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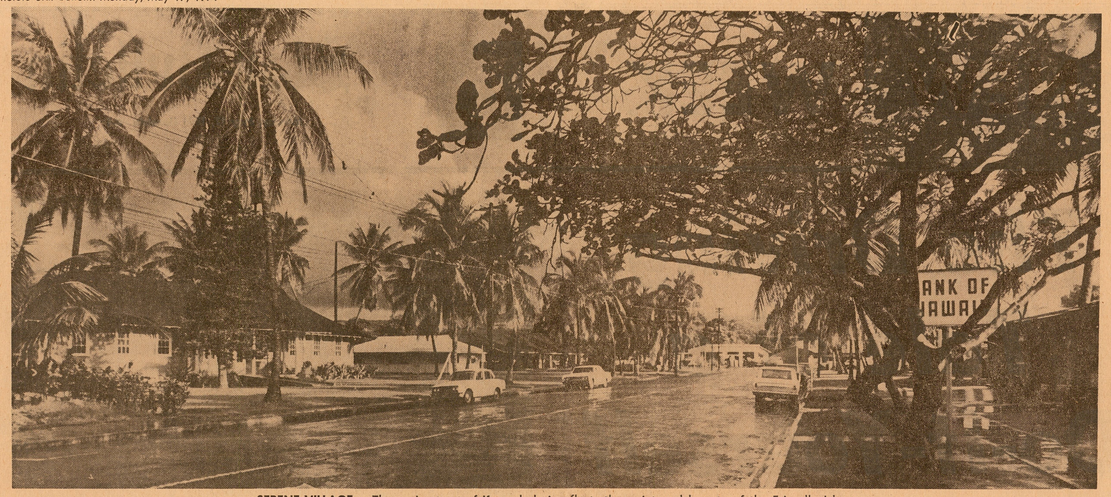


SERENE VILLAGE — The main street of Kaunakakai reflects the quiet and beauty of the Friendly Isle.

Molokai Is Easy on the Eyes--and Ears

30 Miles Away, Another World

NEW WEEK



CHISELED FIGURES—Mrs. Pat Phillips of Ulu Mau Village makes drawings of petroglyphs carved on a boulder in the forest near Molokai's famed phallic stone of Nanahoa.

It's less than 30 miles from Honolulu to Kaunakakai, Molokai, but the two Islands in many ways are a world apart.

This is a report on a weekend excursion to the Friendly Isle by a group of big city folks, including a Star-Bulletin reporter.

By Helen Altonn
Star-Bulletin Writer

Molokai was discovered anew during a recent expedition of Hawaiians and Hawaiians-at-heart from the "big city" on Oahu.

They traced the paths of the Island's early Polynesians, exploring the verdant valleys and cool, fragrant forests for remains of the distant past.

They savored a feeling of old Hawaii, reflected by Molokai's backward beauty and historical wealth.

They were impressed not only by what they saw, but by what they didn't see, or hear:

No high-rises.
No pile-drivers.
No crush of traffic and people racing to get somewhere.

"There are still quiet, empty spaces left," said one visitor as he looked around Molokai's countryside and saw only rolling, green hills and grazing cows.

This was the second in a series of historical site visits in the State sponsored by the Association of Hawaiian Civic Clubs for its members. The trip was organized by Mrs. George H. Mills, historic sites chairman.

The group of about 43 persons included young and old. One man who is blind made all the hikes with the assistance of Malia Solomon, founder of Ulu Mau Village.

Among other participants were Dr. Kenneth Emory, Bishop Museum senior anthropologist; Russ Apple, National Park Service Pacific historian, and this reporter.

THE OCCASION WAS MARKED by the distribution of a new publication by Catherine C. Summers entitled "Molokai: A Site Survey."

She began research for the report 20 years ago. The exhaustive study was published by the Bishop Museum Department of Anthropology as part of its Pacific Archaeological Records.

Each traveler carried a copy and constantly referred to it for the history and descriptions of the ancient places visited.

Emory supplemented the book with a slide show of Molokai's significant sites. And he served as leader, lecturer and consultant throughout the trip. His ear-splitting whistle (which he always has with him in the field) kept everyone together and on the move.

Highlighting the three-day itinerary were excusions to Halawa Valley, the Pulli Heiau at Kumueli; Keawanui Fishpond; Iliiliopae Heiau; Moomomi beach, and the mountain region of Kalae with the Phallic stone of Nanahoa and breathtaking views of Waikolu Valley and the peninsula of Kalaupapa.

The long, winding drive to remote Halawa Valley brought reminiscences from Emory who was last there for archaeological work in 1951. He remarked on the changes, due largely to growth which has concealed many of the remains.

A museum team excavated along the Halawa coast last year and uncovered the earliest occupation date found so far in the Hawaiian Islands — 570 A.D. Rounded houses also were found for the first time in Hawaii.

Mrs. Summers notes in her report that Halawa Valley had an estimated population of 500 in 1836.

It is one of four large and fertile valleys which were inhabited by Molokai's early people on the northern side.

THE VALLEYS ARE ALMOST isolated from each other because of their towering cliffs. (Pelekunu Valley has only a few hours of sunshine a day because of its high ridge structure.)

In the old days, Mrs. Summers said, "every possible square yard," of the valleys was used for growing taro, which indicates the Island was well-populated.

She said Halawa was a favorite surfing spot of the Molokai chiefs. It was extremely productive and had wild fruit, mountain shrimps and an ample supply of fresh stream water with two waterfalls at the head of the valley, she said.

But the once bustling valley community has long been still. Today, it is only a picturesque scene. A few Molokai youngsters splashed with carefree squeals in the ocean while we were there. Otherwise, there was no sign of life or activity.

Hippies reportedly have invaded the valley. But none was seen during our visit to Halawa, or anywhere else on the Island.

Molokai's largest, best known and probably oldest heiau is Iliiliopae, flanked by the Mapulehu Stream. It appears enormous, with the main platform 286 by 87 feet. But Emory said there are several larger ones in the Islands.

According to one story related by Mrs. Summers, the heiau was built by menehunes in the time of King Kaalaiohua from stone gathered at the seashore and brought over the mountains to the foot of the ridge where the heiau was located.

A 96-year-old native living nearby said the work was done in one night and the food of the menehune was one shrimp apiece, in addition to vegetables.

ORIGINALLY, THE HEIAU covered almost three times the present area, Mrs. Summers reported. It was said to be a stronghold for "a numerous and powerful coilege of kahunas" in which young men were trained and sent to work at other heiaus.

Molokai is most distinguished, perhaps, by its stretch of fishponds. Fifty of the Island's 62 ponds were located along the 23-mile shoreline from Kalamaula to Kumimi. The remains of these are a fascinating sight from the air.

Of major interest to the expedition was Keawanui Fishpond, a national landmark which has been threatened by developments in the area. It belongs to Bishop Estate and is leased to Diamond Ranch.

Standing atop the pond wall, Emory delivered some good news to the group.

He said it was planned to turn the pond into a harbor but he was assured recently by the Estate that it will be continued for mullet raising and will be revitalized.

Apple also said the developers spoke to National Park Service officials. "They told us they are going to do everything they can to save it," he said.

Keawanui Pond consists of more than 54 acres and has a 2,000-foot-long wall. It was built before 1500 A.D. and has been used continually since, Emory said, adding:

"To cut it off now would be a great loss."

A real treat of the Molokai adventure was a trip through the Forest Reserve in the Kalae area, with pungent guavas, little fern grottos, colorful lehua blossoms and luxuriant foliage seldom seen any more on Oahu.

The greatest delight was the fresh, mountain air, inspiring the city folk to unaccustomed deep-breathing.

THE CHILDREN PICKED daisies in a sandalwood measuring pit, a trench about 110 feet long, 40 feet wide and 7 feet deep, resembling the hull of a ship.

Mrs. Summers explained in her book that it was used for the first commercial venture after Captain Cook's arrival.

The chiefs, who owned the forests, sent the common people to the mountains to cut sandalwood for the trading vessels. They dug trenches approximating the size of a ship's hold to measure the amount of logs. When they were full, the people hauled the wood to the shore on their backs.

Emory recalled his last journey through the area on horseback in 1914. He said there was no forest then, just native growth.

At the lookout to Waikolu Valley, the sightseers halted their chatter and listened. They heard nothing but silence, broken only by the occasional song of birds.

A picnic lunch at Moomomi beach provided a thrill for a flock of followers of Dr. Emory, who led them in a reconnaisance of the area.

He excavated several shelters in that region in 1952 and set out across the rocks and sand under a scorching sun to find them. He was concerned that they might have been destroyed.

The area extends about two miles along the rocky seashore and inland several miles where it is mostly sand dunes.

The anthropologist didn't reach the shelters, although he determined where they were. But in tramping around the sand, he located numerous old Hawaiian house platforms and came upon several old burials which were exposed. He said they were females.

MOOMOMI HAD CONTAINED so many burials, it was known as "The Place of the Dead," according to Mrs. Summers' book.

Scattered around were fragments of a bomb which Emory said fell there in World War II. And he picked up some sling stones, a weapon of an older age.

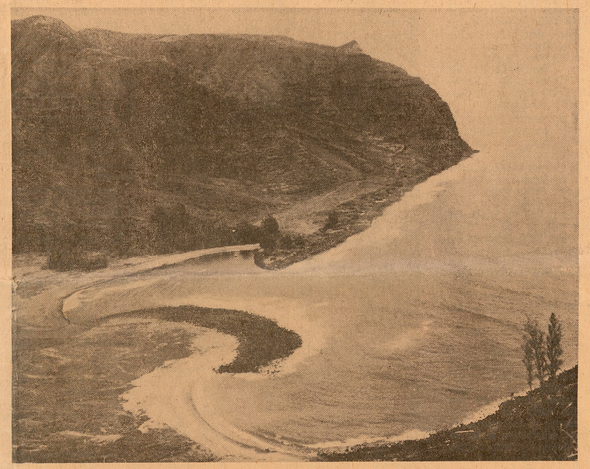
Kaunakakai on a Saturday night is an experience in itself. The main action was at Kane's, a nightclub featuring a couple of strippers from Honolulu.

One way to get to the nightclub is through the bakery —which made a bigger profit from the expedition members than the nightclub.

Some of the women discovered the bakery had marvelous bread which tasted homemade. They spread the word and dozens of loaves were ordered.

The group made its own entertainment in the evenings at the Pau Hana Inn, singing old Hawaiian songs and enjoying fish, poi, bread and other "pupus."

As everyone packed to go home—trying to stuff bread, plants, rocks, fish and gifts into their bags—they were already looking forward to the next expedition, tentatively planned for Kauai.



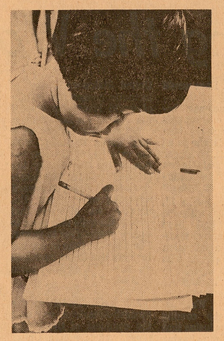
HALAWA COASTLINE—Halawa Valley, a favorite surfing spot of Molokai chiefs in the old days, is a picturesque scene from the twisting road leading into the area.



HISTORIC FISHPOND—Expedition members examine Keawanui Fishpond, which has operated since 1,500 A.D. and will be preserved in developments planned in the area.

Sensitive Material:









INNOVATIONS—The photos at left and above show some of the ways children are learning in Island schools these days: Listening to a tape recording while following a written text; progressing from printing to writing at one's own speed (the girl doing the writing is only 5); seeing and pronouncing the difference between such words as "rank" and "sank" with the help of flashcards; and inserting a printed, electronically coded card into a machine which then pronounces the word.

Handle with Care

How do we go about providing a better education for our youngsters? The question is being tackled in many different ways across the United States.

The three articles on this page discuss two innovative programs being tested in Hawaii's public schools, and contrast them with a novel experiment being conducted in Gary, Ind.

A child's first day in school is an experience.

For Suzie, it's a day of wonderment, filled with the delight of chattering with newfound friends.

For Mark, it's a time of discovery of the curiosities of color, books and games.

For Jerry, the day stretches too long because he wants to be outside playing in the yard.

For Carol, the first day away from mother, familiar neighbors or cousins is a frightening one. She whimpers and builds a protective invisible wall around herself.

These are just a few of the attitudes children take to school with them, and, importantly, these characteristics are those which make a single child an individual with special needs and special interests.

To herd the children together for the sake of a lesson often bruises their tender but curious minds.

For the welfare of the child, then, the wonderment, curiosity, energy and sensibility should be nurtured and channeled in school's first years so that learning retains all the joys of spirit and mind. School should be interesting as well as fun those first years.

Hawaii Stories by Arlene Lum
Photos by Terry Luke

WITH ALL THIS IN MIND, the State Department of Education has worked in the last five years to remove the strictures which tended to suppress a child and bore him.

Realizing, too, that individuals learn at different speeds and are interested in different things at various times, the DOE is practicing what it preaches.

With the institution of the 3-on-2 organizational arrangement, a class of about 60 children is guided through its lessons by three teachers, where one teacher would ordinarily have a class of 30 students to one classroom.

Children in 3-on-2 classrooms may be a combination of kindergarteners and first graders; first and second graders; kindergartners, first and second graders, or second and third graders.

In this arrangement, the combined talents of the team of three teachers are available to the children. The child who has difficulty with one teacher is able to work with two others.

No longer is a class assembled for reading lesson or mathematics or artwork. Instead, little groups form with each child pursuing learning in his own fashion and speed.

It is not an unusual sight in a 3-on-2 classroom to see children sprawled on the carpeted floors doing a workbook or writing lesson. It is not unusual to see a child curled up in a corner with a book, his face a study in serious concentration.

BUT THE CHILDREN are by no means part of a chaotic scene. Each activity has been carefully prepared by teachers. Each child's progress in learning to identify and correlate letters and numbers, in reading and other basic activities is charted and watched. Teachers lead children into more difficult lessons or aid those who have difficulty with basics.

While this organization allows teachers more time with individual children and affords the child more freedom to pursue learning at his own pace, the materials are important.

Here's where the Hawaii English Program comes in. (The teachers call the program simply, "HEP.") Developed and tested in selected schools over a five-year period, the program is a comprehensive, step-by-step, almost scientific approach to providing the materials to afford each child the means to learn at his own pace.

Gone forever for these children, then, are the blackboard and single textbook.

The program is made up of two areas: language and literature.

The program evaluation for 1969-70 describes language skills goals as "the combined mastery of listening, speaking, reading and writing skills for the purpose of communicating and learning, both in and out of school."

SO, IN ORDER TO READ, a child must learn to differentiate letters and numbers and learn to spell as well as write.

The child progresses through comprehending and repeating the sounds of English, intonation and stress, to grammar, color and shapes, prepositions, word differences and multiple meanings, to dialect and style variations, to various words, and finally to making ideas clear and participating in problem-solving in a group situation.

In learning to read, a child will visualize and synthesize letters and numbers and then words, phrases and sentences.

Learning to write involves being able to recognize letters, progressing to copying them in cursive or manuscript fashion.

When a child is able to master speaking and listening, reading and writing, he is ready to progress to more abstract learning.

The program isn't as dull or complicated as it sounds. Rather, the opposite is true. At each stage of learning, the child is given the option of choosing from a variety of materials which are all geared, say, to learning the tenses of the verb "run."

And at each step of the way, a child who has already mastered a task tutors another child who is still trying to learn the specific thing.

THE HEP REPORT SAYS, "A sense of responsibility, purpose and self-fulfillment are important outcomes of teaching others," but equally important is the fact that "helping another learn is a chance to review . . . in a game-like situation and with adult-type purpose."

Indeed, learning becomes a series of new and interesting games to the children, and they are eager to explore, eager to discover the yet unknown new game which sits before them.

How could a child not be curious about the range of materials open to him? Recorders with taped readings of books and songs, typewriters, paper, pencil and scissors, stacks (flashcards), games and scores of books. The classroom itself has no rows of desks or any "front of the classroom."

Each child's progress is monitored by the child himself and the teacher. Each child must make decisions every morning as to what he will pursue for the day. The teacher guides him carefully.

And in these morning conferences, the child becomes aware of his own integrity and learns the meaning of independence and self-effort to his accumulation of skills.

In school after school where the HEP materials are installed, teachers report that children are so eager to get to the next "game" they often have to be cajoled into going outdoors to play. To a HEP child, the number of books read and comprehended is the reward of "game play."

Isn't that a switch in situation from when these children's parents couldn't wait to leave their seat in a row of desks to hit the swings and slides?

The Students Smile a Lot Now

Accentuating the Positive at Hauula

NEW WEEK

Children at Hauula Elementary School on Windward Oahu welcome visitors and their principal, Mrs. Barbar Mant, into their classrooms with bright, impish smiles and a cheerful "How're you?"

"A few years ago you couldn't have gotten them to react this way, said Mrs. Mant of her 475 charges. "Some people think they're being fresh kids like this, but that's not it at all. They're very happy, very expressive now."

The school is in an isolated, predominantly Hawaiian community of Oahu. Most of the children until recent years did not like school or did not do well there, and many dropped out when they reached intermediate and high school classes.

The problem was that "everybody seemed to think that these children were negative toward life and school," and "bad labels" were given to "the poor kids who were lazy at a bad school," Mrs. Mant said.

Now, everything is attacked in as positive a manner as possible, so "the whole picture is changing here," said the principal who is completing her second year at the school.

THESE DAYS THERE ARE "very few fights on the playground. They seem to know how to settle their problems among themselves. They know the rules of the game and they stick by them. If they continue to fight, we give them the boxing gloves and then they talk themselves out of it," she said.

With teachers pouring in their positive efforts, "the community attitude is just great. The parents are now really behind their children and they do as much as they can," she said.

Thus with attitudes toward school changed or changing, classroom work is better.

"Test scores are starting to show an upswing. No matter what the source of help, it's beginning to show in black and white figures," Mrs. Mant said proudly.

The school has 3-on-2 as well as Hawaii English programs (HEP) in most of the kindergarten through grade three classes.

The children are as attentive and as stimulated by the 3-on-2 class arrangement and the range of HEP materials as any other child in the programs in the State.

The freedom and the individual attention has created another positive situation. "Nobody is tying them down so they can't still be children," Mrs. Mant said, indicating that there is no one to frustrate the children with "Stop it!" or "Don't do that!"

FOR CHILDREN WITH already negative attitudes, this is bad, she said. Instead, children, for example, in one grades two and three combination class decided where their furniture was to be placed and arranged their own activity corners with the wholehearted support of their teachers.

"Children must make decisions in their learning process," Mrs. Mant said.

The children wanted a library in their room, so they arranged one, and were delighted when everyone approved. Needless to say, it's a popular spot in the large, cheerful, airy classroom.

For this school year, the estimated cost per pupil to run Hauula School is $700, or a total of $322,037.

Where Hauula is fairly typical of the developments and innovations being made in Hawaii's elementary schools, Bannecker Elementary School in Gary, Inc., is not. It is an experiment. (See the Gary Story elsewhere on this page.)

In a telephone interview with the Star-Bulletin, Dr. Alfonso D. Holliday II, chairman of the Gary city board of education, said Bannecker was "number 29 or 30" out of the 33 elementary schools in the district—"just about on the bottom."

The Gary board of education decided to institute the experiment last fall and picked Bannecker because of its "relative stability . . . without a lot of transferring out of students." The school's enrollment is 100 per cent black and the school is situated in a low-income area, and preliminary tests show the children are doing better in class.

Holliday said the Gary budget for the 40 schools and 50,000 students is between $35 million and $36 million per year.

AT BANNECKER, THE COST per student is $800 a year. Over the three-year period the performance contract total $1,920,000.

Applying Systems Technology in Gary

Washington Star

GARY, Ind.—A remarkable educational experiment is taking place in this steel-producing city.

Since September, a profit-making corporation, Behavioral Research Laboratories of Palo Alto, Calif., has been operating an entire 800-student elementary school under contract from the local school board.

BRL has signed a "performance contract" under which it guarantees to raise the reading and mathematics achievement level of the children in the all-black, low- and middle-income school to national standards in three years, or will refund a good portion of the $2,400 per child it is being paid.

Donald Kendrick, a 34-year-old former missile systems analyst and computer expert for Lockheed Aircraft Co., runs the school, sharing authority with a principal designated by the school system. Teachers, now technically BRL employes, are called curriculum managers, or assistant managers, and teacher aides are known as learning supervisors.

DESPITE THE application of modern management techniques and systems technology, it is far from becoming an arid production plant. The school still generally resembles other elementary schools.

Classrooms are different, however, in that children are repeatedly tested and channeled into a programmed curriculum, though they still spend some time in informal activities such as playing educational games while sprawled on the floor.

The project is attempting to answer several key questions concerning education.

—Given the widespread failure of schools to teach children, particularly children from low-income families in the cities, can an organization outside regular school systems do a better job?

—Is it possible to develop a complete learning system, a package for instructing children, that will depend as little as possible on the skills of individual teachers?

DESPITE UNCERTAINTIES nationally about the future of performance contracting, Gary's project is functioning fairly smoothly.

The testing results available so far are encouraging, though not conclusive. An early sampling showed that children had made somewhat larger gains in reading and math than was traditional at the school.

Reading and math were stressed almost exclusively at the outset, producing complaints from parents and Gary school administrators that other subjects were being ignored. Now students are getting a full program, although less time in music, art or physical education than other Gary children.

Doubts exist as to how easily the instructional program being developed at the school can be transferred elsewhere.

Kendrick noted that teachers cannot substitute another reading or math program for BRL's, even though some teachers are critical of them. Some say that the materials are not adequate for some children with learning problems, and that most average children require additional exercises, usually produced independently by the teachers.

In Hawaii, it cost about $5 million to develop the Hawaii English Program and another close to $2 million this year to include at least one installation in each of the State's 160 elementary schools.

There are about 17,400 children using the HEP materials statewide. The DOE planned for the materials to be instituted on incremental basis.

Over 104,000 children are involved in the 3-on-2 arrangement. This is about 64 per cent of the State's kindergarten through grade three students.

In Gary, Holliday told the Star-Bulletin, the two main groups of opposition came from "The American Federation of Teachers and its local union and politicians."

But "people wanted change; they wanted accountability in education. Those who stand in the way are defeated" in elections, Holliday said.

In Hawaii, the great majority of teachers are enthusiastic about 3-on-2 and the Hawaii English Program.

BOOKS

Interview with Historian-Author Barbara Tuchman

Time for U.S. to Stop Policing the World

By William L. Ryan
AP Special Correspondent

COS COB, Conn. (AP)—In the view of a noted historian, American misadventures in Asia, first in China and then in Vietnam, suggest an urgent need to redefine national goals and abandon old concepts of world leadership based on power and influence.

"It is time to question whether world leadership, that idea we revered so much for so long, is actually a virtue, a good for this nation, not to mention the rest of the world" says Mrs. Barbara W. Tuchman, author of several best-selling histories. Her latest, "Stilwell and the American Experience in China, 1911-1945," tells the story of a frustrating U.S. entanglement in the affairs of Chiang Kai-shek's China up to the end of World War II.

At a moment when the China of Mao Tse-tung under the Communists is making what seem to be significant gestures toward the Americans after two decades of hostility, Mrs. Tuchman feels it is time for the United States to take a long and thoughtful look at itself and its ideas of the American role in today's world.

"Should we not redefine world leadership in a new context?" she asked in an interview at her country home here. "It seems to me that the task we have now is to abandon the idea of world leadership through example, the example of a nation which can provide its people with a good life. The task is to make a livable nation within our own shores. By such example we could make a great contribution to the rest of the world."



EYEING the Peking regime's current "Ping-Pong diplomacy" with its sudden sunburst of smiles for Americans, Mrs. Tuchman thinks she detects a Chinese effort to make it abundantly clear that the smiles were for the American people, not the U.S. government. It would be difficult at this juncture for Peking to change dramatically its attitude toward Washington, particularly while the Vietnam war remains an issue. Face would be involved.

But, Mrs. Tuchman believes, Peking's current postures also reflect the idea that "China feels she is no longer dependent, no longer a client nation, and this has made an enormous difference in China's attitudes."

In the past, she said, Chinese relations with the United States had been based upon wanting, needing, pleading—a situation which galled a people who always had felt superior to the outside "barbarian" world.

Today, she says, Washington seems to be coming around to the conclusion that the Peking regime, having been in power 21 years, cannot longer be ignored.

"Our reapproach to China," she says, "will have to be to an independent China, a China in complete charge of her own foreign policy. Chiang Kai-shek's China was always begging or manipulating. Today's China will not be asking."

TODAY, Mrs. Tuchman thinks, the United States is caught in an Asian snarl not unlike that which entrapped Washington during the Second World War. She sees President Nguyen Van Thieu of South Vietnam as today's counterpart of Chiang Kai-shek. She sees Thieu as a man who is doing precisely as he pleases, certain all the while that the Americans will not abandon him because they cannot. That idea led Chiang to disaster, she says, and it may do the same for the Saigon regime.

Looking with the eye of a historian on the divided America of today, clamorous with protest, Mrs. Tuchman believes the seed of this country's present-day troubles was planted when the United States warily and reluctantly donned the mantle of world leadership toward the end of the last century.

"I see our history as a long curve beginning with the creation of the new nation in the 18th century, the growing up in the 19th century and the moving on toward unwanted world power. Unhappily, we also acquired with it the evils that seem to attach themselves to power. For the first time in our history we had to see ourselves as doing evil, as doing harm to others."

AT THE TIME of the Spanish-American war and the conquest of the Philippines, voices in the United States were raised in dismay at the idea that American actions were stifling an independence movement. Political leaders of the day proclaimed expansion and world leadership as America's "manifest destiny," but, said Mrs. Tuchman, "it was no more manifest destiny than the supersonic transport plane or the moon should be our manifest destiny today."

These days, she continued, voices are raised in dismay at U.S. actions in the Eastern Hemisphere, actions which fail to reflect the sort of world leadership intended by the founding fathers.

"We were to be a nation which would separate itself from the evils of the old world," she said. "We were founded as a progressive nation, and the tragedy is that we became a world power with the clout of a world power.

"We took on the evils we were meant to avoid. We became a nation which supported and embraced the status quo. Repeatedly we tied ourselves to old regimes which were already doomed, when we should have been supporting the newcomer, supporting change. That is what is happening to America now. And if we do not unite ourselves, we certainly won't be able to devote sufficient energy to the desperate needs of our own country."

WHAT ABOUT the contention that the United States must not turn its back on commitments in Asia, for fear of undermining confidence in America?

"I am unimpressed by this argument," she replied. "My answer would be, 'So what?' Why do we need everybody to be dependent on us? Why must we respond to verbal blackmail? Why must we try so hard to make others love us? Why can't we start rethinking old concepts?"

A Bad Job, It Turns Out

By Anatole Broyard
(C) N. Y. Times Service

Writers like to talk about getting away from it all, turning their backs on the world to confront their work, isolating themselves in a snug cocoon of contemplation and creation. They are forever setting out for small towns on the southern coast of Spain where no tourist ever ventures. Some even like to imagine themselves in prison for a short term. An extreme solution, perhaps, but just think of the writing they could do.

And so we open "Inside"—an anthology of prison writing—with a certain anticipation. In the early 1950s, somebody coined the phrase "the literature of extreme situations" and it had a great fad in the quarterlies. Something like this is what we expect. The very acoustics of a prison cell are bound to make a difference. The pen scratching on paper will be like a fingernail on a blackboard.

Well, it isn't like that. The 30-odd pieces—taken from hundreds of stories, articles and poems, collected in many prisons over a period of years—are disappointing—self-pitying, egocentric and verbose. Grandiloquent is about as good as they get: "In this monastic cube at the end of the geometry of justice . . ." "Their beaks will snatch at the subtlest scurry of falsity . . ." (I am) a stuffed bird the taxidermist, loving most of ceremony, offers to himself . . ." "A pregnant raindrop lies aboard it, hemorrhaging upon the graveled asphalt."

THERE ARE some portraits of convicts, one or two of them good; caricatures of guards; reports of riots, racial and otherwise; complaints about the sex there is and what there isn't.

Much of the writing is concerned with the inmates' hope for, or denial of, parole. There seems to be hardly a single writer who does not feel that he is being treated unjustly. One felon attempts to rationalize his trafficking in heroin on the ground that he was addicted and had to support his habit. The "insulting attitude and questioning" of the parole board reportedly "drives some men to tears."

Much of this must be editor Minton's fault, the result of a heavily biased selection. The very narrowness of the sampling is certainly suspect. Of "hundreds" of choices, he salvages only 33, from he could easily have cut some of the longer and more repetitious pieces to make room for others.

What is still stranger is the fact that, of the 25 pieces that are signed (eight are anonymous) 60 per cent are written by only five men. One Walter Burckhard has five in his name; two others have three each.

Surely out of "hundreds" of offerings and the "many" prisons visited, the author could have drawn a wider representation.

Minton's introduction might fairly be called criminally naive. A teacher in a California college, he was invited by the deputy superintendent of Soledad Prison to hold discussion groups with inmates. Given a free hand to meet with the men in confidential discussions, he repays the superintendent by stating, without qualification, that the cries of injustice and inhumanity he had heard in "occasional newspaper exposes" were true.

HE SAYS, "I now view the prison system as one of the most tragic mistakes in United States history. It is a barbaric way of handling individuals who deviate from arbitrary rules of a vague societal structure."

Minton has an even lower opinion of properly constituted law than the men who break it. He describes the parole board—any parole board—as "a panel of highly fallible and biased judges." Rehabilitation in prison is but tokenism, "motivated by a desire to designate scapegoats for all crimes committed by society."

Minton presents and supports inmates' accounts of mistreatment without ever questioning them—even when they are second-hand or third-hand.

Again and again, he quotes sources that are unidentified, or taken from "a newspaper article." He speaks of killings, deaths and deliberately encouraged suicides as if they were all in a day's work.

In one article, a convict tells the story of a race riot. Twenty-five hundred men are preparing to fight it out in the prison yard—two-thirds of them, according to the narrator, are armed. The guards intervene and several convicts are injured. Minton then quotes a "poignant understatement" by one of the younger guards to the effect that the violence could have been averted if the convicts had been allowed to work out their own problems.

The occasional hints of humor and lively rhetoric shown by some of the writers are muffled. Whether the prisons Minton visited were humanely run or not, his "pupils" are so saturated with the idea of humaneness that they all sound like sociologists. Only those who are too primitive to be proselytized have escaped the contagion.

Ironically, Minton himself is part of the penal authorities' attempt at a rehabilitation program. And if this doesn't say much for their sophistication, such a mistake must surely testify to their sincerity.

INSIDE. Prison, American-Style. Edited by Robert J. Minton Jr. 325 pages. Random House. $7.95.

Historian Digs Into the Notorious Klan

By Richard R. Lingeman
(C) N. Y. Times Service

One of the most striking cinematic images of our time is that long line of white-garbed Klansmmen riding across the knife-edge of a hill. This was of course in D. W. Griffith's perverse masterpiece "The Birth of a Nation." The "nation" was, alas, a loose confederacy of nightriders, terrorists, bullies and rebels still hell-bent on secession.

We may have forgotten, but the Ku Klux Klan was once romanticized, as Allen W. Trelease tells us in his very solid history of the Klan, "White Terror."

Trelease, a Northerner and a professor of history at the University of North Carolina, has delved into the voluminous documentation of the Klan's terrorism in the Reconstruction period, and he has come up with what can only be called an indictment. The Klan was founded, amidst shrouded origins, in Pulaski, Tenn., in 1866. It almost seemed a lark: The name was derived from the Greek kuklos, meaning a circle or band. There were fraternity overtones—Kuklos Adelphon was an old Southern fraternity founded in 1812—and apparently the founders did not envisage what the organization was inevitably to become.

AT BOTTOM was white supremacy—a South decimated by war, awakening to the new freedman status of Negroes, under the nominal government of the radical Republicans, churning with racist hatreds. These were directed against the blacks, of course, and the Klan was in the vanguard of this indictment reaction.

What strikes one about the Klan—and perhaps this is what struck D. W. Griffith—was its proclaimed idealism. For Klansmen—at least the early ones—had ideals. They thought they were saving the South from foreign domination and—to them—an alien black uprising. The blacks were the enemy and—because they were black?—represented evil incarnate. But at bottom the Klan was a fraud.

As Trelease says, "Their rhetoric in behalf of chivalry, humanity, mercy and patriotism has to be read in the light of their crusade for white supremacy and Negro subordination. Their advocacy of 'constitutional liberty' and 'equitable laws' was for white men only. Their support of the Constitution and constitutional laws was premised on a belief that the 14th Amendment and the Reconstruction acts were unconstitutional. Words had different meanings for the Ku Klux Klan, primarily because they did not conceive of the Negro as a man."

Hate, bully, lie, torture the Klan did in good measure. Yet one can at least understand their actions within the context of the South of Reconstruction times. Those were violent times.

THE KLAN MYTHS died hard. I need only recall my father's memories of white-sheeted parades down Main Street in a slumbrous Indiana town, back in the 1920s.

Perhaps the nativism of the '20s with its antisemitic, anti-Catholic, anti-black biases was another thing. Still, it was cloaked in the white sheet—symbol of purity and Americanism now, not the lost cause of the Confederacy.

And again the Klan surfaced in the South during the civil rights agitation (and Trelease points out that even in its original days, the Klan came under many names). It seems clear now that the Klan has won a general disapprobation. For there is a new South now, one wrestling with its old racial problems, but now determined to face them by other means than terrorism.

WHITE TERROR. The Ku Klux Klan Conspiracy and Southern Reconstruction. By Allen W. Trelease. 557 pages. Harper & Row. $15.

NEW WEEK

A 'Library' of Rock 'n' Roll Reading

By Don Weller
Star-Bulletin Writer

Did you know that rock'n'roll came from a folk-art tradition? Or that rock'n'roll can be distinguished from rock and roll, both of which stand apart from rock?

If you happen to be one among the millions who closely follows rock and yet haven't sat down and read something about the history of, and forces behind, the music, you could be missing something. Of course, you don't need to study rock in order to enjoy it; still, an understanding of the medium and the people behind the sounds can definitely enhance your appreciation of what you hear.

It's only been within the recent past that people have begun to take rock seriously enough to write about it. And aside from occasional notices in magazines such as "Rolling Stone," reviews of the books on rock are few and far between.

Unquestionably on top of the list are Carl Belz' "The Story of Rock" (Oxford University Press, 1969) and Charlie Gillet's "The Sound of the City" (Outerbridge & Dienstfrey, 1970). Organized and skillfully written, Belz' achievement rides on his ability to put order into the esthetic developments of the new music since its early 1950s genesis. Gillet has already earned the title of rock's first historian. His authoritative book, requiring several years of painstaking research and rewriting, is a comprehensively staggering documentary of the commercial and artistic parameters of the rock culture.

Dave Laing's "The Sound of Our Time" Quadrangle Books, 1970) parallels Belz' approach, but with less clarity and depth.

Less academic, Jerry Hopkins tells "the Rock Story" (Signet Books, 1970) with stylistic flair, as does Nik Cohn with "Rock From the Beginning" (Pocket Books, 1970) and John Gabree with "The World of Rock" (Fawcett Books, 1968). Cohn and Gabree unfortunately get a bit too hung up with their abilities as music critics, and their writing lacks the control exhibited by Belz and Gillet.

And there are two attempts at encyclopedias of rock. Lillian Roxon's "Rock Encyclopedia" (Gosset & Dunlap, 1969) is a fair effort, but is mostly incomplete and out of date. Most insulting and banal, Len Brown and Gary Friedrich offer "Encyclopedia of Rock'n'roll" (Tower Books, 1970) that present milk-and-cookie summaries of some of the more commercially successful rock and roll sounds of 1954-1963.

Well now, when you're all finished reading, you can sit down and listen to an old Little Richard single.

He'll summarize all of rock in audibly indelible shriek.

Two Authors Offer Aid to Consumer

By Lynn Langway
Chicago Daily News Service

WASHINGTON—Two new consumer books make the U.S. food industry seem about as appetizing as rancid peanut butter.

Both "Consumer Beware!" by Beatrice Trum Hunter and "The Great American Food Hoax" by Sidney Margolius are filled with unpleasant facts about our overpriced, overpreserved and sometimes undernourished foods.

Of the two, Margolius' book is probably the more practical. Where Mrs. Hunter, a past vice president of the American Academy of Applied Nutrition, concentrates on the toxic hazards of many common additives, Margolius spends most of his time telling you what—by brand name—you're getting for your money, and how to improve the odds.

Margolius stocks his book with helpful comparison charts (particularly useful with prepared foods such as stews, where he tells you how much meat you'll get at what unit cost in various brands). He names names and decodes costs, telling you, for example, that if you buy "Shaken Bake" from General Foods in the 2 and ¾ ounce box, you're paying $1.82 a pound, or "five times as much per pound for the coating as for the chicken."

THE VETERAN consumer columnist for AFL-CIO newspapers also explains, in lively language, that "as real convenience decreases, the price of the product increases," so that you pay much more for frozen flavored rice mixes that take longer to cook than plain rice with bouillon or whatever flavors you prefer.

You do better in price and nutrition with canned spaghetti and meatballs than with frozen, better still if you stick to the simplest versions rather than fancy circles, bows, etc., according to Margolius.

In general, he notes, you get 53 cents worth of poultry meat value for the dollar you spend for canned whole or boned chicken; 17 cents for frozen chicken pot pies, 20 cents for a frozen chicken dinner and as little as 10 cents for other frozen products with chicken.

He sorts out the confusion in canned soups, noting which provide the most protein for less money.

Margolius also tells you what you're spending for the "convenience" of not having to add a can of water to your soup; with one cream of mushroom, for example, you pay 25 cents for 14¼ ounces of the prewatered soups and 15 cents for 21 ounces of the condensed soup.

THE INFORMATION is packaged clearly, and in nonhysterical terms. The appendix contains concise explanations of what USDA standards mean: a product labeled beef with gravy has at least 50 per cent beef, for example, while one labeled gravy with beef needs only 35 per cent.

There are tips on shopping, and charts showing how you can estimate the cost per serving of various cuts of meat and poultry.

Mrs. Hunter seems slightly less concerned with what consumers are buying now, and more concerned with government and industry policies and how they have allowed the adulteration of foods in the past.

Her book, which is lengthy and sometimes confusing, is worthwhile for those who want a review of the various stabilizers, preservatives, additives and antibiotics pumped into our foods and how they are allowed to get there. However, it does repeat some of the more readable "The Chemical Feast," issued last year by Ralph Nader's Raiders.

Mrs. Hunter's stomachturning chapters on "Meat: the Beefed-Up Animal Machine" and Poultry: the Remade Bird" are definitely important reading, even if you feel like becoming a vegetarian after learning of the hormones, enzymes, pesticides and other possibly-toxic substances hiding in what you eat.

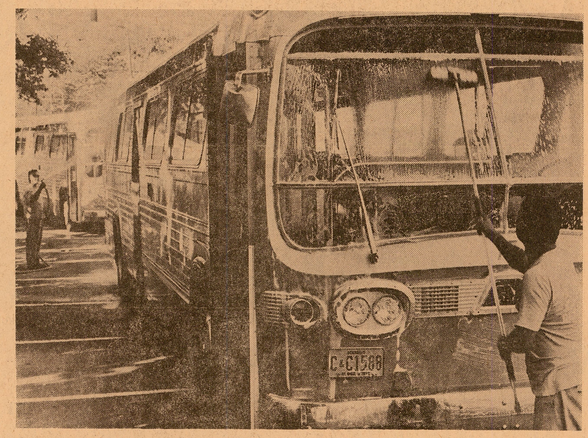
Margolius' book is one you will want to clip, thumb, and take to the supermarket. Mrs. Hunter's is one to be studied and heeded as a spur to informed consumer action.

THE GREAT AMERICAN FOOD HOAX. By Sydney Margolius. 204 pages. Walker & Co. $5.95.

CONSUMER BEWARE. By Beatrice Trum Hunter. 376 pages. Simon & Schuster. $8.95.

NEW WEEK Section C Star-Bulletin
Monday, May 17, 1971 Honolulu C-1

The Driving Tale of a Do-It-Yourself Bus System



IT'S LIKE WASHING AN ELEPHANT!—City buses get a bath, a good scrubdown with soap and water, before they take to the streets to provide transportation for thousands of Honolulu's residents.—Photos by Bob Young.

By George West
Star-Bulletin Writer

Most observers will agree that the birth of the City's bus line is a story of tenacity in the face of great odds.

Three days before the Honolulu Rapid Transit Co. bus drivers went on strike last Jan. 1, the City-County—led by Mayor Frank F. Fasi—drew up plans for a City-owned transit system.

It had no experience whatsoever in the operation of a metropolitan transportation system.

It had no buses, no drivers, no mechanics or maintenance crews, and no vehicle storage facilities.

But it had the plans and the will to achieve what skeptics said could not be done.

Two months after the strike began, Mayor Fasi had his buses on the road, picking up thousands of patrons stranded by the strike.

FASI IS PROUD of his accomplishment.

He puts it this way:

"Being able to step in and provide the citizens of this community with bus transportation during the bus strike early this year has been one of the sources of great satisfaction to me so far during my term of office as Mayor of Honolulu."

Since March 1, the day the City's first buses rolled out of their improvised car barns, they've carried and delivered to their destinations more than 3.3 million fare-paying passengers.

This total is exclusive of the senior citizens who, by decree of the City Council, ride free and who, it's estimated, account for 20 per cent of the daily passenger loads and more on weekends.

IN ADDITION, the fledgling bus line is grossing almost as much in revenues as its forerunner despite handicaps such as an insufficient number of buses, shorter hours and routes, and practically primitive repair and maintenance facilities.

A large part of the operational success that the City may have enjoyed so far can be attributed to its decision to employ the expertise that was needed.

The staff of fiscal, administrative, transportation, scheduling and maintenance officers that help run the line are all veteran, former HRT employes.

Together, they form Mass Transit Lines, Inc., the firm hired by the City under a contract to operate and manage its City-owned system.

AFTER TWO and a half months of operation, the City now is moving ahead aggressively with plans for expanded services, and eventually for an Island-wide, integrated, single mass transit system owned by the City.

It hopes to accomplish this by the end of 1972.

By the end of this year, it hopes to have in existence the full-level of services that was in effect when the strike began.

The City has just sent out bid specifications for the purchase of 50 more buses, all new ones.

About 15 per cent of them will be the smaller, shorter type vehicles with stick shifts adaptable for use on the hillside routes.

The specifications call for the delivery of these vehicles here by the end of 1971.

THE CITY now has 67 buses. Fifty of them are used ones bought from the Dallas Transit Authority in Texas and 17 from General Motors in Detroit.

Sixty-one of the buses are regularly in service throughout the day while six go through normal maintenance on a rotational basis.

With the acquisition of the 50 additional vehicles, more will be put in service on the main routes during peak hours. The smaller buses will be put in service on the residential heights not now serviced.

These include such places as St. Louis-Kahala-Manoa, Kalihi-Alewa Heights and Makiki-Pacific Heights.

The bigger buses are not suitable for the hills and the sharp turns in them.

WHEN THE 50 newest buses arrive, the City will have 117 buses, or more than enough to provide the peak hour services that HRT furnished before the strike.

During peak hours, HRT had 110 buses running. In non-peak times, it reduced the number to 62.

MTL, the firm that's now operating the bus service, keeps 61 buses in constant service.

It is operating on 12 routes as compared with HRT's 15. The three not serviced are the St. Louis, Kalihi and Makiki heights areas.

In addition, MTL plans to expand services into such areas as Pacific Palisades, the Salt Lake subdivision, Aiea, Halawa and Pearl Harbor.

IN A FEW WEEKS, the City plans to announce some re-routing in the existing system, to improve service and achieve more efficiency, says Patrick DeCosta, assistant director of the City's office of information and complaints.

DeCosta also said that by the end of 1972, the City hopes to have completed the absorption of Wahiawa Transport System and the Leeward Bus Co., companies that now provide subsidized rural Oahu bus services under a contract with the City.

When this happens, the Island will have a single mass transit system owned by the City.

Much of these plans will be consummated with the aid of a $10.4 million federal grant for the purchases of buses and implementation of a mass transit system.

For every two dollars that the federal government gives, the City must put up a dollar.

A LONG RANGE proposal of the Island-wide mass transit system includes also the establishment of a rapid, mass-transportation corridor extending through the City from Hawaii-Kai to Pearl City.

Studies to determine the exact alignment of the corridor, the terminal stops, and the type of vehicles to be used on the corridor — whether fixed rail, monorail or conventional rolling stock — are continuing.

Meanwhile the City and MTL are striving not only to enlarge services but to iron out the wrinkles in existing operations.

ONE OF THE more severe problems, beside the present shortage of buses, is the repair and maintenance setup, which at present is in the open, makeshift and crude.

The buses are stored and maintained in the former City parking lot bounded by King St., Kapiolani Blvd. Extension, Hotel and Alapai streets.

Where maintenance crews had safe wells to go into at HRT's maintenance sheds, they now have to crawl under the buses — sometimes over muddy grounds — to do their work.

It is hazardous and inefficient.

The City hopes to rectify this situation with the purchase of the facilities of the strike-closed HRT.

THE STATE Public Utilities Commission, the agency that regulated HRT operations, has just completed lengthy hearings to place a value on HRT's land, equipment and buildings.

The law specifies that the PUC shall determine the value prior to any purchase by the City.

One of the big disputes in the hearings centered on the City's contention that it is required to pay only the original cost of the land and the actual cost of the equipment and improvements.

HRT's lawyers argued that the City is required to pay the fair market value for all of the properties, land and otherwise.

The PUC is reviewing the testimony and is expected to render a decision next month.

If the City is able to buy HRT under its own terms, many of its present problems will vanish.

ANOTHER snag that the City has encountered in its operation of the bus line is the morale of the bus drivers.

DeCosta said it has been less than desirable and probably the cause of complaints of discourteous treatment of patrons by the drivers.

"You can't blame them too much," said DeCosta. "They've been out of work, or have not been working full time and have been worried about job security," he added.

He said they've had no place to park their cars except in places with time restrictions and after a day's work have found their windshields covered with traffic citations.

THE ADMINISTRATION last week started a three-week project to give instructions on driver courtesy and greetings in Hawaiiana.

Each driver will get a full-day of courtesy training.

The classes run from 7:30 a.m. to 4:40 p.m. with an hour break for lunch.

Here's how we've told how to handle customers who ignore "no smoking" signs.

(The driver stops the bus and goes to the rear where the offender usually is. He says, "Please obey the no smoking sign.")

Many riders still smoke in the rear of the bus despite the no smoking sign in the front. They were accustomed to doing this since HRT allowed it in this section.

But now no smoking signs have been placed in the rear, too.

Ash trays have been removed and replaced with litter bags.

ONE HAPPY NOTE for the drivers is that they're now earning more in wages on an hourly basis than they did with HRT.

They're paid $3.98 per hour plus $1.37 per hour in fringe benefits, or $5.35 hourly. The basic wage boost is 50 cents an hour more than under their former employer.

This is the amount of the increase they sought when the HRT strike began.

As a result of negotiations with the Teamsters Union, the 245 bus drivers have been put on a four-day week.

This arrangement gives the drivers employment every week. Previously, they worked on a five-day on, five-day off basis.

This had a noticeable effect on morale.

Other former HRT employes still not fully employed include clerks, road supervisors, maintenance men and mechanics.

They're on a rotation system. Of 63 available mechanics, for example, 29 are employed each week.

One veteran bus operator said he found the used Dallas buses in surprisingly good shape.

ALBERT P. MONIZ, former HRT vice president and treasurer and now MTL president, said that in March, during the first month of operations, the company took in $247,928.46 in revenues.

In April, with 30 instead of 31 days, it grossed $329,166.23, he said.

Moniz said the average daily gross is $12.000 compared with HRT's $14,000.

"This is 85 per cent of what HRT's earnings were," he noted.

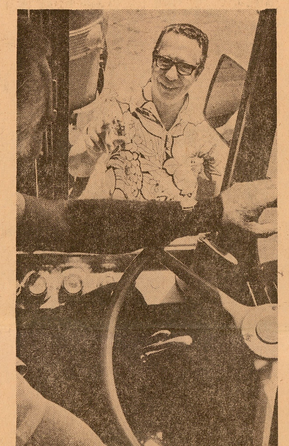
UNTIL A WEEK ago, MTL offered no bus transfer privileges—a fact which helped fatten its revenues. But it also is operating with fewer buses, shorter hours, and carrying a sizable number of free passengers, or senior citizens.

Moniz pointed out that the wage increase and fringe benefits boost granted the drivers accounts for an additional overhead expense of $45,000 monthly or $540,000 yearly which HRT did not have when it was struck.

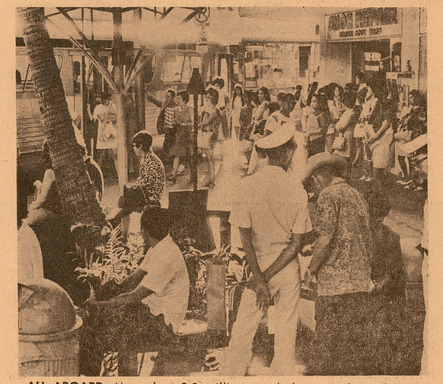
According to present estimates, the new bus company is going to need continuing financial support before it can begin to operate in the black.

But—looking to the future—Mayor Fasi says:

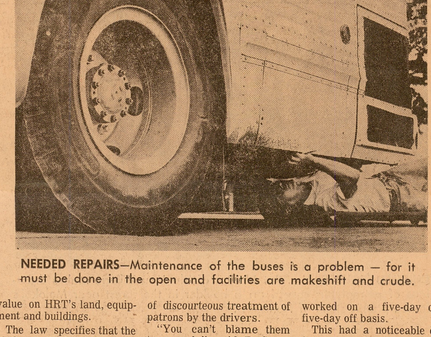
"We will continue to push forward with determination and vigor until our City transportation system far surpasses that of the past, and we will not stop until we have one of the finest balanced transportation systems in the world."



EXPERIENCED HAND—Albert P. Moniz, who is a former vice president of Honolulu Rapid Transit, gives instructions to one of the drivers he supervises as president of MTL—the City's bus line.



ALL ABOARD—More than 3.3 million people have paid to ride city buses since they started rolling March 1.



NEEDED REPAIRS—Maintenance of the buses is a problem — for it must be done in the open and facilities are makeshift and crude.



RUSH HOUR CRUSH—Commuters pack a bus as it rolls down Beretania Street during the rush hour.

PLAN FOR THE KEAWANUI COMPREHENSIVE RESORT DEVELOPMENT

KEAWANUI, MOLOKAI, HAWAII

FOR UNITOURS, INC.

BY HITOSHI MOGI & ASSOCIATES
PLANNING & RESEARCH

MARCH, 1971

9470

ROY Y. TAKEYAMA

Attorney at Law

ASSOCIATES
KWAN HI LIM
KAZUO OYAMA
DONALD S. NISHIMURA

SUITE 223, BISHOP INSURANCE BUILDING
33 SO. KING STREET
HONOLULU, HAWAII 96813
PHONE: ~~536-2241~~ 536-4972

CABLE ADDRESS
"KWANLIM"

March 19, 1971

A 71-291

RECEIVED
MAR 30 1971
State of Hawaii
LAND USE COMMISSION

State Land Use Commission
P. O. Box 2359
Honolulu, Hawaii 96804

Gentlemen:

Re: Request by Unitours, Inc. to Amend the State Land Use District Boundary Map on Molokai from Agricultural to Urban of approximately 207 acres

Unitours, Inc., through its attorney, Roy Y. Takeyama, submits an application to amend the State Land Use District Boundary Map of Molokai (Appendix A) and data supporting its application entitled "Plan for the Keawanui Comprehensive Resort Development, Keawanui, Molokai, Hawaii" (Appendix B).

Also attached is authorization granted by Unitours, Inc., to Hitoshi Mogi, planner, and Roy Y. Takeyama, attorney, to represent it on any and all matters relative to this project that comes before the State Land Use Commission and any other appropriate county agencies (Appendix C).

Based on the supportive data, we respectfully request that the State Land Use District Map of Molokai, be amended from Agricultural to Urban of approximately 207 acres.

Very truly yours,

Roy Y. Takeyama

ROY Y. TAKEYAMA
Attorney for Unitours, Inc.

RYT:ji

STATE OF HAWAII
LAND USE COMMISSION

P. O. Box 2359
Honolulu, Hawaii 96804

This space for LUC use

Date Petition and Fee received by LUC_____

Date forwarded to County for recommendation_____

Date Petition, and County recommendation received by LUC_____

A71-291

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

(~~X~~) (We) hereby request an amendment to the Land Use Commission District Boundary respecting the County of Maui, Island of Molokai, map number and/or name Tax Map Key 5-6-06:24 and portions of 8 and 25. to change the district designation of the following described property from its present classification in a(n) Agricultural district into a(n) Urban district.

Description of property: Approximately 207 acres of land situate in Keawanui, Molokai, County of Maui (Tax Map Key 5-6-06:24 and portions of 8 and 25.

Petitioner's interest in subject property:

Unitours, Inc. and Jim Richmond are the lessees of the land. The owner of the land is Bishop Estate.

Petitioner's reason(s) for requesting boundary change:

(1) The petitioner will attach evidence in support of the following statement:

The subject property is needed for a use other than that for which the district in which it is located is classified.

(2) The petitioner will attach evidence in support of either of the following statements (cross out one):

(a) The land is usable and adaptable for the use it is proposed to be classified.

~~(b) Conditions and trends of development have so changed since adoption of the present classification, that the proposed reclassification is reasonable.~~

Signature(s) Roy Y. Takeyama

Roy Y. Takeyama

Attorney for Unitours, Inc.

Address: Suite 223, 33 South King St.
Honolulu, Hawaii 96813

Telephone: 536-4972

APPENDIX A

PLAN FOR THE

KEAWANUI COMPREHENSIVE RESORT DEVELOPMENT

KEAWANUI, MOLOKAI, HAWAII

I. INTRODUCTION.

Unitours, Inc., a California corporation, the Petitioner herein, whose address is P. O. Box Box 1543 Olympic Boulevard, Los Angeles, California, has 42 branch offices throughout the United States and is engaged in both wholesale and retail travel businesses. In addition, it controls Universe Travel Club which started with a membership of 800 in 1968 and presently has a membership of approximately 45,000.

Unitours, Inc.'s object is to develop a comprehensive resort area at Keawanui, Molokai, as a major destination area for their organized tour program. To operate the hotels it is presently negotiating with Island Holiday Resorts, a subsidiary of Amfac, Inc.

The proposed development comprising approximately 207 acres is on land owned by Bishop Estate. It is identified as Tax Map Key: 5-6-06: 24 and portions of 8 and 25 is triangular in shape bounded by the beach front between Keawanui Fish Pond and West Ohia Fish Pond at the south; Keawanui Apana to Kalapamoa Ridge at the west, and Kalapamoa Ridge to the West Ohia Fish Pond at the east.

(See Attachment I entitled Present and Proposed Land Use)

Although the Petitioner has a lease of approximately 600 acres*, it proposes to develop only 207 acres for urban uses.

II. GENERAL BACKGROUND ABOUT THE DEVELOPMENT

The proposed development is situated at Keawanui, Kaamola, Molokai, County of Maui.

The proposed development encompasses approximately 207 acres or 35% of the total land area leased by the Petitioner from the Bishop Estate. The basic concept of the project is to create self contained resort development including the following:

1. Restoration of historical Keawanui Fish Pond
2. Creation of sand beach and water sports area
3. Development of medium density hotel zone
4. Development of neighborhood commercial area
5. Development of resort type and permanent type residential areas including employee housing in the vicinity for the tourist industry.

This self contained resort area will be planned to preserve the true Hawaiian environment. Hotel and apartment uses including a commercial area will be located makai of the existing highway and a residential area in the mauka area. The development will have moderate density with integrated open space to anticipate ultimate environmental effect as a true Hawaiian resort.

*

Tax Key	Acres
5-6-06-8	73.59
5-6-06-23	.23
5-6-06-24	78.87
5-6-06-25	445.15
Total	597.84

Hotels will be located along the beach front of the old fish pond of Keawanui, which is rich in Hawaiian history and legendary stories, and along the ocean waterfront on the Halawa side of the fish pond. The hotel structures shall be carefully planned so that any significant discovery of historical importance will not be disturbed. These areas will be treated as an integrated historical park system in the hotel area. Such an integrated historical park open space will not only enhance this hotel development, but also create interesting ambulatory circulation pattern of the people through properly restored historical features in Hawaiian environment.

The residential development will consist of various types of houses, such as:

1. Hotel employees' housing
2. Permanent residents' housing
3. Resort type residences

These residential areas shall be provided with well landscaped open spaces.

In summary, the essential elements of the development is as follows:

1. To preserve and perpetuate Hawaiian-living
2. To provide adequate open space and integrated landscaping
3. To restore historical features
4. To provide low and middle density resort facilities

These elements are essential to successfully develop a project of this nature that is to preserve the natural characteristics of the area and the preserving and perpetuation of the Hawaiian way of living.

III. PHYSICAL CHARACTERISTICS

A. Location and General description

Subject property is located at Keawanui Kaamola, Molokai, County of Maui. It is described and identified as Tax Map Key 5-6-06: 24 and portions of 8 and 25. It is situated on Kam V Highway approximately 18 miles east of the present Molokai Airport.

Kam V Highway divides the property into two parcels of land:

1. Makai Land

Approximately 110 acres of land is situated on the makai side with 4,800 feet of beach frontage including two old fish ponds, one on the south side and the other on the north side of Keawanui property. The general grade of the land is 0-5%.

The Keawanui Pond faces a natural open channel of coral reef forming a natural basin for small boats. However, there is a sizeable coral formation at the mouth of the channel which makes it difficult to enter. Because of this, small boats are not used extensively but that there is a very high potential for development of a small boat harbor when the area is fully developed.

2. Mauka Land

Approximately 96 acres of land is situated on the mauka side of Kam V Highway. The land is triangular in shape with a frontage of 3,200 feet on Kam V Highway and up to an elevation of 250 feet. The elevation is in line with the adjacent Pacific Basin Development which has already been granted urban designation by the Land Use Commission.

The property also contains a major drainage tributary situated on the east side of the property. This drainage pattern is

typical on Molokai. It starts at the top of the property and runs along the eastern boundary of the property and drains into the ocean by the Onahikoko and Mikiawa Fish Ponds.

The slope of the land varies in different parts of the property. The property located along the Kam V Highway and the drainage tributary area up to the 50 feet elevation from 0 to 10 percent slope.

The area beyond the 50 feet ground elevation and up to the 250 feet ground elevation is approximately 20 to 25 percent slope.

B. Soil Conditions

The land consists of three different types of soils as follows:*

1. Alluvial deposit soil, dark brown silty texture along the beach-line.
2. Deep stony, reddish-brown fine textured soil on the mauka side of the alluvial deposit material.
3. Rocky and moderately fine-gray to dark-brown soil at the drainage tributary.

See Attachment II relating to Productivity Rating and Descriptions.

Subject parcel, as rated by its overall suitability for agricultural use as poor (D) and very poor (E) by the Land Study Bureau.

The land may be used for grazing but it is not economically feasible.

IV. PUBLIC FACILITIES

A. Subject parcel is readily accessible to public facilities. The Kilohana Elementary School is less than a mile away. Molokai High

* L.S.B. Bulletin No. 10, "Detailed Land Classification Island of Molokai" Land Study Bureau.

and Intermediate School is 20 miles away. They are the only high school and intermediate school in Molokai. The distance is not unreasonable and that the development will not overburden the existing facilities at said school.

B. The Kaunakakai Police Station and the Fire Station are approximately 12 miles away from the proposed project.

C. Water and telephone facilities are presently available. In 1971, the waterline will be enlarged to 12 inches.

D. Since no sewer system is presently available, the developer will institute a sewage treatment system that will meet County and State Board of Health requirements.

E. Electric power is available. Electric power can be increased if additional capacity is needed.

V. SURROUNDING LAND USE AND RELATED FACILITIES

A. The eastern boundary of subject property abuts the present urban land use district boundary. This is the Pukoo Resort Development. The west end of the property is only 2,200 feet from the Pacific Basin Development which is already districted urban by the State Land Use Commission.

VI. STATE LAND USE DISTRICT BOUNDARY AND COUNTY ZONING

A. Land Use District Boundary

Subject parcel is in the Agricultural District.

B. County of Maui Zoning

1. Subject parcel is master planned for a major resort destination area which includes hotel, apartment, commercial and residential uses.

2. It is presently zoned Agricultural.

VII. DEVELOPMENT PLAN AND TIMETABLE

A. Preliminary Development Plan (See Attachment III)

1. The parcel situated on the mauka side of Kam V Highway, containing approximately 96 acres of land, is proposed to be developed for residential uses. The proposal is to develop 500 units of which 100 will be single family dwellings, 200 cluster-type single family dwelling and 200 townhouses.

   The proposed single family development in this parcel will be developed primarily for employee housing for persons to be employed in this resort area.

2. The parcel situated on the makai of Kam V Highway will be primarily used for resort facilities and hotel uses. Approximately 87 acres is being proposed to be developed for resort and hotel uses and that 11 acres is being proposed to be set aside for commercial uses.

   The developer proposes to construct right away, if zoning is granted, four buildings (4 stories high) containing 162 units and service facilities to support the hotel.

3. Adjacent to the hotel area on the west boundary is an area set aside for public uses which contains approximately 5 acres.

B. Timetable

1. The developer proposes to develop the project within 5 years after the appropriate State and County agencies have granted approval.

2. Because of lease commitment with the land owner, Bishop Estate, the Petitioner will have to construct facilities within 5 years after July 1, 1967 or it will be in default.

It is also obligated to construct a minimum of 120 hotel rooms. Thus, it is incumbent upon the Petitioner to proceed as expeditiously as possible in constructing the hotel units. As stated earlier, it proposes to build 162 units with service facilities immediately after approval is granted by the State Land Use Commission and the appropriate County agencies.

3. Since the Petitioner already has financial commitment, it can start on the project right away.

4. This project is not speculative in the light of the fact that the Petitioner is the travel agency and also controls the Universe Travel Club which has approximately 45,000 members which can be channeled to fill these units.

5. That the project will be completed within 5 years after approval is granted by the proper State and County agencies.

VIII. THE NEED FOR URBANIZATION

A. Molokai has only 89 hotel units presently.* This is totally inadequate to meet the need for more hotel units.

B. There is a definite need for more housing for employees who will be employed in the resort area.

C. The vacancy factor for apartment units is practically nil.

IX. SUMMARY AND CONCLUSIONS

A. Subject parcel is contiguous on the eastern boundary with the existing urban land use district boundary. Thus, this will not encourage or trigger scatterization for it is in the midst of a

* Hotel Molokai - 56 units
Molokai Seaside Inn - 33 units
Figures taken from Hawaii Visitors Bureau Report, dated June, 1970

hotel resort development area.

B. Basic services such as water, telephone and electric utilities are readily available within proximity. The developer proposes to institute a sewer treatment system since there is no sewage system. Also, schools and parks, and police and fire protection are available. Thus, the proposed development will not overtax the present facilities.

C. It has good drainage and is reasonably free from danger of floods.

D. The soil is very poor and not suited for any agricultural pursuit.

E. It is easily accessible and because of Kam V Highway it is within reasonable commuting distance from the urban area of Kaunakakai and the Pukoo resort area.

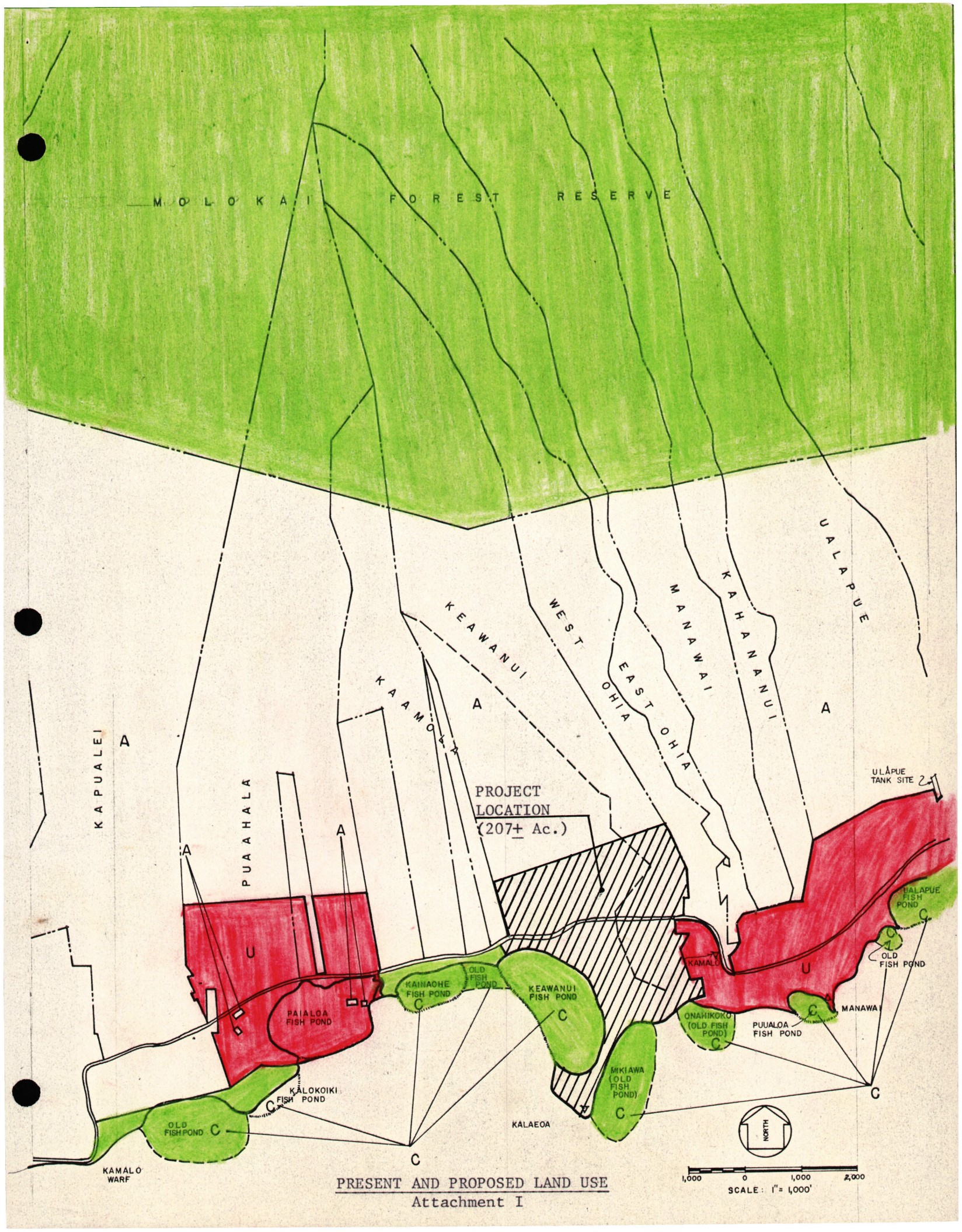
F. That there is a definite need for more hotel units and residential units for employee housing who will be employed in this resort area.

G. That the Petitioner is under a legal obligation to proceed in the construction of hotel facilities by virtue of its lease agreement with the land owner so must proceed expeditiously. Thus it can be reasonably assured that the units will be constructed.

H. That the Petitioner has the natural built-in clientele for diverting tourists to Molokai so that the hotels would be assured of occupancy. Because of the eventual increase in the number of tourists, employment opportunities will be increased and therefore, the need for more employee housing will be necessary.

I. That the proposed development will be beneficial for the economic development of Hawaii.

Based on the foregoing, the Petitioner requests that the State Land Use District Boundary Map for Molokai, County of Maui for subject parcel be amended from Agricultural to Urban.



PRESENT AND PROPOSED LAND USE

Attachment I

Attachment II

Productivity Ratings and Descriptions
Island of Molokai

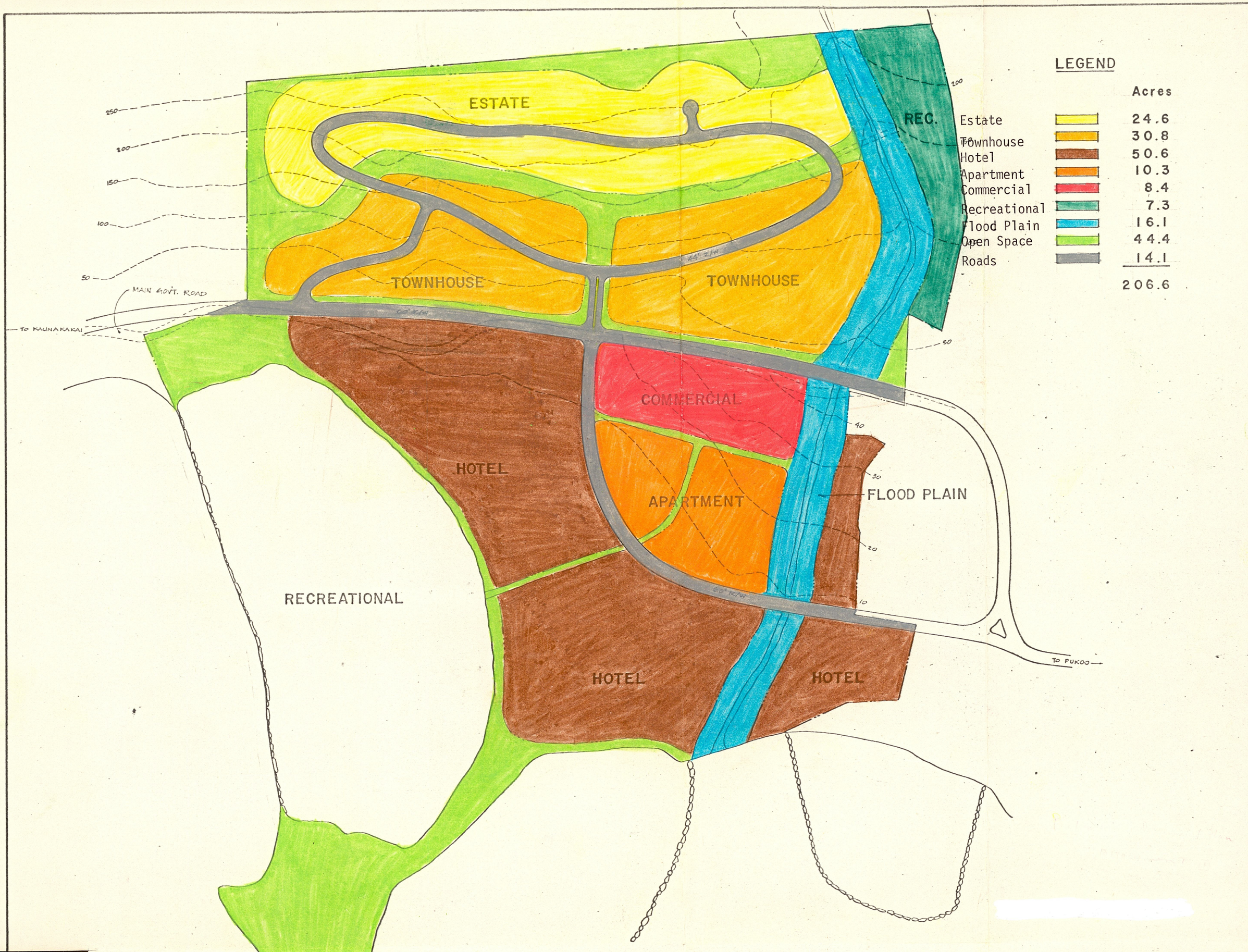
Selected Crop Productivity Ratings

	Land Type	Over all Rating	Pine-apple	Vege-table	Sugar Cane	Forage	Grazing	Orchard	Timber
Makai:	25	D	d	d	d	c	b	d	Co
	28	E	e	e	e	e	e	e	NCo
Mauka:	23	D	d	e	e	e	c	d	NCo
Drainage Tributary									
	37	E	e	e	e	e	d	e	NCo
	73	E	e	e	e	e	c	e	Co

Productivity Ratings and Descriptions

Attachment II (Cont.) Island of Molokai

Mach. Tillability	Stoniness	Depth (inches)	Slope (%)	Texture	Drainage	Median Annual Rainfall (inches)	Elevation (feet)	Color	Soil Series	Existing Uses	Vegetation Zones
Makai:											
Well-suited	Nonstony to slightly stony	Deep, over 30	0-10	Moderately fine	Well-drained	30-40	0-250	Dark brown	Kawaihapai, Mala, Pulehu	Grazing, taro	B & C_1
Poorly to not suited	Nonstony	Shallow to water table	0-10	Moderately fine to fine	Imperfectly to poorly-drained	10-35	0-10	Dark-reddish brown	Kealia (salty)	Unused, grazing	A & B
Mauka:											
Poorly Suited	Stony	Deep, over 30	21-35	Fine	Well-drained	25-40	0-2100	Dark-reddish brown	Kaluaaha	Grazing	B
Drainage Tributary											
Not suited	Rocky	Deep, over 30	0-10	Moderately fine to fine	Well-drained	10-35	0-50	Dark-reddish brown	Mala & Pulehu (Alluvial)	Grazing	A & B
Not suited	Rocky	Variable	0-35	Medium to fine	Well drained	30-60	0-3500	Dark-brown to reddish brown	Rough broken	Grazing, forest lands	C_1



LEGEND

	Acres
Estate	24.6
Townhouse	30.8
Hotel	50.6
Apartment	10.3
Commercial	8.4
Recreational	7.3
Flood Plain	16.1
Open Space	44.4
Roads	14.1
	206.6

PRELIMINARY DEVELOPMENT PLAN

Attachment III

PROPOSED KEAWANUI DEVELOPMENT

KEAWANUI-KAAMOLA, MOLOKAI, HAWAII
T.M.K. 5-6-06

NORTH

200 100 0 200 400 600
SCALE: 1" = 200'-0"

7837

March 19, 1971

State Land Use Commission

P. O. Box 2357

Honolulu, Hawaii 96804

Re: Petition for Amendment to the State Land Use District Boundary Map of Molokai, County of Maui

Gentlemen:

Please be informed that Mr. Hitoshi Mogi, Planning Consultant, and Mr. Roy Takeyama, attorney, are hereby authorized to represent Unitours, Inc., the Petitioner, on any and all matters relative to the Keawanui Comprehensive Resort Development project in Molokai, that comes before the State Land Use Commission and any other appropriate county agencies.

Very truly yours,

John H. McAuliffe, Jr., for
Unitours, Incorporated

Appendix C

5 6 07

Unlocated Parcels				
LC Awards	Ap.	Owners	Parcel	Area
4607	2	See Left	25	0.252c.

39 & 60 Florence M. Schultz, Martha A. M. Rice, & Colleen M. Smith - T/C

50 (Oswald B. Lightfoot) Le, Florence M. Schultz, Martha A. M. Rice, & Colleen M. Smith - T/C - M/C, Annie K. Peters - M/C

51 Florence M. Schultz, Martha A M. Rice, & Colleen M. Smith - T/C, (Oswald B. Lightfoot) Le

Owners of Parcels 10, 18, 19, 22, & 38: Edith Austin Trust Estate - 3/6, John F. Austin, Jr. - 1/6, Ariana A. Fairbanks - 1/18, James W. Austin - 1/18, Dorothy B. Austin - 1/6

65 Florence M. Schultz, Martha A. M. Rice & Colleen M. Smith - T/C

Owners of Parcels 3, 7, 8, 9, & 46: Mary K. Mahiai - 1/3, Paul Keaka - 1/3, David Kuahulu, Sr. - Curt./Rt. - 1/3, David Kuahulu, Gabriel Kuahulu, LeRoy Kuahulu, Bertard Kuahulu, Jackie Kuahulu, Douglas Kuahulu

Plat 06

True North 1" = 200'

Anarita P. Kekino - 1/1, Herman Kanahele - T/E, Sam K. Kaiser - 1/8 - Rem. - M/C

Florence M. Schultz, Martha A. M. Rice & Colleen M. Smith - T/C

Hannah J. Meyer - 1/3, Henry R. Meyer - 1/3, Otto S. Meyer - 1/3 - T/C

8.0 Ac.

Charles Townsend - 2/6, Charles P. Townsend - 1/6, Charles K. Townsend & Wf. Caroline F. - J/T - 2/6, Frances P. Lucas, Violet C. Awai, Wanda Townsend Gdn. Tr. } 1/6, John W. Townsend Gdn. Tr., Marie W. Townsend-Low.

3.99 Acs.

Approximate Location

35

Neoma Foster - 1/42, Daniel H. Foster - 1/42, Francis H. Foster - 1/42, Georget Foster - 1/42, Anna F. McGuire - 1/42, Jack L. Foster - 1/42, James Foster - 1/42, Mary C. McCorriston, etal - 1/6, Thomas M. Hill, Jr. } 1/42, Sally L. Carter - J/T -, John S. McCorriston Est. - 1/6, Aileen A. Ah Ping - 1/6, Marguerite A. Cummins, Alberta L. Janitschke, Annie E. Lishman } 1/6, Dorcas K. Cummins, Henry P. Meyer T/C, Charles S. Meyer

L. C. Aw. 5027:3

See Above 2.0 Acs. L. C. Aw. 4029:2

0.50 Ac. L. C. Aw. 4879:A

22 20 21

See Above 0.50 Ac. L. C. Aw. 4059:3

19

2.11 Acs.

L. C. Aw. 4178:B-2

Florence M. Schultz, Martha A. M. Rice & Colleen M. Smith - T/C

L. C. Aw. 4607:3

Approximate Location

18 2.36 Acs.

17

David K. Kuahulu Est.

34

0.90 Ac. L. C. Aw. 4205:3

32

0.77 Ac. L. C. Aw. 4570:3

12

See Above for owners POR. EXCLUSION "K" 2.31 Acs.± L. C. Aw. 5026-B:3

See Above for owners POR. EXCLUSION "K"

See Above for owners L.C.Aw. 8026-B:1 EXCLUSION "G"

Rose A. Aping 39.821 Acs.

Rose A. Aping 2.920 Acs.

Rose A. Aping 39.255 Acs.

PLAT 05

PLAT 06

Note: Total area of Parcels 1 et. al accounted for in Tax Key 5-6-06

To Pukoo

EXCLUSION "E" L. C. Aw. 4994:1 0.46 Ac. Moses K. Kalan Est. - 1/3, Edith Kalan Swan Est. - 1/3, Moses K. Rodrigues 1/3 - T/C

EXCLUSION "F" Mary K. Rodrigues

EXCLUSION "G" Rose A. Aping L. C. Aw. 4609:1 0.23 Ac.

0.25 Ac.

EXCLUSION "H" Rose Aileen Aping L. C. Aw. 5982:B 0.29 Ac.

Por. 5-6-06:5

MAIN GOVERNMENT ROAD

P A I A L O A FISH POND

Kalokoiki Fish Pond

Mud Flat

Hannah J. Meyer - 1/3, Henry R. Meyer - 1/3, Otto S. Meyer - 1/3 - T/C

8.0 Ac.

Florence M. Schultz, Martha A. M. Rice & Colleen M. Smith - T/C

(See Above) 2.83 acs.

Lev Mahuiki et al 1/3 L. C. Aw. 8003:4

Joe Anami et al 2.83 acs. L. C. Aw. 5022-B:2

John K. Kuahiarai Est. 2.83 acs. L. C. Aw. 4816:2

Florence M. Schultz, Martha A. M. Rice & Colleen M. Smith - T/C

Florence M. Schultz, Martha A. M. Rice & Colleen M. Smith - T/C

Hugh McCorriston Estate 2.83 acs. L. C. Aw. 4020:5 (Oswald B. Lightfoot) Le

Florence M. Schultz, Martha A. M. Rice & Colleen M. Smith - T/C

Florence M. Schultz, Martha A. M. Rice & Colleen M. Smith - T/C

Florence M. Schultz, Martha A. M. Rice & Colleen M. Smith - T/C

(See Above) 2.83 acs. L. C. Aw. 4825:2

(See Above) (2.83 acs.) L. C. Aw. 4825:2

(See Above) (2.83 acs.) L. C. Aw. 4825:2

(See Above) 5.66 acs. (2.83 ea.) L. C. Aw. 4825:2

Florence M. Schultz, Martha A. M. Rice & Colleen M. Smith - T/C

(See Above) 2.83 acs. L. C. Aw. 4825:2

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STATE OF HAWAII

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Testimony received at July 16, 1971,
meeting re: SP71-104 - Maui Electric

P. O. BOX 2359 HONOLULU, HAWAII 96804

TELEPHONE: 531-6251

16 July 1971

Statement to: State Land Use Commission

From: Dr. John A. Maciolek, Leader
Hawaii Cooperative Fishery Unit

Subject: Special Use Permit for Power Plant at Kealia, Maui.

1. The purpose of this statement is to summarize a professional biologist's views against location of a power plant at Kealia, Maui.

2. The critical area, including Kealia floodplain and Maalaea Bay, has been under long-term environmental evaluation. An initial report of the findings, completed last month, has just been approved for publication and distribution by cooperating agencies.

3. That report clearly demonstrates the biological uniqueness of Maalaea Bay, and its great value for educational, recreational and scientific uses. Notable is the diversity of fauna in general and corals in particular. More recent floral surveys confirm faunal evidence of the Bay's uniqueness--59 species of algae were found in one day in the area of proposed effluent discharge. Unusual growth forms were noted among many species. The report also points out the natural function of the floodplain in protecting this valuable marine environment.

4. The combined ecosystem is threatened in various ways by the proposed power plant. Primarily, it is threatened by effluent discharge. Maui Electric Company's site selection is said to be based on the Stearns-Roger engineering survey which neither appraised the environment nor estimated the cost of its protection.

5. The Company's adherence to the site against widespread objection involves a questionable attitude that this site is the most economical--when in fact, environmental protection plans and costs have not been demonstrated. Also involved is the Company's peculiar conflicting statements that on one hand promises to "make every effort" to protect the environment, and on the other, refuses to admit publicly (against substantial contrary evidence) that its discharges have a deleterious effect on marine life.

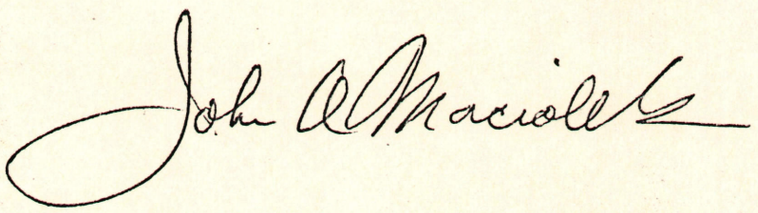
6. Promises, I'm sure you will agree, are in no way acceptable considerations. If they were, we conceivably could do away with all governmental regulatory, protective and enforcement agencies.

7. Alternative sites for this power plant are less susceptible to serious environmental degredation. If the circulation pattern of Maalaea Bay proves to be that indicated by faunal and floral evidence, then a cooling water system designed to avoid degredation of the Bay would surely be very costly. I cannot believe that Maui Electric Co. would invest in a large, expensive plot of land for diesel power generation only. The logic in this matter is not apparent.

8. My initial attitude toward a Kealia power plant was that it would not be objectionable if environmental protection was assured. I no longer believe that. A careful, reasoned look at the Company's plans and survey shows that all major pollutive aspects--air, water, visual--are present.

9. Perhaps the best way to summarize the case against granting a special use permit for Kealia is by comparison. Gentlemen, would you vote for the placement of a 200 megawatt generating plant (or even a 2,000 kw diesel plant) at Hanauma Bay? Maalaea Bay is at least as valuable environmentally as Hanauma, and its biota is more delicate. Furthermore, Maalaea Bay has greater future public use potential.

10. Lastly, please consider the universal aspects of environmental protection and restoration in your vote. Our State has had to build a massive structure within its agencies to protect natural assets and to retrieve many lost through permissiveness and careless planning. It is time to draw a hard line. A negative vote on your part can be a landmark decision to further demonstrate State concern to a sensitive public. A power plant at Kealia is not a marginal environmental issue--it is clearly an environment of high intrinsic value worthy of your protective vote.



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John A. Macioll

STATE OF HAWAII
LAND USE COMMISSION

TESTIMONY FORM

To be filled out by all persons wishing to give testimony at this public hearing.

These forms will be collected prior to this hearing in order to aid the Commission in the conduct of this hearing.

Date: July 16, 1971

Subject Petition: Maui Electric Co.

Your Name: Mrs J Walter Cameron

Organization: Hui Maeu

Mailing Address: Haliimaile

Phone Number: 5728861

Please check one: ____ I am for this petition
X I am against this petition

Briefly summarize your reasons for submitting testimony:
I believe this power plant will threaten the future existence of the rare Hawaiian stilt and other ~~lan~~ water birds -

Pursuant to Act 205, the Commission must take action on this petition between 45 - 90 days from the date of this public hearing. You have 15 days after this public hearing to submit additional written evidence to the:

Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

(For Commission Use Only)

A1

To The Land Use Commission 7-16-71

I am Frances Cameron and am speaking as a member of the Hui Manu.

We are Trying to insure the continued existance of the rare Hawaiian stilt and other indigneous water birds. The stilt lives on plants and grubs that exist in shallow marshy fresh water. If this water is heated even slightly this food supply very likely will die.

At one time these birds, which are found no where else in the world, had many places to live in the islands - especially on Oahu - but these places have been filled for housing developments or commercial purposes - Now there are only Three spots left that are suitable. One is a small one on the big island, The other Two are on Maui - Kanaha and Kealia Ponds.

Kanaha is threatened by the Federal Aviation Authority who wish to fill it up as they claim the birds might be a menace to the planes. Kealia may well be our last hope for these birds.

If the Maui Electric puts in the diesel generators as a temporary measure, they likely wont want to go to the extra expense later of moving everything to a new location. There is an area just beyond the tunnel near Ukumehame Valley on the way to Lahaina where most of the new electric power will be needed, that seems to fulfill the qualifications for a large power plant. It is near the ocean so that water could be easily pumped into and out of the plant.

Also, the ocean would absorb the heated water with ease. The whole thing would be far less conspicuous as well as unharmful to any wildlife.

Therefore, I urge this Commission not to permit the building of any part of this electric installation at Koalia.

LIFE OF THE LAND
A GROUP FOR ECOLOGICAL RESEARCH AND ACTION

STATEMENT ON BEHALF OF LIFE OF THE LAND

MR. CHAIRMAN, MEMBERS OF THE COMMISSION, LADIES AND GENTLEMEN:

My name is Michael Cleveland. I am general counsel for Life of the Land, a group for ecological research and action. I am also President of the Maui chapter of Life of the Land.

Life of the Land opposes approval of a special use permit for any electric generating facilities at the proposed site at Kealia Pond. At the public hearing held before the Planning Commission of the County of Maui Life of the Land and other concerned groups, individuals and experts presented testimony on the environmental dangers of placing a steam plant on the site. Now for the first time we have an opportunity to discuss the so-called "compromise" reached by the Planning Commission.

This "compromise" is no more than a foot in the door. It grants Maui Electric the right to do exactly what it wants to do for the next four years. And yet Maui Electric has never shown why it needs this particular site (Kealia) for that period. Indeed, the Planning Commission staff found four available and less destructive alternate sites for the short-term facilities. The staff also found that alternate sites for the steam plant have not been thoroughly studied - namely Puunene, Ukumehame and Kahului. The deal approved by the Planning Commission gives Maui Electric no incentive to complete studies of these alternatives.

899 WAIMANU STREET · HONOLULU, HAWAII 96813 · TELEPHONE: 521-1300

LIFE OF THE LAND
A GROUP FOR ECOLOGICAL RESEARCH AND ACTION

You have in your files a report from the Planning Director which lists 10 reasons why the application should be denied. Some of them bear repeating:

(1) "Alternative sites (Puunene, Ukumehame, Kahului) have not been thoroughly studied;"

(2) "Industrially-oriented uses are not compatible with the concept of open space and recreation proposed for the area in the Kihei "701" plan;"

(3) "The sedimentation function is not limited to the pond proper only, but to the entire Kealia flodd plain. Extensive uses in the area would jeopardize this function resulting in the pollution of Maalaea Bay;"

(4) "Diesel generators to take care of immediate needs can easily be located elsewhere;"

(5) "The criteria established by the LUC for "unusual and reasonable use" have not been satisfied."

The last reason is significant. If Maui Electric fails to show that its proposed use meets the criteria found in the Land Use Regulations, any permit granted to it will be challenged in court. Court action should not be necessary. If this Commission acts responsibly after giving all persons an opportunity to be heard, instead of merely rubber-stamping an ill-considered "compromise," it will implement the almost unanimous public desire that Maui Electric look elsewhere for its site.

899 WAIMANU STREET · HONOLULU HAWAII 96813 · TELEPHONE 521-1300

LIFE OF THE LAND
A GROUP FOR ECOLOGICAL RESEARCH AND ACTION

The LUC should carefully reexamine the entire record to answer the central question: How has Maui Electric justified a present need for the Kealia site for diesel and gas generating facilities? The answer is obvious: The only justification for the Kealia site has to do with the steam plant. Maui Electric has applied for it now solely to get a foot in the door and commit the County to this site. The "compromise" gives it exactly what it was asking for.

The concerned citizens of Maui have answered Maui Electric's request with a resounding "No!" It is time for the LUC to recognize and implement this strong public sentiment. Life of the Land urges you to make sure that Maui Electric will look elsewhere for a site by denying the application in total.

Thank you.

899 WAIMANU STREET · HONOLULU, HAWAII 96813 · TELEPHONE 521-1300

STATE OF HAWAII
LAND USE COMMISSION

TESTIMONY FORM

To be filled out by all persons wishing to give testimony at this public hearing.

These forms will be collected prior to this hearing in order to aid the Commission in the conduct of this hearing.

Date: 7/16/71

Subject Petition: Maui Electric Co.

Your Name: Dick MAYER

Organization:

Mailing Address: c/o MAUI COMMUNITY COLLEGE KAHULUI, MAUI

Phone Number: 244-9181

Please check one: ____ I am for this petition
____✓ I am against this petition

Briefly summarize your reasons for submitting testimony:
I feel that this project represents the intrusion of industry into a tourist destination area, and wild-bird refuge area.

Pursuant to Act 205, the Commission must take action on this petition between 45 - 90 days from the date of this public hearing. You have 15 days after this public hearing to submit additional written evidence to the:

Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

(For Commission Use Only)

TO: Hawaii State Land Use Commission July 16, 1971

FROM: Dick Mayer, Instructor of Economics and Geography, Maui Community College

RE: Application of Maui Electric Company to be granted a special-use permit to locate a 200,000 kilowatt electric generating plant in an agricultural zone by the shores of Maalaea Bay and Kealia Pond.

BACKGROUND:

Maui Electric has used the Stearns-Rogers report as its basis for seeking the Kealia Pond/Maalaea Bay location. Several of my reasons for opposing their request are based on the incomplete, inadequate and occasionally misleading nature of that report.

1. The study claims that ten location sites will be evaluated, but in fact, some of the sites were not considered at all and most were only superficially referred to. For example, the study indicates on page 4 that Puunene will be evaluated. However, nowhere in the entire study is the Puunene site ever mentioned.

2. The ten prospective sites were supposed to be weighed against the eleven considerations mentioned on page 5. However the last consideration, number eleven, the "environmental consideration," looks at the effect of the power plant on tourist development rather than on Maui's own residents. Is this where our priorities lie?!!

3. In the few references to environmental effects that are made, several dangerous and misleading statements are made by the Stearns-Rogers report.

EXAMPLE a) The report suggests on page 7.4 that the plant's hot water effluent could possibly be channeled into Kealia Pond for cooling purposes. The report does not consider the effect of this quantity, 350,000,000 gallons per day, of warmed salt water on our Kealia Pond (which is zoned as a Conservation District.)

EXAMPLE b) The Stearns-Rogers Report misleadingly indicates that the wind-flow over the proposed site will, allow the poisonous stack gases to blow out to sea. A more careful reading of the Weather Bureau map contained in the Report shows that the gases will flow directly in to the Wailaea area. (See attached copy of the map with the red wind line which has been added to the Stearns-Rogers Map.) The Planning Commission has already designated the Wailea area as a future tourist residential community, will it now place a power plant up-wind from this community?

If this map is claimed to be inaccurate, then we must either discredit the Stearns-Rogers Report or conduct another wind study before granting the special-use permit.

EXAMPLE c) The ocean current study referred to in the Report makes no reference to the water flow within Maalaea Bay, only to a weak current off the south coast of Maui. This weak current is in sharp contrast to the stronger westward oceanic current along Maui's north coast. A good current could help disburse the plant's warm water effluent.

In addition to my concern over the inadequacy of the Maui Electric's Stearns-Rogers Report, I have a number of other reasons for opposing the granting of any special-use permit at this time.

4. Maui Electric Company claims that their duty is to serve the growing public and private demand for power. Correct. However, because power demand is rising so rapidly, they argue, they must accelerate their plans and gain a special-use permit as soon as possible.

The irony of the situation is that the company itself may be partially guilty of causing our power crisis. For some time now the company has carried on a vigorous advertising campaign. They have been running half-page color ads in the Maui News which urge consumers to install more electricity-consuming appliances.

5. Are we to assume that the fuel trucks will be able to utilize the new Kahului-Maalaea highway at no cost to the company? Heavy trucks place extraordinary demands on public roads while pipelines are usually not expenses of public agencies. Whether the state government, the county government, or the consumers pay for the use of this road is irrelevant if we could save this expenditure by placing the plant within the Kahului harbor facility.

6. The Maui County Planning Commission's recently established Kihei 701 Plan contained a detailed questionnaire that asked the Maalaea/Kihei/Makena residents and landowners their opinions on a number of important matters. One of these questions (Page 12 of the Final Report) concerned the power plant:

"Should the main electric generation plant be located in Kihei?"

Yes	98	36%
No	177	64%
Don't Know	6	100%
No Comments	64	

Shouldn't the Commission consider the desires of a large number of the citizens of an area in approving a special-use permit?

7. Maui Electric Company is seeking to have the Land-Use Commission grant the permit by claiming that they are environmentally concerned about Maui's future.

In reality, Maui is possibly being deceived by the policies of the parent Hawaiian Electric Company. That Company, which now controls

our Maui Electric Company, plans to use high polluting sulphur fuels in its new Kealia plant while using much cleaner fuels on its home base on Oahu. Why are we being shortchanged and over-polluted? Is this "environmental concern" for Maui?

The high-sulphur fuels are not an unimportant matter. The Maui Electric fuels will have approximately 200-300% more sulphur than the Oahu fuels; and technology is not yet available to clean up the factory stack emissions.

8. The only "positive" endorsement at the recent public hearing came from Mr. Richard Marland who apparently has little, if any, familiarity with the Kealia area. He is only an interim director of the State's Office of Environmental Quality Control on loan from the Federal Government.

Would your Commission please check into Mr. Marland's qualifications concerning his ability to make a statement like the one he made at that meeting. "I do not consider the presence of this plant as a significant threat to the ecology of Kealia Pond."

Has he conducted any studies that could support his claims? If he has then he should make them available to the Commission and the general public.

Now I would like to refer to the "unusual but reasonable" test which the Land Use Commission will be applying to the special-use permit request in an Agricultural Zones.

Test (b) asks "that the desired use (will) not adversely affect surrounding property."

As has been pointed out above, the Maui Electric Company's site location study has inadequately and misleadingly considered the effects of the factory's stack emmissions and water effluent on neighboring properties, in particular, on the wild bird refuge area, the Wailea tourist destination area and Maalaea Bay.

Test (c) asks that the "use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage" etc.

No statements have yet been made on the company's intent to provide the necessary street on the northside of the proposed site

to provide all of the gigantic sewage pipelines that will be needed by the power plant, to provide the water pipes that will be needed, to provide for the realignment of the stream bed that now crosses the property. It seems that before any special-use permit is granted, it should be determined in writing that the Maui Electric project will place no significant burden on the public agencies to provide the above mentioned facilities.

Test (d) inquires into "unusual conditions and trends".

The survey conducted for the 701 plan is the latest available public expression on this matter. The public expression was one of dislike for the locating of a plant in the area.

Test (e) questions the unsuitability of the land "for the uses permitted within the district."

According to the Land Study Bureau this land would be B rated if irrigation were applied. Thus it is difficult to prove that the parcel under consideration is unsuited for the intended use, i.e. agriculture.

Test (f) questions whether "the proposed use will not substantially alter or change the essential character of the land and the present use."

Maui Electric Company has announced their intent to realign the stream bed and to grade the property at a substantially higher elevation. These actions will potentially affect the lands present flood plain use and thus alter the character of the land and the present use."

In reference to the recommendation that only the diesel units be permitted at this time, I would like to suggest that such a course of action is both a) uneconomical and b) potentially dangerous.

UNECONOMICAL

For the next 2 - 3 years Maui Electric will need only a few relatively small diesel electric generators. These are mobile units that can be easily located and moved. These units require easy access to an oil tank and to electric transmission lines.

The cheapest location for such a facility would not be at Kealia Pond but in the general vicinity of the present Kahului power plant. Oil tanks, transmission lines and land are all easily and -- more importantly -- cheaply available.

If, at some later date, an alternate site for the main steam generating plant is determined then the diesel units could be cheaply transferred -- but would not necessarily have to be moved since they could continue to operate in Kahului. More specifically, if the Kealia Pond is determined to be unacceptable, then there will have been no additional expense to the Maui Electric Company and the consumer for the unnecessary oil tank and transmission lines in the Kealia area.

P O T E N T I A L L Y D A N G E R O U S

The granting of any special-use permit at this time -- even for only a diesel unit would:

A. set a dangerous precedent for the industrialization of the south coast of Maui. Already interest has been expressed in placing a large harbor in this area and perhaps even an oil refinery. A special-use permit might lead to an industrial environment incompatible with the more generally accepted, projected use for the Maalaea/Kihei area as a tourist destination and open space area.

B. significantly influence future decision makers to give Maui Electric the go ahead to construct the larger steam units that they will be requesting in a few years. After all they will have already sunk large amounts of capital into unnecessary oil tanks, transmission lines, and site preparation.

C. inhibit Maui Electric Company from investigating other sites, e.g., Olowalu Canyon, Puunene, Kahului Power Plant.

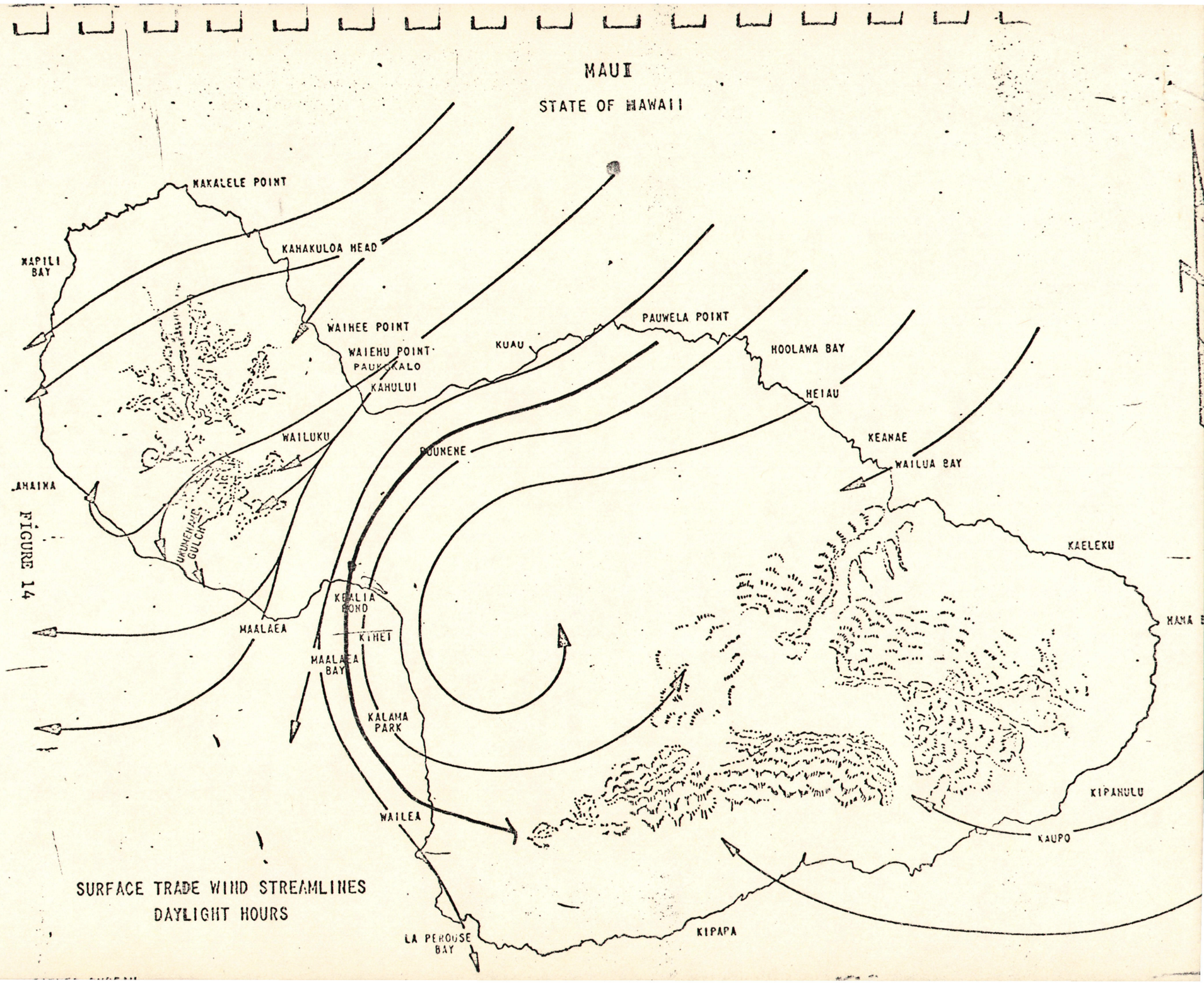

FIGURE 14

SURFACE TRADE WIND STREAMLINES
DAYLIGHT HOURS

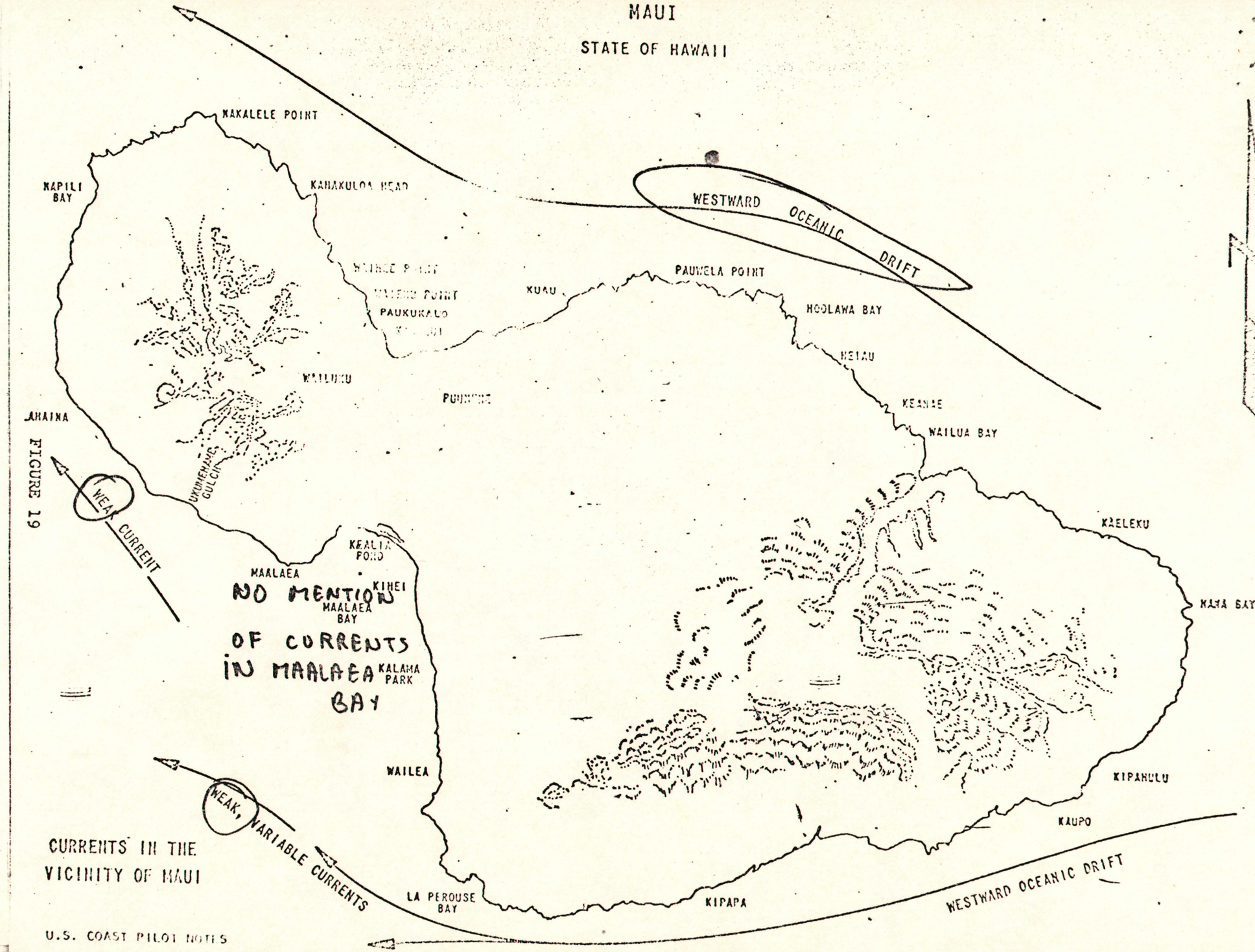

FIGURE 19

CURRENTS IN THE VICINITY OF MAUI

U.S. COAST PILOT NOTES

#3

STATEMENT FOR PRESENTATION TO THE LAND USE COMMISSION, MEETING AT KAHULUI, MAUI - 7/16/71

RE: APPLICATION FOR SPECIAL USE PERMIT by Maui Electric Co., Ltd. FOR AN ELECTRIC GENERATION PLANT SITE IN THE KEALIA FLOOD PLAIN, ADJACENT TO THE ONLY CONSERVATION DISTRICT IN THE CENTRAL MAUI ISTHMUS AREA.

FROM: Robert P. Bruce, President, Maui Chapter, Conservation Council for Hawaii

I am a graduate civil engineer, and a self-employed professional land surveyor and consulting hydrologist. I have had over 43 years experience in these and related fields on the Island of Maui, serving along with other duties, for 25 years, as water supply and development consultant for all Maui's Baldwin affiliated companies, and as manager of the East Maui Irrigation Co., Ltd.

I have previously, on seve al occasions, studied and worked on the flood control and sedimentation basin problems connected with this Kealia flood plain area, and have testified several times in our Circuit Court as an expert witness on flood control matters. I have been a conservationist for well over 30 years, and have been a member of the Conservation Council for Hawaii since its early beginnings over 20 years ago.

Since its inception over a year ago, the Maui Chapter of the Conservation Council for Hawaii has strongly opposed any harbor, industrial, or commercial development in this flood plain area, and has completely endorsed the proposed permanent waterfowl and wildlife refuge, with a permanently controlled water level, improved, and properly developed and protected wildlife habitat, in the Kealia Pond and surrounding flood plain area, so that its natural functions as a flood plain, sedimentation basin, ocean, beach, and shore pollution preventative, be preserved in conjunction with its development as a perpetual waterfowl and wildlife refuge and living museum.

I am attaching to this statement a copy of our Council's 4 Resolutions related to this Kealia Flood plain, presented to the Maui Planning Commission, one of which requests the Planning Commission to ask the Land Use Commission, to amend the Conservation District Boundary to include the 30-acre area covered by the special-use permit request, now under your consideration. This same resolution requests the Planning Commission to protect the highest conservation integrity of this Kealia area, including this 30-acre lot, and preserve its use as a park, beach right of way and open space zone, as proposed in Maui County's comprehensive zoning plan. A copy of a personal statement I made at the Planning Commission's public hearing on this proposed power plant site, is also attached for your information.

I will limit my testimony before your commission today, to the extremely costly and detrimental effects of permitting such industrial and commercial uses in this flood plain area, and particularly on how the eventual elimination of this valuable flood plain and sedimentation basin will cost the taxpayers millions of dollars to replace its present natural function. If the flood plain is taken over by improvements as is now being planned, all the muddy, silt-laden, polluted water will be channeled directly into Maalaea Bay, or the government will have to build artificial sedimentation basins back in the canefields.

This unecessary taking of prime agricultural land would be contrary to the main objectives sought to be accomplished by Hawaii's excellent land use law.

The Land Use Commission has granted a permit for a preliminary 25 acre site to Fish Farms Hawaii for aquaculture ponds, and I understand this company has an option from the land owner, to lease 450 acres more of this Kealia flood plain area, and these proposed fish ponds, plus this proposed power plant site would eliminate at least half of this valuable natural flood control and sedimentation basin.

Quoting from State Land Use Commission Regulation Sub-Part E. Special Permits, 2.24 (b) "That the desired use would not adversely affect surrounding property". I wish to submit the following. Please refer to the attached statement I submitted to the Maui Planning Commission which explains the many large streams and enormous watersheds reaching to the top of the West Maui Mountains, and to the 10,000 foot summit of Haleakala, which particularly during our annual Kona storms, convey flood waters into the Kealia Pond, at the rate of billions of gallons of water per day. If this existing valuable natural resource is "developed" as proposed, we will have another situation similar to the Napili Resort development on West Maui, where because of the "development" permitted along the shore, the U.S. Soil Conservation Service is now launched on a project to construct flood control and sedimentation basin structures in the surrounding property estimated to cost $3,700,000. This is a small watershed compared with the one feeding into the Kealia Pond. It is therefore inevitable, that as development in the flood plain expands and the natural protection provided by the flood plain is eliminated, the public and the government will then have to do something to prevent all the soil erosion, mud, silt and floating debris and other pollution from being conveyed directly into the ocean.

The 30 acre site being requested by this special use permit is an integral part of the Kealia flood plain. The large Pohakea Stream which originates at the top of the West Maui Mountains, runs right through the lot and over the years has deposited its mud, silt and gravel all over the site area with the heavier material being deposited where the kiawe trees are now growing. In fact I have observed boulders in the flat stream bed on the site over 18" in diameter which gives some idea of the volume of stream water which floods the area. If this natural stream bed is lined and not permitted to block up with debris and deposit its silt in the natural flood plain, artificial, man made sedimentation basins will have to be constructed on what is now prime agricultural land to prevent disastrous pollution of Maalaea Bay and its white sandy beaches.

The Conservation Council for Hawaii is only one of many organizations concerned about the piecemeal elimination of the valuable natural functions of the Kealia pond. The Tri-Isle Resource Conservation and Development Project has called attention to the urgency of this serious problem, and given its proposed study of Kealia Pond its Project Measure #C 41, and Priority Code 1 for immediate attention. Quoting directly from their final published report:

PROBLEM: Detailed information is lacking on the Kealia Pond and its watershed area and is needed to make decisions on its best use.

Project Measure

C 41. Initiate a study of the Kealia Pond and its drainage area to help decide the best use of the pond. Priority Code 1. (Refer to Objectives 1 and 5.)

Based on the great many serious problems and questions raised both by the public and the staff of the Maui Planning Commission, who studied this matter in detail, as to whether this Kealia flood plain is the best site to locate this major Electric Generation Power Plant, and open up this new industrial district on Maui's south shore, I would strongly recommend that the Land Use Commission, at this meeting, deny the Maui Electric Co's request for this special use permit, so that they can then proceed with a detailed economic and environmental study of the Ukumehame site, which was also recommended as an acceptable power plant site in their own consultant's Stearns-Rogers report, or any other alternate permanent power plant site, which will have a less disastrous ecological esthetic and environmental effect on the surrounding area.

MAUI CHAPTER, CONSERVATION COUNCIL FOR HAWAII

County of Maui Planning Commission
Public Hearing, June 1, 1971
County Building, Wailuku, Maui, Hawaii

Gentlemen:

At its annual meeting May 27, 1971, the Maui Chapter of the Conservation Council for Hawaii unanimously passed the following four resolutions pertaining to the Kealia Pond area. Since time is of the essence in conservation matters, they are conveyed to the Planning Commission with the fervent hope that they may be acted upon as soon as is practicable.

Resolution No. 1. That the Planning Commission deny the request of Maui Electric Co., Ltd. for a special use permit for the construction and operation of an electric generation plant in the vicinity of Kealia Pond on the grounds that such use may seriously degrade the flood control, open space and conservation functions of the area.

Resolution No. 2. We request that the Planning Commission endeavor to protect the highest conservation integrity of the Kealia Pond area embodied in their own General Plan for Kealia Pond and preserve its use as a Park, Beach Right of Way and Open Zone as designated in the County of Maui's Civic Development "701" Plan. Rather than downgrade the conservation function as would result in approval of the Maui Electric Company's request, the Planning Commission is hereby requested to recommend to the State Land Use Commission and its Department of Planning and Economic Development that the state conservation district boundary be extended to encompass all the area around and including the Kealia Pond from the makai boundary of the proposed relocated highway to the sea. This request has been previously endorsed by the State Board of the Conservation Council for Hawaii. A copy of their endorsement is transmitted herewith to the Planning Commission. A statement by Dr. E. Alison Kay on the unique biological character of the Maalea Bay area is also presented herewith. Dr. Kay serves on the Governor's Committee for the Preservation of Scientific Areas.

Resolution No. 3. We request the Planning Commission to initiate and co-ordinate a comprehensive study of the Kealia flood plain and sedimentation basin, including its contributing West Maui and Haleakala drainage areas, by the Soil Conservation Service, Army Corps of Engineers, State Department of Land and Natural Resources, U.S. Bureau of Sport Fisheries and Wildlife, County of Maui, and the Alexander and Baldwin Properties Division. We further request that the Commission urge the Planning Director and staff to give priority to forwarding an official request to the various agencies noted above, outlining the urgency of this study to properly determine the land area necessary in the Kealia Flood Plain and Sedimentation Basin for adequate protection of the white sand beaches and marine habitat from the adverse effects that may arise if the present natural ponding area is encroached upon by commercial, industrial, harbor and other developments as have been proposed within the Kealia Flood Plain area.

Resolution No. 4. We request that the Planning Commission recommend to the Mayor and Council of Maui County that a moratorium be placed on any use of the industrial zone on the north fringe of the Kealia Flood Plain included in the Kihei Civic Development "701" Plan until the flood plain area requirements have been determined by the study requested in the preceding resolution. Immediate steps should be initiated by the County Council to remove this unfortunate bit of spot zoning from the "701" plan, since the location of an industrial zone on the border of an open zone is inconsistent with the general conservation use of the area.

The Maui Chapter of the Conservation Council for Hawaii offers full cooperation with the Planning Commission in initiating and participating in the studies requested in the above resolutions.

(signature)
Robert F. Bruce,
Maui Chapter President

ACTION OF THE STATE BOARD OF CONSERVATION COUNCIL FOR HAWAII

August 26, 1970

The State Board of the Conservation Council for Hawaii has considered the following resolution, and endorses same without reservation.

George M. Sheets
President, State Board
Conservation Council for Hawaii

NOW, BE IT RESOLVED: By the Maui Chapter of the Conservation Council for Hawaii, that they completely endorse the permanent waterfowl and wildlife refuge, with a permanently controlled water level, improved and properly developed and protected wildlife habitat, in the Kealia Pond and surrounding flood plain area, so that its natural functions as a flood plain sedimentation basin and ocean, beach, and shore pollution preventative, be preserved in conjunction with its development as a perpetual waterfowl and wildlife refuge and living museum; and

BE IT FURTHER RESOLVED: that the Maui Chapter of the Conservation Council for Hawaii recommend the permanent preservation of the open space area surrounding the Kealia Pond as proposed in the Maui County Planning Commission's "701" Kihei Civic Development Plan, and that the present government road be abandoned and relocated along an amended boundary of the existing Conservation District, and that we ask the Central Maui Soil and Water Conservation District to request the technical services of the United States Department of Agriculture Soil Conservation Service to properly determine the required Kealia Pond area between the relocated road and the sea, which would provide an adequate flood control, sedimentation and ocean and beach front pollution preventative basin, and the CONSERVATION COUNCIL FOR HAWAII endorse the Maui Chapter's Resolution, and strongly oppose any harbor, industrial or commercial development within this revised flood plain area.

STATEMENT ON MAALAEA BAY, MAUI

E. Alison Kay, PhD.
August 12, 1970

Maalaea Bay, Maui, is one of the most varied habitats in the Hawaiian Islands from the standpoints of both topography and biota. Dr. C. H. Edmondson cited the bay as "...one of the best localities for general collecting about Maui ..." (Edmondson, C. H., 1946. Reef and Shore Fauna of Hawaii, B. P. Bishop Museum Special Publication).

In addition to its shoreline features of white sand beaches, beachrock, and cobble fringe, the Bay supports a rich and diverse subtidal coral community, among which are marine species which may be unique to the area and found nowhere else in the Islands. The bay is the type locality for a small crab, Cyclograpsus granulatas Dana, described more than 100 years ago, and for the cowry Cypraea mauiensis Burgess, described in 1967. In addition, a peculiar assemblage of Central Pacific littorines and nerites occurs along the west side of the Bay, an assemblage not found to my knowledge elsewhere in Hawaii.

It is all too seldom recognized that the beauty and diversity of our Hawaiian shorelines are in large part the result of the biological activities of the marine organisms living in our offshore waters: white sand beaches, beachrock, and even offshore surf itself are due to the fringing and subtidal reef developments which occur around our shorelines. These coral communities are extremely fragile: silting, changes in temperature and/or nutrient concentrations, and fresh water runoff are well documented as causing the death of corals and the subsequent reduction in the variety of these offshore communities of marine organisms. We are all too sadly aware of the conditions now existing in Honolulu Harbor and Pearl Harbor on Oahu, both areas of harbor and power plant construction. The proposed harbor and power plant for Maalaea Bay can only contribute, therefore, to the already frightening reduction in the diversity of our shorelines.

(Dr. Kay is a professor in the General Science Department at the University of Hawaii and has specialized in the study of mollusks).

County of Maui Planning Commission
Public Hearing, June 1, 1971
County Building, Wailuku, Maui, Hawaii

Gentlemen:

My name is Robert P. Bruce. I am a graduate civil engineer, a registered professional land surveyor, and a consulting hydrologist. On May 1, 1969, I retired from the managership of the East Maui Irrigation Co., Ltd., after working continuously in my profession in many and varied capacities on the island of Maui for forty one years. I believe I qualify as an expert in the field of water supply and development, including sedimentation basins and flood control.

The Kealia Pond and surrounding area comprise a natural flood plain and sedimentation basin, and consequently a valuable matural resource. I therefore wish to make a brief statement to the Maui Planning Commission at this hearing, outlining in capsule form some of the reasons why I am filing a protest against the granting of the Maui Electric Company's request for a special use permit for the construction and operation of an electric generation plant in the Kealia Flood Plain area.

I have been an ardent conservationist on Maui for over 40 years. Since the Kealia Pond area is the only Conservation District in the entire South Central Isthmus area, wisely set aside as such by the State Land Use Commission because of its natural resource value, I would like to briefly explain the extreme importance of the flood plain function of this area and the adjoining Open Zone as designated in your Kihei "701" Plan.

During our annual "Kona" storm periods, enormous quantities of water enter the Kealia flood plain. Because it is now an open zone, practically no damage occurs in the immediate area. During peak storm periods, water enters the pond at the rate of hundreds of millions of gllons per day. For limited periods it may enter the pond at the rate of billions of gallons of water per day. Because the water does not all arrive at the same moment, and because the area is wisely preserved today as an open zone, these storm waters spread over approximately 1000 acres before overflowing the sand bar at the outlet to the sea. Practically all the debris and silt borne by these mountain torrents settle out within the flood plain itself, preventing disastrous pollution of the beautiful white sand beaches of the Maalea and Kihei areas and minimizing the damage to the Maalea Bay marine habitat. Nature has provided us with flood control facilities worth millions of dollars if we will just use them wisely.

The reason such enormous quantities of flood waters enter this Kealia Flood Plain is because it first serves as an outlet "safety valve" for the rainfall run-off from the large stream of Waikapu and all its tributaries plus all the other gulches along the West Maui Mountains, including the large Pohakea gulch that runs under the bridge on the Honoapiilani Highway near the Kihei junction. The quantity of water from run-off received from the Haleakala Mountain watershed is even greater. The following gulches run clear up to the rim of the Haleakala crater, one of them to the 10,000 foot peak of the mountain: Beginning at the northerly end of the contributing Haleakala watershed, there are the Pulehu and Pohakuokela gulches and tributaries; the Kolaloa and Hapapa gulches and tributaries; and the Keahuaiwi gulch and tributaries. The Planning Commission's Kihei "701" Plan wisely indicates the proposed diversion of the large Waiakoa Gulch as an additional contributor of flood waters into the Kealia Flood Plain. This now forms the stream that crosses the surface of the Kihei Road near the Post Office, and which completely cuts off access along this important highway to Kihei when the river is in flood

The proposed diversion of this troublesome flood stream represents good planning, but it will add another large quantity of water to the already heavily burdened Kealia Flood Plain. For this reason and for many others which for the sake of brevity I will not attempt to detail here, I respectfully request the Planning Commission to recommend to the Mayor and the County Council that they declare a moratorium on any further development, obstruction or encroachment of any sort , on all of the area shown as an open zone on your "701" plan on both sides of the road from Maalea Village to the Mokulele Highway, including the small area "spot" zoned for an industrial district; and that the Mayor and Council also ask the State Land Use Commission to declare a similar moratorium on any further construction or other flood plain encroachment within the Kealia Conservation District, including expansion of the aquaculture dams and ponds; and that these moratoria remain in effect until such time as a comprehensive study of flood plain area requirements shall have been completed. Serious mistakes in planning can be avoided only if the county and state delay all decisions on use until the flood plain requirements necessary to protect the area from damaging floods and pollution have been determined.

Much more detailed information is necessary before proper decisions can be made on requests for "special uses" in this flood plain area. Many excellent proposals have been put forward for beach park development and the establishment of a permanent wildlife refuge with a controlled water level for the pond, to perpetuate Hawaii's unique wildlife heritage and provide a permanent sanctuary for the stilts and coots and other endangered species of waterfowl. Such development and uses may be entirely possible within the flood plain area without disturbing its vital function as a flood plain and sedimentation basin, and ocean, beach and shore pollution preventative.

Respectfully submitted,

(signature)

Robert P. Bruce

July 15, 1971

State of Hawaii
Land Use Commission

Gentlemen;

My name is Russell W. Cahill. I live at RR 1 Box 648, Haiku, Hawaii 96708. I am a biologist.

This statement is in opposition to the Maui Electric Company request for a special use permit in the Kealia pond area.

I am gravely concerned over the plight of Hawaii's unique native bird population. Specifically; the Hawaiian Stilt, Coot, and Gallinule, all of which are found in Kealia Pond, and all of which are listed in the Interior Departments Red Book of endangered species. The "endangered" designation refers to being endangered to the point of near extinction; pau; gone forever; the way 24 other Hawaiian birds have gone.

You may ask, "why have these birds become extinct?" Many species were very specialized and died out rapidly as civilization, in its present form, changed the ecology of Maui and it's neighbor islands. Species which may have developed over a million years were lost in a relatively short two hundred years. Many of those remaining such as the stilt, the coot, and the gallinule are dependent, as any animal is, on maintenance of an adequate habitat. What habitat is available for them on Maui? The answer is rather simple; Kanaha and Kealia Ponds.

As you traveled past Kanaha pond, from the airport, you may have noticed that it is surrounded on three sides by light industry, bulk oil plants, and Maui's busiest thorofares. The noise level from autos, trucks, and our nearby airport is positively deafening at times. The State Fish and Game Department, which does an excellent job with the pond, has been charged with protecting the few remaining birds in what amounts to a duck pond in the middle of a freeway. If these birds survive over the long haul, it will be in a zoo situation. As you probably noticed, fill and new construction is going in on one of the undeveloped sites adjacent to the airport road.

What about Kealia Pond. It sits in a conservation district surrounded by agricultural areas and one road passes by it. About as good a protection situation as it could have. Allowing Maui Electric to put <u>any industrial site</u> on or adjacent to Kealia Pond is a dangerous and unnecessary precedent, and it diminishes the pond as water bird habitat.

While we taxpayers and the nation's hunters are spending millions of dollars acquiring and protecting the habitat of endangered birds, this application asks the people of Maui and the State to sell the habitat, meager as it is, for a few more electrical gadgets.

Do you really think that after the extensive investment in transmission lines is made, that the plant will be moved if it is found unacceptable ecologically. Past history points in the opposite direction. Lets not kid ourselves. If the diesel generation equipment goes in, the turbine and steam plants will follow regardless of the consequences.

I ask that you deny this request, and have the applicant find a more suitable location.

The U.S. Fish and Wildlife Service in it's book Hawaii's Endangered Wildlife (1968) says, "loss of such wildlife is the loss of a unique heritage not only to present, but also to future generations of Hawaiians and all other Americans because many of these species are found nowhere else in the world." Surely these birds are worth the effort to plan our necessary industry elsewhere.

Russell W. Cahill

July 15, 1971

State of Hawaii
Land Use Commission

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I am gravely concerned over the plight of Hawaii's unique native bird population. Specifically; the Hawaiian Stilt, Coot, and Gallinule, all of which are found in Kealia Pond, and all of which are listed in the Interior Departments Red Book of endangered species. The "endangered" designation refers to being endangered to the point of near extinction; pau; gone forever; the way 24 other Hawaiian Birds have gone.

You may ask, "Why have these bird become extinct?" Many species were very specialized;

and. died out rapidly as civiligation, in its present form, changed the ecology of Maui and it's neighbor islands. Species which may have developed over a Million years were lost in a relatively short two hundred years. Many of those remaining such as the stilt, the coot and the gallinule are dependent, as any animal is, on maintenance of an adequate habitat. What habitat is available for them on Maui? The answer is rather simple; Kanaha and Kealia Ponds.

as you traveled past Kanaha pond, from the airport, you may have noticed that it is surrounded on three sides by light industry, bulk oil plants, and Maui's busiest thorofares. The noise level from autos, trucks, and our nearby airport is positively deafening at times. The State fish and game department, which does an excellent job with the pond, has been charged with protecting the few remaining birds in what amounts to a duck pond in the middle of a freeway. If these birds survive over the long haul, it will be in a zoo

situation. As you probably noticed, fill and new construction is going in on one of the undeveloped sites adjacent to the airport road.

What about Kealia Pond. It sits in a conservation district surrounded by agricultural areas and one road passes by it. About as good a protection situation as it could have. Allowing Maui Electric to put <u>any industrial site</u> on or adjacent to Kealia Pond is a dangerous and unnecessary precedent, and it diminishes the pond as water-bird habitat.

While we taxpayers and the nation's hunters are spending millions of dollars aquiring and protecting the habitat of endangered birds, this application asks the people of Maui and the state to sell the habitat, meager as it is, for a few more electrical gadgets.

Do you really think that after the extensive investment in transmission lines is made, that the plant will be moved if it is found unacceptable ecologically. Past history points in

the opposite direction. Lets not kid ourselves if the diesel generation equipment goes in, the turbine and steam plants will follow regardless of the consequences.

I ask that you deny this request, and have the applicant find a more suitable location.

The U.S. Fish and Wildlife Service in it's book Hawaii's Endangered Wildlife (1968) says, "Loss of such wildlife is the loss of a unique heritage not only to present, but also to future generations of Hawaiians and all other Americans because many of these species are found nowhere else in the world." Surely these birds are worth the effort to plan our necessary industry elsewhere.

Russell W Cahill

STATEMENT July 16, 1971

TO: State Land Use Commission

FROM: Jerome J. Pratt, Chairman, Fish & Wildlife Resources Committee, Tri-Isle Resources Consercation and Development Project

SUBJECT: Maui Electric Company's application for a special use permit

This statement is submitted to oppose locating an electric generating plant in the vicinity of Kealia Pond.

In my opinion the economic value of a project such as this is not sufficient to off-set the damage it will have on the environment. There is no apparent justification in selecting this site in view of the fact an electric generating plant can be located on lesser ecological productive land.

If your Commission allows the construction of this plant at the site being considered, it will be in total disagreement with the recommendations of the Tri-Isle Resources Conservation and Development Project. The preservation and development of habitat for native waterbirds and a study of Kealia Pond has been given priority one under the project.

To use Kealia Pond area for commercial purposes of this kind would violate the objectives of the Tri-Isle RC&D Project, and reject the endorsements of public officials at all levels of government from county to federal.

Testimony presented to the Maui Planning Commission on June 1, 1971, included factual information from qualified scientists pointing out undisputable evidence of potential danger that is beyond allowing us to take a gambling risk such as this in the use of our land.

Based on more than thirty years of conservation orientated experience in natural resources management, I am completely satisfied that this proposed generating plant will cause irreparable damage to the quality of Maui's environment and pose a threat to endangered wildlife. Therefore, I recommend the application for a special use permit for construction of a power generating plant on any property within two miles of Kealia Pond be disapproved.

Jerome J. Pratt

Jerome J. Pratt
R.R. 1, Box 465A
Kula, Maui, Hawaii 96790

State of Hawaii Land Use Commission, Public Hearing, July 16, 1971.

My name is John Bose. I am a resident of Haiku, Maui.

Since the Hawaiian Electric Company's request for a new plant site on Maui came out for public discussion several weeks ago, one can note a subtle shift in terminology and emphasis such that the issue before us today has been phrased something like this:

a. Maui faces a "possible brownout" by December if new generating capacity is not added immediately. One has visions of crying children before unlit Christmas trees, the holiday turkey lying cold in an unpowered oven. The rule of thumb followed by public utilities is that they always have in reserve enough capacity to cover failure of their largest unit. This is a good, comfortable rule - but there is no crisis situation when it is not fully met for a short period of time. We certainly need not sell out our environmental heritage on so flimsy a possibility.

b. The only logical and economically feasible location for additional generating capacity is the Kealia Pond area, so they have rushed to you at this eleventh hour to -

c. Approve either a whole series of land use requests for plant expansion, or as a "comprimise" give them a foot-in-the-door first and second phase go ahead.

It is my contention that there are alternatives to Kealia that have not been seriously studied. The Stearns-Rogers report was a purely cost-benefit study, meaning cost in dollars to the electric company and benefit in dollars to the electric company. In this day of environmental awareness, there are many other costs and many other benefits to be considered. One cannot place a dollar value on a vanishing species, or a unique marine habitat, or a view uncluttered by man's efforts.

Various public and private agencies, including this commission, have joined the electric company in rejecting a plant site "in" Ukumehami Canyon. I whole heartedly agree. But it is really the height of absurdity to even consider putting any structure within that beautiful canyon. However, there is a large, flat unused area of land outside and to the East of the canyon entrance that has not been seriously studied. Located near the base of the pali highway, it is very well hidden from view as opposed to the highly visible sore thumb proposed for Kealia. Furthermore, there is enough area that it may be possible to build cooling ponds as an alternative to polluting the ocean - a possibility that does not ~~obtain~~ EXIST in the 30 acre Kealia site.

If you gentlemen on the State Land Use Commission do not have full information on this alternative site, I submit that you are not equipped to make any decision at this time. Stearns-Rogers and the Hawaiian Electric Company have handed you a crudely stacked deck which I beg you, in the name of Maui's environment, to hand right back to them for some serious re-shuffling.

MAUI OUTDOOR CIRCLE
Post Office Box 402
Kahului, Maui, Hawaii 96732

To: Maui County Planning Commission Public Hearing, June 1, 1971

The Maui Outdoor Circle is concerned and is opposed to the Maui Electric Company's proposal to erect a new power plant at Kealia Pond.

We object to this tampering with the integrity of the "open space" policy of the 701 Plan. We believe this proposal would defeat the whole purpose of having such a plan.

There are two color slide photographs taken by a member of the Conservation Council for Hawaii. One shows the approximate site of the proposed plant as it appears today. The other has a carefully measured overlay to show the true esthetic violence to the area that would result from construction of the plant. We hope that those present today will look at these pictures with horror. No truly concerned person can accept this desecration as it is planned. A structure rising seventy to one hundred feet from a flat and open plain cannot be hidden by palms and shrubs planted in a salt bed.

(signature)
Pat Weeks
Pres., Maui Outdoor Circle
for the Board

MICHAEL E. CLEVELAND, 917
36 Niolopua Lane
Wailuku, Maui, Hawaii

Tel. No. 244-5484

Attorney for Appellants

2ND CIRCUIT COURT
STATE OF HAWAII
WAILUKU, HAWAII

FILED
1971 AUG 13 PM 12 30

(SGD.) ELLEN M. NAKAMOTO
CLERK

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

LIFE OF THE LAND, a non-profit Hawaii corporation, and MICHAEL E. CLEVELAND, Appellants, v. GORO INABA, EDDIE TANGEN, SHELLY MARK, SUNAO KIDO, LESLIE WUNG, STANLEY SAKAHASHI, TANJI YAMAMURA, and ALEXANDER NAPIER, members of the LAND USE COMMISSION of the State of Hawaii, and MAUI ELECTRIC CO., LTD., Appellees.	Civil No. 1817 NOTICE OF APPEAL TO CIRCUIT COURT; DESIGNATION OF RECORD ON APPEAL; ORDER DIRECTING APPELLEE TO CERTIFY AND TRANSMIT RECORD ON APPEAL; STATEMENT OF THE CASE

1971 AUG 17 AM 10:15

RECEIVED
ATTORNEY GENERAL
STATE OF HAWAII
RE: TO
ON

NOTICE OF APPEAL TO CIRCUIT COURT

Notice is hereby given that LIFE OF THE LAND, a non-profit Hawaii corporation, and MICHAEL E. CLEVELAND, appellants above named, pursuant to Hawaii Revised Statutes, Sections 91-14 and 205-6, and Rule 72 of the Hawaii Rules of Civil Procedure, hereby appeal from the order of appellee LAND USE COMMISSION entered on July 16, 1971, denying appellant LIFE OF THE LAND's Petition to Intervene and from the decision of said appellee to grant a special permit to appellee MAUI ELECTRIC CO., LTD., entered on July 16, 1971.

Dated: Wailuku, Maui, Hawaii August 11, 1971

/s/ Michael E. Cleveland

I hereby certify that the foregoing is a full, true, and correct copy of the original on file in this office.

Ellen M. Nakamoto
Clerk, Circuit Court, Second Circuit

8-25-71 - LHC

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

LIFE OF THE LAND, et al, Appellants, v. GORO INABA, et al., Appellees.	Civil No. _____ DESIGNATION OF RECORD ON APPEAL ORDER DIRECTING APPELLEE TO CERTIFY AND TRANSMIT RECORD ON APPEAL

DESIGNATION OF RECORD ON APPEAL

Appellants hereby designate the entire record, including all files, papers, documents, minutes, evidence, exhibits and transcript of evidence herein as the record on appeal.

Dated: Wailuku, Maui, Hawaii August 11, 1971

/s/ Michael E. Cleveland

ORDER DIRECTING APPELLEE TO CERTIFY

AND TRANSMIT RECORD ON APPEAL

Pursuant to Rule 72(d)(2) of the Hawaii Rules of Civil Procedure, it is hereby ordered that appellee LAND USE COMMISSION is commanded to certify and transmit the above-designated record to the Circuit Court for the Second Circuit within 15 days of the date hereof.

Dated: Wailuku, Maui, Hawaii AUG 13 1971

/sgd/ ELLEN M. NAKAMOTO

Clerk

SEAL

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

LIFE OF THE LAND, et al, Appellants, v. GORO INABA, et al, Appellees.	Civil No. _____ STATEMENT OF THE CASE

STATEMENT OF THE CASE

This is an appeal from two decisions rendered orally by appellee Land Use Commission of the State of Hawaii (hereinafter called "LUC"). The appeal is made pursuant to Hawaii Revised Statutes, Sections 91-14 and 205-6 and Rule 72 of the Hawaii Rules of Civil Procedure.

I. FACTS AND PROCEEDINGS

On April 29, 1971, appellee Maui Electric Co., Ltd., (hereinafter called "MECo") applied for a special permit from the LUC, pursuant to Hawaii Revised Statutes Section 205-6, for the construction and operation of an electric generation plant and accessory facilities at Maalaea, Maui, Hawaii (Tax Map Key No: 3-8-05: portion of 2). Pursuant to law, the said application was made to the Planning Commission of the County of Maui (hereinafter called "PC").

On May 28, 1971, appellant Life of the Land filed and served a Petition to Intervene before the PC in this matter. On June 1, 1971, the PC conducted a public hearing on appellee MECo's application. Appellents testified against the application at such hearing. On June 15, 1971, appellant's Petition to Intervene before the PC was denied. The PC approved MECo's application in part on

July 6, 1971, recommending the granting of a special permit for the construction and operation of diesel and gas turbine generators at the site.

The record before the PC was transmitted to the LUC between July 8 and July 13, 1971, such that the record was not complete in the LUC's hands until July 14, 1971. Appellant Life of the Land filed its Petition to Intervene in the proceedings before the LUC on July 14, 1971. A copy of said petition is attached hereto as Exhibit A and made a part hereof.

On July 16, 1971, appellee LUC acted to approve MECo's application for a special use permit, as limited by the PC and with a further limitation to five (5) acres of the site. The LUC also denied appellant's Petition to Intervene in the said proceedings. Appellants testified against the application at the July 16 meeting of the LUC.

II. APPELLANTS' CONTENTIONS

Appellant Life of the Land appeals from the order denying its Petition to Intervene before the LUC on the following grounds:

(1) Said appellant is chartered by the State of Hawaii for the express purpose, inter alia, of assuring by representation of the public interest in administrative procedures that approval of governmental and private projects be based on complete consideration of the long-term public good;

(2) Said appellant, by its activities and conduct has exhibited a special interest in actions which adversely affect the environment and quality of life of the people of the State of Hawaii and regularly serves as a responsible representative of persons similarly interested;

(3) Appellee MECo, the only party to the proceeding, does not

adequately represent the public interest nor that of those who would preserve and protect the environment;

(4) Said appellant's members who are residents of Maui, especially those in Kihei and Maalaea, will suffer substantial damage from the granting of the special permit, in that the quality of the air and water in the area will be degraded by the steam generation plant planned by appellee MECo;

(5) Said appellant and its members are vitally affected and aggrieved by the granting of said special permit; the LUC abused its discretion in denying said Petition;

(6) The PC has not complied with H.R.S. chapter 91 by providing rules of practice and procedure or regulations for applications for special permits, thereby prejudicing said appellant's attempts to assure representation of the public interest herein:

(7) Said appellant was denied its right to cross-examine witnesses.

Appellants Life of the Land and Michael E. Cleveland appeal from the order granting the special permit on the following grounds:

(1) The special permit, and the application and evidence presented in support thereof, fail to comply with the requirements of Section 2.24 of the State Land Use District Regulations promulgated by the LUC;

(2) Appellants and other members of the public were denied due process of law as guaranteed by the Fourteenth Amendment to the Constitution of the United States and the Constitution of the State of Hawaii in that they were denied a full and fair hearing on the application as submitted to the LUC;

(3) Proceedings herein were unlawful and void in that the PC has failed to comply with Chapter 91 of the Hawaii Revised Statutes

which requires that rules of practice and procedure be promulgated by administrative boards;

(4) The order granting the special permit was based on insufficient evidence;

(5) The order granting the special permit is contrary to the public policy of the United States of America and the State of Hawaii to preserve and protect the environmental resources of the State of Hawaii.

Wherefore, appellants pray that this Court reverse the order denying appellant's Petition to Intervene and granting the special permit to appellee MECo and for such other and further relief as may be meet and just.

Dated: Wailuku, Maui, Hawaii: August 11, 1971

/s/ Michael E. Cleveland

EXHIBIT A

LAND USE COMMISSION

STATE OF HAWAII

IN THE MATTER OF THE
APPLICATION OF MAUI
ELECTRIC CO., LTD. FOR
A SPECIAL USE PERMIT
AT MAALAEA, COUNTY OF
MAUI, STATE OF HAWAII

PETITION TO INTERVENE

Michael E. Cleveland (917)
36 Niolopua Lane
Wailuku, Maui, Hawaii 96793
Telephone: 244-5484
Attorney for Petitioner.

COUNTY OF MAUI PLANNING COMMISSION

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION OF MAUI ELECTRIC CO., LTD. FOR A SPECIAL USE PERMIT AT MAALAEA, COUNTY OF MAUI, STATE OF HAWAII	)

PETITION TO INTERVENE

Comes now LIFE OF THE LAND, a non-profit Hawaii corporation, and for its petition shows and alleges as follows:

1. Petitioner is a non-profit Hawaii corporation with its principal office at 899 Waimanu Street, Honolulu, Hawaii (Telephone Number 521-1300) and with its mailing address in the County of Maui as follows: P. O. Box 539, Wailuku, Maui, Hawaii 96793 (Telephone Number: 244-9883).

2. Petitioner is chartered by the State of Hawaii for the following express purposes:

A. To protect and preserve the environment of the people of the State of Hawaii, the nation and the world;

B. To promote the use of land, water, air and other resources most compatible with the public health, safety and welfare;

C. To perform, encourage and support research into man's relationship with his environment, his abuse thereof, and the abatement of such abuse;

D. To disseminate the results of study and research, whether or not performed or supported by the

corporation, to the public, governmental agencies and industry;

E. To propose, support and encourage governmental policies, projects and legislation which may promote the public health, safety and welfare, conserve valuable natural resources, preserve or restore natural beauty, or otherwise improve the quality of life;

F. To oppose public and private policies, projects and legislation which tend to endanger the public health, safety and welfare, waste valuable natural resources, impair or destroy natural beauty, or otherwise degrade the environment;

G. To assure by representation of the public interest in administrative and legislative procedures that approval of governmental and private projects be based on complete consideration of the long-term public good;

H. To bring, finance, support, or intervene in legal actions as may be appropriate to promote the public health, safety and welfare, conserve resources, preserve or restore natural beauty or correct environmental abuse;

I. To undertake, carry on and conduct any activities and acquire any assets necessary to accomplish the purposes set forth above.

3. Applicant, MAUI ELECTRIC COMPANY, LTD., has applied for a special permit pursuant to Hawaii Revised Statutes Section 205-6 and Sub - Part E, Part II, of the State Land Use District Regulations promulgated by the Land Use Commission of the State of Hawaii, to construct and operate an electric generation plant, together with a plant maintenance office, fuel storage tanks and other

necessary accessory facilities on 30 acres, more or less, in an agricultural district at Maalaea, Maui, Hawaii (Tax Map Key No. 3-8-05: portion of 2.)

4. The application filed by MAUI ELECTRIC CO., LTD., herein fails to show that the use requested is an "unusual and reasonable" use within the guidelines established by Section 2.24 of said State Land Use District Regulations, in the following respects:

A. The application does not meet the requirements that "such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations", in that the one objective of the Land Use Law (Hawaii Revised Statutes Chapter 205) is to prevent the shifting of agricultural lands into other uses when other lands are available that could adequately serve urban needs.

B. The application does not meet the requirement that "the desired use would not adversely affect surrounding property", in that the proposed power plant will emit smoke, fumes and other matter which may adversely affect the health, safety and welfare of the surrounding residents, will discharge heated water which may upset and ultimately destroy the ecological balance of Kealia Pond and/or Maalaea Bay, and will adversely affect the aesthetics of the Maalaea-Kealia-Kihei area.

C. The application does not meet the requirement that "such use would not reasonably [sic] burden public agencies to provide . . . water [and] drainage . . .," in that thousands of gallons of fresh water

will be required daily for the completed plant in an area (Maalaea) where there is already an acute water shortage.

D. The application does not meet the requirement that "unusual conditions, trends and needs have arisen since the district boundaries and regulations were established" in that the application reveals no new condition, trend or need not known or anticipated during the 1969 boundary review.

E. The application does not meet the requirement that "the land upon which the proposed use is sought is unsuited for the uses permitted within the District" in that the said land is particularly suited to one or more of the following uses permitted within the agricultural district: growing of crops; game and fish propagation; raising of livestock; farm dwellings or farm buildings; and public or private "open area" types of recreation uses.

F. The application does not meet the requirement that the proposed use will not substantially alter or change the essential character of the land and the present use," in that the proposed use as a generation plant would be in sharp and glaring contrast to the virtually untouched and open character of the land.

G. The application does not meet the requirement that " the proposed use will make the highest and best use of the land involved for the public welfare," in that the proposed use will endanger the public health, safety and welfare, waste valuable and scarce natural resources, impair or destroy natural beauty, and otherwise substantially degrade the environment of the area.

pollution, preservation of agricultural and open space, flood control, soil conservation and power generation; said applicant cannot without thorough investigation and study provide such plans, controls and facilities.

10. Applicant, MAUI ELECTRIC CO., LTD., presently has facilities and capabilities to meet the electric power needs of the County of Maui for at least three years without the present application being granted.

11. The decision of the Planning Commission as reflected in its staff report herein dated July 6, 1971, prejudices the public interest in that the applicant, MAUI ELECTRIC CO., LTD., is not required to investigate and evaluate alternate sites before beginning construction and operation of a portion of its proposed generating plant at Kealia.

WHEREFORE, petitioner prays that it be permitted to intervene herein with the rights of a formal party and that the following relief be granted:

(1) That the Land Use Commission action on the application herein be withheld until a full public hearing has been held before the Land Use Commission and all interested persons and parties have been given an opportunity to present evidence on the consequences of approving the Planning Commission's decision;

(2) That the application be denied until applicant, MAUI ELECTRIC CO., LTD., shall have completed and caused to be made available to the public and to the Land Use Commission full reports by independent consultants showing that all environmental standards set by law shall be met; and further showing that the proposed site is the best available site

taking into full account the effect of the said plant on the quality of the air and water, flood control, soil conservation, power generation, economic and social conditions and aesthetics, whichever shall last occur; and

(3) That when such information becomes available a full hearing be held at which petitioner and other intervenors shall have the right to cross-examine applicant's witnesses and vice-versa, and at which full public participation is encouraged and permitted.

Dated: Wailuku, Maui, Hawaii July 13, 1971

LIFE OF THE LAND,
Petitioner

By _____
Its Attorney

Adv. 6/3/71

power plant, condo plans stir Maui protests

By ROBERT JOHNSON
Advertiser Maui Bureau

WAILUKU — It was, a young person remarked, "a heavy afternoon" at the Maui Planning Commission Tuesday.

The commission sat from 1:30 until 6 p.m. primarily for two controversial public hearings. The County Council chamber was crowded to overflowing for both.

It was as though public hearings were being held in Honolulu to decide if Washington Place should be developed as a condominium and Hawaiian Electric Co. wanted to put a few power plants on Coconut Island.

HERE THE projects being proposed were a condominium development on the site of a former Baldwin family beach home at Spreckelsville and a Maui Electric power plant site planned on Kealia Pond.

Those testifying included Mrs. F. F. Baldwin, widow of the late president of Alexander & Baldwin, Inc. She was represented by Walter K. Collins of Belt Collins & Associates of Honolulu.

Mrs. Baldwin objected to the plan of Danny Fong's Spreckelsville hui to build a 30-unit condominium in 12 two-story buildings on the 4.65 acre site of the former beach home of her late son, Lawrence A. "Chu" Baldwin.

Mrs. J. Walter Cameron, daughter of the late Harry F. Baldwin, wife of the former president of A&B and former board chairman of Maui Electric Co. testified against the Maui Electric power plant.

NEARLY 20 persons testified. Only five spokesmen favored the change. The rest all were in opposition.

Mrs. Baldwin and all residents of the Spreckelsville area, formerly known as "Camp One", opposed the Fong project, for which the plans were presented by Honolulu architect Richard K. S. Tongg.

A full dozen spoke in opposition to Maui Electric's project. Almost all of them professed professional expertise in some area of ecology.

No action was taken by the Planning Commission on either matter. The Fong proposal was deferred "for further study." The Maui Electric plan, being a request for a Land Use Commission special use permit, may not be acted on before 15 days.

WHATEVER THE Maui Planning Commission decides, the final say on the Maui Electric project will be had by the State Land Use Commission, unless the matter is appealed to the courts.

Fong, Maui Electric and Life of the Land, around whose position most opposition to the power plant was organized, all had legal counsel and the commission was represented by County attorny Kase Higa.

Both the Fong and Maui Electric applications were represented by the same attorney, William F. Crockett of Wailuku.

Fong is asking to rezone the 4.65 acre beach house site in Spreckelsville to permit a planned unit development of a density allowed by the lowest residential zoning.

THE SITE, with the rest of Spreckelsville, was zoned for the highest residential use, 10,000 square foot lots, by the planning commission in 1967.

Tongg told the commission the zoning asked would permit the Spreckelsville site to be developed on no more land than would be used in a conventional 10,000 square foot lot subdivision.

At the same time he said the project would enable the developer to save almost all the trees on the site.

Collins said the Fong project would be subject to "tsunami inundation" and so should be disallowed as increasing the risk of people being hurt by tsunamis.

HE NOTED that at least two homes there have been destroyed since World War II by tsunamis.

Garner Ivey, Alexander & Baldwin, Inc. land manager here, said the corporation opposed the re-zoning at Spreckelsville.

Crockett suggested County planners should view the Spreckelsville opposition to the Fong project as the natural antipathy of members of a neighborhood to what they might feel was a downgrading of is quality.

He said, "The problem here should be seen in long range. There is limited property available on Maui for residential use.

"PERHAPS some don't like this, but we must increase the density of existing residential areas to accommodate our increasing population.

"The system must give. It must give in Lahaina, in Kihei, and in Spreckelsville. And no little community can say this should be stopped because this is the use we set up years ago," Crockett said.

Tongg said the Fong town houses would be expected to sell for up to $70,000 each.

Probably the strongest testimony against the power plant was from Robert Bruce, former East Maui Irrigation Co. manager and, since retirement, a consulting engineer.

BRUCE, speaking for himself and the Maui chapter of the Conservation Council for Hawaii, said Kealia Pond is a "natural sedimentation basin" for storm water runoff from both East and West Maui.

He said more than one large gulch draining from the 10,000 foot summit of Haleakala drains into Kealia Pond and there are plans to divert Waiakoa Gulch, which now floods the highway at the Kihei Post Office during Kona storms, into Kealia Pond.

Bruce said no uses should be allowed at the pond that would be damaged by floods or impede the natural use of the pond, including fish farming. He said it should be preserved in open and natural use, as a flood basin.

MOST OTHER witnesses testified as professional men — biologists, zoologists, geologists — including Russell Cahill, superintendent of Haleakala National Park, who objected to the power plant as threatening recreational use of the pond area.

Mrs. Cameron represented a local conservation group worried about Hawaii's endangered bird species.

She said, "The power plant could execute our coots, stilts and ducks."

For Maui Electric, Frank Montgomery, engineering vice president of Hawaiian Electric, which owns Maui Electric, committed his firm to comply with all County, State or Federal anti-pollution standards which may be in effect" when it builds its first steam generator on the site.

CLEVELAND GAVE Life of the Land's position. He said, "We do not oppose the building of a new electric generating plant on Maui. We will not necessarily oppose building one at Kealia.

"But we will continue to resist this application until full environmental studies of the area show that it is the best available site."

Mayor Elmer Cravalho didn't appear, but a statement giving his administration's position was read by planning director Howard Nakamura.

IT SAID THE Mayor has discussed the problem with Maui Electric officials and asked "if alternate sites have been thoroughly studied" for the plant.

It also asked if "the short term needs of Maui Electric couldn't be possibly met without complete commitment to the (Wailea Pond) site."

During Crockett's argument that Spreckelsville, established years ago by the plantation as an exclusive beach enclave, should give way to population pressure, Mrs. Baldwin remarked, "but it was our own buildings."

The Lahaina Sun 5-19-71

Massive Power Plant for Maalaea?

SP71-109
Maui Electric Co.

BY DON GRAYDON

A massive electric generation plant capable of supplying the power needs of the entire island of Maui may be built in the future at a site near Maalaea.

Maui Electric Co. has applied for a special permit for construction of a power plant on property near the northern end of Kealia Pond.

The company plans to immediately install a small diesel generator at the site, if it receives approval of the Maui County Planning Commission and the State Land Use Commission.

However, tentative longrange plans envision construction of a huge steam generator plant with five times the power output of the company's only existing power plant, located at Kahului.

The eventual power plant building could stand as high as 70 feet and cover an area up to four acres.

Proposed site for the building is in the midst of a large State Agricultural District, on relatively level land near the ocean. No other large buildings or industrial uses are planned for the general area.

An announcement from Maui Electric said the company "is aware of the ecology of the Maalaea Bay area and will make every effort to design and construct the plant in a manner not to be adverse to the environment."

The Stearns-Roger Corp. of Denver -- a consulting firm hired by Maui Electric -- said in a lengthy site location report that,

"Objectionable appearance of an industrial area can be made attractive by trees and shrubs. Landscaping can effectively screen objectionable views such as industrial facilities."

(See page 6)

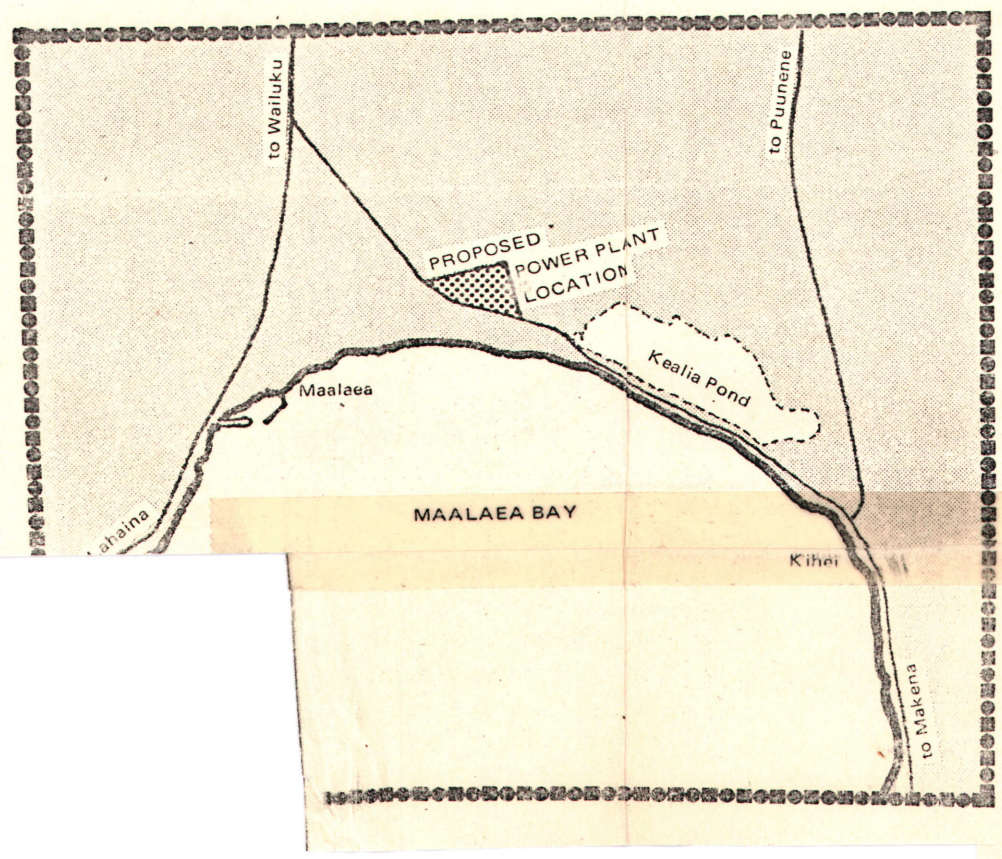
A public hearing on Maui Electric Co.'s request for permission to build a new power plant near Kealia Pond will be held this Friday (May 21) in Kihei.

The briefing, to be conducted by officials of Maui Electric Co. and Hawaiian Electric Co., is scheduled for 7:30 p.m. at Kihei School.

A formal public hearing on the request will be held June 1 before the Maui County Planning Commission. The meeting is set for 1:30 p.m. in the council chambers of the county building in Wailuku.

Comments by members of the public may be filed in writing with the commission before the hearing or presented in person on June 1.

Maui Electric Asks Maalaea Power Plant



(From page 1)

The company's application for a special use permit said its proposed location "adjacent to the cane fields and away from any urban development is suited for the electric generation plant with minimum adverse effect to surrounding lands and environment."

Company officials do not believe construction of a large plant will degrade the appearance of the area. One official referred to the area as "just a mud flat", covered with keawe trees, and not particularly attractive. He said he felt it would not be undesirable to have the plant at the proposed location, where it could be seen for miles around.

Maui Electric has dismissed suggestions that the new plant be built at the base of the nearby West Maui Mountains, which might shield or minimize the size of the plant. According to the company, the cost of piping necessary ocean water to such a site would be prohibitive. A large volume of water will be used for cooling purposes in the plant.

"Thermal pollution" from heated water being discharged back into the ocean should not be a serious problem, the company indicated. The company also said air pollution will be minimized due to prevailing winds which should carry stack emissions out over the ocean.

A new power plant is necessary because of an "acute shortage" of electric power, the company said.

The Stearns-Roger report -- dated April 1970 -- cautioned that power demands would equal the capability of the existing system by 1973. It also said the Kahului plant, in 1970, was operating above its maximum recommended capacity.

Maui Electric consultant Robert Ohata, in a letter last month to Maui Planning Director Howard Nakamura, warned of a possible "brown out" -- a partial electrical failure due to lack of enough power generators to meet demand -- on the island by the end of this year.

According to Maui Electric, the company did not apply for the power plant permit earlier because officials did not realize how fast the power demand was growing.

Maui power sales jumped 9.5 per cent in 1969, 13.5 per cent last year, and were growing at the rate of 17 per cent during the first three months of this year.

Power demands are expected to increase with construction of new hotels in west Maui, a new county building, another shopping center in Kahului, large tourist developments at Honolua and Wailea, and other projects.

Maui Electric has had its eye on the Kealia Pond site for at least two years. The Kihei General Plan, adopted by the County in 1969, shows a power plant site near the one finally chosen by Maui Electric.

The Stearns-Roger report essentially confirmed Maui Electric's feelings that the Kealia Pond site was the best for its purposes. According to Stearns-Roger, the site is good because it is near the ocean and close to roads, is away from major tsunami danger areas, is in an area where winds will blow stack exhausts out to sea, and is well located for transmission of power throughout Maui.

Fuel oil for the plant would be trucked from Kahului, according to the report. Eventually, it said, an oil pipeline from Kahului to the plant would be built.

The consulting firm said it studied potential sites throughout Maui -- including the site of the present Kahului plant -- and found the Kealia Pond area to be the most desirable single location. The owner of the 30-acre site -- Alexander & Baldwin, Inc. -- has agreed to sell.

If government approval is received, Maui Electric plans to install a 2,750-kilowatt diesel generator on the site by the end of this year. It would be an emergency unit that would automatically turn on when the Kahului power plant is overloaded.

Two more diesel generators -- each costing about $400,000 -- would be added during 1972.

The first steam generator unit would not be installed until 1975 or later. A steam unit, capable of generating 25,000 kilowatts, would cost an estimated $9 million.

The Stearns-Roger report talks of an eventual power plant consisting of eight steam units, with a total generating capacity of 200,000 kilowatts.

The maximum output of the Kahului plant is 40,000 kilowatts. The existing system is augmented with power generated by Pioneer Mill and HC&S, which together can turn out 13,000 kilowatts.

New Record For
Windward Passage?
Page A-4

THE MAUI NEWS

DOW JONES CLOSINGS
(Monday, July 12, 1971)

30 Industrial —803.40, up 1.60.
20 Transportation—220.21, up 0.23.
15 Utility—119.66, off 0.26.
65 Stocks—303.90, up 0.28.

7839

TUESDAY, JULY 13, 1971—10c Per Copy

Land Use Commission Meets On Maui Friday

MECo. Request On Agenda For 'Action'

The State Land Use Commission will meet at 10 a.m. on Friday, in the Kahului Library conference room, according to Tatsuo Fujimoto, executive officer.

The agenda includes "action" on six items and public hearings on four requests for changes in zoning.

The "action" items:

1—Request of Takeo Sakamoto for change in zoning, from agricultural to urban, of 23,745 square feet at Waikapu.

2—Action on two parcels rezoned during the 1969 five-year boundary review (31 acres at Kula, from rural to agricultural, and 25 acres at Naiwa, Molokai, from rural and agricultural to urban). Public hearings on these were held here on May 21.

3—Request of Maui Electric Company for special permit to allow construction and operation of electric generation plant and accessory facilities at Kealia Pond, Maalaea District.

4—Request of the Department of Accounting & General Services for a special permit to allow construction of administration building and classrooms at Lahainaluna High School.

5—Request of the Department of Accounting & General Services for a special permit to allow construction of library building at Molokai High School, Hoolehua.

6—Request of the Land Use Commission for change in zoning from agricultural to urban, of 800 acres, at Waiakea Homesteads, Hilo, Hawaii.

The meeting notice issued by Fujimoto said the LUC will appreciate "any written comments for or against" the Maui Electric Company's special permit application and on the four boundary change requests that will be considered during the public hearings.

They are:

1—Request of Hana Ranch, Inc., for changes in zoning, from agricultural to urban (of 39.5 acres) and from urban to agricultural (20 acres), at Hana. "The intended use of the property is houselots and agricultural activity, respectively," Fujimoto said.

2—Request of Ralph S. Yagi for change in zoning, from agricultural to rural, of 14.8 acres at Kula for use as "half-acre lots."

3—Request of Ulupalakua Ranch, Inc., for change in zoning, from agricultural to rural, of 27.5 acres at Ulupalakua for use as "homesites."

4—Request of Amfac Communities, Inc.-Hawaii, for change in zoning, from agricultural to urban, of 4.6 acres at Kelawea, Lahaina, for use as "employee housing."

Pages
ionB
6, 7

THE MAUI NEWS

DOW JONES CLOSING
(Wednesday, July 7, 1971)
30 Industrial—895.88, up 3.58
20 Transportation—217.67, up 2.17
15 Utilities—119.41, up 0.70
65 Stocks—301.39, up 1.82

Maui
SP71-104
Maui Elec. Co.

THURSDAY, JULY 8, 1971—10c Per Copy

M

'ECo. Gets Partial 'Go Ahead' On Kealia

7840

BY TERRY L. ROSS
(Staff Reporter)

The County's position in the controversy surrounding the proposed power plant near Kealia Pond was made clear Tuesday, but the ultimate future of the plant itself remained murky.

The County Planning Commission recommended Tuesday afternoon that Maui Electric Company be allowed to construct some generating facilities at the site.

However, there was a major reservation attached to the recommendation. . . there can be no installation of steam generation units until the company can prove the site is appropriate and answer ecological questions which have been raised.

MECo. would be allowed to install only diesel generators and a gas turbine to meet immediate needs under the Planning Commission's recommendation to the State Land Use Commission.

The final decision on the company's request for a special use permit must be made by the Land Use Commission.

In addition to the decision to delay action on the steam units, the Planning Commission placed five conditions on the company's construction of the diesel plant.

These were:

1. Transmission lines in and out of the facility must be located in areas of minimum visual impact, and shall not be put up either along the shoreline highway (Kihei Road).

2. The applicant will be responsible for providing all necessary utilities and services; and the County or other governmental agencies will not bear the responsibility for such services.

3. A minimum of grading and clearing will be done on the site, in order that the installation will create minimum disruption to the natural environment. (However, there was no objection to landscaping of the adjoining area, provided the landscaping plan is approved by the Planning Department.)

4. The site use must be established within four years from the date of final approval, and should an alternate site be developed for the major generating facility, no further construction will be permitted at Kealia following its completion.

5. Final plans must be submitted to the Planning Commission for approval.

All but the final condition—which was proposed by Commission Chairman Yoshikazu (Zuke) Matsui—were contained in a report from the Planning Department staff.

This report on the MECo. request was outlined at the meeting Tuesday by Planning Director Howard Nakamura and formed the basis for the Commission's recommendation.

It was emphasized, in the staff report, that "this action (approval of the diesel units) in no way constitutes a commitment for subsequent approval of the steam plant."

The report added: "The burden is upon the applicant to conduct sufficient ecological and environmental studies to determine the suitability of Kealia Pond, or alternative sites, for a proposed power plant."

After these studies—"which could be conducted in part by other interested parties"—have been completed MECo. must again go to the Planning Commission to get approval of the proposed steam plant.

In past statements, representatives of the electric company have said that the projected date for installation of steam units would be 1975 or perhaps a little sooner.

The report said it did not seem appropriate to take action on the steam units at this time since they are not projected until 1975 and "there are many unanswered questions, which should be studied at length by the applicant and by other interested parties."

The selection of answers for some of these questions fueled one of the few disagreements heard at the meeting.

Matsui suggested that any consulting firm hired by Maui Electric to look into the matter should be approved by the Planning Department and the State Office of Environmental Quality Control.

He said this was to make sure the consultant would be "neutral".

However, Planning Commissioner Kazuo Kage strongly disagreed with this, saying: "I think this is a very dangerous thing . . . I don't think government should tell someone who he should use as a consultant . . . this is wrong."

Matsui said he had brought the subject up because the last consultant used by MECo. had been condemned by many people testifying at the public hearing on the Kealia proposal.

He added that not only would his suggestion prevent the report from being one-sided but it would assure MECo. that it won't "be spending all that money, then have the report condemned."

Kage answered: "I think without even putting it in writing they (MECo.) will consult with the Planning Director on selection of a consultant)."

He added that he definitely did not think it should be put in writing.

Frank Montgomery, of Hawaiian Electric Company, suggested that the names of several consultants be submitted for approval and MECo. could then select its consultant from this approved list.

Planning Director Nakamura said this approach seemed to be a more "reasonable" one, and the Commission concurred.

The Planning Department based its recommendation to delay the steam plant on five major points.

These were:

1. Although MECo. has said it would comply with all pollution regulations, this position is not adequate to grant the request since many of the concerns expressed over the generating plant cannot be resolved by regulatory actions.

2. The nature of existing aquatic life within Maalaea Bay—and the possible effect of heated water on this life—has not been clearly established.

3. It appears the power plant location would not have a significant adverse effect on the bird sanctuary at Kealia Pond, if adequate safeguards are taken, but the matter needs to be explored further.

4. The function of the pond as a sedimentation basin needs to be further studied.

5. Further information is needed concerning the cost of locating the plant elsewhere since the community might be willing to pay for protecting or creating a more desirable environment.

There were several areas in which the Planning Department staff agreed with the electric company.

These were:

1. The Kealia site is conveniently located for the needs proposed by MECo.

2. The present facility at Kahului Harbor should not be expanded since it could jeopardize the Kanaha Bird Sanctuary and the problem of air pollution might be greater.

3. A power plant was proposed in the Kealia area by the Kihei "701" Plan. (The report noted, however, that "designation on the County's general plan is not an absolute, irrevocable commitment.")

4. There is a need for additional electric generation facilities.

To Land Use Commission -

To be place in Marin Electric file.

Walt

LIFE OF THE LAND
A GROUP FOR ECOLOGICAL RESEARCH AND ACTION

SUPPLEMENTAL STATEMENT

We of Life of the Land are aware that this is not a public hearing. Despite the pleas of concerned citizens to this Commission for a full hearing, we recognize that it is a lamentable policy of the LUC to avoid public hearings whenever possible.

It is discouraging to citizens to know that their voice means so little to government officials that those officials resent even being asked to hold a public hearing. But we will, with the Commission's permission, make a statement anyway, on the assumption that this matter will not be concluded today, but will be heard again in court.

Life of the Land objects strongly to the procedure followed by the LUC in this case. The short time allowed for public discussion of this application before the Planning Commission hearing was held was bad enough, but the LUC has made the County body look good. According to your records the County staff reports were not received by your staff until July 12. (As of July 13 you still had received no official written decision from the Planning Commission.) On that same day your staff mailed notification to interested parties that action on the application would be taken today.

When was there time necessary for a careful examination of the record by your staff and yourselves? I suggest that there was none because your staff never intended to make a real independent examination, but merely to rubber-stamp the County decision.

899 WAIMANU STREET · HONOLULU HAWAII 96813 · TELEPHONE 521-1300

LIFE OF THE LAND
A GROUP FOR ECOLOGICAL RESEARCH AND ACTION

On July 13 a representative of Life of the Land was told by your staff that it was already preparing a report recommending approval of the Planning Commission decision. Another inquirer was informed that the LUC would not hold a public hearing because "they don't have to." We suggest that the decision whether or not to hold a public hearing should be based on less childish reasons, for example, whether there has been a full hearing on the issue under consideration and whether there is public demand for such a hearing.

On July 13 our representative was also denied copies of public documents in this case, in clear and willful violation of Rule 1.4(c) of this Commission's Rules of Practice and Procedure.

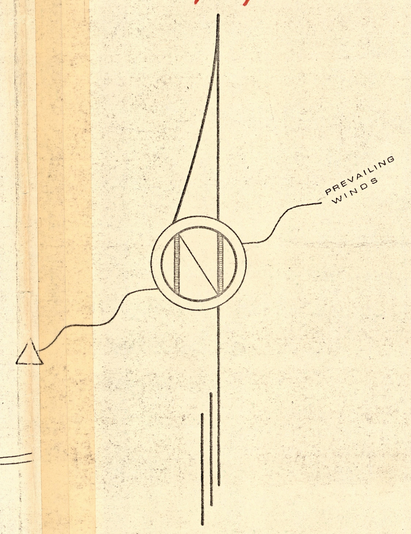
The entire tenor of the proceedings since the LUC received this case has been to slip a decision past the public as quickly as possible, discouraging any opposition to the application. Although this Commission is politically appointed, we believe you still owe some legal and moral duty to consider the public interest.

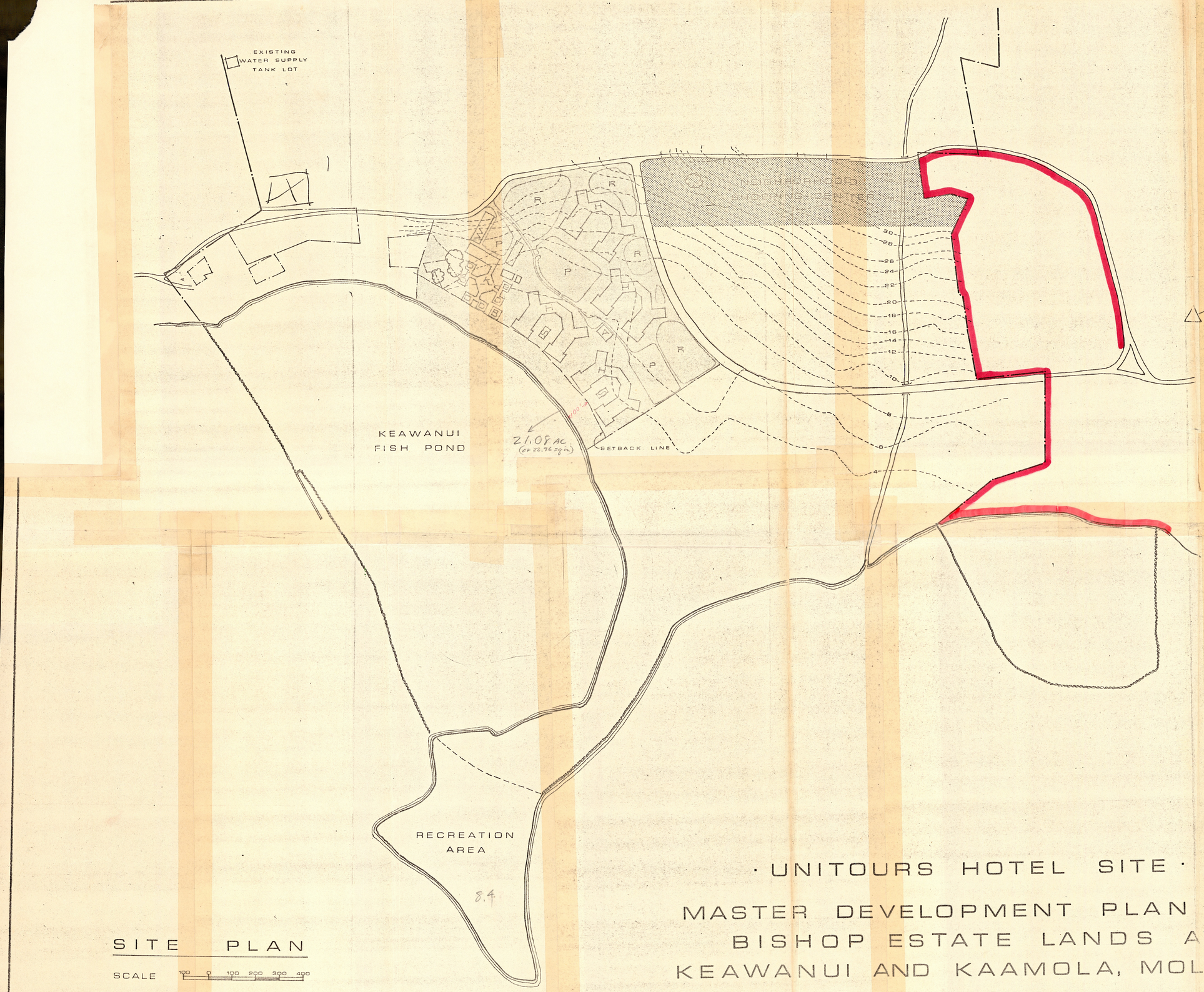
We urge you, therefore, to reconsider your hasty decision to approve the Planning Commission decision, to hold a public hearing upon proper notice and, when the evidence is in, to deny the application.

Thank you.

899 WAIMANU STREET · HONOLULU, HAWAII 96813 · TELEPHONE 521-1300

EXHIBIT "A"





SITE PLAN

SCALE 100 0 100 200 300 400

LEGEND

H · HOTEL - 162 ROOMS PER UNIT
K · KITCHEN
D · DINING
B · BAR AND LOUNGE
S · SWIMMING POOL
R · RECREATION AREA
A · ADMINISTRATIVE OFFICE & SHOPS
W · WORKSHOP & INCINERATOR
P · PARKING AREA

· UNITOURS HOTEL SITE ·

MASTER DEVELOPMENT PLAN FOR BISHOP ESTATE LANDS AT KEAWANUI AND KAAMOLA, MOLOKAI

DATE: MAR. 25, 1971
DRAWN BY: VMC
CHECKED BY: JHM
JOB NO.:

JOHN H. McAULIFFE, JR. REGISTERED PROFESSIONAL ARCHITECT No. 342 HAWAII U.S.A.

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION, AND CONSTRUCTION OF THIS PROJECT SHALL BE UNDER MY SUPERVISION.

REVISIONS

NO.	DATE	DESCRIPTION

SITE PLAN

TAX KEY: 5-6-06: 8, 23, 24, 25
SCALE: 1" = 200'

PROPOSED MASTER PLAN FOR THE DEVELOPMENT OF BISHOP ESTATE LANDS AT KEAWANUI AND KAAMOLA, MOLOKAI, HAWAII

JOHN H. McAULIFFE, Jr. & ASSOCIATES INC.
SUITE 577, ALEXANDER YOUNG BLDG., HONOLULU, HAWAII 96813
TELEPHONE 531-5391

SHEET — OF 5 SHEETS

7841

PUAAHALA

UALAPUE

AH PING (S.P.) 5.5AC

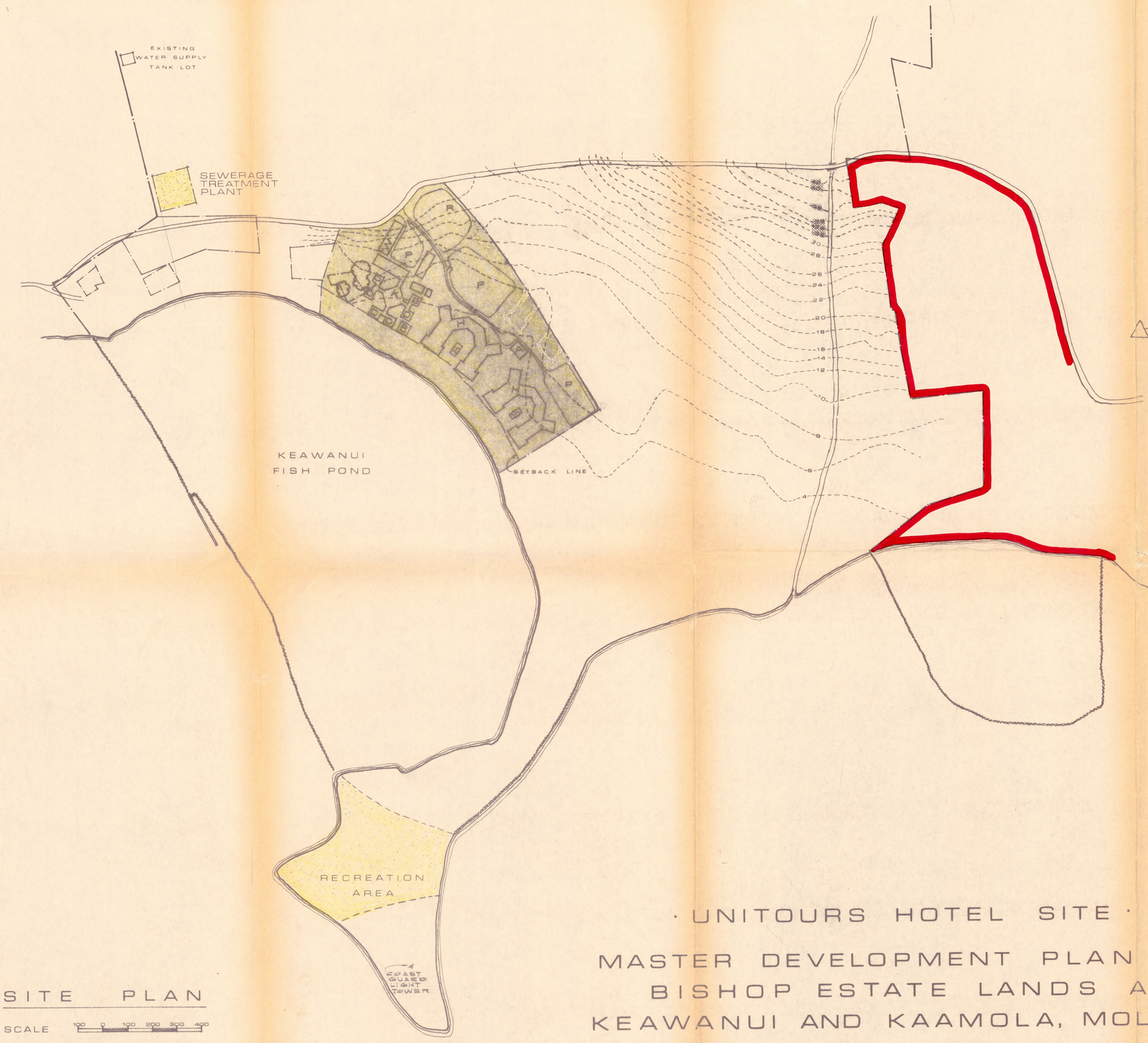
PUKOO PROPERTIES 39AC

KEAWANUI POND

SP71-113 UNITOURS

7842

EXHIBIT "B"



· UNITOURS HOTEL SITE ·

MASTER DEVELOPMENT PLAN FOR BISHOP ESTATE LANDS AT KEAWANUI AND KAAMOLA, MOLOKAI

RECEIVED
OCT 5 1971
State of Hawaii
LAND USE COMMISSION

DATE: OCT. 1, 1971
DRAWN BY: VMC
CHECKED BY: JHM
JOB NO. 7014

JOHN H. McAULIFFE, JR. REGISTERED PROFESSIONAL ARCHITECT No. 542 HAWAII U.S.A.

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONFORMS TO THE CODE OF THIS PROJECT WILL BE UNDER MY SUPERVISION.

REVISIONS

NO.	DATE	DESCRIPTION
	10/4/71	RECREATION AREA BOUNDRY

SITE PLAN

TAX KEY: 5-6-06: 8, 23, 24, 25
SCALE: 1" = 200'

PROPOSED MASTER PLAN FOR THE DEVELOPMENT OF BISHOP ESTATE LANDS AT KEAWANUI AND KAAMOLA, MOLOKAI, HAWAII

JOHN H. McAULIFFE, Jr. & ASSOCIATES INC.
SUITE 577 ALEXANDER YOUNG BLDG., HONOLULU, HAWAII 96813 TELEPHONE 531-5911

SHEET 1 SHEETS

7843

Owners of Parcel 24:
Magoon Est., Ltd., - M/C
William K. Lukela - M/C

William, Alfred, & Hannah Iokama, & Gabriel K., Minerva, Elizabeth, Robert, Alvin, Winona, & Barbara J. Kalaluhi, & Rachael Puailihau, Edith K. Wong, & Grace Maliikapu - 1/4 - M/C
Annie Miriam, Mary P. Mary K. & George Aola, Jr. - 1/4 - M/C

True North
1" = 200'

Grant 1141

PLAT 06

11	L.C.Aw. 240 X. Ap. 2	Patrick D. Chu E' ux. Thelma K. - T/E		8.39 Acs.
10	L.C.Aw. 3931 Ap. 3	William M. Mason, Sr. - Curt. William M. Mason - 1/5 etal.		10.13acs
9	L.C.Aw. 240 V. Ap. 2	Annie, Miriam, Mary P. Mary K. & George Aola Jr. - 1/4 - M/C	The Thacker Corp. - M/C Magoon Est. Ltd. - M/C	11.35acs.
8	L.C.Aw. 240 U Ap. 3	Kaloi Estate Inc.		9.73 Acs.
7	L.C.Aw. 240 S Ap. 2		Kekahuna Est.	8.32acs.
6	L.C.Aw. 240 Y Ap. 3		Moses Holani - 1/3 Edith K. Swan Est. - 1/3 Mary K. Rodrigues - 1/3 - T/E	9.16 Acs.
5	L.C.Aw. 240 W Ap. 3	Annie, Miriam, Mary P. Mary K. & George Aola, Jr - 1/4 - M/C	The Thacker Corp. - M/C Magoon Est. Ltd - M/C	11.41acs.
4	L.C.Aw. 240 T Ap. 3		Charles R. Dement - L/I Betsy Dement - Rdm	11.44acs.

Lā. Ct. App. 278

Abbie Welch Estate - 3/4
Elizabeth Kalaluhi Est. - 1/16
Rachel W. Puilihau - 1/16
Edith K. Papalimu - 1/16
Grace H. Papalimu - 1/16

3	L.C.Aw. 146:B Ap. 3	EXCLUSION "N" 7.97acs.
2	Lā. Ct. App. 278	
1	L.C.Aw. 4609 Ap. 3	Rose Aileen Aping 16.44 Acs. EXCLUSION "M"
	L.C.Aw. 4024 Ap. 3	

Note: Total area of Roadway Lot 9 accounted for in Tax Key 5-6-06-2.

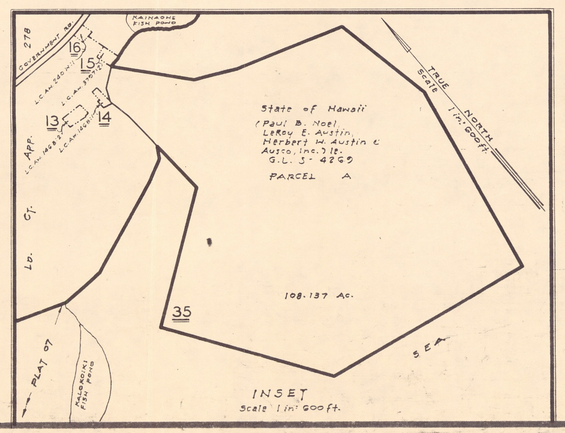
PLAT 06

15 Josephine Marbera - dec'd - M/C
John K. Ferreira E'nf. Margaret K. - U.T. - M/C
0.25 Ac.

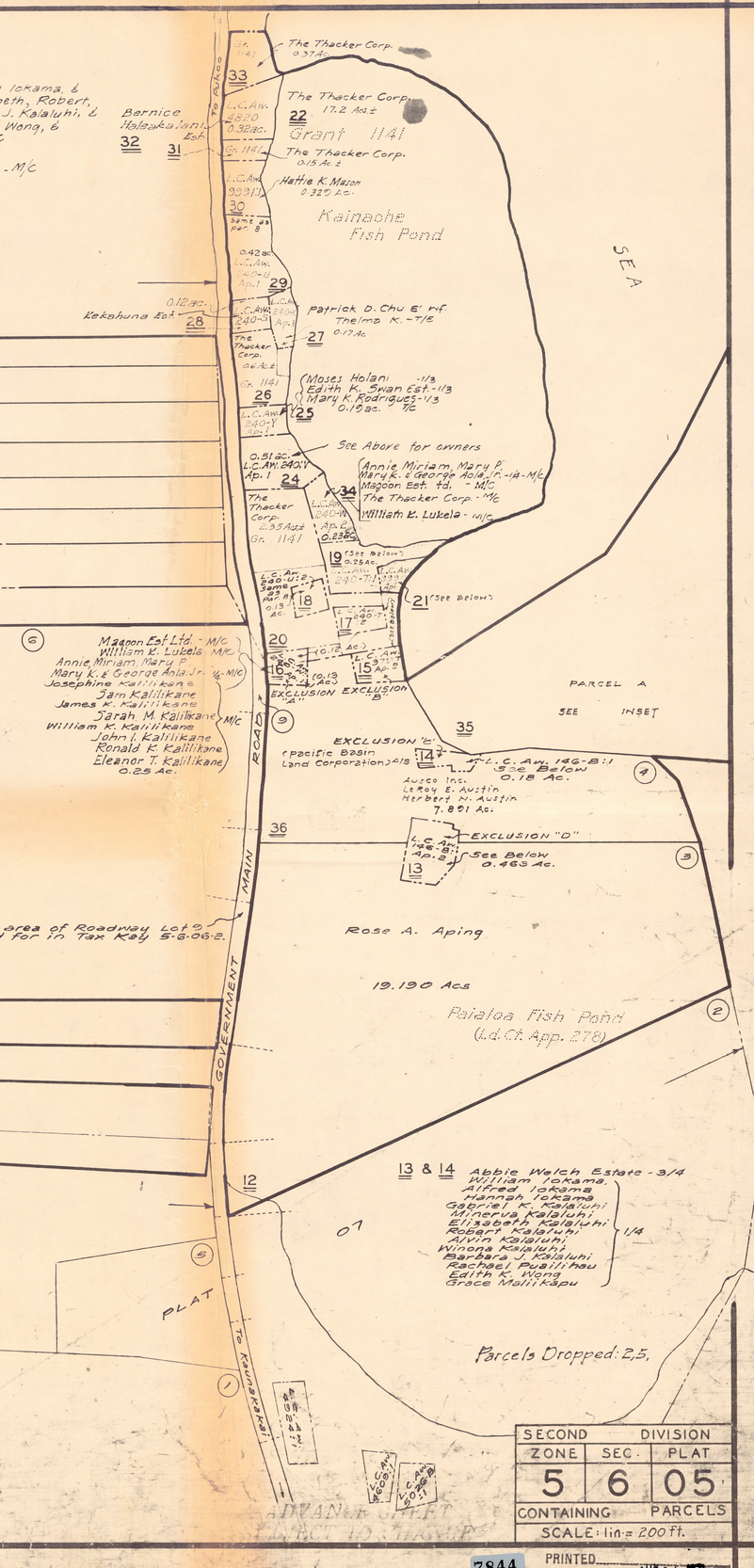
17 Charles R. Dement - L/I
Betsy Dement - Rdm.
0.16 Ac.

19 Charles R. Dement - L/I
Betsy Dement - Rdm.

21 Hattie K. Mason
0.11 Ac.



KAAMOLA, MOLOKAI



SECOND		DIVISION
ZONE	SEC.	PLAT
5	6	05
CONTAINING		PARCELS
SCALE: 1 in. = 200 ft.		

7844 PRINTED AUG 31 1971

Dwg No.: 2022
By: W.C.H. 6/71
Source: Tax Maps Bureau

5 6 03

FEB 8 1939
SEP 2 1955
SEP 28 1955
DEC 29 1967
JAN 10 1969
MAR 16 1969

MOLOKAI HOSPITAL LOT
PLAT 02
MANANAIA (1867) N 316.9 E
UALAPUE PARK
To Pukoo
GOVERNMENT MAIN ROAD
To Kaunakakai
PLAT 04
PLAT 01
L. C. Aw. 4175
GRANT 2613
Grace Iwamoto Gr. 10316
Cecelia L. Kapuni (22) 0.77 Ac. Gr. 8447:1
William M. Akutagawa & wf. Katherine - T/E 0.81ac± Gr.
Kalai Estate, Inc. 3799:1
Frederico D. Bicoy & wf Evelyn T. T/E
Pearl M. Friel, Sybil & K.A. Johnson 1.29Acs.
Pearl M. Friel
45,980sf
1.10 Acs.
1.933 Ac.
Kuhihewa Keahi, John Alapai, Henry Alapai, Lei Alapai, Willie Alapai 0.72 Ac. L.C. Aw. 10505. R.P. 4025
0.32 ac. L.C. Aw. 3940:2 Abbie Welch Estate
0.37ac±
Patrick Silva Est 0.08Ac
Helene W. Yim L.C. Aw. 6516:3 0.11 Ac.
Grant 3799:1
Solomon A. Kong 0.25 Ac. L.C. Aw. 3975 Ap. 2
Robert Kaauwai - 1/2, Samuel Kaauwai, Jr. - 1/4, Elizabeth Kaauwai - 1/4 L.C. Aw. 3916:2 0.230Ac.
Albert Kamakana, Sr. Est - 1/11, Heirs of Mrs. Kaluna Kamakana 0.54 Ac. L.C. Aw. 3668:1 Gr. 8447:2
Don Mahi, Henry Mahi, Jr. & wf Clarissa - 3/11 0.115 Ac.
L.C. Aw. 6516:2
Patrick Silva Estate 0.25 Ac
Sarah K. Smythe, Apolonia K. Paa, dec'd, Charles K. Keahi, dec'd, Peter K. Keahi 0.17 Ac. L.C. Aw. 4088 Rm 1
State of Hawaii (Isabell Kaauwai) Rev. Prnt S-4075 e.
John Kaheaku 0.27 Ac
L.C. Aw. 8105:2
Iona Kawahamana (H.L. 55) 0.88 Ac. - est.
(.05 Ac.)
(0.80 Ac.)
Sarah K. Smythe, Apolonia K. Paa, dec'd, Charles K. Keahi, dec'd, Peter K. Keahi 0.68 Ac. L.C. Aw. 4069:2 (0.81 Ac.)
(0.35 Ac.) L.C. Aw. 4079:2
Iona Kawahamana .06 Ac. - est. H.L. 55
Loko
Elsie H. Ching (Edwin Tasaki & wf. May - T/E) A/S Gr. 680
(0.13 Ac) Gr. 3092
Joseph Kapuni 0.35 Ac. Gr. 8421
State of Hawaii 1.018 Acs.
(John K. Kadowaki, Sr.) Rev. Prnt. S-4057
John K. Kadowaki & wf. Elizabeth K-1/4 L.C. Aw. 8147 0.935 Ac.
1.644 acs.
Accretion to Gr. 680
Accretion to L.C. Aw. 5147 (0.09ac.)
State of Hawaii 6.12 ft
Terr. of Hawaii 0.11ac±
State of Hawaii 3.30 acs. Old Loko
L.C. Aw. 4186
Por. L.C. Aw. 4186
James K. Hapaapaa
0.38 Ac (p/o) L.C. Aw. 236-Y
L.C. Aw. 4762:2
Por. L.C. Aw. 4186
Swamp
Edward S.T. Ching & wf. Elsie H. - T/E (Arthur Y.H. Wong & wf. Dorothy H. - T/E) A/S 53,750 sf
Accretion to L.C. Aw. 4762:2
State of Hawaii (Fred D. Bicoy) Rev. Prnt. S-4068 0.34 Ac.
Stream
ROAD
Manawai - Kahamanui Bdy.
State of Hawaii (Gloriana Sagarie) Rev. Prnt. 301 0.338ac.
L.C. Aw. 8147
Gr. 8447:1
Gr. 8447:2
Gr. 680
Gr. 3092
Gr. 8421
Gr. 10316
L.C. Aw. 3668:1
L.C. Aw. 3916:2
L.C. Aw. 3940:2
L.C. Aw. 3975 Ap. 2
L.C. Aw. 4079:2
L.C. Aw. 4088
L.C. Aw. 6516:2
L.C. Aw. 6516:3
L.C. Aw. 8105:2
L.C. Aw. 10505
R.P. 4025
Rev. Prnt S-4075 e.
Rev. Prnt S-4057
Rev. Prnt S-4068
Rev. Prnt 301
Lc 1500.79 17.29.83 Manawai Δ
True North
SEA

Unlocated Parcel:
36 Unlocated in Ualapue
John Alapai, Henry Alapai, Lei Alapai & Willie Alapai
R.P. 4026 L.C. Aw. 10505
4.89 ACS.

DROPPED PARCELS: 36, 11, 15, 18

ADVANCE SHEET SUBJECT TO CHANGE

SECOND	DIVISION	
ZONE	SEC.	PLAT
5	6	03
CONTAINING		PARCELS
SCALE: 1in=60ft.		

7845 PRINTED AUG 9 1

Dwg No. 209
By JAK & RH July 6, 1934
Source: Tax Maps Bureau

Por. UALAPUE ~ KAPUALEI, MOLOKAI, (UALAPUE, LOTS)

5 6 02

CORRECTED
NOV. 20
JUL 2
FEB 3 0 1950
FEB 1 2 1950
JAN 27 1951
FEB 29 '51
OCT 1 0 1968
MAR 1 6 1969
JUN 2 1969
JUL 17 1970
DEC 1 1970

PLAT 06

3117.5 N
229.0 W
Manawaia

State of Hawaii
13.56 Acs.
(Henry M. Bush)
Por. G. L. 3513

Stanley S. Yamaoka & Henry M. Bush -T/E
Abbie K. Welch Est
3.0 Acs.
Patrick Silva Est
L. C. Aw. 6516:5
0.375 ac
22
21
20
L. C. Aw. 3821:3
L. C. Aw. 3840:3
L. C. Aw. 4777:1
L. C. Aw. 4678:3
19
John Kaheaku
3.20 Acs.
1
State of Hawaii
3.75 Acs.
(Henry M. Bush)
Por. G. L. 3513
2
Mrs. Elizabeth Iaea et. al.
2.45 acs.
State of Hawaii
2.26 Acs.
(Henry M. Bush)
Por. G. L. 3513
3
PLAT 06
State of Hawaii
1.98 Acs.
(Henry M. Bush)
Por. G. L. 3513
10 Ft. Easmt.
34
24
25
Lillian Aping
Katharyn A. Aping
0.91 Ac.
L. C. Aw. 4170:3
Eger K. Mathews Est
1.8 Acs.
L. C. Aw. 3792-C:1
L. C. Aw. 3823:1
Gr. 3795:1
18
17
16
Mrs. Elizabeth Iaea
2.33acs.
5
Jack N. Iaea - 1/3
John W. Iaea - 1/3
Mona K. Medeiros - 1/3
4.20 Ac.
por. GR. 13046
State of Hawaii
(Yvonne Mathews) l/e.
G. L. S-4103
2.10 acs.
State of Hawaii
(Henry M. Bush)
G. L. 3403
2.48 acs.
Lillian Aping
Katharyn A. Aping
L.C.Aw. 4170:1
2 0.25 Ac.
Ivy Meyer
0.25 ac
23
L.C. Aw. 3791
SEC. 7

Patrick Silva Estate
4.08 acs.
L. C. Aw. 6516:1
11
26
John Kaheaku
0.8 Ac.±
Harry A. Aipa & wf - T/E
Douglas A. McPherson & wf Suzanne N - T/E
32.500 or 0.736 Ac.
L. C. Aw. 382:1
John Kaheaku
1.37 acs.
L. C. Aw. 4098:1
14
13
12
(Robert Kaauwai)
por. H. L. 59
10
9
Lillian Aping
Katharyn A. Aping
1.91 Acs.
Gr. 3798:1
8
Wallace Y. W. Aping
1.62 Acs.
Gr. 3795:1
7
Lillian Aping
Katharyn A. Aping
1.56 Acs.
Gr. 3797:1
6
32
31
4
3
1
27
ROAD
3055.0 N
2345.0 E
Manawaia
To Pukoo
Exec. Ord. #118
(1.95 acs.)
Mrs. Kaluna-Kamakana
0.8 Ac. ±
L. C. Aw. 3666:2
Albert Kamakana
St Est - T/E
L. C. Aw. 4155:1
State of Hawaii
(County of Maui)
Exec Ord No. 138
UALAPUE PARK
2.13 Acs.
George E Forrest & wf Victoria G. - T/E
4.43 Ac.
12
13
15
11
Patrick Silva Est.
0.10 ac.
L. C. Aw. 6516:4
State of Hawaii
0.51 Ac ±
10
Exec. Ord. No. 118
Arthur Cathcart
9 0.21 ac.
L.C. Aw. 3966:1
30
State of Hawaii
(Dept. of Education)
KILOHANA SCHOOL & DISPENSARY
Exec. Order 2459
8.80 Ac.
17
19
18
State of Hawaii
5.07 Acr.
(County of Maui)
UALAPUE PARK
Exec Ord. #94
(3.12 acs)
14
3.61 Acs.
Gr. 8209
Gr. 3794:1
Pen
6
7
29
28
MAIN
GOVERNMENT
PLAT 03
8
To Kaunakakai
PLAT 01
TRUE NORTH
Scale: 1 inch = 100 Ft
FISH POND
Unlocated Kuleana
Parcel 33
L. C. Aw. 4190:2
800 Acs.
Henry Luuloa Est.
35 L. C. Aw. 3310:3
4.949 Ac.
Robert Kaauwai - 1/2
Samuel Kaauwai Jr. - 1/4
Elizabeth Kaauwai - 1/4
DROPPED PARCELS: 33, 35,
ADVANCE SHEET
SUBJECT TO CHANGE
LOWER POR. OF UALAPUE, KONA, MOLOKAI.

Revised To:
Dwg. No: 2093
By: I.K.H. - June 29, 1934
Source: Tax Maps Bureau of Survey Department

SECOND		DIVISION
ZONE	SEC.	PLAT
5	6	02
CONTAINING		PARCELS
SCALE: 1 in. = 100 ft.		

7846
PRINTED AUG 31 '87

5 6 01

CORRECTED
MAR 8 1939

JUL 1945

JAN 27 1948

DEC 15 1950

Dwg. No: 2098
By: L.A.K. & I.K.H. July 1934.
Source: Tax Maps Bureau & Survey Department.

True North
1" = 60'

PLAT 02

PARCEL 36:
(Robert Kaauwai) Ile
por. H.L. 59

MAIN

ROAD

To Pukoo

To Kaunakakai

GOVERNMENT

PLAT 02

PLAT 03

UALAPUE FISH POND

State of Hawaii
22.25 ac.

Robert Kaauwai - 1/2
Samuel Kaauwai, Jr. - 1/4
Elizabeth Kaauwai - 1/4

Robert N. Kaauwai
Por. Gr. 8-14829
0.20 ac.

Robert N. Kaauwai
Por. Gr. 8-14829
0.69 ac.

Ella W. Harrison
0.45 Ac.

L. C. Aw. 3821:2

L. C. Aw. 3915 :1
0.407 Ac.

Cecelia L. Kapuni
0.11 ac.
Gr. 8447:3

Samuel Apo, Sr. & wf Lorna L. - 1/6
L. C. Aw. 5147:2

Daniel Pahupu
0.20 ac.
L. C. Aw. 9102:1

State of Hawaii
0.05 ac.

Mary Hanakaewe Estate
0.19 ac.
R.P. 2962
L. C. Aw. 3792-C:1

State of Hawaii
0.37 ac.

State of Hawaii
0.18 ac
Gr. 3793:2

Mary Hanakaewe Est.
0.11 ac.

R.P. 2962
L. C. Aw. 3792-C:2

John Kaheaku
0.09 ac.
L.C.Aw. 4177:2

Theodore L. Bush & Noralyn K. Bush, minor Jtr
0.561 ac.
L. C. Aw. 4177:3

L. C. Aw. 3840:1

State of Hawaii
0.25 ac.

Harold W. Franklin & wf Kay - 1/8 Ac.
L. C. Aw. 5184:1

(Robert Kaauwai) Ile
por. H.L. 59

0.32 Ac.

0.07 Ac.
L.C.Aw. 4618:2

Harold W. Franklin & wf Kay - 1/8
0.06 Ac.
L.C.Aw. 5184:2

Ezer K. Mathews Est
0.48 Ac.
L. C. Aw. 4170

L. C. Aw. 4618:1

Lillian Aping
Katharyn A. Aping
0.42 Ac.
Gr. 3798:2

Lillian Aping
Katharyn A. Aping
0.20 ac.

Ezer K. Mathews
0.25 ac. Est

R.P. 8078
L.C.Aw. 3792-C:1

(Robert Kaauwai) Ile
por. H.L. 59

Ezer K. Mathews Est
0.02 Ac
0.14 Ac
R.P. 8078
L.C.Aw. 3792-C:2

L. C. Aw. 3792-B:3

Damien K. Place
0.35 ac.
O.R. 3797:2

Lillian Aping & Katharyn A. Aping, M/C
Solomon A. Kong
0.23 Ac.
Gr. 3795:2

Patrick Silva Est.
0.34 ac.

Mrs. Elizabeth Iaea
0.32 ac.

L. C. Aw. 3793-C:2

L. C. Aw. 3823:2

See below for owners
0.21 ac.
L. C. Aw. 4209:1

Patrick Silva Estate
0.10 ac.
L. C. Aw. 4104:2

Elizabeth Iaea
0.14 Ac.
Gr. 3796:2

Mary Hanakaewe Est.
0.15 ac.

S.H.
0.08 ac.

S.H.
0.02 ac.

John Kaheaku
0.36 ac.

Edward K. Kaupu
0.48 ac. Est.

Grant 8190

0.44 ac.
L. C. Aw.
3792-D:1

Theodore K. Kaanoi, Sr.
Louis K. Kaanoi
Theodore K. Kaanoi, Jr.
Catherine K. Espiritu
Mary K. Kaleo
Charles K. Kaanoi
Isaac D. Iaea

Samuel Kalelkaa
Puahinau - 2/5 and
Mary K. Kane - 1/5 and
James Nui Kalelkaa - 1/5 and
Kaaliau Kalelkaa Est. - 1/5 and
0.55 ac.

Grant 9239

Jack H. Iaea - 1/3
John H. Iaea - 1/3
Mona K. Medeiros - 1/3
0.53 Ac.
por. Gr. 13046

State of Hawaii
(Henry M. Bush)
Por. Apana 3 of Gr. 8-5277
0.33 ac.

Solomon A. Kong
0.30 ac.
L. C. Aw. 3975:1

See below for owners
0.27 ac.
L. C. Aw. 4209:2
Patrick Silva Est.
Mrs. Kamali Hilo

John Kaheaku
0.14 ac.

John Kaheaku
0.30 ac.
L. C. Aw. 4192:1

See below for owners
0.29 ac.
L. C. Aw. 3878:2

See below for owners
0.15 Ac

0.55 ac.

OR. 3794:2

Arthur Cathcart
0.12 ac.
L. C. Aw. 3966:2

L. C. Aw. 4804:1

L. C. Aw. 3982:1

L. C. Aw. 3837:1

(Masashi H. Otsuka & wf)
Por. Rev. Inv. 5-6937

S.H.
0.04 ac.

See below for owners
0.13 ac.

State of Hawaii
(Henry M. Bush)
Por. G.L. 3403

L. C. Aw. 4618:1

Theodore K. Kaanoi Sr.
0.40 ac.

3792-D:2

L. C. Aw.
(Henry M. Bush)
Por. G.L. 3403

0.02 ac.

State of Hawaii
(Henry M. Bush)
Por. G.L. 3403-B

Henry Luuloa Estate
0.66 ac.

L. C. Aw.
4196:1

Owners of Parcels 7, 11, 14, 45, 58, & 61.
Theodore K. Kaanoi, Sr. - 1/1
Louis K. Kaanoi - 1/5
Theodore K. Kaanoi, Jr. - 1/5
Catherine K. Espiritu - 1/5 } Rdm.
Mary K. Kaleo - 1/5
Charles K. Kaanoi - 1/5

61 Unlocated in Ualapue
L.C.Aw. 4209:3
See above for owners
1.66 ac.

DROPPED PARCELS: 61,

Stonewall

UALAPUE, MOLOKAI.

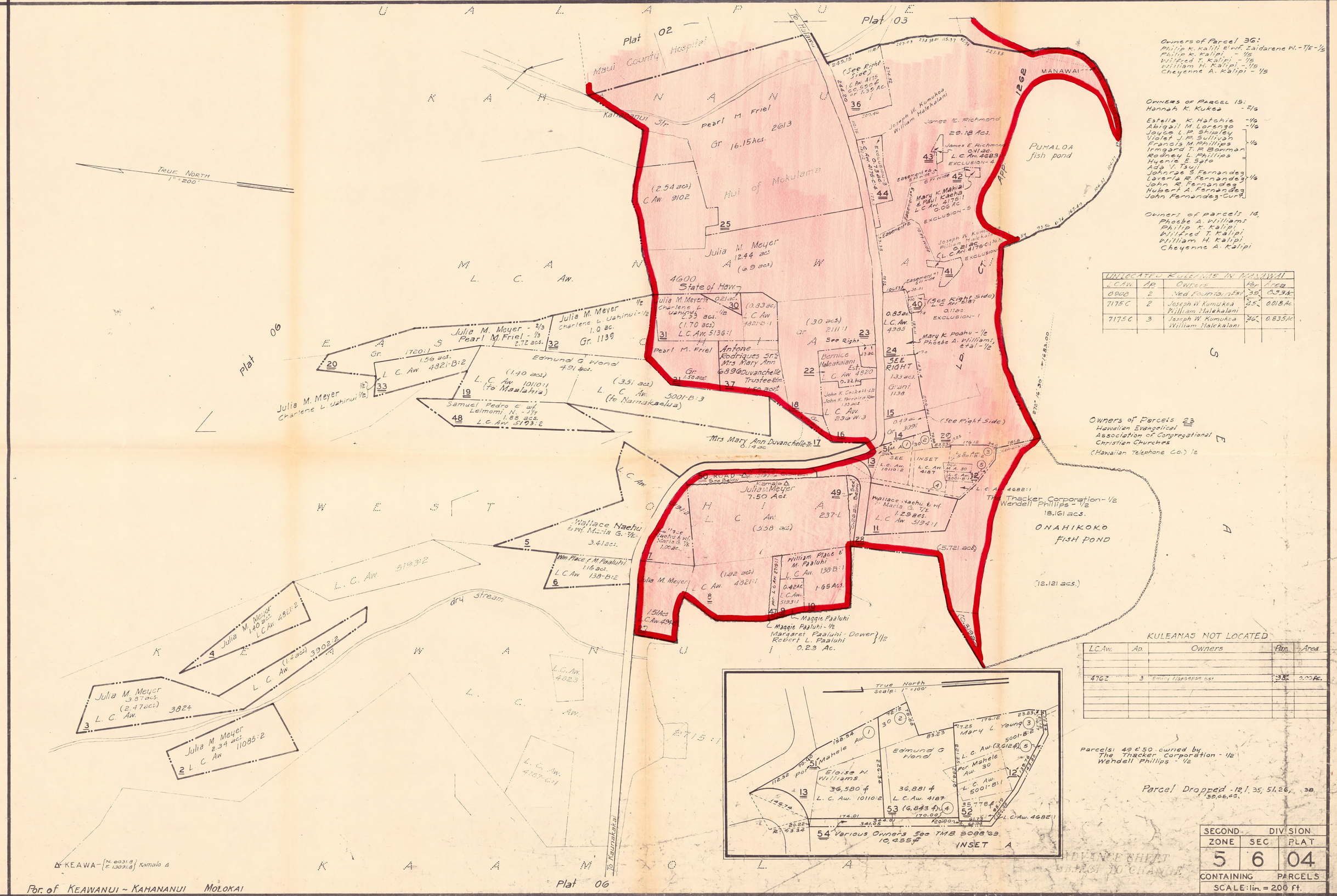
ADVANCE SHEET
SUBJECT TO CHANGE

SECOND		DIVISION
ZONE	SEC.	PLAT
5	6	01

CONTAINING PARCELS

SCALE: 1 in. = 60 ft.

7847 PRINTED AUG 31 1971



Owners of Parcel 36:
Philip K. Kalili & wf. Zaidarene W. - T/E - 1/5
Philip K. Kalipi - 1/5
Wilfred T. Kalipi - 1/5
William H. Kalipi - 1/5
Cheyenne A. Kalipi - 1/5

Owners of Parcel 15:
Hannah K. Kukea - 2/6
Estella K. Hatchie - 1/6
Abigail M. Lorenzo - 1/6
Joyce L. P. Shipley
Violet J. P. Sullivan
Francis M. Phillips
Irmgard T. P. Bowman
Rodney L. Phillips
Hyenie E. Sato
Ada V. Tsuji
Johnrae S. Fernandez
Laverla R. Fernandez
John R. Fernandez
Hubert A. Fernandez
John Fernandez - Curt.
} 1/6

Owners of parcels 14,
Phoebe A. Williams
Philip K. Kalipi
Wilfred T. Kalipi
William H. Kalipi
Cheyenne A. Kalipi

UNLOCATED KULEANAS IN MANAWAI				
L.C.Aw.	Ap.	Owners	Par.	Area
8908	2	Ned Fountain Est.	39	0.33 Ac
7175 C	2	Joseph W. Kumukoa William Halekalani	45	0.018 Ac.
7175 C	3	Joseph W. Kumukoa William Halekalani	46	0.835 Ac

Owners of Parcels 23
Hawaiian Evangelical Association of Congregational Christian Churches
(Hawaiian Telephone Co.) 1/2

KULEANAS NOT LOCATED

L.C.Aw.	Ap.	Owners	Par.	Area
4762	3	Emily Napoepoe Est.	38	0.03 Ac.

Parcels: 49 & 50 owned by
The Thacker Corporation - 1/2
Wendell Phillips - 1/2

Parcel Dropped - 12, 1, 35, 51, 26, 38, 39, 46, 43.

SECOND DIVISION		
ZONE	SEC	PLAT
5	6	04
CONTAINING PARCELS		
SCALE: 1in. = 200 ft.		

ADVANCE SHEET SUBJECT TO CHANGE

PRINTED AUG 31 1971

7848

Dwg. No.: 2182
Source: Tax Maps Bureau & Survey Dept.
By: H.N. J.A.K. & P.K. Nov. 1934

5 6 06

CORRECTED
FEB 8 1939

UNLOCATED KULEANAS					
Parcel	Owner	Area	L C Award	Ap	Location
29	Charlotte Gandall	4.0 ac.	5135	2	Manawai
31	William Mahiai	0.18 ac.	101-D		Kaamola

14 & 15
State of Hawaii - 1/2
Harie Fountain - c/h
Married at Kona - 1/3
Eli Fountain - 1/3
Martha K Turner - 1/3
Martha K Cudeit - Dec'd Adm.
Henry H. Haitsuka et ux
Dorothy A. - 1/8
Buzzy T Okazaki et ux May - 1/8
William Kamakana
- 1/4
- 1/4

State of Hawaii
28 0.828 ac.
(County of Maui)
Ualapue Tank Site
Por. Exec. Ord. 806

State of Hawaii (0.48 ac.±)
375.36 Acs.
(Pearl Friel) cor. Rev. Rpmt 5-3103
G.L. 2769

State of Hawaii
2.068 acs.
(County of Maui)
Exec. Ord. 533
Ualapue Cemetery

Harold A. Cathcart
1.50 acs.
L C Aw 4056

(Pearl Friel) cor. Rev. Rpmt 5-3103
See Left for Owners
109.014 Ac±

Por. G.L. 2769

State of Hawaii
194.06 acs.
(164.0 acs)

See Left for Owners
182.0 acs
(167.0 acs)

MAHELE Award

Julia M. Meyer
50.0 acs±

(Pearl Friel)
G.L. 3501

Pearl M. Friel - 1/3
Julia M. Meyer - 2/3

Jentoku Shita - T/C
Haruno Shita - T/C
L C Aw 4521 B 3
2.21 acs

State of Hawaii
56.44 acs.

Edmund & Wond
7.687 Acs.

L C Aw 10109
L C Aw 4602:2
L C Aw 5193:2
L C Aw 4823

Edmund & Wond
L C Aw 4336:1 & 2

State of Hawaii
T 220 acs.

Edmund Wond - 3/4
Samuel Pedro - 1/4

327 Acs.

(FR. 325.5 acs)

(FR. 172 acs)

B. P. Bishop
102.0 acs.

[FR. 33 acs.]

[FR. (79.32 acs.)]

(FR. 92.3 acs)

(155.0 acs±)

B. P. Bishop Est.

KEAWA

(James E. Richmond
UNITOURS, INC. - 49%
- 51% T/C) 16.
445.27 Acs.

Loretta Martin
Rose Aping - Owner
Grant 8207
33.0 Acs

Solomon A. Haluulani et al
Clement L. Haluulani - 1/4
L C Aw 3975
23.44 acs

The Thacker Corp.
210.745 Acs.
11:41

Rose A. Aping
674.751 Acs.
(672.341 Acs.)

Edith Austin Trust Estate - 1/2
John F. Austin - 1/8
Arlene A. Austin Cranks - 1/8
James A. Austin Jr. - 1/8
Dorothy E. Austin - 1/8
160.0 Acs

11:16 : 13

(759.03 acs±)

Kapualei Heiau

MANAWAI

KAMALO

B. P. Bishop Est.
78.87 acs.
(James E. Richmond - 49%
UNITOURS, INC. - 51% - T/C) 16.

State of Hawaii
36.5 acs.±
Old Fish Pond

B. P. Bishop Est.
73.59 acs.

KEAWANUI
(James E. Richmond - 49%
UNITOURS, INC. - 51% - T/C) 16.
L C Aw 2715:2
Fish Pond

KALAELOA

Solomon A. Haluulani et al
Clement L. Haluulani - 1/4
2.06 acs.

RECREATION

KAINAHOE Fish Pond

PLAT 05

SUBMERGED LAND

(1.389 Acs. Por. Par. 8)
PAIALO Fish Pond

(8.021 Ac.) Por. Par. 8

Old Fish Pond

PLAT 09

PLAT 07

PLAT 08

PLAT 10

Kamala Wharf

To Kalae

True North
1" = 1000'

TRUE NORTH
1" = 1000'

SP 71-113
TMK 5-6-06:24 (P)

INSET

James E. Richmond - M/C
Soloman
Hanakeawe Sr. Est. - M/C
0.23 ac.
L C Aw 4018 A
23

0.50 Ac±
L C Aw 10685:1
Antone R. Sylva - 1/2
Emmaline S. Kaen - 1/2 Adm.
22

Toshio Susuki
1.42 ac

KEAWANUI FISH POND
L. C. AW. 2715:2

True North
1" = 200'

L C Aw 4090

James E. Richmond
10.23 Ac
L C Aw 4181 C 12
20

L C Aw 4181 C 12
21

Old Fish Pond

DROPPED PARCELS: 29, 31.

SECOND DIVISION

ZONE	SEC.	PLAT
5	6	06

CONTAINING PARCELS

Scale 1 in = 1000 ft.

ADVANCE SHEET
SUBJECT TO CHANGE

7849 PRINTED AUG 31 1971

Dwg No. 20
By P.K. July 1934
Source: Taxation Maps & Survey Dept.

UALAPUE - KAPUALEI, MOLOKAI.

Molokai Resort Clears Zoning Hurdle

Maui News 1-29-72

Work To Be In 2 Phases

By Jeanne B. Johnson

Based on recommendations of the Molokai Advisory Committee, the Maui Planning Commission approved a change Tuesday in zoning at Keawanui, Molokai, which will allow James E. Richmond to proceed with the development of a resort apartment complex.

The change involved approximately ten acres—excluding the Puhaulua Fish Pond which is presently in the State Conservation District—and will result in designating the area as Apartment (A-2). It is now under interim zoning, but falls within the County's General Plan for apartment use.

Originally Richmond had asked for rezoning of a total of 29 acres, but the Molokai committee said that it felt the immediate demand for development of the property does not justify rezoning the entire acreage.

"As Richmond proceeds with his development, the remainder of the parcel may be reconsidered," said County Councilman E. Loy Cluney, chairman of the committee.

At a plublic hearing held on December 27 at Kaunakakai, certain objections and reservations had been expressed about the project—primarily revolving around the thought that sufficient lands may already be zoned on Molokai to allow apartment and condominium development.

Also questioned was a possible increase in taxes for adjoining properties, and the adequacy of public services such as school, fire, roads and water.

At that time six persons registered disapproval of the proposed development. Subsequently it was determined that four of the six were members of a family which had adjacent property. Later, Richmond submitted a petition containing 340 signatures, all in favor of his development.

In approving the zone change, the Commission stipulated that the developer must provide beach access for the public, and final plans are to be subject to review by the Molokai Advisory Committee—particularly with regard to the location of the sewage treatment facility for the project.

The Richmond apartment development "would be compatible with the Unitours hotel previously approved in the vicinity of Keawanui Fish Pond," the Molokai group said.

The first phase of the project involves some 132 units on four acres of land. Richmond told the Commission and estimated that it would take two to three years for that phase.

Phase two—involving six acres—will proceed somewhat concurrently with the first, and involve considerable landscaping, and the other necessities of the development.

Richmond said he foresaw a "continuous development," and estimated a period of five years for the completion of both phases.

7850

STATE OF HAWAII
LAND USE COMMISSION

TESTIMONY FORM

To be filled out by all persons wishing to give testimony at this public hearing.

These forms will be collected prior to this hearing in order to aid the Commission in the conduct of this hearing.

Date: 10/8/71

Subject Petition: SP 71-113 Unitours, Inc.

Your Name: Robert R KEALOR, President

Organization: Molokai Chamber of Commerce

Mailing Address: Kaunakakai Molokai Hawaii

Phone Number: 567 6577

Please check one:
X We are I am for this petition
_____ I am against this petition

Briefly summarize your reasons for submitting testimony:

Because of the overall benefits to the economy and welfare of the Island of Molokai, we of the Molokai Chamber are in upmost favor of this development.

Pursuant to Act 205, the Commission must take action on this petition between 45 - 90 days from the date of this public hearing. You have 15 days after this public hearing to submit additional written evidence to the:

Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

(For Commission Use Only)

STATE OF HAWAII
LAND USE COMMISSION

TESTIMONY FORM

To be filled out by all persons wishing to give testimony at this public hearing.

These forms will be collected prior to this hearing in order to aid the Commission in the conduct of this hearing.

Date: October 8, 1971

Subject Petition: ~~Conditions~~ ? UNITOURS

Your Name: Lorraine Lunloa

Organization: The Molokai Hawaiians

Mailing Address: P.O. Box 252, Kaunakakai Molokai 96748

Phone Number: 553-5612

Please check one: ____ I am for this petition
✓ I am against this petition

Briefly summarize your reasons for submitting testimony:

Pursuant to Act 205, the Commission must take action on this petition between 45 - 90 days from the date of this public hearing. You have 15 days after this public hearing to submit additional written evidence to the:

Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

(For Commission Use Only)

#2

STATE OF HAWAII
LAND USE COMMISSION

TESTIMONY FORM

To be filled out by all persons wishing to give testimony at this public hearing.

These forms will be collected prior to this hearing in order to aid the Commission in the conduct of this hearing.

Date: Oct 8, 1971

Subject Petition: SP 71-113 unitours Inc

Your Name: Eugene K. Duvauchelle

Organization: Land Owner

Mailing Address: 45-126 Makalani Circle Kaneohe Hi

Phone Number: 247 3147

Please check one: X I am for this petition
____ I am against this petition

Briefly summarize your reasons for submitting testimony:

Pursuant to Act 205, the Commission must take action on this petition between 45 - 90 days from the date of this public hearing. You have 15 days after this public hearing to submit additional written evidence to the:

Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

(For Commission Use Only)

#3

STATE OF HAWAII
LAND USE COMMISSION

TESTIMONY FORM

To be filled out by all persons wishing to give testimony at this public hearing.

These forms will be collected prior to this hearing in order to aid the Commission in the conduct of this hearing.

Date: October 8, 1971

Subject Petition: SP-71-113 Unitours Inc.

Your Name: Howard C. Gerger.

Organization: Molokai International Development Inc.

Mailing Address: 657 Kapiolani Blvd. Honolulu Hi. 96813

Phone Number: 5376548 - 2378195

Please check one: ✓ I am for this petition
_____ I am against this petition

Briefly summarize your reasons for submitting testimony:

Molokai Development;

Pursuant to Act 205, the Commission must take action on this petition between 45 - 90 days from the date of this public hearing. You have 15 days after this public hearing to submit additional written evidence to the:

Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

(For Commission Use Only)

#4

STATE OF HAWAII
LAND USE COMMISSION

TESTIMONY FORM

To be filled out by all persons wishing to give testimony at this public hearing.

These forms will be collected prior to this hearing in order to aid the Commission in the conduct of this hearing.

Date: Oct. 8th, 1971

Subject Petition: Unitours, Inc. SP 71-113

Your Name: Mrs. Lelie D. Sherwood

Organization: Private

Mailing Address: Star Route Kaunakakai

Phone Number: 558183

Please check one: ✓ I am for this petition
_____ I am against this petition

Briefly summarize your reasons for submitting testimony:

Pursuant to Act 205, the Commission must take action on this petition between 45 - 90 days from the date of this public hearing. You have 15 days after this public hearing to submit additional written evidence to the:

Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

(For Commission Use Only)

AJ

TOTAL 131

18

PETITION

We, the undersigned, residents of the Island of MOLOKAI, request the Land Use Commission to approve the petition of James E. Richmond and Unitours, Inc., for a special permit allowing the development of 20 acres within the Keawanui Fish Pond area, for the following reasons:

1. The development will boost the economy of our island.
2. It will create job opportunities for our Molokai families.
3. It will beautify and enhance one of the "ugliest" spots on the island.
4. This development has the approval of our Maui County Planning Commission, in whom we have a great deal of confidence.

SIGNATURE	RESIDENCE
Trinidad M. Angel	M'Loa, MOLOKAI
Juanita Lajon	✓ ✓
Henry Wiebke	Hoolehua, ✓
Fred Swaba	Hoolehua, ✓
Phyllis Lakase	Kualapuu ✓
Rosie Arinoki	Kualapuu ✓
Jane DeCoite	Kalae, Molokai ✓
Katherine Apo	Hoolehua Molokai ✓
Tonga Papuanda	Kualapuu ✓
Ady Acoba	Maunaloa, ✓
Cecilia Steiner	Kualapuu, ✓
Myrna Mae Kaupu	Hoolehua, ✓
Dolores L. Reyes	Hoolehua, ✓
Mahealani Nakii	Hoolehua, ✓
Mrs. Amy M. Keeaa	Hoolehua, ✓
Helen Wiebke	Hoolehua, ✓
Lin T. Yuen	Kalae ✓
Frank F. Keoho	K'Kai ✓

18

PETITION

We, the undersigned, residents of the Island of MOLOKAI, request the Land Use Commission to approve the petition of James E. Richmond and Unitours, Inc., for a special permit allowing the development of 20 acres within the Keawanui Fish Pond area, for the following reasons:

1. The development will boost the economy of our island.
2. It will create job opportunities for our Molokai families.
3. It will beautify and enhance one of the "ugliest" spots on the island.
4. This development has the approval of our Maui County Planning Commission, in whom we have a great deal of confidence.

SIGNATURE	RESIDENCE	
Hirofumi Nakamoto	Kualapuu	Molokai
Jokichi Chinen	"	✓
Cary S. Yamauchi	"	✓
Nohea M. Daniel	"	✓
Agnes Nakamoto	"	✓
Seruo Nakamoto	"	✓
Bally Monday	"	✓
Rose Omalsa		✓
William Omalsa		✓
Rose Solatorio		✓
Joyce Naki		✓
James A. Naki		✓
Samuel [illegible]	Kualapuu	✓
Henrietta K. Kawano	K'kai	✓
Ellen M. Nishimura	"	✓
Mapuana Kansana	"	✓
Pedro Domingo	Hoolehua	✓
Lillian Mawar	Hoolehua	✓

18

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SIGNATURE	RESIDENCE
Mrs. Lei Keoho	Kaunakakai, Molokai
Felicidad Vair	Kaunakakai, Molokai
Sheena Tale Ko	KAUNAKAKAI, MOLOKAI
David Medina	Kaunakakai Molokai
Catalina P Manaund	Hoolehua Molokai
Anita N. Arce	Hoolehua, Molokai
Norma Kaalekahi	Kualapuu, Molokai
Thomas Kudo	Kualapuu, Molokai
Robert Uranchi	Kualapuu, Molokai
Robert H Yoshimoto	Kualapuu ✓
Earl Pawn	Hoolehua ✓
Edward Alfonso	Kualapuu ✓
Violet K. Villanueva	Hoolehua, Molokai
Norman E. Lang	Hoolehua, Molokai
A. L. Arakaki	" "
Takeo Yamashiro	Kaunakakai Hi
Blanche Alfonso	Kualapuu Molokai
James D. Wise	Hoolehua Hi

18

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SIGNATURE	RESIDENCE
Violet S Meyer	Kalae, Molokai
Mrs. Clara Kaahanui	Kipu ✓
Cecilia Eala	Kualapuu, Molokai
Lawrence Kaalekahi	Hoolehua, ✓
Perlita Ragonton	Kualapuu ✓
Helen A Tengan	Hoolehua Molokai
Miriam K. Brioso	Hoolehua, ✓
Carol Kupau	Kualapuu ✓
Gary Adachi	Kualapuu ✓
Melvin D. Prior	Kualapuu ✓
Eugene Sakurada	Kualapuu ✓
Beth Sakurada	Kualapuu ✓
Evelyn Kanawaliwali	Hoolehua ✓
Henry Kanawaliwali	Hoolehua ✓
Becky Mohnau	Hoolehua ✓
Louise Jones	Hoolehua ✓
Merle M. Ayau	Hoolehua ✓
V. Daniel	Kualapuu ✓

18

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SIGNATURE	RESIDENCE
Clayton T. Morris	Box 95 K, KAi
Patricia A. K. Shims	Box C5, K'Kai
Lincoln Lee Lee	Box 3, K'kai
Jean Arakaki	B5 Kualapuu
Kay Nakagawa	Box 224 Kualapuu
Alexander Beihan	P.O Box 139 Hoole Hua
Juan Bustamente	P.O. Box 83 Kualapuu
Nicolas Nakanoto	P.O. Box 43, Kualapuu
Evelyn Okimoto	Kalae, Molokai
John C. Lyon, Sr.	P.O. Box 217 Kualapuu, Molokai
Leonida Colotario	Box 235 Kualapuu Molokai
Paciano Viniegas	Box 173 Kualapuu, Molokai
James P Boswell	PX 85 Hoolehua Molokai
Raymondo S Quinones	Box 496, Kaunakakai
Francis Green	Hoolehua Molokai Box 19
Kevin W Johnson	Hoolehua, Molokai
Blassom Dawaa	Hoolehua, Molokai
Dani Goring	Kalae, Molokai

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SIGNATURE	RESIDENCE
Mrs. Martha Nacole	Hoolehua, Molokai
Katy Smith	Ki Kai - Molokai
Irene K. Keanini	Hoolehua Molokai
Cresencia Befitel	Kaunakakai
Harriet K. Potter	Hoolehua, Molokai
Mildred T. Watanabe	Kaunakakai, Molokai
Shulene Solatorio	Kawela, Molokai
Helen W Kalamu	Kaunakakai Molokai
Mildred N. Kaaikala	Kalae, Molokai
Audrey K. English	Kaunakakai
Ethel K. Kaaihue	Hoolehua Molokai
[illegible] Abrahano	Kualapuu, Molokai
John L. Tangiwoa	KAUNAKAKAI Molokai
Joan Mollena	Hoolehua, Molokai
Louisa Luptak	Hoolehua, Molokai
Anna Keanini	Hoolehua, Molokai
Irene S. Spencer	Hoolehua, Molokai
Jenny Porter	Kaunakakai, Molokai

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SIGNATURE	RESIDENCE
Becky Kaleikini	Hoolehua
[illegible]	Kaunakakai
Pauline L. Pezel	Kainalu
Ernest L. Meyer	Kamiloloa
Henry Dudoit	Kainalu
[illegible]	
Lonny E. Nahoopii	Kaunakakai, Molokai
Ann B. McGuire	Kaunakakai, Molokai
Jeanie Hart	Kaunakakai
Joyce Naki	Kaunakakai
James A. Naki	Kaunakakai
Philipa Apelia	Kaunakakai
Winona Kuuloa	Hoolehua
George Kuuloa	Hoolehua
Mae Remegio	Kalamaula, Mo
Grace Reyes	Kaunakakai
Charlene Poe Poe	Kaunakakai
Louise L. Kahinu	Kaunakakai, Molokai

4

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SIGNATURE	RESIDENCE
George Perry	Kamalo
Solomon R. Alatin	Kaunakakai
Fred D. Mello	Puu-o-Hoku
Kaulei De Mello	Puu-O-Hoku
H. Delfonge	Kawela
UNEA Kili	Kaunakakai Molokai
Veronica W. Davis	Hoolehua
Ernest Ly Sr	" "

P E T I T I O N

We, the undersigned, residents of the Island of MOLOKAI, request the Land Use Commission to approve the petition of James E. Richmond and Unitours, Inc., for a special permit allowing the development of 20 acres within the Keawanui Fish Pond area, for the following reasons:

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SIGNATURE	RESIDENCE
Nalte Lee	Hoolehua Molokai
Herman Correa	Hoolehua, Molokai
Norma Chenin	Kaaapuni, Hawaii 96757
Marvin Sheldon Jr	Maunai, Maunai
Betty K. Puaa	K'Kai, Molokai

RECEIVED
DEC 13 1972
State of Hawaii
LAND USE COMMISSION

December 7, 1972

Mr. Tom M. Sato
Manager, Engineering
MAUI ELECTRIC COMPANY, LIMITED
210 Kamehameha Avenue
Kahului, Maui 96732

Dear Mr. Sato:

RE: Request for approval of construction drawings for additional diesel generators at Maalaea, Maui.

The Maui County Planning Commission, at its meeting of November 21, 1972, voted unanimously to approve the drawings submitted for construction of additional diesel generators at Maalaea, Maui.

In considering the subject request, the Planning Commission acknowledged that the proposed generators and accessory facilities will be wholly within the 5 acre site initially approved by the State Land Use Commission on July 16, 1971, and that the subject request is within the provisions of the Special Use Permit granted by the State Land Use Commission. The Maui Planning Commission also emphasized that the approval for additional diesel generators does not constitute a commitment for subsequent approval of a steam generation plant at Kealia Pond.

The Commission granted approval of said construction drawings with the following conditions:

1. That landscaping plans be submitted for approval by the Planning staff.

2. That the color scheme for the proposed building and all other structures be approved by the Planning staff.

Please contact our office should you have any questions.

Very truly yours,

HOWARD K. NAKAMURA
Planning Director

cc Tatsuo Fujimoto
Harold Mizomi

PLANNING COMMISSION
Yoshikazu Matsui, Chairman
Adrian Hussey, Vice-Chairman
Joseph Franco
G. Alan Freeland
Kazuo Kage
Michael Kimura
George Murashige
Stanley Goshi, Ex-Officio
Carl Kaiama, Ex-Officio

Elmer F. Cravalho
Mayor

BOARD OF ADJUSTMENT
& APPEALS
Joseph S. Medeiros, Jr., Chairman
Young Whee Chun, Vice-Chairman
William Hong
George Tamura
Thomas Yagi

Howard Nakamura
Planning Director

COUNTY OF MAUI
PLANNING DEPARTMENT
P. O. BOX 1487
KAHULUI, MAUI, HAWAII 96732

May 2, 1972

RECEIVED
MAY 4 1972
State of Hawaii
LAND USE COMMISSION

Mr. Tyson Benson
Maui Electric Company
210 Kam. Avenue
Kahului, Maui 96732

Dear Mr. Benson:

Our office has received a communication (copy enclosed) from Tatsuo Fujimoto, Executive Officer of the State Land Use Commission relative to utilization of the Kealia Pond site. I believe that this letter is self explanatory and precludes use in any way of acreage in excess of five acres.

Please call upon us at any time should you have further questions.

Yours very truly,

Howard K. Nakamura

HOWARD K. NAKAMURA
Planning Director

April 28, 1972

Mr. Howard Nakamura
Planning Director
Maui Planning Department
P. O. Box 1487
Kahului, Maui 96732

Subject: Maui Electric Co.'s Kealia
Generating facility

Dear Mr. Nakamura:

We concur with your statement made in the April 20, 1972 letter to Mr. T. Benson of Maui Electric Co., Ltd., relating to SP71-104, Maui Electric Company's Kealia Generating Facility. We would also like to emphasize that the use of any additional land beyond 5 acres shall be the subject of a new petition.

Should you have any further questions, please feel free to write us.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

cc: T. Benson

3166

PLANNING COMMISSION
Yoshikazu Matsui, Chairman
Adrian Hussey, Vice-Chairman
Joseph Franco
G. Alan Freeland
Kazuo Kage
Michael Kimura
George Murashige
Stanley Goshi, Ex-Officio
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KAHULUI, MAUI, HAWAII 96732

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Thomas Yagi

Howard Nakamura
Planning Director

RECEIVED
APR 24 1972
State of Hawaii
LAND USE COMMISSION

April 20, 1972

MEMORANDUM

TO: Mr. Tatsuo Fujimoto, Executive Officer, LUC

FROM: Howard K. Nakamura, Planning Director HKN

SUBJECT: Maui Electric Company's Kealia Generating Facility

Mr. Benson of Maui Electric Company asked whether another acre could be used, primarily to construct fuel storage facilities for the gas turbine. These storage facilities would require construction of an earth berm to retain any leakage. It is primarily the berms which would fall within the additional acre requested. As you can see by the copy of my letter to Mr. Benson, it is my feeling that this would not be permitted under the conditions of the special permit. Your comments regarding this would be appreciated.

April 20, 1972

Mr. T. Benson
Maui Electric Co., Ltd.
210 Kam Ave.
Kahului, Hawaii 96732

Dear Mr. Benson:

Relative to your verbal request concerning possible expansion of the Maalaea generating facility to 6 acres, please be advised as follows:

1. The special permit is for diesel generators, gas turbines and necessary accessory structures.

2. That the aforementioned facilities be constructed on 5 acres of land.

3. Use of any additional lands shall be the subject of a new petition.

Therefore, it would appear that construction of any type relating to the diesel generators and gas turbines must be carried out within the 5-acre site. However, we will request confirmation of this from Mr. Tatsuo Fujimoto, Executive Officer of the State Land Use Commission.

Please feel free to call upon us at any time should you have any further questions.

Very truly yours,

HOWARD K. NAKAMURA
Planning Director

cc: Tatsuo Fujimoto

The Lahaina Sun - 8-11-71

Commission OKs Pukalani Project

The Maui County Planning Commission last week approved rezoning of some 400 acres to allow for large-scale development near the existing Pukalani Terrace subdivision.

Plans for the site include construction of a sewage treatment plant, a school, some 500 houses, parks, a shopping center, hotel and golf course.

The rezoning approval allows the Land and Construction Co., Ltd., to expand its Pukalani Terrace Project. According to developer Frank Munoz, work on the residential subdivision will start as soon as the County Council approves the rezoning.

Planning Commission approval was granted on condition that final details be approved by Carl Kaiama, director of the Maui County Dept. of Water Supply; Robert Ohata, planning consultant for the development, and County Planning Director Howard Nakamura.

Due to inadequate water supply in the area, the commission approved rezoning of only 400 acres, instead of the 699 requested by the developers.

Munoz' partner, Donald Tokunaga, said he would be willing to state in writing that no building over two stories in height would be permitted in the development's business district.

At the same meeting, Maui Electric Co. was given approval to start work on a control house, switching station, fuel tank and three diesel generating units on a five-acre site near Kealia Pond between Kihei and Maalaea.

The electric company was cautioned by the commission that extensive removal of existing vegetation would not be permitted. Slopes must be stabilized by plantings or other methods to prevent erosion, the commission said.

T.E. Benson, manager of engineering for the company, agreed to have his engineers take a second look to see if the proposed 48-foot switching station needs to be so high.

Benson said the company plans to replace the proposed wooden structure with a lower steel structure at a future date. He said only the power lines and the tops of the poles at the switching station will be seen from the road.

The first diesel-operated electric generating unit is expected to be in operation by December.

The Hawaiian Telephone Co. received Planning Commission approval to build an addition to its existing Napili communications equipment building. The building is situated off Honoapiilani Hwy. near the hui road at Alaeloa, north of Kaanapali.

The new structure will stand 13-feet, 3-inches high, two feet higher than the existing building, and will be situated

(See page 3)

Planning Action

(From page 1)

at the rear of the present building. No new poles or overhead wires will be installed. The area will be landscaped.

The Planning Commission also approved a special use permit to Unitours for construction of 324 hotel rooms on Molokai within the state agricultural district at the historic Keawanui Fish Pond.

The approval must be ratified by the State Land Use Commission.

Opposition to the proposed development was registered in the form of several letters, plus a petition with signatures of 69 Molokai residents. Backing the proposal was another petition with 99 signatures.

Opponents said the plan offered no guarantee that local labor would be hired. They also said residents of the area were not presented with valid facts at a Molokai hearing, land taxes may be raised, and inadequate information has been presented regarding restoration of the fish pond.

Proponents argued that local labor will be hired and that the fish pond will be restored. They said the development conforms with the Molokai master plan.

The commission stressed that the permit for use of the 20-acre site does not imply approval of Unitours' plans for eventual development of 207 acres in the area.

The special use permit allows construction of 324 hotel rooms in two low-rise (three-story or less) buildings, a sewage treatment plant, a plant nursery, maintenance shops and storage buildings, community recreational facilities and employee housing.

RECEIVED
SEP 17 1971
State of Hawaii
LAND USE COMMISSION

September 15, 1971

Dear Mrs. Jones:

Your letter of August 30, 1971, with your heartfelt defense of the beauties of Maalaea in poetry form is deeply appreciated. Certainly it is indicative of the trend of our times and the spirit of many of our citizens. There may be a tendency to dismiss poetic expression on State Government matters as totally alien to the prosaic needs and problems we face in our daily work. But your letter inspired me to check out a few writers of note on the relationship of poetry to governmental affairs.

Wentworth Dillon, for example, in his "Essay on Translated Verse," said: "True poets are the guardians of the state." How well this might be applied to you and your letter! Horace Walpole once commented: "Poets alone are permitted to tell the real truth." And Percy Bysshe Shelley declared: "Poets are the unacknowledged legislators of the world."

Shelley also was very careful to note the difference between poets and dreamers in his "The Fall of Hyperion I":

> The poet and the dreamer are distinct
> Diverse, sheer opposite, antipodes.
> The one pours out a balm upon the world,
> The other vexes it.

I am sure we need both poets and dreamers in our society, as well as "more practical" men and women to write the governmental prose and build the material, financial and other structures so necessary to human welfare. If, indeed, the world were composed entirely of poets, how awful that would be! Who would wash the dishes? I'm sure poets recognize that there is a need for mathematicians, engineers and architects, for masons and electricians, for--let us admit it--men who must drive and operate what poets call the honey wagons of our society. In life, diversity, variety and balance are the spice. And this

brings me back to beautiful Maalaea to your paean of praise for the natural beauty found there, and your pain of heart for what you call the "rape of Maalaea."

I would be inclined to view--with my limited poetic insights--the establishment of a five-acre electrical power station run by a diesel unit more as a practical marriage rather than a rape. Granted, the two may not at first glance seem compatible (how often newlyweds are said to be mismatched!), yet given a chance to grow together with the usual give and take that marriage demands, there is every possibility that a properly controlled power station and a virgin land area can develop a great degree of connubial harmony.

We must look with very practical and unpoetic eyes to the alternatives, (can a power station be located elsewhere? can the people of Maui sacrifice and give up the added power they want?) if such a "wedding" is to be considered unwise. We must also consider carefully the future fruit of such a union--power that makes possible environmental improvements and social advancement in the area served by the power lines. It takes some use of electricity to get to Maalaea; some electrical power is ultimately required to run the vehicles which keep the roads clean and in repair, and to power the lamps which give light at night. We cannot all live in darkness after the sun goes down.

I know we could go on endlessly trying to present points one way or the other. Perhaps the best answer in this case is to note that the men who are on the State Land Use Commission are men of integrity, honor, and extremely conscious of the twin needs of preserving our environment and permitting well-planned, necessary development. I trust they have considered all aspects of this case and have come up with a prudent answer to the problem presented. Your poetry cries out against despoilation. I am convinced that, in time, you will find Maalaea will still be beautiful, while the needs of Maui's citizens and visitors for added power will have been met.

Again, my thanks for your carefully prepared letter.

Aloha, and may the Almighty be with you and yours always.

Sincerely,

Russell A. Burns

Mrs. Be Jones
146 Kono Place
Kahului, Maui 96732

bcc: Hon. Shelley Mark
State Land Use Commission
Maui Electric Company

STATE OF HAWAII
LAND USE COMMISSION
HONOLULU, HAWAII

Minutes of Meeting

APPROVED
SEP 2 1971

July 16, 1971 - 10 a.m.

Kahului Library
Kahului, Maui

Commissioners Present: Goro Inaba, Vice Chairman
Alexander Napier
Eddie Tangen
Leslie Wung
Tanji Yamamura
Stanley Sakahashi
Shelley Mark
Sunao Kido

Staff Present: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Walton Hong, Deputy Attorney General
Jean Soma, Stenographer

ADOPTION OF MINUTES

Upon Commissioner Tangen's motion, seconded by Commissioner Sakahashi, the minutes of the May 21, 1971, meeting were approved as circulated.

HEARINGS

PETITION BY HANA RANCH, INC. (A71-293) TO RECLASSIFY APPROXIMATELY 39.5 ACRES FROM AGRICULTURAL TO URBAN AND 20 ACRES FROM URBAN TO AGRICULTURAL AT HANA, MAUI

Mr. Leong, staff planner, read the staff report (see copy on file).

Mr. Howard Nakamura, Planning Director, Maui County Planning Department, recommended that the 20 acres adjoining the existing Urban District be rezoned to Urban, as this is the area for which a demonstrated need for housing exists, and such rezoning would be a logical expansion to the Urban District.

ACTION

PETITION BY TAKEO SAKAMOTO (A71-276) TO RECLASSIFY APPROXIMATELY 23,745 SQUARE FEET FROM AGRICULTURAL TO URBAN AT WAIKAPU, MAUI

The staff memorandum recommending approval of the subject petition was presented by the staff planner (see copy on file).

Mr. Takeo Sakamoto, petitioner, stated he had no further testimony.

Commissioner Sakahashi moved for acceptance of the staff memorandum, seconded by Commissioner Yamamura, and the motion was unanimously carried.

PETITION BY LAND USE COMMISSION (A71-288) TO AFFIRM OR MODIFY VARIOUS PARCELS REZONED DURING THE 1969 FIVE YEAR BOUNDARY REVIEW IN THE COUNTY OF MAUI

Mr. Leong presented the staff memorandum for Area 1 in which staff recommended that the current Agricultural designation be retained for the subject area.

Commissioner Wung moved that staff recommendation be accepted, seconded by Commissioner Yamamura, and the motion was unanimously carried.

Regarding Area 2, the staff recommended that the subject 25 acres at Kalae, Molokai, be retained in the Urban District.

Commissioner Wung moved that the Commission concur with staff recommendation, seconded by Commissioner Sakahashi, and the motion was unanimously carried.

SPECIAL PERMIT APPLICATION BY MAUI ELECTRIC COMPANY (SP71-104) TO ALLOW CONSTRUCTION AND OPERATION OF ELECTRIC GENERATION PLANT AND ACCESSORY FACILITIES AT KEALIA POND, MAALAEA DISTRICT, MAUI

Mr. Fujimoto, Executive Officer, read the staff report recommending "that the Commission approve the establishment of the diesel generators, gas turbine, and necessary accessory structures, subject to the five conditions stipulated by the Maui Planning Commission, with the further condition that

approval of the diesel generators and gas turbine facilities would in no way infer future approval of the proposed steam plant" (see copy on file).

Mr. Walton Hong, Deputy Attorney General, advised that a petition to intervene had been received from Mr. Michael Cleveland, attorney for Life of the Land; and, it was the opinion of the Attorney General's office that such petition was inappropriate. With respect to the request that Life of the Land be permitted to cross examine witnesses, Mr. Hong pointed out that in the Rules and Regulations of the Land Use Commission, the presiding officer has the discretion whether to permit such an act. In conclusion, Mr. Hong suggested that this petition to intervene be denied.

Mr. Howard Nakamura, Maui County Planning Director, advised that a public hearing was held at the County level. Subsequently, he summarized the arguments presented at that public hearing by those opposing and supporting the request (see Mr. Nakamura's memo on file). Also, the proposed location for the intended use would be such that any possible air pollution would be carried out over Maalaea Bay by the tradewinds. The Maui County Planning Commission recommended approval of the application subject to the conditions stated in the Land Use Commission's staff report, since certain questions and problems have not been satisfactorily clarified or resolved.

Mr. Frank Montgomery, Hawaiian Electric Company, Inc., submitted that studies will be commenced immediately to establish more definitive answers to those questions which were raised during the course of the public hearing held by the Maui Planning Commission and that these ecological studies will be made available to all governmental agencies.

Mrs. Frances Cameron, Hui Manu, believed the electric generation plant would threaten the future existence of the rare Hawaiian Stilt and other water birds in the Kealia Pond (see testimony on file).

Mr. Dick Mayer, instructor of economics and geography, Maui Community College, spoke in opposition to the proposed facilities. Upon advice of Mr. Hong, Mr. Mayer dispensed with that portion of his testimony relating to the steam generation plant, since the approval of the steam plant was denied by the Maui Planning Commission (see testimony on file). Mr. Mayer submitted copies of two U.S. Weather Bureau maps taken from the Stearn-Rogers report--"Surface Trade Wind Streamlines Daylight Hours" and "Currents in the Vicinity of Maui" (see copies on file).

Mr. Robert P. Bruce, President, Maui Chapter, Conservation Council for Hawaii, stated said organization "has strongly opposed any harbor, industrial, or commercial development in this flood plain area, and has completely endorsed the proposed permanent waterfowl and wildlife refuge, with a permanently controlled water level, improved and properly developed and protected wildlife habitat in the Kealia Pond and surrounding flood plain area, so that its natural functions as a flood plain, sedimentation basin, ocean, beach, and shore pollution preventative, be preserved in conjunction with its development as a perpetual waterfowl and wildlife refuge and living museum" (see testimony on file).

With respect to the granting of a permit for aquaculture ponds, Mr. Fujimoto advised that such was granted by the Department of Land & Natural Resources and not the Land Use Commission as indicated by Mr. Bruce.

After a one-hour recess, the meeting resumed at 2:15 p.m.

Mr. Michael Cleveland, general counsel for and President of the Maui Chapter, Life of the Land, presented a "Petition to Intervene" (see copy on file). Since this petition was denied by the Commission, Mr. Cleveland presented a supplementary statement (see copy on file).

Upon advice of Vice-Chairman Inaba, Mr. Hong explained that the Land Use Commission is not mandated to conduct public hearings on special permit applications.

Mr. Howard Nakamura reiterated that a public hearing was held at the County level and that a notice of this public hearing was duly advertised. The Maui County Planning Commission considered the entire request but approved only a portion; namely, the establishment of the diesel generators and a gas turbine, together with the necessary accessory facilities. In addition, it was brought out at that public hearing that the first phase of the proposed development would consist of diesel generators, and Life of the Land had testified to this effect.

Commissioner Tangen announced that the Commission will not preclude anyone from testifying on this special permit application. He then refuted Mr. Cleveland's statement with respect to the Land Use Commission acting as a "rubber stamp," since the Commission had never indicated it would approve the subject permit. Therefore, he requested that the rest of the testimony to be heard by the Commission be as factual as possible.

The Executive Officer advised that the initial data relating to this application was received by the Land Use Commission office on July 8, 1971; but, the formal petition was not received until July 14, 1971. On July 8, 1971, appropriate governmental agencies and all interested persons and organizations, including Life of the Land, were advised that the Commission would be considering Maui Electric Company's special permit via a form letter and accompanying agenda. Subsequent to this, the entire file on the subject request was made available to a representative from Life of the Land when she asked to see the file in the Land Use Commission office.

Mr. Nakamura reported that the Land Use Commission does not necessarily have to conduct a meeting to consider a special permit request on the island or the County wherein the land is situated, but he had indicated to the Executive Officer that the subject request should be considered on Maui, so that the public would be afforded an opportunity to present its views.

Dr. John A. Maciolek, Hawaii Cooperative Fishery Unit, presented testimony as a biologist in opposition to the power plant (see testimony on file).

In response to Commissioner Tangen's inquiry, Mr. Montgomery informed that it would take approximately two to three acres to accommodate the diesel operation.

Mrs. Sue Cahill spoke for her husband, Russell W. Cahill, a biologist, who is concerned about the plight of Hawaii's unique native bird population. Therefore, the proposed industrial plant should be located elsewhere so as not to endanger the habitat of the birds in the Kealia Pond area (see testimony on file).

Mrs. Sue Cahill also spoke for Mr. Jerome Pratt, Chairman of the Fish & Wildlife Resources Committee, Tri-Isle Resources Conservation and Development Project. Mr. Pratt's opposition was based on irreparable damage to the quality of Maui's environment and threat to endangered wildlife in the event the applicant's proposal is located on the subject site (see testimony on file).

Prior to answering Mr. Tim Prior's question, Mr. Frank Montgomery was advised by Deputy Attorney General Walton Hong that he need not answer any questions if he so desired.

Mr. Montgomery said that Hawaiian Electric Company is prepared to investigate other alternative sites for the proposed industrial plant. Furthermore, Hawaiian Electric Company is a member of the Edison Electric Institute and has fully cooperated with them in terms of research and ecological studies. In response to Mr. Prior's final question, Mr. Montgomery announced that he was not in a position to state what method of treatment will be utilized because Maui Electric Company is contemplating a diesel plant and not one of steam.

Mr. John Bose, resident of Haiku, spoke in opposition to the proposed plant being located at Kealia Pond and suggested that alternative sites be considered (see testimony on file).

Mr. Webb Beggs, Jr., Manager, Maui Chamber of Commerce, read a letter addressed to the Chairman and Members of the Maui Planning Commission endorsing the special permit (see copy of letter on file).

In answer to Mr. Bruce Hughes's inquiry, Mr. Montgomery stated that the particular site represents the best and most economical one for the proposed power plant on the island of Maui today, and it will be necessary for Maui Electric to have two generating sites.

Commissioner Sakahashi voiced his concern over the problem of flooding in the area, at which time he was informed by Mr. Montgomery that the level of the lower side of the lot must be filled.

Commissioner Tangen moved that the special permit be granted subject to the conditions imposed by the Maui County Planning Commission as recommended by staff and further that the proposed facilities be constructed on five acres of land and that any additional use of the five acres or use of any additional land shall be the subject of a new petition. The motion was seconded by Commissioner Yamamura, and the Commission was polled as follows:

Ayes: Commissioners Wung, Yamamura, Tangen, Napier, Kido, and Inaba.

Nays: Commissioners Sakahashi and Mark.

The motion was carried.

1-23-71 Adv.

new move to protect Maui bay

Life of the Land has taken a new step toward halting construction of a major power plant on the shores of Maui's Maalaea Bay. It has petitioned the State Health Department to upgrade the bay's waters to Class AA.

Maalaea Bay is now designated Class B for small-boat-harbor use. Class AA is the highest classification, protecting the waters in a pristine state to conserve the propagate marine life.

Dr. Walter B. Quisenberry, director of health, has referred the formal legal petition to the State Attorney General for an opinion.

IF THE ATTORNEY general decides Life of the Land has a case, the Health Department must hold a public hearing. If not, it must give specific reasons for denying the petition.

According to a statement from Life of the Land, the new move is directed toward stopping not only the power plant but also a "medium-draft harbor" proposed last year by the U.S. Army Corps of Engineers.

Life of the Land and other conservation forces have already achieved one minor victory in the fight against the power plant, which would be built by Maui Electric Co. at Kealia Pond, next to Maalaea Bay.

LAST WEEK THEY persuaded the State Land Use Commission to limit development of power facilities to five acres at Kealia Pond. That would allow development of only interim facilities, using diesel and gas-turbine generators.

Maui Electric had requested a special permit to use 33 acres for construction of a major steam power plant. The plant would have required a zone of mixing in Maalaea Bay into which the plant could discharge hot water.

Power Plant Acreage Reduced

LAHAINA Sun 7/21/71

The State Land Use Commission last week granted permission to Maui Electric Co. for construction of diesel and gas turbine generating units on five acres of land near Kealia Pond.

The Land Use Commission action followed the advice of the Maui Planning Commission, with one exception. The Maui commission had approved installation of the units on a 33-acre site between Maalaea and Kihei. The State commission reduced the acreage to five.

Maui Electric originally requested permission to use the 33 acres for eventual installation of a massive steam plant, in addition to the diesel and gas turbine generators.

More than a dozen ecology-oriented organizations registered strong protests over the proposed steam plant. The Maui Planning Commission denied the request to install steam units -- but left open the possibility of reconsidering the proposal in the future if Maui Electric reapplies -- and passed this recommendation on to the Land Use Commission.

Last Friday, Land Use commissioners also turned down the steam generating units. The acreage to be used was cut from 33 to five because it was felt five acres

(See page 12)

Maui Power Plant Decision

(From page 1)

was enough space for the diesel and gas turbine units.

Frank Montgomery of the Hawaiian Electric Co., parent company to Maui Electric, said it wanted permission to use the entire 33 acres. He said the company hoped to receive permission for the steam units, after proving no damage would be done to the environment.

Montgomery said the necessary environmental studies probably would be completed within one year.

But Land Use Commission members said the company would have to start from scratch with a proposal for the steam units, and voted 6-2 to approve the use of diesel and gas turbine units only on a five-acre site.

Attorney Mike Cleveland, president of the Maui chapter of Life of the Land, indicated he may test the decision in court.

Life of the Land has been fighting to keep Maui Electric entirely off the Kealia Pond property until extensive environmental studies are conducted.

Cleveland claimed the State Land Use Commission did not receive the recommendation of the Maui Planning Commission, in written form, until July 12, just four days before the Land Use meeting on Maui.

Cleveland felt the four-day interval gave commission members "no time to investigate" the matter. He charged the commission was trying to "slip a decision past the public as quick as possible".

Commissioners said the Maui meeting was being held to give island residents an opportunity to voice their opinions on the power plant. Commissioner Eddie Tangen said they did not intend to make a hasty decision.

About 10 statements opposing the Kealia Pond location -- and two statements in favor -- were presented at the hearing.

Robert Bruce, president of the Maui chapter of the Conservation Council for Hawaii, charged that in addition to the "detrimental effects of permitting such industrial and commercial uses" in the Kealia Pond area, "the eventual elimination of this valuable flood plain and sedimentation basin will cost the taxpayers millions of dollars to replace its present natural function . . . with artificial sedimentation basins."

Dick Mayer, Maui Community College instructor, said installation of the diesel units would be uneconomical at the Kealia Pond site since they could be installed at greatly reduced cost at the existing power plant site in Kahului.

Mayer also felt approval of the Kealia Pond site would "set a dangerous precedent for the industrialization of the south coast of Maui . . . and influence future decision makers to give Maui Electric the go-ahead to construct the larger steam units that they will be requesting in a few years."

LUC Gives OK To Kealia Site

Maui News 7/20/71

The State Land Use Commission Friday—by a vote of 6 to 2—granted a special permit to Maui Electric Company for the construction and electric generating plant at Kealia Pond, Maalaea.

The special permit is subject to five conditions recommended by the Maui Planning Commission at its meeting on July 6—with the added stipulation that the amount of acreage be limited to five, instead of the 33 originally requested.

The action by the LUC came after nearly three hours of testimony from individuals and organizations expressing their opposition to the construction of any electric generating facility at the Kealia site.

Such testimony—based primarily on ecological and environmental concerns—was offered by Mrs. Francis Cameron, representing Hui Manu; Dick Mayer, Maui Community College instructor; Robert P. Bruce, president, Maui Chapter, Conservation Council for Hawaii; Michael Cleveland, general counsel and president of the Maui Chapter, Life of the Land; Dr. John A. Maciolek, leader, Hawaii Cooperative Fishery Unit; Russel W. Cahill, biologist; Jerome J. Pratt; Tim Pryor, biologist; John Bose; the Maui Outdoor Circle; and Bruce Hughes.

The only endorsement from the public concerning MECo's efforts to obtain the special use permit was made by Webb Beggs, manager of the Maui Chamber of Commerce.

Speaking on behalf of Maui Electric Company was Frank Montgomery, vice president of engineering, Hawaiian Electric Company. He said that "from an economic and long-run ecological point of view," Kealia Pond "is the best site on Maui" for the electric generating plant.

Montgomery further said that installation of diesel generators and a gas turbine does not make it mandatory to subsequently install steam units at the Kealia site.

He added that studies are already underway concerning the environmental concerns and that these should "be completed within one year."

"We are in agreement with the position taken by the Maui Planning Commission," he said.

At the conclusion of the public testimony, Land Use Commissioner Eddie Tangen made a motion to grant the special permit.

"Yes" votes were cast by Commissioners Tangen, Leslie Wung, Tanji Yamamura, A.J. Napier, Sunao Kido and Chairman Goro Inaba. Opposing the permit were Commissioners Stanley Saukahashi and Shelley M. Mark.

In other "action" items considered at the meeting, the LUC granted requests by Takeo Sakamoto, for a change in zoning, from agricultural to urban, of 23,745 square feet at Waikapu; and by the Department of Accounting and General Services, for special permits to allow construction of an administration building and classrooms at Lahainaluna High School and a library building at Molokai High School.

The Maui News

Line Was Missing In MECo. Story

7-22-71

The first paragraph of a story appearing in the last issue of The Maui News (under the headline, "LUC Gives OK To Kealia Site") should have read as follows:

"The State Land Use Commission Friday—by a vote of 6 to 2—granted a special permit to Maui Electric Company for the construction and operation of a diesel-operated electric generating plant at Kealia Pond, Maalaea."

One line was inadvertently left out of the story.

Maalaea Bay Petition

The Lahaina Sun; 7-28-71

Life of the Land has petitioned the State Health Dept. to upgrade the waters of Maui's Maalaea Bay to Class AA.

The move was taken, the group said, to attempt to stop both the construction of a major power plant in the area by Maui Electric Co., and construction of a medium-draft harbor proposed by the Army Corps of Engineers.

Under an AA classification, the waters must be kept in a pristine state.

The formal legal petition has been referred to the State Attorney General by Dr. Walter B. Quisenberry, state health director. If the attorney general decides Life of the Land has a case, the Health Dept. must hold a public hearing. If not, it must give specific reasons for denying the petition.

Life Of The Land Seeks Plant Delay

Hawaii Tribune 7-16-71

WAILUKU (AP) — The Maui Chapter of the environmental group, Life of The Land, said Thursday it has petitioned the State Land Use Commission to delay its decision on Maui Electric Company's proposed power generating plant at Kealia Pond.

The group said it is asking to formally intervene against the granting of a special use permit for Maui Electric to build the plant.

The Maui Planning Commission recommended approval of the power plant, but opposed Maui Electric plans to install a steam generator at the site.

The Planning Commission called for the company to conduct a thorough enviromental study to make sure that the plant does not affect the area's aquatic and bird life and not disrupt the pond's role as a siltation basin.

The matter was to be up for action before the Land Use Commission this morning.

Adv. 6-16-71

Maui planners to talk over rezoning bid

WAILUKU—Maui Planning Commissioners agreed yesterday to meet "informally" next week for off-the-record discussion of the proposed rezoning for a new Maui Electric Co. power plant on Wailea Pond near Maalaea.

Chairman Duke Matsui suggested the informal meeting "so we can discuss this among ourselves before taking action at a regular meeting."

KAZUO KAGE, commission member, asked if commissioners also might meet with "some of the so-called scientists" who have opposed the rezoning as threatening to pollute the pond, Maalaea Bay, and the Kihei atmosphere.

Kage said, "They may have more brains than me, but some of what they say doesn't make sense." Kage said he had looked at the cooling water discharge from the company's Kahului plant and believed it wasn't harming ocean life because "there are plenty of fish there."

MATSUI SAID it will be three weeks before the commission has to take formal action on the Maui Electric power plant request. Final action will depend on the State Land Use Commission, however.

Steam Generation Units Denied For Maui Electric Power Plant

The Kihawa Sun · 7/14/71

Maui Electric Co. has been given an initial go-ahead to install diesel generators and a gas turbine near Kealia Pond to meet immediate power needs on the island of Maui.

However, the company's request to install steam generation units was denied by the County Planning Commission last week.

The recommendation by the planning commission appears to represent a victory for Maui conservationists,

The Maui Electric Co. request for a special land use permit -- which would allow the company to construct a power plant near Kealia Pond -- is on the agenda of the next meeting of the State Land Use Commission, scheduled for the Kahului Library this Friday (July 16) at 10 a.m.

who have warned of possible ecological dangers from a steam generation plant.

Maui Electric may, however, resubmit its proposal for the steam units within the next four years if the company feels it can prove -- through extensive environmental studies -- that such an installation will not harm the area.

The final decision on Maui Electric's request for a special use permit must be made by the State Land Use Commission. The request is on the agenda of a Land Use Commission meeting scheduled for the Kahului Library at 10 a.m. this Friday (July 16).

Planning Director Howard Nakamura emphasized in a staff report presented to the commission that approval of the diesel units "in no way constitutes a commitment for subsequent approval of the steam plant."

The report said problems that could be caused by the steam plant would not necessarily be caused by the smaller and cleaner diesel generator units.

Nakamura said any planning commission action on a steam plant should be delayed until more studies can be carried out on the nature of aquatic life in Maalaea Bay, possible effect of heated water from the power plant on sea life, possible adverse effects on birds at Kealia Pond, and the function of the pond as a sedimentation basin.

He said more information is needed on the cost of locating the plant elsewhere. Maui citizens, he said, might be willing to pay for protecting or creating a more desirable environment.

The planning commission approved the use of diesel and gas turbine generators at the site between Maalaea and Kihei, subject to several conditions:

That transmission lines be kept out of sight as much as possible and not be located along the shoreline or along Kihei Road.

That a minimum of grading be done on the site.

That use of the site be established within four years from the date of final approval, and that further construction be prohibited if an alternate site is developed for a major generating facility.

That final plans be submitted to the planning commission for approval.

The commission also required Maui Electric to present all of its subsequent environmental data to the office of Environmental Quality Control of the State of Hawaii for review and evaluation.

Commission Chairman Zuke Matsui suggested that any consulting firm hired by Maui Electric to conduct environmental studies should be approved by the Planning Dept. and the State Office of Environmental Control to insure a "neutral" report.

Commission Member Kazuo Kage disagreed, saying he felt the government should not have such "very dangerous" power.

Frank Montgomery of Hawaiian Electric proposed the commission approve a list of consultants from which the electric company could select one to conduct studies. The commission approved the request.

Dear Tats:

As you requested, enclosed is the agreement between A&B and Maui Electric for the proposed facility at Kealia Pond.

TOSH

RECEIVED
JUL 23 1971
State of Hawaii
LAND USE COMMISSION

Recordation requested by After recordation, return to: Return by: Mail Pickup	

AGREEMENT

THIS AGREEMENT is made this 16th day of April, 1971, by and between MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation (herein "MEC"), whose principal place of business and post office address is Box 397, Kahului, Maui, Hawaii, and ALEXANDER & BALDWIN, INC., a Hawaii corporation, whose principal place of business and post office address is 822 Bishop Street, Honolulu, Hawaii (herein "A&B").

R E C I T A L S:

This agreement is made with reference to the following facts:

A. MEC desires to acquire from A&B a parcel of land having approximately 28.4 acres at Maalaea, Maui, Hawaii, as shown on Drawing C-2744 attached hereto and marked Exhibit "A" as a site for the construction and operation of electric generating units, together with two rights of way over adjoining land for underground tunnels to be used for circulating water.

B. MEC must obtain a wide variety of governmental approvals before finalizing plans and commencing construction of this project.

C. The construction of the first generating unit must commence in January 1972 if the commercial operation is to commence in July 1972 as scheduled, and this schedule may have to be advanced.

D. The rapidly increasing demands for electricity on Maui dictate that MEC proceed with all possible haste in obtaining approvals necessary before construction may begin.

E. A&B is willing to cooperate with MEC in order that the project may proceed without delay.

In consideration of the foregoing and the covenants contained herein, the parties hereto mutually agree as follows:

1. A&B hereby grants to MEC, its officers, agents, employees and contractors, non-exclusive permission to enter the premises for preliminary work of test boring, surveying and clearing as may be necessary or required on the property outlined on Exhibit "A" for the planning of the project.

2. A&B agrees to join in, consent to, and cooperate with MEC in making applications for and obtaining any necessary governmental or other approvals required in conjunction with the project, provided that MEC shall bear all expenses incurred in making such applications and obtaining such approvals.

3. MEC will indemnify and hold A&B harmless against all loss or damage arising out of or in connection with MEC's use and possession of the land, including personal injury, wrongful death and property damage to the extent such loss or damage is not caused by the negligence or wilful misconduct of A&B and for all expenses; including reasonable attorneys' fees, incurred by it in defending against any claims or losses or damage arising out of MEC's use of the property or in enforcing A&B's rights hereunder.

4. MEC will assume all risk of loss or damage to its materials, equipment or other property upon the land except to the extent such loss or damage is caused by the negligence or wilful

misconduct of A&B, its agents or employees.

5. Upon receipt of all necessary governmental approvals for the construction, operation and maintenance of the electric power generating plant upon the land, MEC will proceed to acquire the ownership in fee simple of the land previously described from A&B together with two perpetual easements 50 feet wide over the adjoining land of A&B (being located approximately as shown on Exhibit A) for the construction, operation and repair of underground circulating water tunnels, pipes and conduits and other appliances and equipment. The purchase price and other terms and provisions shall be mutually agreed upon by the parties hereto, and failing agreement, MEC shall acquire the land by exercise of its power of eminent domain. The purchase price shall be the fair market value of the land exclusive of improvements made thereon by MEC as of the date of acquisition of the land by MEC or the date set forth in Section 101-24 Hawaii Revised Statutes (1968), whichever occurs earlier. Pending completion of the purchase, MEC may enter and initiate construction and shall have the right of possession of such portion of the land as is necessary for construction purposes.

6. This agreement shall terminate automatically upon the acquisition of the land by MEC or on May 1, 1972, whichever shall first occur.

7. Upon termination of this agreement other than by the acquisition of the land by MEC, MEC will restore the surface of the land as nearly as is reasonably possible to the condition that existed immediately prior to MEC's entry.

8. MEC shall obtain the prior written approval and consent to this instrument of the tenants and licensees of A&B occupying

or having rights to said premises.

IN WITNESS WHEREOF the parties hereto have caused this instrument to be duly executed the day and year first above written.

MAUI ELECTRIC COMPANY, LIMITED

By _____
Its

By _____
Its

ALEXANDER & BALDWIN, INC.

By _____
Its

By _____
Its ASST. TREASURER

July 21, 1971

mailed on 8-3-71

Planning Commission
County of Maui
P. O. Box 1487
Kahului, Hawaii 96732

Attention: Mr. Howard Nakamura, Planning Director

Gentlemen:

At its meeting on July 16, 1971, the Land Use Commission voted to approve a special permit to Maui Electric Company, Ltd. (SP71-104) for the establishment of the diesel generators, gas turbines, and necessary accessory structures within the Agricultural District on TMK 3-8-05: portion of parcel 2, at Maalaea, Maui, subject to the conditions set forth by the Maui County Planning Commission and subject to the further conditions that the approval of the diesel generators and gas turbine facilities would in no way infer future approval of the proposed steam plant, that the aforementioned facilities be constructed on five (5) acres of land, and that any different use of the five (5) acres or use of any additional land shall be the subject of a new petition.

Enclosed for your information is the staff report.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Enclosure

cc: Colin Murdock, Maui Electric Co., Ltd.
Maui Tax Administrator
Property Technical Office, Dept. of Tax.
Tax Maps Recorder, Dept. of Tax.

July 21, 1971

Mr. Colin Murdock
Executive Vice President
& General Manager
Maui Electric Company, Ltd.
210 Kam Avenue
Wailuku, Hawaii 96793

VOID

Dear Mr. Murdock:

The original of the attached letter approving the special permit request by Maui Electric Company, Ltd. (SP71-104) for the establishment of the diesel generators, gas turbine, and necessary accessory structures within the Agricultural District on TMK 3-8-05: portion of parcel 2 at Maalaea, Maui, subject to the conditions stated in said letter is on file in the office of the Maui County Planning Department, Kahului, Maui.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Enclosure

July 21, 1971

Planning Commission
County of Maui
P. O. Box 1487
Kahului, Hawaii 96732

Attention: Mr. Howard Nakamura, Planning Director

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Executive Officer

Enclosure

cc: Colin Murdock, Maui Electric Co., Ltd.
Maui Tax Administrator
Property Technical Office, Dept. of Tax.
Tax Maps Recorder, Dept. of Tax.
R. Cox, A & B

power plant size cut for pond site

7-17-71 ADV.

By ROBERT JOHNSON
Advertiser Maui Bureau

WAILUKU—The State Land Use Commission yesterday decided to let Maui Electric Co. install a power plant on Kealia Pond, but only a small one.

It told the company that before it can get permission to build the large steam plant it says will be needed about 1975, the company will have to make the request again.

THE COMMISSION'S action came after some three hours of testimony, interrupted by a late lunch, almost solidly against the company. It was substantially in accord with the recommendation of the Maui County Planning Commission.

But it was more restrictive. The company asked for a 33-acre power plant site, enough for the future steam plant it still hopes to build there.

The Land Use Commission gave a special permit for the use of only five acres for the power plant, enough only for interim diesel and gas turbine units.

THE FIVE-ACRE limit appeared to be based on a suggestion by John Maceolik, who spoke against the power plant as a threat to the marine ecology of Maalaea Bay.

Maceolik asked if Maui Electric would consider a smaller site. Eddie Tangen, a commission member, said Maceolik had "a good point" and asked Frank Montgomery, Hawaiian Electric engineering vice president. Hawaiian Electric owns Maui Electric.

Montgomery said the company would consider whatever the commission said.

In the discussion before the commission voted, Montgomery was asked if the company was committed to the Kealia Pond site for its steam plant. Montgomery suggested it might as well be, that proposed alternative sites sooner or later would have power plants on them, too, because of expected future power demands.

TANGEN MADE the motion to limit the permit to five acres, in addition to the conditions fixed by the County Planning Commission. Montgomery said the company already has started the studies it has been told it has to make before an application will be considered for the steam plant. He said the studies would take about a year.

Before the commission acted yesterday, Tangen defended it against Life of the Land criticism that it has acted as "a rubber stamp" for county agencies and powerful lobbyists.

Speaking directly to Michael Cleveland, Life of the Land's attorney, Tangen said the Land Use Commission has "never acted as rubber stamps for any county or particular groups." He said the commission "acts forthrightly and sincerely."

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP71-104 - MAUI ELECTRIC CO. DATE July 16, 1971

PLACE Kahului Library
Kahului, Maui TIME 10 a.m.

NAME	YES	NO	ABSTAIN	ABSENT
SAKAHASHI, STAN		✓		
WUNG, LESLIE	✓			
YAMAMURA, TANJI	✓			
TANGEN, EDDIE	✓			
NAPIER, ALEXANDER	✓			
MARK, SHELLEY		✓		
KIDO, SUNAO	✓			
INABA, GORO	✓			

Comments:

TANGEN - "I move that we grant this special permit subject to the conditions imposed by the County of Maui and further the amount of acreage shall be 5 acres with the further understanding that any additional use of the 5 acres or use of any additional land shall be the subject of a new petition."

STATE OF HAWAII
LAND USE COMMISSION

Kahului Library
Kahului, Maui

July 16, 1971
10:00 a.m.

STAFF REPORT

SP71-104 - MAUI ELECTRIC COMPANY, LTD.

A special permit request to allow the construction and operation of an electric generation plant and accessory facilities within the Agricultural District at Maalaea, Maui, has been submitted by Maui Electric Company, Ltd. The proposed site is a 33-acre portion of a 4,888-acre parcel owned by Alexander & Baldwin, described as TMK 3-8-05: parcel 2.

The land in question is situated on the mauka side of Kihei Road about 1 mile south of the Honoapiilani Highway junction. Kealia Pond, which is designated Conservation, lies to the east. An extension of the Kealia Pond Conservation District abuts the south boundary of the proposed site and consists of low-lying marshy lands. Lands to the north are in cane cultivation. The nearby Urban District of Maalaea contains the small boat harbor facilities and single family residential uses.

The property is presently vacant and overgrown with keawe. Soil classification by the Land StudyBureau indicates that the land is "E" or very poor for overall crop use. Soils are non-stony and deep, and ground slopes range from 1 to

3 percent. The elevation is less than 10 feet above sea level, and the rainfall is approximately 20 inches annually. The shoreline along Maalaea Bay lies approximately 1,000 feet to the south.

In his report to the Maui Planning Commission at the public hearing on June 1, 1971, the Maui Planning Director indicated the following:

> "The applicant's selection of a site for a new electrical generation plant is based primarily upon an engineering study prepared in April, 1970, by the Stearns-Roger Corporation. The report indicates that several sites were considered, and that the Kealia site was found to be the most suitable. Eventual site selection was reduced to three alternatives...two in the Maalaea area, and the other at Ukumehame in Lahaina. The proposed location was selected to 'minimize stack gas pollution and to minimize the costs of a sea water intake for condenser cooling', and its optimum location with regard to the main 69 KV transmission line, and other economic factors such as costs of fuel oil transport, sea water intake and discharge and land costs.
>
> "A site for a future electrical generation plant was designated on the Kihei 701 General Plan, which was adopted by the County in 1969. The proposed location is less than a mile away from the requested site, on the northerly side of Kealia Pond. According to the Stearns-Roger report, the reasons for proposing the new location include proximity to the ocean, and a more favorable direction for dispersion of stack gasses. In addition, this original site does include lands presently used for cultivation of sugar cane.
>
> "The immediate proposal of the applicant is to install a diesel generator on the site, to provide for immediate power needs, primarily to the West Maui area. A transmission line would be run up a small gully running through the canefields, across Honoapiilani Highway, and connecting with the existing lines along the foothills.

"At a later date, incremental development would begin on the steam units, at which time the need for intaking and discharging cooling water from the ocean would become necessary. Ultimate development would include eight steam generating units, in a single building approximately 60 to 70 feet high. The discharge stacks would rise above the buildings. The applicants have indicated their willingness to landscape heavily around the plant, to reduce undesirable visual effects.

"At the present time, no extensive investigation has been carried out with regard to air and water conditions in the subject area. However, the applicant would be required to meet all requirements of the State Department of Health and other applicable agencies.

"Written testimony received to date in the office of the Planning Department has primarily indicated concern with the environmental effects of locating a power plant in the subject area. Problems of air pollution, water pollution, possible adverse effects on Kealia Pond and Maalaea Bay, destruction of natural beauty and open space and the effect on flood control have all been cited in opposition to the request. In addition, the Central Maui Soil and Water Conservation District has favored a thorough study of the entire Kealia Pond area 'to help decide the best use of the pond and land immediately surrounding it'."

On July 6, 1971, the Maui Planning Director indicated his agreement with the applicant as to the following:

"1. That the proposed location is conveniently located with regard to the major load centers of Wailuku-Kahului, Kihei and Lahaina. Likewise, the location is relatively convenient to the present main transmission lines, which run from Wailuku to Lahaina along the foothills of the West Maui Mountains, mauka of Honoapiilani Highway. The proposed site would permit location of feeder lines relatively easily to the existing main lines, and could be done without creating major aesthetic problems.

"2. That it would not be desirable to expand the present facility at Kahului Harbor. Space at the

existing plant is at a premium. Further expansion could jeopardize the Kanaha Bird Sanctuary, just as the present proposal may jeopardize the Bird Sanctuary at Kealia. Further, the problem of air pollution could be substantial, affecting the densely populated Kahului area.

"3. A proposed power plant site was provided in the area of Kealia Pond on the Kihei '701' General Plan. This would indicate some degree of concurrence on the part of the County as to the establishing of such a use in the vicinity. However, it should be pointed out that designation on the County's general plan is not an absolute, irrevocable commitment. The general plan should be considered as a guide to a community's development. At the time of establishing the specific use, the burden of proof still rests on the applicant to show that the request is justified and in the public interest. The staff feels that this position was understood by the applicant, inasmuch as the Stearns-Rogers study seriously considered various alternatives throughout the island.

"4. That a need exists for additional electric generation capabilities. It must be recognized that Maui Electric Company is a public utility, which must respond to the demands established by the community at large. The question of providing additional capital improvements for electric generation must also be cleared with a State regulatory agency, the Public Utilities Commission. The staff does not feel that Maui Electric Company's request should be evaluated, or used as a basis of, limiting further growth and development of Maui County. If this is to be an issue, it should be debated and resolved directly by the community, not in conjunction with accessory questions such as the one presently before the Commission."

However, the Maui Planning Director found that the following problems needed to be clarified or resolved:

"1. The applicant has stated that they would comply with all applicable State and County regulations dealing with pollution. The staff does not feel that this

position is adequate to justify granting of the request. The applicant must comply with all applicable regulations. If they do not, no portion of the plant may be constructed. However, many of the concerns which have been raised cannot be resolved strictly by regulatory actions, and require further study and awareness on the part of all concerned.

"2. The nature of existing aquatic life within Maalaea Bay has not been clearly established. How significant and valuable are they? What would be the effect of discharging heated effluent into these waters?

"3. Does the proposed power plant location have a significant adverse effect upon the bird sanctuary at Kealia Pond? It would appear that it may not, provided that adequate safeguards as to the plant's operation are established. However, this matter should be explored further.

"4. It would appear to be appropriate that an extensive study be made of Kealia Pond and the surrounding area. The function of Kealia Pond as a sedimentation basin is unquestioned. However, the extent to which this is required should be studied in addition to determining whether or not the process cannot somehow be made more efficient. It would appear to be of small consolation to long-suffering Kihei residents to conclude that the periodic dust storms and summer stench emanating from the pond are desirable as part of the area's natural ecology.

"5. Further information should be provided on the matter of providing and discharging cooling waters for the steam generating units. A major reason for locating in the proposed area is its proximity to the ocean. The cost of locating elsewhere, in inland locations, has been described as prohibitive. Further information should be provided. It is possible that the community would be willing to pay for protecting or creating more desirable environment. However, this decision cannot be made until all the appropriate facts are presented."

Since there was insufficient evidence submitted by the applicant to justify the approval of the request and since the need for steam units is not projected until 1975, the Planning Director recommended that the request relating to the approval of the steam plant be denied. However, since the problems which are unresolved relate to the steam plant and are not necessarily applicable to the proposed diesel generators and gas turbine facilities, and since the applicant faces a problem involving both time and area, the Planning Director recommended that the diesel generators and a gas turbine, together with the necessary accessory facilities to provide for interim power generation through 1975 be approved, subject to the following conditions:

"1. That transmission lines in and out of the facility be located in areas of minimum visual impact, and shall not be located either along the shoreline, or along the shoreline highway.

"2. That the applicant will be responsible for providing all necessary utilities and services, and that the County or other governmental agencies will not bear the responsibility for such services.

"3. That a minimum of grading and clearing be done on the site, in order that the installation create minimum disruption to the natural environment. However, the staff would not object to landscaping of adjoining areas, provided that the landscaping plan first be reviewed and approved by the staff.

"4. That the use be established within four years from the date of final approval. Should an alternate site be developed for the major generating facility, no further construction will be permitted at Kealia following its completion."

It was also indicated that:

"The applicant should also clearly understand, and should so state for the record, that this action by the Commission in no way constitutes a commitment for subsequent approval of the steam plant. The burden is upon the applicant to conduct sufficient ecological and environmental studies to determine the suitablity of Kealia Pond, or other alternative sites, for a proposed power plant. Should these studies, which could be conducted in part by other interested parties as well, indicate that Kealia is the most suitable site, the applicant may represent the case to the Commission at a later date.

"The applicant should also be required to present all available data, as well as any information obtained subsequently, to the Office of Environmental Quality Control of the State of Hawaii for review, evaluation, and recommendation."

At its meeting on July 6, 1971, the Maui County Planning Commission unanimously adopted the Maui Planning Director's staff report and recommendation with regard to this petition, subject to the conditions stipulated therein, and subject further to a fifth condition that: The final plan including but not limited to location of transmission, building siting and proposed landscaping be submitted to the Commission for final approval.

A resolution adopted by the Maui Council on June 18, 1971, urging "the Planning Commission of the County of Maui to give serious consideration to the application of Maui Electric Co., Ltd., for a special use permit and to possibly grant such special use permit only for diesel-operated electric generating facilities until such time as said

company can assure the people that steam-operated electric generating facilities will not damage the ecology of the ocean off Kealia Pond" has been transmitted to the Maui Planning Commission and to the State Land Use Commission.

A letter dated May 28, 1971, from Dr. Richard E. Marland, Interim Director of the State Office of Environmental Quality Control, to the Maui Planning Director has been circulated to this office, stating that the selection of the Kealia Pond site seems reasonable. As the construction plan does not call for steam generators for perhaps five years, he feels that improved techniques for treating power plant effluence can be incorporated in the new plant. He does not believe that the plant will contribute significantly to the pollution load of the area if located at the western extremity of the development area. In summary, he recommends that:

> "Maui Electric should proceed with the development of their proposed plant with the understanding that: (1) its location be moved as described above; (2) that State Department of Health and outside consultation be sought during the design stage of the steam generating plant to assure that stack effluents and water discharge both employ the most up-to-date pollution controls; (3) that landscaping be so designed and cultivated that noise is minimized and physical attractiveness is maximized, and (4) prior to the design phase of power plants at other locations, the Maui Electric Company seek consultation with the State Department of Health, the Office of Environmental Quality Control, and other professional sources concerned with pollution control."

A letter dated July 12, 1971 from Dr. Marland to this office states that:

> "It is the opinion of this office that the need for additional sources of electrical energy in Maui does exist, and that the environmental impact of the plant as approved by the Maui County Planning Commission is not so serious as to justify refusal of the permit. We hope that the Land Use Commission will concur with the Maui County Planning Commission."

Staff evaluation of the request as approved and conditioned by the Maui County Planning Commission finds that it is in substantial conformance with the guidelines established in Section 2.24 of the State Land Use District Regulations for determining an "unusual and reasonable" use in the Agricultural District since:

1. the establishment of the diesel generators and gas turbine facilities will provide a much needed source of electric power for the continued growth of West Maui;
2. the desired use would not adversely affect surrounding property since the adjoining lands are vacant or in agricultural use and the nearest urban uses are situated over ½ mile away;
3. it would not burden public agencies to provide additional facilities or services;
4. the current and projected growth of West Maui and Wailuku and consequently the increasing demand for

electricity require the establishment of this facility;

5. the land is unsuited for the uses permitted within the (Agricultural) District as indicated by the soil classification of the Land Study Bureau; and

6. the proposed use will make the highest and best use of the land for the public welfare in that the public's power needs will be served without undue adverse effects upon the environment or upon existing developments in the area.

It is therefore recommended that the Commission approve the establishment of the diesel generators, gas turbine, and necessary accessory structures, subject to the five conditions stipulated by the Maui Planning Commission, with the further condition that approval of the diesel generators and gas turbine facilities would in no way infer future approval of the proposed steam plant.

7-N-71 S.B.

Maui Power Plant Project Challenged

WAILUKU, Maui—Life of the Land has made a last-ditch attempt to delay approval of Maui Electric Co.'s proposed power generating plant at Kealia Pond.

The ecology action group yesterday announced it has asked the State Land Use Commission for permission to intervene in the case.

The utility firm says it needs the site, which it described as the best available, to meet growing power needs on Maui. The site is on agricultural land in the vicinity of the Kealia conservation area.

The request has received partial endorsement from the County Planning Commission which earlier this month recommended conditional approval of the application.

THE PLANNING Commission suggested that the permit be denied if Maui Electric plans to install a steam generator at the site. It also called on the electric company to conduct a thorough environmental study to make sure that the plant would not affect the area's aquatic and bird life and not disrupt the pond's role as a siltation basin.

The matter will come up for action at a meeting of the Land Use Commission tomorrow at 10 a.m. in the Kahului Library conference room.

Life of the Land charged that the Land Use Commission "obviously intends to rubber-stamp" the Maui Planning Commission's recommendations.

It claimed the public has not been given the chance to voice its opinion on the Planning Commission's recommendations and asked that the Land Use Commission hold a formal public meeting "to allow a full and fair hearing" on the issue.

It asked that the State commission also conduct a thorough study on the Kealia application.

Adv 7-15-71

Life of Land moves to prevent power plant

By ROBERT JOHNSON
Advertiser Maui Bureau

WAILUKU — The State Land Use Commission "acts only as a rubberstamp stamp whenever developers or powerful lobbies seek to urbanize and degrade another portion of Hawaii's precious natural resources," Life of the Land charged here yesterday.

That charge was made by the conservation organization in asking to intervene formally before the Commission in opposition to Maui Electric Co.'s application for a power plant site near Kealia Pond.

The request was in the State Attorney General's Office in Honolulu yesterday and is expected to be repeated orally at the Commission meeting on Maui tomorrow morning.

THE PETITION asks for a formal public hearing on the issue.

That would prevent Commission action tomorrow. The meeting, scheduled for 10 a.m. in the Kahului Library conference room, is a regular public meeting, not a formal hearing.

Life of the Land's statement, issued by Michael Cleveland, its attorney, says tomorrow's meeting "on only four days notice shows once again that the Land Use Commission is unresponsive to public opinion."

IT NOTES that the Maui County Planning Commission acted on the Kealia Pond application on July 6, that its staff reports to the Land Use Commission were not received until July 12, and that the Land Use Commission announced the same day it would act on July 16.

"It seems obvious," said Life of the Land, "that the Land Use Commission intends to rubber - stamp the Planning Commission's decision without thoroughly studying the matter."

A commission spokesman said the meeting is being held on Kealia Pond to give the Maui community an opportunity to speak at the only Maui meeting the Commission has scheduled within the 45 days in which the law requires it to act on the Maui Electric application.

THE PENDING action is on a recommendation of the Maui County Planning Commission that Maui Electric be allowed to install only diesel and gas turbine generators at Kealia Pond. The request to install a major steam plant there was denied pending detailed studies of the potential ecological impact on the pond, Maalaea Bay and the general Maalaea-Kihei Coast.

This recommendation has been called a compromise because it grants the company's admitted urgent need to install at least a diesel generator on its system by December or risk electric power "brownouts."

Life of the Land says it is asking for a formal hearing "because the public has not had any opportunity to be heard on whether the "compromise' reached by the Planning Commission is acceptable."

IT SAYS the recommendation for the diesel and gas turbine units to be installed at Kealia Pond "is simply a foot in the door which gives Maui Electric no incentive to look for a more suitable site. In essence, Maui Electric got exactly what it wanted."

9692

For the Better Protection of Wildlife in ...

HAWAII AUDUBON SOCIETY

P. O. Box 5032
Honolulu 14, Hawaii
96814

July 13, 1971

RECEIVED
JUL 14 1971
State of Hawaii
LAND USE COMMISSION

State of Hawaii
Land Use Commission
Honolulu, Hawaii

TO: Chairman and Commissioners of the Land Use Commission

This statement concerns the Maui Electric Company application for a special permit to allow construction of a generating plant at Kealia Pond, Maui (Item SP71-104, Agenda July 16, 1971, Kahului, Maui).

The Hawaii Audubon Society has gone on public record for the preservation of Kealia Pond as one of the only two wetland areas on Maui that are habitats for the endangered Hawaiian stilt and Hawaiian coot. Federal, State and university biologists familiar with fast-disappearing wetland habitat areas for water birds throughout Hawaii have sought and still seek to have Kealia set aside and managed as a critically needed water bird sanctuary.

Establishment and operation of an electric generating facility at Kealia could seriously disturb the ecology of plant and animal life in and around the Pond and thereby degrade or destroy its capacity to support viable populations of stilts and coots. Kealia Pond's sanctuary potential would thus be lost, and the entire population of stilts and coots on Maui would be totally dependent on the single remaining wetland habitat, Kanaha Pond, for their shelter, food and breeding requirements.

Under such circumstances, any natural or unnatural phenomenon that denied these birds the use of Kanaha even temporarily -- as in the case of a prolonged storm or short-term pollution -- would leave them with no alternative retreat for temporary shelter and food, which could decimate or eliminate these species on Maui in the space of a few days. Kanaha Pond simply is not large enough to insure, in itself, long-term survival of these species on Maui. Another factor is that even Kanaha Pond does not have assured long-term sanctuary status.

Two basic questions come to mind about the proposed generating plant. Is there any firm assurance that the plant would in no way have a detrimental effect on the land, water or biota of the Pond? Is there any substantial long-term reason why such a plant could not fulfill its planned function at some other site on leeward Maui?

The record of harmful environmental effects from operation of electric generating plants, particularly with respect to hot water effluents, suggests that the answer to the first question will likely be "No." The existence of considerable undeveloped land on leeward Maui suggests a "No" answer to the second question also.

Our Society urges the Land Use Commissioners to consider the possibility that a favorable decision on the special permit could lead to the elimination of two more native Hawaiian bird species on Maui a few years hence. The Pond is vital to those native birds. Is it vital to the electric generating plant?

Respectfully submitted,

William P. Mull

William P. Mull
Vice President

Lue 7-16-71

9691

LAND USE COMMISSION

STATE OF HAWAII

RECEIVED
JUL 14 1971
State of Hawaii
LAND USE COMMISSION

IN THE MATTER OF THE APPLICATION OF MAUI ELECTRIC CO., LTD. FOR A SPECIAL USE PERMIT AT MAALAEA, COUNTY OF MAUI, STATE OF HAWAII

PETITION TO INTERVENE

Michael E. Cleveland (917)
36 Niolopua Lane
Wailuku, Maui, Hawaii 96793
Telephone: 244-5484
Attorney for Petitioner.

COUNTY OF MAUI PLANNING COMMISSION

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION OF MAUI ELECTRIC CO., LTD. FOR A SPECIAL USE PERMIT AT MAALAEA, COUNTY OF MAUI, STATE OF HAWAII

PETITION TO INTERVENE

Comes now LIFE OF THE LAND, a non-profit Hawaii corporation, and for its petition shows and alleges as follows:

1. Petitioner is a non-profit Hawaii corporation with its principal office at 899 Waimanu Street, Honolulu, Hawaii (Telephone Number 521-1300) and with its mailing address in the County of Maui as follows: P. O. Box 539, Wailuku, Maui, Hawaii 96793 (Telephone Number: 244-9883).

2. Petitioner is chartered by the State of Hawaii for the following express purposes:

A. To protect and preserve the environment of the people of the State of Hawaii, the nation and the world;

B. To promote the use of land, water, air and other resources most compatible with the public health, safety and welfare;

C. To perform, encourage and support research into man's relationship with his environment, his abuse thereof, and the abatement of such abuse;

D. To disseminate the results of study and research, whether or not performed or supported by the

corporation, to the public, governmental agencies and industry;

E. To propose, support and encourage governmental policies, projects and legislation which may promote the public health, safety and welfare, conserve valuable natural resources, preserve or restore natural beauty, or otherwise improve the quality of life;

F. To oppose public and private policies, projects and legislation which tend to endanger the public health, safety and welfare, waste valuable natural resources, impair or destroy natural beauty, or otherwise degrade the environment;

G. To assure by representation of the public interest in administrative and legislative procedures that approval of governmental and private projects be based on complete consideration of the long-term public good;

H. To bring, finance, support, or intervene in legal actions as may be appropriate to promote the public health, safety and welfare, conserve resources, preserve or restore natural beauty or correct environmental abuse;

I. To undertake, carry on and conduct any activities and acquire any assets necessary to accomplish the purposes set forth above.

3. Applicant, MAUI ELECTRIC COMPANY, LTD., has applied for a special permit pursuant to Hawaii Revised Statutes Section 205-6 and Sub - Part E, Part II, of the State Land Use District Regulations promulgated by the Land Use Commission of the State of Hawaii, to construct and operate an electric generation plant, together with a plant maintenance office, fuel storage tanks and other

necessary accessory facilities on 30 acres, more or less, in an agricultural district at Maalaea, Maui, Hawaii (Tax Map Key No. 3-8-05: portion of 2.)

4. The application filed by MAUI ELECTRIC CO., LTD., herein fails to show that the use requested is an "unusual and reasonable" use within the guidelines established by Section 2.24 of said State Land Use District Regulations, in the following respects:

A. The application does not meet the requirements that "such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations", in that the one objective of the Land Use Law (Hawaii Revised Statutes Chapter 205) is to prevent the shifting of agricultural lands into other uses when other lands are available that could adequately serve urban needs.

B. The application does not meet the requirement that "the desired use would not adversely affect surrounding property", in that the proposed power plant will emit smoke, fumes and other matter which may adversely affect the health, safety and welfare of the surrounding residents, will discharge heated water which may upset and ultimately destroy the ecological balance of Kealia Pond and/or Maalaea Bay, and will adversely affect the aesthetics of the Maalaea-Kealia-Kihei area.

C. The application does not meet the requirement that "such use would not reasonably [sic] burden public agencies to provide . . . water [and] drainage . . .," in that thousands of gallons of fresh water

will be required daily for the completed plant in an area (Maalaea) where there is already an acute water shortage.

D. The application does not meet the requirement that "unusual conditions, trends and needs have arisen since the district boundaries and regulations were established" in that the application reveals no new condition, trend or need not known or anticipated during the 1969 boundary review.

E. The application does not meet the requirement that "the land upon which the proposed use is sought is unsuited for the uses permitted within the District" in that the said land is particularly suited to one or more of the following uses permitted within the agricultural district: growing of crops; game and fish propagation; raising of livestock; farm dwellings or farm buildings; and public or private "open area" types of recreation uses.

F. The application does not meet the requirement that the proposed use will not substantially alter or change the essential character of the land and the present use," in that the proposed use as a generation plant would be in sharp and glaring contrast to the virtually untouched and open character of the land.

G. The application does not meet the requirement that " the proposed use will make the highest and best use of the land involved for the public welfare," in that the proposed use will endanger the public health, safety and welfare, waste valuable and scarce natural resources, impair or destroy natural beauty, and otherwise substantially degrade the environment of the area.

5. The present single party to the application, the applicant MAUI ELECTRIC CO., LTD., does not adequately represent the public interest nor the position of those who would preserve and protect the environment; only if petitioner is permitted to intervene will such interests be adequately represented.

6. The Land Use Commission has not been, and upon information and belief petitioner alleges that it will not be, presented with enough facts and information to justify the granting of the application.

7. Petitioner, its members, and residents of the County of Maui, especially those in Maalaea and Kihei, will suffer substantial damage if the application is granted without full and adequate environmental and aesthetic controls, in that the quality of the air and water and the aesthetics of the island of Maui will be substantially degraded; the interest of the petitioner as an organization concerned with the public health, safety and welfare would be vitally affected by the granting of said application and petitioner would be aggrieved by the granting of said application.

8. The Planning Commission of the County of Maui has not, by compliance with Hawaii Revised Statutes Chapter 91, provided rules and regulations for hearing and determining applications such as the one referred to above which adequately protect and insure representation of the public interest and has denied petitioner's Petition to Intervene before it.

9. Applicant, MAUI ELECTRIC CO., LTD., has not included in its proposed plans any plans, controls, or facilities to bring the operation of the proposed plant within the provisions of county, state and federal ordinances, statutes and regulations dealing with air pollution, water

pollution, preservation of agricultural and open space, flood control, soil conservation and power generation; said applicant cannot without thorough investigation and study provide such plans, controls and facilities.

10. Applicant, MAUI ELECTRIC CO., LTD., presently has facilities and capabilities to meet the electric power needs of the County of Maui for at least three years without the present application being granted.

11. The decision of the Planning Commission as reflected in its staff report herein dated July 6, 1971, prejudices the public interest in that the applicant, MAUI ELECTRIC CO., LTD., is not required to investigate and evaluate alternate sites before beginning construction and operation of a portion of its proposed generating plant at Kealia.

WHEREFORE, petitioner prays that it be permitted to intervene herein with the rights of a formal party and that the following relief be granted:

(1) That the Land Use Commission action on the application herein be withheld until a full public hearing has been held before the Land Use Commission and all interested persons and parties have been given an opportunity to present evidence on the consequences of approving the Planning Commission's decision;

(2) That the application be denied until applicant, MAUI ELECTRIC CO., LTD., shall have completed and caused to be made available to the public and to the Land Use Commission full reports by independent consultants showing that all environmental standards set by law shall be met; and further showing that the proposed site is the best available site

taking into full account the effect of the said plant on the quality of the air and water, flood control, soil conservation, power generation, economic and social conditions and aesthetics, whichever shall last occur; and

(3) That when such information becomes available a full hearing be held at which petitioner and other intervenors shall have the right to cross-examine applicant's witnesses and vice-versa, and at which full public participation is encouraged and permitted.

Dated: Wailuku, Maui, Hawaii July 13, 1971

LIFE OF THE LAND,
Petitioner

By _____
Its Attorney

9684

EXECUTIVE CHAMBERS

HONOLULU

JOHN A. BURNS
GOVERNOR

July 12, 1971

RECEIVED
JUL 13 1971
State of Hawaii
LAND USE COMMISSION

Mr. Tatsuo Fujimoto
State of Hawaii
Land Use Commission
P. O. Box 2359
Honolulu, Hawaii

Dear Mr. Fujimoto:

In reference to Special Permit Application SP 71-104 of Maui Electric Company, this office has reviewed the plans of Maui Electric Company for the construction and operation of an electric generating facility near Kealia Pond, Maui.

We have also reviewed the minutes of the July 6, 1971 meeting of the Maui County Planning Commission in which they approved the request. It is the opinion of this office that the need for additional sources of electrical energy in Maui does exist, and that the environmental impact of the plant as approved by the Maui County Planning Commission is not so serious as to justify refusal of the permit. We hope that the Land Use Commission will concur with the Maui County Planning Commission.

A

We will be pleased to provide further information as may be helpful to you in this matter should such be requested.

Yours very truly,

Richard E. Marland
Interim Director

7-16-71 - Lue & M. Hong.

July 12, 1971

Mr. Colin Murdock
Executive Vice President
& General Manager
Maui Electric Company, Ltd.
210 Kam Avenue
Wailuku, Hawaii 96793

Dear Mr. Murdock:

The Land Use Commission next meets at 10 a.m., in the Kahului Library, Kahului, Maui, on July 16, 1971.

At that time the application by Maui Electric Company, Ltd. (SP71-104) for the construction and operation of an electric generation plant and accessory facilities at Kealia Pond, Maalaea District, Maui, will be heard. If a deferral is necessary, notify the Land Use Commission any time before the matter is called for consideration by the Commission at the meeting. The Commission will evaluate the reasons and consider the request for a deferral.

Although there is no requirement for you to be present, should you wish to attend, please feel free to do so.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Enclosure - Agenda

965b

JAMES S. USHIJIMA
COUNTY CLERK

BONIFACE ESPINDA
DEPUTY COUNTY CLERK

OFFICE OF
COUNTY CLERK
COUNTY OF MAUI
WAILUKU, HAWAII 96793

RECEIVED
JUN 2 2 1971
State of Hawaii
LAND USE COMMISSION

June 21, 1971

Honorable Chairman and Members
Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

Gentlemen:

SUBJECT: RESOLUTION NO. 158, ENTITLED, "REGARDING APPLICATION FOR SPECIAL USE PERMIT BY MAUI ELECTRIC CO., LTD."

In behalf of the Council of the County of Maui, we respectfully transmit a certified copy of Resolution No. 158, urging "the Planning Commission of the County of Maui to give serious consideration to the application of Maui Electric Co., Ltd., for a special use permit and to possibly grant such special use permit only for diesel-operated electric generating facilities until such time as said company can assure the people that steam-operated electric generating facilities will not damage the ecology of the ocean off Kealia Pond."

The foregoing resolution was adopted by the Council of the County of Maui on June 18, 1971.

Respectfully,

James S. Ushijima

JAMES S. USHIJIMA
County Clerk

/lye

enc.

7-13-71 Sue

Resolution

No 158 Introduced By LANNY H. MORISAKI Councilman

REGARDING APPLICATION FOR SPECIAL USE
PERMIT BY MAUI ELECTRIC CO., LTD.

WHEREAS, Maui Electric Co., Ltd. has applied for a special use permit to the Planning Commission of the County of Maui and the Land Use Commission of the State of Hawaii in order to construct additional electric generating facilities at Kealia Pond in the Maalaea District of Maui; and

WHEREAS, several organizations have opposed the granting of such a special use permit on the ground that electric generating facilities at Kealia Pond will damage the environment in said area and on the further ground that discharge of heated water from steam-operated electric generating facilities into the ocean off Kealia Pond may harm the ecology of the ocean in said area; and

WHEREAS, Maui Electric Co., Ltd. may be able to install and use diesel-operated facilities for generating electricity until such time as said company can assure the people with certainty that steam-operated electric generating facilities will not damage the ecology of the ocean off Kealia Pond; now, therefore,

BE IT RESOLVED by the Council of the County of Maui that it does hereby respectfully urge the Planning Commission of the County of Maui to give serious consideration to the application of Maui Electric Co., Ltd. for a special use

Resolution No. 158

permit and to possibly grant such special use permit only for diesel-operated electric generating facilities until such time as said company can assure the people that steam-operated electric generating facilities will not damage the ecology of the ocean off Kealia Pond; and

BE IT FURTHER RESOLVED that certified copies of this resolution be transmitted to the Planning Commission of the County of Maui and to the Land Use Commission of the State of Hawaii.

COUNCIL OF THE COUNTY OF MAUI
WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that the foregoing resolution was adopted by the Council of the County of Maui, State of Hawaii, on the 18th day of June, 1971 by the following vote:

MEMBERS	Goro HOKAMA Chairman	Richard I.C. CALDITO Vice-Chmn.	Joseph E. BULGO	E. Loy CLUNEY	Harry N. KOBAYASHI	Marco M. MEYER	Lanny H. MORISAKI	Bernard H. TOKUNAGA	Yoneto YAMAGUCHI
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Excused	Aye	Excused	Aye

STATE OF HAWAII
LAND USE COMMISSION
P. O. BOX 2359
HONOLULU, HAWAII 96804

July 8, 1971

NOTIFICATION OF SPECIAL PERMIT APPLICATION

SP71-10~~4~~ - Maui Electric Company

Please be advised that a special permit application has been filed with the Land Use Commission to allow the construction and operation of an electric generation plant together with plant maintenance office, fuel storage tanks and other necessary accessory facilities on approximately 33 acres of land described as TMK 3-8-05: portion of parcel 2. This property is generally located within the Agricultural District at Kealia Pond, Maalaea District, Maui. The Maui County Planning Commission approved this request on July 6, 1971.

An action meeting on this application is scheduled for July 16, 1971*.

We would appreciate any written comments for or against this request or you or your agent may appear at the meeting. Please do not hesitate to call this matter to the attention of other interested parties.

Should you desire additional information, feel free to contact this office.

Very truly yours,

Tatsuo Fujimoto

TATSUO FUJIMOTO
Executive Officer

*See enclosed agenda

Maui News 6 July 1971

Study Of Ocean Floor At Kealia Pond Suggested

A resolution requesting a study of the ocean floor in the Kealia Pond area has been referred to the Committee of the Whole by the County Council.

The action came at the Council meeting Friday. Councilman Marco Meyer introduced the resolution.

The measure requests the County administration "to make attempts to obtain contour maps of the ocean floor from the U. S. Geodetic Survey Department or, if this is not practical, to study the feasibility of contracting oceanographic research companies so that the contour maps . . . may be made."

Meyer indicated, in the resolution, that the study was needed because "there has been much publicity regarding the removal of sand from Kealia Pond" and "such sand is needed as fill in other areas of the County."

"Studies should be made of the accumulation of sand and its relationship to the ocean floor in the Kealia Pond area," the resolution noted.

The Lahaina Sun 5-26-71

Power Plant Opposed

SP71-10 Maui Electric Co.

Plans for a massive new electric generation plant between Maalaea and Kihei got a decidedly cool reception at a public meeting Friday night.

The meeting at the Kihei School was called by Maui Electric Co. to explain its proposal for a new power plant at the northern end of Kealia Pond.

A majority of the 60 or so persons at the meeting appeared hostile to the plan.

Critics particularly cited the dangers of "thermal pollution" from heated waste water from the plant being poured into Maalaea Bay.

The heated water, they charged, would have adverse effects on marine life.

Maui Electric is asking County and State permission to build a power plant at the 32-acre site that eventually could serve the power needs of most of Maui.

Because of unexpectedly high power demands, the company said, it is necessary to install the first generating unit by Dec. 1 of this year.

Longrange plans envision construction by the year 2000 of a 200,000-kilowatt steam generation plant. The company's existing power plant at Kahului can turn out a maximum of 40,000 kilowatts.

A large volume of water will be required for cooling purposes in the plant. The completed 200,000-kilowatt plant would use about 200,000 gallons of water per minute, according to company officials.

The water probably will be pumped into the plant from the ocean. In passing through the plant, the temperature of the water will be raised about 10 degrees.

A public hearing is scheduled next Tuesday (June 1) on the request of Maui Electric Co. to build a new power plant in the Kealia Pond area between Maalaea and Kihei. The hearing, scheduled for 1:30 p.m. in the County Council chambers at the Wailuku county building, will be conducted by the Maui County Planning Commission. Interested members of the public may testify at the hearing.

Frank Montgomery, vice president for engineering for the Hawaiian Electric Co., which owns Maui Electric, said the company has not yet decided the best way to dispose of the used cooling water.

Wailuku attorney Michael Cleveland, president of the Maui chapter of Life of the Land, repeatedly suggested that the power company delay construction until disposal plans are completed and the environmental effects of the new plant can be studied further.

In turn, Montgomery repeatedly said the electric company will meet all government environmental requirements, including those regulating disposal of the waste water.

According to Montgomery, there is no scientific evidence that a 10 degree rise in water temperature will "materially affect" marine growth. (See page 7)

The statement, however, was challenged by a number of persons at the hearing, including two scientists from the University of Hawaii.

Montgomery said that if necessary, the water can be cooled in special ponds or towers before being poured back into the ocean.

He resisted requests for a delay in construction of the plant, arguing that the power facility is needed immediately.

Near the end of the meeting, Montgomery, obviously irritated by the intense questioning, said:

"We cannot maintain the affluent society we have without having some pollution."

In answer to a question, Montgomery said the completed plant would stand about 60 to 70 feet above ground level (some 85 feet above sea level). The plant's stacks would stand 10 to 15 feet above the building, he said.

Robert Ohata, planning consultant to Maui Electric, said the plant could not be located against the nearby west Maui mountains because of the added cost of pumping ocean water to the site.

A proposal by Russ Cahill, director of Haleakala National Park, was enthusiastically applauded by the audience. Cahill pointed out that Maui Electric plans to use small diesel generators for the next two years to meet its need for new generation capacity.

Cahill asked that the company place the new generators in a temporary location while a permanent power plant site is sought. He indicated that the two-year breathing spell could give Maui Electric and the public time to find the best possible site.

The evening's discussion became rather heated at times and Ohata found it necessary to raise both hands in a plea for order on a number of occasions.

MAUI CHAMBER OF COMMERCE

ISLANDS OF LANAI AND MAUI

WAILUKU, MAUI, HAWAII

July 6, 1971

RECEIVED
JUL 7 1971
State of Hawaii
LAND USE COMMISSION

Mr. Yoshikazu Matsui, Chairman
and Members
Planning Commission
County of Maui
Kahului, Maui 96732

Gentlemen:

At the Board of Directors meeting on June 29, 1971 the following recommendation was unanimously approved:

"That the Maui Chamber of Commerce endorse Maui Electric Company's efforts to obtain a special use permit from the State Land Use Commission."

Sincerely,

Webb Beggs, Jr.
Manager

cc: ✓ LUC
Maui Electric Co.

RECEIVED
JUL 8 1971
State of Hawaii
PLANNING COMMISSION

NOTICE OF PUBLIC HEARING
SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a public hearing to be held by the County of Maui Planning Commission on Tuesday, June 1, 1971, in the Chambers of the Council, County Building, Wailuku, Maui, Hawaii, at 1:30 p.m. or as soon thereafter as those interested may be heard to consider the following requests for SPECIAL USE PERMIT under provisions of SECTION 98H-6, REVISED LAWS OF HAWAII 1955, 1961 SUPPLEMENT, AS AMENDED BY ACT 205, SESSION LAWS OF HAWAII 1963:

1. MAALAEA, MAUI
   Construction and operation of an electric generation plant together with plant maintenance office, fuel storage tanks and other necessary accessory facilities within the State Agricultural District in the vicinity of Kealia Pond, TMK 3-8-05: Portion of 2.
   Applicant: Maui Electric Co., Ltd.
   Area: Approximately 30 acres

2. LAHAINA, MAUI
   Construction of an administration building and classroom building at the Lahainaluna High School within the State Agricultural District, TMK 4-6-18:12
   Applicant: Department of Accounting and General Services by Kenam Kim, State Comptroller
   Area: Approximately 87 acres

3. HOOLEHUA, MOLOKAI
   Construction of a library building at Molokai High and Intermediate School within the State Agricultural District, TMK 5-2-15: Parcel 46.
   Applicant: Department of Accounting and General Services by Kenam Kim, State Comptroller
   Area: Approximately 14.4 acres

Sketches showing the general location are on file in the office of the County of Maui Planning Department at Naska, Kahului, Maui, Hawaii, and are open to the public for inspection during office hours.

All protests against the SPECIAL USE PERMIT should be filed in writing to said Commission, P.O. Box 1487, Kahului, Maui, Hawaii, before the date of the public hearing or presented in person at the time of the public hearing.

MAUI PLANNING DEPARTMENT
By Howard K. Nakamura
Planning Director

(MN--May 11, 1971)

D R A F T ASL ✓

STATE OF HAWAII
LAND USE COMMISSION
P. O. BOX 2359
HONOLULU, HAWAII 96804

July 8, 1971

NOTIFICATION OF SPECIAL PERMIT APPLICATION

SP71-101 - Maui Electric Company

Please be advised that a special permit application has been filed with the Land Use Commission to allow the construction and operation of an electric generation plant together with plant maintenance office, fuel storage tanks and other necessary accessory facilities on TMK 3-8-05: portion of parcel 1. This property is generally located within the Agricultural District at Kealia Pond, Maalaea District, Maui. The Maui County Planning Commission approved this request on July 6, 1971.

An action meeting on this application is scheduled for July 16, 1971*.

We would appreciate any written comments for or against this request or you or your agent may appear at the meeting. Please do not hesitate to call this matter to the attention of other interested parties.

Should you desire additional information, feel free to contact this office.

VTY,

*See ~~enclosed~~ enclosed agenda

The Maui News 17 June 1971

potential Sprawl Summit for Kealia Pond

Commission Rejects Life Of Land Plea

The County Planning Commission Tuesday rejected a petition from Life of the Land which had asked the Commission to delay—for two years—a Maui Electric Company request to construct a generating plant near Kealia Pond.

The Life of the Land petition to intervene had been submitted to the Commission June 1 at a public hearing on the MECo. proposal. No action on the petition was taken at that time, pending an opinion from the County Attorney's office.

In addition to the requested two-year delay, the Life of the Land petition asked for the right of cross-examination of witnesses at any hearing and that the MECo. proposal be denied in all environmental standards could not be met.

In a communication dated June 10, County Attorney Kase Higa rendered the opinion that the petition should not be granted since research "shows that there is no specific or general law which permits a formal 'intervention' in a situation such as this."

Higa added: "We (County Attorney's office) do not construe a public hearing to be equivalent to a court case. Accordingly, it is within the discretion of the Commission as to whether or not 'cross-examination' will be permitted to a public hearing."

Based on these findings, Higa said, "it would appear that granting or denying the petition to intervene will have little effect on the presentation to be made by any interested party at a public hearing of this nature."

The County Attorney also pointed out that the final decision on the MECo. request for a special permit to construct a generating plant in the agricultural zone around Kealia Pond rested with the State Land Use Commission, which must approve any recommendation from the County Planning Commission.

Higa suggested that the proper place where the petition to intervene should be filed would be in Circuit Court, "should the matter herein be appealed to the Circuit Court by any of the parties involved."

He added that it should be understood that Life of the Land "will be permitted the same privileges as other interested parties" at any other public hearings on the MECo. request.

In addition to accepting Higa's recommendation that the petition not be granted, the Planning Commission indicated his findings would be formally included in the rules for public hearings before the body in case a similar situation should arise again.

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

State of Hawaii

Date 6/1/71 Due

To: 1 SM 2 ES 3 YF SC 5 6 7 8

From: CS

Subject: Copy of Richard Marland's (OEQC) ltr. to Howard Nakamura, Maui Planni re power station proposed near Keali Pond.

FYI Comment Report Action Signature

Draft Approval Return Type File

Xerox copies Circulate as appropriate Approved with changes noted (INITIALS)

Message or Comments:

EXECUTIVE CHAMBERS

HONOLULU

JOHN A. BURNS
GOVERNOR

May 28, 1971

Office of Environmental
Quality Control

Mr. Howard Nakamura
Director
Planning & Traffic Commission
County of Maui
Kahului, Maui 96732

Dear Mr. Nakamura:

You will recall my letter of May 20, 1971, in which I urged that the Maui Electric Company give consideration to alternative sites for the power station now being proposed near Kealia Pond. Since writing that letter, I have reviewed the site location study prepared for Maui Electric by the Stearns-Roger Corporation. In my opinion, the Stearns-Roger study included a sufficient number of alternative sites so that the selection of the Kealia Pond site seems reasonable. Of the ten sites evaluated by Stearns-Roger Incorporated, only two satisfy the criteria (including environmental considerations) for a suitable site location. Since, in my opinion, the eventual power requirements for the County of Maui will require more than the presently proposed plant at Kealia Pond, it can be assumed that both sites will be needed at some future date.

I further note that the construction plan will not call for steam generation for several years, perhaps five years. With the rapid improvement now being shown in state-of-the-art for treatment of power plant effluent, I believe that the plant which will be developed can incorporate techniques which will prevent thermal pollution of Maalaea Bay. Until construction of the steam plant is begun, I do not believe the location of the plant near Kealia Pond will contribute significantly to the pollution load of the area.

I do not consider the presence of tnis plant as a significant threat to the ecology of Kealia Pond particularly if the plant is located at the western extremity of the proposed development area as shown in your Year 2000 planning chart. I believe Maui Electric

has already requested this small variance in your approved plan. Therefore, my recommendation is that Maui Electric should proceed with the development of their proposed plant with the understanding that: (1) its location be moved as described above; (2) that State Department of Health and outside consultation be sought during the design stage of the steam generating plant to assure that stack effluents and water discharge both employ the most up-to-date pollution controls; (3) that landscaping be so designed and cultivated that noise is minimized and physical attractiveness is maximized, and (4) prior to the design phase of power plants at other locations, the Maui Electric Company seek consultation with the State Department of Health, the Office of Environmental Quality Control, and other professional sources concerned with pollution control.

If Maui Electric Company is willing to meet these requirements, I will endorse and approve construction of the proposed plant at this time. I would appreciate it if you would consider this letter as the formal statement of this office for the record of your June 1 hearing.

Sincerely,

Richard E. Marland
Interim Director

REM:pm

cc: Dr. Quisenberry
Dr. Mark
Mr. Goo
Mr. Skrivanek
Maui Electric
HECO, Honolulu

County of Maui Planning Commission
Public Hearing, June 1, 1971
County Building, Wailuku, Maui, Hawaii

Gentlemen:

My name is Robert P. Bruce. I am a graduate civil engineer, a registered professional land surveyor, and a consulting hydrologist. On May 1, 1969, I retired from the managership of the East Maui Irrigation Co., Ltd., after working continuously in my profession in many and varied capacities on the island of Maui for forty one years. I believe I qualify as an expert in the field of water supply and development, including sedimentation basins and flood control.

The Kealia Pond and surrounding area comprise a natural flood plain and sedimentation basin, and consequently a valuable matural resource. I therefore wish to make a brief statement to the Maui Planning Commission at this hearing, outlining in capsule form some of the reasons why I am filing a protest against the granting of the Maui Electric Company's request for a special use permit for the construction and operation of an electric generation plant in the Kealia Flood Plain area.

I have been an ardent conservationist on Maui for over 40 years. Since the Kealia Pond area is the only Conservation District in the entire South Central Isthmus area, wisely set aside as such by the State Land Use Commission because of its natural resource value, I would like to briefly explain the extreme importance of the flood plain function of this area and the adjoining Open Zone as designated in your Kihei "701" Plan.

During our annual "Kona" storm periods, enormous quantities of water enter the Kealia flood plain. Because it is now an open zone, practically no damage occurs in the immediate area. During peak storm periods, water enters the pond at the rate of hundreds of millions of gllons per day. For limited periods it may enter the pond at the rate of billions of gallons of water per day. Because the water does not all arrive at the same moment, and because the area is wisely preserved today as an open zone, these storm waters spread over approximately 1000 acres before overflowing the sand bar at the outlet to the sea. Practically all the debris and silt borne by these mountain torrents settle out within the flood plain itself, preventing disastrous pollution of the beautiful white sand beaches of the Maalea and Kihei areas and minimizing the damage to the Maalea Bay marine habitat. Nature has provided us with flood control facilities worth millions of dollars if we will just use them wisely.

The reason such enormous quantities of flood waters enter this Kealia Flood Plain is because it first serves as an outlet "safety valve" for the rainfall run-off from the large stream of Waikapu and all its tributaries plus all the other gulches along the West Maui Mountains, including the large Pohakea gulch that runs under the bridge on the Honoapiilani Highway near the Kihei junction. The quantity of water from run-off received from the Haleakala Mountain watershed is even greater. The following gulches run clear up to the rim of the Haleakala crater, one of them to the 10,000 foot peak of the mountain: Beginning at the northerly end of the contributing Haleakala watershed, there are the Pulehu and Pohakuokela gulches and tributaries; the Kolaloa and Hapapa gulches and tributaries; and the Keahuaiwi gulch and tributaries. The Planning Commission's Kihei "701" Plan wisely indicates the proposed diversion of the large Waiakoa Gulch as an additional contributor of flood waters into the Kealia Flood Plain. This now forms the stream that crosses the surface of the Kihei Road near the Post Office, and which completely cuts off access along this important highway to Kihei when the river is in flood

The proposed diversion of this troublesome flood stream represents good planning, but it will add another large quantity of water to the already heavily burdened Kealia Flood Plain. For this reason and for many others which for the sake of brevity I will not attempt to detail here, I respectfully request the Planning Commission to recommend to the Mayor and the County Council that they declare a moratorium on any further development, obstruction or encroachment of any sort , on all of the area shown as an open zone on your "701" plan on both sides of the road from Maalea Village to the Mokulele Highway, including the small area "spot" zoned for an industrial district; and that the Mayor and Council also ask the State Land Use Commission to declare a similar moratorium on any further construction or other flood plain encroachment within the Kealia Conservation District, including expansion of the aquaculture dams and ponds; and that these moratoria remain in effect until such time as a comprehensive study of flood plain area requirements shall have been completed. Serious mistakes in planning can be avoided only if the county and state delay all decisions on use until the flood plain requirements necessary to protect the area from damaging floods and pollution have been determined.

Much more detailed information is necessary before proper decisions can be made on requests for "special uses" in this flood plain area. Many excellent proposals have been put forward for beach park development and the establishment of a permanent wildlife refuge with a controlled water level for the pond, to perpetuate Hawaii's unique wildlife heritage and provide a permanent sanctuary for the stilts and coots and other endangered species of waterfowl. Such development and uses may be entirely possible within the flood plain area without disturbing its vital function as a flood plain and sedimentation basin, and ocean, beach and shore pollution preventative.

Respectfully submitted,

(signature)

Robert P. Bruce

STATEMENT ON MAALAEA BAY, MAUI

E. Alison Kay, PhD.
August 12, 1970

Maalaea Bay, Maui, is one of the most varied habitats in the Hawaiian Islands from the standpoints of both topography and biota. Dr. C. H. Edmondson cited the bay as "...one of the best localities for general collecting about Maui ..." (Edmondson, C. H., 1946. Reef and Shore Fauna of Hawaii, B. P. Bishop Museum Special Publication).

In addition to its shoreline features of white sand beaches, beachrock, and cobble fringe, the Bay supports a rich and diverse subtidal coral community, among which are marine species which may be unique to the area and found nowhere else in the Islands. The bay is the type locality for a small crab, Cyclograpsus granulatas Dana, described more than 100 years ago, and for the cowry Cypraea mauiensis Burgess, described in 1967. In addition, a peculiar assemblage of Central Pacific littorines and nerites occurs along the west side of the Bay, an assemblage not found to my knowledge elsewhere in Hawaii.

It is all too seldom recognized that the beauty and diversity of our Hawaiian shorelines are in large part the result of the biological activities of the marine organisms living in our offshore waters: white sand beaches, beachrock, and even offshore surf itself are due to the fringing and subtidal reef developments which occur around our shorelines. These coral communities are extremely fragile: silting, changes in temperature and/or nutrient concentrations, and fresh water runoff are well documented as causing the death of corals and the subsequent reduction in the variety of these offshore communities of marine organisms. We are all too sadly aware of the conditions now existing in Honolulu Harbor and Pearl Harbor on Oahu, both areas of harbor and power plant construction. The proposed harbor and power plant for Maalaea Bay can only contribute, therefore, to the already frightening reduction in the diversity of our shorelines.

(Dr. Kay is a professor in the General Science Department at the University of Hawaii and has specialized in the study of mollusks).

ACTION OF THE STATE BOARD OF CONSERVATION COUNCIL FOR HAWAII

August 26, 1970

The State Board of the Conservation Council for Hawaii has considered the following resolution, and endorses same without reservation.

George M. Sheets
President, State Board
Conservation Council for Hawaii

NOW, BE IT RESOLVED: By the Maui Chapter of the Conservation Council for Hawaii, that they completely endorse the permanent waterfowl and wildlife refuge, with a permanently controlled water level, improved and properly developed and protected wildlife habitat, in the Kealia Pond and surrounding flood plain area, so that its natural functions as a flood plain sedimentation basin and ocean, beach, and shore pollution preventative, be preserved in conjunction with its development as a perpetual waterfowl and wildlife refuge and living museum; and

BE IT FURTHER RESOLVED: that the Maui Chapter of the Conservation Council for Hawaii recommend the permanent preservation of the open space area surrounding the Kealia Pond as proposed in the Maui County Planning Commission's "701" Kihei Civic Development Plan, and that the present government road be abandoned and relocated along an amended boundary of the existing Conservation District, and that we ask the Central Maui Soil and Water Conservation District to request the technical services of the United States Department of Agriculture Soil Conservation Service to properly determine the required Kealia Pond area between the relocated road and the sea, which would provide an adequate flood control, sedimentation and ocean and beach front pollution preventative basin, and the CONSERVATION COUNCIL FOR HAWAII endorse the Maui Chapter's Resolution, and strongly oppose any harbor, industrial or commercial development within this revised flood plain area.

MAUI CHAPTER, CONSERVATION COUNCIL FOR HAWAII

County of Maui Planning Commission
Public Hearing, June 1, 1971
County Building, Wailuku, Maui, Hawaii

Gentlemen:

At its annual meeting May 27, 1971, the Maui Chapter of the Conservation Council for Hawaii unanimously passed the following four resolutions pertaining to the Kealia Pond area. Since time is of the essence in conservation matters, they are conveyed to the Planning Commission with the fervent hope that they may be acted upon as soon as is practicable.

Resolution No. 1. That the Planning Commission deny the request of Maui Electric Co., Ltd. for a special use permit for the construction and operation of an electric generation plant in the vicinity of Kealia Pond on the grounds that such use may seriously degrade the flood control, open space and conservation functions of the area.

Resolution No. 2. We request that the Planning Commission endeavor to protect the highest conservation integrity of the Kealia Pond area embodied in their own General Plan for Kealia Pond and preserve its use as a Park, Beach Right of Way and Open Zone as designated in the County of Maui's Civic Development "701" Plan. Rather than downgrade the conservation function as would result in approval of the Maui Electric Company's request, the Planning Commission is hereby requested to recommend to the State Land Use Commission and its Department of Planning and Economic Development that the state conservation district boundary be extended to encompass all the area around and including the Kealia Pond from the makai boundary of the proposed relocated highway to the sea. This request has been previously endorsed by the State Board of the Conservation Council for Hawaii. A copy of their endorsement is transmitted herewith to the Planning Commission. A statement by Dr. E. Alison Kay on the unique biological character of the Maalea Bay area is also presented herewith. Dr. Kay serves on the Governor's Committee for the Preservation of Scientific Areas.

Resolution No. 3. We request the Planning Commission to initiate and co-ordinate a comprehensive study of the Kealia flood plain and sedimentation basin, including its contributing West Maui and Haleakala drainage areas, by the Soil Conservation Service, Army Corps of Engineers, State Department of Land and Natural Resources, U.S. Bureau of Sport Fisheries and Wildlife, County of Maui, and the Alexander and Baldwin Properties Division. We further request that the Commission urge the Planning Director and staff to give priority to forwarding an official request to the various agencies noted above, outlining the urgency of this study to properly determine the land area necessary in the Kealia Flood Plain and Sedimentation Basin for adequate protection of the white sand beaches and marine habitat from the adverse effects that may arise if the present natural ponding area is encroached upon by commercial, industrial, harbor and other developments as have been proposed within the Kealia Flood Plain area.

Resolution No. 4. We request that the Planning Commission recommend to the Mayor and Council of Maui County that a moratorium be placed on any use of the industrial zone on the north fringe of the Kealia Flood Plain included in the Kihei Civic Development "701" Plan until the flood plain area requirements have been determined by the study requested in the preceding resolution. Immediate steps should be initiated by the County Council to remove this unfortunate bit of spot zoning from the "701" plan, since the location of an industrial zone on the border of an open zone is inconsistent with the general conservation use of the area.

The Maui Chapter of the Conservation Council for Hawaii offers full cooperation with the Planning Commission in initiating and participating in the studies requested in the above resolutions.

(signature)
Robert F. Bruce,
Maui Chapter President

TO: Maui Planning Commission DATE: July 6, 1971

FROM: Planning Director

SUBJECT: Request for Special Permit filed by Maui Electric Company for construction and operation of an electrical generation facility at Kealia Pond

The material presented regarding this request, both in writing and at the time of the public hearing, has been circulated over the period of the past five weeks to members of the Commission. The staff believes that the members of the Commission are basically familiar with the request, and, therefore, this report will be limited to an evaluation and recommendation.

The major pro and con arguments concerning this request have been summarized. We would like to touch upon those points which we feel are particularly applicable to the decision which is to be made by the Commission.

The staff concurs with the applicant as to the following:

(1) That the proposed location is conveniently located with regard to the major load centers of Wailuku-Kahului, Kihei and Lahaina. Likewise, the location is relatively convenient to the present main transmission lines, which run from Wailuku to Lahaina along the foothills of the West Maui Mountains, mauka of Honoapiilani Highway. The proposed site would permit location of feeder lines relatively easily to the existing main lines, and could be done without creating major aesthetic problems.

(2) That it would not be desirable to expand the present facility at Kahului Harbor. Space at the existing plant is at a premium. Further expansion could jeopardize the Kanaha Bird Sanctuary, just as the present proposal may jeopardize the Bird Sanctuary at Kealia. Further, the problem of air pollution could be substantial, affecting the densely populated Kahului area.

(3) A proposed power plant site was provided in the area of Kealia Pond on the Kihei "701" General Plan. This would indicate some degree of concurrence on the part of the County as to the establishing of such a use in the vicinity. However, it should be pointed out that designation on the County's general plan is not an absolute, irrevocable commitment. The general plan should be considered as a guide to a community's development. At the time of establishing the specific use, the burden of proof still rests on the applicant to show that the request is justified and in the public interest. The staff feels that this position was understood by the applicant, inasmuch as the Stearns-Rogers study seriously considered various alternatives throughout the island.

(4) That a need exists for additional electric generation capabilities. It must be recognized that Maui Electric Company is a public utility, which must respond to the demands established by the community at large. The question of providing additional capital improvements for electric generation must also be cleared with a State regulatory agency, the Public Utilities Commission. The staff does not feel that Maui Electric Company's request should be evaluated, or used as a basis of, limiting further growth and development of Maui County. If this is to be an issue, it should be debated and resolved directly by the community, not in conjunction with accessory questions such as the one presently before the Commission.

Despite the staff's concurrence as to the above, certain questions and problems have not been clarified or resolved to the satisfaction of the staff, nor apparently to the satisfaction of the community at large. These would include the following:

(1) The applicant has stated that they would comply with all applicable State and County regulations dealing with pollution. The staff does not feel that this position is adequate to justify granting of the request. The applicant must comply with all applicable regulations. If they do not, no portion of the plant may be constructed. However, many of the concerns which have been raised cannot be resolved strictly by regulatory actions, and require further study and awareness on the part of all concerned.

(2) The nature of existing aquatic life within Maalaea Bay has not been clearly established. How significant and valuable are they? What would be the effect of discharging heated effluent into these waters?

(3) Does the proposed power plant location have a significant adverse effect upon the bird sanctuary at Kealia Pond? It would appear that it may not, provided that adequate safeguards as to the plant's operation are established. However, this matter should be explored further.

(4) It would appear to be appropriate that an extensive study be made of Kealia Pond and the surrounding area. The function of Kealia Pond as a sedimentation basis is unquestioned. However, the extent to which this is required should be studied in addition to determining whether or not the process cannot somehow be made more efficient. It would appear to be of small consolation to long-suffering Kihei residents to conclude that the periodic dust storms and summer stench emanating from the pond are desirable as part of the area's natural ecology.

(5) Further information should be provided on the matter of providing and discharging cooling waters for the steam generating units. A major reason for locating in the proposed area is its proximity to the ocean. The cost of locating elsewhere, in inland locations, has been described as prohibitive. Further information should be provided. It is possible that the community would be willing to pay for protecting or creating more desirable environment. However, this decision cannot be made until all the appropriate facts are presented.

In summary, the staff feels that the applicant has not presented sufficient information, either to the Commission or to the community, to justify granting the request. There are many unanswered questions, which should be studied at length by the applicant and by other interested parties. Since the need for steam units is not projected until 1975, it does not seem appropriate to act favorably at this time. Therefore, the staff recommends that the request as it applies to the approval of the steam plant be denied.

However, the staff does not feel that the problems which have been pointed out with regard to the steam plant necessarily exist with regard to the proposal to locate diesel generators and a gas turbine on the site. Although it would appear that alternative sites could also be located for these facilities, we would recognize that the applicant faces a problem involving both time and area. Therefore, the staff recommends that diesel generators and a gas turbine, together with the necessary accessory facilities, to provide for interim power generation through 1975, be approved subject to the following conditions:

(5) All final plans [illegible] but not limited [illegible] landscaping site [illegible] be subj to [illegible] C. for [illegible]

July 20th – [illegible] decision likely

(1) That transmission lines in and out of the facility be located in areas of minimum visual impact, and shall not be located either along the shoreline, or along the shoreline highway.

(2) That the applicant will be responsible for providing all necessary utilities and services, and that the County or other governmental agencies will not bear the responsibility for such services.

(3) That a minimum of grading and clearing be done on the site, in order that the installation create minimum disruption to the natural environment. However, the staff would not object to landscaping of adjoining areas, provided that the landscaping plan first be reviewed and approved by the staff.

(4) That the use be established within four years from the date of final approval. Should an alternate site be developed for the major generating facility, no further construction will be permitted at Kealia following its completion. Consultants to work w/ Envr. Control Office

The applicant should also clearly understand, and should so state for the record, that this action by the Commission in no way constitutes a commitment for subsequent approval of the steam plant. The burden is upon the applicant to conduct sufficient ecological and environmental studies to determine the suitability of Kealia Pond, or other alternative sites, for a proposed power plant. Should these studies, which could be conducted in part by other interested parties as well, indicate that Kealia is the most suitable site, the applicant may represent the case to the Commission at a later date.

The applicant should also be required to present all available data, as well as any information obtained subsequently, to the Office of Environmental Quality Control of the State of Hawaii for review, evaluation, and recommendation.

The staff feels that the action as recommended (with the conditions) would meet the criteria established in the Land Use Regulations for granting of a special permit, in that:

(1) Approval would in no way be detrimental to the preservation and protection of agricultural uses of land in the area.

(2) Surrounding properties would not be adversely affected.

(3) Public agencies would not be unreasonably burdened to provide services and/or utilities.

(4) A need has been established for additional electric generation capabilities on an interim basis through 1975, when a major facility is scheduled for construction.

(5) The land in question is not suited for intensive agricultural use.

(6) The essential character of the land will not be substantially altered.

(7) The public welfare would be served, rather than jeopardized by the proposed use.

OFFICE MEMORANDUM

TO: Members, Maui Planning Commission DATE: June 25, 1971

FROM: Planning Director

SUBJECT: Maui Electric Company's request for a power generating plant at Kealia Pond.

SUMMARY OF BASIC ARGUMENTS:

(Assumes that projections for increased electrical consumption demands are valid, and that the time-table for facilities as presented is basically correct.)

FOR THE PROPOSAL

1) Kealia Pond is centrally located between the major load centers of Wailuku-Kahului, Kihei and Lahaina.

2) Air pollution will be minimized at the proposed site, since normal trades will carry the stack effluent out over Maalaea Bay.

3) The applicant will meet all applicable requirements to minimize air and water pollution.

4) The proposed location is outside of the Kealia Pond area, and would not affect either flood control or the wildlife habitat.

5) The plant site will be heavily landscaped to make it aesthetically compatible.

6) It is necessary to be located near a source of cooling water. Inland locations would be uneconomical from this standpoint.

7) It is not desirable to expand the plant at Kahului, because of:

   a. limited space

   b. desirability of locating at more than one site to avoid total loss of capacity.

   c. location upwind of Kahului community

8) A site for a power plant in the area is designated on the County's "701" plan for Kihei.

9) It is conveniently located to fuel oil supply and in optimum position with regard to existing main transmission facilities.

10) Adequate safeguards can be imposed by the Planning Commission and/or the State Land Use Commission to insure that detrimental effects to the environment do not occur.

AGAINST THE PROPOSAL

1) No environmental or ecological studies have been made to indicate the effect of the proposal on Kealia Pond and Maalaea Bay, particularly with regard to the effect of heated effluent.

2) Kihei residents will be subjected to air pollution from stack gasses (similar to Kealia-originated dust storms).

3) Landscaping cannot hide a building of this size. It will still be aesthetically undesirable.

4) Alternative sites (Puunene, Ukumehame, Kahului) have not been thoroughly studied.

5) Industrially-oriented uses are not compatible with the concept of open space and recreation proposed for the Kealia Pond area in the "701" plan.

6) The sedimentation function is not limited to the pond proper only, but to the entire Kealia flood plain. Extensive uses in the area would jeopardize this function with resulting pollution of Maalaea Bay.

7) Kealia Pond is an important wildlife habitat. Industrialization of the area would threaten this use, especially as it relates to the dwindling population of native birds.

8) The criteria established by the LUC for "unusual and reasonable use" have not been satisfied.

9) Potential damage from tsunami exists for the proposed site.

10) Diesel generators to take care of immediate needs can be easily located elsewhere.

ALTERNATIVE ACTIONS

The following are the possible courses of action for the Commission on the application:

1) To grant in total - This would require establishing stringent safeguards and conditions, particularly regarding the steam plant. The staff would not recommend this, since sufficient justifying data is not available.

2) To approve in part - This would involve approval of the diesel generators (and possibly gas turbine) on approximately two acres, pending further study of the remainder. If this is done, it should be clearly understood by the applicant that this action in no way constitutes a future commitment for total approval.

3) To deny - The applicants would then be forced to seek a new site, both for the permanent plant and the diesel generators, or to provide additional studies to re-evaluate the proposal.

It would appear that sites are available for the diesel generators which could meet the short term need, including:

a. near the Kahului plant

b. near the Dairy Road sub-station

c. near the Waiale sub-station

d. near the MCA quarry past Waikapu, where the 69 KV lines run.

Further comprehensive study for the permanent plant site could then be undertaken.

4) To defer pending further studies - The LUC Regulations state that the Commission must act "within a reasonable time". This is not further defined and is subject to individual interpretation. The staff feels that this would not be desirable. Prolonging the decision would only create problems for all parties concerned.

RECEIVED
JUL 8 1971
State of Hawaii
LAND USE COMMISSION

4

TO: Members, Maui Planning Commission DATE: June 1, 1971

FROM: Staff

SUBJECT: Application for Special Permit filed by Maui Electric Company, Ltd., for Construction and Operation of an Electric Generation Plant at Maalaea.

The applicant, Maui Electric Co., Ltd., has filed an application for a special permit to permit the construction and operation of an electric generation plant in the vicinity of Kealia Pond at Maalaea, Maui. The proposed location is on the westerly side of the Kealia Pond area, and is bounded by canefields on the north, and Kihei Road on the south. The area proposed for use is approximately 30 acres.

The subject parcel is presently designated by the State Land Use Commission as Agricultural. The area generally defined as Kealia Pond is in the Conservation District and subject to the jurisdiction of the State Board of Land and Natural Resources. Construction and operation of a power generation plant is not a permitted use within the State Agricultural District. LUC Regulations provide that application for uses other than those permitted within the Agricultural District can be made, with approval subject to satisfying established criteria that the proposed use is "unusual and reasonable".

The applicant's selection of a site for a new electrical generation plant is based primarily upon an engineering study prepared in April, 1970, by the Stearns-Roger Corporation. The report indicates that several sites were considered, and that the Kealia site was found to be the most suitable. Eventual site selection was reduced to three alternatives... two in the Maalaea area, and the other at Ukumehame in Lahaina. The proposed location was selected to "minimize stack gas pollution and to minimize the costs of a sea water intake for condenser cooling", and its optimum location with regard to the main 69 KV transmission line, and other economic factors such as costs of fuel oil transport, sea water intake and discharge and land costs.

A site for a future electrical generation plant was designated on the Kihei 701 General Plan, which was adopted by the County in 1969. The proposed location is less than a mile away from the requested site, on the northerly side of Kealia Pond. According to the Stearns-Roger report, the reasons for proposing the new location include proximity to the ocean, and a more favorable direction for dispersion of stack gasses. In addition, the original site does include lands presently used for cultivation of sugar cane.

The immediate proposal of the applicant is to install a diesel generator on the site, to provide for immediate power needs, primarily to the West Maui area. A transmission line would be run up a small gully running through the canefields, across Honoapiilani Highway, and connecting with the existing lines along the foothills.

At a later date, incremental development would begin on the steam units, at which time the need for intaking and discharging cooling water from the ocean would become necessary. Ultimate development would include eight steam generating units, in a single building approximately 60 to 70 feet high. The discharge stacks would rise above the buildings. The applicants have indicated their willingness to landscape heavily around the plant, to reduce undesirable visual effects.

see Maala

At the present time, no extensive investigation has been carried out with regard to air and water conditions in the subject area. However, the applicant would be required to meet all requirements of the State Department of Health and other applicable agencies.

Written testimony received to date in the office of the Planning Department has primarily indicated concern with the environmental effects of locating a power plant in the subject area. Problems of air pollution, water pollution, possible adverse effects on Kealia Pond and Maalaea Bay, destruction of natural beauty and open space and the effect on flood control have all been cited in opposition to the request. In addition, the Central Maui Soil and Water Conservation District has favored a thorough study of the entire Kealia Pond area "to help decide the best use of the pond and land immediately surrounding it."

These are the basic facts available to the staff as of this date. The Commission is precluded from acting on the subject request until at least fifteen days subsequent to the date of the hearing. A supplemental report will be presented to the Commission following the public hearing, and prior to this body's action on the matter. Final approval is subject to action by the State Land Use Commission.

PRESENTATION TO PLANNING COMMISSION AT PUBLIC HEARING ON JUNE 1, 1971

BY: C. C. MURDOCH, EXECUTIVE VICE PRESIDENT & GENERAL MANAGER
MAUI ELECTRIC COMPANY, LTD.

RECEIVED
JUL 12 1971
State of Hawaii
LAND USE COMMISSION

Maui Electric Company, Limited, a wholly-owned subsidiary of Hawaiian Electric Company, Inc., has applied to the County Planning Commission for a zoning exception to permit the construction of a power plant in the agricultural zone near Maalaea Bay. The site involved consists of approximately 32.5 acres and has been shown in detail on maps furnished the Commission. The land is presently owned by Alexander and Baldwin, Ltd., and that company has agreed to sale of the land for a power plant site.

The development of a generating plant in this area is not a new project. For a number of years, the company has been studying sites for a new plant, and the most favorable appeared to be near Maalaea Bay. The County approved a 701 Plan for Kihei in 1969, which included a power plant site very close to the final location selected. Public hearings were held before the plan was approved. For several years, the company has openly discussed their plans for a plant in the area before community groups and public officials

Last year the company adopted a 15-year plan for system development. The plan included the installation of new generation facilities in 1972 or 1973 at a site other than Kahului. A policy decision was made that no further generation would be added at Kahului because the plant is upwind of a developed community, the space is limited, and our generation "eggs are all in one basket". A serious accident, either internal or external, could wipe out all our capacity for an extended length of time.

To complete the investigation of sites, the company employed the services of Stearns-Roger, a Denver corporation which is a recognized expert in this field, to make a site location study. Their report, dated April 1970, recommended the Maalaea Bay Site B. Their study will be covered more fully by the next company representative.

Our 1970 long-range plan was based on an annual growth rate of 9.5% for the entire Maui system. Actual growth for the year 1970 was 13.5%. At the beginning of this year, we increased forecasts to provide for a growth of 14% in the coming years. Actual growth during the first four months of 1971 has averaged 17.2%. At this rate of growth, the demands for power on our system would more than double in five years, and we would not be able to fully cover our system's December 1971 peak if our biggest unit were out of service due to some emergency. We have accelerated the installation of a 2750 kw diesel generator to meet the accelerated growth. We hope to complete the installation of this generator prior to December 1st and are requesting a prompt approval of our permit application.

The rapid growth on Maui is due in good part to a surge of tourist developments, but other residential and commercial developments have contributed their share. Since early in 1970, tourist-oriented rooms on Maui have increased from 2600 to 3600, an increase of almost 40%, but contrary to the trend on other islands the occupancy rate on Maui has improved. In March this year, according to the Hawaii Visitors Bureau report, Oahu's occupancy was 64% versus 88% the previous year, whereas Maui's occupancy was 80% versus 78% in 1970. There are many rooms due for completion during the balance of the year, with the

most notable development being the 360-room Maui Surf Hotel. There is considerable residential construction completed and under way, and new major commercial developments include the County Office building, Stadium, Long's Drug, Star Super Market, Maui High School, Lahaina Civic Center, sewer treatment plants in Wailuku-Kahului, Kihei, and Lahaina, and West Maui water development. Major additions are under way or due to start soon at the Community College, Kula Sanatorium, telephone office, State office, Memorial Hospital and Hale Makua.

It is the opinion of local officials that Maui will continue to grow rapidly in the coming years, especially with the destination resorts started at A&B's Wailea and Maui Land & Pineapple Company's Honolua developments. The Maui Electric Company must be prepared to stay ahead of the community's need for power.

In closing, I would like to touch briefly on environmental matters. For many years the Maui Electric Company has been concerned with our environment. We were one of the first island utility systems to install separators on all of our plant stacks to reduce emissions. For over 20 years, we have advocated underground facilities in all residential subdivisions. We have tried to keep transmission lines off the main highways if reasonably possible. A landscaping program for substations has been started. New designs and materials to improve the looks of overhead lines have been adopted.

Further, electricity is pollution free as an energy source. A modern central generating plant causes far less air and thermal pollution than would individual light, heat and power sources in each home, office and shop. The greatest present pollutant of the air is the automobile, and let's hope the future will bring the

successful development of the electric car. To improve the environment in the future through such as sewer treatment plants, we will need more, not less, electric power production.

The company had an informal meeting with the Kihei Community Association and other interested parties on May 21 to explain our plans. The opinion was expressed at this meeting that we are moving too fast on this project and that further studies should be made of site selection and pollution problems. As pointed out earlier, we have worked for years on this project with public knowledge and participation (701 Plan). The company believes that in no way will we disturb the ecology, the bird conservation, and flood plain. The area is windswept and dusty, especially during harvesting of nearby fields, and to many the flats do not have the beauty of the surrounding mountains. Proper landscaping which will enhance the looks of the area even after full plant development will be provided.

As Manager and Executive Vice President of Maui Electric Company and as a lifetime resident of the island of Maui, I wish to thank you for this opportunity to present the Maui Electric story. I would now like to call on Mr. Frank Montgomery, Vice President, Engineering, of our parent company, to give you more details of studies and technical plans regarding this proposed generating site.

STATEMENT AT PUBLIC HEARING REGARDING POWER PLANT SITE, MAALAEA BAY AREA, WEST MAUI, JUNE 1, 1971

By F. R. Montgomery, Vice President Engineering, Hawaiian Electric Company, Inc.

As Mr. Murdoch has pointed out, the Maui Electric load growth so far this year has exceeded our most liberal estimates. The chart which I will refer to shows two projected peak load growths; namely, the 14% load growth being used as of the first of this year, and the 17.2% peak load growth which we have experienced during the first 4 months of this year projected out through 1975.

The more rapid load growth has necessitated a reevaluation of our expansion of generation facilities and requires that we add a new generating unit to the Maui Electric system before the 1971 peak. Further, it requires that two additional diesel generating units, both approximately 2750 kilowatts in size be added during the year 1972, followed by a 25,000 kw gas turbine in 1973.

In planning for generation expansion on the Maui Electric system we provide sufficient generation to meet the peak load occurring at any time during a year without the capacity of the largest unit, which might be out of service due to an unforeseen emergency. Following this criterion, as has been pointed out earlier, we will have insufficient generation late this year to cover our peak load. Therefore, to meet this load, the generating unit has been ordered, and we are proposing to install it at the Maalaea site before the peak this year.

By way of emphasis to Mr. Murdoch's previous statement, in 1969 the Maui Planning Commission and Council adopted the General 701 Plan after holding public hearings where all interested parties had opportunity to express their views. This General Plan includ a power plant site in the Maalaea area since it was recognized by the County Government that a second power plant would be required in Central Maui. A special study was conducted in early 1970 for Maui Electric Company by Stearns-Roger Corporation, consulting engineers. This study confirmed that of 10 sites investigated on Maui the Maalaea Site B was most suitable.

I would like now to discuss the details of this study briefly. The sites investigated were as follows:

Kahului Power Plant

Waihee Farm

Paia area

Puunene

Maalaea Bay Site A (701 Plan Site)

Wailea coast area

Maalaea Bay Site B

Ukumehame Canyon

Kaanapali area

Pioneer Mill

NOTE: See attached location plan.

Each of the above sites was evaluated, using the following basic criteria:

1. The new site should be large enough for approximately 200,000 kw of generation.
2. The site should be accessible from roads and reasonably level.
3. It should offer adequate foundation conditions.
4. The land costs should be reasonable.
5. Near adequate cooling water sources.
6. Available fresh water for make-up to steam plants.
7. Suitable location for delivery and storage of fuel oil.
8. Minimum transmission system costs.
9. Zoning considerations.
10. Dispersion of stack gases.
11. Environmental considerations such as potential tourist development.

When the above criteria had been applied the 10 sites under consideration, the number of acceptable new generating sites reduced themselves to three, namely:

1. Maalaea Bay Site A (701 Plan site)
2. Maalae Bay Site B
3. Ukumehame Canyon site

After a detailed analysis of the 3 acceptable sites, the study made the following recommendations:

1. Select the Maalaea Bay Site B for the next major generating plant and obtain necessary governmental approval.

2. The exact location of Site B should be determined after an investigation of plant arrangement and availability of land.

3. Obtain an option for at least 25 acres of land and easements as required for circulating water facilities.

4. Make test borings on the site to verify foundation conditions for ultimate plant arrangements.

5. Following approval of the tests and plant arrangements, complete the purchase of the land and proceed with detailed plant engineering.

Maalaea Bay Site B was selected over Site A mainly because of the immediate availability of sea water for condenser cooling if wells could not be developed on the site and because of the prevailing winds which would tend to take stack gases out to sea. Another consideration was that the area between the plant site and the shore line of Maalaea Bay is barren, and it is unlikely that any developments would be located in this immediate vicinity.

This site was chosen over the Ukumehame site for the following reasons:

1. Maalaea Site B is more suitable than Ukumehame primarily because of more economical development of fuel oil supply and the circulating water system.

2. Maalaea Site B is located in the optimum position with reference to the main 69 kv transmission system and therefore will provide the highest reliability as a power source for Maui because of the planned 69 kv transmission loops.

3. Maalaea Site B is in an open area, quite near the site originally shown for a power plant development in the Maui County Planning Commission 701 General Plan, while the Ukumehame site now is in a proposed conservation land use district.

4. Maalaea Site B is close to Kealia Pond, and it has been suggested that this could offer an advantage to the ecology in the general area since if it is desired the discharge from the steam unit condensers could be directed into the Kealia Pond, thus maintaining a constant level at all times and possibly providing a climate for aquaculture farming. Maui Electric Company would certainly be willing to cooperate with any group in making discharge water available for such uses.

The development of this proposed site will span the years from 1971 to the turn of the century. Phase I of the development covers the initial phase from 1971 to 1975, and the plans are to install diesel engines and gas turbines during this initial phase. These units will not require cooling water.

Depending upon load growth, we now envision Phase II from 1976 to 1985, during which time the initial steam units will be installed. During the period from 1986 through 1995, additional steam units will be installed, and we estimate by the end of 1995 a total of 4 steam units will be in operation at this site.

During the final phase of development after 1996, additional steam units will be installed to bring the total capacity up to approximately 200,000 kw.

Air and water quality standards are now being reviewed by the Federal and State governmental agencies. Maui Electric is following the development of these standards and will offer any comments as are appropriate. Several years will have transpired before the first steam unit is installed at this site. Considerable research and development work is going on throughout the electric industry in the control not only of cooling water but of air pollution, and any new methods developed as a result of this work will be incorporated in the design of these units.

Furthermore, additional investigations of existing conditions in Maalaea Bay and the surrounding area will be conducted during this interim period to confirm the information already accumulated and provide a basis for the design of the future units. The design of these facilities will be such that they will be compatible with the environment and will improve the general appearance of the area where they are located.

Prior to beginning work on any new phase of this power plant, Maui Electric will consult with County, State and Federal officials. Their comments will be solicited during the early phases of design so that provisions will be made not only to meet the necessary permits from the County, State, and Federal agencies but to completely comply with all County, State and Federal standards such as air and water quality which may be in effect.

Maui Electric Company under its franchise has the responsibility to meet the electric needs of Maui as they develop. In order to

carry out this responsibility, Maui Electric must make long-range plans not only for the physical plant but financial programs as well. This proposed development is an example of the kinds of planning necessary for this utility to fulfill this obligation.

All of the employees of Maui Electric Company are permanent citizens of the County of Maui. They have a pride in maintaining the environment and the beauty of this Valley Island. This application for a permit to build a power plant does not represent the same kind of development being experienced throughout the State where developers are applying for permits and requesting rezoning of conservation and agricultural lands for the purpose of making a profit and getting out.

Maui Electric Company as a part of this community feels its full responsibility toward this community, and as such will continue to be a good neighbor wherever its facilities are located. Maui Electric Company is dedicated to maintaining a Maui no ka oi.

ADDENDUM TO STATEMENT AT PUBLIC HEARING REGARDING POWER PLANT SITE - MAALAEA BAY AREA, WEST MAUI - JUNE 1, 1971

By: F. R. Montgomery, Vice President Engineering
Hawaiian Electric Company, Inc.

It is necessary that we develop an area at this site sufficiently large, approximately two acres, to accommodate the diesel engines and the gas turbines so that engineering can be started on these units, the switching stations can be developed, and the transmission lines constructed to get the power into the system. There is no other area available large enough and adjacent to our existing transmission system which could be utilized for the installation of these diesels and gas turbines without very expensive site development work and long transmission lines.

Furthermore, we have repeatedly stressed, and I wish to repeat here, that when our steam units are installed we will comply with all County, State and Federal regulations in effect at that time. Present technology is available to meet the Water Quality Standards as they now exist, as well as the Air Pollution Standards, and we will expect to apply this technology or other techniques which may be developed prior to the installation of the first steam unit to insure that we comply with all applicable regulations.

This site needs to be established at this time so that we may proceed with the long-range studies and engineering that will be required in order to enable us to design this facility, and obtain shipment of long-delivery items. During the development of this site we will expect to work closely with the County, State and

Federal officials and keep them apprised of all plans which we have pertaining to the development of this site.

The question has been raised as to the need for additional generation within the next two years for Maui Electric Company's system. The need for this additional generation has been reviewed with the Public Utilities Commission, which has a competent staff of engineers, and the Public Utilities Commission has concurred with Maui Electric Company's forecast and has given approval to the installation of a diesel unit in 1971 in recognition of the need to have this additional generation installed before the peak load occurs, which normally is in late November or early December.

MAUI

STATE OF HAWAII



TESTIMONY OF ROBERT O. OHATA, CONSULTANT TO MAUI ELECTRIC CO.

Mr. Chairman and Gentlemen:

My name is Robert Ohata, consulting planner-engineer with offices at 1744-E Kaahumanu Ave., Wailuku and Piikoi St., Honolulu. I am a consultant to Maui Electric Co., on this request for special permit.

Paragraph 2.24 of Part II of the State Land Use District Regulations lists 7 items which are stated as "Test to be applied" for special permits. I would like to go through the list and show that the application of Maui Electric Co. does meet all the requirements for special permit.

(a) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

This request by Maui Electric Co. will in no way be contrary to the objectives of the Land Use Law which, in the final analysis means that there should be good planning. By requesting special permit, we are requesting that the present land use districting in this Maalaea Bay area be preserved as it is in Agriculture and Conservation zones. And that certain industrial uses would be better located in an agricultural district by special permit, rather than in an urban district where it would have a greater adverse effect. Also only the special permit route allows the Planning Commission and the State Land Use Commission to impose terms and conditions to the approval, to ensure safeguards as may be necessary. The approval of the asphaltic concrete plant west of Waikapu, the Batching Plant at the former Camp 10 site, and the lumber mill at Mokulele Highway are examples of special permits approved in the central valley of Maui.

(b) That the desired use would not adversely affect surrounding property.

This is by far the greatest concern. The company has met with all interested parties so that potentially adverse effects could be identified and solutions developed. We are appreciative for those who gave constructive suggestions.

Three concerns have been raised: 1) air pollution, 2) thermal effects and 3) upsetting the ecology of Kealia Pond. First, as Mr. Montgomery has stated, this is an ideal site on the island of Maui where the adverse effects of stack gases and fly ash would be minimum. Secondly, Mr. Montgomery stated and you have the assurance of the company that there will be full compliance with any regulations by the state, federal or county governments to safeguard Maalaea Bay from thermal effects. Mr. Montgomery stated that there is adequate technology to accomplish this. May I say parenthetically that in a democratic society where there are many divergent interests and concerns, it is the government to which we must turn as the basis of any official code or standard. If we do not do this, there will be confusion, where all will suffer. Thus the company will comply strictly to any government standards on thermal effects.

Thirdly, this power plant will in no way upset the ecology of Kealia Pond. Kealia Pond serves two ecological functions; first as a silting basin and second as habitat for certain waterfowl. The location of the power plant is in the kiawe area at an average elevation of + 10 feet. It is nowhere near the pond's silting area, nor the area where the waterfowl feed and live. In other words, it is so located outside the pond area and so cannot interfere in any way with the ecological functions of Kealia Pond.

This may be beside the point; however let me say that Kealia Pond is not doing a good job ecologically. The storm waters bring down tremendous amount of silt into the pond and the pond cannot and has not been able to handle all the silt. As a youngster, I remember that much of Kihei, even as far and beyond St. Theresa Church was marsh lands. But now these areas are filled. Kealia Pond is filling up also. And so, great amount of the silt does go into the sea. That is why the ocean life in the Kealia Pond area is not as abundant. As you go farther south along the Kihei shore, the sea life increases. For Kealia Pond to function efficiently, as a silting basin, it must dry up and let the strong winds erode it down so that the storage capacity will become adequate for the silt that the next storm might bring. You can just imagine what kind of dust storm this means. I for one feel that the dust storm is a very poor and most undesirable alternative. It would also mean that new occupants of Kealia Pond such as Sea Farms' aquaculture program would have to be discontinued. Here again, I feel that the aquaculture program is good and should be continued.

(c) Such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.

The power plant will in no way burden public facilities. The make-up water or fresh water for the power plant is minimal, and would in no way burden the present or future water system. The facilities will not require additional roads, sewers, drainage, police or fire protection.

(d) Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.

Mr. Murdoch has explained that the electric growth rate on Maui makes this new electric generation a requirement. It is most fortunate that the Planning Commission saw fit to locate such a site on the Kihei 701 Plan. The subsequent concurrence by the Stearns-Roger corporation is most reassuring.

(e) That the land upon which the proposed use is sought is unsuited for the uses permitted within the District.

This land is presently used for grazing by the Maui Ascociates. The company has agreed to the deletion of the site from their lease. These areas along Maalaea Bay are very poor grazing land because grass will not grow due to salt intrusion.. From the map of the area, you can readily see that the plantation decided not to plant sugar cane on this site, also because of the salt intrusion problem.

(f) That the proposed use will not substantially alter or change the essential character of the land and the present use.

This was another concern expressed. It was mentioned that this power plant would be esthetically out of place in this agriculture and conservation setting, and that it will become a precedent for other urbanization. As first stated, it is the desire of the company that there be no further urbanization in this area. It is within the powers of the Planning Commission and the state commission that this request would not be a precedent for other urbanization.

As far as esthetics is concerned, I feel that it is necessary that we balance our judgment. I feel that this power plant properly designed, located and landscaped will not be objectionable. The company has repeatedly assured that it will hire a landscape architect who will work closely with the Planning Commission's landscape architect

so that the plant will be esthetically acceptable and blend as best as possible with the agricultural setting.

(g) That the proposed use will make the highest and best use of the land involved for the public welfare.

Maui Electric Company is a public utility company, and the need for additional power was brought about by public demand. It is the duty of the company to fulfill the public need. Mr. Murdoch explained this. Mr. Montgomery explained that extensive studies have gone into the site selection. It is our opinion that all factors considered, this is the best site for electric generation on Maui. The company with the right of eminent domain could not pick any other site than the best site. And for a site that is to become a main source of generation on a long-range basis, it could not make a casual selection, but one which took considerable amount of study and extensive deliberation; where the ecological and environmental considerations weighed as heavily as the functional considerations. Stated another way, there is no better site on the island of Maui that fulfills all the requirements; best for all the people of Maui including the concerns of special interest groups.

In closing, let me state that the company feels that although the steam generation plant would not be installed until about 1975, it would appreciate having the site determined at this time. In addition to the double cost involved, the lead time is necessary to make technical studies, tests and surveys of the site. These include ecological studies. Based on these studies, the design and construction of the plant can be undertaken.

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Secondly, let me say that Maui Electric Company has been a "good neighbor" on Maui. It has done its job well and has gone out of its way for the benefit of Maui. Cooking classes, cultural exhibits, beautifying of the substations, support of community activities, these are some of the contributions. I feel there is no reason to doubt that the company will do its best for Maui with this power plant.

MEMORANDUM June 23, 1971

TO : Maui County Planning Commission

FROM : Dick Mayer

CONCERNING: Additional Information on the Maui Electric Company Request for a Special-Use Permit

I would like to call the following items to your attention; they further support the case against granting any special-use permits at this time.

1. Maui Electric Company is seeking to have the Planning Commission grant the permit by claiming that they are environmentally concerned and are highly concerned about Maui's future.

In reality, Maui is being deceived by the policies of the parent Hawaiian Electric Company. That Company, which now controls our Maui Electric Company, plans to use high polluting sulphur fuels in its new Kealia plant while using much cleaner fuels on its home base on Oahu. Why are we being shortchanged and over-polluted? Is this "environmental concern" for Maui?

The high-sulphur fuels are not an unimportant matter. The Maui Electric fuels will have approximately 200-300% more sulphur than the Oahu fuels; and technology is not yet available to clean up the factory stack emissions. A concerned power company would not discriminate against one of its customers!

2. The Commission's recently established Kihei 701 Plan contained a detailed questionnaire that asked the Maalaea/Kihei/Makena residents and landowners their opinions on a number of important matters. One of these questions (Page 12 of the Final Report) concerned the power plant:

"Should the main electric generation plant be located in Kihei?"

Yes	98	36%
No	177	64%
Don't Know	6	100%
No Comments	64	

Shouldn't the Planning Commission consider the desires of a large number of the citizens of an area?

3. The only "positive" endorsement at the public hearing came from Mr. Richard Marland who apparently has little, if any, familiarity with the Kealia area. He is only an interim director of the State's Office of Environmental Quality Control and is here only temporarily on loan from the Federal Government.

If Maui Electric could find no better spokesman for their request, then there might be some serious problems with this location.

Would the Maui Planning Commission please check into Mr. Marland's qualifications concerning his ability to make a statement like the one he made. "I do not consider the presence of this plant as a significant threat to the ecology of Kealia Pond."

Has he conducted any studies that could support his claims? If he has then he should make them available to the Planning Commission and the general public.

EXECUTIVE CHAMBERS

HONOLULU

June 21, 1971

JOHN A. BURNS
GOVERNOR

Office of Environmental
Quality Control

RECEIVED
JUN 23 1971
DEPT. OF PLANNING
COUNTY OF MAUI

Professor John A. Maciolek
University of Hawaii
Department of Zoology
Edmondson Hall
2538 The Mall
Honolulu, Hawaii 96822

Dear Professor Maciolek:

In response to your specific inquiry of June 15, 1971, I say, "Yes, heated effluent has an effect on the marine environment". I would call this effect deleterious, but for reasons which are in addition to that which you cite in your correspondence to Mr. Benson. You have cited the effect of "selection of species" as deleterious. I agree, not in general, but in specific. The Hawaiian marine environment is critically related to coral. This form of life is heat-sensitive and can be destroyed by temperatures which can possibly be associated with discharges from power plants unless the effluent meets the temperature tolerance (1.5° F) as specified in our water quality standards.

In addition to species selection, thermal pollution reduces the solubility of oxygen in receiving waters. This is probably its most serious effect. Other effects of thermal effluents are cited and well documented. For an up-to-date review of this subject, I suggest you obtain a copy of Thermal Pollution by Frank Parker and Peter Krenkle, Report No. 3, Department of Environmental and Water Resources Engineering, Vanderbilt University, Nashville, Tennessee, December, 1969, cost $4.00. Although most studies relate to fresh water, reasonable extrapolations can be applied to the effects in salt water.

I have no personal knowledge for the Kahe plant. I have not been there.

You are correct in describing my letter to the Maui Planning Commission as "supportive" of the proposed power plant near Kealia. My reasons are:

1. The need for power in Maui is demonstrable and urgent.

2. Although not the best possible site, the Kealia area plant need not cause any important deleterious effects to the environment, simply by being there.

3. The location I specified is far enough removed from Kealia Pond to have no significant influence on it.

4. Visual impact and noise will be controlled as much as possible by use of extensive landscaping and plantings.

5. Responsible officials of Hawaiian Electric Company assure me that all steps will be taken to assure that pertinent air quality and water quality standards will be met. Since the need to be concerned with stack effluent and thermal pollution is five years away, I did not specify which particular technique must be used to accomplish such compliance. Presumably, the state-of-the-art will improve by then, so it is necessary now only to affirm that their operations will not introduce thermal pollution into the waters of Maalaea Bay nor air pollution above the standard tolerances. I intend to see that these conditions are met.

Your concern for the environment is appreciated, and your intelligent support of good environmental programs is an asset to us all.

Sincerely,

Richard E. Marland
Interim Director

REM:pm

cc: T. E. Benson
Frank Montgomery
Buddy Soares
Howard Nakamura ✓

COPY

OFFICE OF COUNTY CLERK
COUNTY OF MAUI
Wailuku, Maui, Hawaii 96793

June 21, 1971

Honorable Elmer F. Cravalho
Mayor, County of Maui
Wailuku, Hawaii 96793

Dear Sir:

SUBJECT: RESOLUTION NO. 158, ENTITLED, "REGARDING APPLICATION FOR SPECIAL USE PERMIT BY MAUI ELECTRIC CO., LTD."

In behalf of the County of Maui's Council, we respectfully tr... a certified copy of Resolution No. 158, urging "the Planning Commi... of the County of Maui to give serious consideration to the applicat... of Maui Electric Co., Ltd., for a special use permit and to possibly grant such special use permit only for diesel-operated electric ge... ting facilities until such time as said company can assure the peop... that steam-operated electric generating facilities will not damage t... ecology of the ocean off Kealia Pond."

As requested by the Council, please forward a copy of the resol... to your Department of Planning.

Thank you for your co-operation.

Respectfully,

James S. Ushijima

JAMES S. USHIJIMA
County Clerk

/lye

enc.

Resolution

No 158 Introduced By LANNY H. MORISAKI Councilman

REGARDING APPLICATION FOR SPECIAL USE
PERMIT BY MAUI ELECTRIC CO., LTD.

WHEREAS, Maui Electric Co., Ltd. has applied for a special use permit to the Planning Commission of the County of Maui and the Land Use Commission of the State of Hawaii in order to construct additional electric generating facilities at Kealia Pond in the Maalaea District of Maui; and

WHEREAS, several organizations have opposed the granting of such a special use permit on the ground that electric generating facilities at Kealia Pond will damage the environment in said area and on the further ground that discharge of heated water from steam-operated electric generating facilities into the ocean off Kealia Pond may harm the ecology of the ocean in said area; and

WHEREAS, Maui Electric Co., Ltd. may be able to install and use diesel-operated facilities for generating electricity until such time as said company can assure the people with certainty that steam-operated electric generating facilities will not damage the ecology of the ocean off Kealia Pond; now, therefore,

BE IT RESOLVED by the Council of the County of Maui that it does hereby respectfully urge the Planning Commission of the County of Maui to give serious consideration to the application of Maui Electric Co., Ltd. for a special use

permit and to possibly grant such special use permit only for diesel-operated electric generating facilities until such time as said company can assure the people that steam-operated electric generating facilities will not damage the ecology of the ocean off Kealia Pond; and

BE IT FURTHER RESOLVED that certified copies of this resolution be transmitted to the Planning Commission of the County of Maui and to the Land Use Commission of the State of Hawaii.

COUNCIL OF THE COUNTY OF MAUI
WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that the foregoing resolution was adopted by the Council of the County of Maui, State of Hawaii, on the 18th day of June, 1971 by the following vote:

MEMBERS	Goro HOKAMA Chairman	Richard I.C. CALDITO Vice-Chmn.	Joseph E. BULGO	E. Loy CLUNEY	Harry N. KOBAYASHI	Marco M. MEYER	Lanny H. MORISAKI	Bernard H. TOKUNAGA	Yoneto YAMAGUCHI
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Excused	Aye	Excused	Aye

James S. Takiguchi

MAUI PLANNING COMMISSION
PUBLIC HEARING
Tuesday, June 1, 1971

LAND USE COMMISSION
SPECIAL USE PERMIT

APPLICATION NO. 48
MAUI ELECTRIC-GENERATION PLANT-KEALIA

The public hearing on the following request for Special Use Permit under provisions of SECTION 98H-6, REVISED LAWS OF HAWAII, 1955, 1961 SUPPLEMENT, AS AMENDED BY ACT 205, SESSION LAWS OF HAWAII 1963, was opened by Chairman Yoshikazu Matsui in the Chambers of the Council, County of Maui, Wailuku, Maui, Hawaii, on Tuesday, June 1, 1971.

A quorum of the Commission was in attendance. (See record of attendance).

MAALAEA, MAUI
Construction and operation of an electric generation plant together with plant maintenance office, fuel storage tanks and other necessary accessory facilities within the State Agriculture District in the vicinity of Kealia Pond, TMK 3-8-05:Portion of 2.
Applicant: Maui Electric Co., Ltd.
Area: Approximately 30 acres.

The Director read the notice of public hearing published in the Maui News on May 1, 1971, a copy of which is attached hereto and made a part hereof.

The Director explained that a Petition to Intervene was received from Michael E. Cleveland of Life of the Land. A copy of the petition is attached hereto and made a part hereof.

Mr. Kase Higa, County Attorney, was asked to give a legal opinion on the petition. Mr. Higa stated that the proper thing to do at this meeting is to accept the petition without making any determination on whether Life of the Land would be able to intervene and within a few days, after further study, he would be able to make a better recommendation.

Mr. Cleveland: "What action is the Commission going to take today?"

Mr. Matsui: "No action today."

Mr. Cleveland: "Just hold on to it until we have a more definit opinion on it. One of the purpose of the petition is that we would like to have the right to cross examine witnesses-if we have no action on the petition at this time we don't know whether we will be able to do so."

Mr. Higa: "My advise to this Commission. This is a public hearing and if you do have a question possibly whoever is making a statement for Life of the Land can raise some questions. This is not a court case. This is really not a court. We have that situation in court and it makes for a very untidy situation."

Mr. Cleveland: "Could I suggest that this proceeding -- for the Commission--questions from our organization, from other members of the public may be written down and given to the Chairman and read."

Mr. Matsui: "...if they want to testify against I would give them an opportunity to testify against. That is sufficient for us...I don't think it is a court proceeding here. It is strictly a public hearing. I think it is advantageous to the Commission to hear as many people as possible."

Mr. Cleveland: "I agree. Is there a chance that there might be a hearing for which we may have, under the administration procedure which does call for a cross examination.

Mr. Matsui: "Then we will chat with the Attorney's office on this matter."

Mr. William Crockett: (Representing the applicant - Maui Electric) I would like to point out one whether a public hearing on zoning matter is a contested matter. In the Diamond Head case which came back in January 1962 and I have a citation, there was a question as to whether a public hearing before the Board of Appeals or Planning Commission constituted a contested hearing within the scope of the Hawaii Administration Act. In any event, the function of this particular body is to hear and gather as much information as possible and it is not the function of this particular body to engage in a contentious discussion. We would have no objection to a hearing within the discretion of the chairman for Mr. Cleveland or anyone else to gather as much information as he wants in objection to this position.

"The second point I would like to raise - the petition for intervention request as made--of course, the relief they are asking for is that this petition be deferred for two years. It is our position that we would ask the chair to rule that we can have some manner by which we can guide our position. This particular body does not have the power to defer for two years - that it must either grant or deny the application and then submit the matter to the State Land Use Commission.

Mr. Nakamura: "Along that line, the requirements for special permit as set forth by the State Land Use Commission regulations states as follows: 'The County Planning Commission shall act on special permit petitions not earlier than 15 days after the public hearing but within a reasonable time thereafter.' "

Mr. Nakamura explained the request from the staff report, a copy of which is attached hereto and made a part hereof.

Mr. Nakamura read a statement on behalf of the County Administration, a copy of which is attached hereto and made a part hereof.

Letters of Protest

Mr. Nakamura read the following letters, copies of which are attached hereto and made a part hereof:

Francis Whitaker
Pat Weeks, Pres., Maui OUtdoor Circle
Ray W. Kroel
James H. Armitage, Vice President, Central Maui Soil and Water Conservation District
Donald E. Dietrich
Bruce Palmer

Letters of Approval

Dr. Richard E. Marland, Interim Director, Office of Environmental Qaulity Control

The Chair opened the hearing to the public.

Mr. Colin Murdock, Executive Vice President and General Manager of Maui Electric Company, read his statement for the records, a copy of which is attached hereto and made a part hereof.

Mr. Frank Montgomery, Vice President Engineering, Hawaiian Electric Co., Inc. "Before going into my prepared statement, I would like to refer back to Dr. Marland's letter and I would like to assure this Commission that we will comply with Dr. Marland's request without question..."

Mr. Montgomery read his statement for the records, a copy is attached hereto and made a part hereof.

Mr. Robert Ohata, Consultant to Maui Electric Company read his statement for the records, a copy is attached hereto and made a part hereof.

Mr. Matsui: "Commissioners have any questions?"

Mr. Nakamura: "I have two questions, I would like to direct to Mr. Montgomery. Could you again review for us the timetable only on steam engine units...the diesel, gas turbines...what is the timetable?

Mr. Montgomery: "Depending upon low growth. Of course, we are making our presentation on the basis 17.2%. We will have to install 2750 KW generator units of same size in 1972 followed by a 25,000 KW gas turbine in 1973. Now it is possible that the first steam unit may have to go on in late 74 or early 75. This will have to be determined by watching carefully the low growth for the next couple of years. However, we have for convenience called for in the 71-75 75-85 two additional...the first two steam units will be installed, then between 85-95 two additional steam units will be installed...by 1995 there will be four steam units in operation at this site. Subsequent to 1995, depending upon growth of the electrical growth in the island, we will build out to the maximum plan capacity of 200,000 KW."

Mr. Nakamura: "Now, assuming that you want to get your first unit into operation what kind of lead time would you require? In terms of beginning construction?"

Mr. Montgomery: "We would require approximately 24 months from the time we started engineering. Placing whats under todays condition, however, we would expect to start to employ people who have worked with us in meteorological or environmental studies much earlier then that and we will also do a test boring to determine the best source of cooling."

Mr. Nakamura: "One of the main criteria in locating is apparently the availability of cooling water. Could you give us some idea of the amount of cooling water required for one steam generating unit? MGD if possible."

Mr. Montgomery: "You can use the rule of thumb - today's condition where we designed so we do not raise the temperature more than 10 degrees fahrenheit that it would take one gallon per minute per installation. If you have 10,000 KW you will be circulating 10,000 gallons per minute. If you have 50,000 you will be circulating 50,000 gallons. When we get out to the 200,000 mark, we will be circulating approximately 200,000 gallons a minute of cooling water. If we went to deepwells we can allow a greater temperature rise...."

Mr. Nakamura: "...say 200,000 gallons, what does it come out to, in terms of MGD? "

Mr. Mayer: "288 million gallons per day.

Mr. Nakamura: "In terms of the steam plant we are talking in terms of plants in excess of 60' in elevation, is that correct?"

Mr. Montgomery: "A portion of that building could possibly be that. We would envision this building to be a two level building with the lower part of the building facing towards Kihei Road...."

Mr. Nakamura: "Do you forsee any possibility within the next few years that would result in lowering the height of the building required?"

Mr. Montgomery: "There are technological improvements going along all of the time. I don't know whether I can say positively, but configuration of these generation, to obtain maximum efficiency is constantly undergoing changes."

Mr. Nakamura: "You mentioned minimum of two acre sites for diesel generators and gas turbines...Are these such that they could be easily installed at an existing substation? Say Kahului site?"

Mr. Montgomery: "We don't have a site available where we could put this amount of generation. Kahului is quite limited in land. You must realize that you have to have, not only the land area but you have to have the fuel supply...."

Mr. Glenn Shepherd read his written statement for the records, a copy is attached hereto and made a part hereof.

Mr. Dick Mayer read his written statement for the records, a copy of which is attached hereto and made a part hereof. Mr. Mayer also referred to statements made in Dr. Marland's letter and requested that the Commission check how often Dr. Marland has been to Maui. Mr. Mayer stated: "I believe he is someone who just came from the Mainland. I question his background." Mr. Mayer also pointed out that in the recently passed Kihei 701 Plan there was question on whether the Maui Electric generation plant be located in Kihei. Among those represented 64% indicated 'no'.

Mr. Mayer continued: "I am also a member of the County Air Pollution Advisory Committee that has been meeting all through the spring. To my knowledge, no request, no correspondence has been carried out between Maui Electric and this committee which is in charge of air pollution standards on the island. I would request that before the final decision that some correspondence be initiated. Finally Maui Electric claims that they are concerned with Maui's environment. I have only one question that I want to ask -- the sewer to be built on Maui in terms of sulphur content why is it higher than that used on Oahu?"

Mr. Nakamura: "You mentioned the Ukumehame site - if the sites were reviewed you felt it would be most desirable. Why would you choose that?"

Mr. Mayer: "One reason is the water depth. Ukumehame is deeper, they drop off to the 60' level quite rapidly whereas the Kealia would take quite a while to go out. I believe it would take about a mile. That would be one thing. Secondly, it is away from any residential areas. In your Civic Development Plan, 701 Plan, Makena is indicated as a development area and right along the coast is apartment zoning...this plant movement from site A & B places it closer to the apartment...."

Mr. Matsui: "In your testimony you sort of condemned the Stearns-Rogers Report Could you substantiate that in writing so at least we know what basis you are condemning this report."

The following people read their written statements, copies of which are attached hereto and made a part hereof:

Minutes, meeting of June 1, 1971 - 5
Public hearing - Maui Electric
Planning Commission

Russ Cahill
Robert Bruce, Maui Chapter President, Conservation Council of Hawaii
Michael Cleveland, Life of the Land
Tim Prior
Frances B. Cameron, Vice President, Hui Manu of Maui
Jerome J. Pratt, Chairman, Fish & Wildlife Resources Committee, Tri-Isle Resources Conservation and Development Project.
Dr. John A. Maciolek
James M. Sconyers, Seabury Hall
Wayne Nishiki, Maui Chapter Save Our Surf
Be Jones

ADJOURNMENT: Hearing no other testimony the Chair closed the public hearing.

Jean S. Tokunaga

JEAN S. TOKUNAGA
Private Secretary

RECORD OF ATTENDANCE

Present:	Y. Matsui
	J. Franco
	G. Murashige
	Y. W. Chun
	C. Kaiama
	J. Fernandez
	K. Kage
Excused:	G. A. Freeland
	A. Hussey
Others:	H. Nakamura
	C. Hart
	A. Baxa
	Approximately 60 people

9687

PLANNING COMMISSION
Yoshikazu Matsui, Chairman
Adrian Hussey, Vice-Chairman
Young Whee Chun
Joseph Franco
G. Alan Freeland
Kazuo Kage
George Murashige
John M. Fernandez, Ex-Officio
Carl Kaiama, Ex-Officio

Elmer F. Cravalho
Mayor

BOARD OF ADJUSTMENT
& APPEALS
Joseph S. Medeiros, Jr., Chairman
Peter Matsuoka, Vice-Chairman
William Hong
George Tamura
Thomas Yagi

Howard Nakamura
Planning Director

COUNTY OF MAUI
PLANNING DEPARTMENT
P. O. BOX 1487
KAHULUI, MAUI, HAWAII 96732

July 12, 1971

RECEIVED
JUL 14 1971
State of Hawaii
LAND USE COMMISSION

Mr. Tatsuo Fujimoto
Executive Officer
Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

Dear Mr. Fujimoto:

Re: LUC Special Permit Application No. 48
from Maui Electric Company

The Maui Planning Commission, at its meeting of July 6, 1971, voted unanimously to adopt the enclosed staff report with regard to application filed by Maui Electric Company to establish an electrical generation plant within the State Agricultural District at Kealia Pond, Kihei. However, one additional condition was included by the Commission to those proposed in the staff report, and is as follows:

5. That the final plans including but not limited to location of transmission lines, building siting and proposed landscaping be submitted to the Commission for final approval.

Most of the information dealing with this matter has already been transmitted to your office. Enclosed, however, are the following:

1. Copy of the Notice of Public Hearing
2. Summary of the testimony presented with regard to this matter
3. Minutes of the public hearing

Should you have any questions, please feel free to contact us at any time.

Very truly yours,

Howard K. Nakamura

HOWARD K. NAKAMURA
Planning Director

Encls.

cc: Maui Electric Co.

NOTICE OF PUBLIC HEARING
SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a public hearing to be held by the County of Maui Planning Commission on Tuesday, June 1, 1971, in the Chambers of the Council, County Building, Wailuku, Maui, Hawaii, at 1:30 p.m. or as soon thereafter as those interested may be heard to consider the following requests for SPECIAL USE PERMIT under provisions of SECTION 98H-6, REVISED LAWS OF HAWAII 1955, 1961 SUPPLEMENT, AS AMENDED BY ACT 205, SESSION LAWS OF HAWAII 1963:

1. MAALAEA, MAUI
   Construction and operation of an electric generation plant together with plant maintenance office, fuel storage tanks and other necessary accessory facilities within the State Agricultural District in the vicinity of Kealia Pond, TMK 3-8-05: Portion of 2.
   Applicant: Maui Electric Co., Ltd.
   Area: Approximately 30 acres

2. LAHAINA, MAUI
   Construction of an administration building and classroom building at the Lahainaluna High School within the State Agricultural District, TMK 4-6-18:12
   Applicant: Department of Accounting and General Services by Kenam Kim, State Comptroller
   Area: Approximately 87 acres

3. HOOLEHUA, MOLOKAI
   Construction of a library building at Molokai High and Intermediate School within the State Agricultural District, TMK 5-2-15: Parcel 46.
   Applicant: Department of Accounting and General Services by Kenam Kim, State Comptroller
   Area: Approximately 14.4 acres

Sketches showing the general location are on file in the office of the County of Maui Planning Department at Naska, Kahului, Maui, Hawaii, and are open to the public for inspection during office hours.

All protests against the SPECIAL USE PERMIT should be filed in writing to said Commission, P.O. Box 1487, Kahului, Maui, Hawaii, before the date of the public hearing or presented in person at the time of the public hearing.

MAUI PLANNING DEPARTMENT
By Howard K. Nakamura
Planning Director

(MN--May 11, 1971)

SUMMARY OF TESTIMONY
MAUI ELECTRIC COMPANY
APPLICATION FOR LUC SPECIAL PERMIT
(Power Plant at Kealia Pond)

FAVORING PROPOSAL

1. Mr. Colin Murdoch)
   Mr. Frank Montgomery) Representing the applicant
   Mr. Robert Ohata)

2. Dr. Richard E. Marland, Interim Director, Office of Environmental Quality Control, State of Hawaii

   a) Location of plant will not contribute significantly to pollution of the area.
   b) Proposed location does not pose threat to ecology of Kealia Pond.
   c) Stated four conditions which should be met (Applicant concurred)

OPPOSING PROPOSAL

1. Mr. Francis Whitaker, Kihei

   a) Industrial use is not compatible to the area.
   b) Problems of air and water pollution.

2. Pat Weeks, President, Maui Outdoor Circle

   a) Defeats "701" concept of open space for the Kealia Pond area.
   b) The size of the plant would result in "aesthetic violence" to the area. A structure this size cannot be screened by landscaping.

3. Roy Krell, Kihei & California

   a) Expressed concern over aesthetic problems to be caused by the "bulky structure with its network of power lines and towers."

4. James H. Armitage, Vice President, Central Maui Soil and Water Conservation District.

   a) Favors "thorough study of the Kealia Pond area to help decide the best use of the pond and land immediately surrounding it."
   b) Cited important function of Kealia Pond as a sedimentation basin, thus preventing pollution of Maalaea Bay.

5. Donald E. Dietrich, M.D., Kihei

   a) Cited the problem of air pollution to Kihei residents, and requested "serious review of alternate sites."

6. Bruce Palmer, Maui

   a) Maalaea Bay contains substantial amounts of important marin organisms.
   b) Effect of discharging heated water may have adverse effects of the marine life.

c) No evidence has been presented by the applicant to show that damage to the environment will be minimized.

7. Glenn Shepherd, Kihei

a) Temporary diesel "peaking units" could be placed almost anywhere else.
b) Alternate sites do not appear to have been fully considered.
c) Almost no environmental or ecological studies have been provided by the applicant.
d) Cited possibility of tsunami damage in the area.
e) Requests no commitment until further studies can be made.

8. Dick Mayer, Maui

a) Stearns-Rogers report did not fully consider alternate sites, and in some cases, made "dangerous and misleading statements."
b) Necessary "economic feasibility and environmental impact studies" should be conducted in the next two to three years, to include Ukumehame, Kahului (present site) and Puunene (near the mill).

9. Russ Cahill, Maui

a) Kealia Pond, as well as a buffer strip from industrial uses, should be protected as a wildlife habitat.
b) Kealia Pond and adjacent beach areas have great potential for recreational uses.
c) The diesel units can be placed anywhere, without commitment to the total site at this time.

10. Robert Bruce, President, Maui Chapter, Conservation Council of Hawaii

a) Proposal would "degrade the flood control, open space and conservation functions" of the area.
b) Commission should protect the open space and conservation concept for Kbalia Pond as expressed in the "701" plan. Recommended the entire area be placed with the Conservation District.
c) Suggested initiation of a comprehensive study of Kealia Pond's function as a sedimentation basin, essential to proper Kihei flood control.
d) Delete industrial area designated on the "701" plan, as it is spot zoning inconsistent with the conservation use of the area.
e) Cited possibility of a permanent wildlife refuge for Kealia, with controlled water levels.

11. Michael Cleveland, Life of the Land

a) Applicant has not met the criteria for "unusual and reasonable use" as set forth in the State Land Use District Regulations.
b) No environmental or ecological impact studies have been presented.
c) It is questionable whether Maui Electric Company would be able to obtain a "zone of mixing" for Maalaea Bay (for discharge of heated effluent)
d) Air pollution would be bothersome to residents of Kihei.
e) The proposed plant would constitute industrial "spot-zoning".
f) Diesel generators can be placed anywhere. In the next two years, full environmental studies should be made for possible sites.

12. Tim Prior, Maui

a) Many potential problems are associated with the discharge of thermally enriched effluents into the ocean. The degree of damage cannot be determined without extensive study.
b) Approval should not be granted until such studies are carried out for any site.

13. Frances B. Cameron, Vice-President, Hui Manu of Maui

a) Power plant at Kealia could destroy the use of the area as a habitat for preservation of native birds. Kanaha Pond and Kealia are the best areas available, and the fate of Kanaha is also questionable.

14. Jerome J. Pratt, Maui

a) Power plant would "cause irreparable damage to the quality of Maui's environment and pose a threat to endangered wildlife."
b) Approval of the proposal would be contrary to Maui's RC & D (Resources Conservation and Development) Plan, which was recently approved by the federal government.

15. Dr. John A. Maciolek, Kula, Maui

a) Cited "considerable recreational, educational and scientific value" of the inshore marine area at Maalaea Bay.
b) Heated effluent may result in irreparable damage to this area.
c) Suggested diesel generators be located elsewhere until complete studies can be done.

16. James M. Sconyers, Makawao
a) Cited importance of Kealia Pond as a wildlife refuge.
b) No information has been submitted by the applicant as to protective measures which will be taken to safeguard bird and aquatic life in the area.

17. Wayne Nishiki, Maui Chapter, Save Our Surf

a) Proposed power plant would be detrimental to those using water resources for recreation in the area.
b) Cited popularity of Maalaea Bay for surfers.

18. Be Jones, Maui

a) Pledged to use less electricity in order to help preserve Maui's environment

19. Arleigh Hughes, Makawao

a) Questioned Maui Electric's projected demands for electrical consumption.
b) Cited possibility of other more favorable sites
1. Present Kahului plant.
2. Kahului industrial area (near airport)
3. Somewhere in the Lahaina-Kaanapali-Napili area.
c) Plant would endanger the function of Kealia as a wildlife refuge.

20. Hans Riecke, Kahului

a) Location of a high-rise industrial building on flat lands near the coast would be wrong aesthetically.
b) A building of the proposed size cannot be screened by landscaping.

ALSO

RESOLUTION NO. 158, enacted by the County Council on June 18, 1971, urged that the Commission give "serious consideration" to this request, and consider the possibility of granting approval only for the portable diesel generators at this time, pending further studies of the Kealia Pond area.

SUMMARY OF TESTIMONY
MAUI ELECTRIC COMPANY
APPLICATION FOR LUC SPECIAL PERMIT
(Power Plant at Kealia Pond)

FAVORING PROPOSAL

1. Mr. Colin Murdoch)
   Mr. Frank Montgomery) Representing the applicant
   Mr. Robert Ohata)

2. Dr. Richard E. Marland, Interim Director, Office of Environmental Quality Control, State of Hawaii

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   a) Cited the problem of air pollution to Kihei residents, and requested "serious review of alternate sites."

6. Bruce Palmer, Maui

   a) Maalaea Bay contains substantial amounts of important marin organisms.
   b) Effect of discharging heated water may have adverse effects of the marine life.

c) No evidence has been presented by the applicant to show that damage to the environment will be minimized.

7. Glenn Shepherd, Kihei

a) Temporary diesel "peaking units" could be placed almost anywhere else.
b) Alternate sites do not appear to have been fully considered.
c) Almost no environmental or ecological studies have been provided by the applicant.
d) Cited possibility of tsunami damage in the area.
e) Requests no commitment until further studies can be made.

8. Dick Mayer, Maui

a) Stearns-Rogers report did not fully consider alternate sites, and in some cases, made "dangerous and misleading statements."
b) Necessary "economic feasibility and environmental impact studies" should be conducted in the next two to three years, to include Ukumehame, Kahului (present site) and Puunene (near the mill).

9. Russ Cahill, Maui

a) Kealia Pond, as well as a buffer strip from industrial uses, should be protected as a wildlife habitat.
b) Kealia Pond and adjacent beach areas have great potential for recreational uses.
c) The diesel units can be placed anywhere, without commitment to the total site at this time.

10. Robert Bruce, President, Maui Chapter, Conservation Council of Hawaii

a) Proposal would "degrade the flood control, open space and conservation functions" of the area.
b) Commission should protect the open space and conservation concept for Kealia Pond as expressed in the "701" plan. Recommended the entire area be placed with the Conservation District.
c) Suggested initiation of a comprehensive study of Kealia Pond's function as a sedimentation basin, essential to proper Kihei flood control.
d) Delete industrial area designated on the "701" plan, as it is spot zoning inconsistent with the conservation use of the area.
e) Cited possibility of a permanent wildlife refuge for Kealia, with controlled water levels.

11. Michael Cleveland, Life of the Land

a) Applicant has not met the criteria for "unusual and reasonable use" as set forth in the State Land Use District Regulations.
b) No environmental or ecological impact studies have been presented.
c) It is questionable whether Maui Electric Company would be able to obtain a "zone of mixing" for Maalaea Bay (for discharge of heated effluent)
d) Air pollution would be bothersome to residents of Kihei.
e) The proposed plant would constitute industrial "spot-zoning".
f) Diesel generators can be placed anywhere. In the next two years, full environmental studies should be made for possible sites.

12. Tim Prior, Maui

a) Many potential problems are associated with the discharge of thermally enriched effluents into the ocean. The degree of damage cannot be determined without extensive study.
b) Approval should not be granted until such studies are carried out for any site.

13. Frances B. Cameron, Vice-President, Hui Manu of Maui

a) Power plant at Kealia could destroy the use of the area as a habitat for preservation of native birds. Kanaha Pond and Kealia are the best areas available, and the fate of Kanaha is also questionable.

14. Jerome J. Pratt, Maui

a) Power plant would "cause irreparable damage to the quality of Maui's environment and pose a threat to endangered wildlife."
b) Approval of the proposal would be contrary to Maui's RC & D (Resources Conservation and Development) Plan, which was recently approved by the federal government.

15. Dr. John A. Maciolek, Kula, Maui

a) Cited "considerable recreational, educational and scientific value" of the inshore marine area at Maalaea Bay.
b) Heated effluent may result in irreparable damage to this area.
c) Suggested diesel generators be located elsewhere until complete studies can be done.

16. James M. Sconyers, Makawao
a) Cited importance of Kealia Pond as a wildlife refuge.
b) No information has been submitted by the applicant as to protective measures which will be taken to safeguard bird and aquatic life in the area.

17. Wayne Nishiki, Maui Chapter, Save Our Surf

a) Proposed power plant would be detrimental to those using water resources for recreation in the area.
b) Cited popularity of Maalaea Bay for surfers.

18. Be Jones, Maui

a) Pledged to use less electricity in order to help preserve Maui's environment

19. Arleigh Hughes, Makawao

a) Questioned Maui Electric's projected demands for electrical consumption.
b) Cited possibility of other more favorable sites
1. Present Kahului plant.
2. Kahului industrial area (near airport)
3. Somewhere in the Lahaina-Kaanapali-Napili area.
c) Plant would endanger the function of Kealia as a wildlife refuge.

20. Hans Riecke, Kahului

a) Location of a high-rise industrial building on flat lands near the coast would be wrong aesthetically.
b) A building of the proposed size cannot be screened by landscaping.

ALSO

RESOLUTION NO. 158, enacted by the County Council on June 18, 1971, urged that the Commission give "serious consideration" to this request, and consider the possibility of granting approval only for the portable diesel generators at this time, pending further studies of the Kealia Pond area.

INSTRUCTIONS:

1. To be filed in triplicate.
2. Use black ink or typewriter with black ribbon.
3. Use additional sheets if necessary.

MAUI PLANNING COMMISSION
P.O. BOX 1487, KAHULUI, HAWAII

APPLICATION FOR SPECIAL PERMIT
Special Permit is hereby requested:

DO NOT WRITE IN THIS SPACE

Appl. & fee received _____

Notice published _____

Public hearing _____

Recommendation to LUC _____

Action by State LUC _____

County & Appl. notified _____

A. Description of Property: (1) Tax Map Key No. 3-8-05: portion of 2

(2) Lot Area 30 acres ± (3) Location Maalaea, Maui, Hawaii

B. Ownership: (1) Owner's name Alexander & Baldwin, Inc. with right of entry to Maui Electric Co., Ltd.

(2) Lessee's name _____ (3) Unexpired term ___ years

C. Request: (1) State request briefly and exactly:

The construction and operation of an electric generation plant together with plant maintenance office, fuel storage tanks and other necessary accessory facilities.

RECEIVED
JUL 14 1971
State of Hawaii
LAND USE COMMISSION

RECEIVED
APR 29 1971
DEPT. OF PLANNING
COUNTY OF MAUI

(2) Reasons justifying granting of request:

This location adjacent to the cane fields and away from any urban developments, is suited for the electric generation plant with minimum adverse effect to surrounding lands and environment. The wind and other geographic conditions are also favorable. Acute shortage in electric power requires that a new generation plant be constructed.

D. Applicant: (1) Name Maui Electric Co., Ltd.

(2) Address P. O. Box 397, Kahului 96732 (3) Telephone 244-3975

(4) Signature [signature]

E. Planning Commission action: _____ Date _____ Vote: ___ ___ ayes noes

Reasons:

F. State Land Use Commission's action: _____ Date: _____

G. Copies to: State LUC Supervisors Applicant Owner & Lessee

Maalaea Environmental Report Commissioned By Maui Electric

Maui News 1-6-72

A study of the environmental impact of a proposed electric power plant at Maalaea Bay has been commissioned by Maui Electric, it was announced this week by Colin Murdoch, executive vice president.

Murdoch said the study is being conducted by the Environmental Systems, Department of Westinghouse Electric Corporation of Pittsburgh, Pennsylvania.

"The study will culminate in a report describing physical operating characteristics of the proposed facility, a site description and the environmental impact of the proposed plant on aquatic and terrestrial ecosystems," Murdoch said. "It is part of the determination of Maui Electric to serve its customers with an adequate supply of electricity with a minimum impact on the environment."

According to Murdoch, a Westinghouse field team headed by Dr. Carl Armour has completed the first phase of the aquatic field work at the site. He was assisted by a Westinghouse coastal engineer, a marine biologist, and a consulting physical oceanographer.

Dr. Armour has M.S. and Ph.D. degrees in fisheries biology and has done post-doctoral work in fish toxicology and aquatic animal medicine.

Mrs. Roy Stoecker, an assistant professor at the Maunaolu Campus of United States International University, and students from her institution assisted with the field efforts.

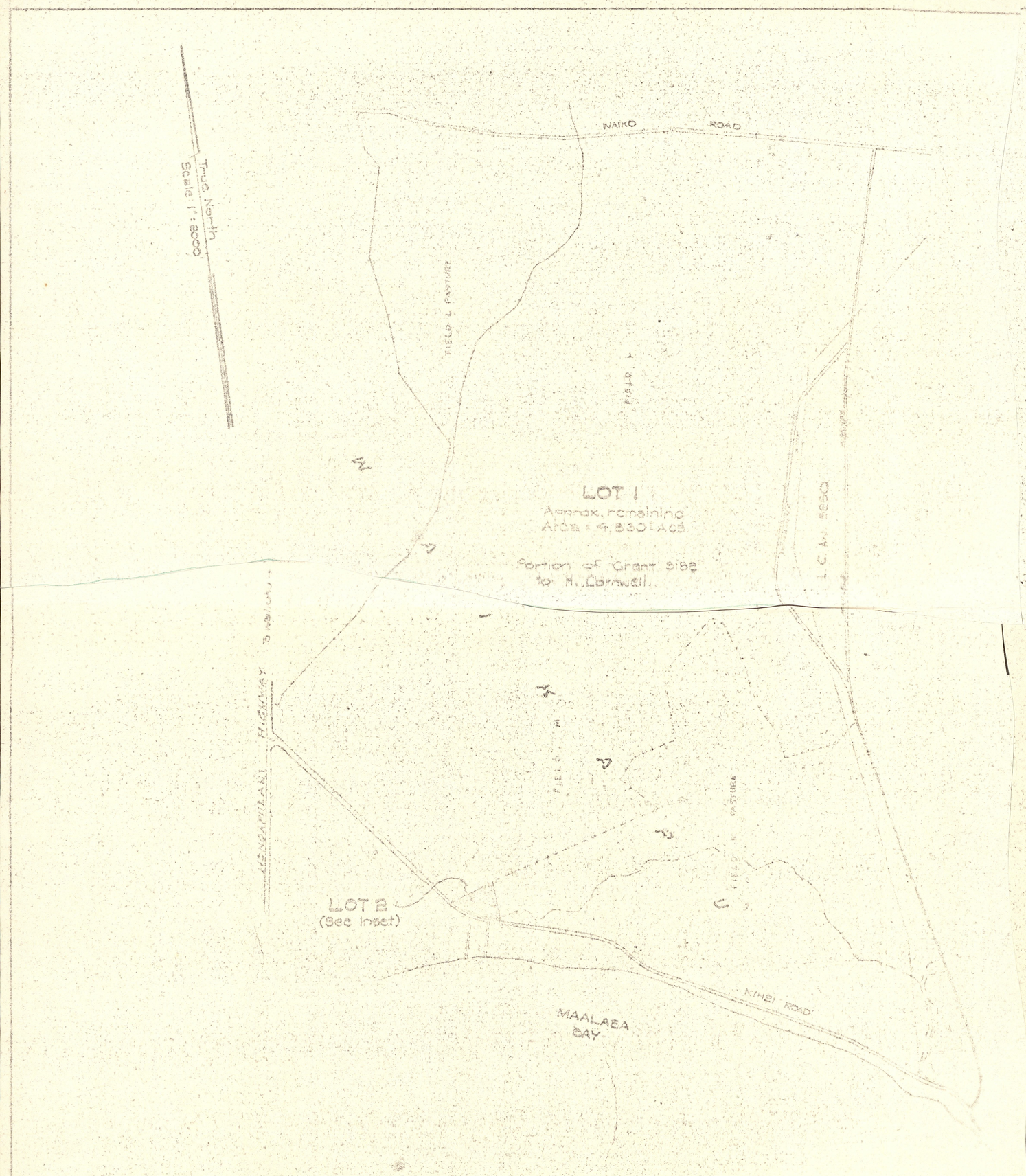
Before returning to Pittsburgh, the Westinghouse team installed a recording weather station at Maalaea Bay. In late January, Lowell VanVleck, a Westinghouse meteorologist, will come to Maui to perform meteorological experiments at the site.

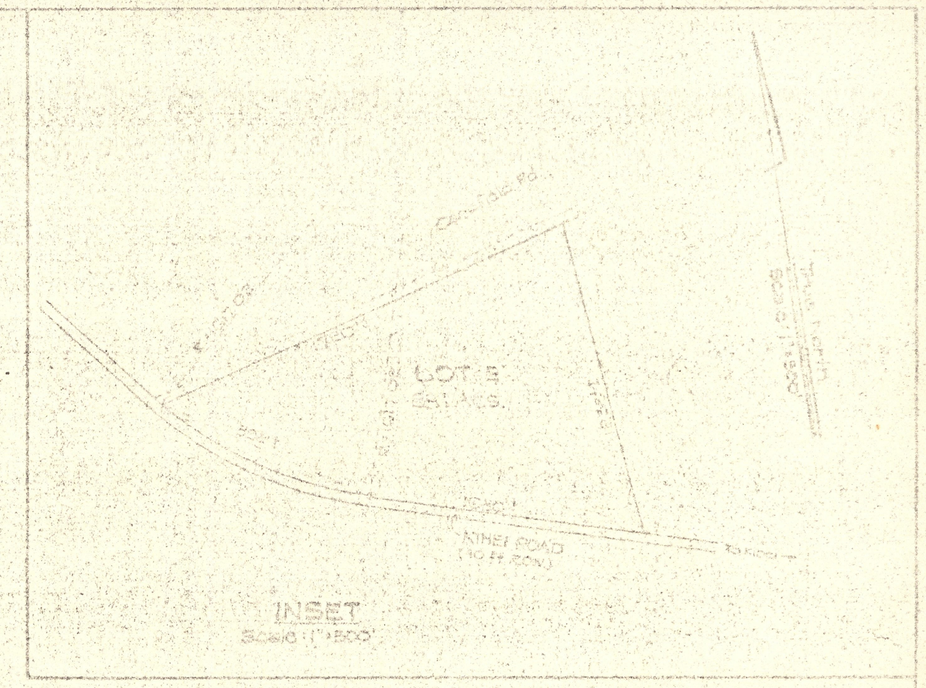
In addition to analytical work by Westinghouse personnel in Pittsburgh and additional field efforts by the physical oceanographer, aquatic studies will be continued in the bay by local consultants.

Dr. S. A. Cattell, a plankton expert and a staff member at the Hawaiian Institute of Marine Biology, and Dr. Robert Kenzie, a benthos expert on the zoology department staff at the University of Hawaii, will be doing field work through the month of February.

A terrestrial ecological survey of the site area will be conducted by Dr. and Mrs. Stoecker, faculty members at the Maunaolu Campus.

The environmental impact report will be completed in April by Westinghouse.





PRELIMINARY

SUBDIVISION OF PARCEL 2
OF TAX MAP KEY: 3-8-06

SUBDIVIDED INTO LOT A AND
LOT B (H.E.Co. POWER PLANT SITE)

Being portions of Grant 5182 to H. Cornwell and L.C. Av. 5330
WAIKAPU, WAILUKU, MAUI, HAWAII

OWNER: Alexander & Baldwin, Inc.

Prepared by: NORMAN SAITO
ENGINEERING CONSULTANTS, INC.
WAILUKU, MAUI, HAWAII

THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION

7851

Planning Body Reviews, Approves MECo. Kealia Generating Facility

Maui News 1-7-71

The site plan for Maui Electric Company's diesel generating plant near Kealia Pond has received the County Planning Commission's approval.

One of the conditions placed on MECo. by the State Land Use Commission, prior to allowing the plant at Kealia, was that final site plans be approved by the Planning Commission.

The Planning Commission reviewed these plans Wednesday and gave approval, but placed five conditions on MECo. These were:

1—Extensive removal of existing vegetation should be avoided. If extensive removal is necessary, then landscaping plantings must be made along the makai side of the site.

2—All exterior surfaces of buildings and facilities must be finished in a manner that will blend in with the natural ground of surrounding areas. This includes a chain-link fence and gate, a control house and transmission towers.

3—All slopes at ½ to 1 ratio must be stabilized by plantings or other treatment to prevent erosion.

4—No sign, except a small identification one, is permitted.

5—The company must look into the possibility of reducing the height of the switching station.

The generating plant is situated on a two-acre parcel and will eventually involve a total of three diesel generators and a gas turbine. There will also be a switching station, control house and transmission poles.

Ty Benson, MECo. manager of engineering, said this switching station will be about 48 feet high under present plans but added that the company would be happy to review this design and make sure it is at its "absolute minimum" in height.

He added that the company plans to move only the vegetation necessary to install the plant and that very little of the facility would be seen from the road.

Benson accepted all the conditions established by the Commission and said the company wanted to cooperate in every way possible.

ADV. 8-6-71

Molokai pond resort project start wins OK

WAILUKU—A 20-acre first increment of the Keawanui fishpond resort planned on Molokai by Unitours has been approved by the Maui County Planning Commission.

The approval, if it is ratified by the State Land Use Commission, will give Unitours permission to construct up to 324 resort units at Keawanui.

The company also intends to restore the fishpond as a recreational asset, subject to supervision by County and State agencies and the Bishop Museum. The pond is an official historic site.

The Maui planning commission action was based on the site having been designated for resort use for about 10 years, and on the recommendation for approval of the Molokai Planning Advisory Committee.

The Committee and the Commission considered petitions and letters from Molokai residents.

The balance was in favor of it to create jobs for Molokai residents and to improve the Island's economy.

It also was pointed out that the fishpond area has been badly overgrown and neglected and that the proposed project will beautify and restore the area to public as well as private use.

planners OK power plant for Maui

WAILUKU—Maui Electric Co.'s plans for a small diesel power plant near Kealia Pond have been approved by the Maui County Planning Commission.

Tyson Benson, company engineer, said the first diesel unit is scheduled to be in operation by November or December to meet expected peak power demands in those months.

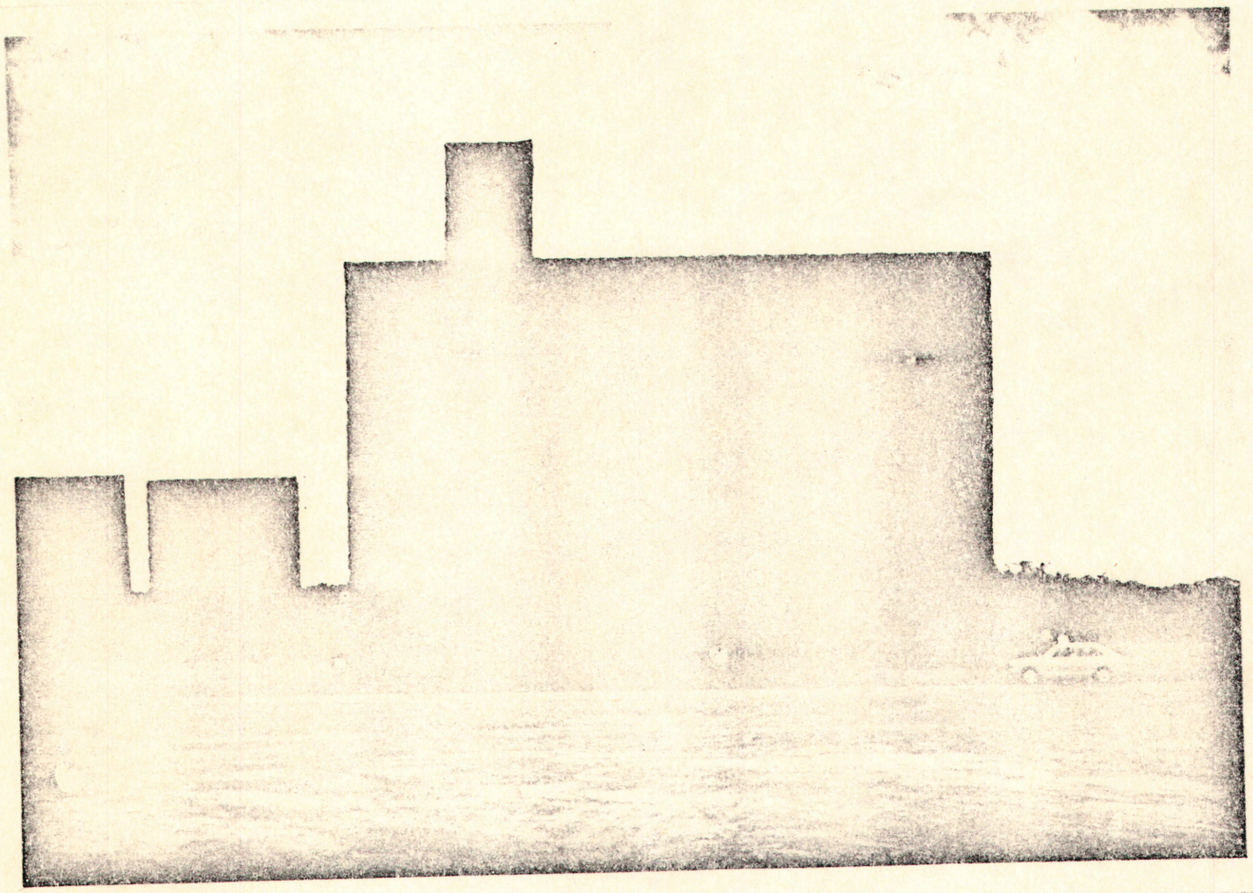
He said a second diesel unit is to be in operation by mid-1972 and a third by the end of next year. The company also may install gas turbine generation facilities on the site with the conditional approval it recently was given by the State Land Use Commission.

THE DIESEL UNITS, approved Wednesday, will use only about two of the five acres so far approved for power plant use.

The company originally asked for more than 30 acres, enough for eventual construction of a major steam generation plant.

The steam plant was denied by County and State agencies pending a year-long study on its impact on the ecology and environment of Maalaea Bay and the Maalaea-Kihei Coast.

Planning commissioners yesterday were assured the diesel units will not be visible from the highways, except possibly for some equipment that will project from the roof of the temporary switching station to be erected.





State Land Use Commission

This lament is a protest against the increasing
industrialization of our Hawaiian conservation
and agricultural lands.

We must stop the rape of our few remaining sanctuaries,
we must hold to our wildlife, our wilderness,
our family recreational areas.

The encroachment of industry on our solitary places
destroys their beauty, leaves our children only dreams.

The Rape of Maalaea

Lovely Maalaea, lying there
lying there with Kiawe in your hair
lying there, Maalaea fair
Maalaea.....
raped.
Lovely Maalaea, lying there
lying there so wild, so fair
lovely Maalaea with sun warmed air
lying there
Maalaea.....
raped.
Lovely Maalaea, lying there
sand stretched arms
Kiawe hair
Maalaea.....
raped.
They came to Maui on a July day
electric knives, sold you away
for a waffle iron, an electric toy
they sold your heart, they sold your joy
for electric gadgets, electric needs
their hearts were filed with wants and greeds.
They sold your waters, sold your land
They sold your birds, sold your sand
They sold your surf and your wild fowl's cry
They sold you out, now your corals die.

They took you, Maalaea
while I was away (dreaming of decency)
and left you to stay:
bulging and pregnant with concrete and blocks
built upon heavily with wood and with rocks.
They raped you, Maalaea, and when they were done
They smiled at the birth of their new-born sone.
All man-made and man-craved and man-done, their son.
They raped you, Maalaea
and gave birth to their dream
an electrified plant
beside your small stream.
Maalaea, Maalaea, unable to scream.
The healing waters lapped your feet
the healing air, swirled through your hair
the healing touch of wild bird's feeding
the healing prayer of man's real needing.
Nothing could save you, Maalaea, my love
They left you unheeding, Maalaea
andindustry cancer upon your breast.
Lovely Maalaea, lying there
lovely Maalaea, torn and bleeding
lying there with waves receding.
Maalaea, Maalaea, lying alone
ravished and raped, no one to atone
misused
abused
a child of the wild.
An unsuspecting, simple land from before
changed
to the present
and then
nevermore.....
a wild place
a mild place
a soft form and face place
but.....

a holder of wires and cable and iron.
A monument to man's ability to channel
the beauty of land, through a man-made panel.
A result of the greed and avarice of some
to sell Maui's people, and new ones to come,
on fun things
on easy things
things that go light
things that go bright
things for the night (electrical ecstasy!)
So, Maalaea, you're lying there
with Kiawe and concrete in your hair.
Oh, Maalaea, does anyone care?
Maalaea, you've been condemned to die
man has raped you and left you to lie
your wilderness gone
your lands despoiled
your waters filled with silted soils.
So, Maalaea, you've been taken
your wilderness lands, now foresaken.
Maalaea, Maalaea, you've been raped
you're gone
you've bled
you've been hanged
'til you're
dead
dead
dead.

Be Jones
Maui, 1971

9729

State Land Use Commission
1010 Richards Street
Honolulu, Hawaii

RECEIVED
AUG 3 1 1971
State of Hawaii
LAND USE COMMISSION

Chairman State Land Use Commission
Mr. Saukahashi
Doctor Mark

Gentlemen:

Please accept this heartfelt protest as it is written. Without anger, without malice, although a direct result of Maui Electric's request to use Maalaea for a plant site, it represents a cry for all the lands of Hawaii Nei.

It is with heartfelt gratitude that we heard both Mr. Saukahashi and Doctor Mark vote against Maui Electric's use of this land.

I proffer this dirge with hesitation and humility and realize that within your hearts the same concerns exist.

Those of us who live here have long enjoyed the simple, wild, peace of Maalaea....sans tourists. It is easy for families in Kahului and Wailuku to drive to and offers a variety of activites for all age groups within a family. Surfing, fishing, swiming, snorkling, and strictly "local" friends, for it is off the tourist path.

Thank you for delaying the possibility of a steam plant at this time.

Respectfully,

Be Jones

Be Jones

Chairman, State Land Use Commission
P.O. Box 2359
Honolulu, Hawaii
96804





Be Jones
146 Koolo Place
Kahului, Maui Hawaii
96732

SP71-104 MAUI ELECTRIC CO.

HONOAPIILANI HWY

KIHEI RD

MAALAEA URBAN DISTRICT

KEALIA POND

MAALAEA BAY

TRUE NORTH
1" = 1,000'

TRUE NORTH
1" = 1000'

7852

STATE OF HAWAII
LAND USE COMMISSION

Kahului Library
Kahului, Maui

July 16, 1971
10:00 a.m.

STAFF REPORT

SP71-104 - MAUI ELECTRIC COMPANY, LTD.

A special permit request to allow the construction and operation of an electric generation plant and accessory facilities within the Agricultural District at Maalaea, Maui, has been submitted by Maui Electric Company, Ltd. The proposed site is a 33-acre portion of a 4,888-acre parcel owned by Alexander & Baldwin, described as TMK 3-8-05: parcel 2.

The land in question is situated on the mauka side of Kihei Road about 1 mile south of the Honoapiilani Highway junction. Kealia Pond, which is designated Conservation, lies to the east. An extension of the Kealia Pond Conservation District abuts the south boundary of the proposed site and consists of low-lying marshy lands. Lands to the north are in cane cultivation. The nearby Urban District of Maalaea contains the small boat harbor facilities and single family residential uses.

The property is presently vacant and overgrown with keawe. Soil classification by the Land StudyBureau indicates that the land is "E" or very poor for overall crop use. Soils are non-stony and deep, and ground slopes range from 1 to

3 percent. The elevation is less than 10 feet above sea level, and the rainfall is approximately 20 inches annually. The shoreline along Maalaea Bay lies approximately 1,000 feet to the south.

In his report to the Maui Planning Commission at the public hearing on June 1, 1971, the Maui Planning Director indicated the following:

> "The applicant's selection of a site for a new electrical generation plant is based primarily upon an engineering study prepared in April, 1970, by the Stearns-Roger Corporation. The report indicates that several sites were considered, and that the Kealia site was found to be the most suitable. Eventual site selection was reduced to three alternatives...two in the Maalaea area, and the other at Ukumehame in Lahaina. The proposed location was selected to 'minimize stack gas pollution and to minimize the costs of a sea water intake for condenser cooling', and its optimum location with regard to the main 69 KV transmission line, and other economic factors such as costs of fuel oil transport, sea water intake and discharge and land costs.
>
> "A site for a future electrical generation plant was designated on the Kihei 701 General Plan, which was adopted by the County in 1969. The proposed location is less than a mile away from the requested site, on the northerly side of Kealia Pond. According to the Stearns-Roger report, the reasons for proposing the new location include proximity to the ocean, and a more favorable direction for dispersion of stack gasses. In addition, this original site does include lands presently used for cultivation of sugar cane.
>
> "The immediate proposal of the applicant is to install a diesel generator on the site, to provide for immediate power needs, primarily to the West Maui area. A transmission line would be run up a small gully running through the canefields, across Honoapiilani Highway, and connecting with the existing lines along the foothills.

"At a later date, incremental development would begin on the steam units, at which time the need for intaking and discharging cooling water from the ocean would become necessary. Ultimate development would include eight steam generating units, in a single building approximately 60 to 70 feet high. The discharge stacks would rise above the buildings. The applicants have indicated their willingness to landscape heavily around the plant, to reduce undesirable visual effects.

"At the present time, no extensive investigation has been carried out with regard to air and water conditions in the subject area. However, the applicant would be required to meet all requirements of the State Department of Health and other applicable agencies.

"Written testimony received to date in the office of the Planning Department has primarily indicated concern with the environmental effects of locating a power plant in the subject area. Problems of air pollution, water pollution, possible adverse effects on Kealia Pond and Maalaea Bay, destruction of natural beauty and open space and the effect on flood control have all been cited in opposition to the request. In addition, the Central Maui Soil and Water Conservation District has favored a thorough study of the entire Kealia Pond area 'to help decide the best use of the pond and land immediately surrounding it'."

On July 6, 1971, the Maui Planning Director indicated his agreement with the applicant as to the following:

"1. That the proposed location is conveniently located with regard to the major load centers of Wailuku-Kahului, Kihei and Lahaina. Likewise, the location is relatively convenient to the present main transmission lines, which run from Wailuku to Lahaina along the foothills of the West Maui Mountains, mauka of Honoapiilani Highway. The proposed site would permit location of feeder lines relatively easily to the existing main lines, and could be done without creating major aesthetic problems.

"2. That it would not be desirable to expand the present facility at Kahului Harbor. Space at the

existing plant is at a premium. Further expansion could jeopardize the Kanaha Bird Sanctuary, just as the present proposal may jeopardize the Bird Sanctuary at Kealia. Further, the problem of air pollution could be substantial, affecting the densely populated Kahului area.

"3. A proposed power plant site was provided in the area of Kealia Pond on the Kihei '701' General Plan. This would indicate some degree of concurrence on the part of the County as to the establishing of such a use in the vicinity. However, it should be pointed out that designation on the County's general plan is not an absolute, irrevocable commitment. The general plan should be considered as a guide to a community's development. At the time of establishing the specific use, the burden of proof still rests on the applicant to show that the request is justified and in the public interest. The staff feels that this position was understood by the applicant, inasmuch as the Stearns-Rogers study seriously considered various alternatives throughout the island.

"4. That a need exists for additional electric generation capabilities. It must be recognized that Maui Electric Company is a public utility, which must respond to the demands established by the community at large. The question of providing additional capital improvements for electric generation must also be cleared with a State regulatory agency, the Public Utilities Commission. The staff does not feel that Maui Electric Company's request should be evaluated, or used as a basis of, limiting further growth and development of Maui County. If this is to be an issue, it should be debated and resolved directly by the community, not in conjunction with accessory questions such as the one presently before the Commission."

However, the Maui Planning Director found that the following problems needed to be clarified or resolved:

"1. The applicant has stated that they would comply with all applicable State and County regulations dealing with pollution. The staff does not feel that this

position is adequate to justify granting of the request. The applicant must comply with all applicable regulations. If they do not, no portion of the plant may be constructed. However, many of the concerns which have been raised cannot be resolved strictly by regulatory actions, and require further study and awareness on the part of all concerned.

"2. The nature of existing aquatic life within Maalaea Bay has not been clearly established. How significant and valuable are they? What would be the effect of discharging heated effluent into these waters?

"3. Does the proposed power plant location have a significant adverse effect upon the bird sanctuary at Kealia Pond? It would appear that it may not, provided that adequate safeguards as to the plant's operation are established. However, this matter should be explored further.

"4. It would appear to be appropriate that an extensive study be made of Kealia Pond and the surrounding area. The function of Kealia Pond as a sedimentation basin is unquestioned. However, the extent to which this is required should be studied in addition to determining whether or not the process cannot somehow be made more efficient. It would appear to be of small consolation to long-suffering Kihei residents to conclude that the periodic dust storms and summer stench emanating from the pond are desirable as part of the area's natural ecology.

"5. Further information should be provided on the matter of providing and discharging cooling waters for the steam generating units. A major reason for locating in the proposed area is its proximity to the ocean. The cost of locating elsewhere, in inland locations, has been described as prohibitive. Further information should be provided. It is possible that the community would be willing to pay for protecting or creating more desirable environment. However, this decision cannot be made until all the appropriate facts are presented."

Since there was insufficient evidence submitted by the applicant to justify the approval of the request and since the need for steam units is not projected until 1975, the Planning Director recommended that the request relating to the approval of the steam plant be denied. However, since the problems which are unresolved relate to the steam plant and are not necessarily applicable to the proposed diesel generators and gas turbine facilities, and since the applicant faces a problem involving both time and area, the Planning Director recommended that the diesel generators and a gas turbine, together with the necessary accessory facilities to provide for interim power generation through 1975 be approved, subject to the following conditions:

"1. That transmission lines in and out of the facility be located in areas of minimum visual impact, and shall not be located either along the shoreline, or along the shoreline highway.

"2. That the applicant will be responsible for providing all necessary utilities and services, and that the County or other governmental agencies will not bear the responsibility for such services.

"3. That a minimum of grading and clearing be done on the site, in order that the installation create minimum disruption to the natural environment. However, the staff would not object to landscaping of adjoining areas, provided that the landscaping plan first be reviewed and approved by the staff.

"4. That the use be established within four years from the date of final approval. Should an alternate site be developed for the major generating facility, no further construction will be permitted at Kealia following its completion."

It was also indicated that:

"The applicant should also clearly understand, and should so state for the record, that this action by the Commission in no way constitutes a commitment for subsequent approval of the steam plant. The burden is upon the applicant to conduct sufficient ecological and environmental studies to determine the suitablity of Kealia Pond, or other alternative sites, for a proposed power plant. Should these studies, which could be conducted in part by other interested parties as well, indicate that Kealia is the most suitable site, the applicant may represent the case to the Commission at a later date.

"The applicant should also be required to present all available data, as well as any information obtained subsequently, to the Office of Environmental Quality Control of the State of Hawaii for review, evaluation, and recommendation."

At its meeting on July 6, 1971, the Maui County Planning Commission unanimously adopted the Maui Planning Director's staff report and recommendation with regard to this petition, subject to the conditions stipulated therein, and subject further to a fifth condition that: The final plan including but not limited to location of transmission, building siting and proposed landscaping be submitted to the Commission for final approval.

A resolution adopted by the Maui Council on June 18, 1971, urging "the Planning Commission of the County of Maui to give serious consideration to the application of Maui Electric Co., Ltd., for a special use permit and to possibly grant such special use permit only for diesel-operated electric generating facilities until such time as said

company can assure the people that steam-operated electric generating facilities will not damage the ecology of the ocean off Kealia Pond" has been transmitted to the Maui Planning Commission and to the State Land Use Commission.

A letter dated May 28, 1971, from Dr. Richard E. Marland, Interim Director of the State Office of Environmental Quality Control, to the Maui Planning Director has been circulated to this office, stating that the selection of the Kealia Pond site seems reasonable. As the construction plan does not call for steam generators for perhaps five years, he feels that improved techniques for treating power plant effluence can be incorporated in the new plant. He does not believe that the plant will contribute significantly to the pollution load of the area if located at the western extremity of the development area. In summary, he recommends that:

> "Maui Electric should proceed with the development of their proposed plant with the understanding that: (1) its location be moved as described above; (2) that State Department of Health and outside consultation be sought during the design stage of the steam generating plant to assure that stack effluents and water discharge both employ the most up-to-date pollution controls; (3) that landscaping be so designed and cultivated that noise is minimized and physical attractiveness is maximized, and (4) prior to the design phase of power plants at other locations, the Maui Electric Company seek consultation with the State Department of Health, the Office of Environmental Quality Control, and other professional sources concerned with pollution control."

A letter dated July 12, 1971 from Dr. Marland to this office states that:

> "It is the opinion of this office that the need for additional sources of electrical energy in Maui does exist, and that the environmental impact of the plant as approved by the Maui County Planning Commission is not so serious as to justify refusal of the permit. We hope that the Land Use Commission will concur with the Maui County Planning Commission."

Staff evaluation of the request as approved and conditioned by the Maui County Planning Commission finds that it is in substantial conformance with the guidelines established in Section 2.24 of the State Land Use District Regulations for determining an "unusual and reasonable" use in the Agricultural District since:

1. the establishment of the diesel generators and gas turbine facilities will provide a much needed source of electric power for the continued growth of West Maui;
2. the desired use would not adversely affect surrounding property since the adjoining lands are vacant or in agricultural use and the nearest urban uses are situated over ½ mile away;
3. it would not burden public agencies to provide additional facilities or services;
4. the current and projected growth of West Maui and Wailuku and consequently the increasing demand for

electricity require the establishment of this facility;

5. the land is unsuited for the uses permitted within the (Agricultural) District as indicated by the soil classification of the Land Study Bureau; and

6. the proposed use will make the highest and best use of the land for the public welfare in that the public's power needs will be served without undue adverse effects upon the environment or upon existing developments in the area.

It is therefore recommended that the Commission approve the establishment of the diesel generators, gas turbine, and necessary accessory structures, subject to the five conditions stipulated by the Maui Planning Commission, with the further condition that approval of the diesel generators and gas turbine facilities would in no way infer future approval of the proposed steam plant.

OLOWALU

UKUMEHAME GULCH

MAALAEA

KEALIA POND

KIHEI

APPROX - 33 ACRES (TOTAL SITE)

SP71-104 MAUI ELECTRIC CO.

7853