors" and "Hotellers surveyed on Culture through inescapable power-pole-decorated lobbies." It appears that too many of our island escapes, I have been grateful that our public utilities are insensitive to the fact that they are ty's power package was not yet installed in hotels in Hawaii and dependent on the Hawaiian Khehena. From my point of view — the possibility of culture to keep them in business.

It was disturbing also to hear Rep. Mike White of the State Tourism Commission that only overhead power lines ten feet above the existing about five hotels are actively involved in promoting the Hawaiian culture.

Contrary to the advertising that HVB is doing energy system that has consistently and reliably to promote Hawaii as "The Most Beautiful Islands provided my household with power for all the lands in the "World" it is not our beauty that makes us unique but our history and native Hawaiian culture whose very spirit of Aloha has integrated a multi-ethnic population.

Our history as the only state in the United States to have (recently) been an independent kingdom makes it imperative that all of us, residents with tourists alike, fully understand the need to right the wrongs done in 1893 with the overthrow of the monarchy and to give back to native Hawaiians self-determination as they interpret it.

Helene Hale  
Former Councilwoman

Credibility gap

Even more irritating than the assault of helicopter on an otherwise tranquil country life is the whole of self-serving industry shills like Bob DeCamp. Since he questions the motives of Barry Stokes, of Citizens Against Noise, let me ask a question. I know Bob DeCamp is paid to promote the helicopter industry, no matter what the cost to his neighbor's peace of mind. What does Barry Stokes stand to gain from his efforts? He puts in many hours of volunteer service on behalf of us all, and, having met him, I was impressed with his honesty and forthright manner. I have met Bob DeCamp several times, and got a very different impression.

Jim Cobbs  
Keau

Electricity issue at Khehena

Whether the current Khehena controversy is about fraud or coconut depends on your point of view. From the coconut pickers' point of view it takes less effort to harvest trees that are close to the road.

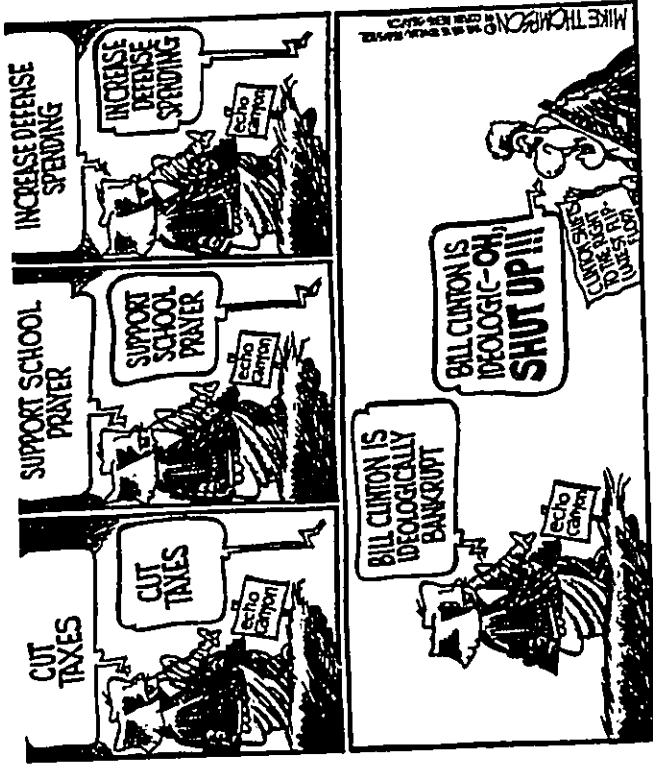
State librarian's survey

A message for the State Librarian! I am an avid advocate and user of Hawaii's public libraries. About a week ago I received my copy of the Library User Survey with the inappropriate special note from the insensitive State Librarian. I have re-stating the deletion of customer database are

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Hawaii Tribune-Herald, Sunday, December 18, 1994-9



Donna Lee Hilo

**Meat On Wine** column from our daily newspaper. Ethyl alcohol is a dangerous drug. The fact that it is "legal" makes it no less dangerous than other dangerous drugs. It undermines our society, kills our people, incapacitates our productive workers, destroys families, and perpetuates crime. Through his clever use of language in describing beverage alcohol, Jerry Mead promotes the use of this dangerous drug; he is, in effect, a drug pusher. Any editor choosing to print Mr. Mead's column is aiding and abetting the crime. Whether consumed as fine wine or cheap beer, whether drunk by the sophisticated elite or by social deviants who can't stop after the first drink, Ethyl alcohol is the same chemical that intoxicates potentially lethal drunk drivers and encourages other criminals. "Buy it by the case," Jerry Mead often suggests.

Your sober readers applaud your decision to reject Mr. Mead's column. You have taken one small step toward achieving a sane and sober society. Another giant step for mankind would be the elimination of all liquor advertising. But these things take time. Perhaps in the meantime you could add a small note to all liquor ads: "See the arrest column elsewhere in this newspaper and get a clue as to what this stuff can do to you."

Stewart G. Glenn  
Kehena

**Wild dog packs**

I've read with interest, for several weeks, the on-going war of words between Mr. Adam Langford and a host of over-emotional and irrational animal lovers, about his solution to the stray dogs in his area. I feel it's about time someone spoke up in his behalf.

**Point One:** For all of you "caring and humane" souls out there, these animals are not someone's cute and cuddly housepets that wag their tails, lick your face and play faithfully watchdog to protect you and yours. These are vicious pack animals that roam loose, attack and kill livestock, dogs and cats, and even threaten humans, i.e. Mr. Langford himself. These pack dogs do not kill to eat, just kill. In the wild even pack wolves and coyotes only kill to eat and they try to stay as far away from humans as possible.

**Point Two:** I live just down the road from Mr. Langford. I have chickens and they have the run of my place (and they stay home) and a cat that is the best rater I've ever had, she even kills mongoose. So, like Mr. Langford, when these worthless pack dogs show up on my place, I, too, will blow them away. I will then make something useful of them — I'll add them to my compost pile.

Bette Van Overbeke  
Pahoa

**Alcohol lethal**

Many mahalos to you for having eliminated the

**Kehena turns into S. California?**

Sparks still fly in Kehena, so before the "Little Ole Lady from Pasadena" moves here she should research the area. Kehena is a lava zone 2, four miles from the lava flow. The beach was formed by a lava flow only 40 years ago. The area is on a segment of coast line that was noted by the paper to be in danger of sliding into the ocean in a cataclysmic event. There are many lava tubes in the area and it is so faulted that waves can be felt pounding the cliffs from 700 feet away. I know, my house shakes from them. It is hard to get insurance at any price in Kehena for these logical reasons. In addition to geology, there is a 70-mile round trip to Hilo for town services and 30-mile round trip to Pahoa. As Kehena is under the curve of the mountain there is no TV reception without a satellite dish. The beach might not suit a retiree as many unusual people, some without suits frequent the steep accessed beach.

Kehena is an area that historically has appealed to artists, nature lovers and people seeking to get away from the bustle of the modern world. Those who need their fax machines will not be content in Kehena with only 4-party phone service. Before people are suckered into buying property they should check if the area meets their energy and infrastructure needs. There are many subdivisions in Hawaii that have electrical grids, TV reception, private phones, and roads lined with pretty power poles rather than ugly coconut trees that might endanger the public, but not Kehena. It is truly hard to understand why the majority of residents living here must have their lifestyles degraded for a minority which doesn't live here, or who wish to turn Kehena into a copy of Southern California.

Bette Van Overbeke  
Pahoa

**Alcohol lethal**

Many mahalos to you for having eliminated the

**'Duncan Drive' for yoyo's**

Would it be possible for the powers that be to rename the Panarewa stretch to Duncan Drive in honor of all the yoyo's that utilize it.

Sterea Hurt  
Keanu

**Bringing power to Kehena**

They finally found it, Helco, ...finally found Kehena, the heart of Puna, and is stabbing it to death with power poles.

The whole thing is a matter of beauty. Half the people love beauty and the other half pave it, slice it, stab it and grab it to sell like a whole for money.

That's what Helco's doing and the ones who want power are standing around cheering while Helco does it to Mother Nature.

Power poles in Seaview and Kehena mark the death of natural beauty in the area. We might as well change the name of Puna to Pultid. At the very least be honest and call it a suburb of Los Angeles. That's what the power guys want, the united community will get the police moving.

To order a Dana Ireland tee shirt, call Citizens ohias, palms, and plumerias, tear up the most beautiful spot on the Red Road just so they can turn on their toaster: it's the sickest. It's the

Marilyn DuCharme  
Keanu

**No indictment on Ireland case**

This Christmas Eve is the third anniversary of Dana Ireland's death. Still no charges have been filed against her perpetrator(s).

The community seems to want resolution on this case. People are asking, "What can I do? How can I help?"

A few days ago I saw a man wearing a tee shirt with a color photograph of Ms. Ireland and the words "Indict Dana Ireland's Murderers" on it. It was a powerful message that reminds us, Dana's case has NOT been solved. He told me how I could get one.

Publicizing the fact that no one has been arrested in this crime can help Dana's family and this community heal. Otherwise, who's next? A united community will get the police moving.

To order a Dana Ireland tee shirt, call Citizens ohias, palms, and plumerias, tear up the most beautiful spot on the Red Road just so they can turn on their toaster: it's the sickest. It's the

Marilyn DuCharme  
Keanu

**Power in Kehena is a disaster, a tragedy. Peace and beauty, once again destroyed for power. It is a spiritual loss for all of us. Something beautiful gone forever.**

Dennis Gregory  
Pahoa

**Power in Kehena is a disaster, a tragedy. Peace and beauty, once again destroyed for power. It is a spiritual loss for all of us. Something beautiful gone forever.**

Dennis Gregory  
Pahoa

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Dennis Gregory  
Pahoa

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Stephen K. Yamashiro  
Mayor



County of Hawaii

PLANNING DEPARTMENT

11 Airport Street, Room 109 - Hahaione, Hawaii 96750-4151  
(808) 941-8288 • Fax: (808) 941-9415

Virginia Goldstein  
Director

Norman Olsen  
Deputy Director

November 28, 1994

Bettie L. Van Overbeke  
12-423 Ole'ole Street  
Pahoa, HI 96778

Dear Ms. Van Overbeke:

Subdivision Inquiry  
Kehena Beach Estates, Unit 2  
TRK: 1-2-31:133, 134, 135 (SUB 6313)

This is in response to your letter dated November 5, 1994, regarding the required 5'-0" future road widening setback along Ole'ole Street which was imposed as a condition of approval for the above reference subdivision.

The existing right-of-way along Ole'ole Street is 40'-0". Chapter 23, Subdivision Control Code, requires a minimum right-of-way width of 50'-0". The 5'-0" future road widening setback is required to comply with the minimum roadway requirements as stipulated above.

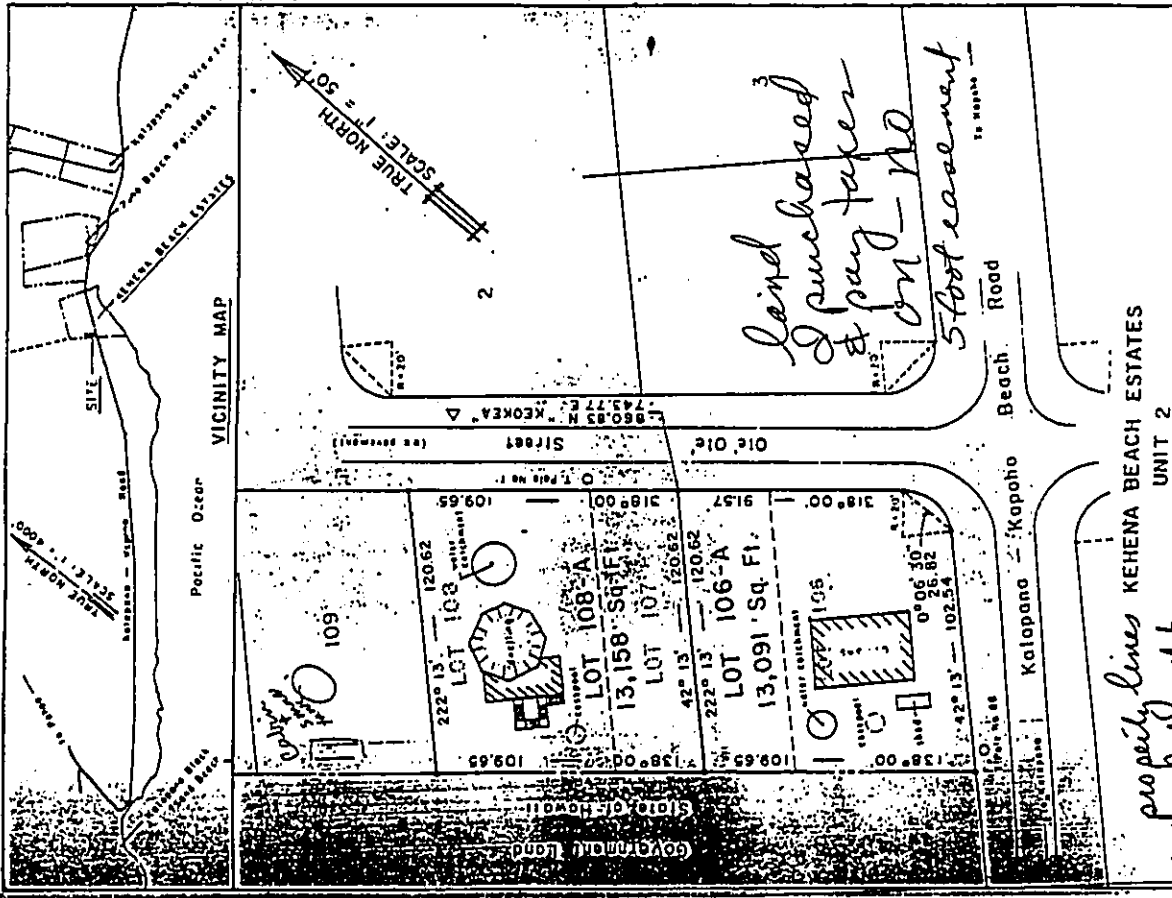
Although all future structures on the reference parcels shall be required to maintain the minimum building setbacks taken from the future road widening line, you may landscape and maintain this area until such time that Ole'ole Street is improved to meet the minimum 50'-0" wide minimum width.

Should you require any further assistance, please feel free to contact Carla Bateman of my staff at 961-8288.

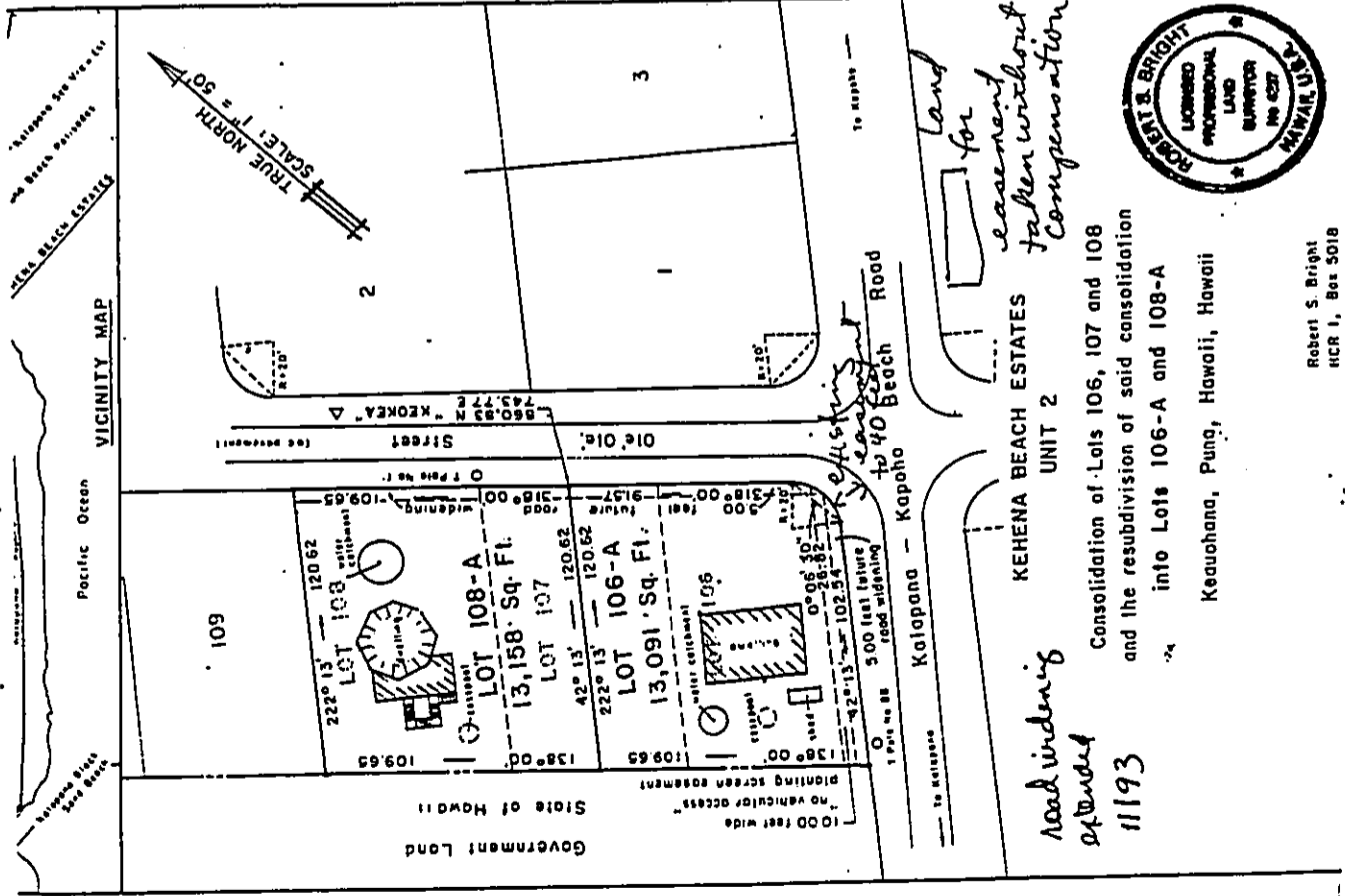
Sincerely,

*Norman Olsen*  
NORMAN OLSEN  
VIRGINIA GOLDSTEIN  
Planning Director

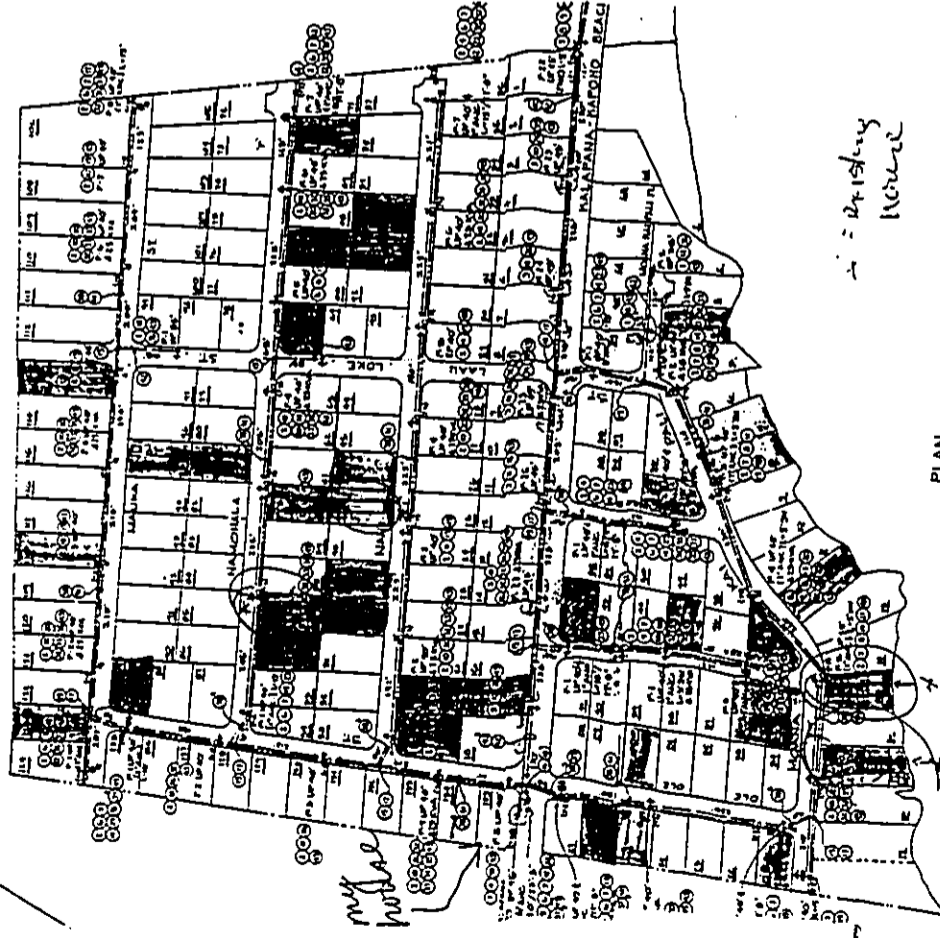
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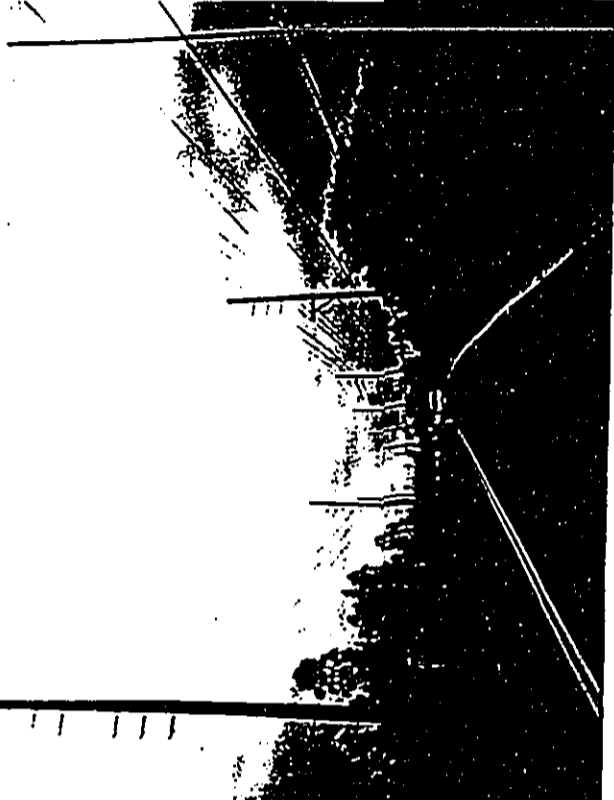
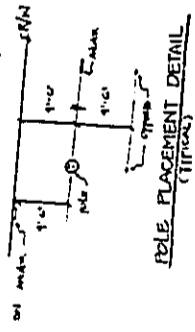


*50 foot width  
Puna Road with  
poles*

PLAN  
Scale: 1" = 10'

- CONTRACTOR NOTES:**  
DO NECESSARY TREE TRIMMING PER CONTRACT NO. 98-465
- POLE DESIGN NOTES:**  
1. POLE SPACINGS INDICATE CENTER OF POLE  
2. Poles shall be 10'0" center-to-center  
SEE DETAILS

*existing  
homes  
requiring  
power*



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Amelia Van Overbeke  
12-423 Ole'ole  
Pahoa, HI 96778  
Jan 11, 1995

Department of Land and Natural Resources  
Land Management Division

P.O.B. 621  
Honolulu, HI 96809  
att. Eriv Leong

Dear Mr Leong:

We wrote your office which was listed as the correct  
bureaucatic address according to the QEOC to write  
to request an EIS of EIA for a project on state land.  
The project in question is SSPP Unit - Rauenhurst HELCO.  
We believe there are errors in the DRAFT Assessment  
that are so serious that a reevaluation is needed.  
There are several endangered species in the area, and the  
plant listings are incorrect. We feel this area is particularly  
sensitive.

In continuing to call your office to see if our registered  
letters were received, we have discovered that your office  
does not think state land and projects upon it are the  
Kuliana of your agency. If your agency is not the appropriate  
vehicle, which agency is involved in environmental protection?  
Also I would appreciate a response to my initial communication.  
It was assembled by a private citizen and mailed for your information  
to assist us in solving an environmental problem.. We feel  
you owe us the courtesy of a reply.

Ref: LM-EL

Ms. Amelia Myers and  
Ms. Bettie L. Van Overbeke  
12-423 Ole'ole Street  
Pahoa, Hawaii 96778

Dear Ms. Myers & Ms. Van Overbeke:

Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: Jrd/1-2-09: 3

Your letter dated January 11, 1995 concerning the above-  
captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill  
Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our  
Land Management Division staff at 587-0414.

Very truly yours,

*W. Mason Young*

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

*Sincerely*  
*Bettie Van Overbeke*  
*Amelia Myers*

12-423 Ole'ole Street  
Pahoa, HI 96778  
Jan 11, 1995



From: William P. Appleton  
HC 2 Box 4519  
Honolulu, HI 96778

Department of Land and Natural Resources (DLNR)  
Land Management Division  
POB 621

Honolulu, HI 96809  
att: Elye Leong (planning)  
1-808-587-0414  
1-808-587-0290

cc: Michael Wilton, Chairperson, DLNR  
cc: Heiko  
cc: R. M. Towill Co. (Consultant)  
cc: Patsy Mink

Jan. 11, 1995

Dear Sir:

This is a letter commenting on the OBQC Bulletin of Jan 8, 1994 announcing a Draft EA concerning Heiko's SSPP Unit 71 Rauenehohu.

As a resident and property owner in Seaview subdivision near Keheua Beach, I am concerned with the preservation of the natural environment of Puna. According to the recent Jan. 8, 1995 OBQC Bulletin, a negative *decentralization* is expected for SSPP Rauenehohu 71. Since this draft EA covers only the state portion of the project, and since the rest of the project involves County land, much of which is a pristine, natural environment in the Special Management District -- I demand an immediate stop to the current destruction of trees and natural ambience of Keheua Beach, Seaview, and Puna Palisades by the County of Hawaii, Heiko and Jecunaki Tree Services in order that a full, fair and public Environmental Assessment and Environmental Impact Statement be prepared for the ENTIRE project.

As I understand the issues surrounding the SSPP Unit 71 Rauenehohu project and the associated pole and line construction in Seaview, Keheua and Puna Palisades subdivisions, Heiko has segmented the project into a portion on State land and the remainder on County land.

According to the OBQC Guidebook for the Hawaii State Environmental Review Process, Appendix C pages 200-10 and 200-11 state that:

- 1) Operations, repairs or maintenance of existing structures, facilities and equipment... involving no expansion or change of use beyond that previously existing;
  - 2) Replacement or reconstruction of existing structures... etc.
- and similar language, all regarding existing structures.

These are the only exemptions, and in conversations with the Planning Department, Public Works, and Traffic Safety, we have yet to find any other exemptions extant.

Further, the County of Hawaii, Heiko, and Jecunaki Tree Services are engaged in continuation in Seaview and Keheua Beach and Puna Palisades subdivisions and along Highway 137 as I write this. In a court action in the 3rd Circuit Court, yesterday, Heiko agreed to stop any tree trimming and cutting at least until a hearing on this matter on January 17th.

As far as I can determine, there are NO permits issued by the County for this project, as required by law, especially in "sensitive environments" and in Special Management Areas (SMA) near the coastline. According to County maps, all of Highway 137 especially near Keheua and Seaview runs right in the middle of the SMA. Therefore, it is my opinion that the County and Heiko are ignoring most or all environmental laws for this project which require EA's and EIS's processes for the whole project, as well as special permits for any alterations or construction within the SMA.

In addition, the scenic value of the area will be severely degraded by the addition of poles and power lines in this area. The Road Road area is one of the last open roads in Hawaii and one of the most beautiful places on the Earth. Keheua beach is one of a handful of places where dolphins and whales come close to the shore to rest and give birth. As such, it is a valuable location fully entitled to proper protection and consideration.

In addition, there are several endangered and protected species that will be effected by this project and the associated developments and increased population density that will follow the addition of power. Among them are:

- 1) The A'O Bird (Newell's Shearwater) is an endangered species and nests here. The Sierra Club Legal Defense Fund and the US Fish and Wildlife Service already sued the power company on Keui and won! a settlement out of court that stopped a coastal power line project there. We are tracking the surveys that exist in the DOE Ombudsman Lab on these

Application to DLNR

Fri, Jan 13, 1995

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2) The Hairy Bat exists in the effected area and is also endangered.  
 3) The Lo hawk is an endangered species here.  
 4) The Pooe (Hawaiian Owl)  
 5) The Sword Fern - an endangered native Hawaiian plant  
 6) The Grass - Ischaemum byrial  
 7) Dolphins and whales are protected by the Marine Mammal Protection Act and come close to Kahauna Beach and the adjoining coastline daily. Dolphins rest, feed and give birth here and even a Humpback whale has given birth within yards of this shore. Cetaceans are known to be sensitive to EM fields, and use the earth magnetic field for navigation. (Work of Dr. Joseph Kinnivink, California Institute of Technology). According to his work, strandings often occur when the EM fields change.  
 8) Sea Turtles, also endangered, fish in the surf near the Red Road.  
 9) Monk Seals - which have been seen at Kahauna Beach, on the shore.  
 10) Corals and associated species that may be affected by increased run-off or other effects of tree removal or further development in the area.

NONE of these are even mentioned in the report of R. M. Towill, and this is typical of the lack of depth and insight in the entire report. In fact, the report states: "The lack of any native forest birds or currently threatened or endangered species in the area..." (page 7, 3.2-B)

According to Allan Jalcic, (Department of Energy, Mail Stop EE-122 1000 Independence Avenue, Washington, DC 20585 Phone 202-516-6194 ) surveys on the distribution of seabirds and bats in the district of Puna were performed by the Fish and Wildlife Service, Volcano National Park, PO Box 44 Hawaii National Park, as part of the EIS concerning the powerlines from Hawaii to Maui and Oahu which were to distribute geothermal power. Jalcic said to us "we would be receiving these surveys' information soon in our public reading rooms". Since this information is vital to the EIS process for this project, we must halt the current construction of power lines and destruction of the natural habitat here until we evaluate these matters properly.

We are entitled to better assessments of this project and demand that Haleso and the County pursue an EA and EIS on both the State and the County portions of the project, since on page 200-21 of the Guidebook it also states that a full EIS, which was demanded, must include:

"consideration of all phases of the action and consideration of all consequences on the environment; direct and indirect..."

Appleton to DLNR

3

Feb. Jan 13, 1995

FEMA recommends that development in Lava Zones 1 & 2 be curtailed. The FEMA (Federal Emergency Disaster Agency) report 864, and result of the the Kalahepa Inundation Disaster Area 864 recommends to the county and state of Hawaii -  
 • no further development be encouraged in hazard zones 1 and 2. Seaview, Kahauna and Puna Palisades are in hazard zone number 2. Haleso's line extension would encourage higher densities of population in the effected area, against the recommendation of FEMA.

The Hawaii State legislature resolution also recommends stopping further development in Lava Zones 1 & 2.

Our area of the three subdivisions to the east and the open ohia forest to the Ophihau side of Seaview contains many ancient historic archeological sites; according to Pat McCoy, State Archeologist. R. M. Towill's report states, by contrast: "There are no known historical or archeological resources in the project area." (page 7, 3.2-C)

According to the County's Draft Management Plan, the whole of Puna is designated as part of an International Biosphere Preserve designated by the UN. Surely the UN will be interested in proper treatment of the environment of their biosphere preserves.

The County Draft Master Plan recommends that Puna and especially the Red Road areas be reserved for low density and alternative power systems.

For all of the above reasons and more, the proposed project must be halted for a proper review and EA and EIS process.

Many people living in Puna come here precisely because they could avoid EM fields. Their rights to a pure EM environment are being violated and their wishes ignored. Hundreds of tourists come to the Kahauna area because it is wild, pure and free. All these factors must be addressed by Haleso and the County. This is one of the last subjects in the whole US and certainly in Hawaii where we are relatively free of high EM fields and poles. Let us keep it that way!

Only 12% maximum of the lot owners in this area want Haleso power. We demand that the views and rights of the residents be given equal weight at least. If this were a richer area, the power lines would have at least been buried. If the County fails to provide benign power systems, then we have the right to refuse such service.

Appleton to DLNR

4

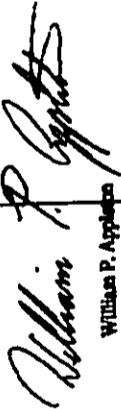
Feb. Jan 13, 1995

Hecco is already facing a 10% shortfall from the loss of power from Hamakua Sugar. It seems to me that Hecco should feeding their existing grid and use the 3 million dollars they plan to invest in lava zones 1&2 where they can use it - into power generation facilities instead.

Thank you, Mr. Leong, for your considered response to these questions. I apologize for the short time I have given you to respond. It has taken me some time to wade through the regulations to find the core issues. The portability of solar gear is an advantage in a lava zone. In view of the coming new sources of energy, the current generation and distribution system is obsolete and will be replaced in the next few years anyway.

There are many Federal programs to encourage alternative energy communities. We have been an alternate energy community for 25 years. We would like to remain so. Please help us to do this and keep Puna the natural paradise it already is.

Sincerely yours

  
 William P. Appleton

Ref: LM-EL

Mr. William P. Appleton  
 HC2 Box 4519  
 Pahoehoa, Hawaii 96778

Dear Mr. Appleton:


Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 11, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

  
 W. MASON YOUNG  
 Land Management Administrator

cc: Hawaii District Land Office  
 Hawaii Land Board Member  
 / R. M. Towill Corporation

Appleton to DLNFI

5

Fri, Jan 13, 1995

**R. M. TOWILL CORPORATION**

150 WAIALAE AVENUE, HONOLULU HI 96817-3041 808.848-1133 FAX 808.848-1037

February 9, 1995

Mr. William P. Appleton  
HC Box 4519  
Pahoa, HI 96778

Dear Mr. Appleton:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenuhori,  
Puna, Hawaii TMK No.: 1-2-09-03(portion)

We have received your comment letter of January 11, 1995. The following has been prepared in response to your comments.

- Comments regarding "exempt" activities, according to the OEQC Guidebook for the Hawaii State Environmental Review Process, have been noted.
- Your reference to flora and fauna resources has been noted and the Environmental Assessment will be amended as appropriate.
- With respect to what an EIS should include when and if one were to be prepared, we agree that Chapter 343, HRS, as amended, and Title 11, Chapter 200, HAR, prevail.
- Helco's proposed 12.477.2 kV line is expected to have no additional capacity to support or encourage higher densities of population.
- The statement cited on page 7, 3.2-C regarding historical or archaeological resources in the Draft EA is based on correspondence from Hawaiian Telephone Company in 1984 that was included in its request for a non-exclusive easement to the Board of Land and Natural Resources.
- Reference to the County's Draft Management Plan and Draft Master Plan has been noted.
- According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.477.2 kV distribution line.

Mr. William P. Appleton  
February 9, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC



TO: MIKE WILSON  
 + ERIC LEONG  
 CHAIRMAN DLNR  
 LAND MANAGEMENT DIV.  
 P.O. Box 621  
 HONOLULU, HI 96807

RECEIVED  
 DIVISION OF  
 LAND MANAGEMENT  
 JUN 11 10 21 AM '95

January 9th 1995  
 P.O. Box 2169  
 Pahoa HI 96738

RE: Helco request for direct  
 grant of easement of  
 electrical utility purposes  
~~REDACTED~~ OEQC Bulletin 12/22/94  
 (SSPP #71 Ravenhorst)

Att:

As a concerned citizen of Lower Puna,  
 I have comments to make about HELCO's  
 project SSPP # 71;

1) This project is a segment of a  
 project already begun in August/  
 September, 1994 in Kalapana to  
 Seaview Estates. According to  
 QEC instructions, projects cannot  
 be segmented

2) This project is being conducted  
 in a particularly sensitive area,  
 i.e; geological, environmental,  
 and cultural

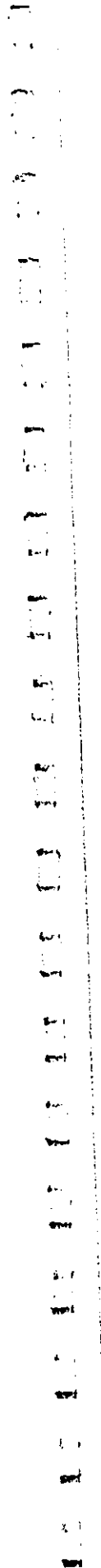
a) Geologic - Hazard Zone Two

①

b) Environmental - This area is a  
 nesting, feeding, migratory habitat  
 for several endangered species,  
 specifically the A'O, the IO, the  
 dark rumped Petrel, the Hawaiian  
 Noddy Bat. Kawai Electric has  
 already taken down coastal trans-  
 mission lines because of endang-  
 erment to the A'O's, Newell's  
 Shearwater) Jim Jacoby of the  
 National Biological Survey dept. has  
 conducted a soon to be released  
 study on the A'O, and has  
 verified the existence of three  
 other endangered species in the  
 area. Page 7 of the report  
 of this project's EA states a complete  
 lack of endangered species due to  
 non existence of wet lands habitats.  
 This is clearly an error. I demand  
 this project be stopped until  
 the EIS be properly conducted.

c) Culturally - Residents of this  
 area are overwhelmingly against  
 this project. This has been an  
 alternative energy area for  
 25 years and more. According  
 to the EA, no archeological  
 sites exist in the area.

③



This is an obvious error as many significant sites exist in this area i.e. trails, house sites, and Heaous.

3) Much of the entire project will happen, or has already happened, within the shoreline setback Area.

4) The entire project is in conflict with several federal, state and county laws and resolutions; i.e. FEMA, HRS (Hawaii Revised Statutes) and state guidelines (for development in Hazard Zone Two).

5) On thurs. Jan 5<sup>th</sup> in a public meeting in Pahoa, Army Curtis of HELCO acknowledged that their EA. contains errors.

Based on these 5 points I am requesting a continuation of the E.I.S. process.

Sincerely,  
a Concerned Friend  
of the Red Road

Ref: IM-EL

A Concerned Friend of the Red Road  
P.O. Box 2169  
Pahoa, Hawaii 96778

Dear Friend:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: Jrd/1-2-09: 3

Your letter dated January 9, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

*W. Mason Young*  
W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

R. M. TOWILL CORPORATION

420 WAIANANUI RD #411 HONOLULU, HI 96817-0421 (808) 842-1133 FAX (808) 842-1037

February 7, 1995

Concerned Friend of the Red Road  
P.O. Box 2169  
Pahoa, HI 96778

Dear Concerned Friend:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorsi,  
Puna, Hawaii TMK No. 1-2-02-03(portion)

We have received your comment letter dated January 9, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."

The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA was to be the portion for which the utility easement was being requested.

2. Your concerns describing the area's environmental and cultural sensitivity have been noted. Specific to your comment regarding archaeological sites, the subject EA clarifies that there are no known archaeological sites in the proposed electrical utility easement project site.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are processed as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate, following this review period.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Concerned Friend of the Red Road  
February 7, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: OEQC  
Helco  
DLNR

1-2-02-03(portion)

RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
Mike Wilson + Eric Leong  
Department of Land and Natural Resources  
Land Management Division  
PO Box 621  
Honolulu HI 96809

Kindt has already taken down Coastal  
- permission Lines because of endangerment  
to the '10 (swallow's stream water).

Jim Jacoby, of the National Biological  
Survey, has conducted a study to be released  
study on the '10 and has verified the  
existence of the other 3 endangered species of this area.

Page 7 of the EA, states a complete lack of  
endangered species due to the non-existence of Wetland  
habitat. THIS IS CLEARLY A MISTAKE. DUE TO  
THIS ERROR I DEMAND THAT THE PROJECT BE  
STOPPED and that the EIS Project be  
immediately completed.

g) culture - this area has been an alternative  
energy residence for a 1/4 century. The  
Residents are totally OPPOSED to ELECTRICITY.

HELCO will be providing a mean 12%  
of the Lots to Power. According to the EA  
NO ARCHAEOLOGICAL SITES exist in this area. THIS IS ALSO  
AN ERROR. THERE ARE KNOWN ANCIENT TANKS, HEILOUS,  
& HOMES.

⑤ Much of the entire project will happen or has  
already happened within the Shoreline setback which  
the entire project is in conflict with  
state, and county, and federal regulations.

FEMA, HRS (HAWAII REVISED STATUTES), State Guidance  
For Development in ZONE 2.

⑥ On Thursday 5 January, Army Corps of  
HELCO acknowledged that the EA does contain  
errors.

Based on these 5 points, I am requesting a  
continuation of the EIS process.

Sincerely,  
JACOBINE KIDANO

RE: HELCO Request for direct Grant of EASEMENT  
for ELECTRICAL UTILITY PURPOSES, DEQC  
bulletin, 12-23-94  
(SSRP # 71 - Ravenhorst)

ATTN: Eric Leong

① AS a CONCERNED HUMAN BEING & RESIDENT of the  
RED FORD I AM TOTALLY AGAINST the  
above mentioned HELCO project. We know  
this project is a segment of a project already  
begun in August/Sept 1994 in KALANAN SQUARED.

newly DEQC construction project, projects  
CANNOT be segmented. Therefore, this  
project's HELCO is VIOLATING a STATE  
STATUTE.

② This project is being conducted in  
a GEOLOGICALLY AND ENVIRONMENTALLY AND  
CULTURALLY SENSITIVE area.

③ Biologically is in a hazard zone 2 for  
LAVA FLOW

④ environmentally is a nesting ground for  
birds and for several endangered and  
threatened species & SPECIFICATION 11, RISE  
endangered species: '10, '10, the dark-rumped petrel,  
the HAWAII 'HONEY EAT

DOCUMENT CAPTURED AS RECEIVED

MAY 24 1995

Ref: LM-EL

Ms. Jeanne Albano  
P.O. Box 283  
Pahoa, Hawaii 96778

Dear Ms. Albano:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 9, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,



W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



RECEIVED  
DIVISION OF  
LAND MANAGEMENT

Jan. 9, 1995  
P.O. Box 1178  
Pahoa, HI, (96778)

JAN 17 10 27 AM '95

Mike Wilson, Chairman  
DLNR  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809

Re: Helco request for Direct Grant of Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP # 71 - Rauvenhorst)

Attention: Eric Leong

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/Sept., '94 in Kalaupapa Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute.
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the Nat. Biological Survey Dept. has conducted a study and verified the existence of the 'A'O - Newell's Shearwater in the area. There are at least 4 endangered bird species: the 'A'O; Dark rumped petrel; 'I'O - Hawaiian Hawk; and the Hawaiian Hoary Bat. The 'A'O is especially sensitive to electrical line as Kauai Electric found out recently. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. Out of over 1200 lots, only approximately 12% will be desiring the power.
3. Much of the entire project will happen, or has already happened with the Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.

Based on these points I request a continuation of the EIS process. There are no exemptions from the EIS process.

Sincerely,  
*Alan Conrad*  
ALAN CONRAD  
P.O. Box 1178  
Pahoa, HI 96778

cc: Helco  
Dm Towill Co.

50 2 1 1995

Ref: LM-EL

Mr. Alan Conrad  
P.O. Box 1178  
Pahoa, Hawaii 96778

Dear Mr. Conrad:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3kd/A-2-09; 3

Your letter dated January 9, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 597-0414.

Very truly yours,

*W. Mason Young*  
W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

R. M. TOWILL CORPORATION

450 WAIKANAHI RD #411 HONOLULU HI 96817-1941 808/848-1133 FAX 808/848-1037

February 7, 1995

Mr. Alan Conrad  
P. O. Box 1178  
Pahoa, HI 96778

Dear Mr. Conrad:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorns,  
Puna, Hawaii TMK No. 1-2-09-03 (portion)

We have received your comment letter dated January 9, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."
- The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA was to be the portion for which the utility easement was being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate, following this review period.

Mr. Alan Conrad  
February 7, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC



From:  
Dennis Cooper  
RR 2 Box 4758  
Pahoa, HI 96778

RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
JUN 19 9 41 AM '95

cc TO: Mike Wilson CFAA/ELM/3-2-RX/KOUM/3D SE: SSPP Unit 71 - Rauenhorst HE  
Land Management Division  
P.O. Box 621 Room 220  
Honolulu, HI 96809  
att: Eric Leong

Dear Chairman Wilson:

I believe errors in the Draft Assessment that are serious enough to require a continuation of the Environmental Assessment process. Endangered bird species are in the area of TMK 1-2-09:03, the Hawaii State owned segment of the line extension project and in the surrounding area. The fauna species noted as being in predominance, False Staghorn fern (Dicranopteris linearis) is not in this area as there is not yet enough soil to support this plant.

The A'O or Neval's Shearwater (Puffinus Newelli) the I'O or Hawaiian Hawk (Buteo hawaiiensis), and the OPE'APE'A or Hawaiian Hoary bat (Lasiurus cinereus semotus) were seen and heard in our areas of the State and County segments of the HELCO project. The A'O nests on the slopes above the sea in the Opihikao area between May and October, and is frequently heard calling at night.

Page 7 of the Draft EA states "B. Birds: common exotic bird species such as Japanese white eye, spotted dove and zebra dove are commonly in the area. The lack of native forest birds or currently threatened endangered species in the area is largely due to the non-existence of wetland habitat."

In addition to calling for an Environmental Impact Statement for the state owned segment of the line extension, I also want an Environmental Impact Statement for the County of Hawaii owned easments of the project due to particularly sensitive environment See Chapter 200 of title 11, subchapter 8 of the Hawaii Administration Rules, 11 - 200 - 8 - 9-b. which states - All the exemptions under the classes in this section are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment."

Thank you for your earliest response.

Dennis W. Cooper (owner occupant Kihuna Beach)

cc Gary Gill Chairman  
QEOC  
220 South King St.  
Suite 44 Central Pacific Plaza  
Honolulu, HI 96813

cc. Representative Patsy Mink  
US House of Representatives  
2135 Rayburn Ave.  
Washington DC 20515

HELCO  
POB 1027  
Hilo, HI 96721  
att Ralph Ratific

r.m. Tovill Corp  
420 Makamilo Rd, Suite 411  
Honolulu, HI 96817-4941  
att Collette Sakoda

R. M. TOWILL CORPORATION

450 WAIKAMUI RD #411 Honolulu, HI 96817-4941 808.548-1133 808.548-1037

February 7, 1995

Mr. Dennis Cooper  
RR2 Box 4758  
Pahoa, HI 96778

Dear Mr. Cooper:

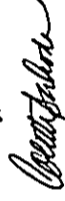
Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhonst,  
Puna, Hawaii TMK No. 1-2-09-03 (portion)

We have received your comment letter dated January 17, 1995 regarding the subject project. The following has been prepared in response to your comments.

1. Comments regarding predominant plant species and possible existence of threatened and endangered avifauna in the area have been noted, and the text of the EA will be amended to reflect appropriate changes.
2. With regard to Section 11-200-8.9b, Exempt classes of action, as it relates to the subject area on which telephone poles and a line already exist, your comments have been noted.

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Heico  
Representative Patsy Mink, U. S. House of Representatives  
OEQC

Ref: LM-EL

Mr. Dennis Cooper  
RR2 Box 4758  
Pahoa, Hawaii 96778

Dear Mr. Cooper:

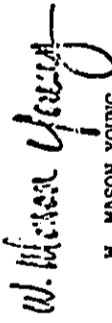
Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-09.3

Your letter dated January 17, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,



W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

DOCUMENT CAPTURED AS RECEIVED

To  
R.M Powell Corp

January 9th 1995  
RR2 Box 3931  
Pahoa HI 96773

Re: HELCO Request for Direct Grant of Easement  
for Electrical Utility Purposes, OEQC Bulletin 12/23/94  
(SSPP #71-Ravenhorst).

Attn: R.M. Powell Corp.

As a concerned citizen of the road 2022,  
in lower Pahoa I am writing the following  
comments regarding the above project.

1) This project segment of a project  
already begun in August/September 1994  
in Kapaemahu's easement. According to  
OEQC instructions, projects can not be  
separated. This project is violating the  
state statute.

2) This project is being conducted in a  
environmentally sensitive area.

A) Geological the project is being conducted  
in lava zone two.

B) Environmentally the area has four endangered  
birds, none of which were claimed in the impact  
report. They are the 'A'o (Brewer's Sparrow); Dark-  
rumped Petrel; I'o (Hawaiian Monk); and the Hawaiian  
Monk Seal. Page 7 of this project's EA states a  
complete lack of ~~endangered~~ endangered species  
this is clearly an ~~error~~ error. Due to this I  
demand that the project be stopped for  
a continuation of the EIS process.

<sup>The residents</sup>  
Culturally ~~are~~ <sup>are</sup> oversteering against this project.  
This has been a alternative energy area for  
over 25 years. Out of 1200 lots only 12%  
plan to hook up to HELCO's power.

According to the EA, there are no ancient  
trails, house sites, and other archeological sites. This  
too is incorrect.

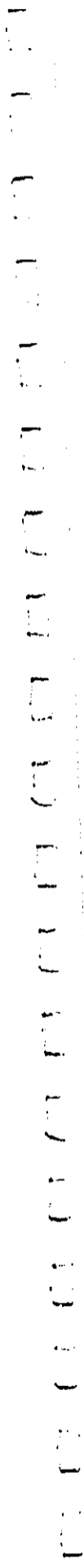
3) Much of the entire project has happened  
or will happen, within the shoreline setback area.

4) The entire project is in conflict with  
several Federal, State, and county regulations,  
eg. FEMA H.P.S and state guidelines for  
development in Hazard zone two.

5) On their Jan 5th in a public meeting  
in Pahoa, Army Curtis of HELCO acknowledged that  
the EA contains many errors.

Based on these points I am requesting  
~~continuous~~ environmental impact report and  
immediate halting of the project.

Sincerely,  
*[Signature]*



DOCUMENT CAPTURED AS RECEIVED

.001 74 RMS

Ref: LM-EL

Ms. Lisa Castro  
RR2 Box 3931  
Paheo, Hawaii 96778

Dear Ms. Castro:

Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Basement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 9, 1995 concerning the above-  
captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill  
Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our  
Land Management Division staff at 587-0414.

Very truly yours,

*W. MASON YOUNG*

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

**R. M. TOWILL CORPORATION**

420 Waikeamilo Rd #411 Honolulu HI 96817-4941 (808) 848-1133 FAX (808) 848-1827

February 7, 1995

Ms. Lisa Castro  
RR2 Box 3931  
Pahoa, HI 96778

Dear Ms. Castro:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Ravenhorst,  
Puna, Hawaii TMK No.: 1-2-09-03(portion)

We have received your comment letter dated January 9, 1995. The following has been prepared in response to your comments.

1. According to OEOC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]".  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA was to be the portion for which the utility easement was being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate, following this review period.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ms. Lisa Castro  
February 7, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

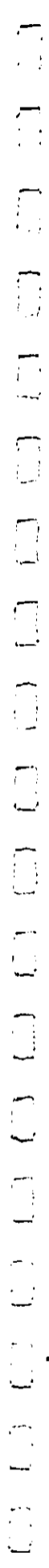
Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEOC

COPIES OF THIS DOCUMENT ARE AVAILABLE AT THE FOLLOWING ADDRESSES:



DNLR  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809

1/23/95  
STEVE DANNER  
Name: POTPOX 1957  
Address: PAHOA, HI 96798

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes.  
OEQC Bulletin 12-23-94  
(SSP #71 - Rauenhorst)

Attention: Eric Leong, Mike Wilson

As a concerned citizen of this island I have some considerations about the above HELCO project.

- This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute [343-6 (e) (2), 11-200-7].
- This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - Geologic - Hazard Zone 2
  - Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'A'O - Newell's Shearwater in the area. There are at least three endangered bird species: the 'A'O; Dark rumped petrel and I'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'A'O is especially sensitive to electrical line as Kauai Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 (48 Community Life and Housing (A,B,C & E)).
- Much of the entire project will happen, or has already happened within Shoreline Seiback Area.
- The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS. State guidelines for development on Hazard Zone 2.
- On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
- CHAPTER 11-200-9 (3K4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
- Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

*Steve L. Danner*

JUN 27 1995

Ref: LM-EL

Mr. Steven Danner  
P.O. Box 1957  
Pa'ho'a, Hawaii 96778

Dear Mr. Danner:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3k3/1-2-09; 3

Your letter dated January 23, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

*W. Mason Young*

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/R. M. Towill Corporation

R. M. TOWILL CORPORATION

480 WAIKAMUI RD #411 HONOLULU HI 96817-4941 PHONE 848-1133 FAX 808-848-1077

February 7, 1995

Mr. Steve Danner  
P.O. Box 1957  
Pahoa, HI 96778

Dear Mr. Danner:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauehohor,  
Puna, Hawaii. TMK No.: J-2-09-03(portion)

We have received your comment letter dated January 23, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."

The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.

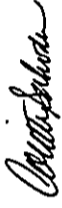
2. Your concerns describing the area's environmental and cultural sensitivity have been noted.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Mr. Steve Danner  
February 7, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

11-200-12 (a) (1) (i) (ii) (iii) (iv) (v) (vi) (vii) (viii) (ix) (x) (xi) (xii) (xiii) (xiv) (xv) (xvi) (xvii) (xviii) (xix) (xx) (xxi) (xxii) (xxiii) (xxiv) (xxv) (xxvi) (xxvii) (xxviii) (xxix) (xxx)

R.M. Towill

R. M. Towill Comp.  
420 Waikamilo Road Suite 411  
Honolulu, HI 96917

Date:  
Name:  
Address:

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Rauchenhorst)

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalaupua Scaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute [343-6 (a) (2), 11-200-7].
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a study and verified the existence of the 'AO - Newell's Shearwater in the area. There are at least three endangered bird species: the 'AO, Dark rumped petrel and 'O - Hawaiian Hawk, along with the Hawaiian Hoary Bat. The 'AO is especially sensitive to electrical line as Kauai Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 [§8 Community Life and Housing (A,B,C & E)].
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200:9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely, *Paul Duffy*

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 3 1995	
FBI - HONOLULU	

FEB 3 1995

Ref: LM-EL

Mr. Paul Duffy  
P.O. Box 1550  
Pahoa, Hawaii 96778

Dear Mr. Duffy:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-09; 3

Your letter dated January 24, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation



R. M. TOWILL CORPORATION

480 WAIKAMUI RD #411 HONOLULU HI 96817-1841 808-848-1123 FAX 808-848-1037

February 7, 1995

Mr. Paul Duffy  
P.O. Box 1550  
Pahoa, HI 96778

Dear Mr. Duffy:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauehonorst,  
Puna, Hawaii TMK No: 1-2-09-03(portion)

We have received your comment letter. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."

The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.

2. Your concerns describing the area's environmental and cultural sensitivity have been noted.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Seiback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Mr. Paul Duffy  
February 7, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

RECEIVED FEBRUARY 10 1995

DOCUMENT CAPTURED AS RECEIVED

Graham Ellis  
RR2 Box 4524  
PAHOA  
HI 96778

RECEIVED  
DIVISION STAFF 144L 95  
JUN 19 9 38 AM '95

cc TO: Mike Wilson  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809  
att: Eric Leong

Dear Chairman Wilson:

I believe errors in the Draft Assessment that are serious enough to require a continuation of the Environmental Assessment process. Endangered bird species are in the area of TKR 1-2-09:03, the Hawaii State owned segment of the line extension project and in the surrounding area. The fauna species noted as being in predominance, False Staghorn fern (*Dicranopteris linearis*) is not in this area as there is not yet enough soil to support this plant.

The A'O or Heval's Shearwater (*Puffinus nevelii*) the I'O or Hawaiian Hawk (*Buteo hawaiiensis*), and the OPE'APE'A or Hawaiian Hoary bat (*Lasiurus cinereus semotus*) seen and heard in our areas of the State and County segments of the HELCO project. The A'O nests on the slopes above the sea in the Opihikao area between May and October, and is frequently heard calling at night.

Page 7 of the Draft EA states "B. Birds: common exotic bird species such as Japanese white eye, spotted dove and zebra dove are commonly in the area. The lack of native forest birds or currently threatened endangered species in the area is largely due to the non-existence of wetland habitat."

In addition to calling for an Environmental Impact Statement for the state owned segment of the line extension, I also want an Environment Impact Statement for the County of Hawaii owned easements of the project due to particularly sensitive environment See Chapter 200 of Title 11, subchapter 8 of the Hawaii Administration Rules, 11 - 200 - 8 - 9-b. which states: " All the exemptions under the classes in this section are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment."

Thank you for your earliest response.

cc Gary Gill Chairman  
QECC  
220 South King St.  
Suite 44 Central Pacific Plaza  
Honolulu, HI 96813

Ref: IM-EL

Mr. Graham Ellis  
RR2 Box 4524  
Pahoa, Hawaii 96778

Dear Mr. Ellis:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 14, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

W. Mason Young  
W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/R. M. Towill Corporation

**R. M. TOWILL CORPORATION**

490 Waikeamilo Rd #411 Honolulu HI 96817-4041 (808) 848-1133 Fax (808) 848-1037

February 7, 1995

Mr. Graham Ellis  
RR2 Box 4524  
Pahoa, HI 96778

Dear Mr. Ellis:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauvenhorst,  
Puna, Hawaii TMK No. 1-2-09-03 (portion)

We have received your comment letter dated January 14, 1995 regarding the subject project. The following has been prepared in response to your comments.

1. Comments regarding predominant plant species and possible existence of threatened and endangered avifauna in the area have been noted, and the text of the EA will be amended to reflect appropriate changes.
2. With regard to Section 11-200-8.9b, Exempt classes of action, as it relates to the subject area on which telephone poles and a line already exist, your comments are noted.

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
Representative Patsy Mink, U.S. House of Representatives  
OEQC

TO: EDC LEONG  
MIKE WILSON  
DLNR  
Land Management Division

RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
JAN 10 11 01 AM '95  
January 9, 1995  
P.O. Box 2010  
PAHOA, HAWAII  
96778

RE: Helco Request for direct grant of easement  
for electrical utility purposes, DEAC  
Bulletin, 12/03/94  
(SSPP #71-RAUSUBST)

Attn: Mr Leong + Mr. Wilson

As a concerned and disgusted citizen  
I wish to make the following comments  
on the above project.

An Environmental Assessment is  
necessary for this project. This  
project is a segment of a project  
already begun in August/September  
1994 in Paia/Seaview Estates.  
According to DEAC instructions,  
projects cannot be segmented.  
Therefore this project is in  
violation of this statute.

This project is being conducted in  
a geologically and environmentally  
sensitive area. Before such is  
a sacred place where many species  
exist that would be endangered  
if Helco went through. The lava  
zone is hazardous where this would  
take place. This zone is also a  
nesting, feeding, and migratory habitat

is a well used area for many species.  
Specifically for the 'A'O, I'O, the  
dark rumped petrel, hoary bat, the  
Kauaii petrel, and the  
Kauaii petrel. This area has been taken down  
by the transmission lines and the  
endangerment to the 'A'O. (Crows, shear water)

Jim Jacoby of the National Biological  
Survey Department has conducted  
a study to be released early of  
the 'A'O and has verified the existence  
of the other three endangered species  
in this area. The state Pg. 7 of  
EA states the lack of endangered  
species due to the non-existence of  
wetland habitat. This is clearly and  
obviously a continuation of the  
EA process. This project must be stopped.  
An EIS process needs to be properly  
completed.

This area ~~has~~ is overwhelmingly  
against this project. This has been an  
attractive energy area for the last  
twenty-five years. According to EA no  
archaeological exists in the area.  
This is also clearly an error. There  
are numerous ~~of~~ trails, houses, buried  
structures in this area.

Much of the project will happen in  
or has happened within the shoreline  
set back area. For the entire project  
is in conflict with several federal  
state and county law regulations.

*ie. FEMA, HRS (Hawaii Revised Statutes)  
which the Planning Department claims  
to follow! Helco has already acknowledged  
on Thursday Jan. 5, in a public  
meeting withy Curtis of Helco, that  
their EA does contain errors.  
Based on these points I am  
requesting a continuation of  
the EIA process.*

4/23/95

Ref: LM-EL

Ms. Sarah Fay  
P.O. Box 2010  
Pahoa, Hawaii 96778

Dear Ms. Fay:

Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 9, 1995 concerning the above-  
captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill  
Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our  
Land Management Division staff at 587-0414.

Very truly yours,

M. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

*Sincerely,  
concerned,*

R. M. TOWILL CORPORATION

420 Waikeahalo Rd #411 Honolulu HI 00017-1041 800.848.1133 FAX 808.848.1037

February 7, 1995

Ms. Sarah Fay  
P. O. Box 2010  
Pahoa, HI 96778

Dear Ms. Fay:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-7J Rauenhorst,  
Puna, Hawaii. TMK No.: 1-2-09-03 (portion)

We have received your comment letter dated January 9, 1995. The following has been prepared in response to your comments.

- According to OEQC instructions, "projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."
- The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is requested.
- Your concerns describing the area's environmental and cultural sensitivity have been noted. Specific to your comment regarding archaeological sites, the subject EA clarifies that there are no known archaeological sites in the proposed electrical utility easement project site.
- Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
- Comments received during the 30-day public review period are processed as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ms. Sarah Fay  
February 7, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,

Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

(2)

TO: MIKE WILSON  
CHAIRMAN, DLNR  
LAND MGMT. DIV.

RE: Helco Request for Direct Grant  
Assessment for Electrical Utility  
Bellefleur 13-23-64 (SS # 171 - Rumboldt)

Att: Mr. Wilson  
As a resident, I wish to make the following  
input about the above referenced project  
currently being implemented in the Shaville,  
Hibernia Beach, Fern Palms and other  
This project is a segment of a project  
already begun in Aug, Sept, & Oct. 1984 on  
Kalamita. According to  
DEPC instructions, projects cannot be  
segmented. Therefore this project, Helco's  
SS # 171 is in violation of a state statute  
(# 343-6 (a) (2) # 11-200-7)

This project is being implemented in a  
geographically, environmentally and ultimately  
structurally and ecologically

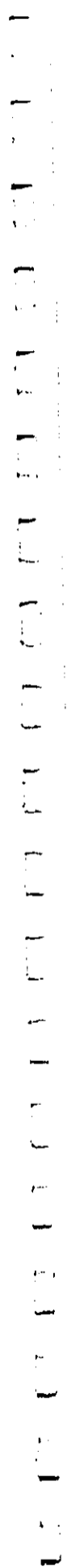
H. Specifically it is in danger of loss  
environmental - it is the nesting, breeding  
and feeding grounds for many endangered  
species - especially the R.C. bird, the  
F.C., the Rink Lumped Petrel, the  
Hawaiian Monk Seal. Helco has already  
been found to take other coastal  
environmental birds because of endangerment  
to the R.C. (Newell's Shearwater).  
Jim Jones of the National Department  
during Sept has conducted a study to  
be released study on the R.C. and has

mapped the importance of the other  
three endangered species in this area  
(Page 7 of their projects). EA states a  
complete lack of endanger species due  
to the lack of importance of wet  
land habitat; this is clearly in error.  
I must point out that this error demands  
a stopping of the project until a EIS  
process is properly completed.

C. Cultural - residents, who are  
overwhelmingly against this  
project. Of over 1200 lots only 140  
have signed contracts for electricity.  
2. The EA also says we are archeological  
sites existing. There are numerous  
premier sites in this area that  
residents can point out to you  
that cultural significance is  
being ignored.

This entire project is in conflict  
with the regulations of County, State  
and Federal FEMA NRS State  
Standards for development in lava  
zones 2. Any Curlew, on Jan. 5,  
in a public meeting in Kona  
mentioned that Helco's EA does  
contain several errors.

Based on the above information  
I am investing in a continuation  
of the study as my research



( 3 )

indicates that there are no  
exceptions, after consulting with  
the planning dept, public works,  
and traffic division & the county  
& Hawaii to the project.

Muhato, I  
Barbara Shelten  
P.S. I impeach Norman Olson - deputy head of  
the Planning Dept. Norman Olson is  
one of the guys who recently  
left the area that has contracted  
for electricity and his motives  
for any Planning Dept. decisions seem  
to be a conflict of interest!!!

01/09/95

Ref: LM-EL

Ms. Barbara Shelten  
12-445 Ole'ole Street  
Kehena Subdivision  
Pahoa, Hawaii 96778

Dear Ms. Shelten:

Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-021.3

Your letter dated January 9, 1995 concerning the above-  
captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill  
Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our  
Land Management Division staff at 587-0414.

Very truly yours,

*W. Mason Young*

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation



R. M. TOWILL CORPORATION

120 Waiakemahu Rd #411 Honolulu, HI 96817-4941 (808) 848-1133 Fax: (808) 848-1037

February 7, 1995

Ms. Barbara Shelten  
12-445 Ole'Ole Street  
Pahoa, HI 96778

Dear Ms. Shelten:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhurst,  
Puna, Hawaii. TMK No.: 1-2-09-03 (portion)

We have received your comment letter. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement (Chapter 343-6(a)(2), Chapter 11-200-7)".  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco. Specific to your comment regarding archaeological sites, the subject EA clarifies that there are no known archaeological sites in the proposed electrical utility easement project site.
3. Comment regarding the project's potential conflict with federal, state and county laws and guidelines has been taken under advisement.
4. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) and Chapter 11-200 process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.

Ms. Barbara Shelten  
February 7, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely, -

  
Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

DOCUMENT CAPTURED AS RECEIVED

R. M. Towill Corp.  
420 Waialaamilo Road Suite 411  
Honolulu, HI 96917

Due: 1-22-94  
Name: MICHAEL B. CRADDER  
Address: RR 2 Box 4500  
Pahoa, HI 96798

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes  
OEQC Bulletin 12-23-94  
(SSP #71 - Rauchenhorst)

As a concerned citizen of this island I have some considerations about the above HELCO project.

- This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute [343-6 (e) (2), 11-200-7].
- This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - Geologic - Hazard Zone 2
  - Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'A'O - Newell's Shearwater in the area. There are at least three endangered bird species: the 'A'O; Dark rumped petrel and I'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'A'O is especially sensitive to electrical line as Kausal Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
    - Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 (88 Community Life and Housing (A,B,C & E)).
- Much of the entire project will happen, or has already happened within Shoreline Setback Area.
- The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
- On Thursday, January 5, 1995, Amy Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
- CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
- Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely, *Michael B. Cradler*

R. M. TOWILL CORPORATION  
420 WAIALAAMILO RD #411 HONOLULU HI 96917-4941 (808) 848-1133 FAX (808) 848-1037

February 7, 1995

Mr. Michael B. Cradlers  
RR2 Box 4500  
Pahoa, HI 96778

Dear Mr. Cradlers:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Uni-71 Rauchenhorst,  
Puna, Hawaii. TMK No.: 1-2-09:03 (portion)

We have received your comment letter dated January 22, 1995. The following has been prepared in response to your comments.

- According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
- Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.477/2 kV line.
- Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
- Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
- Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
- Comment regarding Chapter 11-200- 12 has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services



DOCUMENT CAPTURED AS RECEIVED

Gregory T. Smith  
P.O. Box 2005  
Honolulu HI 96813

Joyce Atkinson  
P.O. Box 4518  
Honolulu HI 96813

January 11, 1998

Joyce Atkinson  
P.O. Box 4518  
Honolulu HI 96813

Mike Wilson  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809  
att: Eric Leong

RE: SSPP Unit 71 - Ravenhorst HELCO

to Eric Leong re Well?

Dear Chairman Wilson:

I believe errors in the Draft Assessment that are serious enough to require a continuation of the Environmental Assessment process. Endangered bird species are in the area of TRK 1-2-09:03, the Hawaii State owned segment of the line extension project and in the surrounding area. The fauna species noted as being in predominance, False Staghorn fern (*Pteranotaria linearis*) is not in this area as there is not yet enough soil to support this plant.

\*The A'O or Neval's Shearwater (*Puffinus nevelii*) the I'O or Hawaiian Hawk (*Buteo hawaiiensis*), and the OPE'APE'A or Hawaiian Hoary bat (*Lasiurus cinereus semotus*) seen and heard in our areas of the State and County segments of the HELCO project. The A'O nests on the slopes above the sea in the Opihikao area between May and October, and is frequently heard calling at night. <sup>the birds are frequently seen in the area</sup>

Page 7 of the Draft EA states "B. Birds: common exotic bird species such as Japanese white eye, spotted dove and zebra dove are commonly in the area. The lack of native forest birds or currently threatened or endangered species in the area is largely due to the non-existence of wetland habitat."

In addition to calling for an Environmental Impact Statement for the state owned segment of the line extension, I also want an Environment Impact Statement for the County of Hawaii owned easements of the project due to particularly sensitive environments. See Chapter 200 of the Hawaii Administrative Rules, 11 - 200 - 8 . 9-b, which states: "All the exemptions under the classes in this section are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment."

Thank you for your earliest response.

Joyce A. Atkinson  
Gary Gill Chairman  
QECC  
220 South King St.  
Suite 44 Central Pacific Plaza  
Honolulu, HI 96813

cc Andy Levin State Senator  
Room 301  
235 South Berthmania  
Honolulu HI 96813

DOCUMENT CAPTURED AS RECEIVED

*Copy of  
to 2 days 1991*

*we received the BIG Playprint that was unaccountable  
for 2 days 1991.*

My house is on a half acres strait by air from 137 and I  
tell you now I have been expected by 225 gas and we also believe many  
other poisonous g-gases for years I so lense do read care all the lack  
of substantial trust in the DR: EA PF: red by IN Towill.

Civil Defence of Ilo Ilo indeed found a leak again Tuesday Jan. 10 1995.  
You may certainly verify the leak with Harry Kim, Director of Civil  
Defence for the Ilo Ilo Island of Hawaii. I believe the leak started by  
September to October, many of the residents of my Subdivision of  
Kilohana Seaside Estates and the Red Road Hwy 137, were experiencing  
Adverse, dizziness, dizziness and general fatigue, all HBS  
symptoms.

We have already mentioned to you the proof of the endangered  
species here, the Newell's Shearwater, The Hawaiian Hawk and the  
Hawaiian Noddy. We do have definite proof the endangered species do  
reside and exist here, as Dr. Jim Jacobi of US Office of  
Biological Services at Volcanos Park HI. does say to us there  
endangered species are here in our vicinity and at the present time  
two of our residents are witness to I'0, Hawaiian Hawk nests.  
I see the I'0 and the bat very often now and the A'0 Newell's  
Shearwater does fly over my house during his nesting time of  
May to October: see also the letter from Shawn Laha, of Oahu.

We appreciate your excellent response. The surveys, US ICH, are being  
re-released very soon according to Mr. Alan Delacoe of DOE Washington DC.  
Also see Judy Stroud DOE, Carriage Tennessee Field Office. These  
surveys being done 1993, 1994, conducted to the aid of the  
endangered species project. Freedom of Information Act requests these  
surveys be released now. Dr. Jacobi's office was formerly called ICH  
Wildlife and conducted the surveys for the ICH Wildlife Program.

*Shawn  
Joyce Alberta Tolera cc  
Jaime Alberta Tolera cc  
Nilet  
RM Duval*

*1991  
1991*

*Jan 10, 1995*

Office Alberta Tolera  
1000 4th St  
Edmonton Alberta T6C 2E5  
Canada  
Attn: Eric Suter

Dear Mr. Tolera and co-respondents:  
We are submitting the following comments on the Draft Environmental Assessment  
for your review and study:  
The draft is completely off base as there is certainly  
a definite and very dangerous threat to our air quality and good  
health here in the Lower Main District; most hazardous  
gas emissions from a geological feature in the form of  
hydrogen sulfide and various other gases to low not even being  
mentioned. Only the US has been qualified to my degree by  
the government agencies. In the night of Sept 25, 26th, 1994 I was  
warned in alarm by the smell of a sickly sweet chemical scent in the  
air with accompanying dizziness, headache and red rimmed eyes. I do not  
drink with excess of few years and ammas. Research with Dr. Riffenshein  
of the University of Edmonton, Alberta Canada told me that at 30 ppm  
sulfur dioxide, at 50 ppm per billion, there is a definite sickly  
scent odor, passing the rotten egg stage of odor. Four days later  
September 29th, 1994 Eric Suter dropped dead, after his MD warned him to  
move away from the near vicinity of 137 because the gas emissions  
were killing him. Eric Suter tried to sell his house but no one would  
purchase that close to 137. The survivors of Eric Suter's family are  
now living 137. 6 days after Eric's death I was called by a woman  
and told her they would now buy her house if she, Eric's wife,  
would drop the suit. I refused to the death of Eric Suter. I refused to  
buy the house.

*Copy of  
to 2 days 1995*

*Copy of  
to 2 days 1995*

*7/15/95  
Doreen EA B... Tolera*

JAN 18 1995

Ref: LM-EL

Ms. Joyce A. Folena  
RR2 Box 4518  
Pahoa, Hawaii 96778

Dear Ms. Folena:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: JRG/1-2-09: 3

Your letter dated January 11, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

Ref: LM-EL

Ms. Joyce Alberta Folena  
RR2 Box 4518  
Pahoa, Hawaii 96778

Dear Ms. Folena:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: JRG/1-2-09: 3

Your letter dated January 18, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

DOCUMENT CAPTURED AS RECEIVED

JUN 24 1995

Ref: LM-EL

Mr. Gregory T. Smith  
P.O. Box 2005  
Pahoa, Hawaii 96778

Dear Mr. Smith:

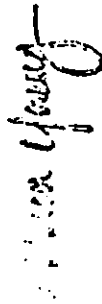
Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 31d/1-2-02: 3

Your letter dated January 11, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,



W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

**R. M. TOWILL CORPORATION**

180 Waihanamilo Rd #411 Honolulu HI 96817-1941 (808) 848-1133 Fax (808) 848-1037

February 7, 1995

Ms. Joyce Alberta Folena  
Mr. Gregory T. Smith  
c/o RR2 Box 4518  
Pahoa, HI 96778

Dear Ms. Folena:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorst,  
Puna, Hawaii. TMK No.: 1-2-09-03/portion

We have received your comment letters dated January 11 and 18, 1995. The following has been prepared in response to your comments.

- Comments regarding predominant plant species and possible existence of threatened and endangered avifauna nesting sites in the project site have been noted, and the text of the EA will be amended to reflect appropriate changes. Upon inquiry with the U.S. Office of Biological Services (Michelle Reynolds, Wildlife Biologist), we were informed that data from the organization's 1993 survey will be available in late February (see letter in this section dated January 24, 1995 from Hawaii Field Station, National Biological Service).
- Comments specific to Section 11-200-8.9b, Exempt classes of action, as they relate to the subject area on which telephone poles and a line already exist, and those relating to the need for an Environmental Impact Statement for County of Hawaii owned easements, have been noted.
- Comments relative to air quality have been noted, and the text of the EA will be amended as appropriate.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ms. Joyce Alberta Folena  
February 7, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
Representative Patsy Mink, U. S. House of Representatives  
OEQC



RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
JAN 19 9 42 AM '95  
ISAAC DAVIS HALL  
ATTORNEY AT LAW  
2087 WELLS STREET  
WAILUKU, MAUI, HAWAII 96793  
(808) 241-0017  
FAX (808) 241-0718  
OF COUNSEL  
G. RICHARD DESCH

January 17, 1995

Mr. Eric Leong  
Land Management Division  
Department of Land and Natural Resources  
State of Hawaii  
PO Box 621  
Honolulu, HI 96809

Re: Hawaii Electric Light Company request for direct grant of easement  
for electrical utility purposes

Dear Eric Leong:

This letter is written on behalf of Friends of the Red Road and Michael T. Hyson. Friends of the Red Road is a group of approximately 350 persons concerned about the environmental damage to the Kalapana-Kapoho Road, Route 137, popularly known as the Red Road, which will result from this project, among other adverse impacts. The Red Road is a significant coastal resource because it is a valuable scenic resource. Approximately 100 trees will be cut down for this project. These trees comprise portions of the habitat for a number of endangered species in the area, including but not limited to the Hawaiian hoary bat, the Io hawk, the 'o bird, the pueo owl, the sword ferns and Ishaemum Byroni grass. Residents of the Puna District rely upon the affected coconut trees for a supply of coconuts and the meat and water within the coconuts. The protected interests of the Friends of the Red Road and Michael T. Hyson will be harmed if this project is implemented.

The Hawaii Electric Light Company ("HELCO") has submitted a Draft Environmental Assessment ("DEA") with respect to this project. The deadline for comments is January 23, 1995. The OEGC Bulletin dated January 8, 1995 indicates that a Negative Declaration determination is anticipated for this action.

This letter is written to urge that a Negative Declaration not be entered. First, the DEA is inadequate and must be redrafted before a Negative Declaration can even be considered. Second, a review of the project as a whole clearly indicates that this project may have significant adverse impacts such that an Environmental Impact Statement ("EIS") must be prepared. The basic reasons why this DEA is inadequate are discussed below:

1. The DEA fails to assess the impacts of the project as a whole  
HELCO proposes to construct a 12.47/7.2 kilovolt (kV) overhead electrical distribution system that will serve three residential subdivisions in the Kehena, Keekee Puna Homesleads District of Puna. A total of 1,287 lots are expected to be serviced within the Kalapana Seaview, Puna Beach Fallsades and Kehena Beach Estates subdivisions.

The project as a whole is comprised of two phases or segments. The first phase or segment involves obtaining an easement from the Board of Land and Natural Resources ("BLNR") to use state property for an 8,710 foot segment of the distribution system within a 50-foot wide right-of-way.

The second phase or segment of the project involves the use of county property, county roadway rights of way, to continue the distribution through the "mauka" portion of the Kalapana Seaview subdivision down towards the ocean where the subdivision intersects with the Kalapana-Kapoho Road. Highway 137, known popularly as the Red Road. From there the distribution system travels along the Red Road towards Kalapana to serve the Puna Beach Fallsades and Kehena Beach Estates subdivisions. It may well have other purposes.

Portions of the Red Road that will be used for the electrical distribution system lie within the special management area ("SMA") as indicated by maps on file with the County of Hawaii.

A group of actions proposed by an agency or an applicant shall be treated as a single action when the component actions are phases or increments of a larger undertaking or when the individual project is a necessary precedent for a larger project. It cannot be disputed that the first and second phases or segments described above are increments of a larger total undertaking. It also cannot be disputed that the granting of the easement across state properties is a necessary precedent for the larger project because the distribution system must be brought across state lands before service can be provided to the three subdivisions. For the purposes of Chapter 343, then, the two phases described above must be treated as a single action. See Hawaii's environmental regulations, H.A.R. §11-200-7(1)-(4). A review of the DEA indicates that it has assessed only the impacts of the first phase or segment of the project and has failed altogether to assess the impacts of the second phase or segment of the project.

Agencies must determine whether the anticipated effects of a proposed action constitute a significant effect upon the environment. H.A.R. §11-200-10. To do so, agencies must consider the sum of effects on the quality of the environment, and shall evaluate the overall and cumulative effects of an action. H.A.R. §11-200-12(a). Every phase of the proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short and long term effects of the action, must be studied. H.A.R. §11-200-

12(b). This has not been done since the DEA is confined to an assessment of the first phase or segment of the project.

2. The DEA does not meet the content requirements for an Environmental Assessment

The content requirements for an Environmental Assessment are set out in H.A.R. §11-200-10. Key required elements are missing. There is no identification of citizens' groups and individuals consulted in making the assessment. H.A.R. §11-200-10(3). There is no list of permits and approvals required. See H.A.R. §11-200-10(11).

3. The significance criteria have not been properly applied

Certain significance criteria are to be addressed in determining whether an action may have a significant effect upon the environment. H.A.R. §11-200-12. Many of these have not even been addressed. These are discussed below:

- a. Irrevocable commitment to loss or destruction of a natural or cultural resources

This project involves the cutting down of roadside trees along the Red Road and elsewhere. These are coastal, scenic resources. Cutting them down is an irrevocable loss. There has been no discussion at all in the DEA about this loss.

- b. This project substantially affects the economic or social welfare of the community

The majority of the affected Puna community feels that this electric service is unneeded. The area has already been dedicated to solar energy. Bringing electricity here involves placing tall, unsightly poles throughout the community.

- c. Public health risks

Bringing electrical services to a new area also brings low level electromagnetic fields. It is known that these fields can have adverse impacts upon human beings and native species. There is a legitimate dispute among scientific experts in this field about the impacts of these fields and such a dispute warrants the preparation of an Environmental Impact Statement to review both sides of this issue in detail.

- d. Secondary impacts

Projects which improve the infrastructure or bring water and electricity to undeveloped areas induce growth and increases in population. These impacts have not been addressed in the DEA.

- e. This project involves substantial degradation of environmental quality

Cutting down beautiful, valuable roadside trees and replacing them with unsightly, tall, electric poles degrades the environmental quality of this rural area.

- f. Commitment for larger actions

Bringing this kind of electrical distribution system to the Puna area involves a commitment for larger actions. Some plan the industrialization of Puna or further electric plants in the area. This electrical distribution system would make both possible such that the impacts of these larger actions must be studied.

- g. Impact on rare, threatened or endangered species, or their habitat

As stated above, the coastal trees form a part of the habitat for several endangered species. The DEA does not address the issue of the presence of these endangered species or the impact of this project upon their habitat. In addition, low level electromagnetic fields will also constitute a health risk to these endangered species as well as dolphins along the coastline.

- h. Effect upon environmentally sensitive area

The special management area is an environmentally sensitive area. The Red Road is a significant coastal, scenic resource. The tall, unsightly electric poles interfere with views to and along the shoreline. The DEA does not even begin to address these impacts on this environmentally sensitive area.

4. The relation of this project to long term plans for this area

The project area lies within Lava Zones 1 and 2, concerning which a number of land use policies are in effect. The Federal Emergency Management Act ("FEMA") recommends no further development within these districts. The State of Hawaii has recommended that no higher density be allowed within this district. The Draft Master Plan for this area in Puna recommends no further development of the area and that it be reserved for alternative power systems such as solar. The proposed project is inconsistent with all of these land use policies. This inconsistency has not been addressed.

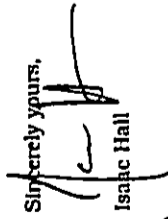
In addition, it is suspected that HELCO is rushing this project because in a short time HELCO will be required to deal with "externalities" before it implements policies. A review of "externalities" in this case would militate against going forward with this project.

For all of the reasons above, we urge the Department of Land and Natural Resources to instruct HELCO to re-draft and re-submit the DEA so that it complies with Chapter 343 and the underlying regulations. The DEA is inadequate and cannot provide the basis for entering a Negative Declaration. Second, it is clear, when the project is reviewed as a whole, that it may have a significant effect upon the environment such that an EIS must be prepared. We urge your agency not to enter a Negative Declaration and, instead, to require HELCO to prepare a full EIS.

Finally, while the Director of the Department of Land and Natural Resources has the authority to decide whether to enter a Negative Declaration or an EIS preparation notice without further public participation, we request that this matter be placed upon the agenda of the Board of Land and Natural Resources at a meeting to be held in Hilo so that the Puna community is given an opportunity to address the Board on this important issue of whether the DEA is sufficient and whether an EIS should be required. In any event, kindly notify me of any determinations made and of any meetings of the Board during which this matter will be discussed.

If you have any questions about any of the above, please do not hesitate to contact me. I look forward to hearing from you.

Sincerely yours,



Isaac Hall

IH/jp Friends of the Red Road  
cc: Michael T. Hyson  
HELCO  
OEGC

JAN-23-95 MON 14141 HALL AND GEGON P.01 JAN-23-95 MON 14142 HALL AND GEGON P.02

RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
JAN 24 8 32 AM '95  
ISAAC DAVIS HALL  
ATTORNEY AT LAW  
2087 WELLS STREET  
WAILUKU, MAUI, HAWAII 96793  
(808) 246-3007  
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2087 WELLS STREET  
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FAX (808) 246-0776

F A X I M I L E T R A N S M I T T A L

DATE: 1-23-95  
TIME: 3:10 P.M.  
TO: MR. ERIC LEONG

FAX NO.: 1-808-587-0390

PAGES: 9 (including this cover letter)

RE:

REMARKS: Timely DEA Comments

Via Facsimile and U.S. Mail  
(808) 587-0390

January 20, 1995

Mr. Eric Leong  
Land Management Division  
Department of Land and Natural Resources  
State of Hawaii  
P.O. Box 621  
Honolulu, Hawaii 96808

Re: Hawaii Electric Light Company request for direct grant of  
assessment for electrical utility purposes

Dear Eric Leong:

This is a further letter written on behalf of Friends of the  
Red Road and Michael T. Nyson. An earlier comment, dated January  
17, 1995 was submitted to you.

Friends of the Red Road and Michael T. Nyson are plaintiffs  
in a lawsuit against the County of Hawaii, the Hawaii Electric  
Light Co., Inc. ("HELCO") and Jacunsky Tree Services, Inc. in the  
Circuit Court of the Third Circuit, State of Hawaii, Civil No.  
95-14(Hilo). Hearings on a Motion for Preliminary Injunction  
have taken place which have elicited facts pertinent to the Draft  
Environmental Assessment ("DEA").

The Court granted, in part, plaintiffs' motion and has  
enjoined HELCO from cutting or trimming trees for the project,  
ruling that it was likely that plaintiffs would prevail on their  
claims that (1) a DEA must be prepared for the use of County  
lands, and (2) a special management area ("SMA") permit is  
required for the project work in the SMA. It is our view that  
the Board of Land and Natural Resources cannot even consider  
granting HELCO an assessment for this project (a) until and unless  
an Environmental Impact Statement is prepared, and (b) until and  
unless an SMA permit is obtained. See attached preliminary  
order.

1. Study of Alternatives

All reasonable alternatives must be addressed in the DEA.  
There is evidence that an underground cable would be less  
expensive and would not have the adverse visual impacts of the  
electric poles.

**IMPORTANT NOTICE**  
This Fax has been sent from a law firm. It may contain  
attorney-client privileged and confidential information  
intended only for the use of the person(s) named above. If  
you are not an intended recipient, you are hereby notified  
that any dissemination or duplication of this FAX is  
prohibited and that there shall be no waiver of any privilege  
or confidence by your receipt of this transmission. If you  
have received this FAX in error, please notify us by collect  
telephone call and return it by first class mail. Thank you.

Original letter ( ) will ( ) will not be mailed to you.

If you do not receive all the pages please telephone or fax  
us immediately. Thank you.

More importantly, the DEA does not study at all the alternative of off-grid systems, such as solar energy. Testimony from an expert in this field demonstrated that this was the least cost alternative and that HELCO could sponsor such a system. See enclosed Affidavit. The environmental costs and benefits of this alternative should be weighed against the environmental costs and benefits of the proposed action. The DEA is inadequate unless it fully addresses the off-grid solar option.

2. Adverse Visual Impacts

Many more electric poles are being installed than existing telephone poles. In the Kalepana Seaview Subdivision alone, where the project has been illegally implemented, there are only between ninety (90) and one hundred and forty four (144) telephone poles existed, HELCO has now installed between one hundred and ninety nine (199) and more electric poles.

The electric poles will have cross bars at the top, which the telephone poles do not. The telephone poles mostly have only one wire, whereas the electric poles will hold three or more wires.

The telephone poles are only approximately twenty four to twenty seven feet in height from the ground. The electric poles are thirty nine feet above ground. This destroys the visual environment for plaintiffs and obstructs views to and along the shoreline. In the special management area, scenic, coastal resources are being destroyed and views to and along the shoreline are being obstructed.

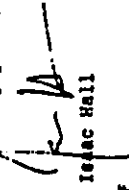
3. Unneeded and Unwanted Electrical Distribution System

HELCO describes the electrical distribution system as "much needed". This is absolutely false and HELCO knows as such. The project is designed to bring electrical services to the one thousand, two hundred and eighty seven (1,287) lots within the three residential subdivisions in Puna. Of these one thousand, two hundred and eighty seven lot-owners, only approximately one hundred and eighty (180) of them have requested to be served by HELCO. This leaves one thousand, one hundred and seven (1,107) lot-owners, roughly eighty six percent of them, who have no current interest in being served by HELCO. Yet these electric poles and wires will be strung along each of the one thousand, two hundred and eighty seven lots and each lot-owner will be forced to reside next to and look at these poles and wires. This is undemocratic. A small minority of lot-owners should not be able to impose these adverse impacts on the majority of the other non-consenting lot-owners.

This project, as currently designed, cannot be fully implemented unless the State of Hawaii grants an easement. We request that an environmental impact statement be required and that the easement hopefully not be granted for all of the reasons stated in this and our previous letter.

If you have any questions regarding the above, please do not hesitate to contact me. I look forward to hearing from you.

Sincerely yours,



Isaac Hall

IHI:BE

cc: Friends of the Red Road  
Michael T. Nyson  
HELCO  
OBQC

Enclosures

Friends of the Red Road v. The County of Hawaii  
Civil No. 95-14  
January 19, 1995

1. Plaintiffs' Motion for Preliminary Injunction, filed on January 11, 1995, shall be granted in part. Defendant Hawaii Electric Company, Inc. ("HELCO") shall be enjoined from cutting down trees or from trimming trees so as to significantly alter their size or shape in Defendant County of Hawaii's (the "County") rights-of-way or property. In this context, a "significant alteration" results if it will take more than one year for the pre-existing size and shape of a tree to be substantially restored.

2. The basis for this decision is as follows:

a. Plaintiff Friends of the Red Road ("Friends") has or more than one of its members as an association have standing to seek relief.  
b. Based upon the state of the evidence presented, there is a probability that Friends will succeed on the merits in regard to its argument that a special management area use permit was required for the HELCO project.

Generally, a special management area permit of some nature is required where "development" is contemplated. "Development" is defined as any of the uses, activities, or operations on land or in or under water, within a special management area. HRS § 205A-22. It includes "construction, reconstruction, demolition, or alteration in the size of any structure." HRS § 205A-22. "Structure" is defined to include any telephone line or electrical power transmission and distribution line. HRS § 205A-22.

The HELCO project entails the removal of telephone poles and the installation of joint utility poles. It clearly constitutes a "development" for the purposes of HRS § 205A-22 because it involves construction or reconstruction of telephone and electrical power transmission and distribution lines. None of the limitations on the definition of "development" set forth in HRS § 205A-22 applies.

The justification provided by the County does not apply. Section 9-4(10) B. (iv) of the Planning Commission County of Hawaii Rules relates to "repair and maintenance". In regard to the HELCO project, "construction" or "reconstruction" is involved. Further, the specific provision relied upon conflicts with the limitation of the definition of "development" set forth under HRS § 205A-22.

c. Also, based upon the state of evidence presented, there is a probability that Friends will succeed on the merits on its argument that an environmental assessment is required. Defendants claim that several exemptions set forth in the Department of Health, Environmental Impact Statement Rules ("EIS Rules"), as further qualified by the Comprehensive Exemption List for the County of Hawaii Department of Public Works ("Exemption List"), apply.

Section 11-200-8(2) of the EIS Rules arguably may apply. However, taking into consideration (1) an additional purpose for the facilities, that is, for the distribution of electricity; (2) an increased capacity of use; (3) an increased density; (4) increased height of the utility poles installed or to be installed and (5) larger dimensions of the poles to be installed and different shaping at the top of the poles, there is a sufficient basis to conclude, based upon the evidence presented, that there is a substantial difference between the pre-existing telephone poles and the joint utility poles to be installed pursuant to the HELCO project, in light of the project's environment. Exemption Class # 2, as defined in the Exemption Rules, does not further delineate any specific type of action which is potentially applicable to this case.

For reasons set forth above, Exemption Class # 4 of the Exemption Rules does not justify an exemption.

d. The cutting down or reshaping of trees is to be performed pursuant to the HELCO project. The balance of irreparable damage favors an injunction against the cutting down of trees and the trimming of trees so that their sizes or shapes are significantly altered pending a final determination of these matters. However, no other injunction shall issue at this time.

e. The above injunction is consistent with the public interest.

f. In light of the written confirmations of determinations made by the County's agencies that a special management area permit and an environmental assessment were not required, appeals of agency actions may be appropriate. However, the opportunity for appeal should not justify leaving Friends without an immediate remedy for irreparable damage. On the other hand, the results of the appeals may have an impact upon this injunction.

3. Mr. Hall is to prepare a proposed form of the order. Other counsel are also invited to submit forms of the order.

JAN 23 05 MON 14:45 HALL AND GEOCH P.07  
JAN-23-95 MON 14:46 HALL AND GEOCH P.00

DR. A. FALGOUT  
1000 BIRCH ST  
PALO ALTO CA 94301  
FRIENDS OF HAWAII  
US: PLAINFIELD  
COUNTY HAWAII, THE HAWAII ELECTRIC CO. 240,  
JACUARY 11 1995 SERVICE, INC. 23044003

Affidavit of Kristine Kubut Jan. 17, 1995 CIVIL # 95-14

My name is Kristine Kubut. I reside in Kapoho, HI and my mailing address is PO Box 1865, Hanalei, HI 96727.

I am employed by Pacific Synergy, a sustainable development consulting firm. I am an expert on alternate energy. Federal energy policy and Hawaii State energy policies.

I am working with the Integrated Resource Planning process and have served on Helco's Citizen's Advisory Group since its inception.

I have considerable knowledge concerning policies and programs that are available to Helco that would provide options to the community besides the current pole extensions for the provision of electrical power.

It is my view that many Hawaii residents desire the utilities, such as Helco to be involved in solar energy and favor such options for their energy needs. In a survey conducted recently, 92% of all surveyed electric rate payers in Hawaii favored the utility becoming involved in solar energy systems to supply power. (See the survey attached as an exhibit)

The Federal government has several programs to encourage the change-over of the utilities to solar and alternate power. For example, Helco is a member of the National Utility Photo-Voltaic Group, an association comprising many utility companies across the nation. Helco could participate in the DOE TEAM-UP program that would greatly reduce the cost of PV systems and clearly make this option the least cost alternative for the Seaview, Keohann and Puna Palloides subdivisions.

Through TEAM-UP, Helco and other utilities can make joint bulk purchases of photovoltaic power generation equipment. This group is soliciting proposals later this year. One purpose of TEAM-UP is to help utilities create solar-powered communities.

Alternate energy communities are being encouraged by these programs and Helco could and should participate and offer solar and other alternate energy solutions for the electrical needs of their customers.

As further motivation for the use of alternate and solar energy, now and in the future, FEMA has recommended no further development in Hazard Zones 1 & 2; a state resolution recommends no development that will encourage higher density of population in Hazard Zones 1&2; and the Draft Master Plan for Hawaii County recommends that Puna be reserved for alternate and solar energy developments.

I served as energy consultant to the Puna Community Development Plan and I am well aware of the policy behind these recommendations. (See attached credentials)

The Public Utilities Commission has mandated, for several years, guidelines that require the utilities by order of the PUC to follow "least cost planning" that considers social and environmental costs in specifying their power generation and distribution designs. While detailed costing of these factors is still being developed, the utilities are required by law to consider these factors in all current and future developments.

In view of the risk of lava inundation in Hazard Zones 1&2, and other social and environmental factors involved, I feel that solar photovoltaic and alternate energy systems are the least cost options for these areas.

In fact, the utilities are required by State law to follow least cost planning. Further, Hawaii State energy policy is to encourage self-sufficiency and the use of renewable energy sources, for example, solar power.

In addition, Helco has several on-going projects within the company, including the PV demonstration project being run by Steve Duran, and an electrical vehicle demonstration project. Therefore, Helco is already involved in solar and alternate energy developments and these approaches can and should be applied to the current Puna developments as well as future Helco power projects.

Given the funds offered by Federal and State programs and the competition given by the Department of Energy, Sandia Labs and other manufacturers of PV equipment, it is practical and cost effective to use this technology now for developments on Hawaii.

THIRD CIRCUIT COURT  
STATE OF HAWAII  
FILED  
19 JAN 17 PM 3:58  
LISA HAKETA  
CLERK

Many residents and property owners in the Red Road, Kehena, Seaview and Puna Palisades areas are using solar PV systems already and have for the last 25 years. This community is ready, willing and able to participate in the further development of a model solar community and already is such a community.

In view of a growing preponderance of evidence showing harm to people from electromagnetic fields and possible environmental harm to several endangered species in the Puna district, more benign solar and alternate energy sources are needed.

Therefore, I strongly support the requests of Puna residents and property owners for a natural environment with alternate energy sources. I also support their requests that the power poles and structures now being installed be removed and the area restored to its pristine nature.

I recommend that a full and complete survey of the Puna area be undertaken to ascertain the extent of support for alternate energy systems. I expect a majority will want this form of power in preference to the standard pole-and-wire grid system.

I offer this testimony in support the Friends of the Red Road.

The information contained herein is true and correct to the best of my knowledge.

FURTHER AFFIANT SAYETH NOT.

*Kristine Kubat*  
Kristine Kubat

Date: January 11, 1995

Notarized on 1/11/95 by *Laura M. Sigurdson*

Suit # Hawaii }  
County of Hawaii }

On this 17th day of January 1994, I, the Notary Public, do hereby certify that the foregoing is the true and correct copy of the original as shown to me on the basis of satisfactory evidence to be possessed by me.

Pauline Shigeoka

Notary Public, State of Hawaii

Kristine Kubat

I personally know her.

I am personally acquainted with her.

Witness my hand and seal at Honolulu, Hawaii, this 17th day of January 1994.

*Laura M. Sigurdson*

Notary Public, State of Hawaii

My commission expires: 06/12/98

THE CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED ABOVE.

Title or Type of Document: Affidavit of Kristine Kubat

Number of Pages: 3 Date of Document: 1/17/95

Specialty Other Than Notary Above: NONE

NOTARY PUBLIC, STATE OF HAWAII, DANIEL K. HARRIS, JR., 170 BAYVIEW CENTER DRIVE, SUITE 100, HONOLULU, HAWAII 96813



JUN 27 1995

Ref: LM-EL

Mr. Isaac Davis Hall, Esq.  
Attorney at Law  
2087 Wells Street  
Wailuku, Maui, Hawaii 96793

Dear Mr. Hall:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 17, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

*W. Mason Young*  
W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/R. M. Towill Corporation

Ref: LM-EL

Mr. Isaac Davis Hall, Esq.  
Attorney at Law  
2087 Wells Street  
Wailuku, Maui, Hawaii 96793

Dear Mr. Hall:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 20, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

*W. Mason Young*  
W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/R. M. Towill Corporation

**R. M. TOWILL CORPORATION**

420 Waiakamilo Rd #411 Honolulu HI 96817-4941 Phone: 813-1123 Fax: 808-848-1037

February 8, 1995

Mr. Isaac Davis Hall  
Attorney at Law  
2087 Wells Street  
Wailuku, Maui, Hawaii 96793

Dear Mr. Hall:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorst,  
Puna, Hawaii. TMK No.: 1-2-09-03 (portion)

We have received your comment letters dated January 17 and 20, 1995. The following has been prepared in response to your comments.

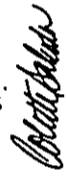
1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(e)(2), Chapter 11-200-7]."
2. The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
3. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document. The required 30-day public review period for the Draft EA (December 23, 1994 to January 23, 1995) was utilized to solicit and receive comments from citizens' groups and individuals.
3. Your comments regarding addressment of significance criteria (H.A.R. Section 11200-12) and the project's relationship to long term plans for the area have been noted. Also, comments regarding the study of alternatives and visual impacts are appreciated. The Environmental Assessment will be amended as appropriate.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Mr. Isaac Davis Hall  
February 8, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
Friends of the Red Road  
OEQC

to show it may concern:

My name is Mark Hamilton and I am a property owner and a home owner in Keheha Beach Estates (Kaunika Hill St.) in Pahoa, Hawaii. Many people in Keheha and the Red Road area, including myself, feel that this unique area would be forever marred by HELCO poles. I strongly request that an Environmental Assessment be undertaken to determine the necessity and damages of and from such action. The Keheha Beach area is beautiful and unspoiled by electric lines and poles and most of us like it that way. Too much of Hawaii looks like the road between Pahoa and Hilo, an incredible, unsightly, and tangled maze of poles and wires forever scarring the landscape and mana of the land. I bought my house and property in Keheha because of its raw beauty, mostly untouched by man. To damage this special and unique area would be an environmental crime of the highest order and proportion. Please don't destroy Keheha's beauty. There is always an alternative. ...let's find it.

Very Truly Yours,

Mark Hamilton

Nancy Young

*Mark Hamilton*  
*Nancy Young*

Ref: IM-EL

Mr. Mark Hamilton and  
Ms. Nancy Young  
P.O. Box 2103  
Pahoa, Hawaii 96778

Dear Mr. Hamilton & Ms. Young:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-02: 3

Your letter dated January 2, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

*W. Mason Young*

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

SEARCHED  
SERIALIZED  
INDEXED  
FILED

**R. M. TOWILL CORPORATION**

480 Waiakamilo Rd #411 Honolulu HI 96817-4941 (808) 942-1133 (808) 942-1037

February 9, 1995

Ms. Nancy Young  
Mr. Mark Hamilton  
P.O. Box 2103  
Pahoa, HI 96778


Dear Ms. Young and Mr. Hamilton:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhors,  
Puna, Hawaii TMK No. 1-2-09-03 (portion)

We have received your comment letter dated January 2, 1995. Your suggestion regarding the need to find an alternative to the proposed above ground electrical system is appreciated.

Your letter is being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

R. M. Towill Corp.  
420 Waikamilo Road Suite 411  
Honolulu, HI 96917

Date: 1-23-95  
Name: Tim Henke  
Address: RR 2 Box 4500  
Pahoa, HI 96778

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes.  
OFQC Bulletin 12-23-94  
(SSP #71 - Ravenhorst)

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OFQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute [343-6 (c) (2), 11-200-7].
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'AO - Newell's Shearwater in the area. There are at least three endangered bird species: the 'AO - Newell's rumped petrel and 'IO - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'AO is especially sensitive to electrical line as Kaula Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 sub-divided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 [§8 Community Life and Housing (A,B,C & E)].
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Amy Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (9)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely, *Tim Henke*

JAN 27 1995

Ref: LM-EL

Mr. Tim Henke  
RR2 Box 4500  
Pahoa, Hawaii 96778

Dear Mr. Henke:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: Jrd/1-2-09; 3

Your letter dated January 23, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 567-0414.

Very truly yours,

*W. Mason Young*  
W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

**R. M. TOWILL CORPORATION**

480 WAIKEMILU RD #411 HONOLULU HI 96817-4841 808/848-1133 FAX 808/848-1037

February 9, 1995

Mr. Tim Henke  
RR2 Box 4500  
Pahoa, HI 96778

Dear Mr. Henke:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorst,  
Puna, Hawaii. TMK No.: L-2-09-03 (portion)

We have received your comment letter dated January 23, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Mr. Tim Henke  
February 9, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

R. M. Towill Corp.  
420 Waiakamilo Road Suite 411  
Honolulu, HI 96917

Date:  
Name:  
Address:

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Rauenhorst)

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalaupapa Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute (343-6 (6) (2), 11-200-7).
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'AO - Newell's Shearwater in the area. There are at least three endangered bird species: the 'AO; Dark numped petrel and 'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'AO is especially sensitive to electrical line as Kauai Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 (88 Community Life and Housing (A,B,C & E)).
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

*Geoff Hermance*

FEB 3 1995

Ref: LM-BL

Mr. Geoff Hermance  
P.O. Box 1550  
Pahoa, Hawaii 96778

Dear Mr. Hermance:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 318/1-2-09: 3

Your letter dated January 24, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

**R. M. TOWILL CORPORATION**

480 WAIKANAHE RD #411 HONOLULU HI 96817-4041 (808) 848-1133 FAX (808) 848-1837

February 9, 1995

Mr. Geoff Hermance  
P.O. Box 1550  
Paahoa, HI 96778

Dear Mr. Hermance:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSFP Unit-71 Rauenhhorst,  
Puna, Hawaii. TMK No.: 1-2-09-03 (portion)

We have received your comment letter. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."
- The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed KV line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Mr. Geoff Hermance  
February 9, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC



R. M. Towill Corp.  
420 Waiakamilo Road Suite 411  
Honolulu, HI 96917

Date: *Jul 22-96*  
Name: *James J. Jancovich*  
Address: *Gen. Del Palca* 96778

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Reunborn)

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute (343-6 (a) (2), 11-200-7).
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'A'O - Newell's Shearwater in the area. There are at least three endangered bird species: the 'A'O; Dark rumped petrel and 'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'A'O is especially sensitive to electrical line as Kauai Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 (18 Community Life and Housing (A,B,C & E)).
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,  
*James J. Jancovich*

**R. M. TOWILL CORPORATION**

480 Waikeolu Rd #411 Honolulu HI 96817-4941 (808) 948-1133 Fax (808) 948-1037

February 9, 1995

Mr. James Jancalis  
Gen. Del.  
Pahoa, HI 96778

Dear Mr. Jancalis:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorn,  
Puna, Hawaii. TMK No. 1-2-09-03 (portion)

We have received your comment letter. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
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- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 2) of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Mr. James Jancalis  
February 9, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

10 January, 1995  
RR 2 BOX 6276  
PAHOA, HI, 96778

RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
JAN 10 11 03 AM '95

TO:  
Mike Wilson  
and Eric Leong  
Dept. Land & Natural Resources

RE: HELCO REQUEST FOR DIRECT GRANT OF EASEMENT  
FOR ELECTRICAL UTILITY PURPOSES, OEQC BULLETIN,  
12-23-94  
(SSPP#71 RAUENHORST)

ATTN.:

AS A RESIDENT AND CONCERNED CITIZEN, I WISH  
TO MAKE THE FOLLOWING COMMENTS ABOUT THE  
ABOVE HELCO PROJECT.

1) This project is a segment of a project already  
begun in August, 1994, Kawama Seawater Estates.  
According to OEQC instructions, projects cannot  
be segmented, and therefore HELCO is in violation  
of a state statute (343-6a)(2), 11-200-7]

This project is being implemented in a geographically  
environmentally, culturally sensitive area.  
Geographically, we are in an extremely geographically  
sensitive area with frequent earthquakes and  
around 10 air miles from the Pii'o's vent of  
Kilauea Volcano. The coastal areas of Seawater,  
Kehena and Puna Palisades are a particularly  
sensitive environment. The A'O bird (Newell's  
Shearwater) is an endangered species and  
nests here. The Hoary Bat exists in the affected  
area and is also endangered. The I'o hawk is  
a threatened species here. I want better

assessment of this project and I demand  
that HELCO and the County pursue an EA and  
EIS on both the State and the County portions  
of the project.  
Culturally the residents of the area are  
overwhelmingly against this project. Of over  
1200 lots affected only 140-180 have  
signed contracts for electricity. Archeological  
sites exist in the area and have been  
ignored. The entire project is in conflict  
with several county, State, and Federal  
regulations, e.g. FEMA, HRS State guidelines  
for development in Lava Zone 2. Army Curtis  
on January 5, in a public meeting in Pahoa  
between HELCO and the public, acknowledged  
that HELCO's E.A. does contain several  
errors.

Based on the above information I am  
insisting on a continuation of the EIS  
process as my research indicates that  
there are no exceptions, after consulting  
with the Planning Dept., Public Works,  
and Traffic Division of the County of  
Hawaii, to this process.

Makalo for your Attention  
non-jeranium

Impeach

Resident,  
Puna Palisades  
P.S. Norman Olson, Deputy Head of the Planning  
Dept. is a resident of Kehena and rubber stamped  
HELCO. y is a conflict of interest!

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

**R. M. TOWILL CORPORATION**

450 WAIKAMUI RD #411 HONOLULU HI 96817-1041 (808) 848-1133 FAX (808) 848-1037

11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

February 10, 1995

Ms. Rose Jeranium  
RR2 Box 6276  
Pahoa, HI 96778

Dear Ms. Jeranium:

**Subject:** Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorst,  
Puna, Hawaii TMK No.: 1-2-09:03 (portion)

We have received your comment letter dated January 10, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."
2. The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA was to be the portion for which the utility easement was being requested.
3. Your concerns describing the area's environmental and cultural sensitivity have been noted. Specific to your comment regarding archaeological sites, the subject EA clarifies that there are no known archaeological sites in the proposed electrical utility easement project site.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments received during the 30-day public review period are processed as part of the Chapter 343, HRS (as amended) process. As the subsequent step in the process, the subject Draft EA is amended, as appropriate, following this review period.

Engineers • Planners • Photogrammetrists • Surveyors  
Architects • Environmental Scientists

JAN 24 1995

Ref: LM-EL

Ms. Rose Jeranium  
RR2 Box 6276  
Pahoa, Hawaii 96778

Dear Ms. Jeranium:

**Subject:** Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3kd/1-2-09: 3

Your letter dated January 10, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-6414.

Very truly yours,

M. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

Ms. Rose Jeranium  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

107 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140

DNLR  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809

DATE RECEIVED  
JAN 11 1995  
HELCO

Date: 1-23-95  
Name: DELTON JOHNSON  
Address: RR 2 Box 4500  
Palau HI 96778

Re: HELCO request for Draft Grant of Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Ravechhorst)

Attention: Eric Leong, Mike Wilson

As a concerned citizen of this island I have some considerations about the above HELCO project.

This project is a segment of a project already begun in August/September, '94 in Kalapana  
view Estates. According to OEQC instructions, projects cannot be segmented. In doing so,  
HELCO is in violation of a state statute (343-6 (a) (2), 11-200-7).

2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.

- A. Geologic - Hazard Zone 2
- B. Environmental - The draft environmental assessment stated there are no endangered species  
or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department  
has conducted a soon to be released study and verified the existence of the 'A'O - Newell's  
Shearwater in the area. There are at least three endangered bird species: the 'A'O; Dark  
rumped petrel and 'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'A'O is  
especially sensitive to electrical line as Kauai Electric found out recently through a fish and  
wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be  
a continuation of the EIS process.
- C. Cultural - This has been an alternative energy area for the past quarter of a century.  
Residents of this area are overwhelmingly against this project. With more than 1200 sub-  
divided lots only 12% desire power from HELCO. Also, the project directly contradicts the  
directives of chapter 344 State Environmental Policy 344-4 (48 Community Life and  
Housing (A,B,C & E)).

3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.

4. The entire project is in conflict with several federal, state and county laws and solutions, i.e.,  
FEMA, HRS, State guidelines for development on Hazard Zone 2.

5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that  
their EA does contain errors and misstatements.

6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked.  
There was no adequate consultation with agencies with expertise or with citizen groups or individu-  
als regarding the Draft EA

7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment  
for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,



**R. M. TOWILL CORPORATION**

480 Waiakamilo Rd #411 Honolulu, HI 96817-4041 Phone: 808-848-1133 Fax: 808-848-1937

February 10, 1995

Mr. Delton Johnson  
RR2 Box 4500  
Pahoa, HI 96778

Dear Mr. Johnson:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenuhori,  
Puna, Hawaii TMK No. 1-2-09-03 (portion)

We have received your comment letter dated January 22, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement (Chapter 343-6(a)(2), Chapter 11-200-7)." The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.477.2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photographers • Surveyors  
Environmental Scientists • Environmental Services

FEB 11 1995

Ref: LM-EL

Mr. Delton Johnson  
RR2 Box 4500  
Pahoa, Hawaii 96778

Dear Mr. Johnson:

Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 22, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/R. M. Towill Corporation

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Mr. Delton Johnson  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEOC



R. M. Towill Corp.  
420 Waiakamilo Road Suite 411  
Honolulu, HI 96917

Date: 1/22/95  
Name: VALENTI KAWSON  
Address: P.O. Box 3174  
Palo Alto HI 96714

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Rauhoborst)

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute [343-6 (b) (2), 11-200-7].
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'A'O - Newell's Shearwater in the area. There are at least three endangered bird species: the 'A'O; Dark rumped petrel and 'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'A'O is especially sensitive to electrical line as Kaula Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 [§8 Community Life and Housing (A,B,C & E)].
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

*Valenti Kawson*

12-23-94

R. M. TOWILL CORPORATION

480 Waiakamalo Rd #411 Honolulu HI 96817-4041 (808) 848-1133 Fax (808) 848-1037

February 10, 1995

Ms. Valerie Kausen  
RR2 Box 3974  
Paohoa, HI 96778

Dear Ms. Kausen:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhors,  
Puna, Hawaii TMK No.: 1-2-09:03(partion)

We have received your comment letter dated January 22, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.477.2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photographers • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Ms. Valerie Kausen  
RR2 Box 3974  
Paohoa, Hawaii 96778

Dear Ms. Kausen:

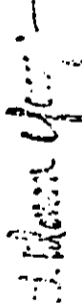
Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 22, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,



W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

Ms. Valerie Kausen  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

1995 FEB 10 11 59 AM

R. M. Towill Corp.  
420 Waikamilo Road Suite 411  
Honolulu, HI 96917

Date: 1/22/95  
Name: Gary K. ...  
Address: P.O. Box 906 Palihala HI 96744

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes.  
OEQC Bulletin 12-23-94  
(SSP #71 - Rauenhorst)

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute [343-6 (4) (2), 11-200-7].
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'A'O - Newell's Shearwater in the area. There are at least three endangered bird species: the 'A'O; Dark numped petrel and 'I'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'A'O is especially sensitive to electrical line as Kauai Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 (#8 Community Life and Housing (A,B,C & E)).
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely, 

**R. M. TOWILL CORPORATION**

480 Waiheke Rd #411 Honolulu, HI 96817-4041 Phone 848-1133 Fax 808-848-1037

February 10, 1995

Mr. Gary Krempf  
P.O. Box 906  
Pahoa, HI 96778

Dear Mr. Krempf:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorst,  
Puna, Hawaii TMK No. 1-2-09-03 (portion)

We have received your comment letter dated January 22, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.47/7.2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Mr. Gary Krempf  
P.O. Box 906  
Pahoa, Hawaii 96778

Dear Mr. Krempf:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 22, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
✓ R. M. Towill Corporation

Mr. Gary Krempf  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helo  
OEOC

RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
JUN 19 9 37 AM '95

JANUARY 16, 1995

LAND MANAGEMENT DIVISION

PO BOX 1050

HALENA, MT 59501

FROM: HELEN THOMPSON/REGISTRAR, AT HELENA BEACH SUBDIVISION,  
FOUR BALCONIES SUBDIVISION, AND SCARLETT BLVD. SUBDIVISION,  
NEAR THE LEEDS;

IT WAS RECENTLY APPROACHED BY SOME CONCERNED  
COMPANIES WHOSE CONCERNS, THE PRESENCE OF CARRIAGE RED  
AND OTHER WATER BIRDS IN THE HELENA/HELENA PROJECT AREA.  
I WAS THROUGH AN ENVIRONMENTAL ASSESSMENT FEEDBACK THAT  
SOME OF THE BIRDS ARE FROM IN THE AREA. I MUST CHALLENGE  
THIS ASSUMPTION.

I HAVE NOT THUS FAR, MAURA AND SLIGHTLY NORTH OF  
THE HELENA AREA. BETWEEN THE MONTHS OF JUNE AND OTHER  
MAY/JUNE ALONG WITH ADJACENT PRAIRIES ARE ALONG  
SIDES OF THE VIC OR. NEWELLS SHREWBIRD (RUFFINUS BUFFORD  
NEWELL). THESE BIRDS FLY IN FROM THE OCEAN AT NIGHT, FLYING  
FROM THE OCEAN AND THEN UP TOWARDS HIGHER  
ELEVATION AREAS. THEY HAVE THE HABITS IN ULMER (FACE  
OF THE MOUNTAIN) JUNE AND MAY IT HAS BEEN NOTICED THAT  
BY KNOWING ONE CAN TELL THAT THE BIRDS ARE CARRIAGES  
AND THE FEEDBACK SAYS THEY ARE CARRIAGES. THE AIRBORNE  
CONCERNED COMPANIES (THE FEEDBACK) COULD BE VERY DANGEROUS TO THEM  
AND TO THE BIRDS.

2

AGREEMENT TO PROCEED WITH THE PROJECT...  
SOUNDING THE BELL AND...  
THE HELENA AREA IS...  
AND IT IS REASSURING TO SEE THIS AREA...  
ITS UNIQUENESS...  
I BELIEVE MORE STUDY...  
ALONG WITH THIS PROJECT...  
COULD BE EXPLORED AS TO...  
I HAVE LIVED HERE...  
EXPENSIVE AND MOST RELIABLE...  
TRULY UNFORTUNATE THAT...  
BEEN MADE INTO "DIRTY WORDS"...  
THIS PROJECT...  
THANK YOU FOR YOUR CONSIDERATION.

Sincerely,  
S. J. Smith  
STEWART T. LARA  
PO BOX 1050  
HALENA, MT 59501  
508-765-9175

cc: Patsy Hawk  
cc: Helen/Ralph Rathje  
cc: RM TOWELL COMPANY/COLETTE SANDER  
cc: OFFICE OF ENVIRONMENTAL QUALITY CONTROL/GRACE/ELL

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 00

**R. M. TOWILL CORPORATION**

480 WAIKAMUI RD #411 HONOLULU, HI 96817-4941 (808) 848-1133 FAX (808) 848-1837

February 10 1995

Mr. Shawn T. Laba  
P.O. Box 1030  
Pahoa, HI 96778

Dear Mr. Laba:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhors,  
Puna, Hawaii. TMK No. 1-2-09-03 (portion)

We have received your comment letter dated January 16, 1995. Your concerns regarding the existence of threatened or endangered birds in the project vicinity are noted. We are awaiting data from the U.S. Fish and Wildlife Service regarding recorded nesting sites.

The discussion of reasonable Alternatives in the Environmental Assessment will be amended to include solar energy.

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: Patsy Mink  
DLNR  
Heiko  
OEQC

JWI 24 1995

Ref: LM-EL

Mr. Shawn T. Laba  
P.O. Box 1030  
Pahoa, Hawaii 96778

Dear Mr. Laba:

Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 318/1-2-09.3

Your letter dated January 16, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,



W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services



R. M. Towill Corp.  
420 Waiakamilo Road Suite 411  
Honolulu, HI 96917

Date: JAN 18 1995  
Name: ARVID LEBER  
Address: KRZ BOX 3965  
FAHOA HI 96708

Re: HELCO request for Direct Grant of Exemption for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Rauenhorst)

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute [343-6 (a) (2), 11-200-7].
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'AO - Newell's Shearwater in the area. There are at least three endangered bird species: the 'AO; Dark rumped petrel and 'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'AO is especially sensitive to electrical line as Kauai Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 [§8 Community Life and Housing (A, B, C & E)].
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Arny Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

ARVID LEBER

**R. M. TOWILL CORPORATION**

480 Waikamilo Rd #411 Honolulu, HI 96817-1041 (808) 848-1133 Fax (808) 848-1037

February 10, 1995

Mr. Arvid Leeber  
RR2 Box 3965  
Pahoa, HI 96778

Dear Mr. Leeber:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorst,  
Puna, Hawaii. TMK No.: L2-09-03 (portion)

We have received your comment letter dated January 18, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement (Chapter 343-6)(2), Chapter 11-200-7".  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.477.2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Mr. Arvid Leeber  
RR2 Box 3965  
Pahoa, Hawaii 96778

Dear Mr. Leeber:

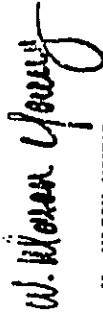
Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Iceland of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 18, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,



W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

Mr. Arvid Leeb  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

1995 FEB 10 10 10 AM

DOCUMENT CAPTURED AS RECEIVED

Spring 29, 1995

cc To: Mike Wilson, Chairman, Department of Land Management Division  
P.O. Box 621, Honolulu, HI 96809  
att: Eric Leone

RE: SSFP Unit 71 - Ravenhorst

Dear Chairman Wilson:

I believe errors in the Draft Assessment that are serious enough to require a continuation of the Environmental Assessment process. Endangered bird species are in the area of TMK 1-2-09:03, the Hawaii State owned segment of the line extension project and in the surrounding area. The fauna species noted as being in predominance, False Staghorn fern (*Dicranopteris linearis*) is not in this area as there is not yet enough soil to support this plant.

The A'O or Newell's Shearwater (*Puffinus newelli*) the A'O or Hawaiian Hawk (*Buteo hawaiiensis*), and the Orin's or Hawaiian Noddy (*Anous stolidus*) are seen and heard in our areas of the State and County segments of the RECO Project. The A'O nests on the slopes above the sea in the Opihiko area between May and October, and is frequently heard calling at night.

Page 7 of the Draft EA states "5. Birds: common exotic bird species such as Japanese white eye, spotted dove and zebra dove are commonly in the area. The lack of native forest birds or currently threatened endangered species in the area is largely due to the non-existence of wetland habitat."

In addition to calling for an Environmental Impact Statement for the state owned segment of the line extension, I also want an Environment Impact Statement for the County of Hawaii owned easements of the project due to particularly sensitive environment See Chapter 200 of Title 11, subchapter 8 of the Hawaii Administration Rules, 11-200-8.9-B, which states: "All the exemptions under the classes in this section are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment."

Thank you for your earliest response.

*D. Paul Jenkins* 4/11/95

cc Gary Gill, Chairman  
220 South King St.  
Suite 44 Central Pacific Plaza  
Honolulu, HI 96813  
cc Helen

RR- Box 774  
MOA, HI 96815  
508-765-7211



DNLR  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809

RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
JUN 24 8 45 AM '95

Date: 12-2-95  
Name: Candace Dymov  
Address: RFD 2, PO 4500  
Pahoa, HI 96778

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Rauchenhorst)

Attention: Eric Leong, Mike Wilson

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalaheena Scaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute [343-6 (e) (2), 11-200-7].
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'AO - Newell's Shearwater in the area. There are at least three endangered bird species: the 'AO; Dark rumped petrel and 'O - Hawaiiian Hawk; along with the Hawaiian Hoary Bat. The 'AO is especially sensitive to electrical line as Kauai Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 [18 Community Life and Housing (A,B,C & E)].
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FENPA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

*Candace Dymov*  
Road Road Resident



Ms. Candace Lynn  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEOC



Colleen Wicombata

BOX 15746

Yonkers, NY 96 77-6

RECEIVED  
DIVISION OF  
CONSERVATION  
HONOLULU, HI

JAN 19 10 22 AM '95

cc To: Mike Wilson *CHAIKAWAN D. L. N. K. L. O. M. S. D.* RE: SSPP Unit 71 - Rauenhorst HELC  
Land Management Division  
P.O. Box 621, Room 230  
Honolulu, HI 96809  
att: Eric Leong

cc. Representative Patsy Hink  
US House of Representatives  
2135 Rayburn Ave.  
Washington DC 20515

HELCO

POB 1027

Hilo, HI 96721

att Ralph Ratific

r.m. Towill Corp  
420 Waiakamilo Rd. Suite 411  
Honolulu, HI 96817-4941  
att Collette Sakoda

Dear Chairman Wilson:

I believe errors in the Draft Assessment that are serious enough to require a continuation of the Environmental Assessment process. Endangered bird species are in the area of TMK 1-2-09:03, the Hawaii State owned segment of the line extension project and in the surrounding area. The fauna species noted as being in predominance, False Staghorn fern (*Dicranopteris linearis*) is not in this area as there is not yet enough soil to support this plant.

The A'O or Neval's Shearwater (*Puffinus Newelli*) the I'O or Hawaiian Hawk (*Buteo Hawaiianensis*), and the OPE'APE'A or Hawaiian Hoary bat (*Lasiurus cinereus semotus*) were seen and heard in our areas of the State and County segments of the HELCO project. The A'O nests on the slopes above the sea in the Opihikao area between May and October, and is frequently heard calling at night.

Page 7 of the Draft EA states "B. Birds: common exotic bird species such as Japanese white eye, spotted dove and zebra dove are commonly in the area. The lack of native forest birds or currently threatened or endangered species in the area is largely due to the non-existence of wetland habitat."

In addition to calling for an Environmental Impact Statement for the state owned segment of the line extension, I also want an Environment Impact Statement for the County of Hawaii owned segments of the project due to particularly sensitive environments. See Chapter 200 of title 11, subchapter 8 of the Hawaii Administration Rules, 11 - 200 - 8 - 9-b. which states: "All the exemptions under the classes in this section are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment."

Thank you for your earliest response.

*Colleen Wicombata*

cc Gary Gill Chairman

OEOC

220 South King St.

Suite 44 Central Pacific Plaza

Honolulu, HI 96813

**R. M. TOWILL CORPORATION**

480 WAIKEMAHU RD #411 HONOLULU, HI 96817-4041 (808) 948-1133 FAX (808) 948-1037

February 10, 1995

Ms. Colleen Mandala  
Box 1546  
Pahoa, HI 96778

Dear Ms. Mandala:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-7) Rauenhorst,  
Puna, Hawaii TMK No. 1-2-09-03 (portion)

We have received your comment letter. The following has been prepared in response to your comments.

- Comments regarding predominant plant species and possible existence of threatened and endangered avifauna nesting sites in the project site have been noted, and the text of the EA will be amended to reflect appropriate changes. Upon inquiry with the U.S. Office of Biological Services (Michelle Reynolds, Wildlife Biologist), we were informed that data from the organization's survey will be available in late February (see letter in this section dated January 24, 1995 from Hawaii Field Station, National Biological Service).
- Comments related to Section 11-200-8.9b, Exempt classes of action, with respect to subject area on which telephone poles and a line already exist, have also been noted. Your comment relating to the need for an Environmental Impact Statement for County of Hawaii owned easements has been referred to the County Planning Department.

Your comments are being included in the subject Environmental Assessment.

Sincerely,

*Collette Sakoda*

Collette Sakoda  
Project Manager

cc: DLNR  
Helco  
Representative Patsy Mink, U. S. House of Representatives  
OEOC

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

JAN 27 1995

Ref: LM-EL

Ms. Colleen Mandala  
P.O. Box 1546  
Pahoa, Hawaii 96778

Dear Ms. Mandala:

Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 31d/1-2-09: 3

Your letter dated January 14, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

*W. Mason Young*

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

DOCUMENT CAPTURED AS RECEIVED

From: Randy and Roberta Manno  
101 Kilua Road  
Hilo, HI 96720

Department of Land and Natural Resources (DLNR)  
Land Management Division

POB 621  
Honolulu, HI 96809  
attn: Eric Leong (planning)  
1-808-587-0414  
1-808-587-0390

cc: Michael Wilson, Chairperson, DLNR  
cc: Helco  
cc: R. M. Towill Co. (Consultant)  
cc: Patsy Mink

Dear Sir:

This is a letter commenting on the OEQC Bulletin of Jan 8, 1994 announcing a Draft EA concerning Helco's SSPP Unit 71 Rauenuhorst.

As a resident of Hawaii who enjoys the coastal area for recreation, fishing and scenic beauty, I am concerned with the preservation of the natural environment of Puna. According to the recent Jan. 8, 1994 OEQC Bulletin a negative determination is expected for SSPP Rauenuhorst 71. Since this draft EA covers only the state portion of the project, and since the rest of the project involves County land, much of which is a pristine, natural environment in the Special Management District -- I demand an immediate stop to the current destruction of trees and natural ambience of Kehena Beach, Seaview, and Puna Fallsides by the County of Hawaii, Helco and Jacunaki Tree Service in order that a full, fair and public Environmental Assessment and Environmental Impact Statement be prepared for the ENTIRE project.

As I understand the issues surrounding the SSPP Unit 71 Rauenuhorst project and the associated pole and line construction in Seaview, Kehena and Puna Fallsides subdivisions, Helco has segmented the project into a portion on State land and the remainder on County Land.

Helco is already facing a 10% shortfall from the loss of power from Hamakua Sugar. It seems to me that Helco should feeding their existing grid and use the 3 million dollars they plan to invest in lava zones 1&2 where they can lose it -- into power generation facilities instead.

Thank you, Mr. Leong, for your considered response to these questions. I apologize for the short time I have given you to respond. It has taken me some time to wade through the regulations to find the core issues. The portability of solar gear is an advantage in a lava zone. In view of the coming new sources of energy, the current generation and distribution system is obsolete and will be replaced in the next few years anyway.

There are many Federal programs to encourage alternative energy communities. We have been an alternate energy community for 25 years. We would like to remain so. Please help us to do this and keep Puna the natural paradise it already is.

Sincerely yours,

*Randy Manno*  
*Roberta Manno*

Randy Manno  
Roberta Manno

Memo to DLNR

5

Fri, Jan 13, 1995

DOCUMENT CAPTURED AS RECEIVED

R. M. TOWILL CORPORATION

480 WAIKAMU RD #411 HONOLULU HI 96817-4041 PHONE 848-1133 FAX 808-848-1037

February 10, 1995

Randy and Roberta Mattos  
101 Kilua Road  
Hilo, HI 96720

Dear Mr. and Ms. Mattos:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhors,  
Puna, Hawaii IMK No.: 1-2-09-03 (portion)

We have received your comment letter that was sent January 13, 1995. Your concerns regarding the environmental sensitivity of the Kehena Beach, Seaview, and Puna Palisades area are noted.

The intent in the preparation of the subject Draft Environmental Assessment was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.

The discussion of reasonable alternatives in the Environmental Assessment will include solar energy.

Your comments are being included in the subject Environmental Assessment.

Sincerely,

*Colette Sakoda*

Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Randy and Roberta Mattos  
101 Kilua Road  
Hilo, Hawaii 96720

Dear Mr. and Mrs. Mattos:

Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 13, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

*W. Mason Young*

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation



DOCUMENT CAPTURED AS RECEIVED

10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

R.M. Towill

Based on these five points I am requesting  
a continuation of the E.I.S. process.  
Upon consultation with the planning depart-  
ment, Public Works, and traffic divisions  
of the County of Hawaii, we have found no  
objections to the EA and E.I.S. processes.

JUN 24 1995

Ref: LM-EL

Ms. Kat McCrite  
P.O. Box 2169  
Pahoa, Hawaii 96778

Dear Ms. McCrite:

Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-02: 3

Your letter dated January 9, 1995 concerning the above-  
captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill  
Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our  
Land Management Division Staff at 587-0414.

Very truly yours,

*[Signature]*

M. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

Respectfully Submitted,

Kat McCrite  
President of the Paoi Road

**R. M. TOWILL CORPORATION**

420 WAIKAMUI RD #411 HONOLULU HI 96817-1041 (808) 848-1153 FAX (808) 848-1937

February 10, 1995

Ms. Kat McCrite  
Friends of the Red Road  
P.O. Box 2169  
Paioa, HI 96778

Dear Ms. McCrite:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorst,  
Paioa, Hawaii TMK No. 1-2-092-03(partion)

We have received your comment letter dated January 9, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.47/7.2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Seiback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ms. Kat McCrite  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

1-2-092-03(partion)

R. M. Towill Corp.  
470 Waikamilo Road Suite 411  
Honolulu, HI 96917

Date:  
Name:  
Address:

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Rauenhorst)

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute [343-6 (a) (2), 11-200-7].
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'A'O - Newell's Shearwater in the area. There are at least three endangered bird species: the 'A'O; Dark rumped petrel and I'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'A'O is especially sensitive to electrical line as Kauai Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 (48 Community Life and Housing (A,B,C & E)).
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, IRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

*Dr. Ron Reeve Meador*  
*R.R.Z., Box 8500*



**R. M. TOWILL CORPORATION**

480 WAIKAMAHIO RD #411 HONOLULU, HAWAII 96817-4041 (808) 848-1123 (808) 848-1037

February 10, 1995

Dr. Ron Reeves Meadow  
RR2 Box 4500  
Pahoa, HI 96778

Dear Dr. Meadow:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorst,  
Puna, Hawaii. TMK No. 1-2-09:03 (portion)

We have received your comment letter. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."
2. The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
3. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.477.2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

FEB 3 1995

Ref: LM-EL

Dr. Ron Reeves Meadow  
RR2 Box 4500  
Pahoa, Hawaii 96778

Dear Dr. Meadow:

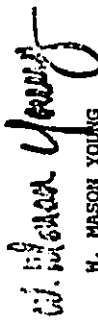
Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 23, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

  
M. MASON YOUNG

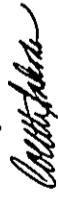
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

Dr. Ron Reeves Meadow  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEOC

KERRY MOYER  
12-7242 KILIANI  
PARADE #1 96778

RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
JUN 19 9 34 AM '95

cc TO: Mike Wilson CHAIRMAN, DLNR, Room 130  
Land Management Division  
P.O. Box 621 Honolulu, HI 96809  
att: Eric Leong

RE: SSPP Unit 71 - Rauenhorst III

Dear Chairman Wilson:

I believe errors in the Draft Assessment that are serious enough to require a continuation of the Environmental Assessment process. Endangered bird species are in the area of THK 1-2-09:03, the Hawaii State owned segment of the line extension project and in the surrounding area. The fauna species noted as being in predominance, False Staghorn fern (Dicranopteris linearis) is not in this area as there is not yet enough soil to support this plant.

The A'O or Neval's Shearwater (Puffinus nevelii) the I'O or Hawaiian Hawk (Buteo hawaiiensis), and the OPE'APE'A or Hawaiian Hoary bat (Lasiurus cinereus semotus) seen and heard in our areas of the State and County segments of the HELCO project. The A'O nests on the slopes above the sea in the Opihikao area between May and October, and is frequently heard calling at night.

Page 7 of the Draft EA states "B. Birds: common exotic bird species such as Japanese white eye, spotted dove and zebra dove are commonly in the area. The lack of native forest birds or currently threatened or endangered species in the area is largely due to the non-existence of wetland habitat."

In addition to calling for an Environmental Impact Statement for the state owned segment of the line extension, I also want an Environment Impact Statement for the County of Hawaii owned easments of the project due to particularly sensitive environment. See Chapter 200 of title 11, subchapter 8 of the Hawaii Administration Rules, 11 - 200 - 8 . 9-b. which states: " All the exemptions under the classes in this section are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment."

Thank you for your earliest response.

Kerry Moyer  
cc Gary Gill Chairman  
OEOC  
220 South King St.  
Suite 44 Central Pacific Plaza  
Honolulu, HI 96813

cc. Representative Patsy Mink  
US House of Representatives  
2135 Rayburn Ave.  
Washington DC 20515

HELCO

POB 1027

Hilo, HI 96721

att Ralph Ratific

R.M. Tovill Corp

420 Waiakamilo Rd, Suite 411

Honolulu, HI 96817-4941

att Collette Sakoda

**R. M. TOWILL CORPORATION**

480 WAIKAMUI RD #411 HONOLULU, HI 96817-4041 (808) 848-1133 FAX (808) 848-1037

February 10, 1995

Mr. Kerry Moyer  
12-7242 Ki'inani  
Pahoa, HI 96778

Dear Mr. Moyer:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauehohors,  
Puna, Hawaii TMK No.: 1-2-09-03(position)

We have received your comment letter. The following has been prepared in response to your comments.

- Comments regarding predominant plant species and possible existence of threatened and endangered avifauna in the project site have been noted, and the text of the EA will be amended to reflect appropriate changes. Upon inquiry with the U.S. Office of Biological Services (Michelle Reynolds, Wildlife Biologist), we were informed that data from the organization's survey will be available in late February (see letter in this section dated January 24, 1995 from Hawaii Field Station, National Biological Service).
- Comments related to Section 11-200-8.9b, Exempt classes of action, as it relates to the subject area on which telephone poles and a line already exist, have also been noted. Your comment relating to the need for an Environmental Impact Statement for County of Hawaii owned easements has been referred to the County Planning Department.

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
Representative Patsy Mink, U. S. House of Representatives  
OEQC

Engineers • Planners • Photographers • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Mr. Kerry Moyer  
12-7242 Ki'inani  
Pahoa, Hawaii 96778

Dear Mr. Moyer:

Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3kd/A-2-09: 3

Your letter dated January 17, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,



W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

R. M. Towill Corp.  
420 Waikamilo Road Suite 411  
Honolulu, HI 96917

Date: 1-19-95  
Name: AGAM PARESONS  
Address: P.O. Box 2109  
PAHOA, HAWAII 96772

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Ravenhorst)

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute [343-6 (a) (2), 11-200-7].
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'AO - Newell's Shearwater in the area. There are at least three endangered bird species: the 'AO; Dark rumped petrel and 'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'AO is especially sensitive to electrical line as Kauai Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 (88 Community Life and Housing (A, B, C & E)).
3. Much of the entire project will happen, or has already happened within Shoreline Seaback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

*Agam Parsons*

11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

**R. M. TOWILL CORPORATION**

420 Waiakamilo Rd #411 Honolulu HI 96817-4041 Phone 842-1133 Fax 808-842-1037

February 10, 1995

Mr. Agam Parsons  
P.O. Box 2109  
Pahoa, HI 96778

Dear Mr. Parsons:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorsl,  
Puna, Hawaii TMS No. 1-2-09-03 (portion)

We have received your comment letter of January 19, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."  
  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.477.2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photographers • Surveyors  
Construction Managers • Environmental Services

JAN 27 1995

Ref: LM-EL

Mr. Agam Parsons  
P.O. Box 2109  
Pahoa, Hawaii 96778

Dear Mr. Parsons:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 19, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

Mr. Agam Parsons  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

1995 FEB 10 PM 4 30

DNL  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809  
RECEIVED  
ENVIRONMENTAL DIVISION  
JAN 15 2 07 PM '95  
Date: 1-20-95  
Name:  
Address:

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Ravenhorst)

Attention: Eric Leong, Mike Wilson

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute [343-6 (a) (2), 11-200-7].

2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.  
A. Geologic - Hazard Zone 2  
B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a study and verified the existence of the 'A'O - Newell's Shearwater in the area. There are at least three endangered bird species: the 'A'O; Dark rumped petrel and I'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'A'O is especially sensitive to electrical line as Kauai Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.

C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 (#8 Community Life and Housing (A,B,C & E)).

3. Much of the entire project will happen, or has already happened within Shoreline setback Area.

4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMIA, HRS, State guidelines for development on Hazard Zone 2.

5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.

6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.

7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,  
*Andrew Jackson*



**R. M. TOWILL CORPORATION**

480 Waiakamohi Rd #411 Honolulu HI 96817-4941 808-848-1133 808-848-1037

February 10, 1995

Mr. Andrew J. Sarhanis  
Box 1729  
Pahoa, HI 96778

Dear Mr. Sarhanis:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauchenhorst,  
Puna, Hawaii. TMK No.: 1-2-09:03 (portion)

We have received your comment letter of January 20, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.477.2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photographers • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Mr. Andy Sarhanis  
Box 1729  
Pahoa, Hawaii 96778

Dear Mr. Sarhanis:

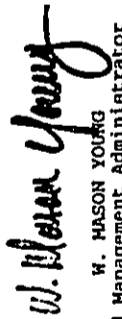
Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 1-2-09:1-2-09:1.3

Your letter dated January 20, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

  
W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

Mr. Andrew J. Sarhanis  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEOC

DNLR  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809

DATE: 1-22-95  
NAME: MAHONEY/SCOTT  
ADDRESS: PO BOX 621  
HONOLULU HI 96809

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Rauenhorn)

Attention: Eric Leong, Mike Wilson

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute [343-6 (a) (2), 11-200-7].
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'A'O - Newell's Shearwater in the area. There are at least three endangered bird species: the 'A'O; Dark rumped petrel and 'I'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'A'O is especially sensitive to electrical line as Kauai Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 [48 Community Life and Housing (A,B,C & E)].
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Amy Curtis of HELCO acknowledged in a public meeting that their EA docs contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(9) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

*Matthew Scott*

**R. M. TOWILL CORPORATION**

420 WAIKAMUI RD #411 HONOLULU, HI 00017-4041 PHONE 848-1133 FAX 808-848-1837

February 10, 1995

Mr. Matthew Scott  
P.O. Box 4552  
RR2  
Pahoa, HI 96778

Dear Mr. Scott:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorst,  
Puna, Hawaii, TMK No. 1-2-09-03 (portion)

We have received your comment letter of January 22, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement (Chapter 343-6(a)(2), Chapter 11-200-7)."
2. The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
3. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.477.2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Seiback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

RM

Ref: LM-EL

Mr. Matthew Scott  
RR2 Box 4552  
Pahoa, Hawaii 96778

Dear Mr. Scott:

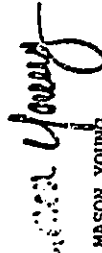
Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-09.3

Your letter dated January 22, 1995 concerning the above-  
captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill  
Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our  
Land Management Division staff at 587-0414.

Very truly yours,

  
W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

Mr. Matthew Scott  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

1995 FEB 10 10 10 AM

To: Mike Wilson, Chairman  
 and Eric Leong  
 JUN 11 10 21 AM '95  
 RE: 3765  
 PHOENIX, HI 96778  
 DATE: JAN 7, '95

Re: Hello Request for Direct Grant of Easement for Electrical Utility Purposes, OERC Bulletin, 12/13/94 (SSP 71 RENTHROST)

ATTN: Eric Leong

To: WITHIN IT. MY CONCERN: AS A CONCERNED CITIZEN AND RESIDENT OF THE "RED ROAD" IN LOWER PUNA I WISH TO EXPRESS MY COMMENTS FOR THE DRAFT EA FOR THE ABOVE MENTIONED PROJECT.  
 THE DRAFT EA WAS GROSSLY INADEQUATE AND INACCUATE. K. ARMY CURTIS, TRANSMISSION & DISTRIBUTION DEPT. MANAGER OF HELLO STATED IN A PUBLIC MEETING ON JAN 5<sup>TH</sup> AT THE PUNA NEIGHBORHOOD FACILITY, THAT THE DRAFT EA CONTAINED ERRORS AND MISSTATEMENTS.

I. THE ENVIRONMENT. THE DRAFT EA STATED THERE WERE NO ENDANGERED SPECIES OR BIRD LIFE IN THE AREA. FALSE. ACCORDING TO SIM JACOB, HEAD OF HAWAIIAN BIOLOGICAL SERVICES. THERE ARE AT LEAST 4 ENDANGERED BIRD SPECIES: 'A'o - NEVELL'S SHEARWATER; DARK RUMPLED PETREL; I.O. HAWAIIAN HAWK; AND HAWAIIAN HONEY EAT. ~~THE 'A'o IS~~ ~~REPRESENTED~~ ~~ESPECIALLY~~ ~~SENSITIVE~~ ~~TO~~ ~~TRANSMISSION~~ ~~LINE'S~~ ~~AS~~ ~~FAUN~~ ~~ELECTRIC~~ ~~FOUND~~ ~~OUT~~ ~~RECENTLY.~~  
 b. THERE ARE MANY NATIVE AND ENDANGERED BIRD SPECIES IN THE PROJECT ZONE.

II. THIS PROJECT IS A SEGMENT OF A PROJECT ALREADY BEGUN IN AUGUST/SEPT. '94 IN KAUAI AND SEAWARD ISLANDS. ACCORDING TO OERC INSTRUCTIONS PROJECTS CHANGE TO SEAWARD.

III. GEOGRAPHY: HARBOUR ZONE 2. ACCORDINGLY, DEVELOPMENT SHOULD NOT BE ENCOURAGED IN THIS AREA.

IV. CURIOUS: RESIDENTS OF THE AREA DO NOT DEMONSTRATE OFFENSE TO THIS PROJECT. ~~AS~~ ~~HELLO~~ ~~WILL~~ ~~BE~~ ~~SUPPORTIVE~~ ~~A~~ ~~MORE~~ ~~12%~~ ~~OF~~ ~~THE~~ ~~LOTS~~ ~~WITH~~ ~~POWER.~~ THIS AREA HAS BEEN AN ENERGY SELF-SUFFICIENT AREA FOR THE LAST 25 YEARS. THERE IS NO FURTHER DEMAND FOR GRID BASED ELECTRICITY HERE.

V. NONE OF THE ENTIRE PROJECT WILL HAPPEN WITHIN THE SHORELINE SETBACK AREA.

VI. THE ENTIRE PROJECT IS IN CONFLICT WITH SEVERAL COUNTY, STATE AND FEDERAL LAWS AND GUIDELINES, E.G.: HAWAIIAN PEASED STATUTES; FEMA AND STATE GUIDELINES FOR DEVELOPMENT IN HARBOUR ZONE No. II.

I AM DEMANDING ~~THE~~ ~~IMMEDIATE~~ ~~SHUTTING~~ ~~OF~~ ~~THIS~~ ~~PROJECT~~ ~~UNTIL~~ ~~THE~~ ~~EIS~~ ~~PROCESS~~ ~~IS~~ ~~CONTINUED.~~ THIS AREA IS ONE OF THE MOST SCENIC AND UNIQUE IN ALL OF THE ISLANDS. ~~IT~~ ~~SHOULD~~ ~~BE~~ ~~PROTECTED~~ ~~FOR~~ ~~ITS~~ ~~SCENIC~~ ~~ALONE,~~ ~~THE~~ ~~RESIDENTS~~ ~~+LEASER~~ ~~OWNERS,~~ ~~AND~~ ~~THE~~ ~~SERIES~~ ~~OF~~ ~~TOURISTS~~ ~~WHO~~ ~~ENJOY~~ ~~IT~~ ~~DUH.~~ ~~IT~~ ~~IS~~ ~~AN~~ ~~IDEAL~~ ~~AREA~~ ~~TO~~ ~~BE~~ ~~A~~ ~~MODEL~~ ~~FOR~~ ~~ALTERNATIVE~~ ~~ENERGY~~ ~~FOR~~ ~~THE~~ ~~ISLAND~~ ~~AND~~ ~~THE~~ ~~NATION~~ ~~AS~~ ~~A~~ ~~WHOLE.~~

Sincerely, DANIEL SUTRIFO  
 SEWARDS & PEO 210 Paul S. Stryker

R. M. TOWILL CORPORATION

480 WAIKAMUI RD #411 HONOLULU, HI 96817-4941 PHONE: 848-1133 FAX: 808-648-1037

February 10, 1995

Mr. Daniel Shapiro  
RR2 3965  
Pahoa, HI 96778

Dear Mr. Shapiro:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhori,  
Puna, Hawaii. TMK No.: 1-2-09-03 (portion)

We have received your comment letter of January 9, 1995. The following has been prepared in response to your comments.

- Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
- Your concerns describing the area's environmental sensitivity has been noted. Upon inquiry with the U. S. Office of Biological Services (Michelle Reynolds, Wildlife Biologist), we were informed that data from the organization's survey will be available in late February (see letter in this section dated January 24, 1995 from Hawaii Field Station, National Biological Service). A request for information was also made to Margo Stahl of the U. S. Fish and Wildlife Service in Honolulu regarding nesting sites of threatened or endangered birds in the project area. Your comment regarding flora resources has been noted.
- According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."
- The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
- Hazard Zone information with respect to the project area has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Mr. Daniel Shapiro  
RR2 3965  
Pahoa, Hawaii 96778

Dear Mr. Shapiro:

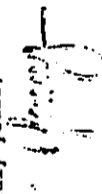
Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Iceland of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 9, 1995 concerning the above-  
captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill  
Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our  
Land Management Division staff at 587-0414.

Very truly yours,



W. MASON YOUNG  
Land Management Administrator

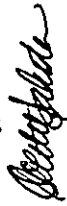
cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

Mr. Daniel Shapiro  
February 10, 1995  
Page 2

- According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.47/7.2 kV distribution line.
- Statements regarding a portion of the project being located in the Shoreline Seiback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC





3. Much of the entire project has happened or has already happened within the shoreline setback area.

4. The entire project is in conflict with several County, State, and Federal regulations, eg FEMA, HRS (Hawaii revised Statutes) which the Planning Department claims to follow. State guidelines for development in Lava Zone 3. Farming Cultivation a Public meeting on January 5. Between HECED and the community.

acknowledged that HECED'S E-A does contain several errors.

Based on the above information I am insisting on a continuation of the EIS Process ~~as indicated~~ Chapter consulting with the Planning Dept, Public works, and the Traffic Division of the County of Hawaii that there are to be additions to this process.

Thanks kindly for  
your attention  
Pelleanna Smith



Ms. Peleanna Smith  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEOC

DNLR  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809

Date: 1-28-94  
Name: Kayla M. Starn  
Address: RR 2, Box 4500  
Palme, HI 96778

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Rauehorst)

Attention: Eric Leong, Mike Wilson

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute (343-6 (a) (2), 11-200-7).
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a study and verified the existence of the 'A'O - Newell's Shearwater in the area. There are at least three endangered bird species: the 'A'O; Dark rumped petrel and 'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'A'O is especially sensitive to electrical line as Kaula Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 (88 Community Life and Housing (A,B,C & E)).
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(9) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

*Kayla M. Starn*

11-200-9 (a)(9) of Department of Health Administration Rules was overlooked.



Ms. Kayla M. Siarr  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEOC

1995 FEB 10 10 10 AM '95

R. M. Towill Corp.  
420 Waialakamilo Road Suite 411  
Honolulu, HI 96917

Date: 23 JANUARY 1995  
Name: ADAM B. SUHL  
Address: P.R. 2, BOX 4500  
PAHOA, HI 96778

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Rauenhorst)

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute [343-6 (a) (2), 11-200-7].
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soot to be released study and verified the existence of the 'A'O - Newell's Shearwater in the area. There are at least three endangered bird species: the 'A'O; Dark rumped petrel and 'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'A'O is especially sensitive to electrical line as Kaula Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 [18 Community Life and Housing (A,B,C & E)].
3. Much of the entire project will happen, or has already happened within Shoreline Seaback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Amy Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

ALBS



R. M. TOWILL CORPORATION

420 WAIKAMUI RD #411 HONOLULU, HI 96817-4941 (808) 948-1133 FAX (808) 948-1037

February 10, 1995

Mr. Adam B. Suhl  
RR2 Box 4500  
Pahoa, HI 96778

Dear Mr. Suhl:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorst,  
Puna, Hawaii TMK No. 1-2-09:03 (portion)

We have received your comment letter. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-2001-7]."

The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.

2. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.477/2 kV distribution line.

3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.

5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.

6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.

7. Comment regarding Chapter 11-2001-12 has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Mr. Adam B. Suhl  
RR2 Box 4500  
Pahoa, Hawaii 96778

Dear Mr. Suhl:

Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 23, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

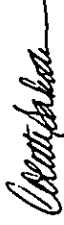
M. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
✓ R. M. Towill Corporation

Mr. Adam B. Suhl  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEOC

DNLR  
Land Management Division  
2, Box 621  
Honolulu, HI 96809

RECEIVED  
DIVISION OF LAND  
MANAGEMENT  
JAN 21 1995  
2 12 PM '95

Date: 1-22-95  
Name: JASON E. SUTHL  
Address: P.O. BOX 4500  
PAHOA, HI 96778

Re: HIELCO request for Direct Quasi-Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Ravenhorst)

Attention: Enr. Leong, Mike Wilson

As a concerned citizen of this island I have some considerations about the above HIELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HIELCO is in violation of a state statute [343-6 (a) (2), 11-200-7].
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a study and verified the existence of the 'A'O - Newell's Shearwater in the area. There are at least three endangered bird species: the 'A'O; Dark numped petrel and 'I'O - Hawaiian Hawk; along with the Hawaii Hoary Bat. The 'A'O is especially sensitive to electrical line as Kauai Electric found out recently through a fish and wildlife study and suit. It seems logical that HIELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots on 12% dense power from HIELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 [§8 Community Life and Housing (A, B, C & E)].
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, H.C., State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HIELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

*Jason E. Suthl*

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

R. M. TOWILL CORPORATION

480 WAIKEMILIO RD #911 HONOLULU HI 96817-3041 (808) 848-1133 FAX (808) 848-1037

February 10, 1995

Mr. Jason E. Suhl  
RR2 Box 4500  
Pahoa, HI 96778

Dear Mr. Suhl:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorst,  
Puna, Hawaii TMK No. 1-2-09:03 (portion)

We have received your comment letter of January 22, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.47/7.2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Seaback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Mr. Jason E. Suhl  
RR2 Box 4500  
Pahoa, Hawaii 96778

Dear Mr. Suhl:

Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 22, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

Mr. Jason E. Suhl  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Heico  
OEOC

RECEIVED BY THE PROJECT MANAGER FEBRUARY 10 1995

Jan 10<sup>th</sup> 1995  
PO Box 2189  
Pahoa, HI 96778

To: R.M. Powell Corp

Re: HELCO For direct grant of easement for  
electrical utility purposes, DEQC bulletin, 12/23/94  
(SSPP #71-Ravenhorst).

Attn:

As a concerned steward of Hawaii, I am making  
the following comments on the above project.

#1. This project is a segment of a project already  
begun in Aug/Sept, 1994 in Kahana Seaweed Estates.  
According to DEQC instructions, projects cannot segment.  
Therefore, SSPP#71 is in violation of a statute.

#2. This project is being conducted in a geologically, environ-  
mentally and culturally sensitive area:

- a. Geological - Hazard Zone Two for lava inundation
- b. Environmental - This area is a nesting, feeding,  
and migratory area for several endangered and threatened  
species, specifically the A'O, the I'O, the Dark Rumped  
petrel, and the Hawaiian Hoary Bat. Kauai's electric  
has already taken down coastal transmission lines because  
of endangerment to the A'O (Newell's Shearwater).  
Jim Jacoby of The National Biological Survey dept  
has conducted a soon to be released study on

the A'O, and has verified the existence of the other  
three endangered species in this region.

Page 7 of this project's EA states a complete lack  
of endangered species due to a non-existence of  
wet lands habits. This is clearly an error. I demand  
this project be stopped and the EIS be properly continued.

C. Cultural - Residents of this area are over-  
whelmingly against this project. This has been an affirmative  
energy act for the last 25 yrs. According to the EA  
no archeological sites exist in this area. This is a major error.

3. Much of the entire project will happen or has  
already happened, within the Shoreline Setback Area.

4. The entire project is in conflict with several  
federal, state, and county laws and resolutions, e.g. FEWA,  
HRS (Hawaii Revised Statutes) and state guidelines for development  
in Hazard Zone Two.

5. On Thur Jan 5<sup>th</sup> in a public meeting in Pahoa,  
Amy Curtis of HELCO acknowledged that their EA does  
contain errors.

Based on these 5 points I am requesting a  
continuation of the EIS process. The EA and EIS  
must be completed according to DEQC criteria and  
HRS. Also, I demand the project be halted  
until this is completed.

Respectfully submitted  
Dwayne Tarketz  
"Friends of The Red Road"

**R. M. TOWILL CORPORATION**

480 Waiakamilo Rd #411 Honolulu, HI 96817-4941 MOBILE 848-1133 FAX 808-848-1037

February 10, 1995

Mr. Dwayne Tarletz  
Friends of the Red Road  
P.O. Box 2169  
Pahoa, HI 96778

Dear Mr. Tarletz:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauchenhors,  
Puna, Hawaii TMK No. 1-2-09-03(partion)

We have received your comment letter of January 10, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted. With respect to historical resources, the subject Environmental Assessment specifically is referring to the proposed project site that occurs on lands owned by the State of Hawaii as having "no known archaeological sites." According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.47/7.2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Mr. Dwayne Tarletz  
P.O. Box 2169  
Pahoa, Hawaii 96778

Dear Mr. Tarletz:


Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-92: 3

Your letter dated January 10, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,



W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

1-2-09-03(partion)

Mr. Dwayne Tarletz  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEOC



R. M. Towill Corp.  
420 Waialeale Road Suite 411  
Honolulu, HI 96917

Date: 1/19/95  
Name: Jessica Towill  
Address: P.O. Box 2109, PAHOA  
HI 96779

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes,  
OEOC Bulletin 12-23-94  
(SSP #71 - Raucuborst)

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEOC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute (343-6 (a) (2), 11-200-7).
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'AO - Newell's Shearwater in the area. There are at least three endangered bird species: the 'AO; Dark rumped petrel and 'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'AO is especially sensitive to electrical line as Kausal Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 (18 Community Life and Housing (A, B, C & E)).
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

Jessica Towill

11-200-9 (a)(4) of Department of Health Administration Rules was overlooked.

R. M. TOWILL CORPORATION

480 WAIAKAMUI RD #411 HONOLULU, HI 96817-4041 (808) 848-1133 FAX (808) 848-1937

February 10, 1995

Ms. Jessica Taruni  
P.O. Box 2109  
Pahoa, HI 96778

Dear Ms. Taruni:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauehonorst,  
Puna, Hawaii TMK No.: 1-2-09-03 (portion)

We have received your comment letter of January 19, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."
2. The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
3. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.477.2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS (as amended) process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photographers • Surveyors  
Construction Managers • Environmental Services

JUN 27 1995

Ref: LM-EL

Ms. Jessica Taruni  
P.O. Box 2109  
Pahoa, Hawaii 96778

Dear Ms. Taruni:

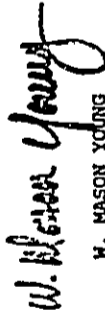
Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 19, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

  
W. MASON YOUNG

Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

Ms. Jessica Taruni  
February 10, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

DLNR 02 10 1995 09 51 AM 11 90 30 00 00 00

R. M. Towill Corp.  
420 Waikamilo Road Suite 411  
Honolulu, HI 96917

Date: 1/9/95  
Name: Feanangis Tuih  
Address: P.O. Box 11187, Aiea, HI 96728

Re: HELCO request for Direct Grant of Exemption for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Rauenhorst)

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute (343-6 (a) (2), 11-200-7).
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'AO - Newell's Shearwater in the area. There are at least three endangered bird species: the 'AO; Dark rumped petrel and 'YO - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'AO is especially sensitive to electrical line as Kauli Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 (18 Community Life and Housing (A,B,C & E)).
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Amy Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

786 Feanangis Tuih

**R. M. TOWILL CORPORATION**

180 WAIKANAHE RD #411 HONOLULU HI 96817-1041 808-948-1125 FAX 808-948-1037

February 11, 1995

Mr. Farangis Tavily  
P. O. Box 1487  
Pahoa, HI 96778

Dear Mr. Tavily:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorst,  
Puna, Hawaii, TMK No. 1-2-09-03 (portion)

We have received your comment letter of January 23, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."
2. The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
3. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.47/7.2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS, as amended, and Chapter 11-200 process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

3 : 1995

Ref: LM-EL

Mr. Farangis Tavily  
P. O. Box 1487  
Pahoa, Hawaii 96778

Dear Mr. Tavily:


Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Rev. 3rd/1-2-09: 3

Your letter dated January 23, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,



W. MASON YOUNG  
Land Management Administrator

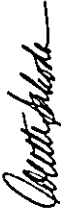
cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Mr. Farangs Tavily  
February 11, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEOC

DNLRL  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809

RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
JAN 24 8 48 AM '95  
Date: Jan. 23, 1995  
Name: Judy Tadder  
Address: P.O. Box 1642  
Pahoa, HI 96778

Re: HELCO request for Direct Grant of Easement for Electrical Utility Purposes.  
OEQC Bulletin 12-23-94  
(SSP #71 - Rautenhorst)

Attention: Eric Leong, Mike Wilson

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Scaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute [343-6 (a) (2), 11-200-7].
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'A'O - Newell's Shearwater in the area. There are at least three endangered bird species: the 'A'O; Dark rumped petrel and 'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'A'O is especially sensitive to electrical line as Kauai Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 [#8 Community Life and Housing (A,B,C & E)].
3. Much of the entire project will happen, or has already happened within Shoreline setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, HRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

Judy Tadder

100 8 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

R. M. TOWILL CORPORATION

450 WAIKAMALO RD #411 Honolulu, HI 96817-4041 808.948.1133 FAX 808.948.1037

February 11, 1995

Ms. Judy Tedder  
P. O. Box 1642  
Pahoa, HI 96778

Dear Ms. Tedder:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhors,  
Puna, Hawaii TMK No. 1-2-09-03 (portion)

We have received your comment letter of January 23, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."
2. The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
3. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.47/7.2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS, as amended, and Chapter 11-200 process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

LM, 7 1995

Ref: LM-EL

Ms. Judy Tedder  
P.O. Box 1642  
Pahoa, Hawaii 96778

Dear Ms. Tedder:

Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 313/1-2-09: 3

Your letter dated January 23, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

*W. Mason Young*  
W. MASON YOUNG  
Land Management Administrator


cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation



Ms. Judy Tedder  
February 11, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

1995 FEB 11 PM 11 29 00

Monday, January 7<sup>th</sup> 1995  
P.O. Box 3785  
Paloa, Hawaii 96718

TO: Mike Wilson and Eric Leonard  
Chairman of Department of Land Management  
Resources

re: HELCO request for direct grant of easement for  
electrical utility purposes DECC bulletin, 12/23/94  
(SSPP # 71-Ravenhorst).

attn:

As a concerned resident of lower Puna, I have  
comments to make about the above referenced  
HELCO project.

1. This project is a segment of a project  
already begun in August/September 1994 in  
Kalapone Seaview Estates. According to  
DECC instructions projects cannot be segmented.  
Therefore, HELCO is in violation of a state  
statute.

2. This project is being conducted in a geologically,  
environmentally, and culturally sensitive area:

- a. it is in hazard zone 2 for lava inundation;
- b. it is a nesting, feeding, and migratory habitat  
for several ~~endangered~~ endangered and threatened  
species specifically the A'O, the L'O,  
the Dark-rumped Petrel, and the  
Hawaiian Monk Seal. Kāuāi Electric  
has already taken down coastal transmission lines  
because of endangerment to the A'O (Newell's  
Shearwater). Jim Jacoby of the National  
Biological Survey Department has conducted  
a soon-to-be-released study on the A'O, and  
has verified the existence of the other three  
endangered species in this area.

b. (continued) Page 7 of this project  
EA states a complete lack of endangered  
species due to the non-existence of wetland  
habitat. This is obviously in error,  
demand that this project be stopped, and  
that the EIS process be properly conducted  
to completion.

c. According to the EA no archaeological sites  
exist in this area. ~~Based~~ This is definitely  
in error. There are known ancient trails,  
horse sites, and heiaus.

Also, this area has been an alternative energy  
community for over a quarter century. Many of  
the residents are opposed to centralized big-tie  
power. HELCO would be providing power  
to only 12% of the residents while impacting  
all the rest with their infrastructure.

3. Much of the entire project has happened or  
is planned to happen within the Shoreline  
Setback Area.

4. The entire project is in conflict with several  
federal, state, and county laws and resolutions,  
e.g. FEMMA, Hawaii's Revised Statutes which  
the planning department claims to follow.

5. On January 5<sup>th</sup> in a public meeting, Army  
Curtis of HELCO acknowledged that their E.A.  
does contain errors.

After consulting with the Planning Department, Public  
Works, and Traffic Division of the County of Hawaii, we  
have found no exemption to the E.A. and E.I.S. processes.  
Therefore, based on the above five points, I am  
requesting the project be halted and the E.I.S. process continued.

Respectfully submitted,

JAMES P. TERNSTY

a friend of the Red Road.

**R. M. TOWILL CORPORATION**

480 Waiakamilo Rd #411 Honolulu HI 96817-4041 (808) 848-1133 Fax (808) 848-1837

February 11, 1995

Mr. James Tierney  
RR2 Box 3965  
Pahoa, HI 96778

Dear Mr. Tierney:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhorst,  
Puna, Hawaii. TMK No. 1-2-09-03 (portion)

We have received your comment letter of January 9, 1995. The following has been prepared in response to your comments.

1. According to OEOC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted. With respect to historical resources, the subject Environmental Assessment specifically is referring to the proposed project site that occurs on lands owned by the State of Hawaii as having "no known archaeological sites." According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.4772 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS, as amended, and Chapter 11-200 process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Mr. James P. Tierney  
RR2 Box 3965  
Pahoa, Hawaii 96778

Dear Mr. Tierney:

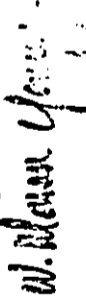
Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Ksvi-3rd/1-2-09: 3

Your letter dated January 9, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,



W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

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Mr. James Tierney  
February 11, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

DNLR  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809

DATE: JAN. 22 1995  
NAME: Rebecca Tinglin  
ADDRESS: PO BOX 988  
PAHOA HI 96779

JAN 25 2 01 PM '95

Re: HELCO request for Draft Grant of Easement for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Raubenhorst)

Attention: Eric Leong, Mike Wilson

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalapana Seaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statutes [343-6 (9) (2), 11-200-7].
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Geologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or bird life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'AO - Newell's Shearwater in the area. There are at least three endangered bird species: the 'AO; Dark rumped petrel and 'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'AO is especially sensitive to electrical line as Kauai Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 [68 Community Life and Housing (A,B,C & E)].
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., FEMA, IRS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 1-11.

Based on these points I request a continuation of the EIS process.

Sincerely,

Rebecca Tinglin



Ms. Rebecca Tinglir  
February 11, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC

COPIES OF THIS DOCUMENT ARE AVAILABLE FROM THE NATIONAL ARCHIVES AT COLLEGE PARK, MARYLAND

DNR  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809

Date: 1/11/95  
Name: Tommy Turcha  
Address: R22, Box 4100 Palms, HI 96728

RECEIVED  
DIVISION OF LAND  
MANAGEMENT  
JAN 17 1995

Re: HELCO request for Interim Grant of Right-of-Way for Electrical Utility Purposes,  
OEQC Bulletin 12-23-94  
(SSP #71 - Ravenhorst)

Attention: Eric Leong, Mike Wilson

As a concerned citizen of this island I have some considerations about the above HELCO project.

1. This project is a segment of a project already begun in August/September, '94 in Kalaupapa Scaview Estates. According to OEQC instructions, projects cannot be segmented. In doing so, HELCO is in violation of a state statute (343-6 (a) (2), 11-200-7).
2. This project is being conducted in a geologically, environmentally, and culturally sensitive area.
  - A. Ecologic - Hazard Zone 2
  - B. Environmental - The draft environmental assessment stated there are no endangered species or life in the area. This is false. Jim Jacoby of the National Biological Survey Department has conducted a soon to be released study and verified the existence of the 'A'O - Newell's Shearwater in the area. There are at least three endangered bird species: the 'A'O; Dark-rumped petrel and 'O - Hawaiian Hawk; along with the Hawaiian Hoary Bat. The 'A'O is especially sensitive to electrical line as Kaula Electric found out recently through a fish and wildlife study and suit. It seems logical that HELCO's project be postponed so that there can be a continuation of the EIS process.
  - C. Cultural - This has been an alternative energy area for the past quarter of a century. Residents of this area are overwhelmingly against this project. With more than 1200 subdivided lots only 12% desire power from HELCO. Also, the project directly contradicts the directives of chapter 344 State Environmental Policy 344-4 (18 Community Life and Housing (A,B,C & E)).
3. Much of the entire project will happen, or has already happened within Shoreline Setback Area.
4. The entire project is in conflict with several federal, state and county laws and resolutions, i.e., HENMA, HNS, State guidelines for development on Hazard Zone 2.
5. On Thursday, January 5, 1995, Army Curtis of HELCO acknowledged in a public meeting that their EA does contain errors and misstatements.
6. CHAPTER 11-200-9 (a)(4) of Department of Health Administration Rules was overlooked. There was no adequate consultation with agencies with expertise or with citizen groups or individuals regarding the Draft EA.
7. Significant Criteria (11-200-12) - I deem the project has significant effects on the environment for all of the criteria 11-11.

Based on these points I request a continuation of the EIS process.

Sincerely,  
*Tommy Turcha*



**R. M. TOWILL CORPORATION**

480 WAIKAMUI RD #411 HONOLULU HI 96817-4941 PHONE 808-948-1133 FAX 808-948-1037

February 11, 1995

Mr. Tomaj Trenda  
RR2 Box 4500  
Pahoa, HI 96778

Dear Mr. Trenda:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauehorst,  
Puna, Hawaii TMK No.: 1-2-09-03 (portion)

We have received your comment letter of January 21, 1995. The following has been prepared in response to your comments.

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]."  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.477/2 kV distribution line.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been taken under advisement.
5. Comments made during the 30-day public review period are received as part of the Chapter 343, HRS, as amended, and Chapter 11-200 process. As a subsequent step in the process, the subject Draft EA is amended, as appropriate.
6. Section 8, page 21 of the subject Draft EA contains a list of those parties who were consulted during the preparation of the document.
7. Comment regarding Chapter 11-200-12 has been noted.

Engineers • Planners • Photographers • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Mr. Tomaj Trenda  
RR2 BOX 4500  
Pahoa, Hawaii 96778

Dear Mr. Trenda:

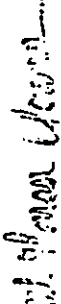
Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 1-2-09: 3

Your letter dated January 21, 1995 concerning the above-  
captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill  
Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our  
Land Management Division staff at 587-0414.

Very truly yours,


  
W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
R. M. Towill Corporation

Mr. Tomaj Tenda  
February 11, 1995  
Page 2

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEOC

JAN 23, 1995

COLLETE SAKODA  
RM TOWILL CORP  
480 WAIARAMILD RD STE 411  
HONOLULU, HI 96817

DEAR MS. SAKODA

CONCERNING THE HELCO PROJECT IN LOWER PUNA,  
HAWAII, KNOWN AS SSP RAEUENHORST 71, I  
WOULD LIKE TO COMMENT ON THE PROJECT AS A  
LOCAL RESIDENT. I, AND EVERYONE IN THE AREA  
THAT I HAVE SPOKEN WITH, ARE STRONGLY OPOSED TO  
THE INSTALLATION OF POWER LINES; I HAVE NO USE FOR  
THE HELCO GRID. I WOULD ENCOURAGE SUPPORTING  
THE LOWER COST AND IMPACT OF POPULAR SOLAR CONVERSION  
IN THE AREA, AS THE HAWAII COUNTY DRAFT MASTER  
PLAN RECOMMENDS

FURTHER, THE PROJECT SEEMS LEGALLY AND  
ETHICALLY WRONG. AMONG THE ISSUES NOT PROPERLY  
ADDRESSED ARE AN ENVIRONMENTAL ASSESSMENT, THE  
ENDANGERED SPECIES ACT, FEMA AND LOCAL CIVIL DEFENSE  
PLEASE STOP THIS UNWISE AND EXPENSIVE DEVELOPMENT.

THANK YOU, JACOB WINNETT,

R. M. TOWILL CORPORATION

400 WAIKAMUI RD #411 HONOLULU HI 96817-4041 808.948.1133 FAX 808.948.1037

February 11, 1995

Mr. Jason Winnett  
12-435 La'au Loko  
Pahoa, HI 96778

Dear Mr. Winnett:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Raunehorhi,  
Puna, Hawaii. TMK No.: 1-2-09-03 (portion)

We have received your comment letter of January 23, 1995. Your concerns regarding some residents' preference for solar energy over Helco's subject project have been noted. Further, your comments regarding the environmental assessment, endangered species, FEMA and local civil defense have also been noted.

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEOC

Ref: LM-EL

Mr. Jason Winnett  
12-435 La'au Loko  
Pahoa, Hawaii 96778

Dear Mr. Winnett:

Subject: Draft Environmental Assessment for the Direct Grant  
of Easement to Hawaii Electric Light Company, Inc.  
(HELCO) for an Electrical Utility Easement at Puna,  
Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 23, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,



W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/R. M. Towill Corporation

From:  
Dr. Michael T. Hyson, Ph.D  
Research Director  
Sirius Institute  
P.O. Box 2108  
Pahoa, HI 96778

Michael Wilson  
DIRECTOR  
Department of Land and Natural Resources (DLNR)  
Land Management Division  
POB 621  
Honolulu, HI 96809  
attn: Eric Leung (planning)  
1-800-587-0414

cc: Helco  
cc: R. M Towill Co. (Consultant)

Dear Sir:

This is a letter commenting on the OEQC Bulletin of Jan 8, 1994 announcing a Draft EA concerning Helco's SSPP Unit 71 Rauenehorst.

As a research biologist concerned with cetaceans and the natural environment of Puna, and board member of the recently incorporated Friends of the Red Road, I demand an immediate stop to the current destruction of trees and natural ambience of Keheua Beach, Seaview, and Puna Palisades by the County of Hawaii, Helco and Jacuski Tree Service.

As I understand the issues surrounding the SSPP Unit 71 Rauenehorst project and the associated pole and line construction in Seaview, Keheua and Puna Palisades subdivisions, Helco has segmented the project into a portion on State land and the remainder on County land.

Jan. 11, 1995

According to the OEQC Guidebook for the Hawaii State Environmental Review Process, Appendix C pages 200-10 and 200-11 state that:

- 1) Operations, repairs or maintenance of existing structures, facilities and equipment.....involving no expansion or change of use beyond that previously existing;
  - 2) Replacement or reconstruction of existing structures... etc.
- and similar language, all regarding existing structures.

These are the only exemptions; and in conversations with the Planning Department, Public Works, and Traffic Safety, we have yet to find any other exemptions extant.

1) Please tell us the exact wording of the exemption under which the County and Helco considers this SSPP exempt.

On page 200-11 of the Guidebook, it states:

"(b) All exemptions under the classes in this section are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment."

Therefore, I conclude that the SSPP Unit 71 falls to qualify as an "existing structure" since a telephone line is a completely separate function from power lines.

Second, the coastal areas of Seaview, Keheua and Puna Palisades are "a particularly sensitive environment" for several reasons, among them:

- 1) The A'O bird (Newall's Shearwater) is an endangered species and nests here. The Sierra Club Legal Defense Fund and the US Fish and Wildlife Service already sued the power company on Kua'i and won a settlement out of court that stopped a coastal power line project there. We are tracking the surveys that exist in the DOE Oukbridge Lab on these matters.
- 2) The Heery Bat exists in the effected area and is also endangered.
- 3) The Io hawk is an endangered species here.
- 4) The Puae (Hawaiian Owl)
- 5) The Sacred Fern - an endangered native Hawaiian plant
- 6) The Grass - Ithazumun byroot
- 7) Dolphins and whales are protected by the Marine Mammal Protection Act and come

Hyson to DLNR

2

Wed, Jan 11, 1995

# DOCUMENT CAPTURED AS RECEIVED

<p>close to Kahoma Beach and the adjoining coastline daily. They are known to be sensitive to EM fields, and use the earth magnetic field for navigation. (Went of Dr. Joseph Kirshvick, California Institute of Technology). According to his work, strandings often occur when the EM fields change.</p> <p>8) Sea Turtles, also endangered, fish in the surf near the Red Road.</p> <p>9) Corals and associated species that may be effected by increased run-off or other effects of tree removal or further development in the area.</p> <p>This is just a cursory glance at only the most obvious protected species directly effected by the proposed powerlines. NONE of these are even mentioned in the report of R. M. Towill, and this is typical of the lack of depth and insight in the entire report. In fact, the report states: "The lack of any native forest birds or currently threatened or endangered species in the area..." (page 7, 3.2.8)</p> <p>We are entitled to better assessment of this project and demand that Heko and the County pursue an EA and EIS on both the State and the County portions of the project, since on page 200-21 of the Guidebook it also states that a full EIS, which is demanded, must include:</p> <p>"reconsideration of all phases of the action and consideration of all consequences on the environment; direct and indirect..."</p> <p>As a biologist who has participated in several environmental surveys as part of my graduate work in Florida, I suspect that there are many other factors that the draft EA failed to address.</p> <p>Among them are:</p> <p>The effect of tree cutting on the geological stability of the lead itself, especially under earthquakes. It is well known that tree roots hold the soil and rock together on slopes. In a Lava I and II zone, it seems to me that this would effect the stability of the place if an earthquake hit -- and an 8.2 has been predicted and 6700 small quakes have happened already this year, especially in Aieani and Naneaue.</p> <p>Cutting trees will also effect the groundwater quality and increase run-off and silt of the coral in the coastal areas. If this is sufficient, it could kill the coral, cloud the water and effect the food supply of the coral and specifically the food of the A/D, dolphins and turtles. Cutting trees also effects the Holey bat and the Io hawk.</p> <p>Certainly the fact that a similar pole project on the coast of Kauai has already been stopped based on such factors strongly implies that we must stop this project as well.</p> <p>Hyon to DLNR 3 Wed, Jan 11, 1995</p>	<p>Present notification of Dec 23, 1994 OHQC Bulletin refers to:</p> <p>"a 8710 foot long segment of the electrical distribution system" while page 15 of same bulletin clearly states:</p> <p>"CAN ACTIONS OR PROJECTS BE SEGMENTED? NO. The proposed action must be described in its entirety; therefore, projects should not be done on an incremental basis to avoid the preparation of and Environmental Impact statement (# 343-6(a)(2); # 11-200-7)"</p> <p>2) Why was the project allowed to be published in a segmented form which violates the above stated guideline?</p> <p>There is evidence in the R. M. Towill report that the segmentation was an afterthought. For example, on page 2, it is stated:</p> <p>"The project in its entirety includes installation of air 35-foot, 235 40-foot, 103 45-foot and one 55-foot poles, and 155 anchors." The report poses that this is all within the "8,710 foot segment of the distribution system.... located on land under State of Hawaii Jurisdiction...."(page 2)</p> <p>Now, this means 345 poles will be placed each 25.24 feet apart within an 8710 foot length! This must be an error, yet only an error if the project segments along the Red Road and the Savview and Kohena and Puna Palumades subdivisions were eliminated in the process of preparation of the report. This suggests that segmentation of the project was an afterthought. Please clarify these points for us.</p> <p>Given the other errors already found in this report, we request clarification on these and other points and/or another complete and competent EA and EIS be completed. The project must be halted while these and other matters are resolved.</p> <p>We are addressing other relevant offices concerning these points.</p> <p>The project has yet to address "externalities", i.e. costs to life style, environment, social and religious factors, as required by The Public Utility Regulatory Act #95-617; Energy Policy Act # 102-486 of 1992 amending PURPA.</p> <p>Hyon to DLNR 4 Wed, Jan 11, 1995</p>
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3) Why have externalities laws that have apparently on the books since 1992, been completely ignored so far in the EA and other evaluations of this project?

We are in an extremely geologically sensitive area with frequent earthquakes and are only about 10 air miles from the Pu'u'o'o vent of Kilauea Volcano. Because of this, we demand an EIS for this and all future projects.

The volcanologists Sunday reports -- of the Hawaii Tribune Herald clearly describes a growing hazard with the frequent earthquakes, small 1.0 testing for over 1 minute, indicative of future large land movement. "Lateral magma movement along the east end west rift zones" was reported by a volcanologist, Jennifer 7 at the Observatory. Since at least October 21-31, Nainawale reported 10 days of quakes and some woke residents in Kahauna and Seaview. There is also a 300 square mile portion of the Kilauea slope being watched carefully for possible detachment... and slippage into the ocean. (the last time this happened was 100,000 years ago, when the next will happen, we do not know. NASA is watching. Overall movement is 4"/year. In 1975, there was a 7.7 quake and the whole area moved 10 feet! Volcanologists are asking anyone, anywhere on the island to report immediately to them so they can accurately track and validate quake activity and place seismographs in areas of most frequent activity.

4) Why are Helco and the County failing to comply with FEMA recommendations and State resolutions concerning development in Hazard Zones 1 & 2?

FEMA recommends that development in Lava Zones 1 & 2 be curtailed. The FEMA (Federal Emergency Disaster Agency) report 864, as a result of the the Kilauea Inundation Disaster Area 864 recommends to the county and state of Hawaii -- "no further development be encouraged in hazard zones 1 and 2. Seaview, Kahauna and Puna Palisades are in hazard zone number 2. Helco's line extension would encourage higher densities of population in the effected area, against the recommendation of FEMA.

A Hawaii State legislature resolution also recommends stopping further development in Lava Zones 1 & 2.

**Archaeological Sites:**

Our areas of the three subdivisions to the east and the open area forest to the Opohikau side of Seaview estate contains many ancient historic archeological sites, i.e.

Hyon to DLNR

5

Wed, Jan 11, 1996

Ho'au's, walls, house platforms, stone trails, the King's Trail and ancient burial sites, according to Pal McCoy, State Archeologist. R. M. Towill's report states, by contrast: "There are no known identified or unidentifiable remains in the project area." (page 7, 3.2-C). This is perhaps so, if only the 8710 foot section is considered and patently false if any consideration at all is given to the Red Road portions of the project or if the subdivisions of Seaview, Kahauna and Puna Palisades are included -- which they MUST be according to the OEQC Guidebook rules on project segmentation.

5) Why has Helco and the County ignored the mention and protection of archeological sites?

According to the County's Draft Management Plan, the whole of Puna is designated as part of an International Biosphere Preserve designated by the UN. Surely the UN will be interested in proper treatment of the environment of their biosphere preserves.

The County Draft Master Plan recommends that Puna and especially the Red Road areas be reserved for low density and alternative power systems.

6) Why have Helco and the County failed to follow the recommendations of their own Master Plan?

For all of the above reasons and more, the proposed project must be halted for a proper review and EA and EIS process.

7) Why has no consideration been made of the EM effects on people and the other creatures of this environment?

Dr. Robert O. Becker (The Body Electric and Crosscurrents) has warned us about the effects of EM fields on our biology, detailing many effects on circadian rhythm, conception rates, and other areas. Cyril Smith, in Electromagnetic Man, states that power lines can cause the release of endorphins in the brain and can lead to both addiction and allergies to electric power. Ross Adey of Loma Linda University suggests that we room-temperature superconductors and therefore, highly sensitive to EM fields.

More recently, Spectrum Magazine (Nov/Dec 1994, #39, page 13) reports a link between high EMF and breast cancer and Alzheimer's disease. In fact, they state that several people are "suing their employer, the owner of the office building and the electrical utility, claiming that a power transformer at their work site caused them to develop cancers. Half

Hyon to DLNR

6

Wed, Jan 11, 1996

of the 30 people who have worked in the High EMF area of the office since generally became ill, and some of those with cancer may join the suit". I include an article I wrote some time ago that links EM fields to sudden infant death syndrome. Again, the Towill report gives only the most lame response to these highly technical questions and dismisses them in a paragraph.

Whatever the final scientific resolution of these issues, the fact is that many people living in Puna came here precisely because they could avoid EM fields. Their rights to a pure EM environment are being violated and their wishes ignored. There must be a place where people can be free to pursue their alternate life-styles. In fact, hundreds of tourists come to the Kihuna area because it is wild, pure and free. All these factors must be addressed by Heleco and the County. This is one of the last places in the whole US and certainly in Hawaii where we are relatively free of high EM fields and poles. Let us keep it that way!

Only 12% maximum of the lot owners in this area want Heleco power. We demand that the views and rights of the residents be given equal weight at least. After all, this is the United States and it has a representative form of government, based on a contract with the governed. We are entitled to have full say in matters that affect our communities. The high-handed behavior of the County and Heleco and their apparent attempts to force this development make a mockery of the freedoms guaranteed by the Constitution and the existing environmental laws.

We are aware people, stewarding this Alaa in the best ways we know. I invite Heleco and the County to partner with us to keep Puna a natural area, with only environmentally friendly options considered for development.

8) How does Heleco plan to supply power if the SSFP project ceases to pass?

Heleco is already facing a 10% shortfall from the loss of power from Hamakua Sugar. As one friend remarked, "Seems Heleco is selling egg cartons with no eggs in them" Another quipped "Yes, and the cartons are all over the roadways and stay around a long time". Another likened the project to "toilet paper in a gold box".

It seems to me that Heleco would be wiser to concentrate on feeding their existing grid and use the 3 million dollars they plan to invest in lava zones 1&2 where they can lose it -- into power generation facilities instead.

Thank you, Mr. Wilson, for your considered response to these questions. I apologize for the short time I have given you to respond. It has taken me some time to wade through the

Hyson to DLNR

7

Wed, Jan 11, 1995

regulations to find the core issues.

I regret that I am forced to take the approach of this letter. I would much rather partner with DLNR and Heleco to do the best possible actions regarding this land of Puna which I love so dearly. I again offer this partnership. I thank Heleco for their support of PV systems. In evidence of my offer of cooperation to Heleco, I recently helped a Heleco contractor place solar panels on the roof at the Kapoho hot pond demonstration project. Thank you for this effort.

I understand that Heleco can receive Tax credits for the development of solar power. Is this so? If so, it seems we could help Heleco by helping them in their solar efforts. As I have stated in conversations with Army Curtis and Heleco, there are free-energy, cold fusion and inertial drive energy systems near commercial realization, certainly within 2 years and perhaps sooner. It takes many years for trees to grow and the ambiance of Kihuna restored should the trees be cut, and a strong possibility that the whole project could be covered by lava. It seems to me that the portability of solar gear is an advantage. There is also the fact that in view of the coming new sources of energy, the current generation and distribution system is obsolete and will be replaced in the next few years anyway. It is time for Heleco to join the present and the future by helping us have clean, benign, power systems. Please help us to do this and keep Puna the natural paradise it already is.

Sincerely,

Michael Hyson

Hyson to DLNR

8

Wed, Jan 11, 1995



**R. M. TOWILL CORPORATION**

480 WAIAKAMUI RD #411 HONOLULU, HI 96817-4941 (808) 848-1133 FAX (808) 848-1037

February 11, 1995

Dr. Michael T. Hyson, Ph.D.  
Research Director  
Sirius Institute  
P.O. Box 2108  
Pahoa, HI 96778

Dear Dr. Hyson:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauenhurst,  
Puna, Hawaii TMK No.: 1-2-09-03(portion)

We have received your comment letter of January 11, 1995. The following has been prepared in response to your comments.

1. Your question regarding the exemption under which the County considers this subject project exempt has been referred to the County of Hawaii. Helco is in the process of meeting a State of Hawaii requirement to prepare an environmental assessment specifically for its request to the State Department of Land and Natural Resources for a utility easement on land owned by the State.
  2. Comments regarding the environmentally sensitive character of the coastal areas of Seaview, Kehena and Puna Palisades have been taken under advisement. The need to address direct and indirect consequences of the proposed action in the environmental assessment has been noted.
  3. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-2003-7]."
- The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.

4. The project description as cited on page 2 of the Draft EA will be clarified to differentiate the total number of utility poles from the number of poles proposed to be located in the easement site owned by the State.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ref: LM-EL

Dr. Michael T. Hyson, Ph.D.  
Research Director  
Sirius Institute  
P.O. Box 2108  
Pahoa, Hawaii 96778

Dear Dr. Hyson:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-09. 3

Your letter dated January 11, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

M. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

Dr. Michael T. Hyson, Ph.D.  
February 11, 1995  
Page 2

5. Statements regarding a portion of the project's potential conflict with federal, state and county laws and policies have been noted.
6. Comments regarding archaeological resources, EM fields, and alternative energy have been noted.
7. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.47/7.2 kV distribution line.

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEOC

December 26, 1995  
P.O. Box 181  
Honolulu, HI 96778

Dec 29 11 58 AM '95  
Eric Leong, Chairman  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809

Re: HELCO Request for Direct Grant of  
Easement for Electrical Utility  
Improvements, OEQC Bulletin, 12/23/94

Attn: Eric Leong

Gentlemen:

As a property owner and resident of Kalauna Seaview Estates I wish to make the following comments regarding the above-referenced HELCO project:

1. This project is a segment of a project already begun in August/September, 1994 in Kalauna Seaview Estates. According to OEQC instructions projects cannot be segmented.

2. This project is being conducted in a particularly sensitive area; i.e., geologic, environmental and cultural.

- a. Geologic - Hazard Zone Two
- b. Environmental - Nesting grounds for many endangered and threatened species, most particularly the A'o, Newell's Shearwater, Kauai Electric Ltd to take down coastal transmission lines because of endangerment to this species. Fish & Wildlife at Volcano already has done this survey.
- c. Cultural - Remnants of this area are overwhelmedly against this project. This has been an alternative energy area for the past quarter of a century.

- 3. Much of the entire project will happen, or has already happened, within the Shoreline Setback Area.
- 4. The entire project is in conflict with several federal, state and county laws and resolutions.

I am requesting an immediate Environmental Assessment and complete Environmental Impact Statement on this project. The public has had no prior notification of this project. The above-referenced notification is only a segment. Work has already commenced on Highway 137 and your subdivision. After consulting with the Planning Department, Public Works and Traffic Divisions of the County of Hawaii, we have found no exemptions to the EA and EIS processes. Therefore, an EA and EIS must be completed for this project according to OEQC criteria and Hawaii Revised Statutes.

Respectfully submitted,

✓  
Athena Peanub  
Friends of the RED ROAD  
OEQC

December 27, 1994

DATE	DEC 27 1994
TIME	11:58 AM
RECD	DEC 27 1994
BY	FWMC
NO.	
EXT.	
OFF.	

R.M. Towill Company  
420 Waiakamilo Rd.  
Suite 411  
Honolulu HI 96817-4941

Gentlemen:

Find enclosed my response to the Helco request for direct grant of easement for electrical utility purposes, OEQC Bulletin, 12/23/94.

Please send a copy of the draft EA according to the above noted notification.

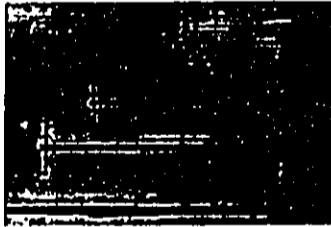
W halo.

Athena Peanub  
Athena Peanub  
Friends of the RED ROAD  
P.O. Box 181  
Honolulu, HI 96778

enc: OEQC 12/23/94 response

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

January 22, 1995  
P.O. Box 181  
Palhoa, HI 96778



Mike Wilson, Chairman  
DLNR  
Land Management Division  
PO Box 621  
Honolulu, HI 96809

Attn.: Eric Leong  
1-800-587-0414

Re: HELCO request for Grant of  
Easement for Electrical Utility  
Purposes. OEQC Bulletin 12/25/94

Dear Mike Wilson:

I wish to add the following comments to my earlier reply to the above-mentioned project dated December 26, 1994 (copy enclosed). Upon closer examination of the draft environmental assessment prepared by R.M. Towill Corporation, I find the document to be woefully inadequate, inaccurate and misrepresents the true facts. I cite the following:

2.1 PROJECT DESCRIPTION

A. total of 1287 lots are expected to be serviced within these three subdivisions. There are 24 lots set aside in Seaview Estates for three community parks. Does Helco propose to electrify our fruit trees? There are more than 100 existing alternative energy powered dwellings. Why are these figures not represented? How can Helco expect to service 1287 lots in an existing alternative community dedicated to non-grid hookup?

Paragraph 2 - 399 poles set 20 feet apart?

2.2 Project Features

Paragraph 1 describes a line extension of approximately 25 poles.

2.1 - Paragraph 2 refers to 399 poles. Which is it?

2.1.1 Construction

Regarding use of helicopters to string line. This whole project is a little more than a mile ending in my back yard. Helicopters create major disturbance in a one mile area especially on a recent lava flow without soil or large vegetation. I will be forced to leave my home for days!

2.1.2 Schedule and Cost

Construction phase is expected to take about 32 weeks beginning September 1994 - This statement describes the county and state portions in entirety, not the segment announced in the OEQC Bulletin 12/25/94.

3.0 DESCRIPTION OF AFFECTED ENVIRONMENT

A. Geologic Characteristics - Earthquake epicenters are also concentrated along the east rift zone. As a result there is a higher risk for potential lava flows and seismic hazards near the Kiluea east rift zone. Understatement of the year! This project is being conducted in Hazard Zone 2. The recent FEMA Hazard Mitigation Report clearly recommends "not to encourage or promote higher population density" in Hazard Zones 1 and 2. It is a proven fact that electrical line extensions promote population density.

3.2 Biological Characteristics

B. Birds - The lack of any native forest birds or currently threatened or endangered species in this area is largely due to the non-existence of wetland habitat. Totally incorrect. The office of the National Biological Survey (Fish & Wildlife) says "There is no doubt that there are several endangered and threatened species in the area."

This area is habitat of the A'o (Newell's Shearwater), a species believed extinct in 1931. Several years ago in Kuai the electric utility was ordered to take down power transmission lines because they endangered this bird. This area is also habitat for the I'o (Hawaiian hawk), 'Ope'ape'a (Hawaiian Hoary Bat) and the Pucio (Hawaiian owl).

D. Air Quality - since there are no large man-made stationary sources of pollution in the vicinity. There is a very LARGE man-made stationary source of pollution five miles mauka of the area - Puna Geothermal Ventures.

### 3.4 INFRASTRUCTURE

B. Electrical and Communication

Paragraph 3 - Helco has franchise rights to use public right-of-way for power lines, although State and County regulations must be adhered to. Right on! However Helco has failed to adhere to the above-mentioned regulations. (See 3rd District Court ruling, Friends of the RED ROAD vs. The County of Hawaii, 1/21/95, copy attached.)

Last paragraph - The proposed Helco distribution line will be built within the existing easement occupied by Hawaiian Telephone that already has an overhead line. Hawaiian Telephone never announced this project in the OEQC Bulletin and therefore did not follow the environmental assessment procedures mandated by the Office of Environmental Quality Control.

D. Socio-Economic Characteristics

Paragraphs 1 and 4 - These comments apply to the statistics of greater Puna as a whole and do not reflect our distinctly unique and sensitive area comprising lower Puna, Hazard Zones One and Two.

Services - the residents are demanding better infrastructure and services. Yes, we demanded emergency phones and one telephone booth at Kehehal! Less than 12 existing households in the three subdivisions want Helco's services. Less than 15% of mainly undeveloped, off-island owned parcels signed contracts with Helco.

Underground Economy - Marijuana is the economic backbone of the underground economy. This is a blatantly slanderous and defamatory statement intended to belittle and humiliate the community. I demand a retraction and apology from RMTC. These present values can be expected to persist in the future with or

without the proposed project. Impossible. Any responsible socio-economic characteristic description MUST include the fact that we have been an alternative energy community for almost a quarter of a century. The proposed power line extension will certainly affect this.

E. Electric and Magnetic Fields (EMF)

Last Paragraph - Furthermore, the proposed line will be operating in a vacant site at far enough distance from the nearest residential subdivision it will be servicing. Therefore, there will be little or no threat of EMF effects on residents. This proposed line does not end in mid-air, it will be connected to the unpublished portion of this project on County property. The above statement totally misrepresents the facts.

### 4.0 PROBABLE IMPACTS AND MITIGATION MEASURES

The proposed construction of the electrical distribution system is expected to result in minimal adverse impact on the existing environment. . . . Untrue! This project will have a devastating impact on the endangered bird species such as the A'o and the resultant population increase will adversely affect the endangered and protected marine animals. This area is well known as a resting and birthing area for dolphins and whales.

A. Geologic Hazards

Paragraph 2 - A misrepresentation so blatant it is laughable. This project is happening on a 1955 lava flow! We are less than five miles away from the latest Kalapana inundation. Lower Puna is so undeveloped because it is ALWAYS being overrun by lava. This section criminally neglects to report the fact that this project is in Hazard Zone 2. Moreover this project will destroy an existing alternative energy community which flies in the face of all federal, state and county energy policies.

This project has already severely impacted the health, sanity and spirit of the community and the aina that we caretake. We are pioneering, earth loving people and we are being crushed by a public utility that is getting away with as much as it can before the Public Utility Commission dictates safer energy policy according to PURPA federal legislation.

F. Traffic - It is well known that electrification causes increased population density which will increase traffic in Hazard Zone Two.

#### G. Other

Detrimental effects on public health and safety ARE resulting from this proposed project. The new distribution line will provide electrical power to the dozen residents who think they need it and to hundreds who do not want it at all!

#### H. Surrounding Land Uses

This project HAS significantly impacted existing land uses in the immediate vicinity already. Our ocean view is obscured by hundreds of ugly poles and lines. Our beloved Red Road, one of the most beautiful coastal highways in the world is being made ugly. Much of the economy here is ecotourist related. This project is destroying the quality of our lives as well as our economy.

#### I. - Visual Quality

See enclosed photograph. The existing telephone poles look like chop sticks next to the newly installed Helco poles. As noted in the ruling by the Third District Court, Friends of the Red Road vs. The County of Hawaii, 1/19/95, "... there is a substantial difference between the pre-existing telephone poles and the joint utility poles to be installed pursuant to the Helco project, in light of project's environment."

#### J. - Social and Economic Impacts

The vast majority of residents and friends of the Red Road are not benefiting from this project in any manner. The few that are benefiting are doing so at the expense of the community.

#### 5.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

The use of the mobile photovoltaic (PV) units, which are extensively used on the mainland, will free the utility from the burden of this irreversible commitment of capital, labor, construction materials and fossil fuels. Some of the construction material could be recycled if the facilities were dismantled . . .

#### 6.0 ALTERNATIVES TO THE PROPOSED ACTION

Why was solar energy omitted from this section when the project affects an alternative energy/solar community? Consumer Lines, in Helco's latest billing, quotes Helco president, Warren Lee, "Helco, like other power companies, must find improved ways to meet our customers' energy needs . . . with advancing solar electric technology and increase the amount of clean, renewable energy used on the Big Island." This would imply that Helco is in favor of solar options. Our community is asking Helco to partner with us in this model landmark alternative energy community.

Solar systems would eliminate all potential adverse impacts. All the positive benefits associated with providing electric service to this area can be obtained by Helco's use of mobile solar PV units.

Paragraph 2 - However, residential properties in the three Kalapana subdivisions would be foregoing electricity as a power source thereby necessitating residents to seek alternative forms of energy other than that which utilizes primary sources of imported oil and petroleum projects. Right on!

The Public Utilities Commission also requires utility companies to follow the principles of "least cost planning". Analysis of this project, grid versus solar technology in Hazard Zone Two is required. Mobile PV solar units for the total 180 subscribers and a harmonious community outweigh the cost of an antiquated line extension project for an unsubstantiated 1287 lots. It is an established fact that reliable electrical services can be provided by solar PV technology. Ignoring this crucial option in this very sensitive area flies in the face of current federal and state energy policies and all common sense.

Friends of the Red Road v. The County of Hawaii  
Civil No. 93-14  
January 19, 1995

For the reasons stated above, I respectfully request the Department to deny Helco's request to continue this project on state land.

Respectfully submitted,  
*Athena Peanut*  
Athena Peanut  
Friends of the RED ROAD

enc.: photograph, view from Scaview's upper park, level 1000  
✓ 3rd Circuit Court Ruling, 1/21/95  
✓ OEQC Bulletin response, 1/26/94

cc: Helco, Ralph Raifric  
R.M. Towill Company ✓  
Office of Environmental Quality Control  
Public Utilities Commission  
The Honorable Patsy T. Mink

1. Plaintiffs' Motion for Preliminary Injunction, filed on January 11, 1995, shall be granted in part. Defendant Hawaii Electric Company, Inc. ("HELCO") shall be enjoined from cutting down trees or from trimming trees so as to significantly alter their size or shape in Defendant County of Hawaii's (the "County") rights-of-way or property. In this context, a "significant alteration" results if it will take more than one year for the pre-existing size and shape of a tree to be substantially restored.

2. The basis for this decision is as follows:  
a. Plaintiff Friends of the Red Road ("Friends") has or more than one of its members as an association have standing to seek relief.

b. Based upon the state of the evidence presented, there is a probability that Friends will succeed on the merits in regard to its argument that a special management area use permit was required for the HELCO project.

Generally, a special management area permit of some nature is required where "development" is contemplated. "Development" is defined as any of the uses, activities, or operations on land or in or under water, within a special management area. HRS § 205A-22. It includes "construction, reconstruction, demolition, or alteration in the size of any structure." HRS § 205A-22. "Structure" is defined to include any telephone line or electrical power transmission and distribution line. HRS § 205A-22.

The HELCO project entails the removal of telephone poles and the installation of joint utility poles. It clearly constitutes a "development" for the purposes of HRS § 205A-22 because it involves construction or reconstruction of telephone and electrical power transmission and distribution lines. None of the limitations on the definition of "development" set forth in HRS § 205A-22 applies.

The justification provided by the County does not apply. Section 9-4(10) B.(iv) of the Planning Commission County of Hawaii Rules relates to "repair and maintenance". In regard to the HELCO project, "construction" or "reconstruction" is involved. Further, the specific provision relied upon conflicts with the limitation of the definition of "development" set forth under HRS § 205A-22.

c. Also, based upon the state of evidence presented, there is a probability that Friends will succeed on the merits on its argument that an environmental assessment is required. Defendants claim that several exemptions set forth in the Department of Health, Environmental Impact Statement Rules ("EIS Rules"), as further qualified by the Comprehensive Exemption List for the County of Hawaii Department of Public Works ("Exemption List"), apply.

Section 11-200-8(2) of the EIS Rules arguably may apply. However, taking into consideration: (1) an additional purpose for the facilities, that is, for the distribution of electricity; (2) an increased capacity of use; (3) an increased density; (4) increased height of the utility poles installed or to be installed; and (5) larger dimensions of the poles to be installed and different shaping at the top of the poles, there is a sufficient basis to conclude, based upon the evidence presented, that there is a substantial difference between the pre-existing telephone poles and the joint utility poles to be installed pursuant to the HELCO Project, in light of the project's environment. Exemption Class # 2, as defined in the Exemption Rules, does not further delineate any specific type of action which is potentially applicable to this case.

For reasons set forth above, Exemption Class # 4 of the Exemption Rules does not justify an exemption.

d. The cutting down or reshaping of trees is to be performed pursuant to the HELCO project. The balance of irreparable damage favors an injunction against the cutting down of trees and the trimming of trees so that their sizes or shapes are significantly altered pending a final determination of these matters. However, no other injunction shall issue at this time.

e. The above injunction is consistent with the public interest.

f. In light of the written confirmations of determinations made by the County's agencies that a special management area permit and an environmental assessment were not required, appeals of agency actions may be appropriate. However, the opportunity for appeal should not justify leaving Friends without an immediate remedy for irreparable damage. On the other hand, the results of the appeals may have an impact upon this injunction.

3. Mr. Hall is to prepare a proposed form of the order. Other counsel are also invited to submit forms of the order.

December 26, 1994

P.O. Box 181  
Honolulu, HI 96778

Mike Wilson, Chairman  
DLHR  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809

Re: HELCO Request for Direct Grant of  
Exemption for Electrical Utility  
Purposes, OEQC Bulletin, 12/23/94

Attn: Eric Leong

Gentlemen:

As a project owner and resident of Kalauna Seaview Estates I wish to make the following comments regarding the above-referenced HELCO project:

1. This project is a segment of a project already begun in August/September, 1994 in Kalauna Seaview Estates. According to OEQC instructions projects cannot be segmented.

2. This project is being conducted in a particularly sensitive area; i.e., geologic, environmental and cultural.

a. Geologic - Hazard Zone Two  
b. Environmental - Nesting grounds for many endangered and threatened species, most particularly the A'o, Newell's Shearwater. Kawai Electric had to take down coastal transmission lines because of endangerment to this species. Fish & Wildlife at Volcano already has done this survey.

c. Cultural - Residents of this area are overwhelmingly against this project. This has been an alternative energy area for the past quarter of a century.

3. Much of the entire project will happen, or has already happened, within the Shoreline Setback Area.

4. The entire project is in conflict with several federal, state and county laws and resolutions.

I am requesting an immediate Environmental Assessment and a complete Environmental Impact Statement on this project. The public has had no prior notification of this project. The above-referenced notification is only a segment. Work has already commenced on Highway 137 and our subdivision. After consulting with the Planning Department, Public Works and Traffic Divisions of the County of Hawaii, we have found no exemption to the EA and EIS processes. Therefore, an EA and EIS must be completed for this project according to OEQC criteria and Hawaii Revised Statutes.

Respectfully submitted,

DLHR, Gary Gill

cc: Helco, DLHR

Attn: Permit

BW



JUN 27 1995

Ref: LM-EL

Ms. Athena Peanut  
P.O. Box 181  
Pahoa, Hawaii 96778

Dear Ms. Peanut:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated December 26, 1994 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

Ref: LM-EL

Ms. Athena Peanut  
P.O. Box 181  
Pahoa, Hawaii 96778

Dear Ms. Peanut:

Subject: Draft Environmental Assessment for the Direct Grant of Easement to Hawaii Electric Light Company, Inc. (HELCO) for an Electrical Utility Easement at Puna, Island of Hawaii. Tax Map Key: 3rd/1-2-09: 3

Your letter dated January 22, 1995 concerning the above-captioned subject matter is hereby acknowledged.

We have forwarded a copy of your letter to R. M. Towill Corporation to review your concerns and draft a response.

Should you have any questions, please call Eric Leong of our Land Management Division staff at 587-0414.

Very truly yours,

W. MASON YOUNG  
Land Management Administrator

cc: Hawaii District Land Office  
Hawaii Land Board Member  
/ R. M. Towill Corporation

**R. M. TOWILL CORPORATION**

420 WAIKANAHE RD #411 HONOLULU HI 96817-4041 808-848-1133 FAX 808-848-1037

February 11, 1995

Ms. Athena Peanut  
Friends of the RED ROAD  
P.O. Box 181  
Palhoa, HI 96778

Dear Ms. Peanut:

Subject: Draft Environmental Assessment for Electrical  
Utility Easement Request SSPP Unit-71 Rauchenhorst,  
Puna, Hawaii. TRK No.: J-2-09.03(portion)

We have received your letters of December 26 and 27, 1994 and January 22, 1995. A copy of the Draft Environmental Assessment (DEA) was transmitted to you on January 9, 1995. The following has been prepared in response to your comments of December 26th:

1. According to OEQC instructions, "...projects should not be done on an incremental basis to avoid the preparation of an Environmental Impact Statement [Chapter 343-6(a)(2), Chapter 11-200-7]".  
The intent in the preparation of the EA was specifically to document an easement request to the State of Hawaii for use of State-owned land. Therefore, the subject of the EA is the portion for which the utility easement is being requested.
2. Your concerns describing the area's environmental and cultural sensitivity have been noted.
- 3.&4. Statements regarding a portion of the project being located in the Shoreline Setback Area, and the project's potential conflict with federal, state and county laws have been noted.

The following has been prepared in response to your comments of January 22nd:

1. Project Description.  
The section will be clarified to differentiate the total number of electrical utility poles from the proposed number to be located in the project site for which the easement is being requested.

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ms. Athena Peanut  
February 11, 1995  
Page 2

As for use of helicopters, the option is no longer being considered for this project. The discussion of schedule and cost will be clarified to differentiate between the entire project and the portion that affects land owned by the State.

2. Affected Environment.  
Comments regarding geologic characteristics, threatened or endangered species' nesting sites, and air quality have been noted.
3. Infrastructure  
Comments pertaining to electrical and communication have been noted. According to Helco's records (February 7, 1995), there are 184 participants awaiting electrical service from Helco's proposed 12.4772 kV distribution line. The statements regarding the underground economy in the EA will be deleted. While it may have been unfair to generalize, our source of this information was the Pohihi Geothermal Transmission Line EIS, 1989, only to be supported by Hawaii County Police reports (State Attorney General's office).  
Discussion of reasonable alternatives will include reference to solar energy. Your comment regarding electric and magnetic fields has been noted.
4. Probable impacts and mitigation measures  
Your comments have been noted.
5. Irreversible and Irrecoverable Commitments of Resources  
Your comment has been noted.
6. Alternatives to the proposed action  
Solar energy will be included in the discussion.

Your comments are being included in the subject Environmental Assessment.

Sincerely,



Colette Sakoda  
Project Manager

cc: DLNR  
Helco  
OEQC  
PUC

Honorable Patsy T. Mink

11.19.85  
Rosenberg  
11/19/85

cc. Representative Patsy Mink  
US House of Representatives  
2135 Rayburn Ave.  
Washington DC 20515

RE: SSPP Unit 71 - Rauenhorst HELCO

Mike Wilson  
Land Management Division  
P.O. Box 621  
Honolulu, HI 96809  
att: Eric Leong

HELCO  
POB 1027  
Hilo, HI 96721  
att Ralph Ratific

r.m. Tovill Corp  
420 Waiakamilo Rd. Suite 411  
Honolulu, HI 96817-4941  
att Collette Sakoda

Dear Chairman Wilson:

I believe errors in the Draft Assessment that are serious enough to require a continuation of the Environmental Assessment process. Endangered bird species are in the area of TMK 1-2-09:03, the Hawaii State owned segment of the line extension project and in the surrounding area. The fauna species noted as being in predominance, False Staghorn fern (Dicranopteris linearis) is not in this area as there is nor yet enough soil to support this plant.

The A'O or Neval's Shearwater (Puffinus Newelli) the I'O or Hawaiian Hawk (Buteo hawaiiensis), and the OPE'APE'A or Hawaiian Hoary bat (Lasiurus cinereus semotumbe) seen and heard in our areas of the State and County segments of the HELCO project. The A'O nests on the slopes above the sea in the Opihikao area between May and October, and is frequently heard calling at night.

Page 7 of the Draft EA states "B. Birds: common exotic bird species such as Japanese white eye, spotted dove and zebra dove are commonly in the area. The lack of native forest birds or currently threatened or endangered species in the area is largely due to the non-existence of wetland habitat."

In addition to calling for an Environmental Impact Statement for the state owned segment of the line extension, I also want an Environment Impact Statement for the County of Hawaii owned segments of the project due to particularly sensitive easements of the project See Chapter 200 of title 11, subchapter 8 of the Hawaii Administration Rules, 11 - 200 - 8 . 9-b. which states: " All the exemptions under the classes in this section are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment."

Thank you for your earliest response.

cc Gary Gill Chairman  
DEOC  
220 South King St.  
Suite 44 Central Pacific Plaza  
Honolulu, HI 96813

11-19-85

Members of the Kehenā Homeowners Assc. RR2 Box 4768, Kehenā Beach III 96778

Mayor Stephen K. Yamashiro  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720-4252

Dear Mayor Yamashiro:

February 16, 1995

A two third (2/3) majority of both the Board of Directors and the lot owners and membership of the Kehenā Homeowners Association seek your assistance in correcting problems that have occurred in the orderly installation of electric power to this subdivision.

From the Association's inception in 1992 we have been eagerly awaiting power in our subdivision. Working closely with HELCO the original plan of installing the lines on the opposite side of the street was modified to provide a joint pole installation. HELCO then further negotiated with us to provide insulated cable (tree wire) to minimize the impact of foliage removal in the subdivision. In a walk thru of the subdivision they were most accommodating in relocating certain poles where this was feasible and installing none where there were no lot owners who wished to have power. The final HELCO plans were approved by both the Planning Department and Public Works of the County of Hawaii.

Based on the recent ruling of Judge Nakamura, CIV. 95-14, Friends of the Red Road vs. The County of Hawaii, et al. - Motion for Preliminary Injunction, the Judge ruled that the County of Hawaii was procedurally incorrect in issuing the permits, since the County of Hawaii did not have the proper exemptions in place to comply with HRS 343 or 205. This situation would apply island wide in every case where HELCO or GIE wishes to extend service to the public.

Unfortunately the Judge only provided an injunction against the cutting of trees on this project by HELCO. It impacted only the Kehenā subdivision of the three subdivisions in the SSPP program, since this is the only subdivision which requires any tree removal. HELCO is currently proceeding to string the lines for 1000 homes in the other two subdivisions and Kehenā is left in the lurch. His ruling also totally ignored the extreme safety hazards that HELCO would have removed, at their cost, since no factual information was provided to the Judge regarding this subdivision. We would like to provide a factual history of our sub-division for your use in any further deliberation.

Kehenā Subdivision Investment Corporation:

Developers: Dr. Walter Loo, Dr. Henry Yuen, Raymond Chang  
Subdivision approved and recorded July 23, 1964, # 2162  
Roads were dedicated and approved by the County December 2, 1964  
Average lot frontages 68-75 feet  
Minor roads have a 40 foot wide easement with 16 feet of pavement  
Highway 137, which splits the subdivision, has a 50 foot wide easement.

Mayor Stephen K. Yamashiro

Page 2

February 16, 1995

Unfortunately the developers decided to plant coconut palms to delineate the lot lines and did so within the County of Hawaii easements. Over the past 30 years these coconuts have multiplied from the original 300 to approximately 1300 coconuts. Eight (8) years ago the telephone company installed their poles and removed some 60 to 80 of the coconuts. At that time there was no objection to this taking place. Now the same quantity is required to be removed. The visual effect is practically zero.

The main problem with these coconuts are that they are a major safety hazard due to the falling fronds and nuts. This is particularly true since the increased foot traffic in the area, both adults and children, need a full 5 feet shoulder, for foot traffic, based on the narrow pavement of only 16 feet. Not only are the coconut trees a safety hazard, but they are in violation of the Hawaii County Code Section 22-1 with regard to "encroachment" and "obstruction". Last year Public Works issued a contract to Jacuski's Tree Service to de-nut the trees. This is not a solution to the problem, since the growth rate is so fast in the area it would have to be done twice a year. A much better solution to the problem is to remove these illegal encroachments onto County property permanently. In addition, the heavy foliage on all the intersections has not been removed to comply with County requirements for clear line of site at the intersections. These are County roads and should be maintained to County of Hawaii standards. We leave it to the County to determine the liability of a 5 lb. coconut falling on a child's head.

By copy of this letter we respectfully request that Judge Nakamura remove the injunction against the removal and pruning of trees in this sub-division based on considerations of the public health and safety of residents.

Attached are pictures taken of the subdivision in 1964 to show that the developer stripped the land with the exception of the Monkeypod trees, which are all on private property. Also attached are pictures of the current situation in the subdivision and the impact of the power poles.

There are 194 lots in the subdivision of which some 23 are still owned by the heirs of Dr. Yuen. In addition 47 property owners have indicated to HELCO their desire to have power. Of these 47 there are 36 owners who have been paying HELCO, on a contract, for the past 7 months, as provided for in the SSPP program. All are tax paying property owners to the County.

It is our understanding that HELCO will be applying for a SMA minor permit for the installation of those poles within the SMA areas in order to comply with HRS 205. In addition, the Public Works Department should process the necessary exemptions to HRS 343 with the OPRQC to permit installations of this type, island wide.

Your active assistance, Mr. Mayor, is solicited, to make certain this happens in a timely manner. The active development of this area can only benefit the County of Hawaii in increased tax revenues and construction of new homes in the area.

Mayor Stephen K. Yamashiro  
Page 3  
February 16, 1995

In addition, the increase of permanent residents will solve some of the problems of vandalism, houses burning down due to candles being used as a light source, reduction in the ever present generator noises, reduction in the amount of vagrants and illegal campers squatting on the land which has resulted currently in a major outbreak of Hepatitis "A" in the area, due to the lack of sanitation facilities, and a stable community which will belie the fact that Puna is still the "wild-wild" west.

By copy of this communication, we also request that Judge Nakamura, the Corporation Counsel of the County of Hawaii, the County Planning Department, The Public Works Department, HELCO, consider action necessary to provide a fair evaluation of the situation of the problem, and provide any assistance that is necessary.

Sincerely,

**Members of the Kahauna Homeowners Association Board of Directors**

President: David Bona, Secretary: Elisabeth Olsen, Treasurer: Rich Romo  
Director: Maya Domes, Wally Patch

Daniel Bono    Elisabeth Olsen    Rich Romo    Maya Domes    Wally Patch

cc: Judge Greg Nakamura  
Corporation Counsel  
County Council  
Public Works, County of Hawaii  
Planning Department, County of Hawaii  
HELCO

**COMMENT LETTERS AND RESPONSES ON**

**JUNE 7, 1995**

**DRAFT ENVIRONMENTAL ASSESSMENT**



United States Department of the Interior

FISH AND WILDLIFE SERVICE  
PACIFIC ISLANDS OFFICE  
500 ALA MOANA BLVD, SUITE 3-580  
HONOLULU, HI 96813  
tel:(808) 541-3441 fax:(808) 541-3470

14-00000-10

The Service appreciates the opportunity to provide comments on the DEA and looks forward to reviewing the results of the above survey. If you have questions regarding these comments, please contact Fish and Wildlife Biologist Jeff Burgett at (808) 541-3441.

Sincerely,

*Karen W. Posa*

for Brooks Harper  
Field Supervisor  
Ecological Services

cc: DOFAW, Honolulu  
DOFAW, Hilo

JUL 12 1995

In Reply Refer To: JMB

Collette Sakoda  
R.M. Towill Corporation  
420 Waikamilo Road, #411  
Honolulu, HI 96817-4941

Re: Draft Environmental Assessment for the SSPP Unit-71 12.477/2 kV Overhead  
Distribution System, Puna, Hawaii.

Dear Ms. Sakoda:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.477/2 kV Overhead Distribution System in Puna, Hawaii. The project sponsor is the Hawaiian Electric Light Company, Inc. (HELCO). The proposed project would establish electrical service to three subdivisions by placing or replacing 345 utility poles and stringing aluminum conductors a total of 70,060 linear feet. The Service offers the following comments for your consideration.

The DEA is deficient in its assessment of the potential impacts of the proposed project on the threatened 'A'o or Newell's shearwater (*Puffinus newelli*). These birds nest in at least two colonies within five miles of the project site and could reasonably be expected to transit the project area while flying between these colonies and the sea. The faunal survey contained in the DEA was inappropriate for detecting these birds, as it was conducted outside the nesting season, when the birds are at sea. Newell's shearwaters transit the coastline at night, and collisions with powerlines and other structures are a major known source of mortality. Because the populations of these birds are very low on Hawaii, any increase in collision mortality may represent a significant threat to overall species recovery.

Without further information, the impact of the project on these seabirds cannot be assessed. Therefore, the Service cannot concur with the determination that the project is not expected to result in adverse short- or long-term environmental impacts and that no Environmental Impact Statement is required. We recommend that radar and night-vision optical surveys be done in the immediate project area during the month of July, when the adults are still provisioning their nestlings. Such a survey would yield information on this species' abundance, flight paths, and altitudes in the area and allow assessment of possible impacts and mitigation measures.

**R. M. TOWILL CORPORATION**

450 Waikeamilo Rd #411 Honolulu, HI 96817-4941 (808) 942-1123 Fax (808) 942-1937

August 3, 1995

Mr. Brooks Harper  
Field Supervisor, Ecological Services  
U. S. Department of the Interior  
Fish and Wildlife Service  
500 Ala Moana Boulevard, Suite 3-580  
Honolulu, Hawaii 96813  
Attention: Mr. Jeff M. BURGESS

Dear Mr. Harper:


Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.477.2 LV  
Overhead Distribution System, Puna, Hawaii

We have received your comment letter dated July 12, 1995 regarding the subject project. Since issuance of the DEA, a supplemental survey using marine radar equipment was conducted from July 10 through July 14, 1995 by Rana Productions and ABR Inc. As indicated in the initial faunal report, such additional survey work was needed during nesting season, and as a result the work was conducted in July. The survey findings will be summarized in the Final EA and the complete report will be appended to the document.

We understand that Jeff Burgess of your Honolulu office spent a day with our consultants at the study site during this July survey period. We hope the knowledge gained while in the field with our consultants helped the U. S. Fish and Wildlife Service staff gain a true perspective of the status of the 'A'o or Newell's Shearwater in the project area.

Thank you for your interest and concern in this project.

Sincerely,

  
Colette Sakoda  
Project Manager

cc: DOFAW, Honolulu  
DOFAW, Hilo  
Office of Environmental Quality Control  
HELCO, R. Railife  
County Public Works, D. Kaiyosaki

Engineers • Planners • Photogrammetrists • Surveyors

Environmental Engineers



Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING DEPARTMENT

25 Airport Street, Room 109 • Hilo, Hawaii 96720-4151  
(808) 941-2128 • Fax (808) 941-9415

Virginia Goldstein  
Director  
Norman O'Brien  
Deputy Director

Ms. Colette Sakoda  
Page 2  
July 7, 1995

#### Figure 7 - 12.47/7.2 KV O.H. Distribution System

Figure 7 should be superimposed on a roadway map or similar to allow for easy reference with physical features within the area, such as the shoreline, major roadways, parcel/subdivision boundaries, etc.. In addition, the location of poles should be identified for easy reference.

Thank you for allowing our office the opportunity to comment on the DEA. Should there be any questions, please feel free to contact Daryn Arai of this office at 961-8288.

Sincerely,

*Virginia Goldstein*  
VIRGINIA GOLDSTEIN  
Planning Director

DSA:dmo  
LHELco01.DSA

cc: Office of Environmental Quality Control  
West Hawaii Office

July 7, 1995

Ms. Colette Sakoda  
R.M. Towill Corporation  
420 Waikamilo Road, Suite 411  
Honolulu, HI 96817-4941

Dear Ms. Sakoda:

Draft Environmental Impact Statement For the Proposed SSPP  
Unit-71 12.47/7.2 KV Overhead Distribution System  
Tax Map Key: 1-2-09: Portion of 3 & 1-2-30 & 1-2-41, Kehena  
& Keekee Homestead Puna, Hawaii

We have completed our review of the above-described Draft Environmental Assessment (DEA) and have the following comments to offer regarding specific sections within the document:

#### 2.4 Land Use/Land Ownership (Page 3-11)

This section requires greater elaboration on the proposed development and its relationship to land use plans, policies and controls of the County of Hawaii. As baseline information, the project area is located within area designated Orchards by the County's General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The coastal portions of the project area are designated Open. The proposed development must also be consistent with the goals, policies and standards as set forth within the General Plan. Kehena Beach Estates subdivision is zoned Agricultural-1 acre (A-1a) by the County with the exception of TMK: 1-2-30: 1, which is located at the extreme northeast edge of Kehena Beach Estates and zoned Open. The remainder of the project area is zoned A-2a. Coastal portions of the project area are located within the County's Special Management Area. Depending on the proximity of the proposed improvements to the shoreline, a shoreline survey of the project area, as certified by the Chairman of the Board of Land and Natural Resources, may be required. Should improvements be located within the shoreline setback area, a Shoreline Setback Variance, to be issued by the Planning Commission, may be required.

**R. M. TOWILL CORPORATION**

420 Waikeahala Rd #411 Honolulu, HI 96817-1941 (808) 848-1133 Fax (808) 848-1937

August 3, 1995

Ms. Virginia Goldstein, Director  
County of Hawaii Planning Department  
25 Aupuni Street, Room 109  
Hilo, Hawaii 96720-4252

Dear Ms. Goldstein:


Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.4777.2 LV  
Overhead Distribution System, Puna, Hawaii

We have received your comment letter dated July 7, 1995 regarding the subject project. In response to your comments, the DEA will be revised to include additional discussion of the proposed action's relationship to land use plans, policies and controls of the County of Hawaii. With regard to location of improvements relative to the shoreline setback area, the nearest electrical pole is more than 50 feet inland from the shoreline vegetation line (HELCO, June 1995). A request for the latest shoreline map to help verify this finding has been made to the State Survey Office.

Additional figures will clearly locate project features relative to physical features of the area.

Thank you for your comments in this phase of the project.

Sincerely,

  
Colette Sakoda  
Project Manager

cc: Office of Environmental Quality Control  
West Hawaii Office  
HELCO, R. Raitiff  
County Public Works, D. Kiyosaki

Stephen K. Yamashiro  
Mayor



County of Hawaii

DEPARTMENT OF PUBLIC WORKS  
25 Airport Street, Room 201 - Hahaione, Hawaii 96720-4133  
(808) 941-4331 - Fax: (808) 949-7134

Donna Fay K. Kiyomaki  
Chief Engineer  
Jiro A. Sumada  
Deputy Chief Engineer

Handwritten initials and a stamp.

May 10, 1995

Ms Collette Sakoda  
R M Towell Corporation  
420 Waiakamilo Road, Suite 411  
Honolulu Hawaii 96817-4941

SUBJECT : DRAFT ENVIRONMENTAL ASSESSMENT  
HELCO SSPP Unit-71 Rauenhurst 12.4777.2 kV  
Overhead Distribution System  
Puna, Hawaii  
TMK: 1-2-09; per 03 and 1-2-30 thru 41

We have reviewed the subject report and our comments are as follows:

1. Any building construction shall conform to all requirements of code and statutes of the County.
2. All development generated runoff shall be disposed on site and shall not be directed toward any adjacent properties.
3. All earthwork and grading shall be in conformance with Chapter 10, Erosion and Sediment Control, of the Hawaii County Code.
4. Any work within the County right-of-way shall be in conformance with Chapter 22, Streets and Sidewalks, of the Hawaii County Code.
5. All utility pole locations within the County right-of-way shall be in conformance with the policies of the Department of Public Works.
6. All traffic control devices within the County right-of-way shall be in conformance with the current edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways".

Galen M. Kuba, Acting Division Chief  
Engineering Division

CKY

cc : Planning Department

**R. M. TOWILL CORPORATION**

480 WAIKANAHE RD. #411 HONOLULU, HI 96817-4041 (808) 648-1133 FAX (808) 648-1937

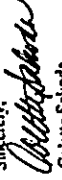
August 3, 1995

Mr. Galen M. Kuba, Acting Division Chief  
Engineering Division  
County of Hawaii  
Department of Public Works  
25 Aupuni Street, Room 202  
Hilo, Hawaii 96720-4252

Dear Mr. Kuba:

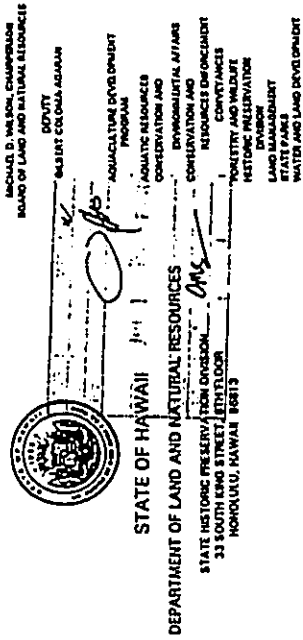
Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.47/7.2 KV  
Overhead Distribution System, Puna, Hawaii

In response to your letter dated July 6, 1995, all County of Hawaii regulations, policies and standards will be adhered to, assuming the SSPP Unit 71 12.47/7.2 KV distribution line project proceeds toward completion.

Sincerely,  
  
Celeste Sakoda  
Project Manager

cc: Planning Department  
OFQC  
HELCO

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Management • Environmental



July 7, 1995

R. M. Towill Corporation  
420 Waiakamilo Road, #411  
Honolulu, Hawaii 96817-4941

Attention: Colette Sakoda

LOG NO: 14803  
DOC NO: 9506PM07

**SUBJECT: Draft Environmental Assessment for SSPP Unit-  
71 12.47/7.2kV Overhead Distribution System  
Kamali, Kekeke, Kehena and Keaohana, Puna, Hawaii Island  
TNK: 1-2-09; Ppr. 03; 1-2-30 to 1-2-41**

Thank you for your letter of June 6, 1995 and the opportunity to comment on the subject document.

We have reviewed the archaeological assessment report prepared by Cultural Surveys Hawaii, Inc., and concur with the finding that there are no significant historical sites within the boundaries of the proposed overhead electrical distribution system. The Phase I project area, almost all of it located on the 1955 lava flow, is an existing telephone line easement with a bulldozed road and existing poles. The one locality in the Phase I project area with the potential to contain historic sites, the *kupaka*, was surveyed and found to be devoid of historic sites. The Phase II project area, consisting of the Kalapana Seaview Estates, Puna Beach Palisades and Kehena Beach Estates subdivisions, is developed land devoid of significant historic sites.

Although there appear to be no significant historic sites on the surface of the Phase I and Phase II project areas, there is the possibility of subsurface lava tubes containing cultural remains and human remains in this area. Thus, while we believe that the proposed project will have "no effect" on significant historic sites, we caution about the possibility of encountering unknown sites within caves if land altering activities associated with the proposed project penetrate more than a few feet below ground level.

R. M. Towill  
Page 2

In the event that any caves with sites or cultural deposits are found during construction activity, our office should be immediately notified and given an opportunity to make a field inspection to assess the importance or value of the findings.

If you have any questions please contact Patrick McCoy (587-0006).

Alolia,

DON HIBBARD, Administrator  
State Historic Preservation Division

PM:amk

**R. M. TOWILL CORPORATION**

120 Waiakamilo Rd #111 Honolulu, HI 96817-4041 (808) 848-1133 Fax: (808) 848-1037

August 3, 1995

Mr. Don Hibbard, Administrator  
State Historic Preservation Division  
Department of Land and Natural Resources  
33 So. King Street, 6th Floor  
Honolulu, Hawaii 96813

LOG NO: 14803  
DOC NO: 9506PM07

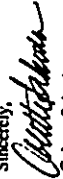
Dear Mr. Hibbard:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.4777.2 kV  
Overhead Distribution System, Puna, Hawaii

We have received your comment letter dated July 7, 1995 regarding the subject project. We agree that precautionary measures will be taken to anticipate the remote possibility of encountering unknown sites within caves if land altering activities associated with the proposed action penetrates more than a few feet below ground level. As stated in the DEA, in the event that any caves with sites or cultural deposits are found during construction activity, the State Historic Preservation Division will be immediately be notified and given an opportunity to make a field inspection to assess the importance or value of the findings.

Thank you for your participation in this phase of the project.

Sincerely,

  
Colette Sakoda  
Project Manager

cc: OEQC  
HELCO, R. Railiff  
County Public Works, D. Kiyosaki

BENJAMIN CALETANO  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5087  
July 6, 1995

KAZU HAYASHIDA  
DIRECTOR  
DEPUTY DIRECTOR  
GENERAL COUNSEL  
CLEVELAND OREGON/O

IN REPLY REFER TO:  
HWY-PS  
2.6319

R. M. Towill Corporation  
420 Maikamilo Road #411  
Honolulu, Hawaii 96817-4941

Attention: Ms. Colette Sakoda

Gentlemen:

Subject: Draft Environmental Assessment (EA) for HELCO  
Special Subdivision Project Provision Program  
Unit-71 12.47/7.2 kv Overhead Distribution  
System, Puna, Hawaii  
TRK: 1-2-09: por. 03; 1-2-30 to 1-2-41

Thank you for requesting our review of the subject Draft EA. We have the following comments:

1. The 1,287 lot rural subdivisions to be served by the proposed overhead power lines presently contain 146 homes. We would like clarification of how many additional housing units are expected to be developed after HELCO service becomes available. If development of 200 or more new homes is expected, then the EA should include an assessment of the traffic impacts of induced housing development.
2. To ensure that delivery of poles does not result in unnecessary traffic congestion, the Project Traffic Control Plan should be coordinated with our Highways Division Hawaii District Engineer.

Very truly yours,

*Kazu Hayashida*  
KAZU HAYASHIDA  
Director of Transportation

**R. M. TOWILL CORPORATION**

480 Waiakamilo Rd #411 Honolulu, HI 96817-4941 (808) 842-1133 Fax (808) 842-1037

August 3, 1995

Mr. Kazu Hayashida, Director  
State Department of Transportation  
869 Punchbowl Street  
Honolulu, Hawaii 96813-5097

Ref: HWY-PS  
26319

Dear Mr. Hayashida:


Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.47/7.2 kV  
Overhead Distribution System, Puna, Hawaii

We have received your comment letter dated July 6, 1995 regarding the subject project. The following has been prepared in response to your questions and comments.

1. It would be difficult to estimate the number of additional housing units that are expected to be developed assuming HELCO service becomes available. If a total of 146 homes has been built over a 20-year period, it is probable that the rate of construction may double at best; in other words, the same amount of units may conceivably be built in 10 years. The potential existence of about 290 homes scattered over a three-subdivision service area of 1,287 lots would not result in any significantly adverse traffic impacts in this rural area.
2. You can be assured that the project Traffic Control Plan will be coordinated with the State Highways Division District Engineer when appropriate.

Thank you for your participation in this phase of the project.

Sincerely,

  
Colette Sakoda  
Project Manager

cc: OEQC  
HELCO, R. Railife  
County Public Works, D. Miyosaki





**OFFICE OF STATE PLANNING**

Office of the Governor

MAILING ADDRESS: P.O. BOX 234, HONOLULU, HAWAII 96813-0234  
TELEPHONE: 587-2876

RECEIVED: JUN 20 1995  
MAIL ROOM: 587-2876

DATE	REC'D	BY	INITIALS
JUN 20 1995	JUN 20 1995	RAIC	OP
CODE	FILE	EXT.	DRUM

Ref. No. C-1285

June 20, 1995

Ms. Collette Sakoda  
R.M. Towill Corporation  
420 Waiakamilo Road, #411  
Honolulu, Hawaii 96817-4941

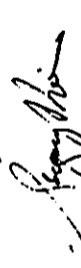
Dear Ms. Sakoda:

Subject: SSPP Unit--71 12.477.2 kV Overhead Distribution  
System Draft Environmental Assessment

We have reviewed the Draft Assessment (DEA) for the Overhead Distribution System and do not have any comments to offer.

If any questions arise, please contact our Coastal Zone Management Program at 587-2876.

Sincerely,

  
Gregory Y. Y. Pai, Ph.D.  
Director



STATE OF HAWAII  
OFFICE OF HAWAIIAN AERIALS  
711 KAPOLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813-5218  
PHONE (808) 594-1889  
FAX (808) 594-1845

June 19, 1995

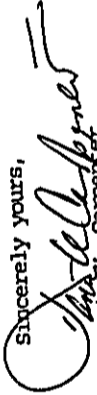
Ms. Colette Sakoda  
R.M. Towill Corporation  
420 Waiakamilo Road, Suite 411  
Honolulu, HI 96817-4941

Dear Ms. Sakoda:

Thank you for the opportunity to review the draft environmental assessment (DEA) pertaining to the SSPP Unit-71 12.47/7.2 KV Overhead Distribution System at Puna, Island of Hawaii.

We find the DEA and supporting documentation sufficient and have no objections to the applicant's proposal to build an overhead electrical distribution system in the Kehena, Keehee Puna homesteads district of Puna on the Island of Hawaii. Please contact me or Luis Manrique at the Land and Natural Resources Division (594-1935), should you have any questions on this matter.

Sincerely yours,

  
Dante K. Carpenet  
Administrator

LM:lm  
CC: BOT



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII  
 25 AUPUNI STREET • HILO, HAWAII 96720  
 TELEPHONE (808) 939-1421 • FAX (808) 939-6596

June 13, 1995

DATE	WES
TIME	1:25
BY	WES
RECD	JUN 13 1995 PM 1:25
FILE	
INITIALS	
REMARKS	

Ms. Colette Sakoda  
 R.M. Towill Corporation  
 420 Waiakamilo Road, #411  
 Honolulu, HI 96817-4941

DRAFT ENVIRONMENTAL ASSESSMENT FOR SSPP UNIT-71 12.47/7.2 KV  
 OVERHEAD DISTRIBUTION SYSTEM  
 APPLICANT - HAWAII ELECTRIC LIGHT COMPANY, INC.  
 TAX MAP KEY 1-2-09:03 (PORTION); 1-2-30 TO 41

We have reviewed the subject Draft Environmental Assessment and have no comments.

*MCD*

Milton D. Pavao, P.E.  
 Manager

WA

copy - Department of Public Works, County of Hawaii  
 Hawaii Electric Light Company, Inc.

... Water brings progress...

***Kehena Beach Homeowners Association Inc.***

RR 2 Box 4768, Kehena Beach, HI 96778

-Ad Hoc Maintenance Committee -

Mrs. Donna Kiyosaki  
Public Works Department  
County of Hawaii  
25 Aupuni Street  
Hilo, HI 96720-4252

July 17, 1995

Reference: Environmental Assessment (EA) review on HELCO's  
joint pole line extension from Seaview Estates to  
Kehena Estates Subdivisions.

Dear Mrs. Kiyosaki:

Responsible community leaders in the effected subdivisions have just recently become aware that an EA was in progress and that comments are solicited. We request an extension of time on your review till August 15, 1995 to allow the opportunity to contact the 1200 property owners who are effected by an EA determination.

There is overwhelming support for the availability of power by property owners based on polls previously taken in all three subdivisions. The so-called "Friends of the Red Road" are not a representative group of owners. This can be verified by checking replies and comments on the EA against ownership.

The only endangered species in the area are people, if you consider 1200 generators blasting away on 9000 square foot lots in the effected area.

Since all these subdivisions were either formed over the 1955 lava flow or stripped bare by the developer, it is certainly not a nesting area for endangered species unless cockroaches, rats, and mongooses now fall into that classification.

Enclosed we submit some prior correspondence which clarifies some of the issues.

Your consideration of this time extension would be very appreciated.

Sincerely,

*Greg Chastaine, Alan Oke, Pally Sabat, Dick Brown, Elizabeth Blaine (Secretary)*



June 23, 1995

Ms. Collette Sakoda  
Project Manager  
R.M. Towill Corporation  
420 Waialalo Road, #411  
Honolulu HI 96817-4941

Dear Ms. Sakoda:

I have been asked by Athena Peanut, Friends of the Red Road, to comment on the Environmental Assessment, "Faunal Survey of Helco SSP Unit 71-Rauenhorst, Keheha-Keheha Homestead, Puna, Hawaii", prepared by R.E. Davis. I recently spent two years leading a study of Newell's Shearwaters, and their interactions with powerlines, on Kauai, under contract from the Electric Power Research Institute. I've conducted research on seabirds for over 20 years. A short resume is enclosed, as well as the final report of our study on Kauai (completed, a short time ago, when I worked for another organization). I wish to be as objective as possible in these comments, all of which are backed by the results of our studies. Our final report was reviewed and approved by EPRI and its panel of oversight scientists.

In general, I thought that the effort that went into the faunal portion of the EA was cursory, as the author admitted (pp. 20-21), in that it lasted just two days and was conducted at a season (4-5 April) not well suited to detecting Newell's Shearwaters. If the timing of breeding on Hawaii is similar to that on Kauai (which may or may not be true, but which is the best working assumption at present), then 4-5 April would be before the start of the breeding season and, indeed, before shearwaters would begin to visit their colonies for the year. No wonder then that no Newell's Shearwaters were detected; that result, by itself, certainly supports the hypothesis that phenology is similar between the population nesting on Kauai and Hawaii.

The best time of year to conduct a study to determine flyways would be mid-May through July, as this is when the greatest shearwater traffic would occur (see our report, Table 6, pp. 23-24). Moreover, it would require several consecutive days of effort to adequately detect the location of any flyways along the stretch of coast in question (Puna) and to gauge the relative importance of each stretch as to where the flyways occur. While radar has been used to detect flyways (and we all await a report on radar studies conducted in the Puna area in 1994), it's use is not really necessary unless one also wants to obtain an indication of population size. Even then insufficient information on frequency of visitation by individuals is available, but certainly visitation is not nightly for each individual and likely is only once every few to several nights depending on time of year. Information on frequency of visitation is necessary to correct sighting data, radar or other, in order to estimate population size. The visitation pattern, and the various methods by which flyways have been detected on Kauai, are discussed in our report (see flyways section, pp. 29-33; see also Cooper & Day 1994).

Should the new wires cross flyways, I would find fault with some of the recommendations in the EA. First, the utility of marker balls has not been proven (see our report, pp. 57-58). Thus far, results from the experiment on Kauai are inconclusive. Analyses available to the public (e.g. Cooper & Day 1994) have been completed on only part of the data set and the design of the experiment needs to be followed through with a period when the balls are moved to a different portion of the wires. Even the statistical results on that part of the data set so far analyzed are not robust; another one or two birds found under the "wrong" section of wire would negate the statistical probabilities now showing utility of the

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balls. Moreover, the balls do not prevent deaths due to collisions with wires; at best, they would just reduce the mortality to a lower level.

The level of mortality is critical. The available data indicate the populations of Newell's Shearwater on Hawaii to be very low and, given the high density of mongoose which eat shearwaters, still another significant source of mortality to adult shearwaters would have important repercussions to the population (see discussion of demography in our report). It is the cumulative impacts with which we must be concerned, not just mortality from one factor. Because the populations are small to begin with, one should expect to see few shearwaters using flyways and should not conclude, therefore, on the basis of seeing few birds, that impacts would be low.

I am also nervous about the recommendation to begin a salvage program, similar to that on Kauai (SOS). As our report shows, even with the SOS program on Kauai, which is a valuable effort, mortality to fledglings is still significant and has been underestimated. Moreover, SOS does not mitigate the mortality due to collisions with powerlines by adult shearwaters; it only helps the fledglings during their first flights to sea in October-November.

Finally, I agree with the recommendation concerning vegetation. As we point out in our report (recommendation on p. 57), tall trees divert the birds to fly higher. Near the coast, the shearwaters tend to fly just above the substrate (i.e. within a few 10's of meters or less) and, literally, at tree-top level. Discussed earlier in our report is the fact that a critical factor in affecting collisions is the relative height of powerlines and surrounding vegetation. While tall wires are the best at catching shearwaters, low ones can do a good job, too. The worst scenario is that of powerlines and no vegetation or only grasslands; the best is trees as tall as the wires within the right of way. When trees are present, the shearwaters indeed fly at tree-top level and not lower.

I also agree with the recommendation concerning lights. Our report discusses in detail the impact of lighting to shearwaters on as urbanization expands on Kauai. Moreover, if more powerlines bring more people and traffic to the area, cat lights are also very effective in attracting shearwaters to fly low and collide with structures.

I hope my comments are of value to you. I would be pleased to offer any further information to you.

David G. Alsbey, Ph.D.  
Project Director

cc: Myra Fraser, EPRI



July 5, 1995

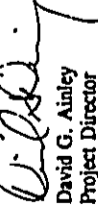
Deputy Chief Engineer  
The County of Hawai'i  
Department of Public Works  
25 Aupuni Street, Rm 202  
Hilo, HI 96720

RE: Second Draft Environmental Assessment SSPP Unit 71 Keheha-Keekae Homestead, Puna,  
Hawaii

Dear Mr. Sumada:

Enclosed is a letter, sent to Ms. Collette Sakoda, R.M. Towill Corp., with my comments on the Second Draft Environmental Assessment SSPP Unit 71 Keheha-Keekae Homestead, Puna, Hawaii. After sending the letter I was told that it should have been addressed to you with copies to her and some other people. Therefore, I am now submitting to you this letter containing my comments, as well as a copy of the final report of our studies. If I can be of assistance in forging a solution to the problems brought by the Newell's Shearwaters, please do contact me.

Sincerely yours,

  
David G. Ainley  
Project Director

cc: R. Ratific, Helco  
C. Sakoda, RM Towill  
G. Gill, OEQC  
M. Wilson, DLNR  
M. Fraser, EPRI

Alviso Office  
906 Elizabeth Street - P.O. Box 1180  
Alviso, CA 95002 • 408-263-1814 • Fax: 408-263-3823

Fresno Office  
423 West Fairbrook, Suite 207  
Fresno, CA 93711 • 209-449-1423 • Fax: 209-449-8248

R. M. TOWILL CORPORATION

420 WAIAKAMUI RD #411 HONOLULU, HI 96817-4041 (808) 648-1133 FAX (808) 648-1037

August 3, 1995

Dr. David G. Ainley  
Project Director  
H.T. Havay & Associates  
P. O. Box 1180  
Alviso, CA 95002

Dear Dr. Ainley:


Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.477.2 KV  
Overhead Distribution System, Puna, Hawaii

Your comment letter dated June 23, 1995 was received July 10, 1995 regarding the subject project. As we informed you via telephone, our faunal consultants conducted a followup four-day radar survey in the project area July 10 through 14, 1995. The DEA contained a recommendation that such a survey should be conducted between May and July due to the anticipated nesting period for the Newell's Shearwaters. The report from the radar survey will be summarized in the final environmental assessment, and the complete report will be appended to the document.

With respect to the U.S. Fish and Wildlife Service's recommended use of orange marker balls on the overhead lines, a combination of these with the presence of tall trees would be good preventive measures. We agree that cumulative impacts are important in the long term should the project result in numerous additional homes and possible street lights that would distract birds in the area. The heavy vegetation and tall trees fronting the southern portion that includes Kehenas Beach Estates can continue to guide potential seabirds to fly over the overhead line that in some areas is dwarfed by the trees. It is conceivable that vegetation in Kalapana Seaview Estates would in time mature and function in the same manner as those that front Kehenas Beach Estates.

Thank you for your comments and concerns.

Sincerely,

  
Colette Sakoda  
Project Manager

cc: Myra Fraser, EPRI  
OEQC  
HELCO, R. Ratliff  
County Public Works, D. Kiyosaki

**ISAAC DAVIS HALL**  
 ATTORNEY AT LAW  
 2087 WELLS STREET  
 WAILUKU, MAUI, HAWAII 96793  
 (808) 244-1907  
 FAX (808) 244-0775

FILE	102
DATE	7/10/95
REC'D	10
BY	
INITIALS	

July 7, 1995

Mr. Galen Kuba  
 County of Hawaii  
 Department of Public Works  
 25 Haupuni Street, Room 202  
 Hilo, Hawaii 96720

Re: Comments upon the Draft Environmental Assessment for the HELCO overhead distribution system in Puna, Hawaii and demand for the preparation of an Environmental Impact Statement

Dear Mr. Galen Kuba:

This letter is written on behalf of the Friends of the Red Road, Dr. Michael Myson and Ms. Athena Peanut.

Friends of the Red Road is a group of approximately 350 persons concerned about the environmental harm which will result directly from the implementation of the electrical distribution project proposed by the Hawaii Electric Light Company ("HELCO") in Puna, Hawaii. HELCO has submitted an expanded Draft Environmental Assessment ("DEA") for this project. The deadline for comments is July 8, 1995. The OEQC bulletin dated June 8, 1995 indicates that a negative declaration determination is anticipated for this action.

This letter is written to urge that a negative declaration not be entered. First, the DEA is inadequate and must be redrafted before a negative declaration can even be considered. Second, a review of the project as a whole clearly indicates that this project may have significant adverse impacts such that an Environmental Impact Statement ("EIS") must be prepared. The basic reasons why this DEA is inadequate are discussed below:

1. The History of this Project has not been Disclosed
  - a. The Project was Proposed Based Upon a Tiny Number of Requests for Services

HELCO proposes to construct a 12.47/7.2 kilovolt (KV) overhead electrical distribution system costing \$1.8 million that will serve three residential subdivisions in the Kehena, Keeke and Puna homesteads district of Puna. A total of 1,287 lots

Mr. Galen Kuba  
 July 7, 1995  
 Page Two

are expected to be serviced within the Kalapana Seaview, Puna Beach Palisades and Kehena Beach Estates, according to a letter from HELCO's project manager to Congresswoman Patsy T. Mink, dated April 28, 1995, however, the owners of only 27 from the total of 1,287 lots, have requested such service from HELCO. This is only 2% of the owners. In the Kalapana Seaview subdivision the owners of less than 1% of the lots have requested services. The owners of only 3% of the lots in the Puna Beach Palisades subdivision have requested electrical service. In the Kehena Beach Estates subdivision, the owners of 7% of the lots have requested service. The chart below shows these figures geographically:

	LOTS	Homes	Requests for Service	% of Lot Owners
Kalapana Seaview	935	70	8	0.8%
Puna Beach Palisades	155	26	5	3.0%
Kehena Beach Estates	197	50	14	7.0%
	<u>1,287</u>	<u>146</u>	<u>27</u>	<u>2.0%</u>

The owners of 98% of the lots in the three subdivisions have not, for whatever reason, requested electrical service. In the largest subdivision, the Kalapana Seaview, over 99% of the lot owners do not seek electrical service.

HELCO's own figures show that there is only a tiny demand for this project. The environmental impacts resulting from this project must be evaluated, taking into consideration that only a very small minority of the lot owners seek the purported benefits of this electrical distribution system. This imposes the environmental harms which will result from this project on the huge majority of these lot owners who are not requesting HELCO's services. It is fundamentally undemocratic to impose the will of 2% of the lot owners on the remaining 98% of these owners.

- b. Illegal Segmentation in Initial DEA

HELCO's project as a whole is comprised of two phases or segments. The first phase or segment involves obtaining an easement from the Board of Land & Natural Resources ("BLNR") to use state lands for an 8,710 foot segment of the distribution system within a 50-foot wide right-of-way.



The second phase or segment of the project involves the use of county property, county roadway rights-of-way, to continue the distribution through the "mauka" portion of the Kalapana Seaview subdivision down towards the ocean where the subdivision intersects with the Kalapana-Kapoho Road, Highway 137, known popularly as the Red Road. From there the distribution system travels from the Red Road towards Kalapana to serve the Puna Beach Palisades and Kehena Beach Estates subdivisions. It may well have other purposes and the system may be designed to serve other areas which have not been disclosed in the DEA.

HELCO's initial DEA addressed only the first phase or segment of the project. It neglected to address the second phase at all. Many of those who commented upon the initial DEA objected that this constituted illegal segmentation in violation of Chapter 343 and the regulations promulgated thereunder.

**C. Illegal Implementation of Project**

This project proposed the use of state and county lands. The use of state and county lands is forbidden until the environmental process has been completed. HAR Section 11-200-23(c). No approvals may be granted for the project until the environmental process has been completed. HRS Section 343-5(c). In violation of Chapter 343, HELCO has already begun to implement its project by installing electric poles and electric wires within county roadway rights-of-way in all three subdivisions and along Highway 137.

Portions of the Red Road that will be used for the electrical distribution system lie within the special management area ("SMA") as indicated by maps on file with the County of Hawaii. Figure 5 within the DEA graphically shows the extent to which HELCO proposed work within the SMA area. Without obtaining an SMA permit, HELCO illegally implemented this project by installing electric poles and wires within the SMA area.

**d. The Friends of the Red Road are Likely to Prevail in their Lawsuit**

Friends of the Red Road filed a complaint for declaratory and injunctive relief in the Circuit Court of the Second Circuit, denominated as Friends of the Red Road, et al. v. The County of Hawaii, et al. Civil No. 95-14(Hilo) alleging that the HELCO project had been illegally implemented, pursuant to HRS Chapter 343, and that HELCO had undertaken a "development" within the SMA without a required SMA permit. A motion for preliminary injunction

was filed and after evidentiary hearings which took place on January 17 through January 19, 1995, the court entered an "Order Granting in Part, Plaintiff's Motion for Preliminary Injunction". A copy of this order is attached hereto.

During the third day of the hearings, the defendants argued that they were exempt from a requirement that an environmental assessment be prepared, the Circuit Court judge ruled that there was a probability that the plaintiffs will succeed on the merits of its argument that an environmental assessment is required. The court held that, taking into consideration:

"(1) An additional purpose for the facilities, that is for the distribution of electricity; (2) An increased capacity of use; (3) An increased density; (4) Increased height of the utility poles installed or to be installed; and, (5) Larger dimensions of the poles to be installed and different shaping at the top of the poles, there is a sufficient basis to conclude, based upon the evidence presented, that there is a substantial difference between the pre-existing telephone poles and the joint utility poles to be installed pursuant to the HELCO project, in light of the project's environment. Exemption Class 2, as defined in the exemption rules, does not further delineate any specific type of action which is potentially applicable to this case. For the same reasons set forth above, Exemption Class 5 of the exemption rules does not justify an exemption."

Likewise, the court ruled that there was a probability that the plaintiffs would succeed on the merits on their claim that a SMA use permit was required for the whole project. The court ruled:

"Generally, a Special Management Area permit of some nature is required where 'development' is contemplated. 'Development' is defined as any of the uses, activities, or operations on land or in or under water, within a Special Management Area." HRS Section 205A-22. It includes 'construction, reconstruction, demolition, or alteration in the size of any structure.' HRS Section 205A-22. 'Structure' is defined to include any telephone line or electrical power transmission and distribution line.' HRS Section 205A-22. The HELCO project entails the removal of telephone poles and the installation of joint utility poles. It clearly constitutes a 'development' for the purposes of HRS Section 205A-22 because it involves construction or reconstruction of telephone and electrical power transmission and distribution lines. None of the limitations on

Mr. Galen Kuba  
July 7, 1995  
Page Five

the definition of 'development' set forth in HRS Section 205A-22 applies.

The justification provided by the county does not apply. Section 9-4(10)B.(4) of the Planning Commission, County of Hawaii rules relates to 'repair and maintenance'. In regard to the HELCO project, 'construction' or 'reconstruction' is involved. Further, the specific provision relied upon conflicts with the limitation of the definition of 'development' set forth in HRS Section 205A-22."

Several important aspects of this order have been ignored in the current DEA. First, HELCO is not preparing and filing an expanded DEA and HELCO is not preparing and filing an SMA permit simply "to facilitate public input". This is a disingenuous statement. HELCO is filing this expanded DEA and an SMA permit application because a Circuit Court judge has ruled that the exemptions pursued by HELCO and the County of Hawaii are inapplicable. Second, the Circuit Court judge recognized the significant differences between the CRT telephone poles and wires which are in place and the electric poles and wires to be installed by HELCO. Throughout the DEA, HELCO ignores these differences. These differences are likely to cause environmental harm.

Friends of the Red Road will soon be filing a motion in the Circuit Court action requesting that HELCO be ordered to remove the electric poles and wires that were illegally installed in violation of Chapters 205A and 343. Once these electric poles and wires are removed, Friends will be placed in the position Friends should have been in during the environmental review process. Decision-makers have the maximum flexibility to review environmental impacts, to incorporate changes in the project plans and to fashion mitigation measures prior to the implementation of the project. Once implementation has begun and the "bureaucratic steamroller" has begun to roll and it is more difficult to redesign the project. The rights of Friends of the Red Road have already been prejudiced by this illegal implementation. Friends of the Red Road will not be in the position our legislation intended them to be in unless and until the electric poles and wires which were illegally installed are removed.

2. The DEA Violates the Purpose of the Environmental Process  
A DEA is to be prepared at the "earliest practical time". This did not occur here.

The document cannot merely be a "self-serving recitation of benefits and a rationalization of the proposed actions". This, also, is what has occurred here.

5

Mr. Galen Kuba  
July 7, 1995  
Page Six

This is all the worse here because HELCO and its consultants have had the benefit of numerous comments on the initial DEA. HELCO knew in advance of the preparation of this document those issues which are of the greatest concern to those in the neighborhood. In addition, HELCO had a letter dated January 20, 1995 from the OEQC requesting a more thorough discussion of the presence of threatened and endangered species and a further discussion on whether a change in the number or type of utility lines would have adverse impacts on any endangered species. HELCO also had a letter dated February 17, 1995 from the Fish & Wildlife Service of the United States Department of the Interior indicating that the federally endangered Hawaiian Hoary bat and the federally threatened Newell's Shearwaters existed in the vicinity of the project. These letters alerted HELCO that a "hard look" needed to be taken with respect to the impacts of this project on endangered species. There was no "conscientious" attempt to study the impacts of the proposed project on endangered species.

### 3. Misdesignated of the Accepting Authority

The authority designated to decide whether to enter a negative declaration or require a full EIS in the initial DEA was the BLNR, because of the use of state lands and because of the Board's involvement in deciding whether to grant an easement for the project.

The authority now designated to make this determination is Mr. Galen Kuba, director of the County of Hawaii, Department of Public Works. Mr. Kuba has been improperly identified as that person or entity who has the power to make this determination.

The authority for requiring statements and accepting any required statements rests with the agency initially receiving the request for an approval. HRS Section 11-200-4(b). In this case, the initial request was to the BLNR such that the Board must be the accepting authority. Mr. Kuba has no authority, in this case, to make the DEA determination.

It is only when an applicant "simultaneously" requests approval from two or more agencies, that certain criteria are to be applied in deciding which agency should be the accepting authority. Even if the requests were considered "simultaneous", Mr. Kuba does not meet the criteria which must be considered to establish the accepting authority. The criteria, as set out in Section 11-200-4(b)(1) through (4), are as follows:

6

Mr. Galen Kuba  
July 7, 1995  
Page Eight

size of the "cross arms" or the number of electric lines to be attached to the poles.

The DEA does not show within each subdivision where the existing telephone poles are when compared to the location of the electric poles. HELCO has this information since it was presented to the Circuit Court. What these documents show is that electric poles and electric wires will be placed to serve each and every of the 1,287 lots, even though only 2% of the lot owners have requested this service. This means that 98% of the lot owners will be required to have their visual environments degraded by these electric poles and wires, without their consent.

5. The Project May Have Significant Adverse Impacts on Rare, Threatened and Endangered Species

The report prepared for the DEA concludes:

"The installation of a set of poles and a distribution line on the north side of Highway 137 may have an effect on the passage of transiting sea birds. Collision with utility structures is considered by many to be the second most significant cause of sea bird mortality in Hawaii. Inasmuch as it is unclear at what altitude Heavells Shearwaters fly when crossing the coastline, it is difficult, if not impossible, to state whether the proposed poles and distribution on the mauka side of Highway 137 will constitute a significant threat to these species."

The author admits that the "short two day survey" is a "limitation" of this report. This brief, inadequate study cannot and does not support a conclusion that this project will not have an adverse impact on rare, threatened or endangered sea birds in the area. The report frankly acknowledges that the project "may" have an impact on transiting sea birds. The report also acknowledges that further study should be conducted. Under these circumstances, it would be unlawful to enter a negative declaration and a full EIS should be prepared to study in greater detail the impact upon rare, threatened and endangered species.

6. The Project May Have Significant Adverse Impact Upon Visual Resources

The extent of the degradation of the visual environment as a result of this project has not been addressed properly, largely because the DEA does not acknowledge the significant differences between the height of the GTE and HELCO poles and the numbers of wires on the GTE and HELCO poles and the number of poles

8

Mr. Galen Kuba  
July 7, 1995  
Page Seven

"(1) the agency with the greatest responsibility for supervising or approving the action as a whole; (2) the agency that can most adequately fulfill the requirements of Chapter 343, Hawaii Revised Statutes, and this Chapter; (3) the agency that has special expertise or access to information; and, (4) the extent of participation of each agency in the action."

Those agencies which might be eligible to be designated as the accepting authority are the Hawaii Planning Commission, which will review and act upon HELCO's request for an SMA permit and BLNR, which will review and act upon HELCO's request for an easement. It is less than clear that any request for approval has even been submitted to Mr. Kuba and whether he has any authority to review and approve of these plans. The DEA section on "permits" only mentions the SMA permit and does not mention any approval or permit being sought from the Department of Public Works.

The Department of Public Works, in any event, should not be designated the accepting authority. This department has already attempted to violate the law by allowing the project to be implemented without any DEA. Further, there is no available opportunity for public participation in decision making by Mr. Kuba. He may make this decision by himself, behind closed doors, without any public participation. The Hawaii Planning Commission and the State Board of Land & Natural Resources are far better equipped to make this determination. Their meetings are open to the public. The public will be able to attend the meeting during which this determination is made and have some impact on this decision. The DEA should be revised to identify either the State Board of Land & Natural Resources or the Hawaii Planning Commission as the accepting authority.

4. The Description of the Project is Inadequate  
The DEA inaccurately discusses the "need" for this project. Only a tiny minority of the lot owners in these three subdivisions even seek these services.

The significant differences between the existing GTE poles and wires and the proposed poles and wires are ignored. The difference in the number of poles is not discussed. The difference in the location of the poles is not discussed. The fact that the telephone poles do not have cross bars, whereas the electric poles do, is not discussed. The additional number of wires on the poles and the configuration of the wires on the poles is not discussed. The Circuit Court recognized these significant differences. Figure 6 showing "typical pole occupancy" does not adequately describe the

7

involved. When these are all taken into consideration, the implementation of this project constitutes a significant degradation in the visual environment.

7. The Project May Have an Adverse Impact on Flora

Among the primary reasons why Friends of the Red Road filed their law suit was to prevent a destruction of a number of roadside trees. Some of these exist within the SMA and constitute a scenic coastal resource within the SMA area which, by legislation, is a particularly sensitive environment. The Circuit Court judge recognized the importance of these trees and entered an injunction preventing HELCO from cutting down or trimming these trees so that their sizes or shapes are significantly altered.

The DEA does not address these trees as significant floral resources. If the potential cutting of these trees constituted irreparable damage sufficient to obtain an injunction, these trees require greater study in the DEA. Under these circumstances, it must be obvious that any project requiring the cutting down of these trees "may" have an adverse impact in the environment.

8. The Project "May" Have Significant Adverse Socio-Economic Impact

The DEA initially denies that this project will induce growth (p.3-15). The DEA later confesses that the project may facilitate development (p.4-12). Growth inducement must be studied in the DEA under these circumstances. HAR Section 11-200-17(i) states:

"It should be realized that several actions, in particular those that involve the construction of public facilities or structures (e.g., highways, airports, sewer systems, water resources projects, etc.) may well stimulate or induce secondary effects. These secondary effects may be equally important as, or more important than, primary effects, and shall be thoroughly discussed to fully describe the probable impact of the proposed action on the environment."

The DEA makes no attempt to describe the extent to which the electrification of Puna may induce growth, what type of growth might be expected and the environmental harms which will result from this growth. For example, lights have been noted to adversely affect several of the endangered avian species in the area; however, there has been no analysis of the extent to which the

increased number of lights induced by this project will have upon these endangered species.

Finally, rolling blackouts are being experienced on the Big Island because HELCO does not have a capacity to provide sufficient electrical services. It makes little sense to install a transmission line for only 2% of the lot owners under these circumstances.

9. The Study of Alternatives is Inadequate

HELCO has not studied all reasonable alternatives which could achieve the project goals. For example, a different route for the transmission system could avoid running poles and wires along Highway 137. An alternate route would achieve HELCO's purposes and avoid the harm to visual resources along the coastal roadway and avoid cutting trees along this roadway.

As importantly, HELCO has not taken a realistic look at what "off grid" systems cost. By exaggerating these costs, HELCO has advocated its own position. In fact, these systems cost considerably less and would cause less environmental harm, especially given the tiny number of people who desire "on grid" services versus those who do not seek HELCO services.

10. Inadequate Description of Land Use Objectives and Policies

1. SMA Objectives and Policies

The DEA contains no discussion of the objectives and policies of Chapter 205A. In fact, this project is inconsistent with these objectives and policies and no SMA permit should be issued for this project.

2. FEMA

The DEA does not disclose that no further development is to be allowed in Zone 2. Because this project induces development, this project is directly contradictory to FEMA.

3. The Puna Community Plan

The Puna Community Plan suggest that this area should be dedicated to "off grid" electrical systems. This project is inconsistent with these, and other, objectives and policies in the Puna Community Plan.

Mr. Galen Kuba  
July 7, 1995  
Page Eleven

11. Failure to Disclose Irreversible Impacts

The DEA fails to acknowledge many irreversible impacts. The coastal trees will be cut down. Replacements cannot be grown for forty or fifty years. This is an irreversible impact.

The visual environment will be significant and irreversible. The further degradation will be significant and irreversible.

The DEA does not acknowledge that the death of rare, threatened and endangered species which is likely to occur because of this project as an irreversible impact.

The report fails to acknowledge that the induced growth is an irreversible adverse impact.

Based upon the foregoing, the Friends of the Red Road, Dr. Michael Hyson and Ms. Athena Peanut demand that a full, complete and rigorous Environmental Impact Statement be prepared. It could not be more obvious based upon the facts and the applicable law, that this project "may" have significant adverse impacts upon the environment. The DEA does not establish that the project definitely "will not" have significant adverse impacts upon the environment. It would, therefore, be erroneous, as a matter of fact and law, to enter a Negative Declaration, terminating the environmental process in this case. I would recommend to my clients that they challenge any negative declaration which might be entered.

Significant violations of the Coastal Zone Management Act, HRS Chapter 205A and HEPA have occurred. HELCO has already undertaken activities constituting developments within the SMA without first having obtained an SMA permit. HELCO has already used county lands in illegally implementing its project prior to the completion of the environmental process. The County of Hawaii should have initiated enforcement actions to require the removal of all poles and wires which have been installed in violation of Chapters 2-5A and 343. Once these structures are removed, and only then, will my clients be placed in the position the law entitles them to be in during the environmental process.

You are required to respond to comments within 30 days. These responses must include point-by-point discussions of the validity, significance and relevance of the comments and a discussion as to how each comment was evaluated and considered in planning the proposed action. Your responses must endeavor to resolve conflicts, inconsistencies, or concerns. It will be inadequate to

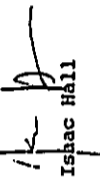
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Mr. Galen Kuba  
July 7, 1995  
Page Twelve

respond to comments by pulling "canned" subject matter responses from a computer after attempting to place the inquiry in a general subject area. The responses already included in the DEA demonstrate that this has been what has taken place to date.

Please contact me at your earliest convenience to discuss the above. I look forward to hearing from you.

Sincerely yours,



Isaac Hall

IH:bf

cc: Mr. Ralph Ratific, Hawaii Electric Light Co., P.O. Box 1027, Hilo, Hawaii 96721-1027  
Ms. Colette Sakoda, R.M. Towill Corp., 420 Waiakamilo Road, #411, Honolulu, Hawaii 96817-4941  
The Office of Environmental Quality Control, 220 S. King Street, Suite 400, Honolulu, Hawaii 96813  
Mr. Michael D. Wilson, Department of Land & Natural Resources, P.O. Box 621, Honolulu, Hawaii  
The Hawaii Planning Commission, c/o Virginia Goldstein, Director, Planning Department, County of Hawaii, Hilo, Hawaii  
Friends of the Red Road

Encl.

12

OF COUNSEL  
G. RICHARD GERSCH

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July 18, 1995

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Mr. Michael D. Wilson, Dept. of Land and Natural Resources, PO Box  
621, Honolulu, HI  
The Hawaii Planning Commission, c/o Virginia Goldstein, Director,  
Planning Dept., County of Hawaii, Hilo, HI  
Friends of the Red Road

Mr. Galen Kuba  
County of Hawaii  
Dept. of Public Works  
25 Aupuni St., Room 202  
Hilo, HI 96720

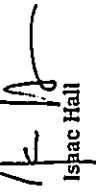
Re: Comments upon the Draft Environmental Assessment for the HELCO  
overhead distribution system in Puna, Hawaii and demand for the  
preparation of an Environmental Impact Statement

Dear Mr. Galen Kuba:

I would like to take this opportunity to clarify some of the data mentioned in my letter dated July 7, 1995, commenting upon the Draft Environmental Assessment ("DEA") on HELCO's transmission line project in the Puna District of Hawaii. The numbers of lot owners who have requested electrical services refers to lot owners who currently reside in the three subdivisions. The total number of lot owners who are residents and non-residents of the three subdivisions who have requested electrical services is 184. This is still a substantial minority, comprising only 14% of the lot owners. Fully 86% of the lot owners have not requested electrical services and have not consented to have their environment degraded by the installation of the electrical poles and wires.

Thank you for the opportunity to make this clarification.

Sincerely yours,

  
Isaac Hall

IH/jp  
cc: Mr. Ralph Ratliff, Hawaii Electric Light Co., PO Box 1027, Hilo, HI  
96721-1027  
Ms. Colette Sakoda, R.M. Towill Corp., 420 Waiakamilo Rd., #411,  
Honolulu, HI 96817-4941  
The Office of Environmental Quality Control, 220 S. King St., Suite 400,  
Honolulu, HI 96813

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480 WAIHANAHILO RD #411 HONOLULU, HAWAII 96817-4041 (808) 948-1133 FAX (808) 948-1037

August 3, 1995

Mr. Isaac Davis Hall  
Attorney at Law  
2087 Wells Street  
Waialua, Maui, Hawaii 96793

Dear Mr. Hall:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.477.2 kV  
Overhead Distribution System, Puna, Hawaii

We have received your letters of July 7 and 18, 1995 regarding the subject project. The following has been prepared in response to your comments and concerns.

1. History of Project

a. As clarified in your July 18, 1995 letter approximately 14% of the lot owners are interested in obtaining electrical services from HELCO in the project area. The rules related to Special Subdivision Project Provisions (SSPP) electrical line extension projects do not require that paid subscribers to SSPP units be residents or have homes built on their lots. The larger the number of lot owners participating as original paid subscribers to an SSPP Unit project, the lower will be the initial line extension cost to each lot occupant desiring utility electrical services. The SSPP project is required by PUC approved Tariff Rule 13-S to serve individuals who prefer to be utility customers. The subject DEA contains an evaluation of the potential environmental impacts resulting from the project.

b. Preparation of a Chapter 343, HRS project impact evaluation is related to the regulatory permits required for a proposed action. The proposed SSPP Unit-71 12.477.2 kV project was determined exempt from the County of Hawaii Special Management Area (SMA) permit under Section 9-4 (10) B. iv. of Rule 9 of the Planning Commission (confirmation letter from V. Goldstein to R. Curtis dated January 19, 1995). Therefore, the only regulatory process that necessitated the preparation of a Chapter 343, HRS project impact evaluation was the easement request to the State Board of Land and Natural Resources (DLNR) for the 8,710 foot portion of State-owned land. Thus, the initial DEA addressed the specific area that was to affect an existing 50-foot wide easement currently occupied by GTE Hawaiian Tel.

The overall project as described and discussed in the subject DEA is the SSPP Unit-71 12.477.2 kV overhead distribution system in its entirety.

c. HELCO was required to prepare a Chapter 343, HRS evaluation for the purpose of requesting an easement for the use of state-owned property. No construction work commenced in the subject area prior to the granting of such an easement.

d. In your letter, you discuss the Circuit Court's opinion regarding HELCO's action prior to the

reply ltr helco

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Mr. Isaac D. Hall  
August 3, 1995  
Page 2

submittal of the subject DEA. On January 11, 1995, your clients filed a Motion for Preliminary Injunction in *Friends of the Red Road vs. The County of Hawaii, et al.*, Civil No. 95-14, Circuit Court of the Third Circuit. After evidentiary hearings on January 17-19, 1995, Judge Greg K. Nakamura enjoined Defendants, including HELCO, from "cutting down trees or from trimming trees so as to significantly alter their size or shape in Defendant County of Hawaii's (the "County") rights-of-way or property." The court expressly refused any further injunctive relief.

In its order, the court stated that "there is a probability" that your clients would "succeed on the merits" on its arguments that an environmental assessment and special management area permit is required. However, the court did not rule on these matters as they were administrative determinations subject to appeal. The court stated: "In light of the written confirmations of determinations made by the County's agencies that a special management area permit and an environmental assessment were not required, appeals of agency actions may be appropriate. However the opportunity for appeal should not justify leaving Friends without an immediate remedy for irreparable damage. On the other hand, the results of the appeals may have an impact upon this injunction."

In response to the court's order, your clients filed appeals of the County's actions regarding the SMA permit and the environmental assessment. Your clients also filed a motion for reconsideration of the court's order, seeking to prevent further implementation of the project.

Your clients agreed to dismiss the administrative appeals and the motion for clarification in light of HELCO's intent to submit an expanded DEA and an SMA "major" permit. The stipulations state that they are "without prejudice to the claim of any party hereto in Civil No. 95-14 that construction was or was not justified based upon the applicability or non-applicability of the subject exemptions." However, the County's administrative determinations were not overturned. HELCO's implementation of the project was consistent with administrative determinations and permit requirements by the County of Hawaii.

HELCO could have proceeded to defend the County's exemptions. Instead, HELCO determined that the interest of all parties would be best served by submission of a revised EA and SMA permit application.

2. DEA and the Purpose of the Environmental Process

The purpose of issuance of a DEA is to solicit comments, such as those received, from interested and affected parties and agencies. The comments received from the public including OEQC and the Fish & Wildlife Service were properly followed up with the additional flora and fauna studies, as well as an archaeological resource assessment. These and the additional radar survey of birds during the recognized nesting season (May to July), were conducted in the appropriate context of the environmental assessment period for the subject project. All findings, summaries and conclusions are being incorporated into the project environmental assessment that will assist the Public Works Department's final evaluation of local environmental impacts. Through this process the Chief Engineer of the County of Hawaii will be able to determine whether a negative declaration can be issued.

reply ltr helco

Mr. Isaac D. Hall  
August 3, 1995  
Page 3

3. **Designation of the Assessing Authority**  
The County of Hawaii Public Works Department was designated as the accepting authority for the environmental assessment because it holds title to the majority of the affected land area for the subject project. The decision to accept a Chapter 343, HRS environmental assessment by a governmental agency is done so administratively. The only exception is the State Land Use Commission whereby the Commission is authorized to accept an environmental assessment.
4. **Description of the Project**  
The DEA discusses the need for the project from the stand point of HELCO's requirement to service those customers who desire electrical service from the utility in accordance with requirements of the Public Utilities Commission approved Tariff Rule 13-3 regarding the SSPP program.  
A description of the electrical poles and lines relative to the existing telephone pole lines is contained in the DEA, and will be elaborated in the final environmental assessment.
5. **Issue of Rare, Threatened and Endangered Species**  
The follow-up survey of seabirds during the known nesting season (occurring between May and July) was conducted by our faunal consultants utilizing a marine radar tracking system earlier this month, due to the availability of this state-of-the-art equipment at this particular time. Our consultants were accompanied by a representative of the U. S. Fish and Wildlife Service (Mr. Jeff Burger) whom we believe has gained a truer perspective of the status of the Newell's Shearwater in the project area. The survey report will be summarized as well as included in its entirety in the final environmental assessment.
6. **Visual Resources**  
While we acknowledge the HELCO poles are about 15 feet higher than the existing telephone poles, visual impacts vary throughout the project site. In the southern portion of the site some of the trees are taller than the HELCO poles. The HELCO poles that front the Kalapana Seaview subdivision are very noticeable due to low vegetation. To the long term benefit of any potentially transiting seabirds (since it is known that seabirds will fly over trees) as well as softening of visual impacts of poles, maturation of trees will probably occur in this portion of the project.
7. **Impact on Flora**  
Appropriate tree trimming is conducted for the protection of public health and safety due to the possibility of falling fronds or coconuts on a child walking within the County of Hawaii right-of-way. The degree and manner to which tree trimming will continue to occur in line with this project would not constitute a significantly adverse impact on the environment.
8. **Socio-Economic Impact**  
The DEA includes a discussion of how an expected secondary impact is growth inducement. Should a total 181 homes be built, as a result of the project, 181 homes distributed over 1,287 lots in the project area would not constitute a significant adverse impact with regard to inducement of flights from homes distracting avian species in the area.

cc: Mr. Isaac D. Hall

Mr. Isaac D. Hall  
August 3, 1995  
Page 4

A use for GTE Hawaiian Tel infrastructure exists as it was introduced about 10 years ago. With the response to HELCO's previous inquiries, 181 potential customers constitute sufficient reason for HELCO to fulfill its Tariff requirement to provide service to these interested potential customers.

9. **Study of Alternatives**  
Discussion of alternatives will include that of alternate routes. Off grid systems costs discussion will be reviewed for possible elaboration as appropriate.
10. **Land Use Policies and Objectives**  
Necessary revisions to this section of the environmental assessment will be made to reflect your comments, as appropriate.  
In accordance with PUC approved Rule 13-3, HELCO is attempting to respond to 181 potential participants through the SSPP Unit 71 program. While the Puna Community Development Plan may suggest this area be dedicated to "off grid" electrical systems, it also recognizes alternative energy systems as part of an array of consumer choices. For as long as Puna is to remain part of HELCO's SSPP service area, those who desire traditionally supplied electricity would need to be serviced.
11. **Irreversible Impacts**  
As indicated by representatives of at least one of the three residential subdivisions in this project area, the trees were planted as boundary markers. These plantings occurred between 20 to 30 years ago. Logically, replacements or new trees can be grown within the same time frame, if necessary. Visual impacts (specifically in the Kalapana Seaview subdivision) are qualitative and appropriate mitigation measures include vegetative screening.  
Impacts on rare, threatened or endangered species are expected to be negligible, as our studies have concluded.  
Induced growth is acknowledged as a secondary impact in the DEA.  
The final environmental assessment will contain sufficient evaluative information for the County of Hawaii Public Works director to determine whether a negative declaration will be appropriate.

Sincerely,

  
Colette Salceda  
Project Manager

cc: HELCO, R. Railie  
County Public Works, D. Kiyosaki  
OEQC  
DLNR, M. Wilson  
Hawaii Planning Commission, c/o Virginia Goldstein  
Friends of the Red Road



June 27, 1995

Amelia Myers  
12-423 Ole'ole St  
Pahoa, HI 96778  
(808)965-6673

Department of Public Works  
County of Hawaii  
25 Aupuni St Rm. 202  
Hilo, HI 96720-4252

Attn: Gaila Kuba (961 5321)

Re: SSPP Unit 71-RAUENHORST  
Kehena-Keekoo Homestead  
Puna, Hawaii

Dear Mr. Kuba,

I have thoroughly read the Draft Environmental Assessment. These are my questions pertaining to the Draft Environmental Assessment.

1. Section 2.1 p.2-2 & 2-3: Will GTE Hawaiian Tel transfer telephone lines in phase 1, phase 2, or both? Please justify why and clearly state where the telephone lines will be transferred to the electric poles.
2. Section 2.2 p.2-3: Why is the project exempt from County of Hawaii S.M.A. requirement Section 9-4 ((10)B.iv) of rule 9 of the Planning Commission and from Chapter 343 in the Hawaii Revised Statutes? In Phase 2, 9,101 linear feet is located within the County of Hawaii's Special Management Area.
3. Section 2.3.1 p.2-4, 2-5, 2-6, & 2-7: In the E.A. it states how construction will be done and how it will impact the area. The poles have already been put in ILLEGALLY!!! The E.A. does not say that the poles were put in without the proper permits or notification? On p. 3-14 it was mentioned that poles have been put in but does not state where, how many, the linear feet, or why. The statements contradict each other and hide the facts of what happen in this project.
4. Section 2.3.3 p.2-7: In the proposed maintenance of poles tree-trimming is mentioned but does not say what type or how it will be conducted. Also the Draft E.A. doesn't mention TREE-CUTTING? Helco has repeatedly said they will cut the trees not trim them.

5. Section 3.2.2 p.3-8: In the survey it said that there is "some usage" of the site by five species. These five species are the Hawaiian Hawk, Newell's Shearwater, Dark-rumped Petrel, Band-rumped Petrel, and Hawaiian Hoary bat. I question the "some usage" because the survey was conducted in two days and during the day only. Why wasn't it also conducted during the late afternoon and early evening to perhaps be able to observe the nocturnal Hawaiian Hoary bat? Please say why the survey was conducted during the day and only in two days in April, out of season for the Newell's Shearwater.
6. Section 4 p.4-1: Why will the project be a positive effect? The Project has NOT been a POSITIVE effect. The project is not positive economically, environmentally, geologically, or socially. It will raise the cost of electricity to other customers, it encourages more fossil fuel burning, the project is in zone 2 (F.E.M.A. disrecommends), and the area is moving 4 inches a year! The project has been a disruptive and negative impact on the community.
7. Section 4.2 p.4-2: When has coconuts trees been a safety hazard to pedestrians?
8. Section 4.2 p.4-2: Use of herbicides? What herbicide does not kill plants, percolate down into caves, or affect animals?
9. Section 4.2 p.4-2: Where is the jeep trail?
10. Section 4.4 p.4-3: The temporary negative impact on air quality during construction has already happen without notification. Why?!
11. Section 4.5 p.4-4: The noise levels was high during construction and use of helicopters was not known to residents until it occurred. Why?!
12. Section 3.8 p.3-17: Kahukai Blvd.? I thought it was Kahakai Blvd..
13. Section 4.7 p.4-5: When have Electric and Magnetic Fields been null? Why do they consider EMF standards not to be appropriate?
14. Section 4.9 p.4-6: What are the benefits of public health and safety from this project?
15. Section 6.2 p.6-2: Why is underground cable more expensive than overhead lines and why would it increase the cost of electricity to costumers?
16. Section 6.2 p.6-2: When was the SSPP approved for an overhead distribution system? Justify.
17. Section 6.3.3 p.6-6: It said request have to be answered. Why have requests in other are have NOT been answered in the past or present?!
18. Section 7.1 p.7-1: When did Helco acquire an S.M.A. permit and which kind? When did they acquire it?
19. Section 3.2.1 p.3-5 & 3-6: Explain and give pictures of Ischaemum byrone, ko'oko'olau (biden hawaiiensis), and 'akia.
20. Section 3.2.1 p.3-6,3-7, & 3-8: Why is the area not unique?
21. Section 6.3.1 p.6-3: Explain why a P.V. system cost \$0.20-\$0.30 per kilowatt hour in 1990. What equipment does the figure include?

22. Comment Letters on Draft Environmental Assessment and Responses/To:  
Honorable Patsy T. Mink From: Project Manager Colette Sakoda:  
In the letter to Congresswoman Patsy Mink from Project Manager Colette Sakoda, Mrs. Sakoda said there are 37 Helco participants and 181 potential costumers. Explain.

23. To: Dr. Michael T. Hyson Ph.D. From: Project Manager Colette Sakoda:  
Mrs. Sakoda said there are 184 participants. WHAT IS THE NUMBER?!

24. Agency Letters/ To: Project Manager Colette Sakoda From: U.S. Fish and Wildlife Service Brooks Harper Field Supervisor Ecological Services Margo Siah:  
In the letter to Project Manager Colette Sakoda from Field Supervisor Margo Siah, Ms. Siah recommended "orange marker balls" be used on the powerlines. Justify and Explain the use of "orange marker balls" in avoiding collisions of seabirds with power lines. Also why does it state in the letter that the Hawaiian hoary bat is endangered and the Newell's Shearwater is threatened?

25. Why are the pictures in the Draft E.A. low quality and blurred? The pictures should be clear, high quality pictures.

Thank you for your time and I hope to hear from you soon.

Sincerely,

*Amelia Myers*  
Amelia Myers

cc: Helco, Ralph Ratliff  
R.M. Towill Corp., Colette Sakoda  
OEOC, Gary Gill  
DLNR, Mike Wilson  
PUC, Ronald Naganishi  
The Honorable Patsy T. Mink, House of Representatives  
Andy Levin, State Legislature  
Keiko Bonk-Abramson, Chair, Hawaii County Council

R. M. TOWILL CORPORATION

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August 4, 1995

Ms. Amelia Myers  
12-423 Ole-Ole Street  
Pahoa, HI 96778

Dear Ms. Myers:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.47/7.2 kV  
Overhead Distribution System, Puna, Hawaii

We have received your letter of June 27, 1995 regarding the subject project. The following has been prepared in response to your comments.

1. All GTE Hawaiian Tel poles in Phases 1 and 2 will be replaced with HELCO poles and the replacement system will be jointly utilized by both utility companies.
2. The County of Hawaii's Planning and Public Works Departments determined that HELCO was exempt from Special Management Area (SMA) and Chapter 343, HRS requirements respectively due to the fact that the County rights-of-ways were already reserved for the purpose of installation of public utility systems, including HELCO's system. Further, the majority of the work involved replacement of existing poles within the rights-of-ways, albeit the HELCO poles were to be about 15 feet taller than the GTE Hawaiian Tel poles.
3. At the bottom of page 2-6, the project description for Phase 2 indicates that, "the work that remains is the stringing of the conductors in the (County) rights-of-ways..." As already stated in the DEA, the final environmental assessment will reiterate that the poles have already been installed in the Phase 2 area.
4. The objective of HELCO's tree trimming and related maintenance activities will be to ensure public health and safety wherever necessary in accordance with County of Hawaii Code Section 22-1 regarding "encroachment" and "obstruction." Overgrown foliage at intersections can be in violation of County requirements for clear line of site for traffic safety purposes.
5. The scope and timing of the project's initial fauna survey were dictated by the need to complete this study in order to meet a projected publication date for the draft environmental assessment. Subsequently, a radar survey was conducted over a four-day period in early July 1995 by our consultants to complete the fauna study during the seabird nesting season. The results of this survey will be discussed in the final environmental assessment.
6. To those residents and lot owners in the project area who choose to participate in HELCO's SSPP Unit-71, the project would have a positive effect by enabling operation of such things as frost-free refrigerators and color televisions simultaneously along with other household appliances. Hardware, appliance and related retail operations would benefit through the sales of such items to consumers in the subdivisions. Sales of these items would also result in additional state tax revenues.

rrp/hrs:baa

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services


Ms. Amelia Myers  
August 4, 1995  
Page 2

7. The County of Hawaii rights-of-way, which contain some of the coconut trees, need to be maintained according to County standards. Both adults and children require a full five-foot wide shoulder to walk within based on the pavement width of only 16 feet. As a preventive measure, the County would not want to be faced with the liability of a child or adult being hit by a falling 5-pound coconut.
8. The discussion of use of herbicides refers to selective timing and location rather than types of herbicides.
9. The jeep trail referred to is the maintenance vehicle path located within the existing GTE Hawaiian Tel easement.
10. The air quality impacts referred to are those expected in Phase 1.
11. Construction activities usually occur during daylight hours while most residents are away of their homes and at work.
12. The spelling will be verified prior to finalization of the environmental assessment.
13. The DEA states that the preponderance of scientific research indicates that there are no adverse health effects associated with EMF from electrical power lines. Data in Table 3-1 in Section 3 of the DEA indicate that EMF exposure from the proposed distribution line will be comparable to that which results from normal use of household appliances. Although adverse health effects have not been clearly demonstrated, HELCO's policy is to design power lines to minimize electric and magnetic fields where feasible and reasonable in cost. The proposed design will comply with standards suggested by the Department of Health.
14. Please refer to our response in Item No. 7 of this letter. Not only are the coconut trees a safety hazard, but they are in violation of the Hawaii County Code Section 22-1 as "encroachments" and "obstructions" regarding the need to comply with requirements for clear line of site at the intersections.
15. The construction work involved in installation of an underground cable would include labor intensive activities such as excavation and trenching. Amount of time, labor and equipment needed to complete these tasks translates into significant costs. The amount of underground construction and clearing work necessary to install the underground duct bank would likely lead to the cutting and destruction of root systems, resulting in the destruction of more trees than would the installation of an overhead line. Also, locating and repairing faults in an underground system would be more costly and time consuming than for an overhead line.
16. PUC approval for Rule 13-S which enacts the SSPP overhead distribution system was granted in 1991.
17. Your comment is noted.

Ms. Amelia Myers  
August 4, 1995  
Page 3

18. A Special Management Area (SMA) permit has not been acquired. However, a permit for work in State of Hawaii highways has already been acquired, as stated in the DEA.
19. Your request for additional photos has been taken under advisement.
20. The sections referenced with respect to your question can be summarized as follows: there are no plant, faunal or archaeological resources listed as endangered in the project site that would be adversely impacted by the proposed action. The discussions found in these sections do not intend to describe the area as not being unique.
21. According to the source of this information (Puna Community Development Plan Technical Reference Document 1992), the per kilowatt hour cost range (\$20-\$30) was based on a system on a utility extension rather than an independent battery operated system located in a remote area. The information was derived from periodicals and articles at the time this price range was discussed (A. Besk, 1995). All in all, the per kw hour cost may be irrelevant, because the costs depend on various factors including distance from utility, lifestyle choices, etc.
22. As of April 28, 1995, 181 lot owners in the Kehena, Puna Palisades, and Kaipapa Seaview subdivisions have requested HELCO service. Further, of the 146 existing dwellings in these 3 subdivisions, there are 27 (not 37, as indicated in your letter) that HELCO is aware as among those awaiting HELCO service.
23. As of February 11, 1995, there were 184 lot owners in the Kehena, Puna Palisades, and Kaipapa Seaview subdivisions that expressed interest in participating in the SPP Unit 71 program. The number of participants did, in fact, change between February 11 and April 28, 1995.
24. Ms. Margo Stahl of the U.S. Fish and Wildlife Service (USFWS) in the letter referenced offered a suggestion on how to divert transiting seabirds from the distribution lines if the birds were present in the area. The Hawaiian hoary bat is listed as endangered by the USFWS (1975, 1992), and the Newell's Shearwater is listed as threatened by the same agency (1975, 1992).
25. Your second question regarding photos has also been taken under advisement.

Sincerely,

  
Colette Sebods  
Project Manager

cc: HELCO, R. Raitiff  
OEQC, G. Gill  
DLNR, M. Wilson  
County Public Works, D. Kiyosaki  
PUC, R. Nakanishi  
Congresswoman Patsy T. Mink  
A. Levin, State Legislature  
Keiko Bonk-Abramson, Chair, Hawaii County Council

To: Helco / Towill / DLNR / DEQC / Public Works  
From: Michael Hyson PO BOX 2108 PABON 96778  
Re: SSPP 71-Rauenhorst [AS A PRIVATE CITIZEN? EN]  
[THE SUBVIEWS ARE MY OWN]

With respect to the second draft EA, this document is woefully lacking as a comprehensive, fair or truthful report of the situation or the impacts of this line extension. Detailed analysis by Friends of the Red Road, diligent effort by many in the ~~the~~ disrupted Red Road communities ~~who~~ have spent thousands of dollars & thousands of hours to respond. At the very least, Helco and its agents could acknowledge our concerns & answer them.

Instead, we have the absurd situation of an EA addressing a project which is already built as if it is a "proposed" project. Helco must address reality. The EA does, however, present a biased, falsified, error filled fiction which purports to present the truth while ignoring actual events.

Why, for example, does Helco ignore the fact that they were taken to court & it was found that they have broken the law - by building a project before obtaining permits for the SMA or before completing the draft EA - this action is against the law. (See Nakamura's Ruling.) Therefore, just as any citizen would be apprehended and/or made to change their behavior, so too, should Helco correct its behavior - at the very least - to follow the law.

One example will illustrate the principle - The EA refers to using helicopters only in phase I construction - and says hazards to residents preclude their use in the subdivisions. [Section 2.3.1 Construction - p. 2-6] Now, besides the obvious error of referring to a project (Phase II) which is already built as proposed. In fact, it is 90% built and was wired by helicopter on a very windy day while hovering near occupied houses.

How can the community have trust that Helco will follow anything they write in a plan - even ignoring the fact that phase II is built? What kind of "public servant" is Helco? I feel this behavior warrants SEVERE censure, fines or revocation of their license to generate power on this island. Further - who can trust a County that provides exemptions by eliminating "underground" from legal statutes? (See Nakamura's Ruling)

It insults my intelligence and that of the public to write such contrived driven in response to our valid objections. Why has the PUC failed to censure such falsity?

AN EIS is required & Helco ~~should~~ shall be brought to trial to answer for their actions - Michael T. Hyson

To all concerned with the SDPP Ravenhorst - 71

FROM: MICHAEL T. HYSON P.O. BOX 2108 PANAHA, HI 96779  
[AS A PRIVATE CITIZEN - THESE VIEWS ARE MY OWN]

Since others have eloquently commented on the details of this issue, I would like to speak to what I see as the core issues involved that involve the choices of lifestyle and their global consequences.

The Hawaiian Islands are truly a microcosm of the whole Earth. There are all known bioregions on this island - save antarctic conditions. As such, Hawaii is a model of the Earth.

The people of Hawaii are experiencing the consequences of the use of obsolete technology offered as a "service." Let us remember that the ancient Hawaiians supported a population on the island equal or greater than the present day - yet with technology based before the discovery of iron - with almost zero imports.

At this moment, Hawaii has some 14,000 hungry people and we are self-sufficient in only sugar and pineapples - virtually all other is imported.

We know we can and must do better than this - for the love of our people, everywhere.

Some 93% of all species here are unique - Remember that each species evolved for millions of years - and then differentiated to fill the new island - creating new, unique, Hawaiian species.

It is obvious we live in the midst of riches - In Keheua and the Red Road Area, for example, much of the land was devoted to orchards. The Red Road Area is literally a garden. Such centuries of devotion to the land, the aina must be honored.

The people of the region have made every attempt to show and educate the officials of the County, Heleco, the PUC, the Governor, as well as Senators, Congressmen and Congresswomen and others. Yet the overall response has been, to say the least, minimal.

This island, and its precious forests must be preserved. We are losing valuable medicines by cutting traditional herbal gathering zones.

We are cutting valuable virgin Ohia and rainforest to make papaya fields that will most likely be infected by that same winged aphid that is the source of the problem. The virgin land & forest are precious, inf-af-q-king -

We have only 25% of our forests left. They must be preserved. It is an historic fact that most human cultures have died out as a result of "desertification" - a process in which over-cutting, clear-cutting of the forest, followed by over-grazing, over-farming and ultimate destruction of the soil lays waste to large areas - such as the dust-bowl of the 1930's America. Now, it could happen here.

Yet we know, with certainty that today's extant technology, properly employed, can yield a high standard of living while preserving and enhancing the land we are on. It is also a certainty that this is a change for us all.

We know for certain that sustainable human communities can be created using known and proven systems. As one example - the Space Biosphere - the first attempt at a large scale closed ecosystem enclosure - kept a crew of 9 humans alive for 2 years. Sustainable cities, communities and villages are far easier to do. There are many individuals and groups on this island who share much this vision and embody the skills and knowledge required.

How can the current society participate?  
By choosing to love the Earth and enhance their surroundings.

I invite anyone concerned with the preservation of this island and its marvelous beauty - please just treat yourself to the experience of a quiet forest, a country road overhung with majestic trees, vines climbing to the sky, birds singing. Small pantries with soft Hawaiian music, children swimming and playing in tropic warmth, close to the Earth.

It comes to a choice, we must all make - to love the Earth that supports us.

The Bekeo line extension into Keheua is a prime example of the kind of choices that can be made that will result in an optimal result, where all concerned benefit. - let us remove the line + start over.

In the main, the State of Hawaii is encouraging development as a means of making up tax shortfalls. The current Kai Landing - 161. IV. 16. 1, July 1995 - "How Communities Get Hooked on "Socialized Growth" documents the known pitfalls of various short-sighted policies.

I am sure that we are all making the best decisions based on our knowledge and experience.

Kelco, for example, has been servicing this island needed power by grid systems for a century. Yet a change must occur, will occur, and is, indeed, occurring that is seen everywhere. Kelco and all the industries of the island must become acutely aware of the results of their activity.

Since Kelco is a "public utility", its actual job is to serve the public. When Kelco hears the voice of the people, and their hearts, they will see that there are many alternatives. Let's explore them.

Buckminster Fuller, inventor of the Geodesic Dome and all-around brilliant mind - designed a game called "The World Game" in which all the known resources and technologies are encoded in a computer model of the Earth. I propose the Island of Hawaii and the State of Hawaii, in conjunction create a version of the game - "Sim Hawaii". In this model, we will code the inputs, outputs, mass energy flow rates, number of people, consumption rate, etc., etc. to model the economy and ecology of Hawaii. We will then have a model of - microcosm of

the earth - with all its climate zones minus - 2. We can run the model on the newly installed super-computer on Maui. Then - all the people and companies & groups contribute their knowledge and data to the model.

Incorporate this model as part of the planning process for the Island and the state and then share the software with others - who can modify it to fit local conditions.

Now, we can compare various proposals from many perspectives using simulations. Let's see how we come up with a model that is best for everyone.

This will quickly show that sustainable, planet friendly methods are the best and results in the most benefit for all people.

Then we can together, create a paradise for everyone here, sustainable for long ages - a blend of the finest traditional Hawaiian methods with the best technology - a blend of the old and the new to create a

future.



R. M. TOWILL CORPORATION

420 WAIKAMAILIO RD #411 HONOLULU, HI 96817-4941 PHONE 848-1123 FAX 808-648-1037

August 4, 1995

Dr. Michael Hyson  
P. O. Box 2108  
Pahoa, Hawaii 96778

Dear Dr. Hyson:


Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.477.2 KV  
Overhead Distribution System, Puna, Hawaii

We have received your memorandum regarding the subject project. The County of Hawaii's Planning and Public Works Departments determined that HELCO was exempt from Special Management Area (SMA) and Chapter 343, HRS requirements respectively due to the fact that the County rights-of-way were already reserved for the purpose of installation of public utility systems, including HELCO's system. Further, the majority of the work involved replacement of existing poles within the rights-of-way, albeit the HELCO poles were to be about 15 feet taller than the GTE Hawaiian Tel poles.

Preparation of a Chapter 343, HRS project impact evaluation is related to the regulatory permits required for a proposed action. The only regulatory process that necessitated the preparation of a Chapter 343, HRS project impact evaluation was the easement request to the State Board of Land and Natural Resources (BLNR) for the 8,710 foot long portion of State-owned land. Thus, the initial DEA addressed the specific area that was to affect an existing 50-foot wide easement currently occupied by GTE Hawaiian Tel.

While it is already stated in the DEA, the final environmental assessment will reiterate that poles in Phase 2 have already been installed, and that the remaining work in this phase involves stringing of the conductors. Because of the amount of inquiries and comments received on the project, HELCO has chosen to submit a Special Management Area permit application to the County Planning Department.

Sincerely,

  
Colette Skoda  
Project Manager

cc: HELCO, R. Raitiff  
County Public Works, D. Kiyosaki  
DEQC, G. Gill

Bettie L Van Overbeke  
12-423 Ole'ole  
Pahoa, HI 96778  
June 28, 1995

County of Hawaii  
Dept. of Public Works  
25 Apuni St., Room 202  
Hilo, HI 96720

RE: SSPP Unit 71- Rauenhorst  
Kehena-keeke  
Puna, Hawaii

attn: Galen Kuba

Dear Mr. Kuba:

I have several questions about the Draft Environmental Assessment.

4-1 How do you justify the statement that electricity will be essentially positive to the residents of Kalapana Seaview, Puna Beach Palisades and Kehena?

What data can you produce? This development has already caused community fragmentation and a negative impact. What can be used to justify the word POSITIVE?

4-1 geological hazards:  
How can the proposed area be considered a sufficient distance from the east rift zone not to be at risk for lava inundation when it sits on a 1955 lava flow and residents cannot obtain homeowners insurance at all and only fire insurance at an exorbitant rate. Please justify your data.

4-2 Justify with data how falling fronds and coconuts have impacted pedestrians. I have lived in this subdivision for 6 years without witnessing this phenomena. Coconuts are usually harvested green along the right of ways which involves 2 or more harvesters cutting and dropping nuts into the brush. Usually the nuts fall into the Medalla necessitating a search. Nuts fall straight down due to their weight they do not fly out into the street.

4-2 Herbicide use. I have signed a number of petitions and been assured by the county that there will be no herbicide spraying in Kehena. Why are the residents again being threatened with herbicides? There is a strong correlation with hormonal disturbances caused by pesticide usage and I do not want to be a victim nor do I want my future grandchildren to be.

4-3 How is the possibility of sparking to be prevented? This is an area with high salt content in the air from breaking waves. What measures are to be taken to prevent salt buildup on wires and arcing? No plan is presented in the EA. Denial of natural forces does not mitigate the results.

4-3. Construction of holes has taken place without regard to notifying property owners. The dust raised precipitated severe allergy attacks in my daughter and myself. The noise was horrendous. I came home from work and was assaulted with this mess without warning.

4-5. I do not subject myself to EMF as I use manual tools and household items. I do realize a difference from my previous lifestyle in increase energy and better health. I can feel the difference. What data can you present, when the surveyor lives in such a situation. How does the design mitigate the influence of an electrical field 25 feet from an upstairs lanai which is where I live???? Please justify and explain how much EMF will you be beaming at me. I want before and after measurements of this field as I intend to sue if I suffer ill health effects. I bought my property to avoid these fields as I am hyperallergic. I wrote many times in the late 80's and was assured there was no intention of running wires here now I am financially committed and cannot escape for their influence.

3-15 and 4-6  
On 3-15 it is stated that power lines do not generate growth rather growth is generated by population growth. On 4-6 it is stated that more lots within these subdivisions may be developed with the availability of electrical power. You can't have it both ways!!! These statements are in conflict. Which side of the waffle are you buttering???

6-2 At a public meeting Army Curtis stated that for HELCO cost\$ was no option, they were bringing in electricity. So, why not underground modern lines? This will avoid EHS fields, and salt on lines, spare the birds, and the consumers pay anyway, so let them.

6-4. I have 3 properties with 2 PV systems. I paid \$950 with a \$1750 tax break for one system. It powers my mainhouse providing lighting and outlets for household use( I do use hairdryers, irons and stereo) My second system was purchased with the property and also provides lighting, water pumps, and outlets. This system cost under \$2000. as well and services 2 houses. To say \$15,000 to \$30,000 is grossly inaccurate for a PV system. PV also compares favorably with the powerhookup cost which with interest adds up to over \$4000. with continuing bill. My friends on power indicate they spend around \$100. a month or \$1200 yearly on power bills. This alone amortized a solar system within 6 years.

If you don't want HELCO, you can't get rid of them  
 If you do want HELCO you can't get them.  
 HELCO fails to consider externalities of lifestyle of  
 the community, pollution, what the public desires and the  
 local economy ( Hamakua wanting ENSERCH).  
 If the public is complaining on so many fronts, Keheua, Hamakua  
 Keahole, on one \$\$\$ square mile island, then the company  
 should be paying better attention. Unfortunately HELCO has  
 a paternalistic concept that they know what is best for the  
 consumer, which is what is best for HELCO. These can be the  
 same, if HELCO will consider externalities. HELCO could  
 install and maintain individual PV packages at less cost than  
 grid delivery in the Keheua area. This would meet community  
 needs and make HELCO money with less expense.  
 HELCO says they want to do what is best for the customer  
 but the words are hollow and not backed up by action. Pay  
 attention to what the customer is telling you and your  
 business will flourish and continue. Ignore the customer and  
 we will find ways to get you out of the economic stranglehold  
 you currently enjoy.

Sincerely,  
*Bettie Van Overbeke*  
 Bettie Van Overbeke

cc: Helco, Ralph Ratific  
 R.M. TovillCorp., Colette Sakoda  
 QERC, Gary Gill  
 DLNR, Mike Wilson  
 PUC Ronald Waganishi  
 The Honorable Patsy Mink, House of Representatives  
 Andy Levin State Legislature  
 Keiko Bonk- Abramson, Chair, Hawaii County Council

# R. M. TOWILL CORPORATION

180 WAIKAMUI RD #111 HONOLULU, HI 96817-1041 (808) 848-1133 FAX (808) 848-1037

August 4, 1995

Ms. Bettie L. Van Overbeke  
12-423 Ole'Ole  
Paohoo, Hawaii 96778

Dear Ms. Overbeke:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.4772 kV  
Overhead Distribution System, Puna, Hawaii

We have received your letter of June 28, 1995 regarding the subject project. The following has been prepared in response to your comments.


1. For those residents and lot owners who choose to participate in HELCO's SSPP Unit-71 program, benefits would be the ability to operate and maintain typical household functions such as lighting, water heaters and use of other appliances such as color televisions, washers and frost-free refrigerators simultaneously. Hardware, appliance and related retail operations would benefit through the sales of such items to consumers in the subdivisions. Sales of household hardware and appliances would also result in additional state tax revenues.
2. The discussion of the alignment being sufficient enough distance from the Kilauea east rift zone is based on the lava hazard map (map dated 1992, Office of State Planning). The site is located in Zone 2 whose "relative hazard decreases gradually as one moves away from zone 1," which is mauka of the three residential subdivisions.
3. The issue of falling fronds and coconuts is a potential safety hazard, as stated in the DEA. This is true since there are adults and children walking through the area, and they require a five-foot wide shoulder, based on the pavement width of only 16 feet. Not only are the coconut trees a safety hazard, but they are in violation of the Hawaii County Code Section 22-1 with regard to "encroachment" and "obstruction." Last year, Public Works issued a contract to Jacunski's Tree Service to de-nut the trees.
4. Your comment regarding use of herbicides has been relayed to HELCO.
5. In specific areas where heavy foliage exists, special tree cable will be used. The polyethylene cover will provide protection from salt buildup. In other areas of the alignment, the overhead insulators and mounting hardware will be washed should there be evidence of salt buildup.
6. Your comment is noted.
7. Your comments regarding EMF have been taken under advisement.
8. There is no statement on page 3-15 that relates the proposed action to population growth. There is a statement, however, that indicates the general occurrence that people desiring to live somewhere will

reply/helco

Ms. Bettie L. Van Overbeke  
August 4, 1995  
Page 2

- generate a demand for housing rather than availability of dwelling units will dictate a sudden population influx.
9. The objective of the Special Subdivision Project Provision (SSPP) Unit 71 program is to provide electricity to residential lots within subdivisions developed before 1967 (PUC approved Rule 13-S)
  10. The costs discussed in the DEA describe a PV system with a 1000 watt array for an typical, full-scale household that utilizes items including water heaters and color televisions, and frost-free refrigerators, all operating simultaneously. We agree that there are solar PV systems that can cost less-- it probably correlates with life-style choices with respect to what a household consists of.

Sincerely,

  
Colette Sakoda  
Project Manager

cc: HELCO, R. Ratific  
County Public Works, D. Kiyosaki  
OECC, G. Gill  
DLNR, M. Wilson  
PUC, R. Nakanishi  
Congresswoman Patsy T. Mink  
A. Levin, State Legislature  
Keiko Bonk-Abramson, Chair, Hawaii County Council

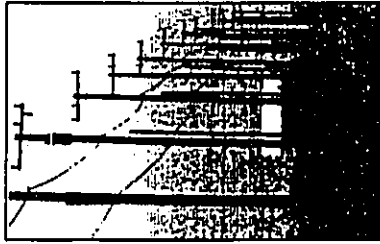
Engineers • Planners • Photogrammetrists • Surveyors

Friends of the Red Road  
July 7, 1995

Deputy Chief Engineer  
The County of Hawai'i  
Department of Public Works  
25 Aupuni Street, Room 202  
Hilo, HI 96720

Attn: Jiro Sumada (961-8321)

Re: Second Draft Environmental Assessment  
SSPP Unit 71, Kehena-Keekes Homestead, Puna, Hawaii



Kalapana Seaview Estates

Upon examination of the Second Draft Environmental Assessment prepared by R.M. Towill Corporation, I find the document to be woefully inadequate, inaccurate and misrepresentative of the true facts. The EA uses informational material not germane to a coastal settlement and margin agricultural zone. The EA consistently ignores the obvious long-term effects this project will create. The EA consistently describes SSPP Unit-71 as the "proposed project" when in fact Phase II of the project had been almost completely installed prior to the First Draft EA publication. This EA consistently presents a slanted, narrowly focused point of view favoring only development as opposed to the health and welfare of the people and the land. We cite the following:

There are three known unopened but approved permits for subdivisions in the Red Road area. The Planning Department has informed us that two of these projects will definitely be hooked up to SSPP Unit 71: the Kalapana Ohana village and Kalani Honua's subdivision. The EA is invalid because Helco is not permitted to segment a project. "The proposed action must be described in its entirety; therefore, projects should not be done on an incremental basis to avoid the preparation of an environmental impact statement" (OEQC Bulletin regulations). Once again the project is being published in a segmented form which violates the above-stated guideline.

## SECTION 2 PROJECT DESCRIPTION

### 2.1. Background and Location

"The objective of the SSPP Unit-71 program for rural electrification is for Helco to provide electricity where required at an affordable cost to its customers."

The choice of an overhead distribution line in a solar community where endangered species live, on one of the most beautiful coastal roads in the world, is the poorest possible choice that could be made to achieve Helco's stated objective. Employment of mobile solar photovoltaic units is the most cost effective and ecologically sound choice to provide electricity in remote and sensitive areas.

### 2.2. Determination

"... Based on the interest expressed in the project, Helco determined that an expanded EA containing descriptions of the portion of the project that includes County of Hawaii right-of-ways...."

This sentence should be corrected:

"... Based on a lawsuit filed by Friends of the Red Road, January 1995, against Helco, the County of Hawaii and Jacunski, Helco was forced to publish an expanded EA."

"The project was determined to be exempt from County of Hawai'i Special Management Area (SMA) requirements under Section 9-4 ((10)B.iv) of Rule 9 of the Planning Commission. Further, in accordance with the State OEQC exemption list, the County of Hawai'i Department of Public Works determined that the proposed project falls within Exemption Classes #2 and #4, and is therefore exempt from the requirements of Chapter 343, HRS."

On January 19th the Third Circuit Court of Hawai'i ruled "The justification provided by the County does not apply." (See Judge Nakamura's ruling attached.) Why is there a deliberate misrepresentation of the events leading to the submission of this second draft EA? The exemptions claimed were incorrect in January are incorrect in June. Why is R.M. Towill opening this document which deliberate lies?

"However, Helco has decided to prepare an SMA permit application in the interest of facilitating public comment."

We do not accept Helco's fanciful doublespeak. How can the community appear that Helco has caused by illegally beginning construction of this project be ignored?

The truth is that Helco is required by law to prepare an SMA permit application because the installation is neither underground, parking meters nor structures less than four feet high. How is it that violation of a law is transformed into "facilitating public comment"?

### 2.3.2. Schedule and Cost

"The design and construction of Phases I and II are expected to cost approximately \$1.8 million (1994 dollars)."

This figure first appeared on Helco's original SSPP application to the PUC. This figure covered line extension only to subscribers. The line extension was then changed to total grid out with no budget increase, formal application or approval. The \$1.8 million design and construction cost was hopelessly outdated after the Seaview grid-out and therefore has no standing. Why is this dollar number still being used? Further, why doesn't this figure reflect the enormous social costs such as litigation, second Draft EA, advertising, cost to the community, potential law suits, fines, environmental reparations, etc?

## SECTION 3 DESCRIPTION OF THE AFFECTED ENVIRONMENT

### 3.1.2. Lava Flow Hazard Zone

Paragraph One intentionally misrepresents the high lava risk of the project area. Lava flows to the sea from cinder cones. The project area is immediately below the rift zone. Our northwest view is a string of cinder cones. The latest lava inundation, Kalapana (1990), is approximately four miles away. The project area is in the most hazardous lava flow zone and not to be confused with the rest of Hawai'i as this paragraph would lead us to believe.

"Earthquake epicenters are also concentrated along the east rift zone. As a result there is a higher risk for potential lava flows and seismic hazards near the Kilauea east rift zone."

This sentence should read: "The project site is immediately down slope of the rift zone, cinder cones and earthquake epicenters which are also concentrated along the east rift zone." Why is Helco so anxious to spend millions of the ratepayers dollars on a project in ALL of the highest risk categories and in direct conflict with federal, state and county laws and resolutions?

## 3.2. BIOLOGICAL CHARACTERISTICS

### 3.2.1. Flora

"No plant species listed as endangered, threatened, or candidate under the U.S. Endangered Species Act or the State of Hawaii endangered species program were found in the survey area. Unusual native plants were found in the study area but none have legal status requiring planning considerations."

This statement is incomplete. R. M. Towill Corp. omitted the word "rare" from their own contracted botanical surveyors' report. The last line of the above quotation should read, "Rare and unusual Hawaiian native plants were found in this study..." (Source: Appx. A, Botanical Resources Survey)

The word "rare" triggers an EIS according to OEQC Significance Criteria. Also see attached list of "rare or candidate endangered species", letter from J. Jacobi, U.S. Dept. of the Interior, National Biological Service, on endangered species in Puna.

### 3.2.2. Fauna

The Faunal Study is inaccurate and inadequate for the following reasons:

This Faunal Study was not conducted for the duration of time required, nor the time of day nor season to detect the presence of the endangered and threatened species known to inhabit the project and adjacent areas. (See letter attached from M. Reynolds, U.S. Dept. of the Interior, National Biological Service, on 'A'o nests in the vicinity of the project area.)

A proper faunal study for a project of this dimension needs to be conducted throughout various times of day and seasons to observe the endangered species in the affected area. For this richly diverse wildlife habitat a two- or three- day study is illegitimate. The study entirely missed the 'A'o bird (Newell's Shearwater), an endangered species known to have flyways in the project area. 'A'o's are directly harmed and killed by lines and poles in their flyways. (1000 Friends of Kauai' vs. Citizen's Utility Company, Civil No. 92-00170 DAE).

"Although no threatened or endangered avian or mammalian species were detected during the survey, it is expected that there is some usage of the site by five species. These species are the Hawaiian Hawk, Newell's Shearwater, Dark-rumped Petrel, Band-rumped Storm Petrel and Hawaiian Hoary Bat."

The above statement alone mandates preparation of an EIS. OEQC regulations identify one trigger to begin the EIS process as, "An action shall be determined to have a significant impact on the environment if it meets any one of

the following criteria: #9) Substantially affects a rare, threatened or endangered species or its habitat." (Source: A Guidebook for the Hawai'i State Environmental Review Process, OECC, August 1992, p. 13)

This unique biosphere is habitat to many endangered, threatened and rare species: Newell's Shearwater, Hawaiian hawk, Dark-rumped petrel, Band-rumped Storm petrel, Hawaiian Hoary bat, Hawaiian Monk seal, Green Sea turtle, Hawk's Bill turtle, Spinner dolphins Pacific Bottle-nose dolphins and Humpback whales. For many of these creatures this is the birthing site. This area is the nursery. Hawai'i is the genetic core and living history of the planet. The primal stage where fire becomes the land and life begins. We must, therefore, preserve and protect this area.

"The present survey for botanical reasons does not constitute a wildlife survey. However, numerous forest and shore birds were observed in the study area. We also observed I'o (Hawaiian Hawk) and Pucio (Hawaiian Owl) in the study area. The area is also known to be one of only two places in Hawai'i where the 'A'o (Newell's Shearwater) occurs . . ." (Source: Second Draft EA, Appx. A, Botanical Resources Survey, Recommendations)

Once again R. M. Towill, omits pertinent information from contracted surveys, printed in their own Second Draft EA.

How many endangered, threatened and rare species are in the affected area?

### 3.3 Historical and Archeological Resources

"The three subdivisions are in what would have been the coastal settlement and coast agricultural zones."

The project area is, and will continue to be, the coastal settlement and margin agricultural zones.

#### Survey Methods and Findings

"All in all, the Cultural Surveys Hawai'i study confirm the absence of historic sites within the proposed distribution line. Virtually the entire length of the proposed distribution line has been disturbed by human induced disturbance and recent lava activity."

The land is altered. Yet miraculously this unique biosphere exists because the lifestyle of the present residents most closely parallels the traditional coastal and agricultural settlement of the past. This traditional lifestyle itself is endangered.

The residents of the three affected subdivisions are not alone in seeking recognition of the Red Road solar community. Native Hawaiians of the Red Road share this vision of a solar powered community. (See attached letter, Robert Kelihoomalu, Kalapana Ohana.)

### 3.5.2 Electrical and Communication

"The existing subtransmission system in the area is providing approximately 9 megawatts (MW) of power daily to Helco customers. The proposed 1247/7.2 KV line is capable of providing 2.5 MW of demand to residents in the service area."

How can this be? Last week Helco requested a 22% rate increase to accommodate new and improved installations because of inadequate generating capacity? How can Helco sell what Helco doesn't have to people who don't want it and make money for their shareholders?

### 3.7 Socio-Economic Characteristics

Puna is a vast and diverse region, as large as other Hawaiian islands. It is comprised of five distinct bioregions. The information reported in this section is invalid because it does not apply to the project area. For instance, a Hawaiian Paradise Park resident might find these statistics meaningful. They do not apply to the Red Road area.

The description of what rural lifestyle might mean to Puna residents is also invalid to the vast majority of Red Road residents. WE ARE DEMANDING NO INFRASTRUCTURE IN THIS AREA. Why is R. M. Towill Corp. attempting to paint a picture of great demand that does not exist in this area?

### SECTION 4 PROBABLE IMPACTS AND MITIGATION MEASURES

"The proposed construction of the electrical distribution system is expected to result in minimal adverse impact on the existing environment . . ."

This project will result in immediate and long-term impacts of immense proportions. In no way can this project be construed as a pole replacement project. The transmission lines are significantly higher, larger and more complex than the telephone poles. (See Judge Nakamura ruling attached.) The resultant population density that is known to follow power line extensions will result in an ecological disaster to this delicate bioregion. The project area is Lava Hazard Zones I and II, counter to the FEMA Hazard Mitigation Report Number 864, Kalapana Flow, recommending not to encourage or to promote population density in this area. The resulting population density and expanded road systems will destroy the habitats of

the rare, threatened and endangered species of this area. This project would promote urbanization and obliterate the coastal settlement and agricultural lifestyle. This project would destroy the solar community we have created.

#### 4.1. Geologic Hazards

"The proposed alignment is expected to be at sufficient enough distance from the Kilauea east rift zone to reduce the any risk of damage from lava overrunning the line."

The preceding statement is very funny to one living in Seaview on a 1955 lava flow, four miles from the 1991 Kalapana inundation. Helco's sister company Hawaiian Insurance Group withdrew coverage from Seaview after the Kalapana flow due to the high lava risk. If the electric utility's insurance company finds this area too risky to insure how can Helco ignore the imminent lava risk?

"Although seismic events are probable throughout the alignment . . ."

Why doesn't this sentence read, "Although seismic events will always occur throughout the alignment . . . ?"

#### 4.2. Flora

"Direct effects of the proposed project on endangered plants and unique biological communities will be minimal."

Hawaii's endangered plants and unique biological communities are the most delicate on the planet. How can a project of this scale cause minimal impact?

"Falling fronds and coconuts from the increasing number of palms along the narrow streets of Kehena pose a safety hazard to pedestrians."

The coconuts of Kehena are regularly harvested as a food source and a cash crop. How can Kehena's coconut trees that are the joy of the community, a food source and a cash crop, be designated merely as a safety hazard?

"Due to the maintenance of the line, Helco's policy of selectively using herbicides . . ."

This ahupua'a is a pesticide-free zone.

"The possibility of fire due to arcing or spark discharge is extremely remote."

The possibility of fire is real. (See attached Honolulu Advertiser, January 1995.) There is no county water here and thus the project poses a severe risk to inhabitants.

"The installation of a set of poles and a transmission line on the north side of Highway 137 may have an effect on the passage transiting seabirds."

According to OEQC Significance Criteria, this sentence alone triggers an EIS. The installation of poles on the Red Road, SMA area, will have a disastrous effect on transiting Newell's Shearwater and other species. (1000 Friends of Kaua'i vs. Citizen's Utility Company, Civil No. 92 00170 DAE)

#### 4.4. Air Quality

"long-term operation and maintenance of the line will have no effect on air quality."

Why isn't the long-term impact of increased population density, gridded out subdivisions and geothermal energy addressed in this section? The long-term impact of this project would severely impact the air quality. The increased electrical demands would only further the development of Puna Geothermal Ventures. The project site is directly downwind of this air pollution source.

#### 4.5. Noise Levels

"After construction, there will be no long-term or permanent noise impacts."

In section 3.1.6, "Noise Levels" reports the ability to hear insects as part of the ambient background "noise". "Prevalent noise during the daytime hours is from distant traffic, wind, birds and insects." Why isn't the long-term impact of increased population density, gridded out subdivisions and increased traffic addressed in this section?

#### 4.6. Historic and Archeology

"The proposed project is not expected to have negative impact on known historic or archeological resources."

There are very important historic and archeological sites in the project area. (Cordy Report) Why isn't the long-term impact of increased population density amidst important archeological sites addressed?



#### 4.8 Traffic

Why doesn't this study address the long-term impact of line extension projects, increased population density and increased traffic?

#### 4.9 Other

"Beneficial effects on public health and safety will result from the proposed project."

Please enumerate these beneficial effects.

#### 4.10 Surrounding Land Uses

"The project will not significantly impact existing land uses in the immediate vicinity of proposed alignment."

This project has already significantly impacted existing land use in the immediate vicinity, ex., new subdivisions and speculation houses. The long-term development plans depending upon the legitimization and implementation of this project are enormous and as yet unpublished. The community wants to know. What are these plans?

#### 4.11 Visual Quality

"The change in views with the proposed project will be a qualitative difference from views without the proposed electrical poles."

The existing telephone poles look like chop sticks next to the newly installed Helco poles. (See photograph, first page.) As noted in the ruling by the Third District Court, Friends of the Red Road vs. The County of Hawaii, 1/19/95, "... there is a substantial difference between the pre-existing telephone poles and the joint utility poles to be installed pursuant to the Helco project, in light of project's environment."

The difference is simple. Natural beauty versus ugliness. Prior to the illegal installation of Phase II there were panoramic views. Now being outdoors in the project area is like looking through a screened window as if being indoors. This factor alone has already reduced the aesthetic and dollar value of our homes.

#### 4.12 Social and Economic Impacts

The unaddressed social and economic impacts to this community will be devastating. This project will:

- 1) Destroy the solar community that has existed for more than a quarter of a century
- 2) Change forever the ecosystem and habitat which dictates our coastal settlement lifestyle. (For example, the sea creatures who visit and play at our shores and thus our developing ecotourism industry.)
- 3) Destroy the prevailing coastal settlement by the creation of a modern ghetto. "Development" on this scale with "little... effect on employment levels" only results in the creation of modern ghettos.

#### SECTION 6 ALTERNATIVES TO THE PROPOSED ACTION

##### 6.1 No Action

It would seem "no action" is the financially, environmentally and culturally correct determination.

##### 6.3.1 Solar Energy

"A PV system with a 1,000 watt array might power most of the needs of the average, full-scale household that implements energy efficiency... cost could range from \$15,000 to \$30,000."

1) Why is the watt figure quoted double the average consumer figure of 500 watts? A 1,000 watt array is extreme in comparison to the average usage in this area. The conservative consumer uses approximately 200 to 250 watts per household. The average consumption for larger households with a propane refrigerator is 400 watts. The average consumption for larger households with an efficient electric refrigerator (Summar) is 600 watts. Electric stoves, water heaters, clothes dryers, etc. are not used in this area. They are not necessary, energy dinosaurs and ecologically unsupportable.

2) Why is the cost of a 1,000 watt array so inflated? (See attached estimate Independent Energy Systems, Keauau, PV system cost and installation based on 1050 watt PV array, \$13,241.60)

SECTION 7  
DETERMINATION

"Because the project is not expected to result in adverse short- or long-term environmental impacts, an Environment Impact Statement may not be needed."

Six of the eleven criteria triggers for an EIS are applicable to the project:

Significance Criteria:

"An action shall be determined to have a significant impact of the environment if it meets any one of the following criteria:

- 1) Substantially affects the economics or social welfare of the community or state;
- 2) Involves substantial secondary affects such as population changes or infrastructure demands;
- 3) Involves a substantial degradation of environmental quality;
- 4) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment to larger actions;
- 5) Substantially affects a rare, threatened or endangered species or its habitat;
- 6) And, affects an environmentally sensitive area, such as a flood plane, tsunami zone, erosion-prone area geologically hazardous land, estuary, freshwater area, or coastal waters."

(Source: A Guidebook for the Hawaii State Environmental Review Process)

For the reasons stated above indicating the adverse short- and long-term environmental impacts and the OEQC Significance Criteria, an Environmental Impact Statement is required for this project.

Respectfully submitted,

*Athena Peanut*

Athena Peanut, President  
Friends of the Red Road  
P. O. Box 1610  
Pahoa, HI 96778

cc Helco, Ralph Rattific  
R. M. Towill Corp., Colette Sakoda  
OEQC, Gary Gill  
DLNR, Mike Wilson

- 12 -

3) For the average household, the pole hook-up fee would buy an efficient, easily maintained solar energy system with no monthly service bills. The additional cost involved for larger systems is small change compared to notoriously high monthly bills that do not cease and always grow larger.

4) How long will the County of Hawai'i continue to be derelict in its obligation to properly address permitting of solar systems (12V systems)?

5) "... their request for electrical service cannot be denied according to the PUC" Their request had been effectively denied for the past quarter of a century for good cause. We would like disclosure on the why this project is suddenly so urgent. Show us why Helco cannot deliver quality PV mobile systems to all customers outside of urban areas?

6) A mobile PV solar system is in the best interest of the ratepayers because this equipment is easily moved during natural disasters. The present archaic system is destined to be a total loss just like Kalapana. Only the ratepayers foot the bill.

7) The upkeep costs of maintaining a solar system (replacement for batteries, maintenance, etc.) in no way is to be construed as equivalent to a monthly electric bill. The maintenance costs of a solar PV system are peanuts.

The major reason Helco's services are so expensive and unreliable is because Helco is committed to serving a sparsely populated, volcanic island with an expensive, mainland urban-style grid.

"The cost of providing electricity to the Big Island is higher than other places because we cover a 4,000 square-mile territory with only 58,000 customers, compared to, for instance, Oahu's 597 square miles and 265,00 customers." (Source: Warren Lee, Helco President, Hawai'i Herald Tribune, 6/25/95)

Helco also reports 92% of their ratepayers surveyed wanting solar services to be developed. How can Helco continue these paradoxical business policies? Is Helco's policy only to serve the shareholders?

"However, for those customers who desire electrical service from a utility company, their request for electrical service cannot be denied, according to the Hawaii Public Utilities Commission."

Where is it written that the PUC has authority to override federal, state and county laws and guidelines?

- 11 -

cc (continued)

Hon. Patsy T Mink  
PUC, Ronald Nakanishi  
Andy Levin, Senator  
Bob Herkes, State Legislature  
Douglas S. Y. Tom, Planning Program Manager, CZM Program  
Keiko Bonk-Abramson, Chair, Hawai'i County Council  
Jimmy Arakaki, Hawai'i County Council

enc:

Ruling, Judge Nakamura  
Letter, J. Jacobi, U.S. Dept. of the Interior, National Biological Service  
Letter, M. Reynolds, U.S. Dept. of the Interior, National Biological Service  
Letter, Robert Keiilihoomalu, Kalapana Ohana  
Article, Honolulu Advertiser, January 1995  
Estimate, Independent Energy Systems, Kceau

Friends of the Red Road v. The County of Hawaii  
Civil No. 95-14  
January 19, 1995

Plaintiffs' Motion for Preliminary Injunction, filed on January 11, 1995, shall be granted in part. Defendant Hawaii Electric Company, Inc. ("HELCO") shall be enjoined from cutting down trees or from trimming trees so as to significantly alter their size or shape in Defendant County of Hawaii's (the "County") rights-of-way or property. In this context, a "significant alteration" results if it will take more than one year for the pre-existing size and shape of a tree to be substantially restored.

The basis for this decision is as follows:

a. Plaintiff Friends of the Red Road ("Friends") has or more than one of its members as an association have standing to seek relief.

b. Based upon the state of the evidence presented, there is a probability that Friends will succeed on the merits in regard to its argument that a special management area use permit was required for the HELCO project.

Generally, a special management area permit of some nature is required where "development" is contemplated. "Development" is defined as any of the uses, activities, or operations on land or in or under water, within a special management area. HRS § 205A-22. It includes "construction, reconstruction, demolition, or alteration in the size of any structure." HRS § 205A-22. "Structure" is defined to include any telephone line or electrical power transmission and distribution line. HRS § 205A-22.

The HELCO project entails the removal of telephone poles and the installation of joint utility poles. It clearly constitutes a "development" for the purposes of HRS § 205A-22 because it involves construction or reconstruction of telephone and electrical power transmission and distribution lines. None of the limitations on the definition of "development" set forth in HRS § 205A-22 applies.

The justification provided by the County does not apply.

Section 9-4(10) B.(iv) of the Planning Commission County of Hawaii Rules relates to "repair and maintenance". In regard to the HELCO project, "construction" or "reconstruction" is involved. Further, the specific provision relied upon conflicts with the limitation of the definition of "development" set forth under HRS §205A-22.

c. Also, based upon the state of evidence presented, there is a probability that Friends will succeed on the merits on its argument that an environmental assessment is required. Defendants claim that several exemptions set forth in the Department of Health, Environmental Impact Statement Rules ("EIS Rules"), as further qualified by the Comprehensive Exemption List for the County of Hawaii Department of Public Works ("Exemption List"), apply.

Section 11-200-8(2) of the EIS Rules arguably may apply. However, taking into consideration:

- (1) an additional purpose for the facilities, that is, for the distribution of electricity;
- (2) an increased capacity of use;
- (3) an increased density;
- (4) increased height of the utility poles installed or to be installed; and
- (5) larger dimensions of the poles to be installed and different shaping at the top of the poles, there is a sufficient basis to conclude, based upon the evidence presented, that there is a substantial difference between the pre-existing telephone poles and the joint utility poles to be installed pursuant to the HELCO project, in light of the project's environment. Exemption Class # 2, as defined in the Exemption Rules, does not further delineate any specific type of action which is potentially applicable to this case.

For reasons set forth above, Exemption Class # 4 of the Exemption Rules does not justify an exemption.

d. The cutting down or reshaping of trees is to be performed pursuant to the HELCO project. The balance of irreparable damage favors an injunction against the cutting down of trees and the trimming of trees so that their sizes or shapes are significantly altered pending a final determination of these matters. However, no other injunction shall issue at this time.

e. The above injunction is consistent with the public interest.

f. In light of the written confirmations of determinations made by the County's agencies that a special management area permit and an environmental assessment were not required, appeals of agency actions may be appropriate. However, the opportunity for appeal should not justify leaving Friends without an immediate remedy for irreparable damage. On the other hand, the results of the appeals may have an impact upon this injunction.

3. Mr. Hall is to prepare a proposed form of the order. Other counsel are also invited to submit forms of the order.



United States Department of the Interior  
NATIONAL BIOLOGICAL SERVICE

Hawaii Field Station  
P.O. Box 44  
Hawaii National Park, HI 96718  
Phone: (808) 967-7396 FAX: (808) 967-4568  
March 15, 1995

Dear Dr. Hyson,

Thank you for your interest in the unique fauna and flora of Hawaii. In response to your request for information on specific native wildlife species occurring in the district of Puna, please refer to the table below for status, scientific, and common names.

Status of birds and bats found or potentially found in the District of Puna, Hawaii<sup>1</sup>

Common names	Species	Regulatory Status <sup>1</sup>
Hawaiian owl, Pueo	<i>Asio flammeus sandwichensis</i>	Not listed Federally, HE on Oahu only
Hawaiian hawk, Io	<i>Buteo solitarius</i>	FE, HE
Seabirds		
Band-rumped storm petrel, Alaka'e	<i>Oceanodroma castro</i>	MB, HE
Hawaiian Dark-rumped petrel, 'Ua'u	<i>Pterodroma phaeopygia sandwichensis</i>	MB, FE, HE
Newell's shearwater, A'o	<i>Puffinus puffinus newelli</i>	MB, FT, HE
Bat		
Hawaiian hoary bat, Ope'ape'a	<i>Lasiurus cinereus semotis</i>	FE, HE

<sup>1</sup> Regulatory status of each species protected by the U.S. Migratory Bird and Endangered Species Acts. FE = Federally Endangered, FT = Federally Threatened, HE = State of Hawaii Endangered, MB = Migratory Bird

In 1993 and 1994, the U.S. Fish and Wildlife Service biologists confirmed the presence of the Hawaiian hoary bat, Newell's shearwater, and Hawaiian hawk in the District of Puna (including the vicinity of the proposed SSPP Rauenhorst Project). For a more thorough account of the flora, fauna, and potential impacts identified during these surveys, I am enclosing the following reports and surveys of Forest Bird Populations Found in the Vicinity of Proposed Geothermal Project Subzones in the District of Puna, Hawaii; Surveys on the Distribution and Abundance of the Hawaiian Hoary Bat in the Vicinity of Proposed Geothermal Project Subzones in the District of Puna, Hawaii; Surveys of the Distribution of Seabirds found in the Vicinity of Proposed Geothermal Project Subzones in the District of Puna, Hawaii; Surveys on the Distribution and Abundance of the Hawaiian Hoary Bat in the Vicinity of Proposed Geothermal Project Subzones in the District of Puna, Hawaii; and Surveys of the Hawaiian Hawk in the Vicinity of Proposed Geothermal Project Subzones in the District of Puna, Hawaii.

The Newell's shearwater is attempting to breed in the Puna District (National Biological Service, unpublished data). New sites surveyed in 1994 with Newell's shearwater detected include areas near Kapoho, Kahakai, Heiheihihulu, Opitihiko, Pua Kaiu, Poholiki, and Chain of Craters Road (USFWS, NBS, unpublished data). Hawaiian Dark-rumped petrel and the Band-rumped storm petrel are suspected of using Puna as a "flyway" to nesting sites at higher elevations.

The impacts of bright lights and coastal utility structures on the Newell's shearwater are documented on Kauai (Aimley, D., and R. Podolsky 1993; Cooper, B. and R. Day 1994; Teller, T., et al 1987). Reports on this subject are available from the Electric Power Research Institute, 3412 Hillview Avenue Palo Alto, CA 94303.

The plant species you inquired about, *Ischaemum byronae* or *Hilo ischaemum*, is listed as endangered and known to have occurred sporadically along the Puna Coast. Surveys from 1985 report specimens near Honolulu Landing and Malama-Ki Forest Reserve (Lamouroux et al 1985, Puna Geothermal Area Biotic Assessment). Other rare or candidate endangered plant species that may occur in the lower elevations or coastal areas of Puna include: *Bidens hawaiiensis*, and *Bomarea nimonoides*. The sword fern, *Nephrolepis exaltata*, is indigenous, but the hairy sword fern, *Nephrolepis multiflora* is an exotic species. Neither is considered endangered.

Please contact our office if you have additional questions concerning the natural resources of Puna.

Sincerely,

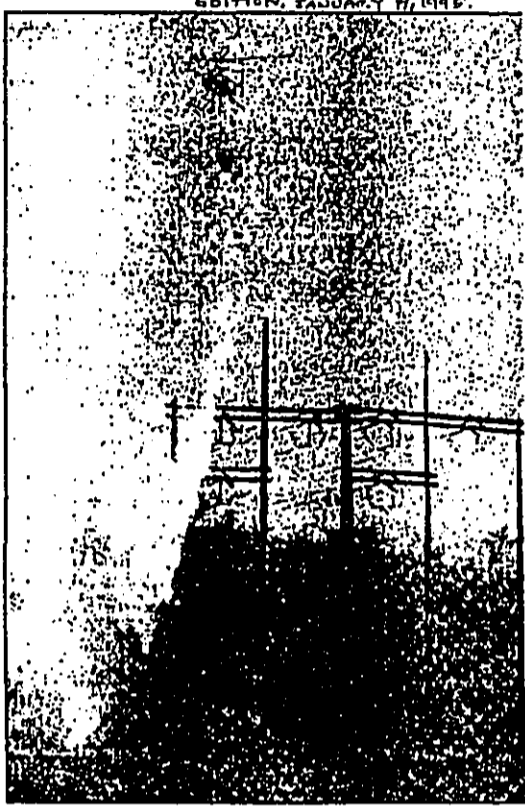
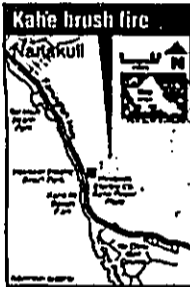
James D. Jacobi  
Leader, Hawaii Field Station

### Power line touches off Kahe blaze



Smoke billows from the hills of Kahe Valley yesterday.

Ten fire companies and two department helicopters spent yesterday afternoon battling a brush fire in the rugged hills behind the Kahe Point Power Plant. A fallen power line touched off the blaze that burned more than 20 acres. Thanks to a sea breeze and the efforts of 25 firefighters, the Hawaiian Electric Company plant was never in danger. Story, Page A2.



A Fire Department helicopter douses a brush fire near Hawaiian Electric Co.'s Kahe Power yesterday.

## HECO power line blamed in fire near Kahe Point plant

By Tino Ramirez  
Advertiser Staff Writer

A fallen power line outside Hawaiian Electric Co.'s Kahe Point power plant ignited a brush fire that took 25 firefighters most of yesterday afternoon to extinguish.

Ten fire companies and two department helicopters responded to the 12:31 p.m. alarm. By 6 p.m. they had contained the 20-acre fire, but the Nanakuli fire company were summoned back an hour later after guards at a nearby dump were alarmed by glowing embers.

Acting Captain David Wayman said the Nanakuli station would remain on alert throughout the night in case the fire rekindled.

"It's kind of close to the power lines and it's hard to get up there in the dark and dangerous for the helicopters, so we just have to wait," Wayman said last night.

Wayman said the blaze started when a transmission line fell from a pole about 200 yards from the power plant. He said the plant was never in danger because a light sea breeze blew the fire up hill, away from the plant.

"The only thing near danger were those other poles

holding up the lines," he said. "The main priority above putting out the fire, was protecting the poles."

HECO spokesman Chuck Freedman said the fallen 46 kilovolt sub-transmission line serves Makakilo. When it went down, power transferred automatically to another line and prevented a blackout.

"Utility lines fall periodically all across the country and can cause fires when they do," said Freedman.

"But in the three years I've been with HECO, I can't remember a HECO line falling and starting a fire."

Asked if HECO will inspect other lines, Freedman says the company will talk to the fire department and follow up. Company crews will start repairing the line today.

Wayman said the steep, rocky terrain behind the plant made putting out the fire difficult. The helicopters had to douse flames along the ridge, while fire fighters with brush beaters and portable pump packs put out hot spots on the perimeter.

"It's pretty impossible to put every little glowing ember out," he said. "But it is contained right now, and hopefully it'll all die out over night."



P.O. Box 1183  
Kaanapali, HI 96740  
968-7598

6-13-95

To Friends of The Red Road

The price quote that you asked for on a 1000 watt PV array is far larger than the average system in use in Hawaii. The average system size with gas refrigerator and Range is about 400 watts. With a high efficiency electric refrigerator such as a Sunfrost RF-19 it would be closer to 600 watts.

The system that I quoted you on is a state of the art upper level system with some of the more expensive options. Most of my customers use less expensive systems than the one that I quoted you.

PV systems are estimated to last about 30 years and the battery bank that I quoted you needs replacement about every 10 years. If you add the cost of battery replacement to the total and absorb the cost of the system over the 30 year period it comes out to a cost per month of 43.99. Of course battery prices will probably go up and there are some maintenance costs to contend with. However, the cost of owning a PV system probably won't go up in cost half as much as the skyrocketing cost of utility company power. And that's just the monetary based cost and doesn't include costs to the environment or political costs to continue to use non renewable fuel sources.

Another way in which to cut the cost of PV systems is to form a PV buyers group. Basically the more equipment that is purchased at one time the less expensive the cost of the equipment will be. The price that I quoted you is for a single system and the price would go down dramatically if the equipment was purchased in larger quantities. There could also be savings in the permitting and installation costs.

Sincerely  
Vincent McClellan

*Vincent McClellan*



P.O. Box 1183  
Kaanapali, HI 96740  
968-7598

6-13-95

Vincent McClellan PV specialist

Photovoltaic system cost and installation based on 1050 watt photovoltaic array.

Quantity	Description	Cost
14	Siemens PC-4 JF Solar Module 75 watt	440.00e
8	Interstate L-16 deep cycle Batteries 350AH 6 V	1280.00
1	Trace Engineering DR 2424 Inverter 2400watt	24 V 1150.00
3	Siemens SGM-8 Photovoltaic Array Frames 370.00e	960.00
1	Ananda 400 Amp. Fused Safety Switch	295.00
1	Heliotrope CC 60 E PWM Charge Controller	365.00
1	Tri-Metric Amp Hr. Meter	160.00
1	500 Amp. to 50 mv. Shunt for Tri-Metric Meter	45.00
	State Tax	10,415.00
	Total	416.50
		10,831.60

Installation estimate based on ground mounted array. Includes all wiring, conduit, and labor.

State certified engineers schematic estimate  
Electrical permit estimate

Total 13,241.60

All costs and estimates are based on current prices on systems that are in operation.

# R. M. TOWILL CORPORATION

480 WAIKAMUI RD #11 HONOLULU, HI 96817-4841 (808) 848-1329 FAX (808) 848-1037

August 4, 1995

Ms. Aihena Peanut,  
President  
Friends of the Red Road  
P. O. Box 1610  
Paahoa, HI 96778

Dear Ms. Peanut:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.47/7.2 kV  
Overhead Distribution System, Puna, Hawaii

We have received your letter of July 7, 1995 regarding the subject project. The following has been prepared in response to your comments.

Regarding the statement about additional projects getting hooked up, the SSPP Unit 71 project is described in its entirety in the subject DEA.

## 2.1 Background and Location

Your comment has been noted. Ideally, a community of residents that can exercise their freedom to choose between traditionally supplied electricity through the "grid," solar PV units, or other available means is the expected result of this project. Without the SSPP Unit 71 project, the choice to some of the residents would be limited.

## 2.2 Determination

Your comments are noted, but the Judge's statements are not indicating that HELCO acted illegally in proceeding with pole replacements.

## 2.3.2 Schedule and Cost

Your statements are noted.

## 3.1.2 Lava Flow Hazard Zone

For as long as there are residents who request HELCO service in lower Puna, HELCO is required by the Public Utilities Commission-approved Rule 135 to provide electrical power through the SSPP Unit 71 program. By proceeding with this action, HELCO is in conformance, not in conflict, with federal, state and county laws and policies.

## 3.2.1 EROSA

Your statements are noted. If the project's botanical resources survey (Appendix A) concludes that "no plant species listed as endangered, threatened, or candidate under the U.S. Endangered Species Act or the State of Hawaii endangered species program were found in the survey area," the use of the descriptive word "rare" does not change the legal status of any botanical resource.

## 3.2.2 Fauna

A follow-up radar survey was conducted over a four-day period from July 10 to July 14, 1995 in the project area by HELCO's fauna consultants. The additional work was scheduled specifically during the Newell's

Ms. Aihena Peanut  
August 4, 1995  
Page 2

Shearwater nesting season. The findings from this survey are included in the final environmental assessment. The overall conclusion is that the project would have minimal, not substantial, impact on this threatened seabird and the endangered bat.

## 3.3 Historical and Archaeological Resources

Your comments are noted.

## 3.5.2 Electrical and Communication

Your comment is noted.

## 3.7 Socio-Economic Characteristics

There are 181 lot owners in the three residential subdivisions of Kehena Beach, Puna Palisades and Kalapana Seaview. There has been GTE Hawaiian Tel communication service in this same project area since around 1984. We see an existing consumption of infrastructure as well as a demand for additional infrastructure due to these facts.

## 4.0 Probable Impacts and Mitigation Measures

Your comments are noted.

## 4.1 Geologic Hazards

Those 181 lot owners in the three subdivisions are expecting HELCO service as their means of getting electrical power. As for your suggestion regarding seismic events, the point of the original statement in the DEA is to discuss how the design of the system is focused on handling wind loads.

## 4.2 EROSA

As concluded in the botanical resource survey, no plant species listed as endangered, threatened, or candidate under the U.S. Endangered Species Act or the State of Hawaii endangered species program were found in the survey area.

The issue of falling fronds and coconuts is a potential safety hazard, as stated in the DEA. This is true since there are adults and children walking through the area, and they require a five-foot wide shoulder, based on the pavement width of only 16 feet. Not only are the coconut trees a safety hazard, but they are in violation of the Hawaii County Code Section 22-1 with regard to "encroachment" and "obstruction." Subsequently, last year Public Works issued a contract to Jacuski's Tree Service to de-mat the trees.

Your statement regarding use of herbicides has been forwarded to HELCO.

In specific areas where heavy foliage exists, special tree cable will be used. The polychyrene cover will provide protection.

In response to your comment about potential impacts on the Newell's Shearwater, please refer to our discussion found in Item 3.2.2 Fauna above.

## 4.4 Air Quality

Long term impact of the proposed action on air quality would still be minimal. Increased population density may result in additional vehicles in the area. However, the level of ambient air quality cannot be expected to

reply to: hahoa



Ms. Athena Peanut  
August 4, 1995  
Page 3

exceed federal emission levels with an anticipated small increase in growth as well as sea and mountain breezes in the area.

**4.5 Noise Levels**  
Long term impact of the proposed action on noise levels would still be minimal.

**4.6 Historic and Archaeology**  
HELCO's archaeological consultant's study and findings are contained in the DEA. Please also refer to the comment letter dated July 7, 1995 from the State Historic Preservation Office of the Department of Land and Natural Resources in the final environmental assessment.

**4.8 Traffic**  
The study addresses a realistic scenario of the traffic impacts resulting from the proposed action.

**4.9 Other**  
For those residents and lot owners who choose to participate, benefits would be the ability to operate and maintain typical household functions such as lighting, water heaters and use of other appliances such as color TVs, washers and frost-free refrigerators, through the conventional "grid" system. Hardware, appliance and related retail operations would benefit through the sales of such items to consumers in the subdivisions. Sales of household hardware and appliances would also result in additional state tax revenues.

**4.10 Surrounding Land Uses**  
Your comments have been noted. The project will not significantly impact existing land uses in the immediate vicinity of the alignment.

**4.11 Visual Quality**  
While the short term visual impact in Kalapana Seaview Estates may be somewhat adverse, vegetation and introduced trees, as had occurred in Kehena Beach Estates, will mature and function as visual screening for the overhead distribution poles. Further, if in the future there should be enough subscribers to the electrical service to feasibly place this section of the overhead line below ground, this action could also be considered by HELCO.

**4.12 Social and Economic Impacts**  
Your comments have been noted. Ideally, a community of residents that can exercise their freedom to choose between traditionally supplied electricity through the "grid," solar PV units, or other available means is the expected result of this project. Without the SPPP Unit 71 project, the choice to some of the residents would be limited.

The existing ecosystem is not expected to change as a result of the proposed action. Ocean viewing, sun bathing, and fishing are the coastal attractions in the area, none of which are anticipated to be impeded by the project.

The proposed action is anticipated to possibly result in a small increase of permanent residents who are among the 181 lot owners availing HELCO service within the Kalapana Seaview, Puna Palisades and Kehena Beach Estates subdivisions. It is more likely than not that the lot owners who choose to build homes

nppl:jmh:ko

Ms. Athena Peanut  
August 4, 1995  
Page 4

in one of these subdivisions is attracted to the area because of the rural setting, and not with the intent to create "modern ghettos."


**6.1 No Action**  
Your comment is noted.

**6.3.1 Solar Energy**  
The costs discussed in the DEA describe a PV system with a 1000 watt array for an average, full-scale household that utilizes items including water heaters and color televisions, and frost-free refrigerators, all operating simultaneously. We agree that there are solar PV systems that can cost less--it probably correlates with life-style choices with respect to what a household consists of, as you've described.

HELCO is proposing this project to fulfill its responsibility recognized by the Public Utilities Commission, and within federal, state and county laws and guidelines.

**7.0 Determination**  
As stated in Section 2.2 of the DEA, among the eight triggers for the environmental review process, the proposed action affects one: the use of State lands. The environmental review process for this project included description of the proposed action and existing conditions, and analysis of potential impacts and appropriate mitigation measures. Supplementary studies included flora, fauna, and archaeological resource assessments to determine status of natural and cultural resources in the project area. All technical studies were conducted by qualified consultants and have been included in the environmental documents for public information and review. The overall conclusion with regard to natural and cultural resources is that the project will have minimal short and long term impacts on these existing conditions. Therefore, an environmental impact statement would not be necessary.

Sincerely,

  
Colette Sakoda  
Project Manager

cc: HELCO, R. Ratliff  
County Public Works, D. Kiyosaki  
OLEQC, G. Gill  
DLNR, M. Wilson  
PUC, R. Nakanishi  
Congresswoman Patsy T. Mink  
A. Levin, State Legislature  
B. Herkes, State Legislature  
Douglas S. Y. Tom, Planning Program Mgr., CZM Program  
Keiko Book-Abramson, Chair, Hawaii County Council  
J. Anakahi, Hawaii County Council

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

which agencies presently have responsibility for the regulation of Helco's and R.M. Towill's actions regarding SSPP Unit-71 and the fines to be rightfully imposed on them? Have these agencies been notified of these violations and at what point in time will they notify Helco that they are to be held accountable for their illegal actions?

RR 2  
Box 4519  
Pahoa, HI 96778  
July 7, 1995

Deputy Chief Engineer  
The County of Hawai'i  
Department of Public Works  
25 Aupuni Street, Room 202  
Hilo, HI 96720

Attn.: Jiro Sumada (961-8321)

Re: Second Draft Environmental Assessment  
SSPP Unit 71, Kehena-Keekae Homesite, Puna, Hawaii

After careful analysis of the Second Draft Environmental Assessment by myself and many residents of Hawai'i with whom I am associated, this report has been found to more resemble an after-the-fact rationalization of an illegally installed SSPP rather than a clear, honest appraisal of a proposed project and its repercussions. Our community, the State, many individuals, journalists here and on the mainland are deeply concerned about this document clearly being utilized for the purposes of distorting history for seemingly private agendas when the intent and purposes of the Hawai'i State Environmental Review Process is facilitate the review, protection and guardianship of this paradise, our home, Hawai'i.

It is an exceedingly difficult task to analyze a document which flips verb tenses so sporadically in reference to when something did or did not occur and generally lacks the professional continuity one would expect from an established surveyor hired for the purposes of an objective environmental review.

I question the process by which a contracted surveyor is hired by a public monopoly to complete an analysis which, by necessity, mandates objectivity. I respectfully ask you: How has such a deep conflict of interest been accepted into the Hawai'i State Environmental Review Process and how might we be assured that this problem be corrected for future proposed development?

I, my journalist associates and the entire public are eager to learn what action is to be taken by which agency in regards to the fines owed by Helco for the violation of environmental law and for R. M. Towill's clearly deliberate and conscious attempt to present a false, misleading and incomplete Draft Environmental Assessment to the citizens of Hawai'i. I am specifically interested to hear from you in regards to what other violations have occurred thus far in the history of the Hawai'i State Environmental Review Process. What regulatory agencies have been accountable for imposing the fines for these violations in the past? In particular,

Despite the questionable validity of this Second Draft Environmental Assessment, I have attempted to aid R. M. Towill in the production of a clear, honest and objective analysis of this matter, SSPP Unit-71. If, in the event of a third Draft Environmental Assessment prepared by R. M. Towill which so boldly jeers at the truth as the first and second draft, I would like to have the help of your and other public agencies in the selection of another, third-party surveyor chosen either by public panel or jury as Helco and R. M. Towill have, thus far, proven themselves incapable of honestly serving public interest.

In the future, I would like to see matters such as these dealt with in such a manner so that the public's time is not so greatly robbed by the unforgivable actions of institutions in place to and intended to serve the public.

I have spliced excerpts of the Second Draft Environmental Assessment which have failed to explain the truth wholly and completely. My comments will follow each excerpt.

#### SECTION 1 PROJECT SUMMARY

**PROPOSED PROJECT:** Hawaii Electric Light Company, Inc. (HELCO) plans to install a 12.47/7.2 kilovolt (kV) overhead distribution system to serve Special Subdivision Project Provision (SSPP) Unit 71 residential subdivisions in Puna, Hawaii. The project involves 2 phases: Tax Map Key No. 1-2-09; 0X(por) is located on State-owned land. Tax Map Key Nos.: 1-2-30 to 41 through which the HELCO poles and lines will be located in County of Hawaii Rights-of-Ways. GTE Hawaiian Tel will jointly use project poles.

Helco "plans to install a 12.47/7.2 kilovolt (kV) overhead distribution system"? Helco clearly has already installed a 12.47/7.2 kilovolt (kV) overhead distribution system illegally, without permits, against FEMA recommendations, against the wishes of a vast majority of residential property owner occupiers and without proper environmental review as, obviously, this document is a part of this process and therefore makes this process, thus far, incomplete.

**PROJECT AREA:** Phase 1: 8,710 linear feet x 50 feet wide = 435,500 square feet or 9.9 acres Phase 2: 61,350 linear feet throughout the 3 subdivisions.

The project area must be greater than the above figures as the physical infrastructure is already in place for what must be Phase 3 or 4 or 5. Full size poles have been installed to run north up Route 137 so as to service presently unpublished portions of this project. Once again, this project has been published in a segmented form so as to avoid the preparation of an Environmental Impact Statement. For this reason alone, this Second Draft Environmental Assessment, by default, is invalid and incomplete. Note:

"The proposed action must be described in its entirety; therefore, projects should not be done on an incremental basis to avoid the preparation of an environmental impact statement" (OEQQ)

**STATE LAND USE DESIGNATION:** Agriculture

**EXISTING ZONING:** Ag-3A; Ag-1A; Non-conforming lots

Yes, this is an agriculturally zoned area. This is not urbanly zoned as it appears by the looks of the grid installed to apparently service empty land.

**EXISTING APPROVED USE:**

Utility Easement in favor of GTE Hawaiian Tel in Phase 1 portion; GTE Hawaiian Tel poles and lines in County of Hawaii Rights-of-Ways in Phase 2

Have these areas actually been approved for use? See: 2.3.2 Schedule and Cost: "Upon receipt of approval for an easement/right-of-entry from the State ..." Such a word usage so early in the document exemplifies perfectly one the many contradictions and continuity glitches published in this document with the only purpose of deliberately misrepresenting the truth.

**SURROUNDING LAND USE:**

Phase 1: Bounded by Highway 130 northwest (mauka) of the site; vacant and open to the north and south, and mauka areas. Phase 2: Bounded by Highway 137 along the coast; County road ROWs serve the 3 residential subdivisions that are proposed to be served by the project.

As stated above, the physical infrastructure being already in place indicates that this project is planned to do more than "serve the 3 residential subdivisions ... to be served by the project." What areas are Phase 3, 4, 5, etc. to service?

## SECTION 2 PROJECT DESCRIPTION

### 2.1 Background and Location

Hawaii Electric Light Company, Inc. (HELCO) proposes to construct a 12.47/7.2 kilovolt (kV) overhead electrical distribution system that will serve three residential subdivisions in the Kehena, Keeke Puna homesteads district of Puna on the Island of Hawaii ...

Again, Helco proposes to do something that has already occurred? Which is it, past or future tense? Or is the unpublished portion of this project the proposed part?

About 1,200 lots within these three subdivisions would be eligible for service upon completion of the proposed project.

It is interesting to finally see in print the fact that Helco intends to serve customers that do not exist when the PUC has approved this project for what has now clearly been proven to be fabricated demographics. Servicing 1,200 lots for 187 contract signers of which only 27 are residential owner occupiers is not the basis on which to spend well over \$1.8 million of ratepayers (not shareholders) hard earned money. (These numbers were given to the Hon. Patsy T. Mink by R. M. Towill using Helco's own information.) Since there is clearly a large portion of this project which is yet unpublished, this kind of expenditure must be for something other than the delivery of electricity to 27 families in the three subdivisions.

The project, known as the Special Subdivision Project Provision (SSPP) Program Unit-71, in its entirety includes the installation of six 35-foot, 235 40-foot, 103 45-foot and one 55-foot poles, and 155 anchors.

"... six 35-foot, 235 40-foot, 103 45-foot and one 55-foot poles, and 155 anchors." for 27 families?

The objective of the SSPP Unit-71 program for rural electrification is for HELCO to provide electricity where required at an affordable cost to its customers.

If this was truly Helco's aim then they would not have so rapidly installed this project illegally with so little public demand and when there has been such greater demand for this type of service elsewhere on this same island. This project serves only moneyed interests and ignores the very real needs of potential customers in this area and, indeed, the greater, long term needs of the whole of Hawaii. Solar is what is required and what is affordable to these prospective Helco customers.

This kind of comment also has absolutely nothing to do with the analysis of the affected environment adjacent to or in the project area; this is Helco's company rhetoric. What is a comment of this nature doing in a draft EA?

The proposed project consists of two phases (Figure 3). Phase 1 consists of an 8,710 foot long portion of the ...

Again this is referred to as a proposed project. Again, one does not spend well over \$1.8 million to service a handful of customers when there are better opportunities elsewhere. Phases 1 and 2 are installed or *proposed* only for the potential profit reaped from them *in combination with* the the potential profits from Phases 3, 4, 5, etc. Again, this project is published in segmented form: it is invalid by default.

## 2.2 Determination

Based on the interest expressed in the project, HELCO determined that an expanded EA containing descriptions of the portion of the project that includes County of Hawaii rights-of ways should be published in order to facilitate public input.

Wrong. This expanded EA was published because Helco was made to adhere to the law by the citizens of Hawai'i taking them to court while spending their own hard earned cash to cover the legal costs. The people of Hawai'i took Helco to court and proved, without question, that Helco has no regard for environmental law and that Helco needs to be made to adhere to the law because they will not do it on their own.

This EA provides detailed information on the proposed action, existing environmental conditions, and an assessment of probable impacts and mitigation measures.

This EA provides lies and made-up facts (see directly below for one of the many of these). This EA provides *some* detailed information on *some* of the information concerning the *existing* and *proposed* action.

The project was determined to be exempt from County of Hawaii Special Management Area (SMA) requirements under Section 9-4((10)B.iv) of Rule 9 of the Planning Commission. Further, in accordance with the State OEQC exemption list, the County of Hawaii Department of Public Works determined that the proposed project falls within Exemption classes #2 and #4, and is therefore exempt from the requirements of Chapter 343, HRS.

This is a lie. Helco was proven in the Third Circuit Court in January to NOT be exempt in any way, whatsoever. Again, R. M. Towill has lied and made an out-

of-context comment justifying Helco's *past* actions which has absolutely nothing to do with the sole, objective analysis of the affected environment.

However, HELCO has decided to prepare an SMA permit application in the interest of facilitating public comment.

... in the interest of ADHERING TO THE LAW!

## 2.3 Project Features

The proposed 12.47/7.2 kV distribution line will consist of three primary aluminum conductors.

Proposed? Which Phase? Phase number four, five?

The construction process for Phase 1 may be accomplished either by ground or helicopter. The location of the line determines the method of stringing. Use of helicopters saves time and cost, however, such use should be exercised only in open country, at sufficient distances from residential areas and highly traveled roads. In order to avoid the potential noise disturbance and property damage caused by helicopter rotor backwash, ground stringing methods will be used in the remainder of the project area of Phase 2. Using the ground method, an average of one mile of conductor can be installed per day. Using one helicopter, an average of 2 to 3 miles of conductor can be installed per day.

This "proposed" project "may be" accomplished by helicopter? Helco wishes to "avoid the potential noise disturbance and property damage caused by helicopter rotor backwash"? ... ground stringing methods will be used in the remainder of the project area of Phase 2?

This passage shows concretely the deliberate effort on R. M. Towill's behalf to consciously rewrite a falsified version of some kind of future history which is already to late to ever happen. The writer of this passage is very aware of the fact that Helco *has already used* helicopters in the residential area of Phase 2, first thing in the morning, with only three days public notice, directly over occupied family residences with children, while ignoring the *actual* "noise disturbance and property damage" *already* "caused by helicopter rotor backwash ..."

The writer of this passage has made the conscious, deliberate effort to lead the reader of this document into the false belief that Helco cares about Hawai'i residents' feelings or their physical safety and that Helco has not *already* engaged in the above described activity.

The writer of this passage must not be aware that I shot, and can produce as evidence, video footage of Helco's *past* use of a helicopter as described above.

It is my opinion that this figure will far exceed \$2 million particularly when one includes the unpublished portions. I will be interested to see the final figure and how far off it is from the figure on which the PUC gave approval.

### 2.3.3 Maintenance

Tree-trimming will be conducted as needed, to help avert threats to public safety and power outages due to overgrown branches.

As stated above, the public is losing any faith that Helco is interested in thwarting threats to public safety judging by past events. Proposed events seem to be more a needless slaughter of trees only in the interest of producing private profit and contrary to popular opinion, federal, state and county laws, regulations, recommendations and guidelines.

Power outages do not occur with solar energy systems and, therefore, certainly not from interference from "overgrown" branches.

## SECTION 3

### DESCRIPTION OF THE AFFECTED ENVIRONMENT

#### 3.1.1. Geologic Characteristics

The proposed alignment is located on the lower east slopes of Kilauea volcano. The lava flows have created an irregular, undulating landscape. Within the last 500 years, many lava flows from the Kilauea summit have entered the corridor region. Most of the recent flows in the region have been emitted from Kilauea's east rift zone, including an 1840 and 1955 flow.

This is a noteworthy observation but what about the flow four miles away covering Kalapana in the 1980's and 1990's?

The majority of the project area is dominated by a 1955 lava flow.

Yes, there was a flow here just forty years ago.

#### 3.1.2. Lava Flow Hazard Zone

According to the U.S. Geological Survey, the project site is located in Lava-Flow Hazard Zones 1 and 2 (Map dated 1992, produced using U.S. Geological Survey base, Hawaii, 1975)

This is Lava-Flow Hazard Zones 1 and 2, correct. It is surprising to see R. M. Towill miss FEMA Hazard Mitigation Report 864 after having been reminded so

This passage is, once again, Helco's own company rhetoric. Again, what has this to do with the publishing of an EA and what is it doing in this document?

The writer of this passage hasn't a moral regard for the truth and should not be granted the responsibility for a matter of such great importance.

Tree cable design will be used in Kehena Beach Estates.

Should a draft EA not clearly explain what "tree cable design" is and what this means if it is to affect the trees and consequently the area residents?

The contractor will be required by HELCO to implement appropriate traffic and equipment management practices to ensure pedestrians' health and safety at all times.

Helco has proven itself to not be trustworthy regarding "pedestrians' health and safety" after having witnessed their use of a helicopter directly over family homes with children inside. Should we not elect a different institution to oversee pedestrians' health and safety other than Helco with their lacking moral regard for anyone's situation but their's and their shareholders'?

#### 2.3.2 Schedule and Cost

Upon receipt of approval for an easement/right-of-entry from the State, construction can be expected to begin soon thereafter. Construction for Phase 1 is expected to take about three to four weeks. Work for Phase 2 is expected to take four to six weeks after receipt of the SMA permit from the County of Hawaii.

This passage is short yet rich with questionable word usage. Work is expected to take four to six weeks when in fact it already occurred months ago? It will occur after receipt of this SMA permit which hasn't yet been issued which Helco is claiming exemption from and claims it doesn't need any prior to construction anyway? Why is Helco applying for a permit that it says it doesn't need? Helco has been proven to have already violated the law whether or not they receive a future permit.

I need not analyze this document any further to prove with judicial precision and verifiable references that this document was drafted by individuals with a grave conflict of interest with the deliberate, conscious intent to use words in such a way as to mask reality.

The design and construction of Phases 1 and 2 are expected to cost approximately \$1.8 million (1994 dollars).

many times in recent months with responses from the First Draft EA. FEMA Hazard Mitigation Report 864 recommends not to encourage development and increased population density in Lava-Flow Hazard Zones 1 and 2.

The importance of this hazard information for planning purposes results from the interaction of the hazard with human activities that create risk.

Yes, this is true.

Earthquake epicenters are also concentrated along the east rift zone. As a result, there is a higher risk for potential lava flows and seismic hazards near the Kilauea east rift zone.

And this is true too.

### 3.1.5. Air Quality

The present air quality in the Puna area is good most of the time since the area is not highly urbanized.

This will change with the increased population density encouraged by this project. This is an important fact which has been omitted.

Air quality in the Puna area is also effected by the Puna Geothermal development, which is located approximately 5 miles north of the proposed project site. Gases emitted from geothermal wells and associated with geothermal steam are similar to volcanic fume, except that all the sulfur in geothermal steam is in its unoxidized form, i.e., hydrogen sulfide. It oxidizes to SO<sub>2</sub> when it mixes with air (Puna Community Development Plan, Community Management Associates, Inc., 1992). Due to the toxicity of hydrogen sulfide at high concentrations, the State of Hawaii Department of Health has been studying hydrogen sulfide levels produced by geothermal power plants for the past 14 years. Currently, State standards for hydrogen sulfide have not been developed.

The fact that PGV's development will be encouraged by this project has been ignored. This community has always opposed the development of PGV and always will be. This passage acknowledges PGV but does not really say anything relevant or useful.

### 3.1.6. Noise Levels

Due to the rural character of the region and the relative absence of urban uses and highway traffic, noise levels throughout much of the project area are quite low. Prevalent noise during the daytime hours is from distant traffic, wind, birds, and insects.

This will change with the increased population density encouraged by this project. Again, this is an important fact which has been omitted.

### 3.2 Biological Characteristics

#### 3.2.2. Fauna

An faunal survey was conducted by Rana Productions in early April 1995. The results of the survey are summarized below, and the report in its entirety is included as Appendix B.

Although no threatened or endangered avian or mammalian species were detected during the survey it is expected that there is some usage of the site by five species. These species are the Hawaiian Hawk, Newell's Shearwater, Dark-rumped Petrel, Band-rumped Storm Petrel, and Hawaiian hoary bat.

It is "expected that there is some usage of the site by five species"? How can a faunal survey miss completely its objective? An Environmental Impact Statement will have to be prepared to analyze the threat to these endangered species widely known to inhabit or frequent this area.

### 3.3 Historical and Archaeological Resources

An Archaeological Impact Study was conducted by Cultural Surveys Hawaii of Phases 1 and 2 project areas in April 1995. The results of the study are summarized in this section, and the report in its entirety is found as Appendix C of this document.

Further population increases will prohibit the preservation of the archeological sites in this area.

#### 3.5.2. Electrical and Communication

Sharing of the same utility poles within subdivisions often occurs between the two utility companies.

The joint pole process was completed last year between Helco and GTE according to GTE workers in this area. This is new and of far greater magnitude than last year's minor alterations to the telephone infrastructure.

### 3.6 Visual Character

The Puna region has a clearly rural visual character exemplified by the natural vegetation and low-density development. Most of Phase I of the project area's gentle sloping topography allows wide-angle or panoramic views across areas with scrub vegetation and recent lava flows.

This is a good description though the future repercussions of build-out have been clearly omitted.

Overhead electrical poles and lines that have been installed (but not yet activated) between late 1994 and early 1995 have been introduced into the landscape alongside existing telephone poles.

Here, half way through the body of this document is the first mention of the project's construction using a past tense verb.

Overhead electrical poles and lines that have not been "introduced" into the landscape alongside existing telephone poles, they have been imposed on the land and have totally destroyed any visual character as described above for a vast part of this and the surrounding area.

### 3.7 Socio-Economic Characteristics

As has been the case in the past, additional population growth will generate housing development in Puna rather than vice-versa. Since there are no proposals for major residential home development in this area, the general prospect is for continued development of single homes on undeveloped subdivision lots.

This is precisely 180° from the truth and other parts of this document. Ugly, prefabricated "shoebox" houses have been built very rapidly (147 houses since April according to R. M. Towill) as a direct result of the prospect of grid power in this area.

The following describes and defines what "rural" lifestyle might mean to Puna residents (source: Pohiiki Geothermal Transmission Lines EIS, 1989). Other independent lifestyle values are also operating in the community. For example:

- Jobs. People in Puna are seriously concerned about the district's economic future. A commonly reported problem in survey conducted in 1982 was lack of job opportunities.

Electricity will not necessarily increase employment in this area as assumed by this statement.

- Services. Although the Puna lifestyle image is one of independence and a pioneering spirit, the residents are demanding better infrastructure and services.

Yes, a very small minority of newcomers have signed contracts with Helco; 27 resident property owners. This is not worth warranting \$1.8 million of ratepayers money.

- Education. People in the Puna area place a high value on education. Education is usually associated with upward mobility and economic success.

We are home-schooling our children at higher standards than public schools are capable using computers powered by the sun. There is little room for improvement and the grid will certainly not help a child's motivation to learn.

- "Off-Grid" Energy. Because of its undeveloped, off-grid subdivisions and the do-it-yourselfers attracted to those remote locations...

Yes, this is correct. For 25 years this do-it-yourself community has been solar powered.

Since publication of the Draft Environmental Assessment on December 23, 1994 for the subject project, comment letters were received from Puna residents and concerned individuals in the area. The concerns expressed a desire among some residents to maintain an independence from the more traditional "grid system" of electrical energy service that HELCO is proposing to provide through the subject project.

These present values can be expected to persist in the future with or without the proposed project.

Yes, our high moral standards in respect to the environment, the wishes of native Hawaiians and the adherence to a low-impact lifestyle will not change. With the forced project in our community our resolve has been strengthened and environmental activists have been awakened into action overnight. These values will persist in the future within the vast majority (not just "some") of affected residents and property owners... yes this is true.

### 3.8 Electric and Magnetic Fields (EMF)

I would not have expected to see the true health effects of EMF to be covered here judging by the impotence of this entire document so far. R. M. Towill has rejected the validity of the real concerns of a majority of affected residents. This

should be covered comprehensively in future analysis as many letters have been received by R. M. Towill concerning this matter. I personally have too much solid evidence to warrant discussion regarding EMF. EMF is poison and area residents are fully aware of this.

#### SECTION 4 PROBABLE IMPACTS AND MITIGATION MEASURES

The proposed construction of the electrical distribution system is expected to result in minimal adverse impact on the existing environment because construction will occur within an existing right-of-way currently occupied by a GTE Hawaiian Tel communication line.

This project has already impacted the environment severely. To ignore this is to jeer at the truth.

Long term impacts will essentially be positive in that the new system will provide electricity to the residents of the Kalapana Seaview, Puna Beach Palisades, and Kehena Beach Estates subdivisions.

Exactly what benefits? This is not a benefit to the community in any way, shape or form. Decisions cannot be made accurately from Honolulu regarding an area that is not frequented by the drafters of this document.

##### 4.1 Geologic Hazards

The proposed alignment is expected to be at sufficient enough distance from the Kilauea east rift zone to reduce any risk of damage from lava overrunning the line.

Kalapana, four miles away, is evidence to the contrary. This area cannot be "at sufficient enough distance from the Kilauea east rift zone" as it is in fact *within* the east rift zone.

Although seismic events are probable throughout the alignment.

Seismic events are not probable: they are a daily occurrence.

##### 4.2 Flora

Kehena subdivision is the only subdivision which may require any tree removal (coconut palms), and these trees are not indigenous to the area. The developers of the Kehena subdivision planted three hundred coconut palms to delineate lot lines. The palms lie within the County of Hawaii easements, and over the past 30 years

the palms have multiplied from the original 300 to approximately 1,300. Falling fronds and coconuts from the increasing number of palms along the narrow streets of the Kehena subdivision pose a safety hazard to pedestrians.

It is utterly ridiculous to have a surveyor from Honolulu speculate what is valuable to this area without having lived here. The coconuts cannot be a "safety hazard to pedestrians" when they are so well maintained by the residents of Kehena. To have them removed for the three households in Kehena to receive electricity is insane thinking. These trees are the heart of Kehena. Removal of them will result in further public outrage.

Tree removal in the kipuka will be kept to a minimum.

Helco and Jakunski Tree Service have no business removing a *single* tree from this Eden.

Due to the maintenance of the line, HELCO's policy of selectively using herbicides in the right-of-way will eliminate chances of killing any host plants or of herbicides percolating down into caves and directly affecting animals.

Is R. M. Towill proposing to solve a problem that presently does not exist? ALL plants in this area are beautiful and shall remain exactly where they are.

Other than the effects of direct physical disturbance to areas along the proposed alignment during construction and maintenance activity, the transmission line's probable impact on nearby ecosystems is expected to be negligible. The possibility of fire due to arcing or spark discharge from conductors is extremely remote.

This one passage could easily be the bulk of this document if truth were fully explained. Even though R. M. Towill considers these risks to be "minimal", history would dictate otherwise. Note the recent 1000 Friends of Kauai case concerning the federally endangered 'A'o bird (R. M. Towill is very well aware of this case) and note recent fires on Oahu sparked by arcing overhead powerlines.

##### 4.3 Fauna

The placement of another line on the existing poles that descend from Highway 130 to the coast will have negligible effect on the avian and mammalian species present on the project site. The installation of a set of poles and a transmission line on the north side of Highway 137 may have an effect on the passage of transiting seabirds. It should be borne in mind that at least in the Kalapana subdivision there are already poles and lines going in all directions. The placement of another line on the existing poles that descend from Highway 130 to the coast should have a negligible effect on the avian and mammalian species present on the site.



This passage expresses a conscious, deliberate effort to conceal the threats unique to the 'A'o bird. R. M. Towill has specific knowledge of 1000 Friends of Kauai's case and the federally endangered 'A'o bird and has made the deliberate choice to exclude this data from this document so as to avoid, on Helco's behalf, the preparation of an EIS and therefore the engagement of the Endangered Species Act. This data has been washed over since R. M. Towill has not done a complete faunal survey which would reveal the abundance of the 'A'o in this area.

#### 4.4 Air Quality

Please see above comments concerning PGV.

#### 4.5 Noise Levels

There will be temporary and localized noise level impacts during construction of the project; however all pertinent State noise control regulations and ordinances will be complied with.

Does this *future* action also include the thunderous use of a helicopter which has already occurred in Phase 2?

Noise generated by the construction equipment will contribute to the noise along the roadway. Although this noise generation will be of short duration, the levels will be substantially higher than ambient noise levels along much of the alignment. Noise emissions generated by various pieces of equipment such as trucks, backhoes, and jack hammers range from 70 to 95 dBA at 50 feet from the source. These outdoor noise levels will be loud enough to interfere with human speech within approximately a half-mile of the construction site.

I feel that branches breaking in residents' backyards due to low level flying of the Helco helicopter has stolen any legitimacy from the above statement.

Any noise impacts due to helicopters will be temporary, and duration of pole and line installation activities with the use of helicopters will be done quickly and efficiently to minimize such impacts. Other construction noise will be controlled and mitigated as required to meet State standards.

I needn't repeat myself.

#### 4.7 Electric and Magnetic Fields

The preponderance of scientific research indicates that there are no adverse health effects associated with EMF from electrical power lines. The State Department of

Health has indicated as a matter of policy that they do not consider EMF standards to be appropriate at this time. The EMF exposure from the proposed distribution line will be comparable to that which results from normal use of household appliances.

I have much concrete evidence from many U. S. institutions and other countries which prove conclusively that the above statement is a lie. Any opinion to the contrary is borne from either denial or ignorance.

Although adverse health effects have not been clearly demonstrated . . .

These adverse health effects have been documented for decades and have been clearly demonstrated over and over. From where is R. M. Towill drawing its out-of-date data?

#### 4.8 Traffic

Construction of the proposed line will create short-term impacts on traffic conditions along Highway 130 in the vicinity of Keeke and Kalapana.

Again, the crux meaning of an EA has been deliberately averted by R. M. Towill. This project and its unpublished portions will clearly increase population density and therefore traffic.

#### 4.9 Other

Beneficial effects on public health and safety will result from the proposed project. The new distribution line will provide electrical power to residential lots of Kalapana Seaview, Puna Beach Palisade, and Kehena Beach Estates (Figure 6) who desire such service from HELCO.

How will the introduction of more toxic fumes, EMF and build-out produce "beneficial effects on public health and safety" I would love to know. What are these beneficial effects? Who desires this service? Mostly off island speculators and developers; NOT State of Hawai'i, residential-family, owner occupiers!

#### 4.10 Surrounding Land Uses

The project will not significantly impact existing land uses in the immediate vicinity of the proposed alignment.

This statement is contradicted by the following statement:

A secondary impact is that the project may promote development in the long run. Of the total 1,280 residential lots in the project area's three subdivisions, 146 homes have been built as of April 1995. More lots within these subdivisions may be developed with the availability of electrical power.

This is a massive amount of construction for this area which is a direct by-product of this project. How can this be the only mention of such an important piece of information when the entire document mandates the inclusion of this data for many different subjects throughout. R. M. Towill lacks the ability to construct a draft EA with clarity, continuity and honesty... all being fundamentally necessary traits in the accomplishment of this goal.

#### 4.11 Visual Quality

The change in views with the proposed project will be a qualitative difference from views without the proposed electrical polelines.

Will be? Is. I needn't repeat myself.

#### 4.12 Social and Economic Impacts

After construction, the project will have little direct or indirect effect on employment levels, since the maintenance requirements for a transmission line are not substantial.

Earlier in the document, R. M. Towill boasts the beneficial effects of raising our social mobility due to the construction of this illegal project. Here they state otherwise in a different context. Which is it R. M. Towill?

As a secondary impact, installation of the proposed electrical distribution system may facilitate development of the residential dwellings within the three subdivisions that the project was intended to serve.

Yes, this is true. Why was this fact consciously ignored in areas of the document where this information is essential to an honest appraisal of the matter?

#### SECTION 5

##### IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Construction of the proposed project will require an irreversible commitment of capital, labor, construction materials and fossil fuels.

The installed portion has already committed these resources. The most valuable of resources has been irremediable loss of the community's time attempting to shine the objective light of truth on this matter.

#### SECTION 6 ALTERNATIVES TO THE PROPOSED ACTION

The alternatives considered for this evaluation include the "no project" option, underground location of the proposed distribution system, and alternative energy sources.

##### 6.1 No Action

The no action alternative would result if the distribution line was not built. The existing GTE Hawaiian Tel line would remain intact with no foreseeable construction occurring within the easement. For those potential customers who have been anticipating HELCO service, the no action alternative would be an adverse alternative.

"No Action" is the pure genius offered repetitively by the majority of the affected community prior to and during construction. If this was ever seriously considered an option by Helco then I would have been one of the first to know.

Again, R. M. Towill has juggled verb tenses. "No Action" is not a process which can be reversed by future events when they have already occurred. The point of "No Action" has been passed months ago. Earlier in this document, R. M. Towill refers to the past tense model of Phase 2 having already occurred: what model of time is/was/will R. M. Towill use?

In this "no action" alternative, residential properties in the three Kalapana subdivisions would be foregoing electricity from HELCO as a power source thereby necessitating residents to seek alternative forms of energy other than that which utilizes primary sources from HELCO. The SSPP program was created to address the needs of residents in qualifying rural subdivisions who wanted to receive electrical service but could not afford to pay the entire cost of a line extension to their property. This program allows the community to share in the cost of overhead line extensions which front their properties, making these extensions affordable and fair to all lot owners. Should existing lines located at a greater distance from the residential lots need to be tapped for service due to the no action option, the cost of acquiring electric service may be higher than anticipated.

This is yet more evidence that R. M. Towill has a vested interest in distorting the truth. Rhetoric originating from Helco is the responsibility of Helco, not surveyors hired solely to assess the affected environment. I will agree that

spreading one third of \$1.8 million between the 27 contract holding resident property owners will certainly make "the cost of acquiring electric service... higher than anticipated" as this figure will surely be higher than the price quoted by Helco to its prospective customers and to PUC for project approval. This comes as no surprise to a vast majority of affected residents and property owners who have and will continue to produce electricity at home.

#### 6.2 Underground Cable

I agree with R. M. Towill on the unfeasibility of underground lines though it is certainly the only option if Helco plans to deliver grid power *without* harming the federally endangered 'A'o bird.

#### 6.3 Solar Energy, Biomass, and Wind Power

##### 6.3.1 Solar Energy

To encourage the installation of these systems the State of Hawaii offers a 35 percent tax credit...

To propose or install any other form of power generation other than solar in this region is the sign of a subjective profit motive. Denial of this fact cannot be overlooked by any institution, individual or public agency involved in this matter.

Advances in photovoltaic (solar electric) technology have reduced costs from \$1.50 per kilowatt hour in 1980 to \$0.20-\$0.30 per kilowatt hour in 1990 and costs are expected to continue to decline.

This is true and the trend has continued past 1990. We now have state-of-the-art PV systems knocking out a whopping 1,000 watts for far less than anything Helco can offer for the same yet *unreliable* service.

#### SECTION 7 DETERMINATION

The impacts resulting from the proposed project are expected to be short-term and construction related. County and State rules and regulations will be adhered to in order to mitigate any potentially adverse impacts from heavy construction of equipment, trucks and helicopters during construction and installation of the distribution line.

This passage is complete rubbish. The long term impacts are already irreversible and detrimental to this delicate environment as the resulting EIS will prove.

County and State rules and regulations have already been deliberately ignored by Helco with resulting detriment to the environment. Why should I be lead to believe that this behavior pattern will suddenly change?

Because the project is not expected to result in adverse short- or long-term environmental impacts, an Environmental Impact Statement may not be needed.

This is the thoroughly outrageous statement that R. M. Towill has been leading to throughout this document and is the reason that R. M. Towill should never be granted the responsibility of preparing an Environmental Assessment ever again under any circumstances.

To put such effort into building such a false image of circumstances and events external to R. M. Towill is criminal and should be publicly acknowledged as such.

The core truth of this matter is that Helco has been aware from the start that the preparation of an EIS prior to construction of this "proposed" project would have resulted in a forced "No Action" or "Solar Option" due to the nature of this pristine environment and the federally-endangered and threatened species inhabiting it. Helco wants to benefit financially with *us* without a lava hazard obliterating the project site as the ratepayer swallows the bill either way and their shareholders will remain financially protected. Helco stands to make less money for their shareholders with the "Solar Option" and has made this point very clear by their illegal, purely profit motivated actions. R. M. Towill is responsible for aiding, abetting and, if nothing else, rationalizing the criminal destruction of our community and its environment. These institutions will be made legally accountable.

#### 7.1 Permits

HELCO is in the process of preparing a Special Management Area Permit and Chapter 343, HRS environmental document.

Is this not the same Special Management Area Permit which R. M. Towill claimed Helco was exempt from earlier in this document? Is R. M. Towill stating that Helco is or is not presently in violation of environmental law?

SECTION 8  
PARTIES AND AGENCIES CONSULTED

8.2 Comments on Draft Environmental Assessment for State-Owned Portion.

Overall, the comments received reflected these individuals' concerns that the overhead electrical lines in the coastal area would adversely impact existing resources, including views, natural beauty, and reported flight paths of seabirds. While the focus of the subject EA is on a portion of the proposed project that would involve State-owned land only, comments were taken under advisement, and appropriate sections of the EA, particularly where the project or vicinity was described, were amended.

This passage is a beautiful representation of the length to which R. M. Towill has gone to sabotage the Hawai'i State Environmental Review Process.

Firstly, R. M. Towill has implied, in the above passage, that it is out of courtesy that they accepted comments on the *entire* project when in fact it was they who first published the First Draft EA in *segmented* form in contradiction to the Hawai'i State Environmental Review Process and that accepting public comment is required (not accepted amiably by the grace of good manners).

Secondly, "these individuals' concerns" are not merely the "concerns" of "these individuals" (as R. M. Towill has so disrespectfully referred to their fellow residents of Hawai'i). *We live here*, it is our right to comment and to have our comments accepted. We, have and will continue to present R. M. Towill with solid, factual data as we did for the First Draft EA. Our hard facts cannot be sloughed off as "these individuals' concerns". In particular, we "reported flight paths of seabirds". We specifically reported the flight paths of the federally endangered 'A'o bird widely known to inhabit this affected area. At the end of this passage, R. M. Towill claims to have amended the Second Draft EA with our "concerns" when in fact very little amendment has been made that would appear to directly acknowledge the specific, detailed and accurate comments made by the public. Again, it is not the responsibility of the drafters of an EA to include or exclude that which is something other than the task at hand ... preparing an assessment of this affected environment and this project's repercussions. R. M. Towill has proved itself impotent for this purpose.

SECTION 9  
REFERENCES

Kalani Honua Direct Sale of Utility Easement Environmental Assessment, March 1993.


The fact that this document in particular is used as a reference only adds more weight to the argument that this project is planned to be more than just Phase 1 and 2 and that once again, R. M. Towill has published in segmented form.

This Second Draft Environmental Assessment is invalid by default.

On final analysis of the Second Draft Environmental Assessment, I and my associates have little comprehension of how this document cannot be viewed as anything else but a public embarrassment to R. M. Towill and Helco. To focus one's higher intellectual resources on the fabrication of such adolescent lies on such an important matter is far beyond the Christian notion of Sin or the Buddhist perspective on Karma.

For my own conscience, I can rest in the fact that I and many other residents of Hawai'i, are actively engaged as ardent defenders of a Higher Truth and the Aina that we share.

Most sincerely,



David C. Wright

cc: Helco, Ralph Ralific  
R. M. Towill Corp., Colette Sakoda  
OEQC, Gary Gill  
DLNR, Mike Wilson  
Hon. Patsy T Mink  
PUC, Ronald Nakanishi  
Andy Levin, Senator  
Bob Herkes, State Legislature  
Douglas S. Y. Tom, Planning Program Manager, CZM Program  
Keiko Bonk-Abramson, Chair, Hawai'i County Council  
Jimmy Arakaki, Hawai'i County Council

# R. M. TOWILL CORPORATION

420 WAIKAMUI RD #411 HONOLULU, HI 96817-4041 (808) 848-1133 FAX (808) 848-1037

August 4, 1995

Mr. David C. Wright  
RR 2  
Box 4519  
Pahoa, HI 96778

Dear Mr. Wright:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit 71 12.477.2 kV Overhead Distribution System, Puna, Hawaii.

We have received your letter of July 7, 1995 regarding the subject project. The following has been prepared in response to your comments.

With respect to HELCO's actions, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit from the County of Hawaii. No illegal action has occurred in this project.

#### Section 1. Project Summary

As stated in the DEA, the poles in Phase 2 have been installed. Cable stringing is yet to be done in parts of this phase. Phase 1 has not yet proceeded, as the Chapter 343, HRS environmental assessment and subsequent easement request are being prepared. No work has been conducted illegally.

#### Project Area

The SSPP Unit 71 12.477.2 kV project is described in its entirety in the DEA.

#### Existing Approved Use

GTE Hawaiian Tel received approval from the Board of Land and Natural Resources in 1984, and has been servicing the same project area for about ten years.

#### Surrounding Land Use

To reiterate, the SSPP Unit 71 12.477.2 kV project is proposed to service Kalpana Seaview, Puna Palisades, and Kahoma Beach Estates subdivisions. No other phases are involved in this project.

#### Section 2. Project Description

Please refer to Section 1 Project Summary above.

With regard to your recommendation that solar is required for those who are awaiting HELCO service, your comment has been noted. Ideally, a community of residents that can exercise their freedom to choose between traditionally supplied electricity through the "grid," solar PV units, or other available means is the expected result of this project. Without the SSPP Unit 71 project, the choice to some of the residents would be limited.

In response to your question regarding the need for a definition of the objective of the SSPP Unit 71 program,

reply lra helco

Mr. David C. Wright  
August 4, 1995  
Page 2

the statement is a legitimate part of the Project Description.

#### 2.2 Determination

The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal acts.

#### 2.3 Project Features

As stated in the DEA, the cable stringing is not yet completed in Phase 2. All of the installation activities in Phase 1 have yet to occur because the Chapter 343, HRS environmental assessment and easement request are being prepared.

Tree cable design includes polyethylene covering over the electrical wire to protect the trees and foliage in areas of heavy vegetation.

#### 2.3.2 Schedule and Cost

Your comments have been noted.

#### 2.3.3 Maintenance

Again, your comments are noted.

#### 3.1.1 Geologic Characteristics

Your observation regarding the 1990 flow four miles away is noted.

#### 3.1.2 Lava Flow Hazard Zones

Your comments have been noted. There are 181 participants in the three subdivisions who are awaiting HELCO service.

#### 3.1.5 Air Quality

Long term impact of the proposed action on air quality would still be minimal. Increased population may result in additional vehicles in the area. However, the level of ambient air quality would not exceed federal emission levels with the anticipated amount of growth as well as sea and mountain breezes in the area. We appreciate your concern about Puna Geothermal Venture, but its possible future impact on the existing community five miles away has no bearing on the subject project.

#### 3.1.6 Noise Levels

The subject project will have minimal long term impacts on existing noise levels.

#### 3.2 Biological Characteristics

A follow-up radar survey was conducted by our consultants in early July 1995, which is the known nesting period of the Newell's Shearwater. The results and complete report will be included in the final environmental assessment. The follow-up study confirms the original finding that the proposed action will have minimal impact on the avian and mammalian species in the project area.

#### 3.3 Historical and Archeological Resources

The archaeological study referred to concludes that there are no known historical, cultural, architectural

reply lra helco

Engineers Planners Photogrammetrists Surveyors  
Aerial Mapping Environmental Estimation

Mr. David C. Wright  
August 4, 1995  
Page 3

and/or archaeological resources in Phases 1 or 2 of the alignment.

**3.5.2 Electrical and Communication**

There will be joint usage between the two utility companies throughout the project area.

**3.7 Socio-Economic Characteristics**

Your comments are noted. There are 181 lot owners who are awaiting HELCO service via SSPP Unit 71 12.477.2 kV overhead distribution system.

**3.8 Electric and Magnetic Fields**

We are aware of the conflicting studies on this issue. The discussion contained in the DEA is objective.

**4.0 Probable Impacts and Mitigation Measures**

For those residents and lot owners who choose to participate, benefits would be the ability to operate and maintain typical household functions such as lighting, water heating and use of other appliances such as color TV, washers and frost-free refrigerators simultaneously. Hardware, appliance and related retail operations would benefit through the sales of such items to consumers in the subdivisions. Sales of household hardware and appliances would also result in additional state tax revenues.

**4.1 Geologic Hazards**

Those 181 participants in the three subdivisions are expecting HELCO service as their means of obtaining electrical power. As for your suggestion regarding seismic events, the point of the original statement in the DEA is to discuss how the design of the system is focused on handling wind loads.

**4.2 Erosion**

The issue of falling fronds and coconuts is a potential safety hazard, as stated in the DEA. This is true since there are adults and children walking through the area, and they require a five-foot wide shoulder, based on the pavement width of only 16 feet. Not only are the coconut trees a safety hazard, but they are in violation of the Hawaii County Code Section 22-1 with regard to "encroachment" and "obstruction." Subsequently, last year Public Works issued a contract to Jacaranda's Tree Service to de-nut the trees.

Tree cable design is being incorporated into the Kehena Beach Estates alignment where appropriate. This design includes polyethylene covering over the electrical wire to protect the trees and foliage in areas of heavy vegetation.

**4.3 EAVIIB**

A follow-up radar survey was conducted over a four-day period from July 10 to July 14, 1995 in the project area by our fauna consultants. The additional work was scheduled specifically during the Newell's Shearwater nesting season. The findings from this survey are included in the final environmental assessment. The overall conclusion is that the project would have minimal, not substantial impacts on this threatened seabird and the endangered bat.

**4.4 Air Quality**

We appreciate your concern about Puna Geothermal Venture, but its possible future impact on the existing community five miles away has no bearing on the subject project.

reply has been

Mr. David C. Wright  
August 4, 1995  
Page 4

**4.5 Noise Levels**  
Discussion of noise during installation does not include past events.

**4.7 Electric and Magnetic Fields**

We are aware of conflicting studies on the issue of EMF. The discussion contained in the DEA is objective and not out-of-date.

**4.8 Traffic**

The SSPP Unit 71 12.477.2 kV project is described in its entirety in the DEA. Granted any increase in population would result in additional vehicles, but the rate of growth realistically envisioned will still help maintain a rural, non-urban character so described in the DEA and by residents.

**4.9 Other**

Please see response in Section 4.0 Probable Impacts and Mitigation Measures above.

**4.10 Surrounding Land Uses**

The statements cited here make the differentiation between physical impacts on land uses in the immediate area versus secondary impact which refers to potential population increase in the long term.

**4.11 Visual Quality**

Where appropriate distinctions need to be made between existing conditions due to work done in Phase 2 versus work to be done in Phase 1, the final environmental assessment will reflect such discussion.

**4.12 Social and Economic Impacts**

As earlier stated, the subject project is not illegal as you describe here.

Employment levels are hardly related to a discussion of a possible secondary impact of facilitation of what you earlier described (page 11) as "prefabricated 'shoebox' houses" which in many cases were probably erected by owner-builders.

**Section 5 Inevitable and Inevitable Commitments of Resources**

We also need to remind you that this project is not completely installed. Phase 1 has yet to be started as it is located on land owned by the State. The cable has yet to be strung on poles in Phase 2 fronting sections of Highway 137.

**Section 6 Alternatives**

**6.1 No Action**

Your comments are noted.

**6.2 Underground Cable**

As opposed to your reference, the 'A'o is a federally threatened species.

**6.3 Solar Energy, Biomass, and Wind Power**

Your comments are noted.

reply has been

Mr. David C. Wright  
August 4, 1995  
Page 5

**Section 7 Determination**

As stated in Section 2.2 of the DEA, among the eight triggers for the environmental review process, the proposed action affects one: the use of State lands. The environmental review process for this project included description of the proposed action and existing conditions, and analysis of potential impacts and appropriate mitigation measures. Supplementary studies included flora, fauna, and archaeological resource assessments to determine status of natural and cultural resources in the project area. All technical studies were conducted by qualified consultants and have been included in the environmental document for public information and review. The overall conclusion with regard to natural and cultural resources is that the project will have minimal short and long term impacts on these existing conditions. Therefore, an environmental impact statement would not be necessary.

**7.1 Permits**

HELCO is not in violation of any environmental law.

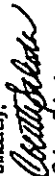
**8.2 Comments on DEA for State-Owned Portion**

Comments received during the initial comment/scoping period were taken under advisement. Appropriate additional technical studies were conducted to objectively determine status of reported natural and cultural resources in the project area. The overall conclusion, as previously stated, is that the project will have minimal short and long term impacts on these existing conditions. Therefore, an EIS would not be necessary.

**Section 9 References**

Citation of the Kalaupapa EA dated 1993 does not constitute anything other than its use as a reference.

Sincerely,

  
Colette Sakoda  
Project Manager

cc: HELCO, R. Railife  
County Public Works, D. Kiyosaki  
OEQC, G. Gill  
DLNR, M. Wilson  
PUC, R. Nakanishi  
Congresswoman Patsy T. Mink  
A. Levin, State Legislature  
B. Herkes, State Legislature  
Douglas S. Y. Tom, Planning Program Mgr., CZM Program  
Keiko Book-Abramson, Chair, Hawaii County Council  
J. Arakaki, Hawaii County Council

Keliens, etc. (see above). Sunday, May 14, 1995 COUNTY OF HAWAII  
 AS YOU CAN SEE THE LETTER 1 and 2 should be allowed to build what they can  
 TO THE EDITOR MAY BE REPEATED. I am sure that this letter is one of the most  
 HURDLE UNDER WELL-DEVELOPED. I am sure that this letter is one of the most  
 THIS PROPOSED PROJECT IS A "geological hazard" spot.  
 EXISTING PROJECTS ARE "They should not have been approved, located  
 BY THE SCIENTIFIC COMMUNITY, BY THE BUREAUCRACY  
 HELICO, MALPA HAWAIIIC  
 P.O. BOX 10000, HONOLULU, HI 96810  
 (CLAYTON SAKODA)  
 DLNR, MIKE WILSON  
 PUC, RONALD HAGANISHI  
 PATSY B. NINE  
 HOUSE OF REPRESENTATIVES  
 ANDY LEVIN, STATE LEGISLATIVE  
 YENING BOWEN, ABBASWON  
 HONOLULU, HAWAII COUNTY/C

THIS IS THE TIME FOR  
 INTELLIGENCE NOT  
 ACCORDANCE  
 THE FUTURE IS IN YOUR HANDS AND WE ARE ASKING HELICO NOT TO BELIEVE  
 HANDLE IT WISELY  
 HANK ROBERTS  
 HONOLULU, HI 96810

WHAT WAS DELETED  
 Hank Roberts  
 Puhou

ALL THOSE WHO LIVE IN GEOLOGICAL HAZARD ZONES 1 & 2-----SHOULD BE ALLOWED  
 TO BUILD THAT THEY CAN AFFORD (NOT FORGETTING KALAPANA). FOR THIS ENTIRE  
 AREA IS ONE OF EARTH'S MOST DANGEROUS "GEOLOGICAL HAZARD" SPOTS-----JUST  
 WAITING TO HAPPEN.

THEY SHOULD NOT HAVE THEIR INTELLIGENCE INSULTED BY THE SCIENTIFIC COMMUNITY,  
 BY THE BUREAUCRATIC COMMUNITY OR BY ANY ILLINOUS INTELLECTUAL---THAT PUTS, FOR  
 ANY REASON, FINANCIAL GAINS BEFORE HUMANITY. MAYBE---UBC (UNIFORM BUILDING CODE  
 SHOULD ALSO STAND FOR "YOU'D BETTER CARE" AND IF FEMA (FEDERAL EMERGENCY MAN-  
 AGENCY) HAS CORRECTLY RECOMMENDED---LOW DENSITY HOUSING IN "LAVA FLOW"  
 HAZARD ZONES 1 & 2---WHY IS "HELICO" BEING ALLOWED TO SATURATE SAID ZONES WITH  
 THEIR ANTIQUATED AND ENVIRONMENTALLY DAMAGING TECHNOLOGY---FINANCIAL GAINS ?

IT IS TIME TO STOP ELIMINATING/DESTROYING PEOPLE THROUGH BUREAUCRACY---WE MUST  
 START HELPING ALL IN NEED AND STOP LAYING BAYOC ON THOSE WHO ARE PIONEERING  
 THE "AMERICAN DREAM"---THE ARCHAIC CONCEPTS THAT HAVE PUT THIS PLANET WHERE  
 IT IS NOW---NOW BEING TESTED---ON ALL LEVELS----

THAT IS WHY WE OF THE SEA-VIEW, PUNA BEACH PALISADES AND KEHEHA SUBDIVISIONS  
 ARE SO ADAMANT IN OUR BELIEF THAT THE TIME FOR DECENTRALIZATION IS NOW AND WE  
 ARE ASKING "HELICO" NOT TO BELLIGERENTLY FORCE ON US THEIR ANTIQUATED AND  
 ENVIRONMENTALLY DAMAGING TECHNOLOGY---RATHER WE, AS PIONEERS, ARE WILLING TO  
 TEST OUT AND EVALUATE THE TECHNOLOGY OF THE FUTURE---EVEN AT THE LOSS OF  
 SOME "CREATURE COMFORTS"---FOR WE WANT IT TO BE KNOWN THAT TO CONTINUE TO  
 REVOLVE AROUND THE SAME ARCHAIC CONCEPTS THAT HAVE PUT US WHERE WE ARE TODAY  
 WILL SOON LEAVE A LEGACY DETRIMENTAL TO LIFE IT'S SELF---THAT IN ORDER TO  
 GUARANTEE OUR DESCENDANTS LIFE WE MUST IMMEDIATELY GET IN TUNE WITH THIS  
 PLANET'S ECOLOGICAL NEEDS---PLANET EARTH IS SPEAKING OUT AND WE HAD BETTER  
 START LISTENING---WE NEED POLITICS THAT PRODUCES POLICIES FOR THE COMMON  
 GOOD OF THE PLANET---NOT THE "POCKETBOOK"---THE EXPERTS GIVE US ABOUT SIX YEARS  
 TO SERIOUSLY START REVERSING THE DAMAGE WE HAVE DONE TO THE BIOSPHERE.

P L A N E T A R Y   D E T O X I F I C A T I O N



**R. M. TOWILL CORPORATION**

480 WAIKEMILIO RD #411 HONOLULU, HI 96817-4041 (808) 848-1133 FAX (808) 848-1037

August 4, 1995

Mr. Hank Roberts  
RR2  
Box 2545  
Paohoa, HI 96778

Dear Mr. Roberts:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.4772 kV  
Overhead Distribution System, Puna, Hawaii

We have received your letter that was postmarked June 28, 1995 regarding the subject project. Your comments have been noted.

Sincerely,

*Colette Saloda*  
Colette Saloda  
Project Manager

cc: HELCO, R. Ratiife  
County Public Works, D. Kiyosaki  
OEQC, G. Gill  
DLNR, M. Wilson  
PUC, R. Nakamishi  
Congresswoman Patsy T. Mink  
A. Levin, State Legislature  
Councilwoman Kello Bork-Abramson

Engineering    Planning    Professional Services    Surveying  
Instruments    Envs    (Tel)    (Fax)

Deputy Chief Engineer  
The County of Hawaii  
Department of Public Works  
25 Aupuni Street, Room 202  
Hilo, HI 96720

Attn: Jim Sumada (961-8321)

Re: Second Draft Environmental Assessment, SSPP Unit 71, Kohena-Koeko, Homestead, Puna, Hawaii.

The residents of Kalapana Seaview Estates do not make these statements to all concerned regarding the above-referenced second draft environmental assessment. The EA is inadequate and inaccurate:

- 1) The exemptions claimed by Helco, granted by the Planning Department and the Department of Public Works, were found invalid by Judge Nakamura. (See attachment #1). Why is R.M. Towill citing bogus exemptions that do not exist?
- 2) Helco was never exempt from permitting within the Special Management Area and is now in direct violation of such permitting and is subject to fines for these infractions.
- 3) There are three known unopened but approved permits for subdivisions in the Red Road area. The Planning Department says two of these projects will definitely be hooked up to SSPP Unit 71, Kalapana Ohana Village and Kalaui Honua's subdivision. The EA is invalid because Helco is not permitted to segment a project. The proposed action must be described in its entirety; therefore, projects should not be done on an incremental basis to avoid the preparation of an environmental impact statement" (OEQC Bulletin regulations). Once again the project is being published in a segmented form which violates the above-stated guideline.
- 4) There are unexercised, approved permits for large development projects in this area. The community wants to know, what are these plans and how does this project fit in to these plans?
- 5) Uses informational material not pertinent to our community.
- 6) Ignores health and welfare of the people and the endangered species.
- 7) How can Helco sell what Helco doesn't have to people who don't want it and make money for their shareholders?
- 8) Ignores lava hazard zone designations as no probable risk yet the electric utility's own insurance company, Hawaiian Insurance Group, canceled coverage in Seaview after the Kalapana flow.
- 9) Trivializes the imminent danger of lava and earthquake risks in the project area. The Kohena area is approximately 4 miles from the 1990 Kalapana flow and 12 to 13 miles from the Puu Ono vent with a bubbling lava lake at its summit. Most of the project is on a 1955 lava flow. Why is Helco willing to risk millions of the ratepayers' dollars on an irretrievable capital investment that is statistical suicide?
- 10) Ignores endangered species reports by US Department of Interior, National Biological Service (Volcano National Park). The project area is habitat for: 1) (the Hawaiian Hawk), A'o (Newell's Shearwater), Dark-rumped Petrel, Band-rumped Storm Petrel, Hawaiian Hoary Bat, Puaa (Hawaiian Owl), Green sea turtle, Hawk's bill turtle, Spinner dolphins and Humpback whales.

11) Conducted a two-day faunal study out of season of a known endangered species (A'o-Newell's Shearwater) inhabiting this area. Two days is not long enough to do an accurate survey of the 'A'o particularly out of season.

12) Red Road residents are NOT demanding infrastructure. The vast majority of residents do not want infrastructure.

13) Deliberately misrepresents the design and cost of solar photovoltaic systems as an alternative to the project. The average use is misrepresented, is 500 watts not 1,000 watts. The cost reported is almost triple what a reliable, quality solar installation of 1,000 watts would cost.

14) The EA is really some kind of historical document for the future to legitimize into mythic history the origins of this questionable project. Nowhere does there appear the slightest acknowledgment of Helco being taken to court by the community, being made to be accountable like everybody else and correction of the unlawful actions and bogus "exemptions".

15) Destroys the solar/alternative community that has existed for more than a quarter of a century.

16) The main purpose of an environmental assessment is to identify the long-term impacts. Why does this EA consistently refuse to address the pertinent long-term impacts of this project?

17) Changes forever the ecosystem and habitat which dictates our Red Road lifestyle. For example, the sea creatures who visit and play at our shores and thus our developing ecotourism industry.

18) Serves only to benefit those who create and maintain modern ghettos. Development on this scale with little effect on employment levels only results in the creation of modern ghettos.

The applicable criteria triggers for an EIS are: 1) Substantially affects the economics or social welfare of the community or state; 2) Involves substantial secondary effects such as population changes or infrastructure demands; 3) Involves a substantial degradation of environmental quality; 4) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment to larger actions; 5) Substantially affects a rare, threatened or endangered species or its habitat; 6) And, affects an environmentally sensitive area, such as a flood plain, tsunami zone, erosion-prone area geologically hazardous land, estuary, freshwater area, or coastal waters. (Source: A Guidebook for the Hawaii State Environmental Review Process).

For the reasons stated above, this Second Draft Environmental Assessment is clearly inadequate and an Environmental Impact Statement is obviously required for this project.

enc (Memo, Judge Nakamura)

copies sent to: R.M. Towill Corp., attn: Collette Sakoda  
420 Waialeale Rd., Room 411  
Honolulu, HI 96187-4941

Helco, Ralph Ratliff  
PO Box 1027  
Hilo, HI 96721

OEQC, Gary Gill, Director  
220 S. King St., Suite 400  
Honolulu, HI 96809

DLNR, Land Management Division  
PO Box 621, attn: Mike Wilson  
Honolulu, HI 96809

Friends of the Red Road v. The County of Hawaii  
Civil No. 93-14  
January 19, 1995

1. Plaintiffs' Motion for Preliminary Injunction, filed on January 11, 1995, shall be granted in part. Defendant Hawaii Electric Company, Inc. ("HELCO") shall be enjoined from cutting down trees or from trimming trees so as to significantly alter their size or shape. In Defendant County of Hawaii's (the "County") rights-of-way or property. In this context, a "significant alteration" results if it will take more than one year for the pre-existing size and shape of a tree to be substantially restored.

2. The basis for this decision is as follows:

a. Plaintiff Friends of the Red Road ("Friends") has or more than one of its members as an association have standing to seek relief.

b. Based upon the state of the evidence presented, there is a probability that Friends will succeed on the merits in regard to its argument that a special management area use permit was required for the HELCO project.

Generally, a special management area permit of some nature is required where "development" is contemplated. "Development" is defined as any of the uses, activities, or operations on land or in or under water, within a special management area. HRS § 205A-22. It includes "construction, reconstruction, demolition, or alteration in the size of any structure." HRS § 205A-22. "Structure" is defined to include any telephones line or electrical power transmission and distribution line. HRS § 205A-22.

The HELCO project entails the removal of telephone poles and the installation of joint utility poles. It clearly constitutes a "development" for the purposes of HRS § 205A-22 because it involves construction or reconstruction of telephone and electrical power transmission and distribution lines. None of the limitations on the definition of "development" set forth in HRS § 205A-22 applies.

The justification provided by the County does not apply. Section 9-410) B. (iv) of the Planning Commission County of Hawaii Rules relates to "repair and maintenance". In regard to the HELCO project, "construction" or "reconstruction" is involved. Further, the specific provision relied upon conflicts with the limitation of the definition of "development" set forth under HRS § 205A-22.

c. Also, based upon the state of evidence presented, there is a probability that Friends will succeed on the merits in regard to its argument that an environmental assessment is required. Defendants claim that several exemptions set forth in the Department of Health, Environmental Impact Statement Rules ("EIS Rules"), as further qualified by the Comprehensive Exemption List for the County of Hawaii Department of Public Works ("Exemption List"), apply.

Section 11-200-3(2) of the EIS Rules arguably may apply. However, taking into consideration: (1) an additional purpose for the facilities, that is, for the distribution of electricity; (2) an increased capacity of use; (3) an increased density; (4) increased height of the utility poles installed or to be installed; and (5) larger dimensions of the poles to be installed and different shaping at the top of the poles, there is a sufficient basis to conclude, based upon the evidence presented, that there is a substantial difference between the pre-existing telephone poles and the joint utility poles to be installed pursuant to the HELCO project, in light of the project's environment. Exemption Class 2, as defined in the Exemption Rules, does not further delineate any specific type of action which is potentially applicable to this case.

For reasons set forth above, Exemption Class 4 of the Exemption Rules does not justify an exemption.

d. The cutting down or retrimming of trees is to be performed pursuant to the HELCO project. The balance of irreparable damage favors an injunction against the cutting down of trees and the trimming of trees so that their sizes or shapes are significantly altered pending a final determination of these matters. However, no other injunction shall issue at this time.

e. The above injunction is consistent with the public interest.

f. In light of the written confirmations of determinations made by the County's agencies that a special management area permit and an environmental assessment were not required, appeals of agency actions may be appropriate. However, the opportunity for appeal should not justify leaving Friends without an immediate remedy for irreparable damage. On the other hand, the results of the appeals may have an impact upon this injunction.

Mr. Hall is to prepare a proposed form of the order. Other counsel are also invited to submit forms of the order.

*AC*

Respectfully submitted,

Helen J. Noye

7/4/95 Helen J. Noye (signature) RR2 P.O. Box 1514 Pahaia HI 96798 (lot owner?)

7/4/95 Lora Dugan (signature) RR2 P.O. Box 1514 Pahaia HI 96798 (lot owner?) YES

7/4/95 Melissa McCullough (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?) YES

7-4-95 LORIS MAE WEST (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?) YES

7-4-95 (Miss) Biljana (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?) YES

7-4-95 Anna Rejman (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?) YES

7-4-95 Dore Landa (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?) YES

7-4-95 Thomas Egan (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?) YES

7-4-95 William J. Tromp (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?) YES

7-4-95 Yolanda T. Martin (signature) P.O. Box 1695 Pahaia HI 96798 (lot owner?) HI

Respectfully submitted,

7/4/95 Leslie Peltak (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?)

7/4/95 Christine Pope (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?)

7/4/95 Rosemary (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?)

7/4/95 STEVE (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?) YES

7/4/95 JOSEPH (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?) YES

7-5-95 Richard Bailey (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?) YES

7-5-95 WILLIAM A. LEWIS III (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?)

7-5-95 LAURA Gooding (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?)

7/5/95 DON MOORE (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?)

7/6/95 Whende Lachoff (signature) RR2 Box 1514 Pahaia HI 96798 (lot owner?) NO

# R. M. TOWILL CORPORATION

420 Waikele Rd #311 Honolulu, HI 96817-1041 WOE/848-1133 Fax 808-848-1037

August 4, 1995

Friends of the Red Road  
P. O. Box 1610  
Paohi, HI 96778

Attention: Residents of Kalapana Seaview Estates (37 signatories)

Dear Friends of the Red Road:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.47/7 2 kV  
Overhead Distribution System, Puna, Hawaii

We have received your letter that was postmarked July 8, 1995 regarding the subject project. The following has been prepared in response to your comments.

1 & 2 With respect to HELCO's actions, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit from the County of Hawaii. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions.

3 & 4 Regarding the statement about additional projects getting hooked up to SSPP Unit 71, the project is described in its entirety in the subject DEA.

5 & 6 The information contained in the subject environmental assessment is: a) appropriate and pertinent to assist us in evaluating the project environment and potential impacts; and, b) properly discloses status of natural and cultural resources.

7. Your comment is noted.

8 & 9 Lava Hazard Zone information is disclosed in the DEA. There are 181 lot owners in the Kalapana Seaview, Puna Palisades, and Kēhena Beach Estates subdivisions who are potential participants in this program.

10 & 11 Technical studies prepared for the DEA and Final environmental assessment adequately address the status of faunal resources in the project area. An additional radar survey was conducted from July 10 through July 14, 1995. The additional work was scheduled specifically during the Nave's Shearwater nesting season. The findings from this survey are included in the final environmental assessment. The overall conclusion is that the project would have minimal, not substantial effects on this threatened seabird and the endangered bat.

Our technical studies include all proper references to the US Department of Interior, National

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Friends of the Red Road  
August 4, 1995  
Page 2

Biological Service communications. Citations of non-published or unclassified research documents were avoided without the consent of the authors, as this practice is generally the rule. Our consultants, in their technical studies, cite contacts made with the National Biological Service

12. There are 181 lot owners in the three residential subdivisions of Kēhena Beach, Puna Palisades and Kalapana Seaview who are potential participants. There has been GTE Hawaiian Tel communication service in this same project area since around 1984. We see an existing consumption of infrastructure as well as a demand for additional infrastructure by these facts.

13. The costs discussed in the DEA describe a PV system with a 1000 watt array for a typical, full-size household that utilizes items including a water heater, color television, and frost-free refrigerator, all operating simultaneously. We agree that there are solar PV systems that can cost less-- it probably correlates with life-style choices with respect to what a household consists of, as you've described.

14. To reiterate, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit at the County of Hawaii Planning Department. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions.

15. With regard to your recommendation that solar is required for those who are awaiting HELCO services, your comment has been noted. Ideally, a community of residents that can exercise their freedom to choose between traditionally supplied electricity through the "grid," solar PV units, or other available means is the expected result of this project. Without the SSPP Unit 71 project, the choice to some of the residents would be limited.

16. The purpose of an environmental assessment is to identify the existing natural and cultural resources, the potential impacts of the proposed action, and where appropriate, any mitigating measures necessary to minimize impacts. The long term visual impacts in areas where vegetation is minimal, such as in Kalapana Seaview Estates, are that matured foliage will help screen views of the overhead lines. Secondary impact of the proposed action has already been disclosed in the DEA-- that is the possible increase in population assuming the HELCO service is made available.

17. The existing ecosystem is not expected to change as a result of the proposed action. Ocean viewing, sun bathing, and fishing are the coastal attractions in the area, none of which are anticipated to be impeded by the project.

18. Your comment has been noted.

As stated in Section 2.2 of the DEA, among the eight triggers for the environmental review process, the proposed action affects one: the use of State lands. The environmental review process for this project included description of the proposed action and existing conditions, and analysis of potential impacts and appropriate mitigation measures. Supplementary studies included flora, fauna, and archaeological resource assessments to determine status of natural and cultural resources in the project area. All technical studies

rmj/bs/brco

Friends of the Red Road  
August 4, 1995  
Page 3

were conducted by qualified consultants and have been included in the environmental document for public information and review. The overall conclusion with regard to natural and cultural resources is that the project will have minimal short and long term impacts on these existing conditions. Therefore, an environmental impact statement would not be necessary.

Sincerely,



Colette Sakoda  
Project Manager

cc: HELCO, R. Ratliff  
OECC, G. Gill  
DLNR, Land Management Division  
County of Hawaii, Public Works, D. Kiyosaki

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Date: 2/7/95

Deputy Chief Engineer  
The County of Hawaii's  
Department of Public Works  
25 Aupuni Street, Room 202  
Hilo, HI 96720

Attn: Jiro Sumada (961-8321)

Re: Second Draft Environmental Assessment, SSPP Unit 71, Kehena-Keekele Homestead, Puna, Hawaii.

The residents of Puna and Hawaii do now make these statements to all concerned regarding the above-referenced second draft environmental assessment. The EA is inadequate and inaccurate:

- 1) The exemptions claimed by Helco, granted by the Planning Department and the Department of Public Works, were found invalid by Judge Nakamura. (See attachment #1). Why is R.M. Towill citing bogus exemptions that do not exist?
- 2) Helco was never exempt from permitting within the Special Management Area and is now in direct violation of such permitting and is subject to fines for these infractions.
- 3) There are three known unopened but approved permits for subdivisions in the Red Road area. The Planning Department says two of these projects will definitely be hooked up to SSPP Unit 71, Kalapana Ohana village and Kalani Honua's subdivision. The EA is invalid because Helco is not permitted to segment a project. The proposed action must be described in its entirety; therefore, projects should not be done on an incremental basis to avoid the preparation of an environmental impact statement" (OEQC Bulletin regulations). Once again the project is being published in a segmented form which violates the above-stated guideline.
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- 6) Ignores health and welfare of the people and the endangered species.
- 7) How can Helco sell what Helco doesn't have to people who don't want it and make money for their shareholders?
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- 9) Trivializes the imminent danger of lava and earthquake risks in the project area. The Kehena area is approximately 4 miles from the 1990 Kalapana flow and 12 to 13 miles from the Puu Oo vent with a bubbling lava lake at its summit. Most of the project is on a 1965 lava flow. Why is Helco willing to risk millions of the ratepayers' dollars on an irretrievable capital investment that is statistical suicide?
- 10) Ignores endangered species reports by US Department of Interior, National Biological Service (Volcano National Park). The project area is habitat for: 'Io (the Hawaiian Hawk), 'A'o (Newell's Shearwater), Dark-rumped Petrel, Band-rumped Storm Petrel, Hawaiian Hoary Bat, Pua (Hawaiian Owl), Green sea turtle, Hawk's bill turtle, Spinner dolphins and Humpback whales.
- 11) Conducted a two-day faunal study out of season of a known endangered species ('A'o-

Newell's Shearwater) inhabiting this area. Two days is not long enough to do an accurate survey of the 'A'o particularly out of season.

12) Red Road residents are NOT demanding infrastructure. The vast majority of residents do not want infrastructure.

13) Deliberately misrepresents the design and cost of solar photovoltaic systems as an alternative to the project. The average use is misrepresented, is 500 watts not 1,000 watts. The cost reported is almost triple what a reliable, quality solar installation of 1,000 watts would cost.

14) The EA is really some kind of historical document for the future to legitimize into mythic history the origins of this questionable project. Nowhere does there appear the slightest acknowledgment of Helco being taken to court by the community, being made to be accountable like everybody else and correction of the unlawful actions and bogus "exemptions".

15) Destroys the solar/alternative community that has existed for more than a quarter of a century.

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17) Changes forever the ecosystem and habitat which dictates our Red Road lifestyle. For example, the sea creatures who visit and play at our shores and thus our developing ecotourism industry.

18) Serves only to benefit those who create and maintain modern ghettos. Development on this scale with little effect on employment levels only results in the creation of modern ghettos.

The applicable criteria triggers for an EIS are: 1) Substantially affects the economics or social welfare of the community or state; 2) Involves substantial secondary effects such as population changes or infrastructure demands; 3) Involves a substantial degradation of environmental quality; 4) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment to larger actions; 5) Substantially affects a rare, threatened or endangered species or its habitat; 6) Affects an environmentally sensitive area, such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, freshwater area, or coastal waters. (Source: A Guidebook for the Hawaii State Environmental Review Process).

For the reasons stated above, this Second Draft Environmental Assessment is clearly inadequate and an Environmental Impact Statement is obviously required for this project.

Respectfully submitted,

(signature)

(address)

Helco, Ralph Ralific  
PO Box 1027  
Hilo, HI 96721  
DLNR, Land Management Division  
PO Box 621, attn: Mike Wilson  
Honolulu, HI 96809

copies sent to: R.M. Towill Corp., attn: Collette Satoda  
420 Waiakamilo Rd., Room 411  
Honolulu, HI 96187-4941  
OEQC, Gary Gill, Director  
220 S. King St., Suite 410  
Honolulu, HI 96809

cc The Hawaii State

Patsy T. Mui

cc House of Representatives

cc Andy Leino, State Representative

cc Keiko Kono, Attorney General

cc Chair County Council

cc Ronald N. Nakanishi, PUC

Friends of the Red Road 7. The County of Hawaii  
Civil No. 95-14  
January 19, 1995

1. Plaintiffs' Motion for Preliminary Injunction, filed on January 11, 1995, shall be granted in part. Defendant Hawaii Electric Company, Inc. ("HELCO") shall be enjoined from cutting down trees or from trimming trees so as to significantly alter their size or shape in Defendant County of Hawaii's (the "County") rights-of-way or property. In this context, a "significant alteration" results if it will take more than one year for the pre-existing size and shape of a tree to be substantially restored.

2. The basis for this decision is as follows:

- a. Plaintiff Friends of the Red Road ("Friends") has or more than one of its members as an association have standing to seek relief.
- b. Based upon the state of the evidence presented, there is a probability that Friends will succeed on the merits in regard to its argument that a special management area use permit was required for the HELCO project.

Generally, a special management area permit of some nature is required where "development" is contemplated. "Development" is defined as any of the uses, activities, or operations on land or in or under water, within a special management area. HRS § 205A-22. It includes "construction, reconstruction, demolition, or alteration in the size of any structure." HRS § 205A-22. "Structure" is defined to include any telephone line or electrical power transmission and distribution line. HRS § 205A-22.

The HELCO project entails the removal of telephone poles and the installation of joint utility poles. It clearly constitutes a "development" for the purposes of HRS § 205A-22 because it involves construction or reconstruction of telephone and electrical power transmission and distribution lines. None of the limitations on the definition of "development" set forth in HRS § 205A-22 applies.

The justification provided by the County does not apply. Section 9-4(10) B.(iv) of the Planning Commission County of Hawaii Rules relates to "repair and maintenance". In regard to the HELCO project, "construction" or "reconstruction" is involved. Further, the specific provision relied upon conflicts with the limitation of the definition of "development" set forth under HRS § 205A-22.

c. Also, based upon the state of evidence presented, there is a probability that Friends will succeed on the merits on its argument that an environmental assessment is required. Defendants claim that several exemptions set forth in the Department of Health, Environmental Impact Statement Rules ("EIS Rules"), as further qualified by the Comprehensive Exemption List for the County of Hawaii Department of Public Works ("Exemption List"), apply.

Section 11-200-3(2) of the EIS Rules arguably may apply. However, taking into consideration: (1) an additional purpose for the facilities, that is, for the distribution of electricity; (2) an increased capacity of use; (3) an increased density; (4) increased height of the utility poles installed or to be installed; and (5) larger dimensions of the poles to be installed and different shaping at the top of the poles, there is a sufficient basis to conclude, based upon the evidence presented, that there is a substantial difference between the pre-existing telephone poles and the joint utility poles to be installed pursuant to the HELCO project, in light of the project's environment. Exemption Class § 2, as defined in the Exemption Rules, does not further delineate any specific type of action which is potentially applicable to this case.

For reasons set forth above, Exemption Class § 4 of the Exemption Rules does not justify an exemption.

d. The cutting down or reshaping of trees is to be performed pursuant to the HELCO project. The balance of irreparable damage favors an injunction against the cutting down of trees and the trimming of trees so that their sizes or shapes are significantly altered pending a final determination of these matters. However, no other injunction shall issue at this time.

e. The above injunction is consistent with the public interest.

f. In light of the written confirmations of determinations made by the County's agencies that a special management area permit and an environmental assessment were not required, appeals of agency actions may be appropriate. However, the opportunity for appeal should not justify leaving Friends without an immediate remedy for irreparable damage. On the other hand, the results of the appeals may have an impact upon this injunction.

Mr. Hall is to prepare a proposed form of the order. Other counsel are also invited to submit forms of the order.

*Handwritten signature*



Respectfully submitted,

July 95 Lisa Fisher (signature) 112-4555 (address) NO (lot owner?)

7-6-95 Eugene Binter (signature) P.O. Box 844 (address) Yes (lot owner?)

7-7-95 Renee Siracusa (signature) 881520 Pahoa (address) NO (lot owner?)

7-7-95 Sara Steiner (signature) Box 1965 Pahoa (address) NO (lot owner?)

7-7-95 Dominique Vanu (signature) General Delivery Pahoa (address) HI 98717 (lot owner?)

7/7/95 Mary Neakerson (signature) 882-802341 Pahoa (address) (lot owner?) Yes

7/9/95 Gregory T. Smith (signature) P.O. Box 2005 (address) HI 98717 (lot owner?) Yes

(date) (name printed) (signature) (address) (lot owner?)

(date) (name printed) (signature) (address) (lot owner?)

(date) (name printed) (signature) (address) (lot owner?)

Respectfully submitted,

7-5-95 Jeffrey Maguire (signature) P.O. Box 3101 Hilo HI (address) 98749

(date) (name printed) (signature) (address)

(date) (name printed) (signature) (address)

(date) (name printed) (signature) (address)

(date) (name printed) (signature) (address)

(date) (name printed) (signature) (address)

(date) (name printed) (signature) (address)

(date) (name printed) (signature) (address)

(date) (name printed) (signature) (address)

(date) (name printed) (signature) (address)

Respectfully submitted,

Respectfully submitted,

7/7/95 KELLY MCDONALD (name printed) 12-765 143 05 (date) (lot owner?)  
(signature) (address)

7/7/95 Norman Dean Newman (name printed) P.O. Box 4759 (date) (lot owner?)  
(signature) (address)

7/7/95 [unclear] (name printed) [unclear] (date) (lot owner?)  
(signature) (address)

7-7-95 John Weston (name printed) Box 1517 (date) (lot owner?)  
(signature) (address)

7/7/95 David Dell (name printed) [unclear] (date) (lot owner?)  
(signature) (address)

7/7/95 Barbara Spolin (name printed) [unclear] (date) (lot owner?)  
(signature) (address)

7/7/95 Anabelle Davis (name printed) [unclear] (date) (lot owner?)  
(signature) (address)

7/7/95 [unclear] (name printed) [unclear] (date) (lot owner?)  
(signature) (address)

7/7/95 Alan [unclear] (name printed) [unclear] (date) (lot owner?)  
(signature) (address)

[unclear] (name printed) [unclear] (date) (lot owner?)  
(signature) (address)

Respectfully submitted,

July 4 95 JOAN FLORENCE (name printed) P.O. Box 1677 (date) (lot owner?)  
(signature) (address)

July 4 95 BYRON SHAWNA (name printed) P.O. Box 1677 (date) (lot owner?)  
(signature) (address)

7-6-95 Dennis Cooper (name printed) P.O. Box 4759 (date) (lot owner?)  
(signature) (address)

7-6-95 NALLY YOUNG (name printed) 13-7236 (date) (lot owner?)  
(signature) (address)

7-6-95 MARK HAMILTON (name printed) [unclear] (date) (lot owner?)  
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7/6/95 Michael Hopson (name printed) [unclear] (date) (lot owner?)  
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7/6/95 GEORGE THOMAS (name printed) [unclear] (date) (lot owner?)  
(signature) (address)

7-7-95 DOROTHY E. SIMON (name printed) [unclear] (date) (lot owner?)  
(signature) (address)

7-7-95 HEIDENRATH, KATHARINE J. (name printed) [unclear] (date) (lot owner?)  
(signature) (address)

7/7/95 ETHEL JAMES (name printed) [unclear] (date) (lot owner?)  
(signature) (address)

THE DEPARTMENT OF REVENUE

# R. M. TOWILL CORPORATION

420 Waihahamille Rd #111 Honolulu, HI 96817-4041 MOB: 848-2133 FAX: 808-848-1837

August 4, 1995

Friends of the Red Road  
P. O. Box 1610  
Pahoa, HI 96778

Attention: 27 Signatories

Dear Friends of the Red Road:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.4777.2 LV  
Overhead Distribution System, Puna, Hawaii

We have received your letter of July 7, 1995 regarding the subject project. The following has been prepared in response to your comments.

1 & 2 With respect to HELCO's actions, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit from the County of Hawaii. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions.

3 & 4 Regarding the statement about additional projects getting hooked up to SSPP Unit 71, the project is described in its entirety in the subject DEA.

5 & 6 The information contained in the subject environmental assessment is: a) appropriate and pertinent to assist us in evaluating the project environment and potential impacts; and, b) properly discloses status of natural and cultural resources.

7. Your comment is noted.

8 & 9 Lava Hazard Zone information is disclosed in the DEA. There are 181 lot owners in the Kalapana Seaview, Puna Palisades, and Kichena Beach Estates subdivisions who are potential participants in this program.

10 &  
11

Technical studies prepared for the DEA and Final environmental assessment adequately address the status of faunal resources in the project area. An additional radar survey was conducted from July 10 through July 14, 1995. The additional work was scheduled specifically during the Newell's Shearwater nesting season. The findings from this survey are included in the final environmental assessment. The overall conclusion is that the project would have minimal, not substantial effects on this threatened seabird and the endangered bat.

Our technical studies include all proper references to the US Department of Interior, National Biological Service communications. Citations of non-published or unreleased research documents

reply to: helco

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Friends of the Red Road  
August 4, 1995  
Page 2

were avoided without the consent of the authors, as this practice is generally the rule. Our consultants, in their technical studies, cite contacts made with the National Biological Service

12. There are 181 lot owners in the three residential subdivisions of Kichena Beach, Puna Palisades and Kalapana Seaview who are potential participants. There has been GTE Hawaiian Tel communication service in this same project area since around 1984. We see an existing consumption of infrastructure as well as a demand for additional infrastructure by these facts.

13. The costs discussed in the DEA describe a PV system with a 1000 watt array for a typical, full-scale household that utilizes items including a water heater, color television, and frost-free refrigerator, all operating simultaneously. We agree that there are solar PV systems that can cost less-- it probably correlates with life-style choices with respect to what a household consists of, as you've described

14. To reiterate, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit at the County of Hawaii Planning Department. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions.

15. With regard to your recommendation that solar is required for those who are availing HELCO service, your comment has been noted. Ideally, a community of residents that can exercise their freedom to choose between traditionally supplied electricity through the "grid," solar PV units, or other available means is the expected result of this project. Without the SSPP Unit 71 project, the choice to some of the residents would be limited.

16. The purpose of an environmental assessment is to identify the existing natural and cultural resources, the potential impacts of the proposed action, and where appropriate, any mitigating measures necessary to minimize impacts. The long term visual impacts in areas where vegetation is minimal, such as in Kalapana Seaview Estates, are that matured foliage will help screen views of the overhead lines. Secondary impact of the proposed action has already been disclosed in the DEA-- that is the possible increase in population assuming the HELCO service is made available.

17. The existing ecosystem is not expected to change as a result of the proposed action. Ocean viewing, sun bathing, and fishing are the coastal attractions in the area, none of which are anticipated to be impeded by the project.

18. Your comment has been noted.

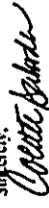
As stated in Section 2.2 of the DEA, among the eight triggers for the environmental review process, the proposed action affects one: the use of State lands. The environmental review process for this project included description of the proposed action and existing conditions, and analysis of potential impacts and appropriate mitigation measures. Supplementary studies included flora, fauna, and archaeological resource assessments to determine status of natural and cultural resources in the project area. All technical studies were conducted by qualified consultants and have been included in the environmental documents for public

reply to: helco

Friends of the Red Road  
August 4, 1995  
Page 3

information and review. The overall conclusion with regard to natural and cultural resources is that the project will have minimal short and long term impacts on these existing conditions. Therefore, an environmental impact statement would not be necessary.

Sincerely,

  
Collette Sakoda  
Project Manager

cc: HELCO, R. Ratliff  
OEQC, G. Gill  
DLNR, Land Management Division  
County of Hawaii, Public Works, D. Kiyosaki  
Honorable Patsy T. Mink, U.S. House of Representatives  
Andy Levin, State Senate  
Keiko Book-Abramson, Chair, County Council  
Ronald Nakanishi, PUC

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Date: July 25, 1993

Deputy Chief Engineer  
The County of Hawaii  
Department of Public Works  
25 Auahi Street, Room 202  
Hilo, HI 96720

Attn: Jim Sumada (961-8321)

Re: Second Draft Environmental Assessment, SSPP Unit 71, Kahena-Kecker Homestead, Puna, Hawaii

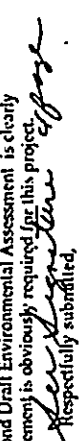
The residents of Puna and Hawaii do now make these statements to all concerned regarding the above-referenced second draft environmental assessment. The EA is inadequate and inaccurate:

- 1) The exemptions claimed by Helco, granted by the Planning Department and the Department of Public Works, were found invalid by Judge Nakamura. (See attachment #1). Why is T.M. Towill citing bogus exemptions that do not exist?
- 2) Helco was never exempt from permitting within the Special Management Area and is now in direct violation of such permitting and is subject to fines for these infractions.
- 3) There are three known unopened but approved permits for subdivisions in the Red Road area. The Planning Department says two of these projects will definitely be hooked up to SSPP Unit 71, Kalapana Ohana village and Kalani Homua's subdivision. The EA is invalid because Helco is not permitted to segment a project. The proposed action must be described in its entirety; therefore, projects should not be done on an incremental basis to avoid the preparation of an environmental impact statement (OEQC Bulletin regulations). Once again the project is being published in a segmented form which violates the above-stated guideline.
- 4) There are unscrubbed, approved permits for large development projects in this area. The community wants to know, what are these plans and how does this project fit in to these plans?
- 5) Uses informational material not pertinent to our community.
- 6) Ignores health and welfare of the people and the endangered species.
- 7) How can Helco sell what Helco doesn't have to people who don't want it and make money for their shareholders?
- 8) Ignores lava hazard zone designations as no probable risk yet the electric utility's own insurance company, Hawaiian Insurance Group, cancelled coverage in Seaview after the Kalapana flow.
- 9) Trivializes the imminent danger of lava and earthquake risks in the project area. The Kahena area is approximately 4 miles from the 1990 Kalapana flow and 12 to 13 miles from the Puu Oo vent with a bubbling lava lake at its summit. Most of the project is on a 1955 lava flow. Why is Helco willing to risk millions of the ratepayers' dollars on an irretrievable capital investment that is statistical suicide?
- 10) Ignores endangered species reports by US Department of Interior, National Biological Service (Volcano National Park). The project area is habitat for: 1) the Hawaiian Hawk, A'o (Newell's Shearwater), Dark-rumped Storm Petrel, Hawaiian Hoary Bat, Puaa (Hawaiian Owl), Green sea turtle, Hawk's bill turtle, Spinner dolphins and Humpback whales.
- 11) Conducted a two-day faunal study out of season of a known endangered species (A'o-

Newell's Shearwater) inhabiting this area. Two days is not long enough to do an accurate survey of the 'A'o particularly out of season.

- 12) Red Road residents are NOT demanding infrastructure. The vast majority of residents do not want infrastructure.
  - 13) Deliberately misrepresents the design and cost of solar photovoltaic systems as an alternative in the project. The average use is misrepresented, is 500 watts not 1,000 watts. The cost reported is almost triple what a reliable, quality solar installation of 1,000 watts would cost.
  - 14) The EA is really some kind of historical document for the future to legitimize into mythic history the origins of this questionable project. Nowhere does there appear the slightest acknowledgment of Helco being taken to court by the community, being made to be accountable like everybody else and correction of the unlawful actions and bogus "exemptions".
  - 15) Destroys the solar/alternative community that has existed for more than a quarter of a century.
  - 16) The main purpose of an environmental assessment is to identify the long-term impacts. Why does this EA consistently refuse to address the pertinent long-term impacts of this project?
  - 17) Changes forever the ecosystem and habitat which dictates our Red Road lifestyle. For example, the sea creatures who visit and play at our shores and thus our developing ecotourism industry.
  - 18) Serves only to benefit those who create and maintain modern ghettos. Development on this scale with little effect on employment levels only results in the creation of modern ghettos.
- The applicable criteria triggers for an EIS are: 1) Substantially affects the economics or social welfare of the community or state; 2) Involves substantial secondary effects such as population change or infrastructure demands; 3) Involves a substantial degradation of environmental quality; 4) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment to larger actions; 5) Substantially affects a rare, threatened or endangered species or its habitat; 6) And, affects an environmentally sensitive area, such as a flood plain, tsunami zone, erosion-prone area geologically hazardous land, estuary, freshwater area, or coastal waters. (Source: A Guidebook for the Hawaii State Environmental Review Process).

For the reasons stated above, this Second Draft Environmental Assessment is clearly inadequate and an Environmental Impact Statement is obviously required for this project.

Respectfully submitted,  
  
 Patsy T. Mank  
 (signature)  
 (address)  
 R.M. Towill Corp., attn: Collette Sakoda  
 420 Waialalo Rd., Room 411  
 Honolulu, HI 96824-941  
 Helco, Ralph Ratlic  
 PO Box 1027  
 Hilo, HI 96721  
 DLNR, Land Management Division  
 PO Box 621, attn: Mike Wilson  
 Honolulu, HI 96809  
 RONALD NAKAMURA, OEOC, Gary Gill, Director  
 2205 King St., Suite 400  
 Honolulu, HI 96809  
 P U C  
 KEIHO BOHIC-ABRAMSIN  
 CHAIRS COUNTY COUNCIL

Michael Solomon 711. ~~888~~ Box 674 P.O. Box 96778 July 20  
 Alpha Orestes A. Orestes Box 674 P.O. Box 96778 July 20  
 ALPHA ORSTEN Box 674 P.O. Box 96778  
 Kalla S. Avomy Kalla S. Avomy P.O. Box 798 P.O. Box HI 96778 July 20  
 KANIA C. AUCITY KANIA C. AUCITY P.O. Box 798 P.O. Box HI 96778 July 20  
 MS. A. Martinovich, D.M.C. Martinovich P.O. Box 38, Pahoa, HI 96778 7/2/95  
 J. E. ... 13-61711111111111111111 HI 96778/7/95  
 Heidi Roberts 366 P.O. Box RR 2545 PAHOO  
 HOLLYLUNSE Hollylunse Box 1663 Kapaau 96745 7-4-95  
 Helen Green RR 2 Box 4773 Pahoa, HI 96778 7-4-95  
 Jane A. Eckhardt P.O. Box 4574 Pahoa, HI 96778 7-4-95  
 JAMES E. ... 2125 Pahoa, HI 96778 7-4-95  
 DR. Michael P. ... P.O. Box 2108, Pahoa, HI 96778 7-4-95  
 Aaron Anderson RR 2 Box 4235 Pahoa 96778 965-8738 7-4-95  
 Keay Noyu... General Delivery Pahoa 96778  
 L... Smith Ashlan General Delivery Pahoa 7/2/95  
 Ruby Joy P... Box 193, 2040A HI 96778  
 K... General Delivery P.O. Box 1788 Kapaau 96760 JULY 4 1995  
 J... General Delivery Pahoa 7/4/95 96778 July 4 1995  
 ... RR 2 Box 4500 Pahoa HI 96778  
 Robb Williams RR 2 Box 4767 Pahoa HI 96778

2

Respectfully submitted,

July 4th '95 JUNE RAE SALOMUA June RAE SALOMUA (signature) P.O. BOX 1122 PAHOA HI (lot owner?)  
 July 4th '95 Eric Anderson Eric Anderson (signature) Eric Anderson, P.O. Box 96778 (address) (lot owner?)  
 July 4th '95 Tana M... Tana M... (signature) 114 Pa... HI (address) (lot owner?)  
 7-4-95 Joshua Wise Joshua Wise (signature) 114 Pa... HI (address) (lot owner?)  
 7/4/95 Maggie O'Neil Maggie O'Neil (signature) 114 Pa... HI (address) (lot owner?)  
 7/4/95 Beth Lederer Beth Lederer (signature) 114 Pa... HI (address) (lot owner?)  
 7/4/95 Randy Kenning Randy Kenning (signature) 114 Pa... HI (address) (lot owner?)  
 7-4-95 MATTHEW SCOTT Matthew Scott (signature) P.O. Box 4552 RR 2 Pahoa (address) (lot owner?)  
 7-4-95 Nancy L. Hatten (signature) RR 3 Box 1273 PAHOA (address) (lot owner?)  
 7-5-95 Alexis Williams (signature) (address) (lot owner?)

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Respectfully submitted,

July 5, 95 MARK KUNDERMAN (name printed) [Signature] (signature) 370 W. 10th St. S. Duluth, MN 55812 (address) (lot owner?)

7/5/95 PETER MACKENZIE (name printed) [Signature] (signature) PO BOX 1103, N16 (address) (lot owner?) YES

7/5/95 Doreen K. Kenney (name printed) [Signature] (signature) PO BOX 1911, Bldg. 417 (address) (lot owner?)

7/5/95 Elaine Winterson-Bozic (name printed) [Signature] (signature) PO Box 4500 (address) (lot owner?) Patrol # 110

7/5/95 Gary Kessel (name printed) [Signature] (signature) PO Box 106 (address) (lot owner?) Patrol # 111

7/5/95 Kathryn K. K. Gurney (name printed) [Signature] (signature) PO Box 1996 (address) (lot owner?) Patrol # 111

7/5/95 DANIEL RUIZ (name printed) [Signature] (signature) PO BOX 1916, PANDA TH (address) (lot owner?)

7/5/95 Jeanne Anne (name printed) [Signature] (signature) PO Box 235 (address) (lot owner?) Patrol # 111

7/5/95 MICKIE LEE LOWERY (name printed) [Signature] (signature) PO BOX 517, KANAWA (address) (lot owner?) 111

7/6/95 S. Chatman (name printed) [Signature] (signature) [Address] (address) (lot owner?) NO

4

Respectfully submitted,

July 5, 1995 Kondo, David L (name printed) [Signature] (signature) Sea Dul. Belton 90744 (address) (lot owner?)

7/5/95 MAGE ROBERT (name printed) [Signature] (signature) 13-1774 KACAPAK A (address) (lot owner?) 1677

7/5/95 MARVIN SPANDET (name printed) [Signature] (signature) PO Box 183 Palooka 96778 (address) (lot owner?) Kaka

(date) (name printed) (signature) (address) (lot owner?)

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(date) (name printed) (signature) (address) (lot owner?)

(date) (name printed) (signature) (address) (lot owner?)

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Friends of the Red Road v. The County of Hawaii  
Civil No. 93-14  
January 19, 1995

1. Plaintiffs' Motion for Preliminary Injunction, filed on January 11, 1995, shall be granted in part. Defendant Hawaii Electric Company, Inc. ("HELCO") shall be enjoined from cutting down trees or from trimming trees so as to significantly alter their size or shape in Defendant County of Hawaii's (the "County") rights-of-way or property. In this context, a "significant alteration" results if it will take more than one year for the pre-existing size and shape of a tree to be substantially restored.

2. The basis for this decision is as follows:

- a. Plaintiff Friends of the Red Road ("Friends") has or more than one of its members as an association have standing to seek relief.
- b. Based upon the state of the evidence presented, there is a probability that Friends will succeed on the merits in regard to its argument that a special management area use permit was required for the HELCO project.

Generally, a special management area permit of some nature is required where "development" is contemplated. "Development" is defined as any of the uses, activities, or operations on land or in or under water, within a special management area. HRS § 205A-22. It includes "construction, reconstruction, demolition, or alteration in the size of any structure." HRS § 205A-22. "Structure" is defined to include any telephone line or electrical power transmission and distribution line. HRS § 205A-22.

The HELCO project entails the removal of telephone poles and the installation of joint utility poles. It clearly constitutes a "development" for the purposes of HRS § 205A-22 because it involves construction or reconstruction of telephone and electrical power transmission and distribution lines. None of the limitations on the definition of "development" set forth in HRS § 205A-22 applies.

The justification provided by the County does not apply. Section 9-4(10) B.(iv) of the Planning Commission County of Hawaii Rules relates to "repair and maintenance". In regard to the HELCO project, "construction" or "reconstruction" is involved. Further, the specific provision relied upon conflicts with the limitation of the definition of "development" set forth in HRS § 205A-22.

3. Also, based upon the state of evidence presented, there is a probability that Friends will succeed on the merits on its argument that an environmental assessment is required. Defendants claim that several exemptions set forth in the Department of Health, Environmental Impact Statement Rules ("EIS Rules"), as further qualified by the Comprehensive Exemption List for the County of Hawaii Department of Public Works ("Exemption List"), apply.

Section 11-21.2(2) of the EIS Rules arguably may apply. However, taking into consideration: (1) an additional purpose for the facilities, that is, for distribution of electricity; (2) an increased capacity of use; (3) an increased density; (4) increased height of the utility poles installed or to be installed; (5) larger dimensions of the poles to be installed; and different shaping at the top of the poles, there is a sufficient basis to conclude, based upon the evidence presented, that there is a substantial difference between the pre-existing telephone poles and the joint utility poles to be installed pursuant to the HELCO project, in light of the project's environment. Exemption Class 2, as defined in the Exemption Rules, does not further delineate any specific type of utility which is potentially applicable to this case.

For reasons set forth above, Exemption Class 2 of the Exemption Rules does not justify an exemption.

4. The cutting down or reshaping of trees is to be performed pursuant to the HELCO project. The balance of irreparable damage favors an injunction against the cutting down of trees and the trimming of trees so that their sizes or shapes are significantly altered pending a final determination of these matters. However, no other injunction shall issue at this time.

5. The above injunction is consistent with the public interest.

6. In light of the written confirmations of determinations made by the County's agencies that a special management area permit and an environmental assessment were not required, appeals of agency actions may be appropriate. However, the opportunity for appeal should not justify leaving Friends without an immediate remedy for irreparable damage. On the other hand, the results of the appeals may have an impact upon this injunction.

7. Mr. Hall is to prepare a proposed form of the order. HELCO and Friends are also invited to submit forms of the order.

100-20-23 FBI FOIA LETTER MAIL AND SEARCH PAGE 100-20-23 FBI FOIA MAIL AND SEARCH PAGE 1



# R. M. TOWILL CORPORATION

480 WAIKEMAHIO RD #411 HONOLULU, HI 96817-4941 (808) 848-1133 FAX (808) 848-1037

August 4, 1995

Friends of the Red Road  
P. O. Box 1610  
Pahoa, HI 96778

Attention: 42 Signatories

Dear Friends of the Red Road:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.4777.2 kV  
Overhead Distribution System, Puna, Hawaii

We have received your letter of July 2, 1995 regarding the subject project. The following has been prepared in response to your comments:

1 & 2 With respect to HELCO's actions, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit from the County of Hawaii. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions.

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5 & 6 The information contained in the subject environmental assessment is: a) appropriate and pertinent to assist us in evaluating the project environment and potential impacts; and, b) properly discloses status of natural and cultural resources.

7. Your comment is noted.

8 & 9 Lava Hazard Zone information is disclosed in the DEA. There are 181 lot owners in the Kalapana Seaview, Puna Palisades, and Kahoma Beach Estates subdivisions who are potential participants in this program.

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rmf/lnh/bko

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Friends of the Red Road  
August 4, 1995  
Page 2

were avoided without the consent of the authors, as this practice is generally the rule. Our consultants, in their technical studies, cite contacts made with the National Biological Service.

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16. The purpose of an environmental assessment is to identify the existing natural and cultural resources, the potential impacts of the proposed action, and where appropriate, any mitigating measures necessary to minimize impacts. The long term visual impacts in areas where vegetation is minimal, such as in Kalapana Seaview Estates, are that matured foliage will help screen views of the overhead lines. Secondary impact of the proposed action has already been disclosed in the DEA-- that is the possible increase in population assuming the HELCO service is made available.

17. The existing ecosystem is not expected to change as a result of the proposed action. Ocean viewing, sun bathing, and fishing are the coastal attractions in the area, none of which are anticipated to be impeded by the project.

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As stated in Section 2.2 of the DEA, among the eight triggers for the environmental review process, the proposed action affects one: the use of State lands. The environmental review process for this project included description of the proposed action and existing conditions, and analysis of potential impacts and appropriate mitigation measures. Supplementary studies included flora, fauna, and archaeological resource assessments to determine status of natural and cultural resources in the project area. All technical studies were conducted by qualified consultants and have been included in the environmental documents for public Friends of the Red Road

rmf/lnh/bko

August 4, 1995  
Page 3

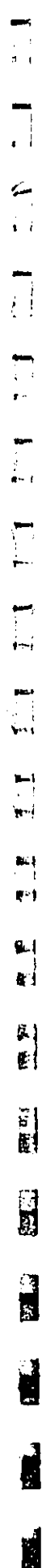
information and review. The overall conclusion with regard to natural and cultural resources is that the project will have minimal short and long term impacts on these existing conditions. Therefore, an environmental impact statement would not be necessary.

Sincerely,



Collette Sakoda  
Project Manager

cc: HELCO, R. Raiific  
OEQC, G. Gill  
DLNR, Land Management Division  
County of Hawaii, Public Works, D. Kiyosaki  
Honorable Patsy T. Mink, U.S. House of Representatives  
Andy Levin, State Senator  
Keiko Bonk-Abramson, Chair, County Council  
Ronald Nakanishi, PUC



Deputy Chief Engineer  
The County of Hawaii's  
Department of Public Works  
25 Aupuni Street, Room 202  
Hilo, HI 96720

Date: July 5, 1995

Attn: Jiro Sumada (961-8321)

Re: Second Draft Environmental Assessment, SPP Unit 71, Kehena-Keekele Homestead, Puna, Hawaii

The residents of Puna and Hawaii do now make these statements to all concerned regarding the above-referenced second draft environmental assessment. The EA is inadequate and inaccurate:

- 1) The exemptions claimed by Helco, granted by the Planning Department and the Department of Public Works, were found invalid by Judge Nakamura. (See attachment #1). Why is RAL Towill doing bogus exemptions that do not exist?
- 2) Helco was never exempt from permitting within the Special Management Area and is now in direct violation of such permitting and is subject to fines for these infractions.
- 3) There are three known unopened but approved permits for subdivisions in the Red Road area. The Planning Department says two of these projects will definitely be hooked up to SPP Unit 71, Kalapana Ohana village and Kalani Honua's subdivision. The EA is invalid because Helco is not permitted to segment a project. The proposed action must be described in its entirety; therefore, projects should not be done on an incremental basis to avoid the preparation of an environmental impact statement" (OEQC Bulletin regulations). Once again the project is being published in a segmented form which violates the above-stated guideline.
- 4) There are unexercised, approved permits for large development projects in this area. The community wants to know, what are these plans and how does this project fit in to these plans?
- 5) Uses informational material not pertinent to our community.
- 6) Ignores health and welfare of the people and the endangered species.
- 7) How can Helco sell what Helco doesn't have to people who don't want it and make money for their shareholders?
- 8) Ignores lava hazard zone designations as no probable risk yet the electric utility's own insurance company, Hawaiian Insurance Group, canceled coverage in Seaview after the Kalapana flow.
- 9) Trivializes the imminent danger of lava and earthquake risks in the project area. The Kehena area is approximately 4 miles from the 1990 Kalapana flow and 12 to 13 miles from the Puu Oo vent with a bubbling lava lake at its summit. Most of the project is on a 1955 lava flow. Why is Helco willing to risk millions of the ratepayers' dollars on an irretrievable capital investment that is statistical suicide?
- 10) Ignores endangered species reports by US Department of Interior, National Biological Service (Volcano National Park). The project area is habitat to: I'o (the Hawaiian Hawk), A'o (Newell's Shearwater), Dark-rumped Petrel, Band-rumped Storm Petrel, Hawaiian Hoary Bat, Puae (Hawaiian Owl), Green sea turtle, Hawk's bill turtle, Spinner dolphins and Humpback whales.
- 11) Conducted a two-day faunal study out of season of a known endangered species (A'o-

...well - Shearwater) inhabiting this area. Two days is not long enough to do an accurate survey of the area, particularly out of season.

- 12) Red Road residents are NOT demanding infrastructure. The vast majority of residents do not want infrastructure.
  - 13) Deliberately misrepresents the design and cost of solar photovoltaic systems as an alternative to the project. The average use is misrepresented, as 500 watts not 1,000 watts. The cost reported is almost triple what a reliable, quality solar installation of 1,000 watts would cost.
  - 14) The EA is really some kind of historical document for the future to legitimize into mythic history the origins of this questionable project. Nowhere does there appear the slightest acknowledgement of Helco being taken to court by the community, being made to be accountable like everybody else and correction of the unlawful actions and bogus "exemptions".
  - 15) Destroys the solar/alternative community that has existed for more than a quarter of a century.
  - 16) The main purpose of an environmental assessment is to identify the long-term impacts. Why does this EA consistently refuse to address the pertinent long-term impacts of this project?
  - 17) Changes forever the ecosystem and habitat which dictates our Red Road lifestyle. For example, the sea creatures who visit and play at our shores and thus our developing ecotourism industry.
  - 18) Serves only to benefit those who create and maintain modern ghettos. Development on this scale with little effect on employment levels only results in the creation of modern ghettos.
- The applicable criteria triggers for an EIS are: 1) Substantially affects the economics or social welfare of the community or state; 2) Involves substantial secondary effects such as population changes or infrastructure demands; 3) Involves a substantial degradation of environmental quality; 4) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment to larger actions; 5) Substantially affects a rare, threatened or endangered species or its habitat; 6) And, affects an environmentally sensitive area, such as a flood plain, tsunami zone, erosion-prone area geologically hazardous land, estuary, freshwater area, or coastal waters. (Source: A Guidebook for the Hawaii State Environmental Review Process).

For the reasons stated above, this Second Draft Environmental Assessment is clearly inadequate and an Environmental Impact Statement is obviously required for this project.

Respectfully submitted,

*David Green*  
(signature) PLB001293 Puna HI 96720  
(address)

copies sent to: R.M. Towill Corp., attn: Collette Sakoda Helco, Ralph Ratliff  
420 Waialeale Rd., Room-111 PO Box 1027  
Honiolua, HI 96187-4941 Hilo, HI 96721  
OEQC, Gary Gill, Director DLNR, Land Management Division  
220 S. King St., Suite 4 00 PO Box 621, attn: Mike Wilson  
Honiolua, HI 96809 Honolulu, HI 96809

R. M. TOWILL CORPORATION

450 WAIKAMUI RD #411 HONOLULU, HI 96817-4041 808.648.1133 FAX 808.648.1037

August 4, 1995

Ms. Sande Greene  
P O Box 1293  
Paheo, HI 96778

Dear Ms. Greene:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.4777.2 kV  
Overhead Distribution System, Puna, Hawaii

We have received your letter of July 5, 1995 regarding the subject project. The following has been prepared in response to your comments.

1 & 2 With respect to HELCO's actions, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit from the County of Hawaii. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions

3 & 4 Regarding the statement about additional projects getting hooked up to SSPP Unit 71, the project is described in its entirety in the subject DEA.

5 & 6 The information contained in the subject environmental assessment is: a) appropriate and pertinent to assist us in evaluating the project environment and potential impacts; and, b) properly discloses status of natural and cultural resources.

7. Your comment is noted

8 & 9 Lava Hazard Zone information is disclosed in the DEA. There are 181 lot owners in the Kalapana Seaview, Puna Palisades, and Kehena Beach Estates subdivisions who are potential participants in this program.

10 & 11 Technical studies prepared for the DEA and Final environmental assessment adequately address the status of faunal resources in the project area. An additional radar survey was conducted from July 10 through July 14, 1995. The additional work was scheduled specifically during the Newell's Shearwater nesting season. The findings from this survey are included in the final environmental assessment. The overall conclusion is that the project would have minimal, not substantial effects on this threatened seabird and the endangered bat

Our technical studies include all proper references to the US Department of Interior, National Biological Service communications. Citations of non-published or unreleased research documents were avoided without the consent of the authors, as this practice is generally the rule. Our consultants, in their technical studies, cite contacts made with the National Biological

reply ltr helco

Ms. Sande Greene  
August 4, 1995  
Page 2

Service.

12. There are 181 lot owners in the three residential subdivisions of Kehena Beach, Puna Palisades and Kalapana Seaview who are potential participants. There has been GTE Hawaiian Tel communication service in this same project area since around 1984. We see an existing consumption of infrastructure as well as a demand for additional infrastructure by these facts.

13. The costs discussed in the DEA describe a PV system with a 100W watt array for a typical, full-scale household that utilizes items including a water heater, color television, and frost-free refrigerator, all operating simultaneously. We agree that there are solar PV systems that can cost less-- it probably correlates with life-style choices with respect to what a household consists of, as you've described

14. To reiterate, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit at the County of Hawaii Planning Department. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions.

15. With regard to your recommendation that solar is required for those who are awaiting HELCO service, your comment has been noted. Ideally, a community of residents that can exercise their freedom to choose between traditionally supplied electricity through the "grid," solar PV units, or other available means is the expected result of this project. Without the SSPP Unit 71 project, the choice to some of the residents would be limited

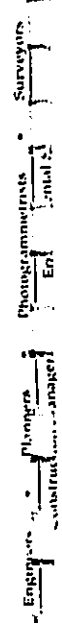
16. The purpose of an environmental assessment is to identify the existing natural and cultural resources, the potential impacts of the proposed action, and where appropriate, any mitigating measures necessary to minimize impacts. The long term visual impacts in areas where vegetation is minimal, such as in Kalapana Seaview Estates, are that matured foliage will help screen views of the overhead lines. Secondary impact of the proposed action has already been disclosed in the DEA-- that is the possible increase in population assuming the HELCO service is made available.

17. The existing ecosystem is not expected to change as a result of the proposed action. Ocean viewing, sun bathing, and fishing are the coastal attractions in the area, none of which are anticipated to be impeded by the project.

18. Your comment has been noted.

As stated in Section 2.2 of the DEA, among the eight triggers for the environmental review process, the proposed action affects one: the use of State lands. The environmental review process for this project included description of the proposed action and existing conditions, and analysis of potential impacts and appropriate mitigation measures. Supplementary studies included flora, fauna, and archaeological resource assessments to determine status of natural and cultural resources in the project area. All technical studies were conducted by qualified consultants and have been included in the environmental documents for public information and review. The overall conclusion with regard to natural and cultural resources is that the project will have minimal short and long term impacts on these existing conditions. Therefore, an

reply ltr helco



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

Ms. Sande Greene  
August 4, 1995  
Page 3

environmental impact statement would not be necessary.

Sincerely,

*Colette Saloda*  
Colette Saloda  
Project Manager

cc: HELCO, R. Ratliff  
OEQC, G. Gill  
DLNR, Land Management Division  
County of Hawaii Dept. of Public Works, D. Kiyosaki

NOTE: WE LIVE OFF-POWER, USING PHOTOVOLTAICS. THE COST OF OUR SYSTEM WAS APPROX \$6,500 AND PROVIDES ADEQUATE POWER FOR LIGHTS, STOVE, TV, VCR, REFRIGERATOR, AND OTHER ASSESSED POWER TOOLS AND APPLIANCES.

Verrell - Shearwater inhabiting this area. Two days is not long enough to do an accurate survey of the area particularly out of season.

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The applicable criteria triggers for an EIS are: 1) Substantially affects the economics or social welfare of the community or state; 2) Involves substantial secondary effects such as population changes or infrastructure demands; 3) Involves a substantial degradation of environmental quality; 4) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment to larger actions; 5) Substantially affects a rare, threatened or endangered species or its habitat; 6) Affects an environmentally sensitive area, such as a flood plain, tsunami zone, erosion-prone area geologically hazardous land, estuary, freshwater area, or coastal waters. (Source: A Guidebook for the Hawaii State Environmental Review Process).

For the reasons stated above, this Second Draft Environmental Assessment is clearly inadequate and an Environmental Impact Statement is obviously required for this project.

Respectfully submitted,

*Michael M. Tolwill*  
(signature) P.O. Box 1293, PAHOA 96778  
(address)

copies sent to: R.M. Tolwill Corp., attn: Collette Sakoda Helco, Ralph Ratliff  
420 Waiakamilo Rd., Room 411 PO Box 1027  
Honolulu, HI 96857-1941 Hilo, HI 96721

OEOC, Gary Gill, Director DLNR, Land Management Division  
220 S. King St., Suite 100 PO Box 621, attn: Mike Wilson  
Honolulu, HI 96899 Honolulu, HI 96809

Date: 7/6/95

Deputy Chief Engineer  
The County of Hawaii  
Department of Public Works  
25 Aupuni Street, Room 202  
Hilo, HI 96720

Attn: Jiro Sumada (961-8321)

Re: Second Draft Environmental Assessment, SPPP Unit 71, Kehena-Keekae Homestead, Puna, Hawaii

The residents of Puna and Hawaii do now make these statements to all concerned regarding the above-referenced second draft environmental assessment. The EA is inadequate and inaccurate:

1) The exemptions claimed by Helco, granted by the Planning Department and the Department of Public Works, were found invalid by Judge Nakamura. (See attachment #1). Why is R.M. Tolwill citing bogus exemptions that do not exist?

2) Helco was never exempt from permitting within the Special Management Area and is now in direct violation of such permitting and is subject to fines for these infractions.

3) There are three known unpermitted but approved permits for subdivisions in the Red Road area. The Planning Department says two of these projects will definitely be hooked up to SPPP Unit 71, Kalapana Ohana village and Kalzoi Honuz's subdivision. The EA is invalid because Helco is not permitted to segment a project. The proposed action must be described in its entirety; therefore, projects should not be done on an incremental basis to avoid the preparation of an environmental impact statement" (OEOC Bulletin regulations). Once again the project is being published in a segmented form which violates the above-stated guidelines.

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9) Trivializes the imminent danger of lava and earthquake risks in the project area. The Kehena area is approximately 4 miles from the 1990 Kalapana flow and 12 to 13 miles from the Puu Oo vent with a bubbling lava lake at its summit. Most of the project is on a 1955 lava flow. Why is Helco willing to risk millions of the ratepayers' dollars on an irretrievable capital investment that is statistically suicidal?

10) Ignores endangered species reports by US Department of Interior, National Biological Service (Volcano National Park). The project area is habitat to: Io (the Hawaiian Hawk), 'A'o (Newell's Shearwater), Dark-rumped Petrel, Band-rumped Storm Petrel, Hawaiian Hoary Bat, Puro (Hawaiian Owl), Green sea turtle, Hawk's bill turtle, Spinner dolphins and Humpback whales.

11) Conducted a two-day faunal study out of season of a known endangered species ('A'o-

**R. M. TOWILL CORPORATION**

420 WAIKAMUI RD #411 HONOLULU, HI 96817-2941 808.948-1133 FAX 808.948-1037

August 4, 1995

Mr. Robert Beaudry  
P. O. Box 1293  
Pahoa, HI 96778

Dear Mr. Beaudry:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.47/7.2 kV Overhead Distribution System, Puna, Hawaii

We have received your letter of July 6, 1995 regarding the subject project. The following has been prepared in response to your comments.

1 & 2 With respect to HELCO's actions, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit from the County of Hawaii. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions.

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Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Mr. Robert Beaudry  
August 4, 1995  
Page 2

Service.

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reply lvs helco





Deputy Chief Engineer  
The County of Hawaii's  
Department of Public Works  
25 Lupum Street, Room 202  
Hilo, HI 96720

Attn: Jiro Sumada (461-8321)

Re: Second Draft Environmental Assessment, SSPP Unit 71, Kahana-Keekee Homestead, Puna, Hawaii  
The residents of Puna and Hawaii do now make these statements to all concerned regarding the above-referenced second draft environmental assessment. The EA is inadequate and inaccurate:

- 1) The exemptions claimed by Heico, granted by the Planning Department and the Department of Public Works, were found invalid by Judge Nakamura. (See attachment #1). Why is R.M. Towill doing bogus exemptions that do not exist?
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Date: July 5, 1995

Newell's Shearwater inhabiting this area. Two days is not long enough in do an accurate survey of the A'o particularly out of season.

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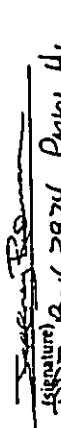
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The applicable criteria triggers for an EIS are: 1) Substantially affects the economics or social welfare of the community or state; 2) Involves substantial secondary effects such as population changes or infrastructure demands; 3) Involves a substantial degradation of environmental quality; 4) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment to larger actions; 5) Substantially affects a rare, threatened or endangered species or its habitat; 6) And, affects an environmentally sensitive area, such as a flood plain, tsunami zone, erosion-prone area geologically hazardous land, estuary, freshwater area, or coastal waters. (Source: A Guidebook for the Hawaii State Environmental Review Process).

For the reasons stated above, this Second Draft Environmental Assessment is clearly inadequate and an Environmental Impact Statement is obviously required for this project.

Respectfully submitted,

  
R.M. Towill  
(address)  
96778

copies sent to: R.M. Towill Corp., attn: Collette Sakoda  
420 Waiakamilo Rd., Room 411  
Honolulu, HI 96187-1941  
Helco, Ralph Ralitic  
PO Box 1027  
Hilo, HI 96721

OEQC, Gary Gill, Director  
220 S. King St., Suite 400  
Honolulu, HI 96809  
DLNR, Land Management Division  
PO Box 621, attn: Mike Wilson  
Honolulu, HI 96809

Submitted to: Public Hearing #1 July 5, 1995 9:00 AM

Friends of the Red Road v. The County of Hawaii  
Civil No. 93-14  
January 19, 1995

1. Plaintiffs' Motion for Preliminary Injunction, filed on January 11, 1995, shall be granted in part. Defendant Hawaii Electric Company, Inc. ("HELCO") shall be enjoined from cutting down trees or from trimming trees so as to significantly alter their size or shape in Defendant County of Hawaii's (the "County") rights-of-way or property. In this context, a "significant alteration" results if it will take more than one year for the pre-existing size and shape of a tree to be substantially restored.

2. The basis for this decision is as follows:  
a. Plaintiff Friends of the Red Road ("Friends") has or more than one of its members as an association have standing to seek relief.  
b. Based upon the state of the evidence presented, there is a probability that Friends will succeed on the merits in regard to its argument that a special management area use permit was required for the HELCO project.

Generally, a special management area permit of some nature is required where "development" is contemplated. "Development" is defined as any of the uses, activities, or operations on land or in or under water, within a special management area. HRS § 205A-22. It includes "construction, reconstruction, demolition, or alteration in the size of any structure." HRS § 205A-22. "Structure" is defined to include any telephone line or electrical power transmission and distribution line. HRS § 205A-22.

The HELCO project entails the removal of telephone poles and the installation of joint utility poles. It clearly constitutes a "development" for the purposes of HRS § 205A-22 because it involves construction or reconstruction of telephone and electrical power transmission and distribution lines. None of the limitations on the definition of "development" set forth in HRS § 205A-22 applies.

The justification provided by the County does not apply. Section 9-4(10) 3.(iv) of the Planning Commission County of Hawaii Rules relates to "repair and maintenance". In regard to the HELCO project, "construction" or "reconstruction" is involved. Further, the specific provision relied upon conflicts with the limitation of the definition of "development" set forth under HRS § 205A-22.

c. Also, based upon the state of evidence presented, there is a probability that Friends will succeed on the merits on its argument that an environmental assessment is required. Defendants claim that several exemptions set forth in the Department of Health, Environmental Impact Statement Rules ("EIS Rules"), as further qualified by the Comprehensive Exemption List for the County of Hawaii Department of Public Works ("Exemption List"), apply.

Section 11-200-8(2) of the EIS Rules arguably may apply. However, taking into consideration: (1) an additional purpose for the facilities, that is, for the distribution of electricity; (2) an increased capacity of use; (3) an increased density; (4) increased height of the utility poles installed or to be installed; and (5) larger dimensions of the poles to be installed and different shaping at the top of the poles, there is a sufficient basis to conclude, based upon the evidence presented, that there is a substantial difference between the pre-existing telephone poles and the joint utility poles to be installed pursuant to the HELCO project, in light of the project's environment. Exemption Class # 2, as defined in the Exemption Rules, does not further delineate any specific type of action which is potentially applicable to this case.

For reasons set forth above, Exemption Class # 4 of the Exemption Rules does not justify an exemption.

d. The cutting down or reshaping of trees is to be performed pursuant to the HELCO project. The balance of irreparable damage favors an injunction against the cutting down of trees and the trimming of trees so that their sizes or shapes are significantly altered pending a final determination of these matters. However, no other injunction shall issue at this time.

e. The above injunction is consistent with the public interest.

f. In light of the written confirmations of determinations made by the County's agencies that a special management area permit and an environmental assessment were not required, appeals of agency actions should be appropriate. However, the opportunity for appeal should not justify leaving Friends without an immediate remedy for irreparable damage. On the other hand, the results of the appeals may have an impact upon this injunction.

Mr. Hall is to prepare a proposed form of the order. Other counsel are also invited to submit forms of the order.

1100 Waikeamilo Rd #411 Honolulu, HI 96817-1041 Phone: 848-1133 Fax: 848-1037

**R. M. TOWILL CORPORATION**

1100 Waikeamilo Rd #411 Honolulu, HI 96817-1041 Phone: 848-1133 Fax: 848-1037

August 4, 1995

Mr. Jeffrey Redman  
RR2  
P. O. Box 3974  
Paahoa, HI 96778

Dear Mr. Redman:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.477.2 KV Overhead Distribution System, Puna, Hawaii

We have received your letter of July 5, 1995 regarding the subject project. The following has been prepared in response to your comments:

1 & 2 With respect to HELCO's actions, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit from the County of Hawaii. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions.

3 & 4 Regarding the statement about additional projects getting hooked up to SSPP Unit 71, the project is described in its entirety in the subject DEA.

5 & 6 The information contained in the subject environmental assessment is: a) appropriate and pertinent to assist us in evaluating the project environment and potential impacts; and, b) properly discloses status of natural and cultural resources.

7. Your comment is noted.

8 & 9 Lava Hazard Zone information is disclosed in the DEA. There are 181 lot owners in the Kalapana Scaview, Puna Palisades, and Kehena Beach Estates subdivisions who are potential participants in this program.

10 &

11 Technical studies prepared for the DEA and Final environmental assessment adequately address the status of faunal resources in the project area. An additional radar survey was conducted from July 10 through July 14, 1995. The additional work was scheduled specifically during the Newell's Shearwater nesting season. The findings from this survey are included in the final environmental assessment. The overall conclusion is that the project would have minimal, not substantial effects on this threatened seabird and the endangered bat.

Our technical studies include all proper references to the US Department of Interior, National Biological Service communications. Citations of non-published or unclassified research documents were avoided without the consent of the authors, as this practice is generally the rule. Our

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Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Mr. Jeffrey Redman  
August 4, 1995  
Page 2

consultants, in their technical studies, cite contacts made with the National Biological Service:

12. There are 181 lot owners in the three residential subdivisions of Kehena Beach, Puna Palisades and Kalapana Scaview who are potential participants. There has been GTE Hawaiian Tel communication service in this same project area since around 1984. We see an existing consumption of infrastructure as well as a demand for additional infrastructure by these facts.

13. The costs discussed in the DEA describe a PV system with a 1000 watt array for a typical, full-scale household that utilizes items including a water heater, color television, and frost-free refrigerator, all operating simultaneously. We agree that there are solar PV systems that can cost less-- it probably correlates with life-style choices with respect to what a household consists of, as you've described

14. To reiterate, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit at the County of Hawaii Planning Department. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions

15. With regard to your recommendation that solar is required for those who are awaiting HELCO service, your comment has been noted. Ideally, a community of residents that can exercise their freedom to choose between traditionally supplied electricity through the "grid," solar PV units, or other available means is the expected result of this project. Without the SSPP Unit 71 project, the choice to some of the residents would be limited.

16. The purpose of an environmental assessment is to identify the existing natural and cultural resources, the potential impacts of the proposed action, and where appropriate, any mitigating measures necessary to minimize impacts. The long term visual impacts in areas where vegetation is minimal, such as in Kalapana Scaview Estates, are that matured foliage will help screen views of the overhead lines. Secondary impact of the proposed action has already been disclosed in the DEA-- that is the possible increase in population assuming the HELCO service is made available

17. The existing ecosystem is not expected to change as a result of the proposed action. Ocean viewing, sun bathing, and fishing are the coastal attractions in the area, none of which are anticipated to be impeded by the project.

18. Your comment has been noted

As stated in Section 2.2 of the DEA, among the eight triggers for the environmental review process, the proposed action affects one: the use of State lands. The environmental review process for this project included description of the proposed action and existing conditions, and analysis of potential impacts and appropriate mitigation measures. Supplementary studies included flora, fauna, and archaeological resource assessments to determine status of natural and cultural resources in the project area. All technical studies were conducted by qualified consultants and have been included in the environmental documents for public information and review. The overall conclusion with regard to natural and cultural resources is that the

reply ltr. holo

Mr. Jeffrey Redman  
August 4, 1995  
Page 3

project will have minimal short and long term impacts on these existing conditions. Therefore, an environmental impact statement would not be necessary.

Sincerely,

  
Colette Sakoda  
Project Manager

cc: HELCO, R. Baijic  
OEQC, G. Gill  
DLNR, Land Management Division  
County of Hawaii Dept. of Public Works, D. Kiyosaki

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Date: 7/15/85

Deputy Chief Engineer  
The County of Hawaii  
Department of Public Works  
25 Aupuni Street, Room 202  
Hilo, HI 96720

Attn: Jiro Sumada (961-8321)

Re: Second Draft Environmental Assessment, SPPP Unit 21, Kehena-Keehee Homestead, Puna, Hawaii  
The residents of Puna and Hawaii do now make these statements to all concerned regarding the above-referenced second draft environmental assessment. The EA is inadequate and inaccurate:

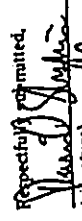
- 1) The exemptions claimed by Helco, granted by the Planning Department and the Department of Public Works, were found invalid by Judge Nakamura. (See attachment #1). Why is R.M. Towill citing bogus exemptions that do not exist?
- 2) Helco was never exempt from permitting within the Special Management Area and is now in direct violation of such permitting and is subject to fines for these infractions.
- 3) There are three known unopened but approved permits for subdivisions in the Red Road area. The Planning Department says two of these projects will definitely be hooked up to SPPP Unit 71, Kalapana Ohana village and Kalani Honua's subdivision. The EA is invalid because Helco is not permitted to segment a project. The proposed action must be described in its entirety; therefore, projects should not be done on an incremental basis to avoid the preparation of an environmental impact statement (OEQC Bulletin regulations). Once again the project is being published in a segmented form which violates the above-stated guideline.
- 4) There are unexercised, approved permits for large development projects in this area. The community wants to know, what are these plans and how does this project fit in to these plans?
- 5) Uses informational material not pertinent to our community.
- 6) Ignores health and welfare of the people and the endangered species.
- 7) How can Helco sell what Helco doesn't have to people who don't want it and make money for their shareholders?
- 8) Ignores lava hazard zone designations as no probable risk yet the electric utility's own insurance company, Hawaiian Insurance Group, canceled coverage in Seaview after the Kalapana flow.
- 9) Trivializes the imminent danger of lava and earthquake risks in the project area. The Kehena area is approximately 4 miles from the 1990 Kalapana flow and 12 to 13 miles from the Puu Oo vent with a bubbling lava lake at its summit. Most of the project is on a 1955 lava flow. Why is Helco willing to risk millions of the taxpayers' dollars on an irretrievable capital investment that is statistical suicide?
- 10) Ignores endangered species reports by US Department of Interior, National Biological Service (Volcano National Park). The project area is habitat for: I'o (the Hawaiian Hawk), 'A'o (Newell's Shearwater), Dark-rumped Petrel, Band-rumped Storm Petrel, Hawaiian Healy Bat, Puae (Hawaiian Owl), Green sea turtle, Hawk's bill turtle, Spinner dolphins and Humpback whales.
- 11) Conducted a two-day faunal study out of season of a known endangered species ('A'o-

Newell's Shearwater) inhabiting this area. Two days is not long enough to do an accurate survey of the 'A'o particularly out of season.

- 12) Red Road residents are NOT demanding infrastructure. The vast majority of residents do not want infrastructure.
- 13) Deliberately misrepresents the design and cost of solar photovoltaic systems as an alternative to the project. The average use is misrepresented, is 500 watts not 1,000 watts. The cost reported is almost triple what a reliable, quality solar installation of 1,000 watts would cost.
- 14) The EA is really some kind of historical document for the future to legitimize into mythic history the origins of this questionable project. Nowhere does there appear the slightest acknowledgement of Helco being taken to court by the community, being made to be accountable like everybody else and correction of the unlawful actions and bogus "exemptions".
- 15) Destroys the solar/alternative community that has existed for more than a quarter of a century.
- 16) The main purpose of an environmental assessment is to identify the long-term impacts. Why does this EA constantly refuse to address the pertinent long-term impacts of this project? For example, the sea creatures who visit and play at our shores and thus our developing ecotourism industry.
- 17) Changes forever the ecosystem and habitat which dictates our Red Road lifestyle. For scale with little effect on employment levels only results in the creation of modern ghettos. Development on this scale with little effect on employment levels only results in the creation of modern ghettos.
- 18) Serves only to benefit those who create and maintain modern ghettos. Development on this scale with little effect on employment levels only results in the creation of modern ghettos.

The applicable criteria triggers for an EIS are: 1) Substantially affects the economics or social welfare of the community or state; 2) Involves substantial secondary effects such as population changes or infrastructure demands; 3) Involves a substantial degradation of environmental quality; 4) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment to larger actions; 5) Substantially affects a rare, threatened or endangered species or its habitat; 6) And, affects an environmentally sensitive area, such as a flood plane, tsunami zone, erosion-prone area geologically hazardous land, estuary, freshwater area, or coastal waters. (Source: A Guidebook for the Hawaii State Environmental Review Process).

For the reasons stated above, this Second Draft Environmental Assessment is clearly inadequate and an Environmental Impact Statement is obviously required for this project.

Respectfully submitted,  
  
 Robert Shapiro  
 (Signature) 2965 Wai'ale'ale Hwy #111  
 (address)

Helco, Ralph Ratific  
 PO Box 1007  
 Hilo, HI 96721

R.M. Towill Corp., attn: Collette Sakoda  
 420 Waikamilo Rd., Room 411  
 Honolulu, HI 96187-4191

OEQC, Gary Gill, Director  
 220 S. King St., Suite 400  
 Honolulu, HI 96809

DLNR, Land Management Division  
 PO Box 621, attn: Mike Wilson  
 Honolulu, HI 96809

EVIDENCE: Attachment #1, Judge NAKAMURA MEMO

Friends of the Red Road v. The County of Hawaii  
Civil No. 95-14  
January 19, 1995

1. Plaintiffs' Motion for Preliminary Injunction, filed on January 11, 1995, shall be granted in part. Defendant Hawaii Electric Company, Inc. ("HELCO") shall be enjoined from cutting down trees or from trimming trees so as to significantly alter their size or shape in Defendant County of Hawaii's (the "County") rights-of-way or property. In this context, a "significant alteration" results if it will take more than one year for the pre-existing size and shape of a tree to be substantially restored.

2. The basis for this decision is as follows:

a. Plaintiff Friends of the Red Road ("Friends") has or more than one of its members as an association have standing to seek relief.

b. Based upon the state of the evidence presented, there is a probability that Friends will succeed on the merits in regard to its argument that a special management area use permit was required for the HELCO project.

Generally, a special management area permit of some nature is required where "development" is contemplated. "Development" is defined as any of the uses, activities, or operations on land or in or under water, within a special management area. HRS § 205A-22. It includes "construction, reconstruction, demolition, or alteration in the size of any structure." HRS § 205A-22. "Structure" is defined to include any telephone line or electrical power transmission and distribution line. HRS § 205A-22.

The HELCO project entails the removal of telephone poles and the installation of joint utility poles. It clearly constitutes a "development" for the purposes of HRS § 205A-22 because it involves construction or reconstruction of telephone and electrical power transmission and distribution lines. None of the limitations on the definition of "development" set forth in HRS § 205A-22 applies.

The justification provided by the County does not apply. Section 9-4(10) B.(iv) of the Planning Commission County of Hawaii Rules relates to "repair and maintenance". In regard to the HELCO project, "construction" or "reconstruction" is involved. Further, the specific provision relied upon conflicts with the limitation of the definition of "development" set forth under HRS § 205A-22.

c. Also, based upon the state of evidence presented, there is a probability that Friends will succeed on the merits on its argument that an environmental assessment is required. Defendants claim that several exemptions set forth in the Department of Health, Environmental Impact Statement Rules ("EIS Rules"), as further qualified by the Comprehensive Exemption List for the County of Hawaii Department of Public Works ("Exemption Lists"), apply.

Section 11-200-8(2) of the EIS Rules arguably may apply. However, taking into consideration: (1) an additional purpose for the facilities, that is, for the distribution of electricity; (2) an increased capacity of use; (3) an increased density; (4) increased height of the utility poles installed or to be installed; and (5) larger dimensions of the poles to be installed and different shaping at the top of the poles, there is a sufficient basis to conclude, based upon the evidence presented, that there is a substantial difference between the pre-existing telephone poles and the joint utility poles to be installed pursuant to the HELCO project, in light of the project's environment. Exemption Class § 2, as defined in the Exemption Rules, does not further delineate any specific type of action which is potentially applicable to this case.

For reasons set forth above, Exemption Class § 4 of the Exemption Rules does not justify an exemption.

d. The cutting down or reshaping of trees is to be performed pursuant to the HELCO project. The balance of irreparable damage favors an injunction against the cutting down of trees and the trimming of trees so that their sizes or shapes are significantly altered pending a final determination of these matters. However, no other injunction shall issue at this time.

e. The above injunction is consistent with the public interest.

f. In light of the written confirmations of determinations made by the County's agencies that a special management area permit and an environmental assessment were not required, appeals of agency actions may be appropriate. However, the opportunity for appeal should not justify leaving Friends without an immediate remedy for irreparable damage. On the other hand, the results of the appeals may have an impact upon this injunction.

3. Mr. Hall is to prepare a proposed form of the order. Other counsel are also invited to submit forms of the order.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

R. M. TOWILL CORPORATION

480 Waiakamilo RD #411 Honolulu, HI 96817-4941 808.848-1153 FAX 808.848-1037

August 4, 1995

Mr. Daniel Shapiro  
RR2  
P. O. Box 3965  
Paheo, HI 96778

Dear Mr. Shapiro:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.477.2 LV Overhead Distribution System, Puna, Hawaii.

We have received your letter of July 5, 1995 regarding the subject project. The following has been prepared in response to your comments.

1 & 2 With respect to HELCO's actions, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit from the County of Hawaii. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions.

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August 4, 1995  
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reply has been





Date: July 7, 1985

Deputy Chief Engineer  
The County of Hawaii,  
Department of Public Works  
25 Aupun Street, Room 202  
Hilo, HI 96720

Attn: Jiro Sumada (961-8321)

Re: Second Draft Environmental Assessment, SPP Unit 71, Kehena-Keeke Homestead, Puna, Hawaii

The residents of Puna and Hawaii do now make these statements to all concerned regarding the above-referenced second draft environmental assessment. The EA is inadequate and inaccurate:

- 1) The exemptions claimed by Helco, granted by the Planning Department and the Department of Public Works, were found invalid by Judge Nakamura. (See attachment #1). Why is R.M. Towill citing bogus exemptions that do not exist?
- 2) Helco was never exempt from permitting within the Special Management Area and is now in direct violation of such permitting and is subject to fines for these infractions.
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Newell's Shearwater inhabiting this area. Two days is not long enough to do an accurate survey of the area particularly out of season.

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For the reasons stated above, this Second Draft Environmental Assessment is clearly inadequate and an Environmental Impact Statement is obviously required for this project.

Respectfully submitted,

AMES P. TIERIAKIS  
Signature  
P.O. Box 3965  
Hilo, HI 96720  
96778

copies sent to: R.M. Towill Corp. attn: Collette Saboda Helco, Ralph Rattlic PO Box 1027 Hilo, HI 96721  
420 Waiakamilo Rd., Room 411 Honolulu, HI 96817-4191

OEQC, Gary Gill, Director  
220 S. King St., Suite 400  
Honolulu, HI 96807  
DLNR, Land Management Division  
PO Box 627, attn: Mike Wilson  
Honolulu, HI 96809

**R. M. TOWILL CORPORATION**

420 Waikeahole Rd #411 Honolulu HI 96817-1041 808-948-1133 Fax 808-948-1037

August 4, 1995

Mr. James P. Tierney  
RR2  
P. O. Box 3965  
Pahoa, HI 96778

Dear Mr. Tierney:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.477.2 kV  
Overhead Distribution System, Puna, Hawaii

We have received your letter of July 7, 1995 regarding the subject project. The following has been prepared in response to your comments.

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reply ltr helco

Mr. James P. Tierney  
August 4, 1995  
Page 2

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12. There are 181 lot owners in the three residential subdivisions of Kehen Beach, Puna Palisades and Kalapana Scaview who are potential participants. There has been GTE Hawaiian Tel communication service in this same project area since around 1984. We see an existing consumption of infrastructure as well as a demand for additional infrastructure by these facts.

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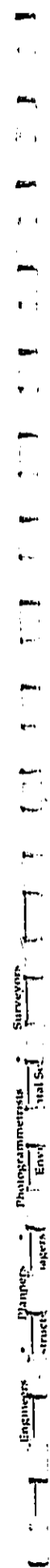
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reply ltr helco



Mr. James P. Tierney  
August 4, 1995  
Page 3

environmental impact statement would not be necessary.

Sincerely,

  
Colette Sakoda  
Project Manager

cc: HELCO, R. Ratliff  
OEQC, G. Gill  
DLNR, Land Management Division  
County of Hawaii Dept. of Public Works, D. Kinoshita

Deputy Chief Engineer  
The County of Hawaii  
Department of Public Works  
25 Alupuni Street, Room 202  
Hilo, HI 96720

Date: 7/5/85

Attn: Iiro Sumada (961-8321)

Re: Second Draft Environmental Assessment, SSPP Unit 71, Kehena-Keeke, Homestead, Puna, Hawaii

The residents of Puna and Hawaii do now make these statements to all concerned regarding the above-referenced second draft environmental assessment. The EA is inadequate and inaccurate:

- 1) The exemptions claimed by Helco, granted by the Planning Department and the Department of Public Works, were found invalid by Judge Nakamura. (See attachment #1). Why is R.M. Towill citing bogus exemptions that do not exist?
- 2) Helco was never exempt from permitting within the Special Management Area and is now in direct violation of such permitting and is subject to fines for these infractions.
- 3) There are three known unopened but approved permits for subdivisions in the Red Road area. The Planning Department says two of these projects will definitely be hooked up to SSPP Unit 71, Kalapana Ohana village and Kalani Honua's subdivision. The EA is invalid because Helco is not permitted to segment a project. The proposed action must be described in its entirety; therefore, projects should not be done on an incremental basis to avoid the preparation of an environmental impact statement (OECC Bulletin regulations). Once again the project is being published in a segmented form which violates the above-stated guideline.
- 4) There are unexercised, approved permits for large development projects in this area. The community wants to know, what are these plans and how does this project fit in to these plans?
- 5) Uses informational material not pertinent to our community.
- 6) Ignores health and welfare of the people and the endangered species.
- 7) How can Helco sell what Helco doesn't have to people who don't want it and make money for their shareholders?
- 8) Ignores lava hazard zone designations as no probable risk yet the electric utility's own insurance company, Hawaiian Insurance Group, canceled coverage in Seaview after the Kalapana flow.
- 9) Trivializes the imminent danger of lava and earthquake risks in the project area. The Kehena area is approximately 4 miles from the 1990 Kalapana flow and 12 to 13 miles from the Puu Oo vent with a bubbling lava lake at its summit. Most of the project is on a 1955 lava flow. Why is Helco willing to risk millions of the ratepayers' dollars on an irretrievable capital investment that is statistical suicide?
- 10) Ignores endangered species reports by US Department of Interior, National Biological Service (Volcano National Park). The project area is habitat to: I'o (the Hawaiian Hawk), 'A'o (Newell's Shearwater), Dark-rumped Petrel, Band-rumped Storm Petrel, Hawaiian Hoary Bat, Puae (Hawaiian Owl), Green sea turtle, Hawk's bill turtle, Spinner dolphins and Humpback whales.
- 11) Conducted a two-day faunal study out of season of a known endangered species ('A'o-

Newell's Shearwater) inhabiting this area. Two days is not long enough to do an accurate survey of the 'A'o particularly out of season.

12) Red Road residents are NOT demanding infrastructure. The vast majority of residents do not want infrastructure.

13) Deliberately misrepresents the design and cost of solar photovoltaic systems as an alternative to the project. The average use is misrepresented, is 500 watts not 1,000 watts. The cost reported is almost triple what a reliable, quality solar installation of 1,000 watts would cost.

14) The EA is really some kind of historical document for the future to legitimize into mythic history the origins of this questionable project. Nowhere does there appear the slightest acknowledgment of Helco being taken to court by the community, being made to be accountable like everybody else and correction of the unlawful actions and bogus "exemptions".

15) Destroys the solar/alternative community that has existed for more than a quarter of a century.

16) The main purpose of an environmental assessment is to identify the long-term impacts. Why does this EA consistently refuse to address the pertinent long-term impacts of this project?

17) Changes forever the ecosystem and habitat which dictates our Red Road lifestyle. For example, the sea creatures who visit and play at our shores and thus our developing ecotourism industry.

18) Serves only to benefit those who create and maintain modern ghettos. Development on this scale with little effect on employment levels only results in the creation of modern ghettos.

The applicable criteria triggers for an EIS are: 1) Substantially affects the economics or social welfare of the community or state; 2) Involves substantial secondary effects such as population changes or infrastructure demands; 3) Involves a substantial degradation of environmental quality; 4) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment to larger actions; 5) Substantially affects a rare, threatened or endangered species or its habitat; 6) And, affects an environmentally sensitive area, such as a flood plane, tsunami zone, erosion-prone area geologically hazardous land, estuary, freshwater area, or coastal waters. (Source: A Guidebook for the Hawaii State Environmental Review Process).

For the reasons stated above, this Second Draft Environmental Assessment is clearly inadequate and an Environmental Impact Statement is obviously required for this project.

Respectfully submitted,

ALICE YIMBOKA  
(signature)  
2235 King St. Suite 400  
Honolulu, HI 96809  
(address)

copies sent to: R.M. Towill Corp., attn: Collette Sakoda  
420 Waikamalo Rd., Room 411  
Honolulu, HI 96874-941  
Helco, Ralph Raitiff  
PO Box 1027  
Hilo, HI 96721

OECC, Gary Gill, Director  
2205 King St., Suite 400  
Honolulu, HI 96809  
DLNR, Land Management Division  
PO Box 621, attn: Mike Wilson  
Honolulu, HI 96809

Enclosure: Attachment #1, Judge NAKAMURA MEMO

Friends of the Red Road v. The County of Hawaii  
Civil No. 95-14  
January 19, 1995

1. Plaintiffs' Motion for Preliminary Injunction, filed on January 11, 1995, shall be granted in part. Defendant Hawaii Electric Company, Inc. ("HELCO") shall be enjoined from cutting down trees or from trimming trees so as to significantly alter their size or shape in Defendant County of Hawaii's (the "County") rights-of-way or property. In this context, a "significant alteration" results if it will take more than one year for the pre-existing size and shape of a tree to be substantially restored.

2. The basis for this decision is as follows:

- a. Plaintiff Friends of the Red Road ("Friends") has or more than one of its members as an association have standing to seek relief.
- b. Based upon the state of the evidence presented, there is a probability that Friends will succeed on the merits in regard to its argument that a special management area use permit was required for the HELCO project.  
Generally, a special management area permit of some nature is required where "development" is contemplated. "Development" is defined as any of the uses, activities, or operations on land or in or under water, within a special management area. HRS § 205A-22. It includes "construction, reconstruction, demolition, or alteration in the size of any structure." HRS § 205A-22. "Structure" is defined to include any telephone line or electrical power transmission and distribution line. HRS § 205A-22.

The HELCO project entails the removal of telephone poles and the installation of joint utility poles. It clearly constitutes a "development" for the purposes of HRS § 205A-22 because it involves construction or reconstruction of telephone and electrical power transmission and distribution lines. None of the limitations on the definition of "development" set forth in HRS § 205A-22 applies.

The justification provided by the County does not apply. Section 9-4(10) B.(iv) of the Planning Commission County of Hawaii Rules relates to "repair and maintenance". In regard to the HELCO project, "construction" or "reconstruction" is involved. Further, the specific provision relied upon conflicts with the limitation of the definition of "development" set forth under HRS § 205A-22.

c. Also, based upon the state of evidence presented, there is a probability that Friends will succeed on the merits on its argument that an environmental assessment is required. Defendants claim that several exemptions set forth in the Department of Health, Environmental Impact Statement Rules ("EIS Rules"), as further qualified by the Comprehensive Exemption List for the County of Hawaii Department of Public Works ("Exemption List"), apply.

Section 11-200-8(2) of the EIS Rules arguably may apply. However, taking into consideration: (1) an additional purpose for the facilities, that is, for the distribution of electricity; (2) an increased capacity of use; (3) an increased density; (4) increased height of the utility poles installed or to be installed; and (5) larger dimensions of the poles to be installed and different shaping at the top of the poles, there is a sufficient basis to conclude, based upon the evidence presented, that there is a substantial difference between the pre-existing telephone poles and the joint utility poles to be installed pursuant to the HELCO project, in light of the project's environment. Exemption Class # 2, as defined in the Exemption Rules, which is further delineate any specific type of action which is potentially applicable to this case.

For reasons set forth above, Exemption Class # 4 of the Exemption Rules does not justify an exemption.

d. The cutting down or reshaping of trees is to be performed pursuant to the HELCO project. The balance of irreparable damage favors an injunction against the cutting down of trees and the trimming of trees so that their sizes or shapes are significantly altered pending a final determination of these matters. However, no other injunction shall issue at this time.

e. The above injunction is consistent with the public interest.

f. In light of the written confirmations of determinations made by the County's agencies that a special management area permit and an environmental assessment were not required, appeals of agency actions may be appropriate. However, the opportunity for appeal should not justify leaving Friends without an immediate remedy for irreparable damage. On the other hand, the results of the appeals may have an impact upon this injunction.

g. Mr. Hall is to prepare a proposed form of the order. Other counsel are also invited to submit forms of the order.

AC

# R. M. TOWILL CORPORATION

480 WAIKAMUI RD #411 HONOLULU HI 96817-4941 808-842-1125 FAX 808-842-1037

August 4, 1995

Ms. Thea Jenssen  
RR2  
P. O. Box 3965  
Pahoa, HI 96778

Dear Ms. Jenssen:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.477.2 kV  
Overhead Distribution System, Puna, Hawaii

We have received your letter of July 5, 1995 regarding the subject project. The following has been prepared in response to your comments.

1 & 2 With respect to HELCO's actions, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit from the County of Hawaii. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions.

3 & 4 Regarding the statement about additional projects getting hooked up to SSPP Unit 71, the project is described in its entirety in the subject DEA.

5 & 6 The information contained in the subject environmental assessment is: a) appropriate and pertinent to assist us in evaluating the project environment and potential impacts; and, b) properly discloses status of natural and cultural resources.

7. Your comment is noted.

8 & 9 Lava Hazard Zone information is disclosed in the DEA. There are 181 lot owners in the Kalapana Seaview, Puna Palisades, and Kahoma Beach Estates subdivisions who are potential participants in this program.

10 & 11 Technical studies prepared for the DEA and Final environmental assessment adequately address the status of faunal resources in the project area. An additional radar survey was conducted from July 10 through July 14, 1995. The additional work was scheduled specifically during the Newell's Shearwater nesting season. The findings from this survey are included in the final environmental assessment. The overall conclusion is that the project would have minimal, not substantial effects on this threatened seabird and the endangered bat.

Our technical studies include all proper references to the US Department of Interior, National Biological Service communications. Citations of non-published or unreleased research documents were avoided without the consent of the authors, as this practice is generally the rule. Our

reply list below

Engineer: [ ] Planner: [ ] Photogrammetrist: [ ] Surveyor: [ ]  
Natural Resource Manager: [ ] Env. [ ]

Ms. Thea Jenssen  
August 4, 1995  
Page 2

consultants, in their technical studies, cite contacts made with the National Biological Service

12. There are 181 lot owners in the three residential subdivisions of Kahoma Beach, Puna Palisades and Kalapana Seaview who are potential participants. There has been GTE Hawaiian Tel communication service in this same project area since around 1984. We see an existing consumption of infrastructure as well as a demand for additional infrastructure by these facts.

13. The costs discussed in the DEA describe a PV system with a 1000 watt array for a typical, full-scale household that utilizes items including a water heater, color television, and frost-free refrigerator, all operating simultaneously. We agree that there are solar PV systems that can cost less-- it probably correlates with life-style choices with respect to what a household consists of, as you've described

14. To reiterate, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit at the County of Hawaii Planning Department. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions

15. With regard to your recommendation that solar is required for those who are awaiting HELCO service, your comment has been noted. Ideally, a community of residents that can exercise their freedom to choose between traditionally supplied electricity through the "grid," solar PV units, or other available means is the expected result of this project. Without the SSPP Unit 71 project, the choice to some of the residents would be limited.

16. The purpose of an environmental assessment is to identify the existing natural and cultural resources, the potential impacts of the proposed action, and where appropriate, any mitigating measures necessary to minimize impacts. The long term visual impacts in areas where vegetation is minimal, such as in Kalapana Seaview Estates, are that matured foliage will help screen views of the overhead lines. Secondary impact of the proposed action has already been disclosed in the DEA-- that is the possible increase in population assuming the HELCO service is made available.

17. The existing ecosystem is not expected to change as a result of the proposed action. Ocean viewing, sun bathing, and fishing are the coastal attractions in the area, none of which are anticipated to be impeded by the project.

18. Your comment has been noted.

As stated in Section 2.2 of the DEA, among the eight triggers for the environmental review process, the proposed action affects one: the use of State lands. The environmental review process for this project included description of the proposed action and existing conditions, and analysis of potential impacts and appropriate mitigation measures. Supplementary studies included flora, fauna, and archaeological resource assessments to determine status of natural and cultural resources in the project area. All technical studies were conducted by qualified consultants and have been included in the environmental documents for public information and review. The overall conclusion with regard to natural and cultural resources is that the

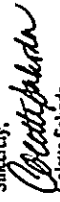
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Ms. Thea Jensen  
August 4, 1995  
Page 3

project will have minimal short and long term impacts on these existing conditions. Therefore, an environmental impact statement would not be necessary.

Sincerely,

  
Collette Sakoda  
Project Manager

cc: HELCO, R. Ratliff  
OEQC, G. Gill  
DLNR, Land Management Division  
County of Hawaii Dept. of Public Works, D. Kiyosaki

Deputy Chief Engineer  
The County of Hawaii's  
Department of Public Works  
25 Aupuni Street, Room 202  
Hilo, HI 96720

Attn: Jiro Sumada (961-8321)

Re: Second Draft Environmental Assessment, SPP Unit 71, Kahoma-Keekee Homestead, Puna, Hawaii.

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Respectfully submitted,

*Lisa Castro*  
(signature)  
Lisa Castro  
222 373 PANA 96713  
(address)

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420 Waiakamilo Rd., Room 411 PO Box 1027  
Honolulu, HI 96187-1541 Hilo, HI 96721

OEQC, Gary Gill, Director  
220 S. King St., Suite 410  
Honolulu, HI 96819

DLNR, Land Management Division  
PO Box 621, attn: Mike Wilson  
Honolulu, HI 96809



**R. M. TOWILL CORPORATION**

180 WAIKAMALO RD #411 HONOLULU, HI 96817-4941 (808) 948-1133 FAX (808) 948-1037

August 4, 1995

Ms. Lisa Castro  
RR2  
P. O. Box 3931  
Paahoa, HI 96778

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reply to: helco

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Ms. Lisa Castro  
August 4, 1995  
Page 2

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Ms. Lisa Castro  
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Deputy Chief Engineer  
 The County of Hawaii's  
 Department of Public Works  
 25 Aupuni Street, Room 202  
 Hilo, HI 96720

Date: 7/5/95

Attn: Jiro Sumada (#61-4321)

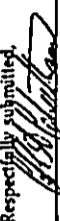
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  - 18) Serves only to benefit those who create and maintain modern ghettos. Development on this scale with little effect on employment levels only results in the creation of modern ghettos.
- The applicable criteria triggers for an EIS are: 1) Substantially affects the economics or social welfare of the community or state; 2) Involves substantial secondary effects such as population changes or infrastructure demands; 3) Involves a substantial degradation of environmental quality; 4) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment to larger actions; 5) Substantially affects a rare, threatened or endangered species or its habitat; 6) And, affects an environmentally sensitive area, such as a flood plain, tsunami zone, erodible-prone area geologically hazardous land, estuary, freshwater area, or coastal waters. (Source: A Guidebook for the Hawaii State Environmental Review Process).

For the reasons stated above, this Second Draft Environmental Assessment is clearly inadequate and an Environmental Impact Statement is obviously required for this project.

Respectfully submitted,  
  
 (signature) CLIVE CHEENHAM  
 PO Box 1513 Puna, HI 96778  
 (address)

copies sent to: R.M. Towill Comp., attn: Collette Sakoda Helco, Ralph Rattic  
 420 Waiakamilo Rd., Room 411 PO Box 1027  
 Honolulu, HI 96187-4941 Hilo, HI 96721

OEQC, Gary Gill, Director DLNR, Land Management Division  
 210 S. King St., Suite 400 PO Box 621, attn: Mike Wilson  
 Honolulu, HI 96809 Honolulu, HI 96809

Enclosure: Attachment #1 Judge Nakamura's Memo

EXHIBIT  
ATTACHMENT #1  
Friends of the Red Road v. The County of Hawaii  
Civil No. 95-14  
January 19, 1995

1. Plaintiffs' Motion for Preliminary Injunction, filed on January 11, 1995, shall be granted in part. Defendant Hawaii Electric Company, Inc. ("HELCO") shall be enjoined from cutting down trees or from trimming trees so as to significantly alter their size or shape in Defendant County of Hawaii's (the "County") rights-of-way or property. In this context, a "significant alteration" results if it will take more than one year for the pre-existing size and shape of a tree to be substantially restored.

2. The basis for this decision is as follows:

a. Plaintiffs' Friends of the Red Road ("Friends") has or more than one of its members as an association have standing to seek relief.

b. Based upon the state of the evidence presented, there is a probability that Friends will succeed on the merits in regard to its argument that a special management area use permit was required for the HELCO project.

Generally, a special management area permit of some nature is required where "development" is contemplated. "Development" is defined as any of the uses, activities, or operations on land or in or under water, within a special management area. HRS § 205A-22. It includes "construction, reconstruction, demolition, or alteration in the size of any structure." HRS § 205A-22. "Structure" is defined to include any telephone line or electrical power transmission and distribution line. HRS § 205A-22.

The HELCO project entails the removal of telephone poles and the installation of joint utility poles. It clearly constitutes a "development" for the purposes of HRS § 205A-22 because it involves construction or reconstruction of telephone and electrical power transmission and distribution lines. None of the limitations on the definition of "development" set forth in HRS § 205A-22 applies.

The justification provided by the County does not apply. Section 9-4(10) B.(iv) of the Planning Commission County of Hawaii Rules relates to "repair and maintenance". In regard to the HELCO project, "construction" or "reconstruction" is involved. Further, the specific provision relied upon conflicts with the limitation of the definition of "development" set forth under HRS § 205A-22.

c. Also, based upon the state of evidence presented, there is a probability that Friends will succeed on the merits on its argument that an environmental assessment is required. Defendants claim that several exemptions set forth in the Department of Health, Environmental Impact Statement Rules ("EIS Rules"), as further qualified by the Comprehensive Exemption List for the County of Hawaii Department of Public Works ("Exemption List"), apply.

Section 11-200-8(2) of the EIS Rules arguably may apply. However, taking into consideration: (1) an additional purpose for the facilities, that is, for the distribution of electricity; (2) an increased capacity of use; (3) an increased density; (4) increased height of the utility poles installed or to be installed; and (5) larger dimensions of the poles to be installed and different shaping at the top of the poles, there is a sufficient basis to conclude, based upon the evidence presented, that there is a substantial difference between the pre-existing telephone poles and the joint utility poles to be installed pursuant to the HELCO project, in light of the project's environment. Exemption Class # 2, as defined in the Exemption Rules, does not further delineate any specific type of action which is potentially applicable to this case.

For reasons set forth above, Exemption Class # 4 of the Exemption Rules does not justify an exemption.

d. The cutting down or reshaping of trees is to be performed pursuant to the HELCO project. The balance of irreparable damage favors an injunction against the cutting down of trees and the trimming of trees so that their sizes or shapes are significantly altered pending a final determination of these matters. However, no other injunction shall issue at this time.

e. The above injunction is consistent with the public interest.

f. In light of the written confirmations of determinations made by the County's agencies that a special management area permit and an environmental assessment were not required, appeals of agency actions may be appropriate. However, the opportunity for appeal should not justify leaving Friends without an immediate remedy for irreparable damage. On the other hand, the results of the appeals may have an impact upon this injunction.

Mr. Hall is to prepare a proposed form of the order. Other counsel are also invited to submit forms of the order.

PST

R. M. TOWILL CORPORATION

480 WAIANAE RD #411 HONOLULU, HI 96817-4041 PHONE 848-1133 FAX 808-848-1037

August 4, 1995

Mr. Clive Cheatham  
P. O. Box 1513  
Paohā, HI 96778

Dear Mr. Cheatham:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12.4777.2 kV  
Overhead Distribution System, Puna, Hawaii.

We have received your letter of July 5, 1995 regarding the subject project. The following has been prepared in response to your comments.

1 & 2 With respect to HELCO's actions, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit from the County of Hawaii. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions.

3 & 4 Regarding the statement about additional projects getting hooked up to SSPP Unit 71, the project is described in its entirety in the subject DEA.

5 & 6 The information contained in the subject environmental assessment is: a) appropriate and pertinent to assist us in evaluating the project environment and potential impacts; and, b) properly discloses status of natural and cultural resources.

7. Your comment is noted.

8 & 9 Lava Hazard Zone information is disclosed in the DEA. There are 181 lot owners in the Kalapana Seaview, Puna Palisades, and Kahena Beach Estates subdivisions who are potential participants in this program.

10 & 11 Technical studies prepared for the DEA and Final environmental assessment adequately address the status of faunal resources in the project area. An additional radar survey was conducted from July 10 through July 14, 1995. The additional work was scheduled specifically during the Nevele's Shearwater nesting season. The findings from this survey are included in the final environmental assessment. The overall conclusion is that the project would have minimal, not substantial effects on this threatened seabird and the endangered bat.

Our technical studies include all proper references to the US Department of Interior, National Biological Service communications. Citations of non-published or uncredited research documents were avoided without the consent of the authors, as this practice is generally the rule. Our consultants, in their technical studies, cite contacts made with the National Biological

reply for helco

Engineers • Planners • Photogrammetrists • Surveyors  
Construction Managers • Environmental Services

Mr. Clive Cheatham  
August 4, 1995  
Page 2

Service.

12. There are 181 lot owners in the three residential subdivisions of Kahena Beach, Puna Palisades and Kalapana Seaview who are potential participants. There has been GTE Hawaiian Tel communication service in this same project area since around 1984. We see an existing consumption of infrastructure as well as a demand for additional infrastructure by these facts

13. The costs discussed in the DEA describe a PV system with a 1000-watt array for a typical, full-scale household that utilizes items including a water heater, color television, and frost-free refrigerator, all operating simultaneously. We agree that there are solar PV systems that can cost less-- it probably correlates with life-style choices with respect to what a household consists of, as you've described.

14. To reiterate, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit at the County of Hawaii Planning Department. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions

15. With regard to your recommendation that solar is required for those who are awaiting HELCO service, your comment has been noted. Ideally, a community of residents that can exercise their freedom to choose between traditionally supplied electricity through the "grid," solar PV units, or other available means is the expected result of this project. Without the SSPP Unit 71 project, the choice to some of the residents would be limited

16. The purpose of an environmental assessment is to identify the existing natural and cultural resources, the potential impacts of the proposed action, and where appropriate, any mitigating measures necessary to minimize impacts. The long term visual impacts in areas where vegetation is minimal, such as in Kalapana Seaview Estates, are that matured foliage will help screen views of the overhead lines. Secondary impact of the proposed action has already been disclosed in the DEA-- that is the possible increase in population assuming the HELCO service is made available.

17. The existing ecosystem is not expected to change as a result of the proposed action. Ocean viewing, sun bathing, and fishing are the coastal attractions in the area, none of which are anticipated to be impeded by the project.

18. Your comment has been noted.

As stated in Section 2.2 of the DEA, among the eight triggers for the environmental review process, the proposed action affects one: the use of State lands. The environmental review process for this project included description of the proposed action and existing conditions, and analysis of potential impacts and appropriate mitigation measures. Supplementary studies included flora, fauna, and archaeological resource assessments to determine status of natural and cultural resources in the project area. All technical studies were conducted by qualified consultants and have been included in the environmental documents for public information and review. The overall conclusion with regard to natural and cultural resources is that the project will have minimal short and long term impacts on these existing conditions. Therefore, an

reply for helco



## Fax Transmission

Date: 7/8/95  
To: Colette Sakoda  
Fax: 808 842 1937  
From: Island Residents  
Fax: 965-7539

No. of pages including cover page: 9

Deputy Chief Engineer  
The County of Hawaii's  
Department of Public Works  
25 Auapuni Street, Room 202  
Hilo, HI 96720

Attn: Iiro Sumada (961-8321)

Re: Second Draft Environmental Assessment, SSPT Unit 71, Kehena, Kona, Hawaii.

The residents of Puna and Hawaii do now make these statements to all concerned regarding the above-referenced second draft environmental assessment. The EA is inadequate and inaccurate:

- 1) The exemptions claimed by Helco, granted by the Planning Department and the Department of Public Works, were found invalid by Judge Nakamura. (See attachment #1). Why is R.M. Terwill citing bogus exemptions that do not exist?
- 2) Helco was never exempt from permitting within the Special Management Area and is now in direct violation of such permitting and is subject to fines for these infractions.
- 3) There are three known unopened but approved permits for subdivisions in the Red Road area. The Planning Department says two of these projects will definitely be hooked up to SSPT Unit 71, Kalapana Ohana village and Kalani Honua's subdivision. The EA is invalid because Helco is not permitted to segment a project. The proposed action must be described in its entirety; therefore, projects should not be done on an incremental basis to avoid the preparation of an environmental impact statement" (OEQC Bulletin regulations). Once again the project is being published in a segmented form which violates the above-stated guideline.
- 4) There are unexercised, approved permits for large development projects in this area. The community wants to know, what are these plans and how does this project fit in to these plans?
- 5) Uses informational material not pertinent to our community.
- 6) Ignores health and welfare of the people and the endangered species.
- 7) How can Helco sell what Helco doesn't have to people who don't want it and make money for their shareholders?
- 8) Ignores lava hazard zone designations as no probable risk, yet the electric utility's own insurance company, Hawaiian Insurance Group, canceled coverage in Seaview after the Kalapana flow.
- 9) Trivializes the imminent danger of lava and earthquake risks in the project area. The Kehena area is approximately 4 miles from the 1990 Kalapana flow and 12 to 13 miles from the Puu Oo vent with a bubbling lava lake at its summit. Most of the project is on a 1955 lava flow. Why is Helco willing to risk millions of the ratepayers' dollars on an irretrievable capital investment that is scientific suicide?
- 10) Ignores endangered species reports by US Department of Interior, National Biological Service (Volcano National Park). The project area is habitat for: 1) (the Hawaiian Hawk), 2) (Newell's Shearwater), 3) Dark-rumped Petrel, 4) Band-rumped Storm Petrel, 5) Hawaiian Hoary Bat, 6) Pua (Hawaiian Owl), 7) Green sea turtle, 8) Hawk's bill turtle, 9) Spinner dolphins and 10) Humpback whales.

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11) Conducted a two-day faunal study out of season of a known endangered species ('A'o-Newell's Shearwater) inhabiting this area. Two days is not long enough to do an accurate survey of the 'A'o particularly out of season.

12) Red Road residents are NOT demanding infrastructure. The vast majority of residents do not want infrastructure.

13) Deliberately misrepresents the design and cost of solar photovoltaic systems as an alternative to the project. The average use is misrepresented, is 500 watts not 1,000 watts. The cost reported is almost triple what a reliable, quality solar installation of 1,000 watts would cost.

14) The EA is really some kind of historical document for the future to legitimize into mythic history the origins of this questionable project. Nowhere does there appear the slightest acknowledgment of Heleco being taken to court by the community, being made to be accountable like everybody else and correction of the unlawful actions and bogus "exceptions".

15) Destroys the solar/alternative community that has existed for more than a quarter of a century.

16) The main purpose of an environmental assessment is to identify the long-term impacts. Why does this EA consistently refuse to address the pertinent long-term impacts of this project?

17) Changes forever the ecosystem and habitat which dictates our Red Road lifestyle. For example, the sea creatures who visit and play at our shores and thus our developing tourism industry.

18) Serves only to benefit those who create and maintain modern ghettos. Development on this scale with little effect on employment levels only results in the creation of modern ghettos.

The applicable criteria triggers for an EIS are: 1) Substantially affects the economics or social welfare of the community or state; 2) Involves substantial secondary effects such as population changes or infrastructure demands; 3) Involves a substantial degradation of environmental quality; 4) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment to larger actions; 5) Substantially affects a rare, threatened or endangered species or its habitat; 6) And, affects an environmentally sensitive area, such as a flood plain, tsunami zone, erosion-prone area geologically hazardous land, estuary, freshwater area, or coastal waters. (Source: A Guidebook for the Hawaii State Environmental Review Process).

For the reasons stated above, this Second Draft Environmental Assessment is clearly inadequate and an Environmental Impact Statement is obviously required for this project.

Respectfully submitted, Respectfully submitted,

3 July 1995 (date)  
 William C. Holloway Jr. (signature)  
 10322nd Ave. Hono. HI 96718 (address)

7/3/95 (date)  
 Leela Lanes (signature)  
 PO Box 5713 (address)  
 Keano, HI 96751

7-3-95 (date)  
 Jeff Beck (signature)  
 P.O. Box 1403, Keano 96749 (address)

July 3, 1995 (date)  
 Donna Olsen (signature)  
 P.O. Box 1044 Pahoa, HI 96778 (address)

7-3-95 (date)  
 Mary F. Donk (signature)  
 P.O. Box 1718 Pahoa, HI 96778 (address)

7/3/95 (date)  
 James P. Brader (signature)  
 P.O. Box 4524 (address)  
 Pahoa, HI 96778



7-3-95 (date)  
 V.L.C.C. (signature)  
 P.O. Box 9109 Palmyra HI 96778 (address)  
 7-3-95 (date)  
 Veronica Davis (signature)  
 P.O. Box 538 Palmyra HI 96778 (address)

2 July 1995 (date)  
 HANI RANA D. GERONIMO (signature)  
 P.O. Box 191 Palmyra HI 96778 (address)

3rd of July '95 (date)  
 Pat Conroy (signature)  
 General Delivery Palmyra HI 96778 (address)

7/3/95 (date)  
 Juel LeBlanc (signature)  
 P.O. Box 1510 Palmyra HI 96778 (address)

P.O. Box 1936 Palmyra HI 96778 (address)  
 7/3/95 (date)  
 Yuma Rogood (signature)  
 Palmyra HI 96778 (address)

7-3-95 (date)  
 YVES DOMINIC (signature)  
 P.O. Box 9109 Palmyra HI 96778 (address)

7-3-95 (date)  
 Veronica Davis (signature)  
 P.O. Box 538 Palmyra HI 96778 (address)

Eric Roemer 7/3/95 (date)  
 Log Ave (signature)  
 P.O. Box 2010 Palmyra HI 96778 (address)

7-3-91 Paul Harris (date)  
 Paul Harris (signature)  
 P.O. Box 11210 Palmyra HI 96778 (address)

July 3 1995 (date)  
 William Sherman (signature)  
 P.O. Box 2208 Palmyra HI 96778 (address)

July 3 - 95. \_\_\_\_\_ (date)  
 [Signature] \_\_\_\_\_ (signature)  
 P.O. Box 2516, HAWAII, HI 96721 (address)

July 3, 1995 \_\_\_\_\_ (date)  
 [Signature] \_\_\_\_\_ (signature)  
 HCR2-6828 Keaunui, HI 96741 (address)

copies sent to: R.M. Towill Corp., attn: Collette Sakoda  
 420 Waiakamilo Rd., Room 411  
 Honolulu, HI 96817-4941  
 OBOC, Gary Gill, Director  
 220 S. King St., Suite 400  
 Honolulu, HI 96809  
 Helen, Ralph Raltic  
 PO Box 1027  
 Hilo, HI 96721  
 DLNR, Land Management Division  
 PO Box 621, aldr. Mike Wilson  
 Honolulu, HI 96809

Friends of the Red Road v. The County of Hawaii  
Civil No. 95-14  
January 19, 1995

Plaintiffs' Motion for Preliminary Injunction, filed on January 11, 1995, shall be granted in part. Defendant Hawaii Electric Company, Inc. ("HELCO") shall be enjoined from cutting down trees or from trimming trees so as to significantly alter their size or shape in Defendant County of Hawaii's (the "County") rights-of-way or property. In this context, a "significant alteration" results if it will take more than one year for the pre-existing size and shape of a tree to be substantially restored.

The basis for this decision is as follows:

a. Plaintiff Friends of the Red Road ("Friends") has or more than one of its members as an association have standing to seek relief.  
b. Based upon the state of the evidence presented, there is a probability that Friends will succeed on the merits in regard to its argument that a special management area use permit was required for the HELCO project.

Generally, a special management area permit of some nature is required where "development" is contemplated. "Development" is defined as any of the uses, activities, or operations on land or in or under water, within a special management area. HRS § 205A-22. It includes "construction, reconstruction, demolition, or alteration in the size of any structure." HRS § 205A-22. "Structure" is defined to include any telephone line or electrical power transmission and distribution line. HRS § 205A-22.

The HELCO project entails the removal of telephone poles and the installation of joint utility poles. It clearly constitutes a "development" for the purposes of HRS § 205A-22 because it involves construction or reconstruction of telephone and electrical power transmission and distribution lines. None of the limitations on the definition of "development" set forth in HRS § 205A-22 applies.

The justification provided by the County does not apply.

Section 9-4(10) B.(iv) of the Planning Commission County of Hawaii Rules relates to "repair and maintenance". In regard to the HELCO project, "construction" or "reconstruction" is involved. Further, the specific provision relied upon conflicts with the limitation of the definition of "development" set forth under HRS §205A-22.

c. Also, based upon the state of evidence presented, there is a probability that Friends will succeed on the merits on its argument that an environmental assessment is required. Defendants claim that several exemptions set forth in the Department of Health, Environmental Impact Statement Rules ("EIS-Rules"), as further qualified by the Comprehensive Exemption List for the County of Hawaii Department of Public Works ("Exemption List"), apply.

Section 11-200-8(2) of the EIS Rules arguably may apply. However, taking into consideration:

- (1) an additional purpose for the facilities, that is, for the distribution of electricity;
- (2) an increased capacity of use;
- (3) an increased density;
- (4) increased height of the utility poles installed or to be installed; and
- (5) larger dimensions of the poles to be installed and different shaping at the top of the poles, there is a sufficient basis to conclude, based upon the evidence presented, that there is a substantial difference between the pre-existing telephone poles and the joint utility poles to be installed pursuant to the HELCO project, in light of the project's environment. Exemption Class # 2, as defined in the Exemption Rules, does not further delineate any specific type of action which is potentially applicable to this case.

For reasons set forth above, Exemption Class # 4 of the Exemption Rules does not justify an exemption.

d. The cutting down or reshaping of trees is to be performed pursuant to the HELCO project. The balance of irreparable damage favors an injunction against the cutting down of trees and the trimming of trees so that their sizes or shapes are significantly altered pending a final determination of these matters. However, no other injunction shall issue at this time.

e. The above injunction is consistent with the public interest.

f. In light of the written confirmations of determinations made by the County's agencies that a special management area permit and an environmental assessment were not required, appeals of agency actions may be appropriate. However, the opportunity for appeal should not justify leaving Friends without an immediate remedy for irreparable damage. On the other hand, the results of the appeals may have an impact upon this injunction.

3. Mr. Hall is to prepare a proposed form of the order. Other counsel are also invited to submit forms of the order.

R. M. TOWILL CORPORATION

480 Waikeamano Rd #411 Honolulu, HI 96817-4911 808-842-1155 Fax 808-842-1027

August 4, 1995

Island Residents  
c/o Mr. Chris Gould  
P. O. Box 22009  
Honolulu, HI 96778  
Fax: 965-7539

Dear Island Residents:

Subject: Draft Environmental Assessment (DEA) for the SSPP Unit-71 12-47/7.2 kV Overhead Distribution System, Puna, Hawaii

We have received your faxed letter of July 8, 1995 regarding the subject project. The following has been prepared in response to your comments.

1 & 2 With respect to HELCO's actions, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit from the County of Hawaii. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions.

3 & 4 Regarding the statement about additional projects getting hooked up to SSPP Unit 71, the project is described in its entirety in the subject DEA.

5 & 6 The information contained in the subject environmental assessment is: a) appropriate and pertinent to assist us in evaluating the project environment and potential impacts; and, b) properly discloses status of natural and cultural resources.

7. Your comment is noted.

8 & 9 Lava Hazard Zone information is disclosed in the DEA. There are 181 lot owners in the Kalapana Scaview, Puna Palisades, and Kehena Beach Estates subdivisions who are potential participants in this program.

10 & 11 Technical studies prepared for the DEA and Final environmental assessment adequately address the status of faunal resources in the project area. An additional radar survey was conducted from July 10 through July 14, 1995. The additional work was scheduled specifically during the Nevels' Shearwater nesting season. The findings from this survey are included in the final environmental assessment. The overall conclusion is that the project would have minimal, not substantial effects on this threatened seabird and the endangered bat.

Our technical studies include all proper references to the US Department of Interior, National Biological Service communications. Citations of non-published or unreleased research documents

reply ltr hoko

Engineers • Planners • Photogrammetrists • Surveyors

Island Residents  
August 4, 1995  
Page 2

were avoided without the consent of the authors, as this practice is generally the rule. Our consultants, in their technical studies, cite contacts made with the National Biological Service

12. There are 181 lot owners in the three residential subdivisions of Kehena Beach, Puna Palisades and Kalapana Scaview who are potential participants. There has been GTE Hawaiian Tel communication service in this same project area since around 1984. We see an existing consumption of infrastructure as well as a demand for additional infrastructure by these facts.

13. The costs discussed in the DEA describe a PV system with a 1000 watt array for a typical, full-scale household that utilizes items including a water heater, color television, and frost-free refrigerator, all operating simultaneously. We agree that there are solar PV systems that can cost less-- if probably correlates with life-style choices with respect to what a household consists of, as you've described.

14. To reiterate, the only regulatory requirement for this project is an easement for which HELCO is applying from the State Board of Land and Natural Resources for use of State-owned lands. HELCO has chosen to apply for a Special Management Area (SMA) permit at the County of Hawaii Planning Department. The Third Circuit Court decision was restricted to the tree trimming activity, and did not find HELCO to have committed any illegal actions.

15. With regard to your recommendation that solar is required for those who are awaiting HELCO service, your comment has been noted. Ideally, a community of residents that can exercise their freedom to choose between traditionally supplied electricity through the "grid," solar PV units, or other available means is the expected result of this project. Without the SSPP Unit 71 project, the choice to some of the residents would be limited.

16. The purpose of an environmental assessment is to identify the existing natural and cultural resources, the potential impacts of the proposed action, and where appropriate, any mitigating measures necessary to minimize impacts. The long term visual impacts in areas where vegetation is minimal, such as in Kalapana Scaview Estates, are that matured foliage will help screen views of the overhead lines. Secondary impact of the proposed action has already been disclosed in the DEA-- that is the possible increase in population assuming the HELCO service is made available.

17. The existing ecosystem is not expected to change as a result of the proposed action. Ocean viewing, sun bathing, and fishing are the coastal attractions in the area, none of which are anticipated to be impeded by the project.

18. Your comment has been noted.

As stated in Section 2.2 of the DEA, among the eight triggers for the environmental review process, the proposed action affects one: the use of State lands. The environmental review process for this project included description of the proposed action and existing conditions, and analysis of potential impacts and appropriate mitigation measures. Supplementary studies included flora, fauna, and archaeological resource assessments to determine status of natural and cultural resources in the project area. All technical studies were conducted by qualified consultants and have been included in the environmental documents for public

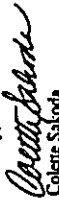
reply ltr hoko

Engineers • Planners • Photogrammetrists • Surveyors

Island Residents  
August 4, 1995  
Page 3

information and review. The overall conclusion with regard to natural and cultural resources is that the project will have minimal short and long term impacts on these existing conditions. Therefore, an environmental impact statement would not be necessary.

Sincerely,

  
Colere Sakoda  
Project Manager

cc: HELCO, R. Ratliff  
OEQC, G. Gill  
DLNR, Land Management Division  
County of Hawaii Dept. of Public Works, D. Niyosaku

**AGENCY LETTERS**

LAND MANAGEMENT DIV.

ID:808-587-0455

FEB 22 '95 14:57 No.007 P.02

GEORGE R. ARIYOSHI  
GOVERNOR OF HAWAII

RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
FEB 1 9 24 AM '83



SUSUMU ONO, CHAIRMAN  
BOARD OF LAND & NATURAL RESOURCES

EDGAR A. HAMASU  
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF STATE PARKS  
P. O. BOX 671  
HONOLULU, HAWAII 96809

DIVISIONS:  
AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
CONSERVATION AND  
RESOURCE ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

January 27, 1983

MEMORANDUM

TO: Mr. Glenn Y. Taguchi, Hawaii District Land Agent  
Division of Land Management

FROM: Ralston H. Nagata, State Parks Assistant  
Administrator

SUBJECT: State Land Disposition  
Pole Line Easement, Hawaiian Telephone  
Keekee, Puna, Hawaii, TMK 1-2-09: por. 3

Our records do not indicate the presence of historical, cultural, architectural and/or archaeological resources on this property which are listed on the Hawaii Register and/or the National Register of Historic Places, or that have been determined eligible for inclusion on the National Register of Historic Places.

In the event that any unanticipated sites or remains such as artifacts, shell, bone or charcoal deposits; human burials; rock or coral alignments, pavings, or walls are encountered during construction, please inform the applicant to stop work and contact this office at 548-7460 immediately.

RALSTON H. NAGATA

Xc  
2-2-83



United States Department of the Interior  
NATIONAL BIOLOGICAL SERVICE

Hawaii Field Station  
P.O. Box 44  
Hawaii National Park, HI 96718  
Phone: (808) 967-7396 FAX: (808) 967-8568

January 24, 1995

Colette Sahoda  
420 Waikamilo Road  
Suite 411  
Honolulu, HI 96817

Dear Colette,

I reviewed the vicinity map for project unit 71 Rauenhurst EA. For your information, in 1993 and 1994 we did detect A'o or Newell's shearwater (a threatened species) in the vicinity of the proposed project. The data from our 1993 surveys will be available through the U.S. Department of Energy at Oakridge (Biological Surveys of the Geothermal Project Zone) in late February. The 1994 data is currently unpublished. You may want to contact the U.S. Fish and Wildlife Service at (808) 541-2749 and consider surveys specific to your project's needs. Our studies did not address utility structures specifically. Thank-you for your request for information on the A'o.

Sincerely,

Michelle Reynolds  
Wildlife Biologist





## United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pacific Islands Ecoregion  
300 Ala Moana Blvd, Room 6307  
P.O. Box 50167  
Honolulu, Hawaii 96850

MAIL	WES
DC	
BYK	
REC'D	FEB 23 1995
RDE	
RF	
DKM	

FEB 17 1995

RMTG

In Reply Refer To: DLB

Ms. Colette Sakoda  
Project Manager  
R. M. Towill Corporation  
420 Waiakamilo Road, #411  
Honolulu, Hawaii 96817-4941

Dear Ms. Sakoda:

The U.S. Fish and Wildlife Service (Service) has received your February 7, 1995, letter requesting information on the presence of federally listed, proposed, and candidate endangered and threatened species within the subdivisions of Kalapana Seaview, Puna Beach Palisade, and Kahena Beach Estates in Puna on the island of Hawaii. The proposed project will entail the installation of six 35-foot poles, 235 40-foot poles, 103 45-foot poles, one 55-foot pole, 155 anchors, and a 12.47/7.2 kilovolt overhead electric distribution line along an 8,710 foot long segment. The Service offers the following comments for your consideration.

The Service has reviewed the maps provided with your request and pertinent information in our files, including maps prepared by the Hawaii Heritage Program of the Nature Conservancy. To the best of our knowledge, the following federal trust species may occur within the vicinity of the proposed project: the federally endangered Hawaiian hoary bat or ope'ape'a (*Lasiurus cinereus semotus*) and the federally threatened Newell's shearwaters (*Puffinus auricularis newelli*).

Marine birds, and particularly their fledglings during the initial flights from higher elevations to the sea, can be affected by the construction of tall structures or the installation of bright lighting. Bright lights pose a potentially significant threat to these birds by causing them to become disoriented and colliding with objects such as poles, buildings, vehicles, etc. This must be taken into consideration during the project planning. A report concerning the effects of powerlines on seabirds suggests that, in order to avoid collisions of seabirds with powerlines, "orange marker balls" be used on the powerlines. We recommend you investigate the potential use of these "orange marker balls."

We appreciate your concern for endangered species and we look forward to reviewing any environmental documents generated for the proposed project. If you have any questions, please contact our Branch Chief for Interagency Cooperation, Ms. Margo Stahl, or Fish and Wildlife Biologist Diane Bowen at 808/541-2749.

Sincerely,

Acting

Brooks Harper  
Field Supervisor  
Ecological Services

**APPENDIX A**  
**BOTANICAL RESOURCES SURVEY**

BOTANICAL RESOURCES SURVEY  
FOR  
ENVIRONMENTAL ASSESSMENT  
ELECTRICAL UTILITY EASEMENT REQUEST  
SPECIAL SUBDIVISION PROJECT PROVISION (SBPP) PROGRAM  
UNIT-71 RAUENHORST  
TAX MAP KEY NO. 1-2-09103 (PORTION)  
PUNA, HAWAII

BOTANICAL RESOURCES SURVEY  
FOR  
ENVIRONMENTAL ASSESSMENT  
ELECTRICAL UTILITY EASEMENT REQUEST  
SPECIAL SUBDIVISION PROJECT PROVISION (SBPP) PROGRAM  
UNIT-71 RAUENHORST  
TAX MAP KEY NO. 1-2-09103 (PORTION)  
PUNA, HAWAII

SUBMITTED BY:  
REIFFORD E. PALMER, Ph.D.  
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PREPARED FOR:  
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420 WAIKAMULO ROAD, STE. 411  
HONOLULU, HAWAII 96817-4941

PREPARED BY:  
REIFFORD PALMER AND DAVID PAUL  
APRIL 1995

SUMMARY

A field survey was conducted for endangered plant species and unique biological communities in and adjacent to powerline routes in the subdivisions of Kehena Beach, Puna Palisades, and Seaview in Puna, Hawaii. A proposed electric utility easement extending from the upper end of Seaview Subdivision mauka to the utility corridor along Highway 130 was also surveyed. No plant species listed as endangered, threatened, or candidate under the U. S. Endangered Species Act or the State of Hawaii endangered species program were found in the survey area. One federally listed endangered plant species, *Ischaemum byrsonne*, occurs on coastal bluffs near the survey area approximately one-half mile south of Kehena Beach Subdivision. However, no *Ischaemum byrsonne* occurs in the subdivisions or in the proposed utility easement. The species is not expected to occur mauka of the beach road since it is always confined to the immediate coast in the spray zone where ever it is found. Rare and unusual Hawaiian native plants were found in the study area but none have legal status requiring planning consideration. Unique biological communities were found in forested portions of Kehena Beach and Seaview subdivisions and approximately 60 meters south of the proposed utility easement in the form of forested kipukas. Except for the lowest, these kipukas will not be directly affected by the proposed action and it is recommended that they be avoided in any future projects in the area. The lowest kipuka on the proposed easement contains 'ohi'a/hala forest already affected by the existing telephone line. The proposed utility easement, which follows the existing telephone line easement, will have little additional affect.

INTRODUCTION

HELCO has recently begun construction of overhead power lines in Kehena Beach, Puna Palisades, and Seaview subdivisions in Puna, Hawaii. HELCO also proposes to construct an overhead

power line along the existing telephone line easement from Seaview Subdivision mauka to the utility corridor along highway 130. A botanical survey was conducted to determine if any plant species occurred in the project area that would legally require planning consideration. This survey was conducted as part of a required Environmental Assessment.

#### METHODS

Field surveys were conducted on March 29 and 30, and April 18, 1995. The project area surveyed included powerline routes within and between the three subdivisions. A corridor 50 feet wide extending from highway 130 to the mauka end of Seaview Subdivision along the existing telephone line was also surveyed. The majority of the land surface in the telephone line easement is given over to an access/service road. Two botanists surveyed the entire project area on foot. Adjacent sites of botanical interest were also examined for rare plants.

#### RESULTS

**Rare Plants:** All plant species encountered during the field survey are listed in Table I. No plant species were found in the project area that are listed as endangered, threatened, or candidates under the federal Endangered Species Act, or that are listed by the State of Hawaii as endangered species program.

A federally listed endangered plant species (*Ischaemum byrone*) occurs on coastal bluffs overlooking the ocean in scattered locations on the coast in east Hawaii. No *Ischaemum byrone* was found in the project area. An extensive population of *Ischaemum byrone* occurs on coastal bluffs approximately one-half mile south of Kehena Beach subdivision, but this population appears to occur on a different type of lava flow than found in the project area.

Several unique endemic Hawaiian plant species were found that do not have legal status as endangered species but that are sufficiently restricted in their distributions to merit discussion:

The Hawaiian ko'oko'olau (*Bidens hawaiiensis*) was found in the lower portions of the existing telephone easement and on the north-east edge of Seaview subdivision. This species is restricted in distribution to the Seaview area and southward into Hawaii Volcanoes National Park. Much of its original habitat has been destroyed by lava flows in recent years. Remaining populations are threatened by development. The population in the Seaview area is regularly harvested as a medicinal herb, further increasing threats to the species.

The pilo (*Coprosma rhynchocharpa*) was found in kipukas just outside of the proposed utility corridor mauka of Seaview subdivision. This is apparently the lowest elevation population of the species in the area and may represent a unique ecotype. No direct effects of the proposed project on this species are anticipated.

A species of 'akia confined to Puna and Kau (*Wikstroemia phillyreifolia*) was also found in the kipukas on the south side of the proposed utility corridor. This species is a unique endemic but has no legal standing. No direct effects of the proposed project on this species are anticipated.

A distinctive population of malle (*Alyxia oliviformis*) was also found in the kipukas on the south side of the proposed corridor. Varieties of malle have recently been reduced to synonyms for a single polymorphic species (Wagner, et al 1990). Some direct project effects could occur on this species where the corridor passes through a kipuka located just outside Seaview subdivision.

**Unique Biological Communities:** The following unique biological communities were found in and adjacent to portions of the project area:

**Naupaka Kahakai Shrubland** - This coastal community is found on the tops of the seacliffs along the ocean in Kehena Beach, Puna Paliades, and Seaview subdivisions. Extensive portions of this community type are infested with *Wedelia*. This vegetation is associated with the federally listed endangered plant species *Ischaemum byrone*. No *Ischaemum byrone* was found in the project area however.

**Hala Forest** - This vegetation occurs extensively along the coast in Kehena Beach subdivision and southward. It is also well developed along the Puna coast north of Seaview subdivision. Small patches occur makai of Puna Paliades and Seaview. Hala forest in Kehena Beach subdivision grades into 'Ohi'a/Hala Forest inland. This forest is now largely occupied by residences and is highly disturbed. Stands of hala forest also occur on the north and south edges of Seaview subdivision.

**'Ohi'a/Hala Forest** - Upper portions of Kehena Beach subdivision are occupied by disturbed stands of this vegetation. The community also occurs on the north and south edges of Seaview subdivision. Between poles 27 and 31 the existing telephone line easement passes through a portion of an extensive kipuka containing a stand of 'Ohi'a/Hala forest. This stand is a mixed lowland forest containing hala (*Pandanus tectoris*), 'Ohi'a (*Metrosideros polymorpha*), 'akia (*Wikstroemia phillyreifolia*), and tama (*Diospyros sandwicensis*).

'Ohia Lowland Mesic Forest - This community is found in a series of kipukas approximately 60 meters south of the existing telephone easement mauka of Seaview subdivision. These kipukas occur opposite existing telephone line pole numbers 12-20 and 24. A small kipuka occurs on the north side of the existing telephone easement at pole 22. These kipukas contain 'ohia/hapu'u lowland mesic forest with numerous subsidiary forest species including kolea (*Myrsine lessertiana*), kopiko (*Psychotria hawaiiensis*), pilo (*Coprosma rhynchocarpa*), 'akia (*Wikstroemia phillyreifolia*), lama (*Diospyros sandwicensis*) and malle (*Alyxia oliviformis*).

'Ohia Lava Lands - The majority of the existing telephone line easement passes through 'ohia lava lands. This vegetation is characterized by scattered small 'ohia trees forming open stands on recent lava flows. The surface between the trees is a lava with little vegetation except lichens.

Ruderal Vegetation - Ruderal vegetation or disturbance communities consisting of various introduced weeds occur throughout the three subdivisions and in the existing telephone line access road.

#### RECOMMENDATIONS

Direct effects of the project on endangered plants and unique biological communities will be minimal. Indirect effects may include introduction of additional weed species. Due care should be taken during any construction activities to avoid the kipukas adjacent to the existing telephone line easement. In particular the lowest kipuka, already bisected by the existing telephone line, should not be further degraded. It is recommended that additional clearing or tree removal in this kipuka be minimized during construction.

The present survey for botanical resources does not constitute a wildlife survey. However, numerous forest and shore birds were observed in the study area. We also observed 10 (Hawaiian Hawk) and Puae (Hawaiian Owl) in the study area. The area is also known to be one of only two places in Hawaii where the A'o bird (Newell's Shearwater) occurs. We recommend that the entire project area be surveyed by a qualified ornithologist or wildlife biologist.

#### REFERENCES

- Heal, M.C. 1965. In Gardens of Hawaii. Bishop Museum Special Publication 50. Bishop Museum Press. Honolulu, Hawaii.
- St. John, H. 1973. List and Summary of the Flowering Plants in the Hawaiian Islands. Pacific Tropical Botanical Garden. Memoir Number 1. Lawai, Kaula'i, Hawaii.
- Wagner, W.L., D.R. Herbst and S.H. Sohmer. 1990. Manual of the Flowering Plants of Hawaii. Bishop Museum Press and the University of Hawaii Press. Honolulu, Hawaii.

TABLE I. Plant Species encountered in and adjacent to project area.

Botanical Name	Common Name	Distr. Status
PTERIDOPHYTA		
DICKSONIACEAE Tree Fern Family		
<i>Cibotium glaucum</i> (Sm.) H.&A.	hapu'u	E, C -
GLEICHENIACEAE Winged-Fern Family		
<i>Dicranopteris linearis</i> (Burm.) Underw.	'uluhe	I, C -
LYCOPODIACEAE Club Moss Family		
<i>Lycopodium cernuum</i> L.	wavae'iole	I, C -
<i>Lycopodium phyllanthum</i> H.&A.	wavae'iole	I, C -
OPHIOGLOSSACEAE Adder's Tongue Family		
<i>Ophioglossum pendulum</i> L.	adder's tongue	I, C -
POLYPODIACEAE Common Fern Family		
<i>Adiantum cuneatum</i> Langsd.	zaidenhair fern	A, C -
<i>Asplenium nidus</i> L.	hos a Maui	I, C -
<i>Elaphoglossum reticulatum</i> (Kaulf.) Gaud.	'ekaha	E, C -
<i>Microsorium scolopendria</i> (Burm.) Copel.	leau'e	I, C -
<i>Nephrolepis exaltata</i> (L.) Schott.	ni'ani'au	I, C -
<i>Nephrolepis hirsutula</i> (L.) Schott.	sword fern	A, C -
<i>Pityrogramma calomelanos</i> (L.) Link	silver fern	A, C -
<i>Pityrogramma chrysophylla</i> (Sw.) Link	gold fern	A, C -
<i>Pleopeltis thunbergiana</i> Kaulf.	pakahakaha	I, C -
<i>Polypodium pellucidum</i> Kaulf.	'ae	E, C -
<i>Sadleria cyatheoides</i> Kaulf.	'ama'u	E, C -
PSILOTACEAE Wisk Fern Family		
<i>Psilotum nudum</i> (L.) Griseb.	moo	I, C -
VITTARIACEAE Shoestring Fern Fam.		
<i>Vittaria elongata</i>	shoestring fern	I, C -
DICOTYLEDONAE		
ACANTHACEAE Acanthus Family		
<i>Thumburgia fragrans</i> Roxb.	clockvine	A, C -
ANACARDIACEAE Sumac Family		
<i>Mangifera indica</i> L.	mango	A, C -
<i>Schinus terebinthifolius</i> Raddi	Christmasberry	A, C -
APOCYNACEAE Plumeria Family		
<i>Alyxia oliviformis</i> Gaud.	maile	E, C -
ARALIACEAE Aralia Family		
<i>Schefflera actinophylla</i> (Endl.) Harms	octopus tree	A, C -
ASTERACEAE Sunflower Family		
<i>Ageratina riparia</i> (Regel) R. King & H. Robinson	panakani	A, C -
<i>Ageratum houstonianum</i> Mill.	maile hohono	A, C -
<i>Bidens hawaiiensis</i> A. Gray	ko'oko'olau	E, R -
<i>Bidens pilosa</i> L.	kinuhe	A, C -
<i>Conyza canadensis</i> (L.) Cronq.	horseweed	A, C -
<i>Crassocephalum crepidioides</i> (Benth.) S. Moore	pualele	A, C -
<i>Emilia fosbergii</i> Nicolson	pualele	A, C -
<i>Emilia sonchifolia</i> (L.) DC	flora's paintbrush	A, C -
<i>Erechtites valerianifolia</i> (Wolf) DC	fireweed	A, C -
<i>Pluchea symphytifolia</i> (Mill.) Gillis	sourbush	A, C -
<i>Synedrella nodiflora</i> (L.) Gaertn.	nodeweed	A, C -
<i>Wedelia trilobata</i> (L.) Hitch.	wedelia	A, C -
BUDDLEIACEAE Butterfly Bush Family		
<i>Buddleia asiatica</i> Lour.	dog tail	A, C -

CASUARINACEAE	Ironwood Family	Ironwood	A, C	-	
	<i>Casuarina equisetifolia</i> L.				
CLUSIACEAE	Clusia Family	autograph tree	A, C	-	
	<i>Clusia rosea</i> Jacq.				
COMBRETACEAE	Terminalia Family	tropical almond	A, C	-	
	<i>Terminalia catappa</i> L.				
CONVOLVULACEAE	Morning Glory Family	koali moon flower	I, C E, C	-	
	<i>Ipomoea indica</i> (J. Burm.) Merr. <i>Ipomoea tuboides</i> Dgenar & Ooststr.				
CRASSULACEAE	Crassula Family	air plant	A, C	-	
	<i>Kalanchoe pinnata</i> (Lam.) Pers.				
EBENACEAE	Perseemon Family	lame	E, C	-	
	<i>Diospyros sandwicensis</i> (A. DC) Fosb.				
EPACRIDACEAE	Epacris Family				
	<i>Styphelia tameiameia</i> (Cham. & Schlechtend.) F. V. Muell. <i>Phyllanthus debilis</i> Klein ex. Willd.	pukiave	I, C	-	
EUPHORBIACEAE	Spurge Family	kukui nirui	P, C A, C	-	
	<i>Aleurites moluccana</i> (L.) Willd. <i>Phyllanthus debilis</i> Klein ex. Willd.				
FABACEAE	Bean Family	partridge pea rattiepod beggar's tick tick trefoil sleeping grass ka'e'e	A, C A, C A, C A, C I, C	-	
	<i>Chamaecrista nictitans</i> (L.) Moench <i>Crotalaria assamica</i> Benth. <i>Desmodium sandwicense</i> E. Mey. <i>Desmodium triflorum</i> (L.) DC <i>Mimosa pudica</i> L. <i>Hucuna gigantea</i> (Wild.) DC <i>Paraserianthes falcataria</i> (L.) I. Nielsen <i>Vigna marina</i> (J. Burm.) Merr.				
GOODENIACEAE	Haupaka Family	naupaka	I, C	-	
	<i>Scaevola sericea</i> Vahl				
LAMIACEAE	Mint Family	coleus comb hyptis 'ala'ala wai nui pua ki	A, C A, C I, C	-	
	<i>Coleus blumei</i> Benth. <i>Hyptis pectinata</i> (L.) Poit. <i>Plectranthus parviflorus</i> Willd.				
LAURACEAE	Laural Family	avacado	A, C	-	
	<i>Persea americana</i> Mill.				
MALVACEAE	Mallow Family	ilima haole milo	A, C I, C	-	
	<i>Sida rhombifolia</i> L. <i>Thespesia populnea</i> (L.) Sal. ex Correa				
MELASTOMACEAE	Melastoma Family	glory bush	A, C	-	
	<i>Melastoma candidum</i> D. Don				
MENTHACEAE	Moonseed Family	huehue	I, C	-	
	<i>Cocculus trilobus</i> (Thunb.) DC				
MORACEAE	Fig Family	banyan	A, C	-	
	<i>Ficus microcarpa</i> L. Fil.				
MYRSINACEAE	Myrsine Family	kolea	E, C	-	
	<i>Myrsine lessertiana</i> A. DC				
MYRTACEAE	Myrtle Family	'ohi'a	E, C	-	
	<i>Metrosideros polymorpha</i> Gaud. <i>M. p. var. glaberrima</i> <i>M. p. var. incana</i> <i>M. p. var. macrophylla</i> <i>M. p. var. polymorpha</i> <i>Psidium cattleianum</i> Sabine				

<i>Psidium guajava</i> L.	guava	A, C	
<i>Syzygium cumini</i> (L.) Skeels	java plum	A, C	
<i>Syzygium jambos</i> (L.) Alston	rose apple	A, C	
<b>PASSIFLORACEAE</b> Passion Fruit Family			
<i>Passiflora foetida</i> L.	love-in-a-mist	A, C	
<b>POLYCALACEAE</b> Milkwort Family			
<i>Polygala paniculata</i> L.	milkwort	A, C	
<b>POLYGONACEAE</b> Buckwheat Family			
<i>Polygonum capitatum</i> P. Ha.	knotweed	A, C	
<b>ROSACEAE</b> Rose Family			
<i>Rubus rosifolius</i> Sm.	thimbleberry	A, C	
<b>RUBIACEAE</b> Coffee Family			
<i>Coprosma rhynochocarpa</i> A. Gray	pilo	E, R	
<i>Morinda citrifolia</i> L.	noni	P, C	
<i>Psychotria hawaiiensis</i> (A. Gray) Fosb.	kopiko	E, C	
<i>Spermacoce assurgens</i> Ruiz. ex Pav.	buttonweed	A, C	
<b>SOLANACEAE</b> Nightshade Family			
<i>Solanum americanum</i> Mill.	popolo	I, C	
<b>STERCULIACEAE</b> Chocolate Family			
<i>Melochia umbellata</i> (Houtt.) Stapf	melochia	A, C	
<i>Waitheria indica</i> L.	'uhaloa	I, C	
<b>THYMELAEACEAE</b> 'Akia Family			
<i>Mikstroemia phillyreifolia</i> A. Gray	'akia	E, R	
<b>ULMACEAE</b> Elm Family			
<i>Trema orientalis</i> (L.) Blume	gunpowder tree	A, C	

10

<b>URTICACEAE</b> Nettle Family			
<i>Pipturus albidus</i> (Hook & Arnott) A. Gray	masaki	E, C	
<b>VERBENACEAE</b> Vervain Family			
<i>Lantana camara</i> L.	lantana	A, C	
<i>Stachytarpheta jamaicensis</i> (L.) Vahl	Jam. vervain	A, C	
<b>MONOCOTYLEDONAE</b>			
<b>AGAVACEAE</b> Agave Family			
<i>Cordyline fruticosa</i> (L.) A. Chev.	ki	P, C	
<b>ARACEAE</b> Taro Family			
<i>Scindapsus aureus</i> (Lindl. & Andre) Engl.	philodendron	A, C	
<b>ARECACEAE</b> Coconut Family			
<i>Cocos nucifera</i> L.	niu	P, C	
<b>COMMELINACEAE</b> Spiderwort Family			
<i>Commelina diffusa</i> N. L. Bura.	honohono	A, C	
<b>CYPERACEAE</b> Sedge Family			
<i>Fimbristylis dichotoma</i> (L.) Vahl	mau'u 'aki'aki	I, C	
<i>Machaerina angustifolia</i> (Gaud.) T. Koyama	'uki	I, C	
<i>Pycnus polystachyos</i> (Rottb.) P. Beauv.	nutgrass	I, C	
<b>ORCHIDACEAE</b> Orchid Family			
<i>Arundina graminifolia</i> (D. Don) Hochr.	bamboo orchid	A, C	
<i>Epidendrum X obrerianum</i> Rolfe	baby orchid	A, C	
<i>Spathoglottis plicata</i> Blume	ground orchid	A, C	
<b>PANDANACEAE</b> Screwpine Family			
<i>Pandanus tectoris</i> S. Parkinson ex Z	hala	I, C	

11



POACEAE Grass Family

<i>Andropogon virginicus</i> L.	broomsedge	A, C
<i>Cynodon dactylon</i> (L.) Pers.	manienie	A, C
<i>Digitaria setigera</i> Roth	kukaepua'a	I, C
<i>Eleusine indica</i> (L.) Gaertn.	goosegrass	A, C
<i>Melinis minutifolia</i> P. Beauv.	molasses grass	A, C
<i>Panicum maximum</i> Jacq.	guinea grass	A, C
<i>Paspalum conjugatum</i> Bergius	Hilo grass	A, C
<i>Paspalum scrobiculatum</i> L.	mau'u laik	I, C
<i>Paspalum urvillei</i> Steud.	vasey grass	A, C
<i>Rhynchelytrum repens</i> (Vukkd.) Hubb.	natal redtop	A, C
<i>Sacciolepis indica</i> (L.) Chase	Glenwood grass	A, C
<i>Schizachyrium condensatum</i> (Kunth) Nees	beardgrass	A, C
<i>Setaria gracilis</i> Kunth.	yellow foxtail	A, C
<i>Sporobolus indicus</i> (L.) R. Br.	smut grass	A, C

\*Distribution:

- E = Endemic, native plants found only in Hawai'i
- I = Indigenous, native plants found in Hawai'i and elsewhere
- P = Polynesian, plants introduced to Hawai'i prior to European contact by Polynesian immigrants
- A = Alien, plants introduced to Hawai'i after European contact
- C = Common, plants found in abundance in many areas
- R = Rare, plants which have restricted and/or localized populations

\*\*Status:

- LE = Plants listed as "Endangered" under the federal Endangered Species Act
- LT = Plants listed as "Threatened" under the federal Endangered Species Act
- C1, C2, C3 = Plants listed as "Candidates" for listing under the federal Endangered Species Act
- LH = Plants listed by the State of Hawai'i as endangered or threatened

**APPENDIX B**  
**FAUNAL SURVEYS**

REPORT:

FAUNAL SURVEY OF HELCO SSPP UNIT 71 -  
RAUENHORST, KEHENA - KEEKEE HOMESTEAD,  
PUNA, HAWAII.

Prepared by:

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Table of Contents

Table of contents.....	2
Summary.....	4
Introduction.....	6
General Site Description.....	6
Previous Surveys.....	7
Survey Methods.....	7
Results.....	8
Avian Resources.....	8
Endangered Avian Resources.....	8
Avian Species Accounts.....	9
Native -	
Dark-rumped Petrel.....	9
Newell's Shearwater.....	10
Hawaiian Hawk.....	11
Common 'Amakihi.....	11
Aepuan.....	12
Black Noddy.....	12
Migratory Avian Species.....	12
Pacific Golden Plover.....	13
Introduced Avian Species.....	13
Red Junglefowl.....	14
Rock Dove.....	14
Spotted Dove.....	15
Zebra Dove.....	15
Common Myna.....	15
Japanese White-eye.....	16
Melodious Laughing Thrush.....	16
House Sparrow.....	17
Nutmeg Mannikin.....	17
House Finch.....	18
Northern Cardinal.....	18
Mammalian Resources.....	19
Endangered Mammalian Resources.....	20
Limitations of This Report.....	20
Conclusions.....	21

Recommendations.....	22
Literature cited .....	23

**Tables**

Table 1. Relative abundance of avian species detected.....	27
Table 2. Endangered and Threatened Avian and Bat Species and Subspecies on the Island of Hawaii.....	29
Table 3. Mammalian Species Detected.....	30
Table 4. Additional Mammalian Species to be Expected.....	30

**Figures**

Figure 1. Site Location map.....	31
Figure 2. Known and Probable Newell's Shearwater Breeding Colonies.....	32

**Summary**

This report summarizes the findings of a two day ornithological and mammalian survey conducted along the proposed utility easement at Kehena, Keelies Homestead, Puna, Hawaii, between April 4th and April 5th, 1995. (see Fig. 1). The purpose of the survey was to: (1) document what bird and mammal species occur on the site, or are likely to occur given the type of habitat available; (2) provide some baseline data on the relative abundance of the species found and (3) determine the presence of any native species, particularly any that are listed as threatened or endangered by either the United States Fish and Wildlife Service (USFWS) or the State of Hawaii, Division of Land and Natural Resources (DLNR); (4) determine if there was any nesting activity by Hawaiian Hawks (*Buteo solitarius*) on the subject property.

A total of 548 birds of 16 species representing 12 families were detected during the course of this survey (Table 1). Of these 16 species, 2 are endemic Hawaiian Honeycreepers (native and unique to Hawaii), 1 indigenous migrant shorebird (native to but also found elsewhere), 1 native seabird and the remaining 11 are alien (introduced by man) species one of which is a domesticated species. None of the birds recorded are listed as either endangered or threatened by either the USFWS or the State of Hawaii DLNR.

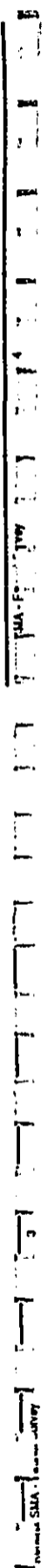
During the course of this survey 6 mammalian species were detected (Table 3). Five of these were terrestrial species all introduced by man and the sixth was an indigenous whale species. None of the mammal detected are listed as either endangered or threatened by either the USFWS or the State of Hawaii DLNR. No Hawaiian hoary bats (*Lasiurus cinereus semotus*) were detected.

The species list of both birds and mammals gathered during this survey is typical of what one would expect from habitat of this type located at this elevation along the Puna Coast of the island of Hawaii, at this time of the year. There is nothing unique about the habitat within the site, and none could be considered essential habitat for any of the four listed species that may utilize the site upon occasion.

The installation of a set of poles and a distribution line on the north side of Highway 137 may have an effect on the passage of transiting seabirds. Collision with utility structures is considered by many to be the second most significant cause of seabird mortality in Hawaii (Reynolds et al. 1994, Cooper et al. 1994, Ahley et al. 1993). In so much as it is unclear at what altitude Newell's Shearwaters fly when crossing the coast line it is difficult if not impossible to state whether the proposed poles and distribution line on the mauka side of Highway 137 will constitute a significant threat to this species. It should borne in mind; that at least in the Kalapana Subdivision there are already poles and lines going in all directions. The placement of another line on the existing poles that descend from Highway 130 to the coast should have a negligible effect on the avian and mammalian species present on the site.

**Recommendations**

- 1) Install plastic marker balls on the transmission line running along route 137 in an attempt to warn off transiting seabirds. Marker balls have been shown to reduce avian collisions (Reynolds et al. 1994, Cooper & Day 1994).



- 2) Do not install lights on the power poles, since this can disorient seabirds on dark nights, causing "fallout".
- 3) Establish a program for the handling of downed seabirds. Successful programs of this type have been implemented on Kauai, Oahu and Maui.
- 4) There will little vegetation clearing associated with this project; however wherever possible the clearing of native vegetation should be kept to a minimum.

### Introduction

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### General Site Description

The project site is 8710 linear feet long and 50 feet wide, encompassing approximately 9.9 acres in Kehena, Puna District, Island and County of Hawaii. The area is currently zoned for agricultural usage. The area surveyed was divided into two sections. The first runs south from approximately mile marker 16 on Highway 130 across approximately 4000 feet of undeveloped land and then through the Kalapana Seaview Estates Subdivision ultimately connecting with Highway 137 on the Puna coast. The second runs on the north side of Highway 137 from the Kehena Beach Estates Subdivision past the Puna Beach Palisades Subdivision and ending just east of the Kalapana Seaview Estates Subdivision ( Fig.1).

The first section surveyed along the Hawaiian Telephone Co. 1984 pole line is located on the 1955 lava flow. The vegetation is predominantly low stature 'ohi'a (*Metrosideros polymorpha*) on a'a which is covered with *Stereocaulon* lichen. There are several Kipukas along the route, none of these are closer than 150 meters from the existing poles. The second area is immediately adjacent to Highway 137, the vegetation is dominated by introduced species.

Weather during the survey was cloudy in the mornings, clearing shortly after 0900 each day. There was no appreciable precipitation during the course of this survey.

### Previous Surveys

The first systematic surveys of the avifauna of Hawaii were not undertaken until 1976. Starting in that year and continuing until 1983 the U. S. Fish and Wildlife Service (USFWS) conducted a state wide survey of the avifauna of Hawaii (Scott et al. 1988). During the course of the Hawaii Forest Bird Surveys (HFBS) none of their transects were sited in the current survey sites. The HFBS did survey the bulk of the native forest within the Puna District. Since then most of the surveys in this area have been short one visit surveys to fill the requirements of EA and EIS type documents. The one exception were the extensive surveys conducted for the Puna Geothermal Project Subzones by the Hawaii Field Station of the USFWS (Reynolds et al. 1994, Reynolds et al. 1995 in prep.).

### Study Methods

One transect was laid through the north-south right of way and another along the east-west (shoreline) right of way. Count stations were placed 150 meters apart along these transects. Eight-minute unlimited distance circular plot counts (Reynolds et al. 1980) were made at each of the count stations. Field observations were made with the aid of Leitz 10 X 40 binoculars and by listening for vocalizations. Counts were concentrated during the early morning hours (between 0600 hrs and 1100 hrs), the peak bird activity time. Four separate crepuscular counts were made in an attempt to locate Hawaiian hoary bats (*Lasiurus cinereus semotus*) and seabirds. These counts are the basis for the relative abundance estimates in this report (see Table 1). Time on site not spent either laying or counting transects was spent "prospecting" in pockets of vegetation away from the transects, in an attempt to locate any species not recorded during count periods. Furthermore, a thorough search for Hawaiian Hawk (*Buteo califarnus*) nests was also made. In addition Michelle Reynolds an avian biologist with the U. S. Fish and Wildlife Service (USFWS) who has experience surveying for seabirds and bats in Puna was contacted for additional information on the avian and mammalian fauna, especially seabirds of the surrounding area. Observations of feral mammals were limited to visual and auditory detection, as well as observation of scat, tracks and road kills. No trapping study was conducted to obtain data on their relative abundance.

Avian phylogenetic order used in this report follows *Birds Of The World: A Checklist* (Clements

1991); scientific nomenclature follows *The AOU Checklist of North American Birds* (AOU 1983) and the 35th through the 38th Supplements to *The AOU Checklist* (AOU 1985-1993). Mammal scientific names follow *Mammals in Hawaii* (Tomich 1986), and plant names follow *Manual of the Flowering Plants of Hawaii* (Wagner et al. 1990).

### Results

A total of 548 birds of 16 species representing 12 families were detected during the course of this survey (Table 1). Of these 16 species, 2 are endemic Hawaiian Honeycreepers (native and unique to Hawaii), 1 indigenous migrant shorebird (native to but also found elsewhere), 1 native seabird and the remaining 11 are alien (introduced by man) species one of which is a domesticated species. None of the birds recorded are listed as either endangered or threatened by either the USFWS or the State of Hawaii DLR.

During the course of this survey 6 mammalian species were detected (Table 3). Five of these were terrestrial species all introduced by man and the sixth was an indigenous whale species. None of the mammals detected are listed as either endangered or threatened by either the USFWS or the State of Hawaii DLR. No Hawaiian hoary bats (*Lasiurus cinereus semotus*) were detected.

### Avian Resources

The avifauna of this region of Puna is dominated by introduced species, as clearly demonstrated by this survey's results (Table 1). This alien avifauna is augmented from September to the end of April by several species of migratory shorebirds (R. Pyle 1992, David 1991b, P. Pyle et al. 1988). It is also probable that in the summer months there is some passage of nesting pelagic seabirds over the site, as they fly upstope to their breeding colonies (Reynolds et al. 1994, Banko et al. 1991, Banko 1980 a, 1980 b).

### Endangered Avian Resources

Hawaii's native avifauna has been inextricably changed by the hand of man. To date, more than 60% of Hawaii's endemic avifauna has gone extinct. Within historical times a total of 69 endemic avian species and sub-species have been described from Hawaii (Pyle 1992). Of these

23 have gone extinct. Of the remaining 46, a total of 32 are currently listed as endangered or threatened by the United States Fish and Wildlife Service (USFWS 1992). Thirteen of these are critically endangered or may in fact have already gone extinct. A further 35 species of extinct endemic birds have been described from sub-fossil remains (Olsen & James 1982, 1991, James & Olsen 1991). There may be as many as 26 more undescribed species amongst the bones that have already been collected (Olsen & James 1991, James & Olsen 1991, Giffin 1993). In addition, the only endemic terrestrial mammalian species in Hawaii, the Hawaiian hoary bat (*Lasiurus cinereus semotus*), is also listed as endangered (USFWS 1992). Of the 32 currently listed endangered avian species and sub-species found in Hawaii a total of 13 are found on the island of Hawaii, as is the endangered Hawaiian hoary bat see (Table 2).

Given the low altitude and vegetation on the proposed development site the only endangered or threatened avian species likely to be detected on the site are the Hawaiian Hawk or I'o (*Buteo solitarius*), Newell's Shearwater or 'A'o (*Puffinus newelli*) and possibly Dark-rumped Petrel or Ua'u (*Pterodroma phaeopygia sandwichensis*). A fourth species the Band-rumped Storm Petrel or 'Ala'ala (*Oceanodroma castro*) is listed as endangered by the DLNR and as a candidate species by the USFWS may also fly over the site. (David pers. obs., Morrison et al. 1994, Reynolds et al. 1994, Banko et al. 1991, Banko 1980 a, 1980 b, Banko 1980 c).

#### Avian Species Accounts

In the following species accounts I briefly discuss the natural history and origin of each species, detected during the course of this survey. Federally listed endangered and threatened species that were not detected but may also occur on the site have also been included. The federally listed species are addressed first, then the indigenous ones, and finally the remainder are addressed in taxonomic order.

Dark-rumped Petrel: *Pterodroma phaeopygia sandwichensis*

Ua'u

The endemic Hawaiian subspecies of the Dark-rumped Petrel was formerly very common on the island of Hawaii (Wilson & Evans 1890-1899). This pelagic seabird species reportedly nested in large numbers on the slopes of Mauna Loa and in the saddle area between Mauna Loa and Mauna Kea (Henshaw 1902), as well as the mid to high elevations of Mount Huai'ala. Munro saw one on

the ground in 1891 at 1370 meters (4500') in Honaunau, Kona (Banko 1980 b). Ua'u was a food source of the Hawaiians, and bones of this species are common in ancient Hawaiian middens excavated in numerous locations on Hawaii (Banko 1980 b). By the turn of the century the decline in this species had been noted by local residents, and by the early 1940's at least one observer, George Munro feared for this species survival in Hawaii (Munro 1941, 1944). Dark-rumped Petrels were finally listed as endangered by the United States Fish & Wildlife Service in 1967 (USFWS 1992b). This species still nests in low numbers in the upper elevations of the Mauna Loa. The most recent record of this species in Puna were made by Banko in 1972 (Banko 1980). Due to the vast reduction in the population of this species any nesting habitat available is critical. Seabirds are especially vulnerable to predation by terrestrial mammals. Their nesting burrows are quite odoriferous, especially when there are young birds present, this making it easy for cats, rats, mongooses and humans to find them. A secondary threat especially to fledging birds is being disoriented by lights on their way to sea. When disoriented, seabirds often collide with man made structures and if not killed outright, the dazed or injured birds are easy targets of opportunity for feral mammals. This species was not detected during the course of this survey or any other recent ones in the Puna area (David pers. obs., Reynolds et al. 1994). Ua'u may transit the site on their way to nesting colonies on the upper slope of Mauna Loa.

Newell's Shearwater: *Puffinus newelli*

'A'o

Newell's Shearwaters were listed as threatened by the USFWS in 1975 (USFWS 1992). This species breeds on Kauai, Hawaii and Molokai in extremely small numbers Newell's Shearwater populations have dropped precipitously since the 1880's (Banko 1980 a). The taxonomy of this species is poorly resolved. It has long been considered a sub-species of the Manx Shearwater *Puffinus puffinus*. In 1983 the AOU separated the Pacific forms of the Manx Shearwater from this species. Hawaii's race became a sub-species of the Townsend's Shearwater *Puffinus townsendi* (ACU 1983), although other authors, myself included, prefer to consider this a separate species *Puffinus newelli* (Pratt 1987, Clements 1991). This pelagic species nests in burrows excavated under thick vegetation. There are at least 2 nesting colonies in the immediate vicinity of the subject site. One near Heihei'hulu some 4.5 kilometers northwest of the top of the site, and the other on Pu'ukena Crater which is located approximately 7 kilometers north east of the site. Evidence also indicates a possible flyway below Pu'u Kahu some 4 kilometers east of the site. It is also possible that there are colonies on Iliwa directly

above the site and also on Kahuwai crater (Fig 2) (David pers. obs., Reynolds et al. 1994, Banko 1980 a). Given the proximity of 2 known nesting colonies in the immediate area and a possibility of others, especially on Iliwa Crater directly above the site, there is a likelihood that 'A'o transit the site on their way to and from their breeding colonies (Fig 2).

'10

#### Hawaiian Hawk: *Buteo solitarius*

The Hawaiian Hawk is the only extant falconiform in Hawaii, it currently is endemic to the island of Hawaii, sub-fossil remains indicate that it was also formerly found on Mookia'i (Olsen & James 1982). Several incidental unconfirmed sightings of this species exist from Kauri (Dole 1879, Beaglehole 1980) and Mau'i (Banko 1980c). This species was scientifically described by Peale in 1848 from a specimen collected from Kealakua (Banko 1980c). The Hawaiian Hawk was first listed as endangered in 1967 (USFWS 1992). This species has probably adapted better than any other endemic avian species to the alien dominated lowland areas of the island. Hawaiian Hawks occupy a wide variety of habitats, in fact they are to be found in almost all habitats not lacking trees. They are all but absent from treeless or close to treeless grasslands and lava fields. During the course of the HFBS no population estimate was made, due in part to the fact that as with most raptors Hawaiian Hawks do not meet the basic assumptions that are used in computing forest bird community densities (Scott et al. 1986). In 1984 Griffin estimated a population of some where between 1400-2500 birds (Griffin 1984). This species is currently under review by the USFWS for down listing from endangered to threatened status (USFWS 1993). In an attempt to get solid numbers for this downlisting proposal the USFWS sponsored an island wide survey specifically targeting Hawaiian Hawks. The survey results put the present population of this species at 1600 birds (Morrison et al. 1994). It is generally thought that the population is healthy and maintaining itself, unlike many other endemic species. Although no Hawaiian Hawks were detected during this present survey, it is safe to say that there is some usage of the site by this species. A concerted effort was mounted to locate any nests, none were found.

'Amakihi

#### Common 'Amakihi: *Hemignathus virens virens*

The nominate race of 'Amakihi was described by Gmelin in 1788 from one of several specimens collected by Captain Cook's party at Kealakua in 1779 (Medway 1981). This species is the most adaptive of the drepanids, it was extremely common in Cook's day and is still numerous.

'Amakihi are currently found as low as 150 meters (500') and are also found in the highest reaches of vegetation on the island (Banko 1984 a, David 1989, 1990, 1991, 1992, 1993). During the course of the HFBS it was estimated that there was a total population on the island of some 870,000 ± 11000 birds. They were found in all of the HFBS study areas. Common 'Amakihi unlike other drepanids has adapted to eat a wide selection of food sources, ranging from insects and invertebrates to nectar and fruit; often in highly disturbed areas. They are to be found feeding in the canopy, sub-canopy, branches, and even on the ground (Richards and Bock 1973, R. David pers. obs.). At present this species is doing well. During this survey a total of 59 individuals of this species were recorded.

'Apapane

#### 'Apapane: *Himatione sanguinea sanguinea*

'Apapane was first described by Gmelin in 1788 from Latham's description of birds collected by Captain Cooks men in 1788-1789 in the Kealakua area (Medway 1981, Banko 1987). The 'Apapane is the most plentiful of the endemic drepanids. During the course of the 1976-1983 HFBS a population estimate of >1,000,000 birds was calculated for this species on the island of Hawaii (Scott et al. 1986). The main population runs continuously from Hamakua to Kona circling the island in a clockwise manner. This species ranges from sea level in the Puna region to 2,900 meters (9,500 feet) on Mauna Kea. Low densities of this species are in direct correlation to lands that have been cleared of native vegetation and areas that naturally lack vegetation. At present 'Apapane are in little danger of a major population reduction. During this survey a total of 25 individuals of this species were recorded.

Noto

#### Black Noddy: *Anous minutus melanogenys*

This endemic Hawaiian subspecies was formerly considered a full species the Hawaiian Noddy. It is known to nest in noto caves all along the southern coast of Hawaii as well as several locations on the north Hilo coast (Harrison 1990, R. David pers. obs.). Black Noddies are one of the commonest of Hawaii's breeding seabirds. Seventeen individuals of this species were seen returning and leaving from the sea caves along the coast south of Highway 137.

#### Migratory Avian Species

Migratory waterbirds and shorebirds make up a large part of the winter avian population of



Hawaii. These annual visitors are found throughout the island from August through May. Currently 81 separate migratory and extralimital waterbird and shorebird species have been documented from the islands (Pyle 1992). It can be expected that during migration season, several of these species utilize the proposed site. Only one indigenous (native) migratory bird species was detected during this survey. It is to be expected that several other species utilize the site at times. The most likely species being Ruddy Turnstone (*Arenaria interpres*) and Wandering Tattler (*Heteroscelus incanus*).

Pacific Golden Plover: *Pluvialis iuva*

Koala

The most common of the migratory shorebirds that visit Hawaii each year. Pacific Golden Plover usually start arriving from their arctic breeding grounds in August. They spend the winter here and on other islands in the Pacific. Many defend wintering grounds and are site relative, this meaning that they return to the same territory every year. They leave to head back to their arctic breeding grounds in late April and early May. Some individuals overwinter in Hawaii. During this survey a total of 8 individuals of this species were recorded.

Introduced Avian Species

During the last hundred years more than a 160 species of alien birds have been introduced to the Hawaiian Islands (Long 1981, HAS 1993). Many of these species were game birds introduced by private landowners, the Territorial Division of Fish and Game, and following statehood, by the State of Hawaii's Division of Land and Natural Resources. These birds were introduced in the hope that they would become established and provide a recreational hunting resource. Less than a quarter of these introductions have been successful. On the island of Hawaii more than 60 species of game birds have been introduced. Currently 14 of these alien introductions have survived and are considered to be established on the island (Pyle 1992, David 1995 in prep.).

Little is known of the effect that these species have on Hawaii's native bird populations. They are, by and large, aggressive birds that are native to areas that have many predators. Many of these alien birds probably out compete Hawaii's native species, for food, cover and nesting

resources. They have been implicated in the spread of alien plant species, which all to often have proven to have a deleterious effect on our ecosystems. Some are thought to be reservoirs for diseases, some of which probably can and do negatively impact Hawaii's endemic avifauna. Systematic scientific studies of these problems have commenced, but all are nascent.

The bulk of the avian species detected on the site were all introduced to Hawaii by man, and have managed to sustain viable wild populations. A total of 12 introduced (alien) bird species were detected on the site. One of these the Red Junglefowl or Moa (*Gallus gallus*) at least in Puna is a domesticated rather than an established feral species.

Red Junglefowl *Gallus gallus*

Moa

This species native to Malaysia and most of the Southeast Asia was introduced to the Hawaiian Islands by aboriginal settlers (Scott et al. 1982). There have been so many different races introduced over the intervening years that in many cases it is impossible to determine whether birds are in fact feral or simply someone's domestic chickens, especially since the majority of detections are by auditory means. In the case of this survey it is probably safe to say that all 6 detections of this species represent domestic animals. There are known feral birds in the Puna region of Hawaii (Scott et al. 1982, David pers. obs.).

Rock Doves: *Columba livia*

The Rock Dove was native to the coastlines of England, southern Europe the Mediterranean, and north Africa east to the Indian sub-continent (Sibley and Munro Jr. 1990). Widely domesticated and even more widely introduced this species has interbred so extensively with domestic stock that it is difficult, if not impossible, to reconstruct its original range (Terres 1980). Rock Doves were one of the first avian introductions to the islands they probably escaped from captivity in 1796 (Walker 1967). It's current population is much reduced from the immense flocks reported from the island of Hawaii in 1891 (Munro 1960).

Rock Doves breed year round and may do so as many as five times a year. They feed on seeds, grasses, worms, insects and berries. They usually lay two eggs in a flimsily constructed nest made of small twigs that are usually placed on ledges and in caves as well as in buildings and under bridges. On Hawaii they breed in many of the valleys of the North Kona Coast and

probably also in abandoned buildings etc. During this survey only one individual of this species was recorded.

**Spotted Dove: *Streptopelia chinensis***

This species is native to a large part of southeast Asia and the Malay Archipelago (Sibley & Munroe Jr. 1990). The race *Streptopelia chinensis chinensis* was introduced to the Hawaiian Islands prior to 1900 (Caum 1933). Spotted Doves were well established on Hawaii by 1940 (Munro 1960). For some unknown reason the owners of Pu'u Wa'awa's released 8 birds on the ranch in 1961 (Lewin 1971). This species is found in residential as well as in most other habitats throughout the main Hawaiian Islands.

Spotted Doves eat seed, grain plant material and scraps. In Hawaii they breed from February to October. They usually lay two eggs in a messy platform nest made of small sticks which is usually placed from 8 to 40 feet in vegetation or on buildings (Terres 1980). During this survey a total of 18 individuals of this species were recorded.

**Zebra Dove: *Geopelia striata***

This species is native to southeast Asia and the Malaysian Peninsula was first introduced to Hawaii in 1922 (Munro 1960). There is real confusion as to which races were released when and where in the islands. By 1950 The Schwartz's considered the species to be well established throughout the Hawaiian Islands (Schwartz & Schwartz 1950).

In Hawaii this species is found in almost all habitats. They feed on seeds, grain, insects and oris. They nest year round often as many as five times a year. They usually lay two eggs in a small flimsy nest made of little sticks that are precariously placed in vegetation, and sometimes on and in buildings (Terres 1980). During this survey a total of 2 individuals of this species were recorded.

**Common Myna: *Acridotheres tristis***

The Common Myna is native to southern and southeast Asia (Sibley & Munroe Jr. 1990). It was introduced to the Hawaiian Islands in 1865 by Dr. Hillebrandt, with the hope that they would prey on army worms and other insect pests (Caum 1933, Munro 1960). This very aggressive

species rapidly became established and has become ubiquitous. It tends to be a commensal species and is found in extremely large numbers in cities and towns. Due to its gregarious nature and its proclivity to roost communally - up to 5000 birds in one tree, many late rising humans have been less than enchanted with this species.

Common Mynas are omnivorous feeders eating everything from nectar to oris. In Hawaii they breed from February to August often times having as many as three broods per season. They lay between two and five eggs in a messy nest made of twigs, trash, plant bits and often times paper or plastic (Ali & Ripley 1968-1974, David pers. obs.). During this survey a total of 68 individuals of this species were recorded.

**Japanese White-eye: *Zosterops japonica***

The Japanese White-eye is native to east Asia from southern China to Korea and Japan and in winter, Thailand, Burma and Laos (Sibley & Munroe Jr. 1990). Exactly when this species was first introduced to Hawaii is uncertain. In 1929 the Territorial Board of Agriculture released birds from Japan on Oahu (Caum 1933, Munro 1960). There were several more releases by both the Board of Agriculture and by the Hui O Manu. They were released on Hawaii in 1937 (Hawaii Audubon Society 1975). This species has been considered to be established on all main islands since at least the mid 1950's (Berger 1972, Hawaii Audubon Society 1993).

Locally called Majiro this ubiquitous species is probably the most common bird in the state. It feeds on a mixed diet of arthropods, nectar and berries. It has been recorded nesting from February through November; its nest is a small tidy deeply cupped affair, well finished out of a blend of grasses, often lined with lichens and spider webs. In Hawaii, Japanese White-eyes lay three to four eggs, slightly more than in its native range. During this survey a total of 106 individuals of this species were recorded, making it the second most commonly recorded species.

**Melodious Laughing-thrush: *Geryx canorus***

Melodious Laughing-thrush, better known in Hawaii as Hwamei are native to southern Asia from China to northern Laos and Vietnam, they are also found in Taiwan (Sibley and Monroe Jr. 1990). It is thought that this species escaped from captivity during the 1900 Chinatown fire on

Oahu. (Caum 1933). Following its unintentional release on the island of Oahu, this species was imported for release on Kauai, Maui and Hawaii. (Berger 1972). Melodious Laughing-thrush are now established on all the main islands with the exception of Lanai (Hawaii Audubon Society 1983). Its distribution is very patchy.

Melodious Laughing-thrush are omnivorous feeders, eating everything from insects to vegetable matter. In Hawaii they breed from May to July, laying between three and five eggs in a large bowl shaped nest often placed close to the ground in dense bushes such as Christmas berry (Long 1991, David pers. obs.). During this survey a total of 20 individuals of this species were recorded.

House Sparrow: *Passer domesticus*

House Sparrows are native to most of Eurasia, from the British Isles, east to the Pacific ocean and north to Siberia, south through the Indian sub-continent and North Africa ( Sibley & Monroe Jr. 1990). House Sparrows have been introduced all over the world. This commensal species is now almost cosmopolitan in range. Little is known of this species introduction to the Hawaiian Islands. Caum reported that nine birds had been released on Oahu in 1871 (Caum 1933). It is not known if there were further introductions. They were numerous around Honolulu in 1902 (McGregor 1902). By the late 1960's House Sparrows of the nominate race *Passer domesticus domesticus* were common on all main islands ( Peters 1962, Hawaii Audubon Society 1975). This species is common throughout the State but tends to be commensal and does not occur in large numbers far from mans settlements and developments.

House Sparrows breed year round in Hawaii, often raising as many as three broods a year. They build very messy nests of twigs, grasses and litter often just stuffed into a crack or opening. When nesting in trees they build a domed nest with a side entrance. Clutch size ranges from four to six eggs. House Finch feed on a wide variety of foodstuffs from seed, grain and other plant materials to insects, worms and ors (Terres 1980, Long 1981). During this survey a total of 4 individuals of this commensal species were recorded, not surprisingly all were recorded in the lower section of the Kalapana Seaview subdivision.

Nutmeg Mannikin or Scalp-busasted Munia: *Lonchura punctulata*

Nutmeg Mannikins are native to Southern and Southeast Asia from India east to Java and the Philippines (Sibley & Monroe 1992). The race *Lonchura punctulata topela* was introduced to Hawaii by Dr. Hillebrand around 1865 (Caum 1933, Berger 1981).

Little is known about this species life history in Hawaii. In Malaysia this species breed from February through August, Berger reports that he found nests in all months except August (Berger 1981). They build a large covered nest which has a side tunnel entrance. They lay between three and four eggs per clutch. They continue to use the nest as a dormitory following fledging. They feed on seeds, rice and insects. During this survey a total of 6 individuals of this species were recorded.

House Finch: *Carpodacus mexicanus*

House Finches are native to western U.S.A. from west of Kansas, north to British Columbia and south to central Mexico ( AOU 1983, Sibley & Monroe Jr. 1990). This species has been successfully introduced to the Eastern U.S.A. House Finches have been in the Hawaiian Islands since the 1870's; they were popular cage birds and probably escaped soon after their first arrival in Hawaii. The race *Carpodacus mexicanus frontalis* from California has been established on all main islands since the early 1920's (Caum 1933, Berger 1972, Hawaii Audubon Society 1975).

This species is considered an agricultural pest in its native range (Terres 1980). In Hawaii, this species feeds on fruit, berries and insects. Papaya farms consider this species a pest as they apparently do some damage to this commercially grown fruit crop. They nest year round, making a grass and twig built nest usually placed in a tree cavity, roof, tree crown. Clutch size ranges from two to six eggs (Long 1981). During this survey a total of 166 individuals of this species were recorded, easily making it the most common species recorded.

Northem Cardinal *Cardinalis cardinalis*

Northem Cardinals are native to the eastern part of the U.S.A. they range west to Colorado and southwest to southern Arizona. South to northern Guatemala and Belize (AOU 1983). It has also been successfully introduced to southern California. Northem Cardinals were first introduced to the Hawaiian Islands in 1929. Birds were released on all main islands. Several separate

introductions of this species of several races were made in Hilo between 1929 and 1931. They were considered to be established on all main islands by the 1940's (Caum 1933, Berger 1972, Hawaii Audubon Society 1975). They are to be found in almost all habitats in the islands.

This species eats a mixed diet of seeds, berries, plant material and insects. In Hawaii Northern Cardinals breed in all months of the year. They construct a loosely built shallow nest made of small twigs, grasses and other plant material, it is lined with fine grasses. Clutches consist of two to six eggs (Terres 1980, David pers. obs.). During this survey a total of 33 individuals of this species were recorded.

#### Mammalian Resources

The Hawaiian hoary bat (*Lasiurus cinereus semotus*) or 'Ope'ape'a is Hawaii's only endemic terrestrial mammal. All the other resident mammals were introduced by man. This process started when the first aboriginal settlers landed in the islands some 1500 years ago (Stone et al. 1985). The aboriginal peoples brought numerous alien species such as pigs (*Sus scrofa*), dogs (*Canis familiaris*) and Polynesian rats (*Rattus exulans*); as well as non-native plants and insects of many kinds with them. Many of Hawaii's endemic birds, especially the flightless and ground nesting ones, were easy prey for the introduced dogs and hungry humans (Kirsch 1982, Steadman 1989, Banko et al. 1990). Both the aboriginal people and their pigs proceeded to markedly alter the endemic ecosystems. The humans cleared and burned the lowlands for agricultural purposes and the pigs moved into the wet forests where they found abundant food in the myriad of endemic understory plants (Kirsch 1982). Very little is known of what effect the introduced insect species had, but it is safe to surmise that they had a large effect on the endemic insect and plant populations and in turn on the native avian species. The European re-discovery of the islands in the late 1700's heralded another wave of introductions that included European rabbits (*Oryctolagus cuniculus*), roof rats (*Rattus rattus*), Norway rats (*Rattus norvegicus*), European house mice (*Mus domesticus*), small Indian mongooses (*Herpestes aurunculatus*), cats (*Felis catus*), horses (*Equus caballus*), cattle (*Bos taurus*), goats (*Capra hircus*) and sheep (*Ovis aries*), as well as countless insect and plant species. All of the introduced mammalian species including man have had a deleterious effect on the native avian and mammalian populations of the islands.

A total of 6 species of mammals were detected during this survey (see Table 3). A pod of Short-finned pilot whale (*Globicephala macrorhynchus*) were seen some 50 meters out to sea. Feral dogs (*Canis familiaris*) were seen on both days of the survey. One feral cat (*Felis catus*) was seen within the site, as was lots of cat sign. Seven small Indian mongooses (*Herpestes aurunculatus*) were seen within the site. One unidentified species of rat was found dead on a roadways within the site. It is likely that roof rats (*Rattus rattus*), Norway rats (*Rattus norvegicus*) Polynesian rats (*Rattus exulans hawaiiensis*) and European house mice (*Mus musculus*), are to be the site. Without conducting a trapping program it is difficult to assess the population densities of these often hard to see mammals.

Table 4 on page 31 represents the mammalian species that are likely to utilize the site at least upon occasion.

#### Endangered Mammalian Species

Hawaiian hoary bat: *Lasiurus cinereus semotus*

'Ope'ape'a

The Hawaiian hoary bat is Hawaii's only endemic terrestrial mammal. It was first listed as endangered by the USFWS in 1970 (USFWS 1992). Originally considered to be a distinct species, it is now taxonomically classified as an endemic Hawaiian sub-species of the American hoary bat (Tomich 1986). There has been very little scientific work attempted on this species, in no small part due to the fact that this bat is usually a solitary arboreal rooster and therefore difficult to study. Hawaiian hoary bats have been seen within the area (Reynolds et al. 1994, David, pers. obs.).

#### Limitations of this Report

A short two day survey can not provide a total picture of the Wildlife utilizing any given area. Certain species will not be observed for one reason or another. Seasonal variations in populations coupled with seasonal usage and availability of resources will cause different usage patterns throughout a year or, in fact over a number of years. A one time survey can usually only provide baseline information. Coupling that baseline information with data gathered from similar habitat and from previous studies in the same general area can greatly enhance the

value of the gathered baseline data; resulting in a much more complete assessment of the natural resources and their utilization at the given site.

That neither Hawaiian Hawk - I'o (*Buteo solitarius*), Newell's Shearwater - 'A'o (*Puffinus newelli*) or Dark-rumped Petrel - Ua'u (*Pterodroma phaeopygia sandwichensis*) were detected during the course of this survey is not surprising. Given the population size of the Hawaiian Hawk one can not expect to always find them even in suitable habitat. That neither of the listed seabird species was detected is equally understandable since they usually do not return to their breeding colonies until the end of May.

#### Conclusions

The species list of both birds and mammals gathered during this survey is typical of what one would expect from habitat of this type located at this elevation along the Puna Coast of the island of Hawaii, at this time of the year. There is nothing unique about the habitat within the site, and none could be considered essential habitat for any of the four listed species that may utilize the site upon occasion.

The installation of a set of poles and a distribution line on the north side of Highway 137 may have an effect on the passage of transiting seabirds. Collision with utility structures is considered by many to be the second most significant cause of seabird mortality in Hawaii (Reynolds et al. 1994, Cooper et al. 1994, Ainley et al. 1993). In so much as it is unclear at what altitude Newell's Shearwaters fly when crossing the coast line it is difficult if not impossible to state whether the proposed poles and distribution line on the mauka side of Highway 137 will constitute a significant threat to this species. It should borne in mind; that at least in the Kalapana Subdivision there are already poles and lines going in all directions. The placement of another line on the existing poles that descend from Highway 130 to the coast should have a negligible effect on the avian and mammalian species present on the site.

#### Recommendations

- 1) Install plastic marker balls on the distribution line running along route 137 in an attempt to warn off transiting seabirds. Marker balls have been shown to reduce avian collisions (Reynolds et al. 1994, Cooper et al. 1994).

2) Do not install lights on the power poles, since this can disorient seabirds on dark nights, causing "fallout".

3) Establish a program for the handling of downed seabirds. Successful programs of this type have been implemented on Kauai, Oahu and Maui.

4) There will little vegetation clearing associated with this project; however wherever possible the clearing of native vegetation should be kept to a minimum.

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Key to Table 1.

- Status  
 E = Endemic Species  
 Es = Endemic Subspecies  
 IM = Indigenous migratory species  
 A = Alien/ introduced species  
 D = Domestic species / no self sustaining population

Relative abundance = the number of times recorded during the survey

- A = Abundant (≥100) individuals recorded  
 C = Common (250-999) individuals recorded  
 U = Uncommon (25-249) individuals recorded  
 R = Rare (≤5) individuals recorded

Table 1.

COMMON NAME	SCIENTIFIC NAME	STATUS	RELATIVE ABUNDANCE
PHEASANTS & ALLIES - Phasianidae			
Red Junglefowl	<i>Gallus gallus</i>	D	U - 8
PLOVERS & LAPWINGS - Charadriidae			
Pacific Golden Plover	<i>Pluvialis fulva</i>	IM	U - 8
GULLS & TERNS - Laridae			
Black Noddy	<i>Anous minutus melanogenys</i>	Es	U - 17
PIGEONS & DOVES - Columbidae			
Rock Dove	<i>Columba livia</i>	A	R - 1
Spotted Dove	<i>Streptopelia chinensis</i>	A	U - 18
Zebra Dove	<i>Geopelia striata</i>	A	R - 2
STARLINGS - Sturnidae			
Common Myna	<i>Acridotheres tristis</i>	A	C - 68

SILVEREYES - Zosteropidae			
Japanese White-Eye	<i>Zosterops japonica</i>	A	A - 106
BABBLERS - Timaliidae			
Melodius Laughing Thrush	<i>Garrulus canorus</i>	A	U - 29
OLD WORLD SPARROWS - Passeridae			
House Sparrow	<i>Passer domesticus</i>	A	R - 4
WAXBILLS & ALLIES - Estrinidae			
Butmeg Manikin (Scaly-breasted Munia)	<i>Lonchura punctulata kopsala</i>	A	U - 6
FRINGILLIDS - Fringillidae			
House Finch	<i>Carpodacus mexicanus mexicanus</i>	A	A - 166
HAWAIIAN HONEYCREEPERS - Drepanididae			
Common Amakihi	<i>Hemignathus virens virens</i>	E	C - 59
Aopana	<i>Himatione sanguinea</i>	E	U - 25
EMBERIZIDS - Emberizidae			
Northern Cardinal	<i>Cardinalis cardinalis</i>	A	U - 33



Table 2.

ENDANGERED AND THREATENED AVIAN AND BAT SPECIES AND SUB-SPECIES ON THE ISLAND OF HAWAII

COMMON NAME	HAWAIIAN NAME	SCIENTIFIC NAME
<b>BIRDS:</b>		
Dark-rumped Petrel	Ua'u	<i>Pterodroma phaeopygia sandwichensis</i>
Newell's Shearwater	'A'o	<i>Puffinus newelli</i>
Hawaiian Goose	Nene	<i>Branta sandvicensis</i>
Hawaiian Duck	Koaha	<i>Anas wyvilliana</i>
Hawaiian Hawk	'Io	<i>Buteo solitarius</i>
Hawaiian Coot	'Aiea	<i>Fulica alai</i>
Black-necked Stilt	Ae'o	<i>Himantopus mexicanus knudseni</i>
Hawaiian Crow	'Alala	<i>Corvus hawaiiensis</i>
'O'u ***	'O'u	<i>Psittirostra palmeriana</i>
Pallid	Pallid	<i>Loxia bairdi</i>
Akiapola'u	Akiapola'u	<i>Hemignathus munroi</i>
Hawai'i Creeper	'Alauaho	<i>Oreomyza mana</i>
Hawai'i Noddy	'Alabane	<i>Loxia coccyzus coccyzus</i>
<b>BATS:</b>		
Hawaiian hoary bat	'Ope'ope'a	<i>Lasius cinereus semotus</i>

\*\*\* This species is critically endangered, it may in fact have been extirpated from the island of Hawaii.

All of the above species and sub-species are listed as endangered by the USFWS, with the exception of the Newell's Shearwater which is listed as threatened (USFWS 1992).

Table 3.

MAMMALIAN SPECIES DETECTED

Short-finned pilot whale	<i>Globicephala macrohynchus</i>
Rat (species ?)	<i>Rattus sp.</i>
Domestic dog	<i>Canis familiaris familiaris</i>
Small Indian Mongoose	<i>Herpestes auropunctatus auropunctatus</i>
Feral cat	<i>Felis catus</i>
Feral pig	<i>Sus scrofa scrofa</i>

Table 4.

ADDITIONAL MAMMALIAN SPECIES TO BE EXPECTED ON THE SITE

Hawaiian hoary bat	<i>Lasius cinereus semotus</i>
Roof rat	<i>Rattus rattus rattus</i>
Norway rat	<i>Rattus norvegicus norvegicus</i>
Polynesian rat	<i>Rattus exulans hawaiiensis</i>
European house mouse	<i>Mus domesticus</i>

FIGURE 2.  
KNOWN AND PROBABLE NEWELLS' SHEARWATER BREEDING COLONIES IN THE IMMEDIATE VICINITY

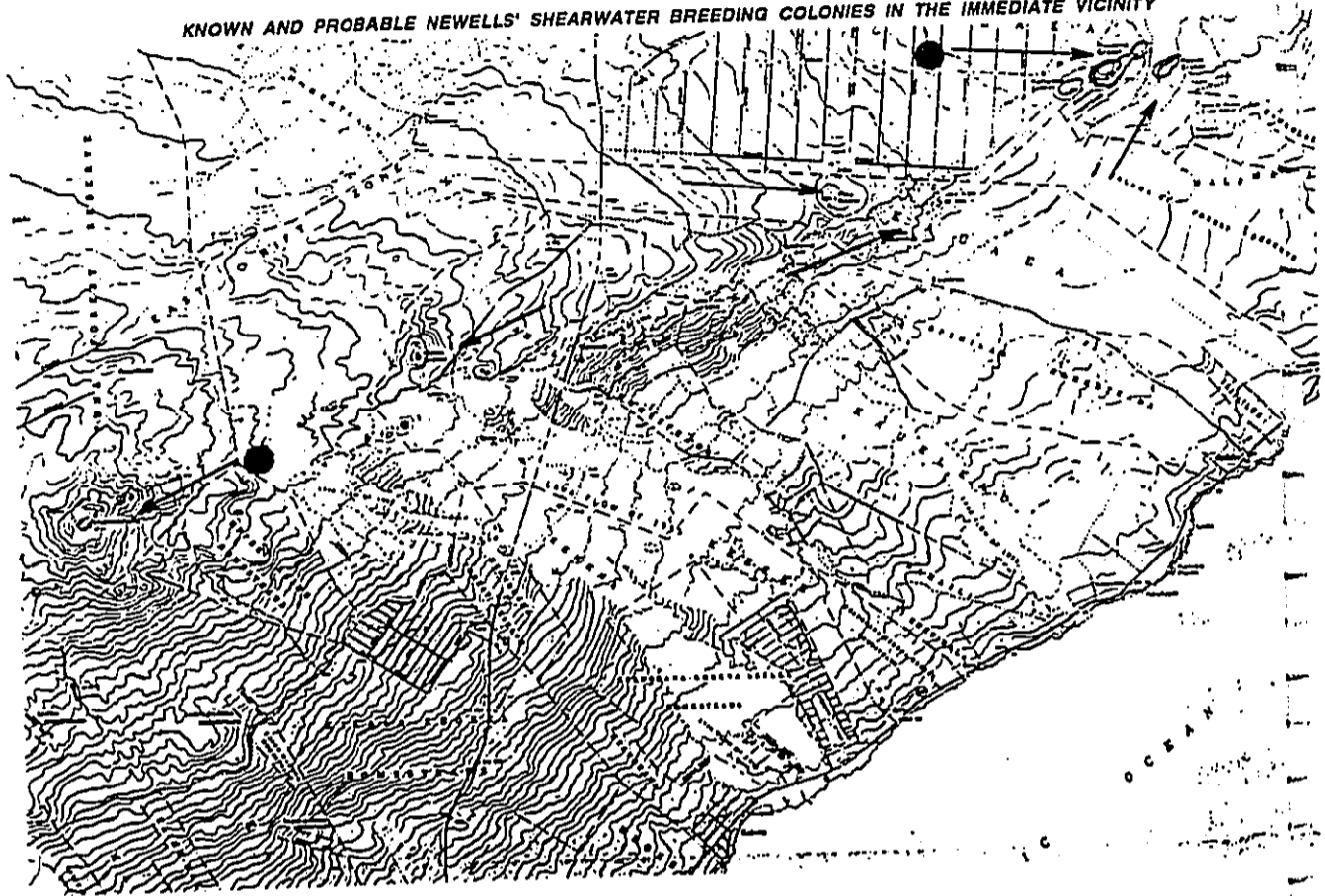
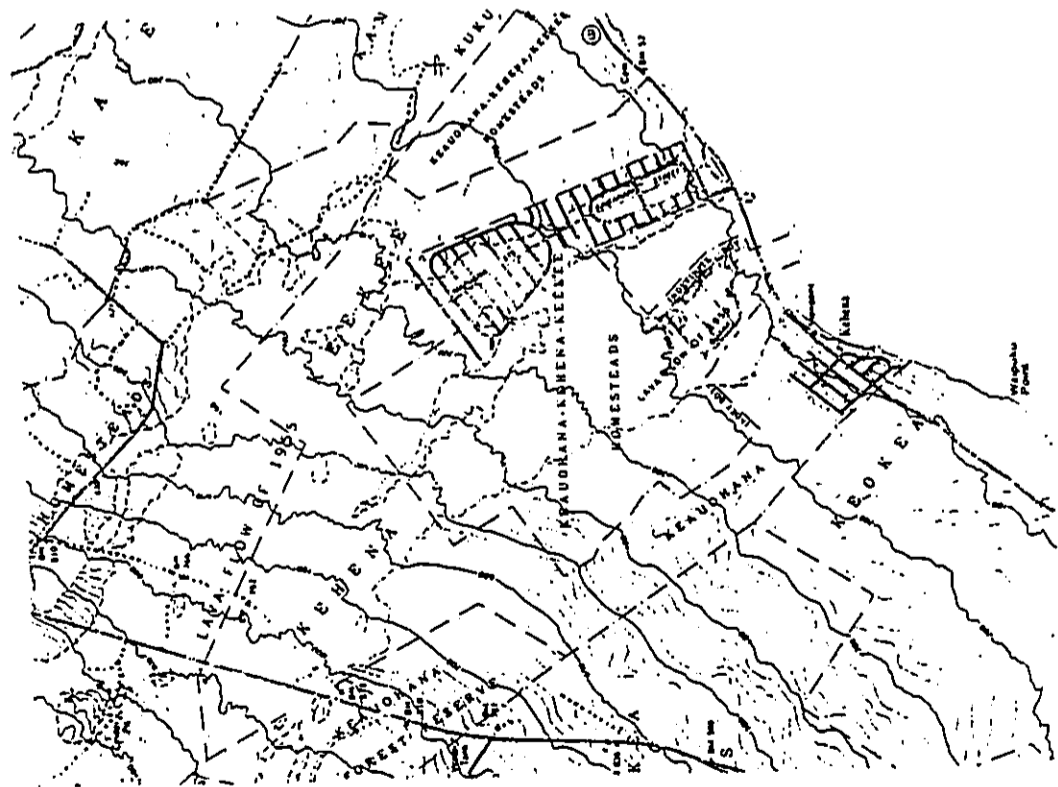


FIGURE 1.  
SITE LOCATION MAP



**RADAR AND VISUAL SURVEY OF SEABIRDS IN THE HELCO  
SPP UNIT 71, PUNA, HAWAII, DURING JULY 1995**

**FINAL REPORT**

Prepared for  
**R. M. Towill Corporation**  
420 Waiakamilo Road  
Honolulu, HI 96817-4941

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LIST OF FIGURES

Figure 1. Site location map..... 5

TABLE OF CONTENTS

TABLE OF CONTENTS .....i

LIST OF FIGURES .....ii

LIST OF TABLES .....iii

ACKNOWLEDGMENTS .....iv

INTRODUCTION .....1

OBJECTIVES .....4

STUDY AREA .....4

METHODS .....6

GENERAL SAMPLING STRATEGY .....6

RADAR .....6

EQUIPMENT .....6

DATA COLLECTION .....9

VISUAL .....10

RESULTS .....11

RELATIVE ABUNDANCE .....11

FLIGHT DIRECTION AND LOCATION .....11

FLIGHT ALTITUDE .....11

DISCUSSION .....14

LITERATURE CITED .....17

U.S. GOVERNMENT PRINTING OFFICE: 1967 O 311 211 211 211



**LIST OF TABLES**

Table 1. Dates, sites, and effort for surveillance radar and visual sampling near Kehenā, Hawaii, during July 1995 ..... 7

Table 2. Summary of targets detected by radar and of seabirds and bats detected visually near Kehenā, Hawaii, during July 1995 ..... 12

Table 3. Location and direction of each target detected by radar near Kehenā, Hawaii, during July 1995 ..... 13

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## INTRODUCTION

Two races of tubenose seabird species are endangered in the Hawaiian Islands. Both the Hawaiian races of the Dark-rumped Petrel or Ua'u (*Pterodroma phaeopygia sandwichiensis*, hereafter called the Dark-rumped Petrel) and the Townsend's Shearwater or 'A'o (*Puffinus auricularis newelli*, hereafter called Newell's Shearwater) are central Pacific forms of polytypic species in the tropical Pacific (American Ornithologists' Union 1983). The Dark-rumped Petrel was listed as an endangered species by the U.S. Fish and Wildlife Service (USFWS) in 1967 because it was in danger of extinction throughout all or a significant portion of its range (USFWS 1983, Harrison 1990); the Newell's Shearwater was listed as a threatened species by the USFWS in 1975 because it was likely to become endangered in the near future. Hence, populations of both species are small and highly vulnerable to any sources of excessive mortality of either young or adult birds. A third species, the Band-rumped Storm-Petrel or 'Ake'ake (*Oceanodroma castro*) is listed as endangered by the DNLB and as a candidate species by the USFWS.

The endemic Hawaiian subspecies of the Dark-rumped Petrel was formerly very common on the Island of Hawaii (Wilson & Evans 1890-1899). This pelagic seabird species reportedly nested in large numbers on the slopes of Mauna Loa and in the saddle area between Mauna Loa and Mauna Kea (Henshaw 1902, Richardson and Woodside 1954), as well as the mid to high elevations of Mount Hualalai. Munro saw one on the ground in 1891 at 1370 meters (4500') in Honaunau, Kona (Banko 1980 a). The Dark-rumped Petrel was a food source of the Hawaiians, and bones of this species are common in ancient Hawaiian middens excavated in numerous locations on Hawaii (Banko 1980a). By the turn of the century the decline in this species had been noted by local residents, and by the early 1940's at least one observer, George Munro, feared for this species survival in Hawaii (Munro 1944). This species still nests in low numbers in the upper elevations of

Mauna Loa. The most recent record of this species in Puna were made by Banko in 1972 (Banko 1980b). This species was not detected during the course of this survey or any other recent ones in the Puna area (R. David, pers. obs.; M. Reynolds, USFWS, pers. comm.), however, Dark-rumped Petrels may transit the site on their way to nesting colonies on the upper slope of Mauna Loa.

Newell's Shearwater breeds on Kauai, and on Hawaii and Molokai in extremely small numbers. Newell's Shearwater populations have dropped precipitously since the 1880's and continue to decline (Banko 1980b, Ainley *et al.* 1995). This pelagic species nests in burrows excavated under thick vegetation. There are at least 2 nesting colonies in the immediate vicinity of the subject site. One near Heiheihehulu some 4.5 kilometers northwest of the upper end of the site, and the other on Pu'ulema Crater which is located approximately 7 kilometers north east of the site. Evidence also indicates a possible flyway below Pu'u Kailu some 4 kilometers east of the site. It also is possible that there are colonies on Iliewa directly above the site and also on Kahawai crater (R. David, pers. obs.; M. Reynolds, USFWS, pers. comm.; Banko 1980b). Given the proximity of two known nesting colonies in the immediate area and a possibility of others, especially on Iliewa Crater directly above the site, there is a likelihood that Newell's Shearwaters transit the site on their way to and from their breeding colonies.

Reasons for the declines of both species are not entirely clear, primarily because there are a number of potential causes. Introduced wild pigs (*Sus scrofa*) dig up and eat Newell's Shearwaters, wild pigs and goats (*Capra hircus*) trample nesting colonies (Sincock and Swedberg 1969, USFWS 1983), and introduced feral cats (*Felis catus*) and dogs (*Canis familiaris*) prey on both species (Richardson and Woodside 1954; Conant 1980; USFWS 1983; Simons 1984, 1985, Ainley *et al.* 1995). The introduced Indian mongoose (*Herpestes auripunctatus*), however, is believed to be the primary cause for

the declines of both species (USFWS 1983). Introduced Norway (*Rattus norvegicus*), black (*R. rattus*), and Polynesian (*R. exulans*) rats prey on nesting birds and eggs (USFWS 1983), and introduced Barn Owls (*Tyto alba*), endemic Short-eared Owls (*Asio flammeus sandwichensis*), and introduced Common Mynas (*Acridotheres tristis*) prey on eggs and birds (Byrd 1979, Byrd and Telfer 1980, Byrd and Moriarty 1981, Simons 1985, Ainley *et al.* 1995). Finally, avian malaria and avian poxviruses from introduced birds may have had a deleterious effect on populations of both species, particularly on populations that were nesting at low elevations (Sincock and Swedberg 1969, USFWS 1983, Simons 1985). Predation by introduced mammals, however, is thought to be the primary cause of extirpation of both species on most islands and is considered to be the major threat to the surviving populations at this time (USFWS 1983, Harrison *et al.* 1984, Harrison 1990).

A secondary threat to the survival and health of populations of these two species is their collision with utility structures and subsequent predation during the annual fall-out of birds, primarily juvenile Newell's Shearwaters that are on their way to the sea for the first time (Hadley 1961, Telfer 1979, Sincock 1981, USFWS 1983, Reed *et al.* 1985, Telfer *et al.* 1987, Cooper and Day 1994, Ainley *et al.* 1995). "Fallout" is a term for the attraction of petrels and shearwaters to lights and consequent collision, exhaustion, or disorientation that brings these birds to the ground—they "fall out" of the sky. Attraction to or disorientation of birds by lights during fallout results in either the birds' dropping to the ground in exhaustion or their colliding with man-made structures, particularly powerlines and other utility structures (Reed *et al.* 1985, Telfer *et al.* 1987). Collision with powerlines may result in direct mortality or injury of birds (Anderson 1978, Malcolm 1982, Reed *et al.* 1985, Ruzs *et al.* 1986, Telfer *et al.* 1987, Cooper and Day 1994, Ainley *et al.* 1995). Downed birds may be injured only slightly and subsequently escape or may be killed by automobiles or by feral cats and dogs, which are abundant (USFWS 1983).

#### OBJECTIVES

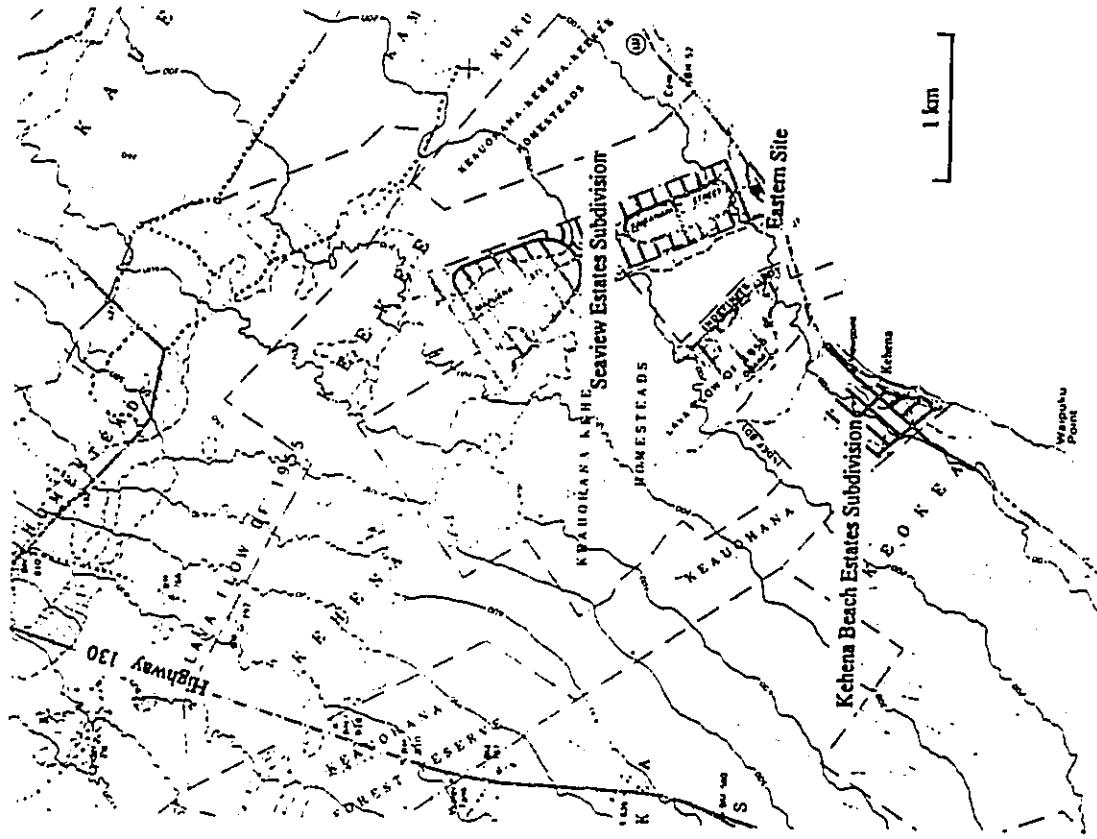
This report summarizes the findings of a four-day radar and visual survey of seabirds conducted along the proposed utility easement at Kehena, Keekee Homestead, Puna, Hawaii, between 10 July and 14 July 1995. The purpose of the survey was to collect baseline information on seabird abundance and flight behavior over the proposed powerline route.

#### STUDY AREA

The project site is 2655 m long and 15 m wide, encompassing approximately 4 ha in Kehena, Puna District, Island and County of Hawaii. One of the proposed powerline corridors runs south from approximately mile marker 16 on Highway 130 across approximately 1200 m of undeveloped land and then through the Kalapana Seaview Estates Subdivision, ending at Highway 137 along the coast. The other proposed corridor runs east for approximately 1.5 km along Highway 137 from the Seaview Estates Subdivision to the Kehena Beach Estates Subdivision (Figure 1).

The area was surveyed from two locations. The first sampling location (i.e., Eastern Site) was located on the seaward side of the Seaview Estates Subdivision, near the community mailbox at the south end of Kaikanani Street (Figure 1). The second sampling site (i.e., Western Site) was located 4 km towards the southeast, at milepost 20.8 along Highway 137.

FIGURE 1.  
SITE LOCATION MAP



## METHODS

### GENERAL SAMPLING STRATEGY

We conducted two types of sampling: surveillance radar and visual sampling (Table 1). Visual sampling was conducted concurrently with radar sampling. When sampling, we recorded standardized weather and environmental data at the beginning of each 25-min surveillance radar and visual sampling period. The standardized weather and environmental data were: wind speed (to the nearest 5 mph), wind direction (the eight ordinal points; e.g., from the N, NE, E), percent cloud cover (to the nearest 5%), cloud ceiling height (in height categories), visibility (maximal distance we could see), light condition (daylight, crepuscular, or nocturnal; with or without precipitation), light level (incident light reading on a Gossen Multi-Pro light meter, in lux), precipitation type (e.g., drizzle, heavy rain, none), and moon phase (phase and whether the moon was absent or present above the horizon).

### RADAR

#### Equipment

Our mobile laboratory consisted of a small marine radar mounted in the back of a pick-up truck. This surveillance radar scanned the entire area around the lab and was used to obtain information on flight paths, movement rates, and ground speeds of petrels and shearwaters. A description of a similar radar laboratory can be found in Gauthreaux (1985a,b) and Cooper *et al.* (1991). The lab was powered by two 12-V batteries linked in series; when fully charged, these batteries could power the lab continuously for approximately 10 h.



Table 1. Dates, sites, and effort for surveillance radar and visual sampling near Kchena, Hawaii, during July 1995.

Date	Sampling Site	Sampling Period (h)
10-11 July	Eastern	1900-2130 <sup>†</sup> ; 0430-0600
11-12 July	Western	1900-2130; 0430-0600 <sup>†</sup>
12-13 July	Eastern	1900-2130; 0430-0600
13-14 July	Western	1900-2130; 0430-0600

<sup>†</sup> Because of excessive rain, one or more sampling sessions were canceled.

The surveillance radar (Furuno Model FCR-1411, Furuno Electric Company, Nishinomiya, Japan) is a standard marine radar transmitting at 9410 MHz (i.e., X-band) through a slotted wave guide 2 m long; the peak power output is 10 kW. This radar can be operated at a variety of ranges from 0.5 km to 133 km. Pulse length can be set at 0.08, 0.6, or 1.0  $\mu$ sec, depending on the range setting used. At the shorter pulse lengths, echo definition is improved (giving more accurate information on target location and, hence, distance), whereas, at longer pulse lengths, echo detection is improved (increasing the probability of detecting a target). An echo is a picture of a target on the video display screen; a target is one or more birds that are flying so closely that the radar detects them as one echo on the display screen. This radar has a digital, color display with several scientifically useful features, including color-coded echoes (to differentiate the strength of return signals), on-screen plotting of a sequence of echoes (to depict flight paths), and True North correction for the display screen. A plotting function records the location of a target at selected intervals (15 or 30 sec or 1, 3, or 6 min). Because time intervals are fixed, ground speed is directly proportional to the distance between consecutive echoes and can be measured with a hand-held scale. In addition, an alarm function can be set to sound when echoes above a certain signal strength appear on the screen.

Whenever energy is reflected from the ground, surrounding vegetation, and other objects that surround the radar unit, a ground clutter echo appears on the display screen. Because ground clutter can obscure bird targets, we attempted to minimize it by elevating the forward edge of the antenna and by using a ground clutter reduction screen (described in Cooper *et al.* 1991). We also reduced ground clutter by parking the radar lab in locations that were surrounded closely by trees, buildings, or low hills. These objects acted as a radar fence that shielded the radar from low-lying objects farther away from the lab and that produced only a small amount of ground clutter in the center of the display

screen. For further discussion of radar fences, see Eastwood (1967), Williams *et al.* (1972), and Skolnik (1980).

Maximal distances of detection of birds by the surveillance radar depends on body size, flock size, flight profile, atmospheric conditions, and, to some extent, the amount and location of ground clutter. Individual hawks, which are of similar size to these petrels and shearwaters and which also fly singly or in very small flocks, usually are detectable to 2 km; single, small passerines are detectable to 1 km (Cooper *et al.* 1991).

#### Data Collection

We conducted radar sampling for 4 h/day between 10 and 14 July (Table 1). We operated the radar during the evening (1900-2130 h) and morning (0430-0600 h) peaks of movement. We could not collect data during periods of rain, because the adjustments required to remove the echoes of the precipitation from the display screen also removed bird-caused echoes. One or more 25-min sampling sessions were canceled because of rain during 2 of the 4 sampling nights.

During each hour of sampling, we operated the surveillance radar at the 1.4-km range for two 25-min sessions. Information recorded on targets seen on the surveillance radar consisted of: date, session number, time, direction of flight (to the nearest degree), tangential range (the minimal distance to the target when it passed closest to the lab; used in reconstructing actual flight paths if needed), transect crossed (the four cardinal points--000°, 090°, 180°, and 270°), species (if known), number (if known), flight behavior (straight, erratic, circling), and velocity (to the nearest 5 mph). To help eliminate species other than Dark-rumped Petrels and Newell's Shearwaters, we recorded information only on targets that had an air speed  $\geq 35$  mph ( $\geq 56$  kph) and that flew only over land. A similar protocol was used by Cooper and Day (1994) and Day and Cooper (in press) to

eliminate non-target species from the radar data. We also eliminated three targets over the course of the study that had an air speed  $\geq 35$  mph, but were headed downwind and parallel to the coast. Based on target strength and on our experience elsewhere on Hawaii (Cooper, unpubl. data), we believe that these downwind targets probably were large moths.

#### VISUAL

We conducted visual sampling for 4 h/day between 10 and 14 July 1995 (Table 1). During daylight and crepuscular hours, we sampled with 10X binoculars, and at night we sampled with a SX Noctron-V night-vision scope. Visual data also include any birds heard but not seen. We sampled during the evening (1900-2159 h) and morning (0430-0559 h) peaks of movement. The night-vision scope's performance was enhanced dramatically with indirect lighting from houses or street lights and with the use of a 1,250,000-candlepower spotlight.

During sampling, observers continuously scanned an area along the proposed coastal powerline corridor with the scope. Information recorded on birds seen during night-vision sampling consisted of: date, session number, time, species (to the lowest possible taxonomic unit; e.g., Newell's Shearwater, unidentified shearwater/petrel), number of birds, direction of flight (the eight ordinal points [e.g., toward the N, NE, E], plus circling and erratic behaviors), and flight altitude (in meters agl [above ground level]).

## RESULTS

### RELATIVE ABUNDANCE

Results of both the radar and visual surveys suggest that very low numbers of seabirds flew over the study area in the evening and morning hours (Table 2). Movement rates ranged from 0 to 1.6 on the surveillance radar and no seabirds were observed visually. We did make visual observations of a Hawaiian hoary bat (*Lasiurus cinereus semotus*) during the 12-13 July morning session and two bats during the 13-14 July evening session. All three bats were foraging.

### FLIGHT DIRECTION AND LOCATION

All three radar targets observed from the Eastern Site were detected in the morning and all three were headed seaward (Table 3). The range in flight directions was small (i.e., 169° to 171°). These three targets all passed over the proposed powerline corridor 400 to 700 m west of the Eastern Site, which would have put the crossing point over or slightly east of Kehenā. The only target observed from the Western Site was detected during the evening and was headed inland. That target crossed the coastal road approximately 600 m east of the Western Site.

### FLIGHT ALTITUDE

No flight altitude data are available, because no birds were observed visually. Given such low densities of radar targets, however, it is not surprising that we did not have any visual detections.

Table 2. Summary of targets detected by radar and of seabirds and bats detected visually near Kehenā, Hawaii, during July 1995.

Date	Sampling Site	Time (h)	Targets/h (n)	Seabirds/h (n)	Bats/h (n)
10-11 July	Eastern	1900-2130 <sup>1</sup>	0.0 (0)	0.0 (0)	0.0 (0)
		0430-0600	0.8 (1)	0.0 (0)	0.0 (0)
11-12 July	Western	1900-2130	0.5 (1)	0.0 (0)	0.0 (0)
		0430-0600 <sup>1</sup>	0.0 (0)	0.0 (0)	0.0 (0)
12-13 July	Eastern	1900-2130	0.0 (0)	0.0 (0)	0.0 (0)
		0430-0600	1.6 (2)	0.0 (0)	0.8 (1)
13-14 July	Western	1900-2190	0.0 (0)	0.0 (0)	1.0 (2)
		0430-0600	0.0 (0)	0.0 (0)	0.0 (0)

<sup>1</sup> Because of excessive rain, one or more sampling sessions were canceled.

Table 3. Location and direction of each target detected by radar near Kehena, Hawaii, during July 1995.

Date	Sampling Site	Time (h)	Location Relative to Site	Flight Dir. (°)
11 July	Eastern	0512	-0.7 km toward the SW	171
11 July	Western	1939	-0.6 km toward the NE	283
13 July	Eastern	0435	-0.4 km toward the SW	171
13 July	Eastern	0443	-0.4 km toward the SW	169

### DISCUSSION

The low number of birds we observed was not unexpected, based upon the limited information currently available on nesting density of seabirds inland from the study site. Further, we suspect that most of the targets we observed were Newell's Shearwaters, rather than Dark-rumped Petrels, given the proximity of known nesting areas of Newell's Shearwaters at Heiheiuhulu and Pu'ukena Crater. Radar and visual observations at other coastal areas in Puna (e.g., Kapoho, Kahakai) also have suggested that the number of seabirds coming inland over the coast are relatively low (B. Cooper, pers. obs.). In contrast, radar and visual observations in the Waipio Valley of Hawaii and on the eastern and northern coasts of Kauai indicate that relatively high numbers of seabirds fly inland over those areas (Cooper and Day 1994; Day and Cooper, *in press*; B. Cooper, pers. obs.).

Given only four days of sampling, it is possible that the movement rates we observed were not representative of the true value. We believe that this scenario is unlikely, however, given the low variance in movement rates during the four sampling nights. Substantial among-night variation in evening movement rates was observed during radar studies of seabirds on Kauai, where a five-fold increase was seen at one site during June 1993 (Cooper and Day 1994; Day and Cooper, *in press*). This increase could have resulted from increasing numbers of nonbreeding birds visiting the colony as the season progressed. Our surveys at Kehena were done late enough in the breeding season that the proportion of nonbreeders probably already was high.

It is difficult to make any firm statements regarding the existence of flight corridors in the study area, given our low sample size of birds. Based on work elsewhere on Hawaii and on Kauai and on the uniform nature of the local topography, we believe that birds

cross over the area along a broad front and that the major feature that influences the position of seabird movements over the area probably is colony location.

Flight directions of birds were consistent with the pattern of birds moving inland during the evening and seaward in morning. A similar pattern of movement has been observed on Kauai (Cooper and Day 1994; Day and Cooper, *in press*). The morning flights we observed came from the NNW. Iilewa Crater is located approximately 6 km toward the NNW from the Eastern sample site. Perhaps there are birds nesting in that crater; to date, no surveys have been conducted to determine if seabirds breed in Iilewa Crater.

Along with number of birds, flight altitude is an important variable for determining the likelihood of bird collisions with proposed powerlines. Unfortunately, bird densities were so low during the course of this study that we did not obtain any flight altitude data (i.e., no visual observations of seabirds). Data from a similar study conducted on Kauai during summer 1993 may provide some insight into flight altitudes in the Kehena area, however (Cooper and Day 1994; Day and Cooper, *in press*). Two of the most heavily sampled sites on Kauai, Wailua and Kealia, were very similar to the Kehena area. Both sites were located within 100 m of the coast and were not directly adjacent to large mountains. At Wailua, mean flight altitudes ( $\pm$  SD) of all procellariids combined was  $159 \pm 95$  m agl (above ground level) during the evening and  $43 \pm 28$  m agl in the morning. At Kealia, mean flight altitudes of all procellariids combined was  $93 \pm 64$  m agl during the evening and  $37 \pm 18$  m agl in the morning. Assuming that seabird flight behavior is similar between the sites on Kauai and the Kehena site, these data suggest that the majority of seabirds in the Kehena study area may fly above the proposed powerline height ( $\sim 15$  m agl), especially during the evening hours.

Vegetation height also influences the potential for seabird collisions with powerlines. In Kauai, seabirds flying over the coast on their way to or from their colonies rarely if ever flew lower than the surrounding vegetation (Cooper and Day 1994). The area from approximately 0.6 km to 1.2 km west of the Eastern Site has a relatively dense forest that is approximately 15 m tall. It is unlikely that seabirds would fly within the canopy in that area and be exposed to the proposed powerline. The rest of the proposed powerline corridor along the coast has scattered trees, or low growing trees, where it would be possible for seabirds to fly at or below the powerline height.

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APPENDIX C  
ARCHAEOLOGICAL RESOURCE ASSESSMENT

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**APPENDIX C**  
**ARCHAEOLOGICAL RESOURCE ASSESSMENT**





**TABLE OF CONTENTS**

LIST OF FIGURES ..... 3

INTRODUCTION ..... 1  
 Environmental Setting ..... 5

PREVIOUS ARCHAEOLOGICAL RESEARCH ..... 5

SURVEY METHODS AND FINDINGS ..... 7

CONCLUSION ..... 14

REFERENCES CITED ..... 17

**AN ARCHAEOLOGICAL ASSESSMENT FOR THE PROPOSED  
 HAWAII ELECTRIC LIGHT COMPANY, INC.  
 (HELCO) ELECTRIC DISTRIBUTION SYSTEM IN THE  
 DISTRICT OF PUNA, HAWAII ISLAND  
 (TMK 1-2-09; Port. 3, 1-2-30; 1-2-31)**

**DRAFT**

by

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Prepared for  
 R.M. Towill, Corp.

Cultural Surveys Hawaii, Inc.  
 1995

LIST OF FIGURES

Figure 1	State of Hawai'i	2
Figure 2	General Location Map, Hawai'i Island	2
Figure 3	Portion of USGS, S. Pahoa Quad Showing Project Area	3
Figure 4	Tax Map Key 1-2-09, Showing Project Area	4
Figure 5	Proposed Easement Corridor, View Makai	8
Figure 6	Proposed Easement Corridor, View Makai	8
Figure 7	Kipuka Within the Proposed Easement Corridor	10
Figure 8	Kipuka Within the Proposed Easement Corridor	10
Figure 9	Kalapana Seaview Estates Roadway and Pole Placements	11
Figure 10	Kalapana Seaview Estates Roadway and Pole Placements	11
Figure 11	Area Fronting Kalapana Seaview Estates	12
Figure 12	Area Fronting Kalapana Seaview Estates	12
Figure 13	Pole Placements Within Highway #137 Right-of-Way	13
Figure 14	Pole Placements Within Highway #137 Right-of-Way	13
Figure 15	Puna Beach Palisades Subdivision - Typical Roadway and Pole Placements	16
Figure 16	Puna Beach Palisades Subdivision - Typical Roadway and Pole Placements	16
Figure 17	Kehena Beach Estates, Sample of Pole Placements	16
Figure 18	Kehena Beach Estates, Sample of Pole Placements	16

INTRODUCTION

Cultural Surveys Hawaii, Inc. was contracted by R.M. Towill Corp. to provide an archaeological assessment for the proposed Hawaii Electric Light Company, Inc. (HELCO) overhead electrical distribution system for three subdivisions in the District of Puna (Figs. 1-3). The three subdivisions include Kalapana Seaview, Puna Beach Palisades, and the Kehena Beach Estates (Figs. 3 & 4). Portions of four (4) separate *chupua'a*, Kamaili, Keekee, Kehena and Keauohana are within the assessment area. The distribution system includes a 8710 linear feet by 50 feet wide easement from Highway 130 to the *mauka* (north) edge of Kalapana Seaview Subdivision. Thus, the overall project area is inclusive of the easement, the three subdivisions, and pole locations on route 137 (Kapoho - Kalapana Highway) from Kalapana Seaview to Kehena Beach Estates (Figs. 3 & 4).

The scope of work for the archaeological assessment includes:

- 1) Historic background research to identify sensitive areas and previously identified archaeological sites as well as historic context and previous land use. This work will include discussion of the age of the lava flows and the implications for archeological sensitivity.
- 2) Fieldwork involving assessment level survey of the powerline route and the three subdivisions with special emphasis on the *makai* 5 acres.
- 3) Preparation of a report to include the results of the historic background research as well as fieldwork results.

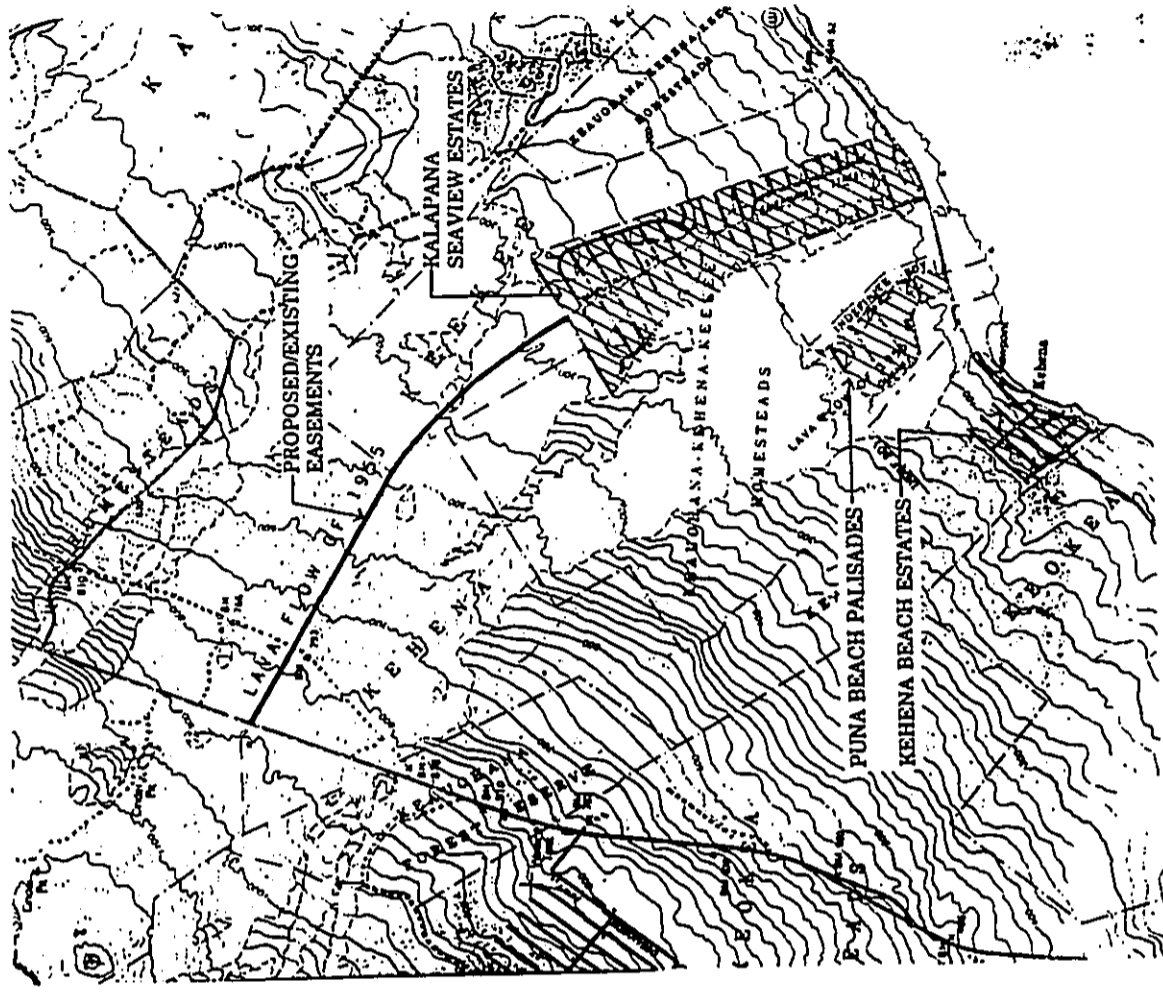


Figure 3 Portion of USGS, S. Pahoa Quad Showing Project Area

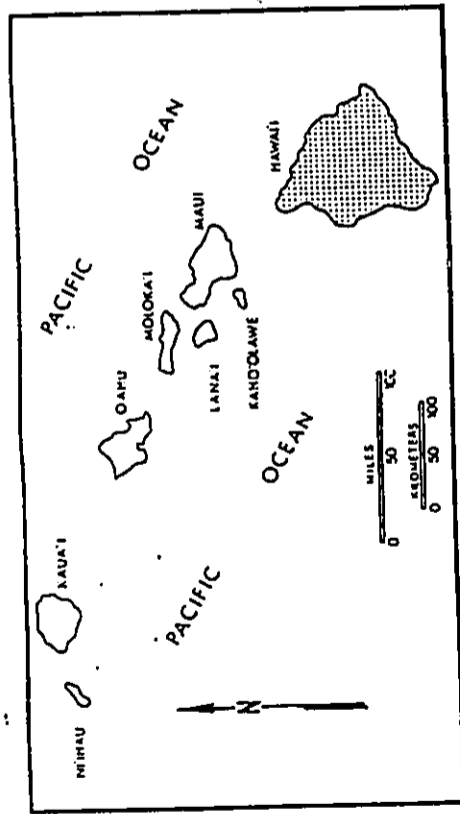


Fig. 1 State of Hawaii

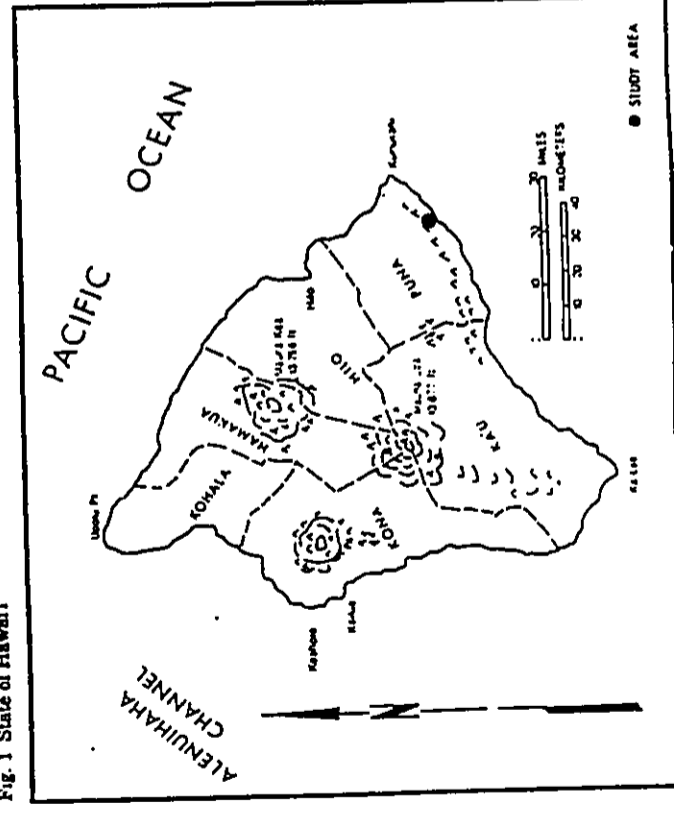


Fig. 2 General Location Map, Hawaii's Island

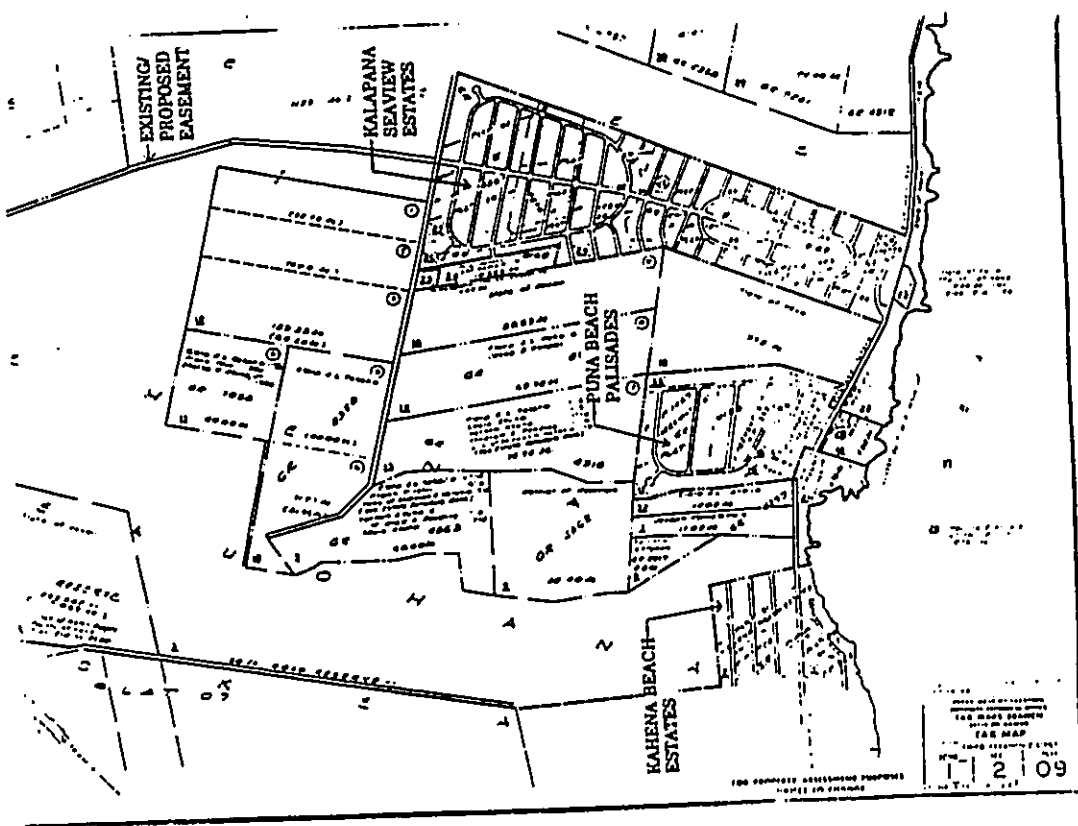


Figure 4 Tax Map Key 1-2-09, Showing Project Area

**Environmental Setting**

The majority of the project area is dominated by a 1955 lava flow. The easement extending from Highway 130 to Kalapana Seaview Estates is essentially entirely on the 1955 flow with only few hundred feet within an older vegetated *kipuka*. Kalapana Seaview Estates and Puna Beach Palisades subdivisions are also on the 1955 flow, except for the extreme eastern edge of Kalapana Seaview which is on older (ca. A.D. 1840-1950; Burchard 1994) vegetated lava. Kahena Beach Estates is entirely within older (ca. A.D. 1250-1600; Burchard 1994) vegetated lava.

The vegetation on the 1955 flow is sparse, consisting of lichen covering most of the surface with dispersed young 'Ohia trees. Vegetation within *kipuka*(s) and within Kahena Beach Estates is fairly dense with a wide variety of indigenous and introduced species.

**PREVIOUS ARCHAEOLOGICAL RESEARCH**

There have been general studies of the Puna area starting in the early 1900s with John F.G. Stokes surveys of major *heiau*; followed by an early 1930s survey of Eastern Hawaii Island by Alfred Hudson. In the 1960s Violet Hansen conducted surveys throughout Puna and in 1970 Virginia H. Loo and William J. Bonk compiled a list of the major significant sites in Puna. Since the early 1980s there has been a significant amount of research related to the Kilauea East Rift Zone's geothermal potential. These studies have been both specific project area surveys and general predictive model type research.

The archaeological background research(s) has identified a general zonal pattern for the Puna District. Recent research by International Archaeological Research Institute, Inc. (Burchard 1994) has attempted to summarize archaeological and historic literature to better define the zonal pattern. The zonal pattern of land use and settlement that

would be representative of the project area *chupua*'s includes: (1) coastal settlement zone, characterized by "highest density, variety and complexity of prehistoric surface features. Primary aggregations of residential, ceremonial, garden and associated features at sheltered embayments with adjacent inland agricultural soils" (Burtchard 1994); (2) coastal margin agricultural zone characterized by "moderate to high density and variety of surface features spatially linked to coastal settlement and agriculturally productive sediments" (*Ibid.*); (3) inland agricultural zone characterized by "moderate to low density of surface features linked to agricultural land use, possibly in isolated pockets of suitable agricultural sediments. Trails link agricultural areas with coastal settlements" (*Ibid.*); (4) upland forest exploitation zone characterized by a "very low feature density consisting of isolated agricultural and short-term surface and lava tube residences" (*Ibid.*).

Three of these zones, coastal settlement, coastal margin agricultural and inland agricultural would be represented within the overall project, if not for the 1955 lava flow and the subdivision and highway construction. The proposed easement extending *makai* from roughly the 900 ft. elevation would have, based on the above zonal pattern, traversed through the inland agricultural zone to the coastal margin agricultural zone. The three subdivisions are in what would have been the coastal settlement and coastal margin agricultural zones.

There are three archaeological studies that are of particular relevance to the present assessment which include: 1) Archaeological Reconnaissance of Proposed Kapoho-Kalapana Highway (Bevacqua and Dye 1972); 2) Archaeological Reconnaissance of Proposed Keauohua Ahupua'a, Puna, Hawaii's Island (Cordy 1987); 3) Keauohua, Puna, Hawaii Island. Archaeological Reconnaissance of TMK 1-2-09.6 & 8 (Barrera 1993), all of which were taken into the field to be utilized during this assessment.

The reconnaissance survey data indicated that significant historic sites were present next to the Kapoho - Kalapana Highway (#137) and just to the east and north of Keahena Beach Estates. The site adjacent to Highway #137 is a section of the "Keahena Beach Trail" (State site #50-10-55-2540) discussed in Violet Hansen's field notes, then subsequently described and given the State site number by Bevacqua and Dye (1972:22). The trail (which in our project area was overrun by the 1955 lava flow) section observed adjoining Highway 137 is located some 500-700 feet to the east of Kalapana Seaview Estates and is thus outside the project area.

The sites east and north of Keahena Beach Palisades subdivision were first described and given State site numbers (50-10-55-10,922 to -10,936) by Dr. Ross Cordy (1987). The sites included cemeteries, agricultural complexes and trails. However, none of these sites are within the subdivision and are thus outside of the present project area.

The review of previous studies indicated that no known sites were within the project area and that the archaeology within Puna and especially within the vicinity of the project area is dependent on two main factors: human induced disturbance and recent lava activity. Thus, only a very low site density was expected because the majority of the project area is recent (1955) lava and the remainder is within existing bulldozed areas of the three subdivisions or within the Highway #137 right-of-way.

#### SURVEY METHODS AND FINDINGS

The field survey was initiated at the *mouka* (northern) end of the proposed easement where it intersects Highway 130. The proposed easement, as mentioned previously, is actually an existing telephone line easement with a bulldozed road and existing poles (Figs. 5 & 6).



Figure 5 Proposed Easement Corridor, View *Makai*



Figure 6 Proposed Easement Corridor, View *Makai*

Additionally, virtually the entire length of the easement is on the 1955 lava flow, except for a small *kipuka* near the *makai* end, some 2,000 feet *mauka* of Kalapana Seaview subdivision. Survey of the easement consisted of a combination of walking and driving. The *kipuka* area (Figs 7 and 8), near the *makai* end of the easement was specifically checked for historic remains. No historic sites of any kind were observed within the proposed/existing easement.

The next portion of the survey focused on Kalapana Seaview Estates. This subdivision has been entirely bulldozed with all main roads being paved. The proposed electric distribution poles are in place along the sides of the asphalt roadway system within the subdivision (Figs. 9 & 10). Survey of the subdivision consisted of driving along the existing roadways and checking on pole placements. Special attention was placed on the eastern portion of the subdivision because it consists of older (ca. 1840-1950; Burtchard 1994) more vegetated lava. No historic sites of any kind were observed within this subdivision which has been entirely altered for roadway and housing construction.

An area fronting the Kalapana Seaview Estates was walked to check for sites and possibly a remnant of the Kehena Beach Trail (-2540). The area, like the subdivision has been entirely bulldozed and is presently a maintained lawn (Figs. 11 & 12) with no historic sites.

Pole placements along the Kapōho - Kalapana Highway (#137) between Kalapana Seaview and Puna Beach Palisades subdivisions were inspected. The poles are all within the existing bulldozed right-of-way with no historic sites affected (Figs 13 & 14).

The Palisades subdivision was surveyed by the same walk/drive methodology as the electric distribution poles were already in place. Similar to Kalapana Seaview, this subdivision has been entirely bulldozed with poles placed along the edges of the paved



Figure 7 *Kipuka* Within the Proposed Easement Corridor



Figure 8 *Kipuka* Within the Proposed Easement Corridor





Figure 9 Kalapana Seaview Estates Roadway and Pole Placements



Figure 10 Kalapana Seaview Estates Roadway and Pole Placements



Figure 11 Area Fronting Kalapana Seaview Estates



Figure 12 Area Fronting Kalapana Seaview Estates



Figure 13 Pole Placements Within Highway #137 Right-of-Way



Figure 14 Pole Placements Within Highway #137 Right-of-Way

roadway system (Figs 15 & 16). No historic sites of any kind were observed.

Pole locations along Highway #137 between Puna Beach Palisades and the third subdivision - Kehena Beach Estates, were inspected. No historic sites were observed.

The survey within the Kehena Beach Estates followed the same procedures as the previous two subdivisions, except that a field check of previously identified sites (Cordy 1987) to the east of the subdivision was undertaken. The field check confirmed site locations and that apparently there has been major changes at least at the sites we observed. Sites visited included -10922, 10925 and 10926, a trail, agricultural complex, and cemetery respectively. We are assuming by the construction style, orientation and previous research that Trail Site 10922 is another section of trail Site 2540 (Bevacqua and Dye 1972). The trail is an impressive, well-constructed stepping stone trail oriented roughly parallel to the coastline. The trail is bulldozed out at the extreme eastern edge of the subdivision and thus pole placement has no adverse affect as they are on the edge of the existing paved roads.

No historic sites were observed within the Kehena Beach Estates subdivision which straddles (*mauka* and *makai*) a portion of Highway #137 (Figs. 17 & 18).

#### CONCLUSION

The archaeological assessment for the proposed distribution system included a review of pertinent literature. The literature indicated that no known sites were within the proposed easement, the three subdivisions, or along the coastal highway (#137) immediately fronting the subdivisions because of recent volcanism (1955) and subdivision and highway construction. Known sites were mainly to be found in Keauohana (Cordy 1987; Barrera 1993), except for a remnant trail section on the *makai* side of Highway

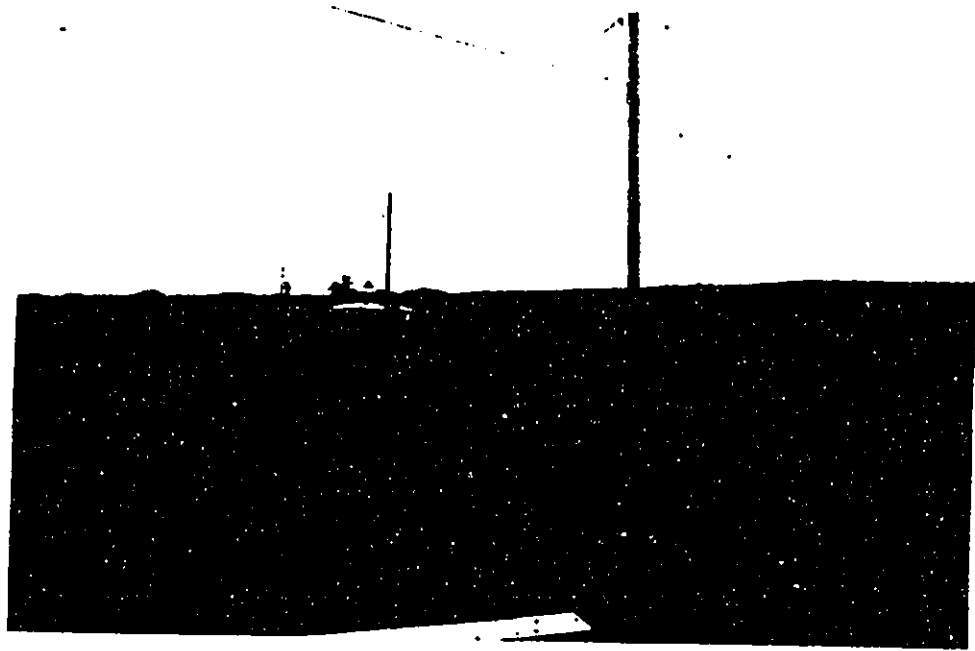


Figure 15 Puna Beach Palisades Subdivision - Typical Roadway and Pole Placements

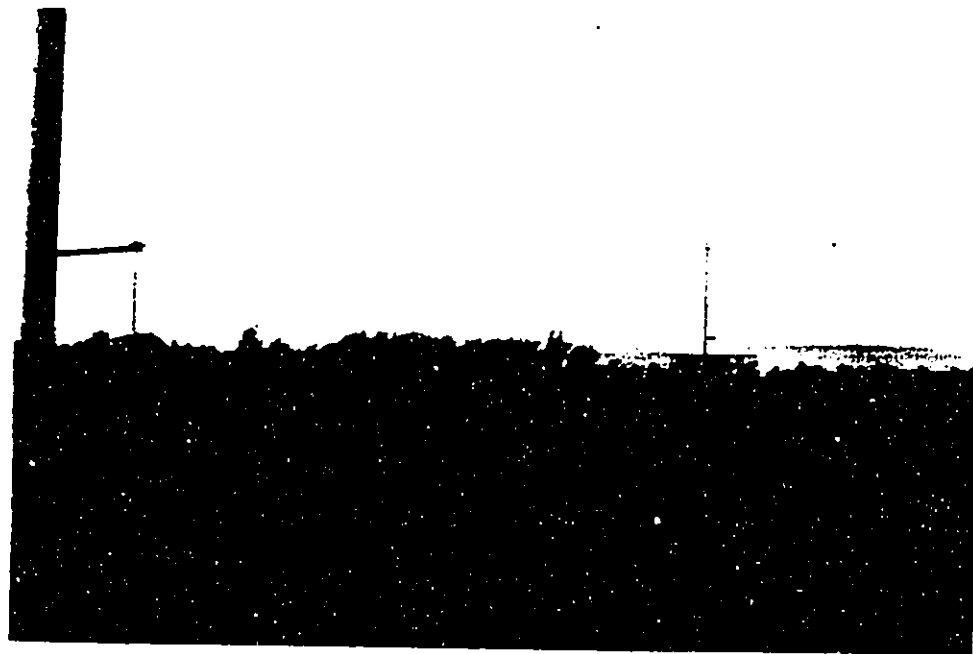


Figure 16 Puna Beach Palisades Subdivision - Typical Roadway and Pole Placements



Figure 17 Kehena Beach Estates, Sample of Pole Placements



Figure 18 Kehena Beach Estates, Sample of Pole Placements

#137 in Keekee Ahupua'a (Site -2540, Bevacqua and Dye 1972).

The field survey confirmed the absence of historic sites within the easement, three subdivisions and within Highway #137 right-of-way. During the survey actual pole placements were able to be inspected within the subdivisions and along Highway #137. Though no poles have yet been placed within the easement from Highway #130 to Kalapana Seaview Estates, virtually the entire length is on the 1955 lava flow and with no sites observed, no further archaeological is deemed necessary.

There is an absence of historic sites within our specific project area(s) and thus Cultural Surveys Hawaii, Inc. is recommending that no further archaeological work in necessary for the proposed HELCO Puna distribution system.

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