



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

Mr. Gordan Furutani
Executive Officer
State Land Use Commission
Old Federal Building, Room 104
335 Merchant Street
Honolulu, HI 96813

Dear Mr. Furutani:

As requested, please find enclosed copies of Barnwell and GEDCO's progress reports on drilling activities.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Sincerely,

Sidney Fuku
Director

BN:lgv

Attachments

June 28 1983

STATE OF HAWAII
LAND USE COMMISSION
JUN 28 11 19 AM '83

SP77:265

CERTIFIED MAIL

January 13, 1983

Mr. E. C. Craddick
Geothermal Exploration and Development
Corporation
2828 Paa Street, Suite 2085
Honolulu, HI 96819

Dear Mr. Craddick:

Special Permit No. 364
Geothermal Exploration and Development Corporation
Tax Map Key 1-3-01:Portion of 24 and 25

LAND USE COMMISSION
STATE OF HAWAII
JUN 28 11 19 AM '83

A review of our files shows that the subject permit was approved by the State Land Use Commission effective July 14, 1977, to allow the drilling of exploratory geothermal wells on the subject property.

Further, two time extension requests for drilling the first well were submitted and subsequently approved. Two other time extension requests to extend the life of the subject permit were also approved. The last of these time extensions, effective March 4, 1982, extended the life of the subject permit until July 14, 1984, and also added more conditions. One of the additional conditions reads as follows:

"That the petitioner shall submit a status report to the Planning Director on a biannual basis, or, within thirty (30) days of the completion of any exploratory well. The status report shall include, but not be limited to:

- "a. A detailed description of the work undertaken during the current reporting period including a drilling activity report;
- "b. A description of the work being proposed over the next reporting period;
- "c. The results of the environmental/noise monitoring activities;

JAN 14 1983

COVER FIRST CLASS POSTAGE
SERVICES (see front)

Mr. E. C. Craddick

Page 2

January 13, 1983

- "d. A log of the complaints received and the responses thereto;
- "e. The current status of exploration activities in the context of long-range development goals; and
- "f. Any other information that the Planning Director may require which will address environmental and regulatory concerns involving the requirements of the Special Permit.

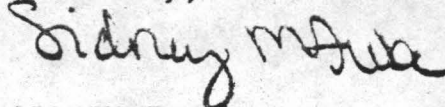
"If requested by the petitioner, any proprietary information will be kept confidential within the time frame as may be agreed to."

Over nine months have elapsed since the above-described amendment was approved and we have not received any status report to date. In light of the foregoing, it is determined that you are in violation of the above-described condition of the subject permit. As such, we may not have any recourse other than recommending that the Planning Commission nullify the subject Special Permit.

Should you have any supporting documentation to alter this determination, please submit same within thirty days of your receipt of this letter.

Should you have any questions regarding this matter, please feel free to contact this office.

Sincerely,



SIDNEY FUKÉ
Planning Director

BN:gs

cc: Planning Commission
State Land Use Commission

GEOHERMAL EXPLORATION & DEVELOPMENT CORP.

PACIFIC OPERATIONS

January 24, 1983

Mr. Sidney M. Fuke, Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Reference: Opihikao Project
TMK: 1-3-01:Portion of 24 and 25
Special Permit No. 364
Approved - July 14, 1977
Extended - March 4, 1982
Expires - July 14, 1984
Second Well to Begin by March 4, 1983

Dear Mr. Fuke:

It has been our understanding that a status report was to be submitted either bi-annually (twice yearly), or (alternately) 30 days after completion of any exploratory well. As the exploratory well will require additional work before a final determination can be made, it is not yet complete and no final report can yet be prepared.

We are sorry for any misunderstanding which has led to this difference of opinion concerning the timeliness of a status report, as we note from your letter of January 13, 1983 that you have been expecting a report prior to the completion of a well.

To remedy this, we are attaching an up-to-date status report and shall prepare additional reports as often as you may require. Please advise if you want this on a bi-annual basis (twice yearly) or on a semi-annual basis (every 6 months). Your indication of a specific date would be helpful to us in flagging this report for prompt attention.

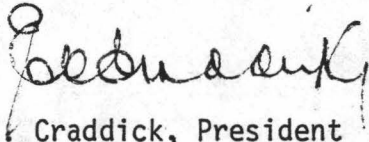
Mr. Sidney M. Fuke, Director
Planning Department

January 24, 1983
Page Two

We, therefore, respectfully request your reconsideration of this unintentional delinquency on our part, and ask for a clarification of the matter in question for our future guidance.

Very truly yours,

GEOTHERMAL EXPLORATION & DEVELOPMENT CORP.



E. C. Craddick, President

ECC/sm
Encl.

cc: Bill Craddick	- Hilo
J. S. Barnwell, Jr.	- Shreveport
D. J. Otwell	- Honolulu
A. F. Blumenthal	New York
Joe Clark	- Honolulu
S. Eisenstat	- New York
Vern Yamanaka	- Hilo
Clifford Lum	- Hilo
Walt Southward	- Hilo

STATUS PERMIT - OPIHIKAO/ASHIDA PROSPECT

Re: Special Permit No. 364
Geothermal Exploration & Development Corp.
TMK: 1-3-01:Portion of 24 and 25
Approved - July 14, 1977
Extended - March 4, 1982
Expires - July 14, 1984
Second Well to Begin by March 4, 1983

Ashida Well No. 1 was drilled in 1980, but work was suspended when initial evaluation indicated additional work would be necessary. Timing for such work has been delayed until further knowledge is acquired in the Kapoho area which may or may not indicate a common reservoir with Opihikao. Present plans call for this additional work before a second well will be drilled.

We would anticipate that commencement on the second well, therefore, will be sometime much later than March 4, 1983, and would like to request that this time stipulation be removed on the second well and the permit amended accordingly in accordance with usual procedures for doing so.

February 8, 1983

Mr. E. C. Craddick, President
Geothermal Exploration and Development Corporation
2828 Paa Street, Suite 2085
Honolulu, HI 96819

Dear Mr. Craddick:

Special Permit No. 364 ✓
Geothermal Exploration and Development Corporation
TMK: 1-3-1:Portion of 24 and 25

This is to acknowledge receipt of your letter dated January 24, 1983, regarding the above-described permit and general remarks responding to our letter dated January 13, 1983.

After reviewing the condition requiring the status report, it is conceded that the condition is ambiguous and could be misunderstood. At this time we would like to clarify our intent that the status report should be submitted on a biannual basis, or, within thirty (30) days of the completion of any exploratory well, whichever occurs sooner. Further at your request, the expected dates of the biannual reports will be specified as January 1st and July 1st of each year.

The status report, attached to your letter of January 24, however, does not provide sufficient information to be deemed adequate. Although all of the applicable items listed in the condition have been discussed, additional detail is requested. More specifically, the following questions need to be addressed:

1. How deep was the well when work was suspended?
2. What were the bottom hole temperatures encountered?
3. Was the well flashed? If so, what was the steam/water ratio?
4. Why was work suspended on the well?

FEB 9 1983

Mr. E. C. Craddick, President

Page 2

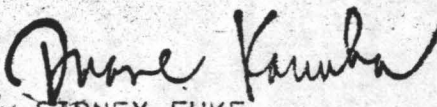
February 8, 1983

5. What kind of additional work will be needed to complete the well?
6. The status report states "We would anticipate that commencement on the second well, therefore, will be sometime much later than March 4, 1983, and would like to request that this time stipulation be removed on the second well and the permit amended accordingly in accordance with usual procedures for doing so." Exactly what is the time frame projected for the commencement of the second well?

Please be advised that your request to delete condition no. 11 which states, "that drilling of the second well shall commence within one (1) year from the effective date of approval of the time extension request," must be accompanied by a \$100.00 filing fee and your reasons for the request. Please be further advised that the expiration date for the permit is July 14, 1984, and you may also request a time extension to extend the life of the permit. If you do not anticipate any more exploratory drilling on the subject property prior to the expiration date, however, please be prepared to justify the need to keep the permit alive.

Should you have any questions regarding the foregoing matters, please do not hesitate to contact Keith Kato or Brian Nishimura of this office.

Sincerely,


for SIDNEY FUKU
Planning Director

BN:lqv

cc: Planning Commission

GEOTHERMAL EXPLORATION & DEVELOPMENT CORP.

PACIFIC OPERATIONS

February 22, 1983

Mr. Sidney M. Fuke, Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Reference: Your Letter of February 8, 1983
Special Permit No. 364
Opihikao Project
TMK: 1-3-1:Portion of 24 and 25

Dear Mr. Fuke:

Additional information requested is provided item by item as follows:

1. Drilling was suspended at 7,927 feet.
2. Temperature measurements could not be determined at the bottom as the gauge malfunctioned at approximately 600°F.
3. The well did not flash.
4. Work was suspended in order to evaluate findings and plan for additional work such as drilling deeper or for slant hole drilling, also to try and determine any co-relation with the Kapoho reservoir as drilling and testing progressed there.
5. The additional work program is not yet determined.
6. No exact time frame can be projected for the second well, but an estimate would be after drilling a few more wells within Kapoho, approximately 1984-86.

We are enclosing a check, in the amount of \$100.00, for filing fee relating to our request to have Condition No. 11 deleted from the Special Use Permit. This condition places undue and unnecessary restriction on our overall exploratory program where recognition must be given

EXHIBIT A

Mr. Sidney M. Fuke, Director
Planning Department, County of Hawaii

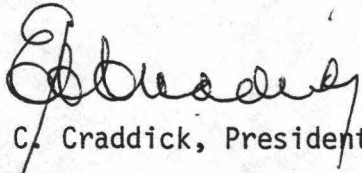
February 22, 1983
Page Two

to the inter-relation of the Opihikao reservoir and the Kapoho reservoir,
which requires flexibility of scheduling based on progressive findings.

Extention of permit time will be applied for as it becomes necessary.

Very truly yours,

GEOHERMAL EXPLORATION & DEVELOPMENT CORP.



E. C. Craddick, President

ECC/sm

cc: Bill Craddick - Hilo
J. S. Barnwell, Jr. - Shreveport
D. J. Otwell - Honolulu
A. F. Blumenthal - New York
Joe Clark - Honolulu
S. Eisenstat - New York
Vern Yamanaka - Hilo
Clifford Lum - Hilo
Walt Southward - Hilo



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

COUNTY OF
HAWAII

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

CERTIFIED MAIL

January 13, 1983

Mr. E. C. Craddick
Geothermal Exploration and Development
Corporation
2828 Paa Street, Suite 2085
Honolulu, HI 96819

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Special Permit No. 364
Geothermal Exploration and Development Corporation
Tax Map Key 1-3-01:Portion of 24 and 25

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- "a. A detailed description of the work undertaken during the current reporting period including a drilling activity report;
- "b. A description of the work being proposed over the next reporting period;
- "c. The results of the environmental/noise monitoring activities;

JAN 17 11 58 AM '83
LAND USE COMMISSION
STATE OF HAWAII

Mr. E. C. Craddick
Page 2
January 13, 1983

- "d. A log of the complaints received and the responses thereto;
- "e. The current status of exploration activities in the context of long-range development goals; and
- "f. Any other information that the Planning Director may require which will address environmental and regulatory concerns involving the requirements of the Special Permit.

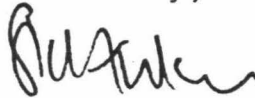
"If requested by the petitioner, any proprietary information will be kept confidential within the time frame as may be agreed to."

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Should you have any supporting documentation to alter this determination, please submit same within thirty days of your receipt of this letter.

Should you have any questions regarding this matter, please feel free to contact this office.

Sincerely,



SIDNEY FUCE
Planning Director

BN:gs

cc: Planning Commission
✓ State Land Use Commission



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

GEORGE R. ARIYOSHI
Governor
WILLIAM W. L. YUEN
Chairman
CAROL B. WHITESELL
Vice Chairman

Old Federal Building, Room 104, 335 Merchant Street,
Honolulu, Hawaii 96813

March 4, 1982

COMMISSION MEMBERS:

Richard Choy
Everett Cuskaden
Shinsei Miyasato
Teofilo Tachian
Robert Tamaye
Edward Yanai
GORDAN FURUTANI
Executive Officer

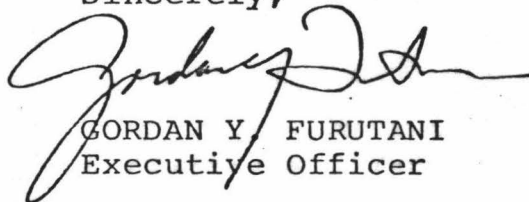
Mr. Sidney Fuke
Planning Director
Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Subject: SP77-265 - GEOTHERMAL EXPLORATION AND
DEVELOPMENT CORPORATION

In reference to our letter to you dated
January 20, 1982, enclosed is a copy of the
Decision and Order on SP77-265 for your information
and records.

Sincerely,


GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: Geothermal Exploration and Development Corporation



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

GEORGE R. ARIYOSHI
Governor
WILLIAM W. L. YUEN
Chairman
CAROL B. WHITESELL
Vice Chairman

Old Federal Building, Room 104, 335 Merchant Street,
Honolulu, Hawaii 96813

March 4, 1982

COMMISSION MEMBERS:

Richard Choy
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GORDAN FURUTANI
Executive Officer

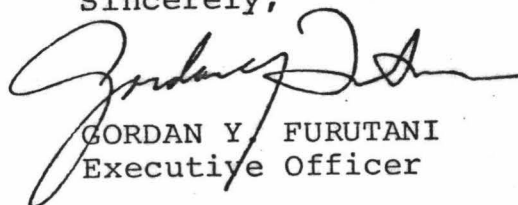
Mr. Sidney Fuke
Planning Director
Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Subject: SP77-265 - GEOTHERMAL EXPLORATION AND
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In reference to our letter to you dated
January 20, 1982, enclosed is a copy of the
Decision and Order on SP77-265 for your information
and records.

Sincerely,


GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: Geothermal Exploration and Development Corporation

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
for an Extension of Time to)
the Special Permit of)
GEOHERMAL EXPLORATION AND)
DEVELOPMENT CORPORATION)

SP77-265

GEOHERMAL EXPLORATION AND
DEVELOPMENT CORPORATION

This is to certify that this is a true and correct copy of the
Decision and Order on file in the office of the State Land Use
Commission, Honolulu, Hawaii.

3/4/62
Date

by 
Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)	SP77-265
for an Extension of Time to)	
the Special Permit of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
GEOTHERMAL EXPLORATION AND)	DECISION AND ORDER
DEVELOPMENT CORPORATION)	
_____)	

FINDINGS OF FACT, CONCLUSIONS OF LAW,
DECISION AND ORDER

The Land Use Commission of the State of Hawaii, having duly considered the entire record in the above entitled matter, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Petitioner has filed for a time extension of three (3) years to the duration of the Special Permit which allows the drilling of exploratory geothermal wells on approximately 120 acres of land situated within the State Land Use Agricultural District at Opihikao, Puna, Hawaii, Tax Map Key 1-3-01: portions of 24 and 25.
2. The subject property is located on the northwestern, or Pahoa side of Opihikao Road, approximately 2.5 miles from the junction of Opihikao Road and the Pahoa-Kalapana Road.
3. The Special Permit was originally granted by the Land Use Commission on July 14, 1977, with a condition that it would be for a period not to exceed three (3) years from the date of approval. In August 1979, the Land Use Commission granted a time extension of one (1) year which extended the expiration date to July 14, 1981. Prior to that expiration date, the Petitioner requested an additional time extension of three (3) years to extend the life of the Special Permit until July 14, 1984.
4. The Petitioner has drilled one well at an expense

of approximately two million dollars. The additional three years is needed to allow for the drilling and evaluation of another 1 or 2 wells.

5. The Hawaii County Planning Department concurs that further exploration and testing is necessary to properly assess the geothermal potential of the area.

6. The Hawaii County Planning Commission considered the time extension request at its hearing on November 18, 1981. Based upon the reasons cited by the Petitioner, and the findings and recommendations of the Planning Department, the Planning Commission voted unanimously to grant the extension subject to the approval of the State Land Use Commission, and subject to additional conditions added by the Planning Commission.

7. The complete record of the Special Permit petition was received at the Land Use Commission office on December 7, 1981. The Land Use Commission approved the time extension request on January 19, 1982, subject to the additional conditions proposed by the County Planning Commission; and subject also to a modification of Condition No. 12, to require that biannual status reports on the project be submitted to the Executive Officer of the Land Use Commission in addition to the Planning Director of the County of Hawaii.

CONCLUSIONS OF LAW

1. As required under Rule 9-3 of the Rules of Practice and Procedure of the Land Use Commission, the Petitioner has shown that unusual circumstances warrant the granting of the requested time extension.

DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit No. 77-265 which allows the drilling of exploratory geothermal wells at Opihikao, Puna, Island and County of Hawaii, Tax Map Key 1-3-01: portions of parcels 24 and 25, be amended to extend the expiration date from July 14, 1981 to July 14, 1984. This time extension of three (3) years is granted subject to the following added conditions:

"10. That the petitioner, Geothermal Exploration and Development Corporation (GEDCO), shall be responsible for complying with the stated conditions of approval. This permit shall be non-transferable and non-compliance with this condition shall result in the automatic nullification of the permit.

"11. That drilling of the second well shall commence within one (1) year from the effective date of approval of the time extension request.

"12. That the petitioner shall submit a status report to the Planning Director and the Executive Officer of the State Land Use Commission on a biannual basis, or, within thirty (30) days of the completion of any exploratory well. The status report shall include, but not limited to:

- a. A detailed description of the work undertaken during the current reporting period including a drilling activity report;
- b. A description of the work being proposed over the next reporting period;
- c. The results of the environmental/noise monitoring activities;

- d. A log of the complaints received and the responses thereto;
- e. The current status of exploration activities in the context of long-range development goals; and
- f. Any other information that the Planning Director may require which will address environmental and regulatory concerns involving the requirements of the Special Permit.

If requested by the petitioner, any proprietary information will be kept confidential within the time frame as may be agreed to.

"13. That the petitioner provide a telephone number for use by local individuals in case of noise or odor complaints and have an employee available at the drill site, 24 hours a day, to respond to any local complaints for the duration of the drilling activity.

"14. That the petitioner conduct a noise monitoring program throughout the drilling operation. The petitioner shall submit the noise monitoring data to the Planning Department upon termination of the drilling operation or, at any time during drilling activity, upon the request of the Planning Director.

Done at Honolulu, Hawaii, this 26th day of
February 1982, per motion on January 19, 1982

LAND USE COMMISSION
STATE OF HAWAII

By William W. L. Yuen
WILLIAM W. L. YUEN, Chairman and
Commissioner

By Carol B. Whitesell
CAROL B. WHITESELL, Vice Chairman

By Richard B. F. Choy
RICHARD B. F. CHOY, Commissioner

By Everett L. Cuskaden
EVERETT L. CUSKADEN, Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO, Commissioner

By Teofilo Phil Tacbian
TEOFILO PHIL TACBIAN, Commissioner

By Robert S. Tamaye
ROBERT S. TAMAYE, Commissioner

By Edward K. Yanai
EDWARD K. YANAI, Commissioner

PS Form 3800, Apr. 1976 SP77-265-GEO.EXPL.; A81-508-MADELINE LESLIE

P 216 548 094

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO				
Sidney Fuke				
STREET AND NO.				
P.O., STATE AND ZIP CODE				
POSTAGE			\$ 88	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE		75 ¢
		SPECIAL DELIVERY		¢
	RESTRICTED DELIVERY		¢	
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED		60 ¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		¢
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		¢
TOTAL POSTAGE AND FEES			\$ 223	
POSTMARK OR DATE				



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

☒ Show to whom and date delivered.....¢

☐ Show to whom, date and address of delivery.....¢

☐ RESTRICTED DELIVERY
Show to whom and date delivered.....¢

☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.\$ ____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Sidney Fuke

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	548-094	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

3/8/82

POSTMARK

MAR 8 1982

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

A81-508 - MADELINE LESLIE

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits; otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE. \$300



State of Hawaii
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

P 216 548 095

PS Form 3800, Apr. 1976 SP77-265 - GEOTHER. EXPL. & DEV. CORP.

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO				E. C. Craddick	
STREET AND NO.					
P.O., STATE AND ZIP CODE					
POSTAGE				\$	54
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE		75	¢
		SPECIAL DELIVERY			¢
	RETURN RECEIPT SERVICE	RESTRICTED DELIVERY			¢
		SHOW TO WHOM AND DATE DELIVERED		60	¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY			¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY			¢
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY			¢	
TOTAL POSTAGE AND FEES				\$	169
POSTMARK OR DATE					



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

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6. Save this receipt and present it if you make inquiry.

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

- ☒ Show to whom and date delivered.....¢
☐ Show to whom, date and address of delivery...¢
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.....¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery.\$_____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

E. C. Craddick

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	548-095	

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I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

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TO**



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



State of Hawaii
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
for an Extension of Time to)
the Special Permit of)
)
GEOTHERMAL EXPLORATION AND)
DEVELOPMENT CORPORATION)
_____)

SP77-265

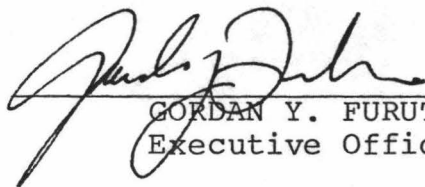
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's
Decision and Order was served upon the following by certified
mail:

SIDNEY FUKU, Planning Director
Hawaii Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

E. C. CRADDICK
Executive Vice President
Geothermal Exploration and
Development Corporation
2828 Paa Street, Suite 2085
Honolulu, Hawaii 96819

DATED: Honolulu, Hawaii, this 4th day of March, 1982.



GORDAN Y. FURUTANI
Executive Officer

January 20, 1982

Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on January 19, 1982, the Land Use Commission voted to approve the request by Geothermal Exploration and Development Corporation to amend Condition No. 5 for a 3-year time extension until July 14, 1984 for the drilling of exploratory geothermal wells at Opihikao, Puna, Hawaii, Tax Map Key 1-3-1: portions of 24 and 25, (SP77-265).

Approval of this special permit is subject to the conditions imposed by the Hawaii County Planning Commission and the Land Use Commission. Please note that condition No. 12 has been modified as follows: "That the petitioner shall submit a status report to the Planning Director and the Executive Officer of the State Land Use Commission on a biannual basis or,"

The petitioner's failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the special permit. The Land Use Commission will not consider any request for time extension which is filed after the stipulated commencement or expiration dates.

A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP77-265 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:gm

Enc.

cc: Geothermal Exploration and Development Corporation

January 20, 1982

Mr. Hideto Kono
Department of Planning and
Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

Dear Mr. Kono:

Subject: SP77-265 - Geothermal Exploration and Development
Corporation, County of Hawaii (Extension)

At its meeting on January 19, 1982, the Land Use Commission voted to approve the request by Geothermal Exploration and Development Corporation to amend Condition No. 5 for a 3-year time extension until July 14, 1984 for the drilling of exploratory geothermal wells at Opihikao, Puna, Hawaii, Tax Map Key 1-3-1: portions of 24 and 25, (SP77-265).

Approval of this special permit is subject to the conditions imposed by the Hawaii County Planning Commission and the Land Use Commission. Please note that condition No. 12 has been modified as follows: "That the petitioner shall submit a status report to the Planning Director and the Executive Officer of the State Land Use Commission on a biannual basis or,"

A copy of the Land Use Commission's Decision and Order on this matter will be on file at the Commission's office for your use and information.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:gm

cc: Real Property Tax Office, Hawaii
Mapping Section, Real Property Assessment Division
Property Technical Office, Real Property Assessment Division
Property Assessment Section, Real Property Assessment Division
Office of Environmental Quality Control
Division of Land Management, DLNR

January 20, 1982

8297720

Mr. E. C. Craddick
Executive Vice President
Geothermal Exploration and
Development Corporation
2828 Paa Street, Suite 2085
Honolulu, Hawaii 96819

Dear Mr. Craddick:

The original of the attached letter is on file in the office of the Hawaii County Planning Department, 25 Aupuni Street, Hilo, Hawaii.

Please be advised that failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit. The Land Use Commission will not consider any request for time extension which is filed after the stipulated commencement or expiration dates.

A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP77-265 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:gm
Enc.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP77-265 - GEOTHERMAL EXPLORATION
& DEVELOPMENT CORPORATION DATE January 19, 1982

PLACE Conf. Room 322 B&C
Kalanimeku Building TIME 9:00 a.m.
Honolulu, Hawaii

	NAME	YES	NO	ABSTAIN	ABSENT
M	TACBIAN, TEOFILO PHIL	X			
	YANAI, EDWARD K.				X
	MIYASATO, SHINSEI	X			
S	WHITESELL, CAROL B.	X			
	CUSKADEN, EVERETT L.	X			
	TAMAYE, ROBERT S.	X			
	CHOY, RICHARD B. F.	X			
	YUEN, WILLIAM W. L.	X			

Comments:

I move to approve the time extension request by Geothermal Exploration & Development Corporation, SP77-265, subject to the conditions imposed by the Hawaii County Planning Commission and as amended by the Land Use Commission.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP77-265 - GEOTHERMAL EXPLORATION
& DEVELOPMENT CORPORATION DATE January 19, 1982

PLACE Conference Room 322 B&C TIME 9:00 a.m.
Kalanimoku Building
Honolulu, Hawaii

NAME	YES	NO	ABSTAIN	ABSENT
WHITESELL, CAROL B.				
TAMAYE, ROBERT S.				
MIYASATO, SHINSEI				
CHOY, RICHARD B. F.				
TACBIAN, TEOFILO PHIL				
CUSKADEN, EVERETT L.				
YANAI, EDWARD K.				
M YUEN, WILLIAM W. L.				

Comments: "and
I move that we amend condition #12 to add /the Executive
Officer of the Land Use Commission" after the word
"Planning Director"

(passed by voice vote)

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission January 19, 1982
FROM: Staff 9:00 a.m.
SUBJECT: SP77-265 -- Geothermal Exploration and Development Corporation (Time Extension)

The petitioner, Geothermal Exploration and Development Corporation, is requesting a three year time extension to Condition No. 5 of Special Permit 77-265. The permit was approved by the Land Use Commission on July 14, 1977, to allow the drilling of exploratory geothermal wells at Opihikao, Puna, Hawaii, Tax Map Key 1-3-1: portions of 24 and 25.

The subject property is located on the northwestern or Pahoa side of Opihikao Road, approximately 2.5 miles from the junction of Opihikao Road and the Pahoa-Kalapana Road. The area where drilling is proposed to take place consists of two land parcels with a combined area of approximately 120 acres. One of the subject parcels is owned by Vern Yamanaka and the other by Harold Ashida. The petitioner has leased the geothermal rights from the property owners. More background information and maps showing the location of the subject property are provided in Attachments A, B₁ and B₂.

Condition No. 5 of the Special Permit states:

"That the length of this Special Permit shall be for a period not to exceed three (3) years from the effective date of the Special Permit."

Based on this condition, the Special Permit was to expire on July 14, 1980; however, in August 1979, the Land Use Commission granted the petitioner a one-year time extension, until July 14, 1981. The petitioner is now requesting a three-year time extension until July 14, 1984 in order to complete its geothermal exploration and testing.

In support of this time extension request, the petitioner has in part stated the following:

"At this time, GEDCO requests an extension of this permit for an additional three (3) years in order to allow for future additional drilling and testing.

"The first well, Ashida No. 1, has been drilled but additional work have been required in this well. On the basis of final evaluations which we shall be receiving in the near future,

decision will then be made for additional drilling or other action.

"We're presently working on the Lanipuna site, and do not expect to be able to return to the Ashida site for at least six (6) months. As conclusive Geothermal data from the Ashida area would contribute specifically to a final understanding of this resource in Puna, we respectfully request that an extension be granted to allow continuation of this exploratory work.

"We have already expended approximately two million dollars on the Ashida Well No. 1 in our exploratory effort and expect that more funds will be expended should our request for an extension be granted.

"In requesting the three-year extension of the Special Use Permit, the timetable of events are as follows:

"Remedial work to be done on Ashida Well No. 1 in 1982. Based on the results obtained from Ashida Well No. 1, an additional 1 to 2 wells will be drilled in 1983. After completion of remedial work and based on the results obtained, additional 1 or 2 wells will be drilled in 1984."

The Hawaii County Planning Commission conducted a public hearing on the time extension request on November 18, 1981. At that time, attorney Clifford Lum answered questions on behalf of the petitioner. Audrey Zubaty, a resident of nearby Leilani Estates, asked that geothermal drilling activities be better monitored and that the developers and regulatory agencies be more responsive to questions and concerns of the public. For the Commission's information, the hearing transcript of November 18, 1981 has been attached (Attachment C).

On November 18, 1981, the Hawaii County Planning Commission voted to recommend approval of the time extension request to the Land Use Commission based on the following:

"That approval of the time extension request will not be contrary to the purpose and intent of the time conditions. The purpose of stipulating time conditions is to assure that any proposed development come to fruition in a timely manner. In this particular case, the Special Permit has been granted to allow the drilling of exploratory geothermal wells for the purpose of assessing geothermal potential for the area. One well has already been drilled on site and the time extension would allow further evaluation for more conclusive data on the resource. The petitioner has already expended approximately two million dollars on the first well and is requesting additional time to complete their evaluation of the area.

"That approval of the subject request will not alter the reasons for which the permit was originally approved. In addition, extending the life of the permit for three additional years will not increase any of the expected impacts of the project.

"However, it should be noted that the petitioner is partially responsible for creating the timing problem in meeting the conditions of the Special Permit. The petitioner has made other commitments to drill exploratory geothermal wells that have prevented them from meeting the requirements of this particular permit. Therefore, future time extension requests will take this into consideration."

The County Planning Commission's recommendation for approval is subject to the following additional conditions:

- "10. That the petitioner, Geothermal Exploration and Development Corporation (GEDCO), shall be responsible for complying with the stated conditions of approval. This permit shall be non-transferable and non-compliance with this condition shall result in the automatic nullification of the permit.
- "11. That drilling of the second well shall commence within one (1) year from the effective date of approval of the time extension request.
- "12. That the petitioner shall submit a status report to the Planning Director on a biannual basis, or, within thirty (30) days of the completion of any exploratory well. The status report shall include, but not be limited to:
 - a. A detailed description of the work undertaken during the current reporting period including a drilling activity report;
 - b. A description of the work being proposed over the next reporting period;
 - c. The results of the environmental/noise monitoring activities;
 - d. A log of the complaints received and the responses thereto;
 - e. The current status of exploration activities in the context of long-range development goals; and
 - f. Any other information that the Planning Director may require which will address environmental and regulatory concerns involving the requirements of the Special Permit.If requested by the petitioner, any proprietary information will be kept confidential within the time frame as may be agreed to.
- "13. That the petitioner provide a telephone number for use by local individuals in case of noise or odor complaints and have an employee available at the drillsite, 24 hours a day, to respond to any local complaints for the duration of the drilling activity.

"14. That the petitioner conduct a noise monitoring program throughout the drilling operation. The petitioner shall submit the noise monitoring data to the Planning Department upon termination of the drilling operation or, at any time during drilling activity, upon the request of the Planning Director.

For the Commission's information the nine original conditions are included in attachment "A."

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission July 14, 1977
9:30 a.m.
FROM: Staff
SUBJECT: SP77-265 - Geothermal Exploration and Development Corporation

The petitioner, Geothermal Exploration and Development Corporation (GEDCO), is requesting a Special Permit to allow the drilling of exploratory geothermal wells on a 120 acre site within the State Land Use Agricultural District at Opihikao, Puna, Hawaii, Tax Map Key 1-3-1: portions of 24 and 25. The subject property is located along the northwestern side of Opihikao Road, approximately 2.5 miles northeast of the Opihikao Road and Pahoa-Kalapana Road junction. Access to the site is via the Opihikao Road.

The purpose of the proposed exploratory wells is to assess the geothermal potential and ultimate development of geothermal energy. The petitioner has identified six possible drilling locations within the 120 acre subject site. The first exploratory well is expected to be drilled to a depth of nearly 6,000 feet. Until this first well has been drilled and evaluated, it is not known whether additional wells will be drilled.

Drilling is expected to be continuous, running 24 hours a day and seven days a week. Equipment to be used consists of a drilling rig with a 100 foot-high tower as well as generator and other accessory equipment. The petitioner has estimated that 20 to 30 local families would be supported through direct labor and indirect services required for the project.

The subject site is comprised of two land parcels owned by Mr. Vern Yamanaka and Mr. Harold Ashida. They have leased their geothermal rights to the petitioner.

The petitioner has submitted a certificate of title search and an opinion of the State Attorney General to show that the subject property's geothermal rights are not reserved to the State of Hawaii.

In support of the request, the petitioner has in part stated the following:

"Regarding the guidelines established in the Land Use Regulations of the Land Use Commission, it is submitted that the requested use is a reasonable one even though unusual for agriculturally classified land. In addition, it is the kind of use

that should be permitted as a special use in the more general and overriding public interest, and as not in any substantial way at variance with the general purposes for which Hawaiian land classifications are established, in that:

- ' (a) The use requested is in furtherance and in keeping with needs and objectives of public interest in the County of Hawaii and is within the needs and objectives of the Land Use Law and Regulations and the public interest of the State of Hawaii. Energy requirements are the single most unsolved element in the economic well-being equation for the County and State of Hawaii. Dependence on imported energy stands to limit the potential well-being and economic growth of the County and State. The use requested is to the purpose of determining the quality and extent of geothermal resources available to serve needs for non-imported energy sources. Previous drilling results at a nearby site have demonstrated that geothermal resources are present in the area, but do not sufficiently prove the extent and viability.
- ' (b) The use requested will probably produce a net beneficial effect to the surrounding property with minimal, if any, adverse effect on surrounding property. The operations necessary to the use will be strictly confined to an area of three acres, including access road. It is predicted that a net product of useful irrigation water can result at minimum, as one beneficial effect of the proposed use.
- ' (c) Public agencies will not be required to provide roads, streets, schools, sewers, water, drainage, or additional police and fire protection as a result of the use requested, without a commensurate net benefit out of which these services can be funded, and in no case before additional work beyond the use requested is considered by the County of Hawaii as being in keeping with planning policies of the County.

It is proposed that the energy prospect will be available as electricity to be used off the site and that any other use on the surrounding land will be self-supporting, in terms of burden on public agencies, by way of increased value for tax purposes.

- ' (d) District boundaries and regulations were established prior to the realization that geothermal resources were likely to be present and certainly before

particular locations of these resources were known. The use requested is in furtherance of an attempt to know more about the existence and extent of geothermal resources so as to apprise land owners and appropriate public authorities of their potential for beneficial use within the County and the State of Hawaii.

Only in the past four to five years have the dual facts of an energy crisis and the potential availability of geothermal energy been within the category of general information. It is natural, therefore, that the requested use should not have appeared as one of the officially recognized uses of land in this classification.

- '(e) From all appearances and contact with present uses of the land proposed for the requested use, it is not feasible to conduct agricultural operations within the present means of technology and methods. It is possible that a by-product of the development of geothermal energy will make possible more extensive agricultural use of the land nominated and surrounding land for the near- and long-term future.

The area of the requested use is generally characterized as covered by recent lava flows and is of the least desirable category from the standpoint of agricultural operations. It is generally covered with rocks and not commercially useful growth of grasses, etc., not even suitable for stock grazing in a commercially or productive life-supportive way.

- '(f) The requested use will not preclude future agricultural use of the land. Even full-scale development of geothermal energy would occupy and alter no more than ten (10%) percent of the total surface area of the land, included in the geothermal development district. The balance of the land within this area would be allowed to remain as it now is and would be suitable for the present uses designated in the land use laws and regulations, at least to the extent it is now useful for these purposes.

It is the nature of geothermal development, in the active fields worldwide, that particularly agricultural operations can continue in about the same form as they did, or would have, were geothermal resources not being taken from the area. If anything is changed, it is usually to initiate an improvement over previous possibilities in the same area.

- ' (g) The public welfare will be benefited in all respects by the use proposed and, considering the general public interest, is the highest and best use of the land nominated in this special use application. By proving and producing this form of energy in this location a large step toward energy independence for the Island of Hawaii will be taken. Geothermal energy is probably the most efficient and least disturbing form of energy available in the general geographic area of this application.

The district, and the Island of Hawaii, can benefit in many ways from the proposed use. At present, the lack of water and power is critical to the best use of resources and manpower in this area. The prospective higher costs of energy tend to exacerbate the situation. Independence from imported energy, even from other locations on the Island of Hawaii, could be a great benefit to these local resources, especially in view of the benign nature of this form of energy on environment and people in the immediate environs.

- ' (h) In addition to a physical survey to determine the exact geographical location of the proposed drilling sites, the immediate area has been surveyed to discover the presence of historical sites and evidence of the habitat of an endangered species. Such evidence as has been adduced by this survey does not indicate a condition on the property nominated that would be harmed or altered to the detriment of any specie. In addition, the Divisions of State Parks, Forestry and Fish and Game, of the Department of Land and Natural Resources, have indicated that no known historic sites are present in the property and, as well, that no endangered species are known to be present with the rare exception of the Hawaiian owl and Hawaiian hawk, present throughout the County of Hawaii, but not particularly occupying this property. Reference is also taken to a recent (November, 1976) Environmental Impact Statement published by the Energy Research and Development Administration of the United States Government which was made for a very nearby site in the Puna district. For general purposes, the findings of that document are germane to this application.

With reference to the Hawaii County General Plan, it appears that the policy of the County regarding development of power for use by the consumers of the County of Hawaii and with respect to economic developments are in harmony with the proposed project. The proposed project is of an investigatory nature which can lead to the type of large development referred to on page 10 of the General

Plan, but is not now at a stage of certainty, in terms of magnitude, that would permit a prediction of kinds of social, economic, and physical impact that are referred to at that point in the plan."

The General Plan Land Use Pattern Allocation Guide Map designates the subject area as Orchard. The County zoning designation is Agriculture with a 20-acre minimum lot size (A-20a).

The area under consideration is part of the Kilauea Volcano geologic system. Soils consist of Malama extremely stony muck which overlies relatively young 'a'a lava flows on the windward side of Kilauea Crater. The surface layer is about 3 inches thick. The Soil Conservation Service's capability class for the Malama series is VII, which apply to those soils that have very severe limitations and which make them unsuited to cultivation. The Land Study Bureau's overall master productivity rating for agricultural suitability is "C", or fair.

The subject site presently contains one residence. Lands surrounding the subject site are in either agricultural use or vacant.

Pertinent comments from governmental agencies:

1. Fire Department

The Hawaii County Fire Department had the following comments with regard to the subject permit request:

"No fire protection other than the one man Pahoa Fire Station. This station provides 8-hour service to the community. No fire hydrants in the area."

2. State Department of Health

The State Department of Health provided the following comments:

"Noise and hydrogen sulfide odor complaints have been reported by a resident who lives near the present Hawaii Geothermal Project. Scrubbing of the hydrogen sulfide gases and effective noise mufflers need to be identified at future test plants."

3. Police Department

In its review of the subject request, the Hawaii County Police Department made the following comments:

"Although the proposed use of the area has no direct adverse effects on police operations, it is suggested that your office weigh the impact that the noise generated by the geothermal wells may have on residents in the surrounding area."

4. Department of Public Works

The Hawaii County Department of Public Works noted that a grading permit would be required should the exploratory excavation exceed 50 cubic yards of material.

5. Department of Research and Development

"The County's highest priority in geothermal power exploration and development is to provide the contributing means for expanding our tax base, to provide the employment opportunities and thereby set the stage for economic development to occur.

"The perspective from which we view geothermal energy potential on the island of Hawaii encompasses a broader spectrum than the obvious benefits of 'cheap' power. Rather, we view geothermal energy as an opportunity, an opportunity which allows us to dream of a better life for our residents and future generations.

"The Department of Research and Development has been involved in the 'geothermal project' since its inception and will continue in this role to insure that the concerns of our residents are met. Our optimism stems from the belief that the doors can now be opened for economic development of a nature and magnitude beyond the realm of reality a few years ago. We foresee the utilization of our multitude of talents in a revitalized economy. And, finally, the development of the Big Island as a scientific model whereby research and development is in concert with the needs of the community.

"We ask that you share our optimism and explore with us the tremendous potentials ahead of us offered by geothermal energy.

"Relative to the special permit before the Planning Commission involving the drilling of a geothermal well, we ask that you allow them to proceed for the following reasons: a) the County would be derelict in its responsibility by declining private industry's initiative, and b) as a 'test case' whereby careful and thorough evaluation can be done to assure proper action for subsequent requests. The qualification on our position to allow the developers to proceed is that the total project should be closely monitored and held accountable to stringent standards to insure minimal damage to our total environment. The County of Hawaii is cognizant of the possible dangers to health of our residents and will require all possible preventative measures.

"Nothing is implied that the entrepreneur is assured economic viability in this venture. We also wish to point

out that the proposed regulations on leasing of geothermal resources and drilling for geothermal resources in Hawaii have not been adopted by the Department of Land and Natural Resources."

All other cooperating agencies, including the Hawaii County Department of Water Supply, State Department of Agriculture, and Hawaii Electric Light Company, Inc. had no comments on or objections to the subject request.

On March 14, 1977, the Hawaii County Planning Commission held a public hearing for the Special Permit request. The hearing was continued to April 14, 1977, in order to allow the Commission members to inspect the subject property and to view an existing drilling operation utilizing similar equipment at Waikoloa (Boise Cascade's project).

During the course of the hearing, eight persons testified in support of the request, eleven persons in opposition, and three persons sought additional information relating to the proposed project. Persons testifying in support of the permit request cited the need to develop alternative energy sources, the project's economic boost to the Puna area, the possible development of needed water sources, and the more beneficial use of present lands. Those testifying in opposition voiced concerns relating to the noise, noxious fumes (hydrogen sulfide) and socio-economic impact of the proposed project upon surrounding areas.

On May 12, 1977, the Hawaii County Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission based upon the following findings:

- "1. Electricity is the major form of energy utilized in Hawaii County. Power rate on this island is among the highest in the nation. A factor which contributes to this situation is the present method of power generation. Most of the electricity is obtained through the burning of imported oil. The cost of fuel coupled with transportation costs cause higher rates. Recognizing this concern, the General Plan has stated as a policy that 'The County shall encourage the continuation of studies concerning the development of power which can be distributed at lower costs to consumers.' One of the major economic significance of geothermal energy is that it would presumably provide cheap power. It is therefore determined that the granting of this particular request would be in the direction of fulfilling the above-stated policy as well as the goals of the General Plan's Public Utilities Element of 'Ensuring that adequate, efficient and dependable public utility service will be available to users,' and 'Maximizing efficiency and economy in the provision of public utility service.'

The nation is embarking on an aggressive program to develop its indigenous resources of geothermal energy. For over a decade, geothermal energy has been proclaimed as one of the more promising forms of alternate energy supply. It has been the County and State's policy to encourage the development of alternative energy power. Both levels of government has provided substantial funding and services for energy resource research and development to reduce the State's dependence on imported fuels. The island of Hawaii is believed to possess a vast resource base of geothermal heat. The existing test well at Pohoiki in the Puna District, a project jointly sponsored by the County, State and Federal governments, demonstrated the existence of a valuable geothermal energy source. However, the extent and magnitude of geothermal resources in Hawaii must still be determined. There is no way of knowing if the island actually has a geothermal resource of economic importance unless further drilling and testing are done. As a potential power source, geothermal may either prove to be of major importance or no importance at all. Only by drilling and testing can this uncertainty be resolved. It is from these exploratory wells that data for evaluating the suitability of the resource as a production reservoir are obtained. Therefore, by allowing the proposed use, we would also be in the direction of fulfilling the County's goal of encouraging and supporting the expansion of the research and development industry. Reduction of energy costs by the development of geothermal power will bring the County closer to becoming a scientific model as articulated under the Economic Element of the General Plan.

- "2. Geothermal energy source could have tremendous benefits for people of this County as well as the rest of the State. Aside from providing cheap power, geothermal power can also be a major factor in accomplishing several other goals. A reduction in the County's current high cost of energy will aid existing industries as well as possibly attract new endeavors. Should the tests prove successful, it can open the doors for economic development of a nature and magnitude beyond the realm of reality a few year ago. The success of geothermal energy could possible stimulate economic activity which would provide new employment opportunities for the residents of the County. New industries will be attracted into the area in the event that large amounts of power become available. These industries would provide job opportunities for construction, operation and other essential services. Thus, if the source of geothermal energy is successful and

properly developed, it will be of great importance to the future of Hawaii.

- "3. The proposed use will not substantially alter or change the essential character of the land and its present use. Although an area of 120 acres is involved in this request, at the most, only about three (3) acres of land will be used for the drill sites. The remaining area can still be used for agricultural purposes should the landowners so desire. Furthermore, should the proposed project prove to be successful, the geothermal water could be used for agricultural irrigation purposes. The by-products of the geothermal water could also be used for agricultural purposes. It is therefore determined that the granting of this particular request would not be in conflict with the State and County's Agricultural policies.
- "4. Although it has been pointed out that the proposed use of the land for its intended purpose may have some adverse effects, such as problems of noise and fumes, to the surrounding properties and the residents in the immediate area, stringent controls and conditions will be attached to this Special Permit in order that the concerns may be alleviated. The petitioner will be required to comply with all applicable requirements of the State of Hawaii Department of Health.
- "5. That the proposed use will not unreasonably burden public agencies to provide roads, water, and other essential infrastructures and services.

"Finally, we are cognizant of the fact, that the granting of this particular Special Permit may lead to similar types of requests. As such, it should be pointed out that we are working on a policy of such exploratory programs to minimize rampant development of test wells. The qualification of our favorable recommendation to allow the petitioner to proceed with this development is that the total project shall be closely monitored and the petitioner will be held accountable to stringent standards to insure minimal damage to our environment. We are cognizant of the possible dangers to health of residents in the immediate area, and as stated earlier, will require preventative measures as conditions of approval of the Special Permit."

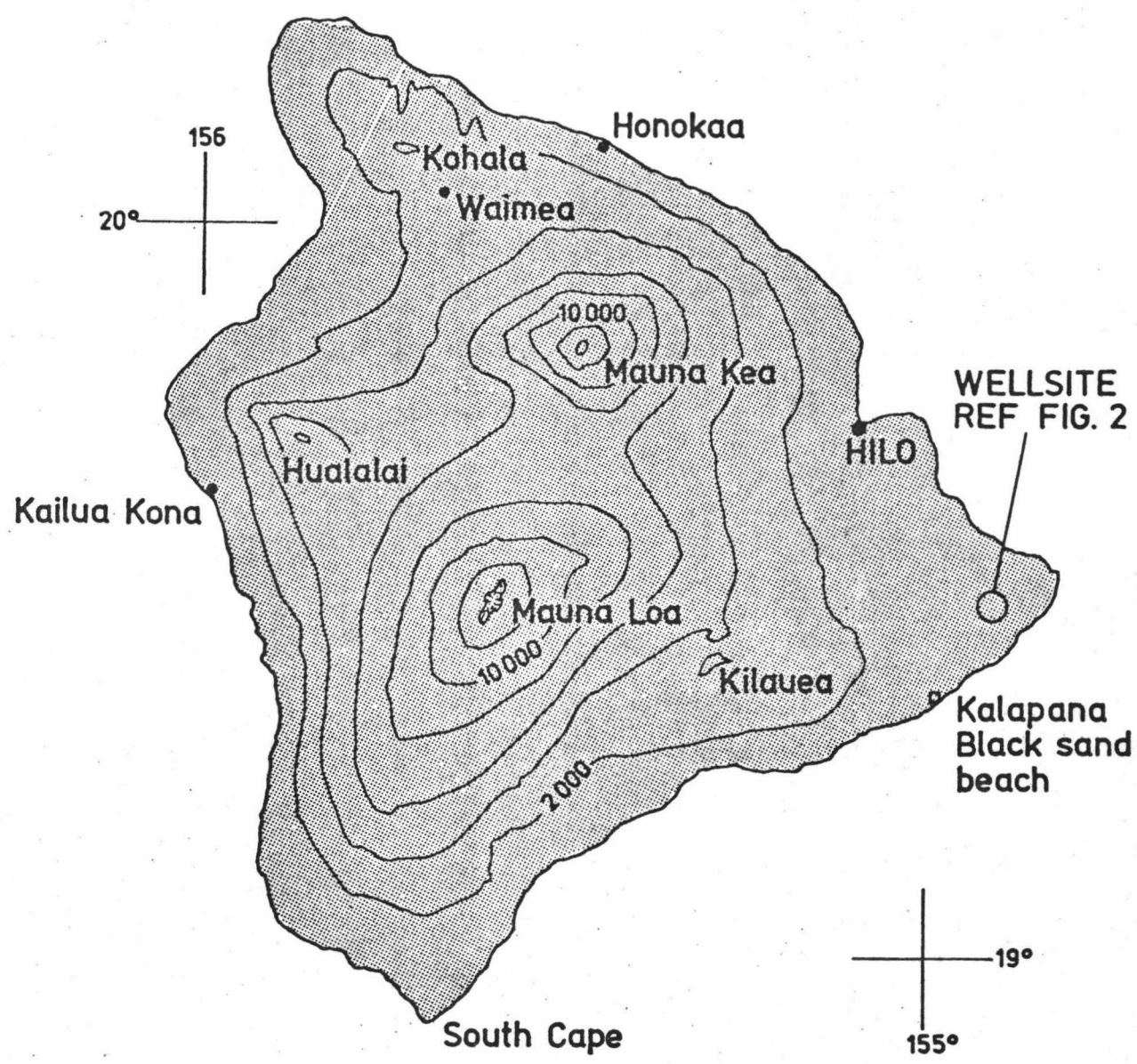
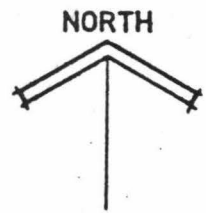
The favorable recommendation was subject to the following conditions:

- "1. That prior to commencement of any operation, the petitioner or its authorized representative(s) shall receive approval from the State Board of Land and Natural Resources to conduct the proposed project.

- "2. That the petitioner/representative(s) shall secure a building permit for all structures which are to be constructed on the subject property.
- "3. That prior to commencement of any drilling activity, the petitioner/representative(s) shall submit plans to the Planning Department showing the location of the well site(s) to be drilled.
- "4. That the drilling of the first well shall commence within one (1) year from the effective date of approval of the Special Permit.
- "5. That the length of this Special Permit shall be for a period not to exceed three (3) years from the effective date of the Special Permit.
- "6. That the rules, regulations and requirements of the State Department of Health shall be complied with.
- "7. That the petitioner/representative(s) shall be responsible to assure that every precaution is taken to reduce any nuisances, whether it be noise or fumes, which may affect the residents and properties in the immediate area. Should it be determined that these precautionary measures are not being applied, the Planning Department is authorized to cease any further activity in the area.
- "8. That upon termination of the operation or if the petitioner determined that the project is not feasible, all structures erected shall be dismantled and removed from the site(s).
- "9. That all other applicable rules and regulations shall complied with."

In addition, the Planning Commission pointed out that any further development beyond the drilling and testing shall require another Special Permit and that: "Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void."

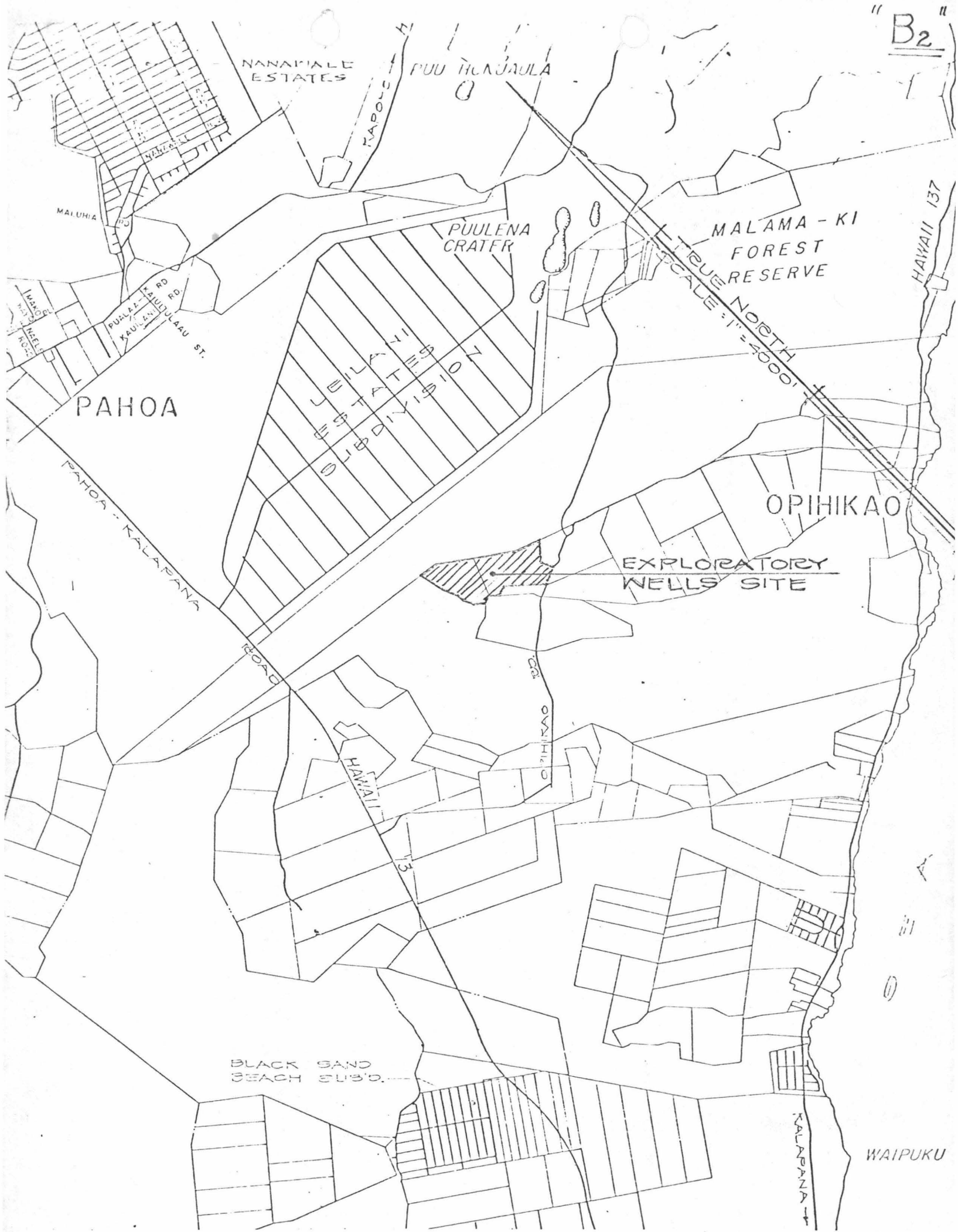
"B"



Scale - 0 20 miles
 Contour interval - 2000 ft

Source: Hawaii Geothermal Project Well Completion Report, HGP-A,
 Kingston, Reynolds, Thom & Allardice, Ltd. (Auckland, N.Z.,
 1976)

Figure 1 Map of Hawaii



SPECIAL PERMIT REQUEST

TO DRILL EXPLORATORY GEOTHERMAL WELLS

OPIHIKAO, PUNA, HAWAII

TAX MAP KEY: 1-3-01:24 & 25

APPLICANT: GEOTHERMAL EXPLORATION &
DEVELOPMENT CORPORATION

"C"

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
November 18, 1981

A regularly advertised public hearing on the application of Geothermal Exploration and Development Corporation was called to order at 3:29 p.m. in the Police Department's Training Room, South Hilo, Hawaii, with Chairman Bert H. Nakano presiding.

PRESENT: Bert H. Nakano
Glenn Frias
Clyde Imada
Roy Kagawa
Alfredo Orita
William J. Paris, Jr.
George Ponte
Tina Whitmarsh
Charles H. Sakamoto

ABSENT: Ex-officio Member
H. William Sewake

Sidney M. Fuke, Planning Director
Norman Hayashi, Staff Planner
Brian Nishimura, Staff Planner
Keith Kato, Staff Planner

Ben Tsukazaki, Deputy Corporation Counsel
Galen Kuba, representing Ex-officio Member Edward Harada

and approximately 8 people were in attendance

CHAIRMAN: Public hearing on the request by Geothermal Exploration and Development Corporation for a 3-year time extension to Condition No. 5 of Special Permit No. 77-265 (LUC 364) which allowed for the drilling of exploratory geothermal wells on approximately 120 acres of land situated within the State Land Use Agricultural District. Condition No. 5 stated that the permit would be valid only until July 14, 1981. The area involved is located on the northwestern or Pahoehoe side of Opihikao Road, approximately 2.5 miles from the junction of Opihikao Road and the Pahoehoe-Kalapana Road, Opihikao, Puna, TMK: 1-3-01:Portion of 24 & 25. Staff?

NISHIMURA: (Presented background and recommendation for approval with conditions, on file.)

CHAIRMAN: Commissioners, do you have any questions that you'd like to ask? None. Is the applicant or representative present? Will you come forward. Do you swear to tell the truth on the testimony you're about to give on the subject matter now before the Hawaii County Planning Commission?

LUM: I do.

CHAIRMAN: State your name for the record, please.

EXHIBIT K

LUM: My name is Clifford Lum; and I represent GEDCO, the applicant, on the present time extension request.

CHAIRMAN: Mr. Lum, do you have anything that you'd like to add or clarify?

LUM: No, I do not.

CHAIRMAN: Commissioners, do you have any questions that you'd like to ask Mr. Lum?

PARIS: Mr. Lum, it indicates here you shifted well sites before final work was done on the Ashida No. 1. What was the reason for that?

LUM: Actually, Commissioner, they drilled one well and then moved to the next site to drill while they were doing their remedial evaluation of one well site. So rather than leave the drill, you know, just laying on the side while they're doing the evaluation, they would move on to drill another well site.

CHAIRMAN: Any other questions, Commissioners? If not, thank you. Okay, Commissioners, what is your pleasure? Oh, I'm sorry. This is a public hearing. Is there anyone in the audience who would like to speak for or against this application? Do you swear to tell the truth on the testimony you're about to give on the subject matter now before the Hawaii County Planning Commission?

ZUBATY: Yes, I do.

CHAIRMAN: Will you state your name for the record, please.

ZUBATY: My name is Audrey Zubaty; and I'm a resident of Leilani Estates. When they were drilling down at Lunipuna, I went down and asked at one point when they had been inspected by the Department of Land and Natural Resources. We had asked several questions of Barnwell; and they told us to contact the Department of Land and Natural Resources. We felt that they were not very responsive to the community. I wanted to know when they had been inspected by the State; and they just said it's public knowledge, go ask the State. I feel that these people should be a little bit more responsive to the community at large. And they keep saying how they want to be helpful and they really don't go out of their way to be very helpful to us. And I just think that if somebody asks a question like when were you inspected that we should get an answer, when they were inspected according to the Regulation 10, you know, in the manual of the DLNR.

I also feel that maybe there should be some sort of a monitoring. They want to have an extension to their permit and maybe the Planning Commission could put in an addendum to it. I like all the rules that were read, it's a great job, but maybe a monitoring of more water sites, for each group of wells that they drill, they should monitor more sites. Now I don't know how many monitoring sites there are in that Opihikao area. There aren't houses in the vicinity of where they want to drill and maybe they should be required to monitor those water systems and just basically be

more responsive to the community. I know that Thermal Power has a 24-hour number; and I don't think they do, either, they have an answering service. We feel it should be required and then somebody should make sure that those requirements have all been met. Thank you.

CHAIRMAN: I get one question here. Did I hear you right by you saying that you complained to them and you were told to go to the R & D?

ZUBATY: Well, I'll tell you what happened. I wrote to the DLNR, to Fred Lum, and I have all the letters. When GEDCO originally started drilling at Lunipuna, we were complaining about the noise and I wrote to the Health Department, to lots of different places. DLNR was the only one who never responded to any of my letters. And then we asked him, I have a letter, I do not have it with me. And we asked Barnwell to give us the date that DLNR came out; and I have a letter from Mr. Blumenthal who said it's public information, contact DLNR. They would not tell me and I want to know who comes out to inspect these people.

CHAIRMAN: Thank you. Commissioners, do you have any questions? Cliff, you care to answer her?

LUM: I really don't know how to respond to the answer, to the question, since I'm not aware of the situation at all. But one of the conditions right now is, there is a condition stating to give a phone number of someone to contact; and that phone number will be given where that person can be contacted 24 hours a day. So, you know, unfortunately, if we knew about the things, we probably would have responded. But Mr. Blumenthal did not send a copy of the letter to us so I'm not aware of that situation.

CHAIRMAN: Thank you, Cliff. Any other person that wants to testify for or against this application? If not, thank you.

FUKE: Mr. Chairman, I guess just a confirmation on the part of Mr. Lum on behalf of his clients - have you or your clients have a chance to read the additional proposed condition?

LUM: Yes, we have.

FUKE: Do you have any objections or concerns with respect to the proposed conditions?

LUM: No, we do not.

FUKE: Are you also aware that under the existing condition that in the event there are failure to any one of these conditions that it would be grounds for the Planning Commission to, after a public hearing, consider, reconsider the petition and perhaps even nullify the special permit?

LUM: We are aware of that, yes.

FUKE: Thank you.

CHAIRMAN: Commissioners, what is your pleasure? Continue the hearing or you can conclude the public hearing.

PARIS: Mr. Chairman, I move that we close the hearing.

SAKAMOTO Second the motion, Mr. Chairman.

CHAIRMAN: It has been moved by Commissioner Paris, seconded by Commissioner Sakamoto to close the public hearing. All those in favor of the motion say aye?

COMMISSIONERS: Aye.

CHAIRMAN: Oppose? Public hearing is closed.

It was moved by Commissioner Sakamoto and seconded by Commissioner Paris to send a favorable recommendation to the State Land Use Commission for the reasons and with the conditions as outlined by the staff. A roll call vote was taken and motion carried with nine ayes.

The public hearing adjourned at 3:47 p.m.

Respectfully submitted,

Sharon M. Nomura
Secretary

A T T E S T:

Bert H. Nakano
Chairman, Planning Commission

STATE OF HAWAII
LAND USE COMMISSION
Old Federal Building
Room 104
335 Merchant Street
Honolulu, Hawaii 96813

January 6, 1982.

Mr. Sidney Fuke
Planning Director
Hawaii County Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

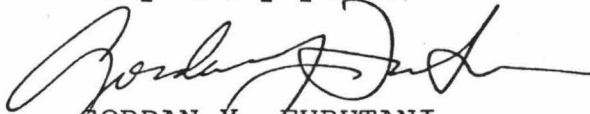
Please note that petitions

1. A81-506 - NORMAN L. GREENWELL, ET AL (Continued Action)*
2. A81-507 - ROBERT C. PALMER*
3. A81-508 - MADELINE LESLIE*
GEOHERMAL EXPLORATION & DEVELOPMENT CORPORATION
4. SP77-265 - (3rd Time Extension Request)**

*acted on
will be **considered at that time.

Should you have any question on these matters, please contact this office.

Very truly yours,


GORDAN Y. FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Old Federal Building
Room 104
335 Merchant Street
Honolulu, Hawaii 96813

January 6, 1982

Mr. Clifford H. F. Lum
Attorney at Law
192 Kapiolani Street
Hilo, Hawaii 96720

Dear Mr. Lum:

Enclosed is a Notice of Land Use Commission meeting and the agenda for the meeting.

Please note that the extension request on
SP77-265 - GEOTHERMAL EXPLORATION & DEVELOPMENT CORPORATION
will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,


GORDAN Y. FURUTANI
Executive Officer

Enclosure: agenda

cc: Mr. E. C. Craddick
Executive Vice President
Geothermal Exploration &
Development Corporation
2828 Paa Street, Suite 2085
Honolulu, Hawaii 96819

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 B & C
Kalanimoku Building
Honolulu, Hawaii

Approved
3/31/82 ✓

January 19, 1982 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Carol Whitesell, Vice Chairman
Richard Choy
Everett Cuskaden
Shinsei Miyasato
Phil Tacbian
Robert Tamaye

COMMISSIONER ABSENT: Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Joseph Chu, Planner
Jay Nelson, Deputy Attorney General
Dora Horikawa, Chief Clerk

Benjamin Matsubara, Hearing Officer

CONTINUED ACTION

A81-506 - NORMAN L. GREENWELL, ET AL

It was announced by Chairman Yuen that the subject matter before the Commission today was a continuation of the action which had begun on November 13, 1981. He called on Mr. Benjamin Matsubara, Hearing Officer, to report on his findings to the Commission.

Mr. Matsubara reported that, as requested by the Commission, he had contacted petitioner's counsel regarding the status of an appeal presently pending before the Circuit Court for a special permit which had been denied by the Commission. Petitioner's counsel had indicated that, should there be a favorable decision by the Commission on the pending petition, Mr. Greenwell will withdraw the appeal.

It was moved by Commissioner Tacbian and seconded by Commissioner Miyasato to approve Docket A81-506. The Commissioners were polled as follows:

representations made by the petitioner during a hearing could be construed as conditions.

The motion to approve the petition was unanimously carried.

Chairman Yuen directed Mr. Matsubara to prepare the Commission's Decision and Order consonant with the foregoing action.

A81-506 - NORMAN L. GREENWELL, ET AL (cont.)

Chairman Yuen reviewed the proposals which had been filed and recommended appropriate findings and conclusions for adoption by the Commission. It was moved by Commissioner Cuskaden and seconded by Commissioner Tacbian that the findings as recommended by Chairman Yuen be adopted by the Commission. The motion was carried with Vice Chairman Whitesell casting the only dissenting vote.

✓ SP77-265 - GEOTHERMAL EXPLORATION & DEVELOPMENT CORPORATION
(Third extension request)

Staff presented the memorandum regarding the request by petitioner to amend condition No. 5 of SP77-265 for the drilling of exploratory geothermal wells within the State Land Use Agricultural District at Opihikao, Puna, Hawaii. As requested by Vice Chairman Whitesell, Mr. Chu gave a chronological account of the present request, including the date that the extension request was filed.

Vice Chairman recalled the problems that the Commission had encountered in the past when extension requests had been filed after the expiration date. As a result, the Commission had adopted a strong position to deny any requests for extension on special permits that had lapsed. However, in this case, she felt that the letter request which had been filed one day prior to the expiration date could be considered as a timely indication of petitioner's desire to extend the permit.

Mr. Ed Craddick, petitioner's representative, was called upon to respond to questions from the Commission members regarding the nature of the geothermal operation, the drilling activities, the hours of operation, etc.

Upon motion by Commissioner Cuskaden, seconded by Commissioner Tacbian, the Commission went into executive session from 10:37 a.m. to 11:05 a.m.

Chairman Yuen explained that the Commission had received counsel from its Deputy Attorney General regarding the Commission's jurisdiction and power to entertain the present request.

Commissioner Tacbian moved to approve the extension request, subject to the 14 conditions imposed by the Hawaii Planning Commission. It was seconded by Vice Chairamn Whitesell.

Chairman Yuen suggested that condition No. 12 be amended by adding the words "and the Executive Officer of the Land Use Commission" after the words "Planning Director".

Commissioner Tacbian moved to amend the motion as recommended by the Chairman. It was seconded by Vice Chairman Whitesell and carried unanimously.

The motion to approve the extension request, and as amended, was also unanimously approved.

The meeting was adjourned at 11:10 a.m.

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

January 19, 1982 - 9:00 a.m.
Conference Room 322 B & C
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

REC'D. BY

982 JAN 6 AM 9 56

LI. GOVERNOR'S OFFICE

A G E N D A

I. CONTINUED ACTION

1. A81-506 - Norman L. Greenwell, et al (Hawaii)

To reclassify approximately 1.0 acre of land currently in the Agricultural District into the Urban District at Onouli 1st, South Kona, Hawaii, for religious education facility.

II. ACTION

1. A81-507 - Robert C. Palmer (Hawaii)

To reclassify approximately 1.794 acres of land currently in the Agricultural District into the Urban District at Kaloko, North Kona, Hawaii, for residential subdivision.

2. A81-508 - Madeline Leslie (Hawaii)

To reclassify approximately 7.3 acres of land currently in the Agricultural District into the Rural District at Kealia, South Kona, Hawaii, for residential subdivision.

✓ 3. SP77-265 - Geothermal Exploration & Development Corporation
(3rd time extension request) (Hawaii)

To amend Condition No. 5 of Special Permit 77-265 for the drilling of exploratory geothermal wells within the State Land Use Agricultural District at Opihikao, Puna, Hawaii.

III. MISCELLANEOUS

1. ~~Adoption of Minutes~~

2. Meeting Schedule

1/6/82 - A copy of this agenda was mailed to all persons and organizations on the attached mailing lists:

1. STATEWIDE 2. HAWAII



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

November 24, 1981

Mr. Gordan Furutani
Executive Officer
Land Use Commission
Old Federal Building, Room 104
335 Merchant Street
Honolulu, HI 96813

Dear Mr. Furutani:

Time Extension to Condition No. 5
of Special Permit No. 77-265 (LUC 364)
Geothermal Exploration and Development Corporation
TMK: 1-3-01:Portion of 24 and 25

The Planning Commission at its duly held public hearing on November 18, 1981, considered the above request for a time extension to Condition No. 5 of Special Permit No. 77-265 (LUC 364) which allowed for the drilling of exploratory geothermal wells on approximately 120 acres of land situated within the State Land Use Agricultural District. Condition No. 5 stated that the permit would be valid only until July 14, 1981. The area involved is located on the northwestern or Pahoehoe side of Opihikao Road, approximately 2.5 miles from the junction of Opihikao Road and the Pahoehoe-Kalapana Road, Opihikao, Puna, Hawaii.

The Commission voted to recommend approval of a three (3)-year extension until July 14, 1984, based on the following considerations:

That approval of the time extension request will not be contrary to the purpose and intent of the time conditions. The purpose of stipulating time conditions is to assure that any proposed development come to fruition in a timely manner. In this particular case, the Special Permit has been granted to allow the drilling of exploratory geothermal wells for the purpose of assessing geothermal potential for the area. One well has already been drilled on site and the time extension would allow further evaluation for more conclusive data on the

DEC 7 7 40 AM '81
LAND USE COMMISSION
STATE OF HAWAII

SP77-265

Mr. Gordan Furutani
Page 2
November 24, 1981

resource. The petitioner has already expended approximately two million dollars on the first well and is requesting additional time to complete their evaluation of the area.

That approval of the subject request will not alter the reasons for which the permit was originally approved. In addition, extending the life of the permit for three additional years will not increase any of the expected impacts of the project.

However, it should be noted that the petitioner is partially responsible for creating the timing problem in meeting the conditions of the Special Permit. The petitioner has made other commitments to drill exploratory geothermal wells that have prevented them from meeting the requirements of this particular permit. Therefore, future time extension requests will take this into consideration.

The Commission is also recommending the imposition of the following additional conditions:

10. That the petitioner, Geothermal Exploration and Development Corporation (GEDCO), shall be responsible for complying with the stated conditions of approval. This permit shall be non-transferable and non-compliance with this condition shall result in the automatic nullification of the permit.
11. That drilling of the second well shall commence within one (1) year from the effective date of approval of the time extension request.
12. That the petitioner shall submit a status report to the Planning Director on a biannual basis, or, within thirty (30) days of the completion of any exploratory well. The status report shall include, but not be limited to:
 - a. A detailed description of the work undertaken during the current reporting period including a drilling activity report;
 - b. A description of the work being proposed over the next reporting period;
 - c. The results of the environmental/noise monitoring activities;
 - d. A log of the complaints received and the responses thereto;
 - e. The current status of exploration activities in the context of long-range development goals; and

Mr. Gordan Furutani

Page 3

November 24, 1981

- f. Any other information that the Planning Director may require which will address environmental and regulatory concerns involving the requirements of the Special Permit.

If requested by the petitioner, any proprietary information will be kept confidential within the time frame as may be agreed to.

13. That the petitioner provide a telephone number for use by local individuals in case of noise or odor complaints and have an employee available at the drillsite, 24 hours a day, to respond to any local complaints for the duration of the drilling activity.
14. That the petitioner conduct a noise monitoring program throughout the drilling operation. The petitioner shall submit the noise monitoring data to the Planning Department upon termination of the drilling operation or, at any time during drilling activity, upon the request of the Planning Director.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

Should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,



BERT H. NAKANO
Chairman, Planning Commission

lgv
Enclosures

cc: Mr. Clifford Lum

LIST OF EXHIBITS: REQUEST FOR TIME EXTENSION/GEOTHERMAL
EXPLORATION AND DEVELOPMENT CORPORATION SP77-265 (LUC 364)

- A. Letter from petitioner's representative requesting time extension - 7/13/81
- B. Letter to petitioner's representative acknowledging receipt of time extension request - 7/20/81
- C. Letter to petitioner's representative of time extension request - 10/6/81
- D-1. Letter to petitioner's representative notifying him of Public Hearing, Nov. 18, 1981. - 11/5/81
- D-2. Public Hearing Notice, Nov. 18, 1981.
- E. Letter from petitioner's representative enclosing filing fee - 10/28/81
- F. Letter to petitioner's representative acknowledging receipt of filing fee & letter dated Oct. 28. - 11/4/81
- G. Background Report
- H. Recommendation Report
- I. Voting Sheet - 11/18/81
- J. Minutes, Nov. 18, 1981
- K. Transcript, Nov. 18, 1981

COPY

PLANNING DEPARTMENT

COUNTY OF HAWAII

25 AUPUNI STREET

HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

Nov 27 11 20 AM '81

November 24, 1981

Mr. Clifford Lum
Attorney at Law
192 Kapiolani Street
Hilo, HI 96720

Dear Mr. Lum:

Time Extension to Condition No. 5
of Special Permit No. 77-265 (LUC 364)
Geothermal Exploration and Development Corporation
TMK: 1-3-01:Portion of 24 and 25

The Planning Commission at its duly held public hearing on November 18, 1981, considered the above request for a time extension to Condition No. 5 of Special Permit No. 77-265 (LUC 364) which allowed for the drilling of exploratory geothermal wells on approximately 120 acres of land situated within the State Land Use Agricultural District. Condition No. 5 stated that the permit would be valid only until July 14, 1981. The area involved is located on the northwestern or Pahoa side of Opihikao Road, approximately 2.5 miles from the junction of Opihikao Road and the Pahoa-Kalapana Road, Opihikao, Puna, Hawaii.

The Commission voted to recommend approval of a three (3)-year extension until July 14, 1984, to the Land Use Commission, based on the following considerations:

That approval of the time extension request will not be contrary to the purpose and intent of the time conditions. The purpose of stipulating time conditions is to assure that any proposed development come to fruition in a timely manner. In this particular case, the Special Permit has been granted to allow the drilling of exploratory geothermal wells for the purpose of assessing geothermal potential for the area. One well has already been drilled on site and the time extension would allow further evaluation for more conclusive data on the

Mr. Clifford Lum
Page 2
November 24, 1981

resource. The petitioner has already expended approximately two million dollars on the first well and is requesting additional time to complete their evaluation of the area.

That approval of the subject request will not alter the reasons for which the permit was originally approved. In addition, extending the life of the permit for three additional years will not increase any of the expected impacts of the project.

However, it should be noted that the petitioner is partially responsible for creating the timing problem in meeting the conditions of the Special Permit. The petitioner has made other commitments to drill exploratory geothermal wells that have prevented them from meeting the requirements of this particular permit. Therefore, future time extension requests will take this into consideration.

The Commission is also recommending the imposition of the following additional conditions:

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 - d. A log of the complaints received and the responses thereto;
 - e. The current status of exploration activities in the context of long-range development goals; and

Mr. Clifford Lum
Page 3
November 24, 1981

f. Any other information that the Planning Director may require which will address environmental and regulatory concerns involving the requirements of the Special Permit.

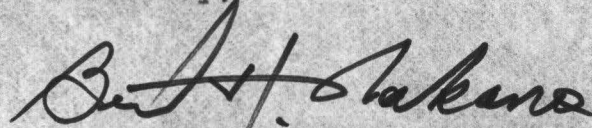
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Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

Should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,



BERT H. NAKANO
Chairman, Planning Commission

lgv

cc: State Land Use Commission

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII

HILO, HAWAII 96720

Nov 9 10 55 AM '81

November 5, 1981

Mr. Clifford H. F. Lum
192 Kapiolani Street
Hilo, Hawaii 96720

Dear Mr. Lum:

Notice of a Public Hearing

Petitioner: Geothermal Exploration and Development Corporation
Time Extension to Special Permit No. 77-265 (LUC 364)
Tax Map Key 1-3-01:Portion of 24 & 25

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 2:30 p.m. on Wednesday, November 18, 1981, in the Councilroom, County Building, South Hilo, Hawaii.

The presence of a representative will be appreciated in order that all questions relative to the request may be clarified.

A copy of the hearing notice and the agenda are enclosed for your information.

Sincerely,

Sidney M. Fuke

Sidney M. Fuke
Director

smn

Enclosures

cc: State Land Use Commission

PUBLIC HEARINGS
PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Councilroom, County Building, South Hilo, Hawaii

DATE: Wednesday, November 18, 1981

Time: 2:00 p.m. (Item Nos. 1 & 2)
2:30 p.m. (Item No. 3 & 4)

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. PETITIONER: GORDON ISHII

LOCATION: Along the southwest or mauka side of Kinooles Street, adjacent to and on the Puna side of the B. J. Furniture Center, Waiakea, South Hilo.

TMK: 2-2-18:33, 34 & 39

PURPOSE: Change of zone for 19,670 square feet of land from a Single Family Residential - 10,000 square foot (RS-10) to a General Commercial - 7,500 square foot (CG-7.5) zoned district.

2. PETITIONER: BREWER SUPPORT HOUSING

LOCATION: Within the Kulaimano Height's development, mauka of the Hawaii Belt Highway and on both sides of the Kumula Street-Kaakepa Street intersection, Pepeokeo, South Hilo.

TMK: 2-8-07:66 & 69 and 2-8-23:1

PURPOSE: Change of zone for 5.8+ acres of land from a Village Commercial - 10,000 square foot (CV-10) to a Single Family Residential - 7,500 square foot (RS-7.5) and 9.7+ acres of land from a Single Family Residential - 10,000 square foot (RS-10) to a Village Commercial - 10,000 square foot (CV-10) zoned district. As a result of this action, the Planning Director is concurrently initiating a change to the Northeast Hawaii Community Development Plan's (CDP) Zone Guide Map designation for the subject area.

3. PETITIONER: GEOTHERMAL EXPLORATION AND DEVELOPMENT CORPORATION

LOCATION: Northwestern or Pahoia side of Opihikao Road, approximately 2.5 miles from the junction of Opihikao Road and the Pahoia-Kalapana Road, Opihikao, Puna.

TMK: 1-3-01:Portions of 24 & 25

PURPOSE: Request for a 3-year time extension to Condition No. 5 of Special Permit No. 77-265 (LUC 364) which allowed for the drilling of exploratory geothermal wells on approximately 120 acres of land situated within the State Land Use Agricultural District.

4. PETITIONER: BARNWELL INDUSTRIES, INC.

LOCATION: Along the south side of Pohoiki Road and about 1,500 feet from the HGP-A well, at its nearest point, adjacent to and on the makai side of Leilani Estates and Lunipuna Gardens Subdivisions, Keahialaka, Puna.

TMK: 1-3-08:Portions of 6, 7 & 19 and
1-3-09:Portion of 7.

PURPOSE: Request to delete Condition No. 10 of Special Permit No. 471 which allowed the drilling of six wells for geothermal exploration and evaluation. Condition No. 10 restricted the drilling activity to five days a week, Monday through Friday. The request is to permit the drilling activity to take place seven days a week.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION,
BERT H. NAKANO, Chairman
By Sidney M. Fuke
Planning Director

(Hawaii Tribune Herald: November 8 and 16, 1981)

CLIFFORD H.F. LUM

ATTORNEY AT LAW

192 KAPIOLANI STREET

HILO, HAWAII 96720

PHONE: (808) 961-6076

July 13, 1981

Mr. Sidney M. Fuke, Director
Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Re: Special Permit 77-265
Geothermal Exploration
and Development Corporation

Dear Mr. Fuke:

We have noted that the above permit expires on
July 14, 1981.

At this time, Gedco requests an extension of
this permit for an additional three (3) years in
order to allow for future additional drilling and
testing.

The first well, Ashida No. 1, has been drilled
but additional work have been required in this well.
On the basis of final evaluations which we shall be
receiving in the near future, decision will then be
made for additional drilling or other action.

We're presently working on the Lanipuna site, and
do not expect to be able to return to the Ashida site for
at least six (6) months. As conclusive Geothermal data
from the Ashida area would contribute specifically to a
final understanding of this resource in Puna, we respect-
fully request that an extension be granted to allow conti-
nuation of this exploratory work.

We have already expended approximately two million
dollars on the Ashida Well No. 1 in our exploratory effort
and expect that more funds will be expended should our

EXHIBIT A

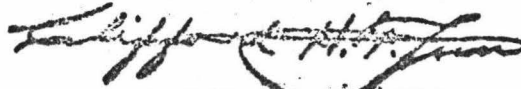
Mr. Sidney M. Fuke
Page 2
July 13, 1981

request for an extension be granted.

Thank you for your consideration of our request
for an extension.

Very truly yours,

GEOTHERMAL EXPLORATION
AND DEVELOPMENT CORPORATION

A handwritten signature in dark ink, appearing to read "Clifford H. P. Lum", is written over the typed name.

By CLIFFORD H. P. LUM
Its Attorney

CHFL:sf

July 20, 1981

Mr. Clifford H. F. Lum
192 Kapiolani Street
Hilo, HI 96720

Dear Mr. Lum:

✓Special Permit 77-265
Geothermal Exploration and Development Corporation
TMK: 1-3-01: portions of 24 & 25

This is to acknowledge receipt of your letter dated July 13, 1981, requesting a three (3) year time extension to the above-described Special Permit.

Please be advised that a \$100.00 filing fee is required for the request. In addition, could you please provide us with a timetable of events for the duration of the requested three (3) year extension of the permit.

Furthermore, please submit additional information which describes your plan for minimizing noise generated by the drilling activity. In our letter of May 13, 1981, we attached Geothermal Noise Level Guidelines and advised you that they were to be used to review and assess geothermal operations on a case specific basis. As a reminder, the acceptable noise levels for geothermal development are as follows:

- a. That a general noise level of 55 dBA during daytime and 45 dBA at night not be exceeded except as allowed under b. For the purposes of these guidelines, night is defined as the hours between 7:00 p.m. and 7:00 a.m.;
- b. That the allowable levels for impact noise be 10 dBA above the generally allowed noise level. However, in any event, the generally allowed noise level should not be exceeded more than 10% of the time within any 20 minute period;

EXHIBIT B

JUL 21 1981

Mr. Clifford H. F. Lum

Page 2

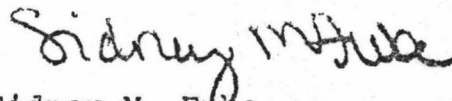
July 20, 1981

- c. That the noise level guidelines be applied at the existing residential receptors which may be impacted by the geothermal operation; and
- d. That sound level measurements be conducted using standard procedures with sound level meters using the "A" weighting and "slow" meter response unless otherwise stated.

As such, your noise mitigation plan should be designed to comply with the above-described guidelines.

Should you have any questions regarding this matter, please contact Norman Hayashi or Brian Nishimura of this office.

Sincerely,



Sidney M. Fuke
Director

BN:tn

October 6, 1981

Mr. Clifford H. F. Lum
192 Kapiolani Street
Hilo, Hawaii 96720

Dear Mr. Lum:

Special Permit 77-265
Geothermal Exploration and Development Corporation
TMK: 1-3-01:Portions of 24 & 25

This is regarding your request for a time extension on the above-described Special Permit. As indicated in our letter dated July 20, 1981, a \$100.00 filing fee is required for the request. In addition, we also requested a timetable of events for the duration of the requested three (3)-year extension of the permit.

We would like to note that Special Permit 77-265 was scheduled to expire on July 14, 1981, and is being kept "alive" by your letter of July 13, 1981, requesting the three (3)-year time extension. As of this date, we have not received any response to our above-referenced letter of July 20, 1981. We would appreciate some indication of your intentions on the above-described matter.

Please be advised that unless a response is received by October 31, 1981, steps will be taken to nullify Special Permit 77-265.

Should you have any questions regarding this matter, please contact Norman Hayashi or Brian Nishimura of this office.

Sincerely,

SIDNEY FUKE
Planning Director

BN:smn

cc: Planning Commission
Mr. E. C. Craddick

EXHIBIT C

OCT 7 1981

November 5, 1981

Mr. Clifford H. F. Lum
192 Kapiolani Street
Hilo, Hawaii 96720

Dear Mr. Lum:

Notice of a Public Hearing

Petitioner: Geothermal Exploration and Development Corporation
Time Extension to Special Permit No. 77-265 (LUC 364)
Tax Map Key 1-3-01:Portion of 24 & 25

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 2:30 p.m. on Wednesday, November 18, 1981, in the Councilroom, County Building, South Hilo, Hawaii.

The presence of a representative will be appreciated in order that all questions relative to the request may be clarified.

A copy of the hearing notice and the agenda are enclosed for your information.

Sincerely,

Sidney M. Fuke
Sidney M. Fuke
Director

smn

Enclosures

cc: State Land Use Commission

EXHIBIT D-1

NOV 5 1981

PUBLIC HEARINGS
PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Councilroom, County Building, South Hilo, Hawaii

DATE: Wednesday, November 18, 1981

Time: 2:00 p.m. (Item Nos. 1 & 2)
2:30 p.m. (Item No. 3 & 4)

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. PETITIONER: GORDON ISHII

LOCATION: Along the southwest or mauka side of Kinoole Street, adjacent to and on the Puna side of the B. J. Furniture Center, Waiakea, South Hilo.

TMK: 2-2-18:33, 34 & 39

PURPOSE: Change of zone for 19,670 square feet of land from a Single Family Residential - 10,000 square foot (RS-10) to a General Commercial - 7,500 square foot (CG-7.5) zoned district.

2. PETITIONER: BREWER SUPPORT HOUSING

LOCATION: Within the Kulaimano Height's development, mauka of the Hawaii Belt Highway and on both sides of the Kumula Street-Kaakepa Street intersection, Pepeekeo, South Hilo.

TMK: 2-8-07:66 & 69 and 2-8-23:1

PURPOSE: Change of zone for 5.8+ acres of land from a Village Commercial - 10,000 square foot (CV-10) to a Single Family Residential - 7,500 square foot (RS-7.5) and 9.7+ acres of land from a Single Family Residential - 10,000 square foot (RS-10) to a Village Commercial - 10,000 square foot (CV-10) zoned district. As a result of this action, the Planning Director is concurrently initiating a change to the Northeast Hawaii Community Development Plan's (CDP) Zone Guide Map designation for the subject area.

3. PETITIONER: GEOTHERMAL EXPLORATION AND DEVELOPMENT CORPORATION

LOCATION: Northwestern or Pahoia side of Opihikao Road, approximately 2.5 miles from the junction of Opihikao Road and the Pahoia-Kalapana Road, Opihikao, Puna.

TMK: 1-3-01:Portions of 24 & 25

PURPOSE: Request for a 3-year time extension to Condition No. 5 of Special Permit No. 77-265 (LUC 364) which allowed for the drilling of exploratory geothermal wells on approximately 120 acres of land situated within the State Land Use Agricultural District.

4. PETITIONER: BARNWELL INDUSTRIES, INC.

LOCATION: Along the south side of Pohoiki Road and about 1,500 feet from the HGP-A well, at its nearest point, adjacent to and on the makai side of Leilani Estates and Lunipuna Gardens Subdivisions, Keahialaka, Puna.

TMK: 1-3-08: Portions of 6, 7 & 19 and
1-3-09: Portion of 7.

PURPOSE: Request to delete Condition No. 10 of Special Permit No. 471 which allowed the drilling of six wells for geothermal exploration and evaluation. Condition No. 10 restricted the drilling activity to five days a week, Monday through Friday. The request is to permit the drilling activity to take place seven days a week.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION,
BERT H. NAKANO, Chairman
By Sidney M. Fuke
Planning Director

(Hawaii Tribune Herald: November 8 and 16, 1981)

CLIFFORD H.F. LUM

ATTORNEY AT LAW
192 KAPIOLANI STREET
HILO, HAWAII 96720
PHONE: (808) 961-6076

October 28, 1981

Mr. Sidney Fuke, Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, HI 96720

Re: Special Permit 77-265
Geothermal Exploration and
Development Corporation
Tax Map Key 1-3-01; por. of
24 and 25

Dear Mr. Fuke:

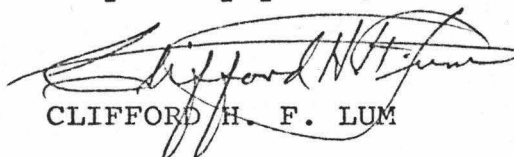
Pursuant to your letter of October 6, 1981, enclosed find applicant's draft for \$100.00 filing fee as required.

In requesting the three-year extension of the Special Use Permit, the timetable of events are as follows:

Remedial work to be done on Ashida Well No. 1 in 1982. Based on the results obtained from Ashida Well No. 1, an additional 1 to 2 wells will be drilled in 1983. After completion of remedial work and based on the results obtained, additional 1 or 2 wells will be drilled in 1984.

Should you have any further questions regarding this matter, please contact the undersigned.

Very truly yours,


CLIFFORD H. F. LUM

CHFL:sf

Enc.

cc: Mr. Ed Craddick
Mr. Andy Blumenthal
Planning Commission

EXHIBIT E

November 4, 1981

Mr. Clifford H. F. Lum
192 Kapiolani Street
Hilo, HI 96720

Dear Mr. Lum:

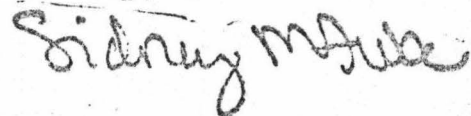
Special Permit 77-265 (LUC 364)
Geothermal Exploration and
Development Corporation
TMK: 1-3-01:por. of 24 & 25

This is to acknowledge receipt of your letter dated October 28, 1981, requesting a three-year extension to Special Permit 77-265 which allowed the drilling of exploratory geothermal wells on approximately 120 acres of land situated within the State Land Use Agricultural District at Opihikao, Puna, Hawaii.

Your request will be forwarded to the Planning Commission for its consideration. We will inform you of the meeting date as soon as it has been determined.

Should you have any questions in the meantime, please feel free to contact Norman Hayashi or Brian Nishimura of my office at 961-8288.

Sincerely,



SIDNEY FUCE
Planning Director

BN:lgv

EXHIBIT

F

NOV 4 1981

TIME EXTENSION - SPECIAL PERMIT NO. 77-265: GEDCO

Geothermal Exploration and Development Corporation has submitted a request for a three (3)-year time extension to Condition No. 5 of Special Permit No. 77-265 (LUC 364) which allowed for the drilling of exploratory geothermal wells on approximately 120 acres of land situated within the State Land Use Agricultural District. Condition No. 5 stated that the permit would be valid only until July 14, 1981. The area involved is located on the northwestern or Pahoa side of Opihikao Road, approximately 2.5 miles from the junction of Opihikao Road and the Pahoa-Kalapana Road, Opihikao, Puna, TMK: 1-3-01: Portion of 24 and 25.

The area where the drilling is proposed to take place consists of two parcels with a combined area of approximately 120 acres. Within the 120-acre area the petitioner has identified six possible drilling locations. The first well, identified as Ashida Well No. 1, was drilled during the latter part of 1980.

Condition No. 5 of Special Permit No. 77-265 states that "The length of this Special Permit shall be for a period not to exceed three (3) years from the effective date of the Special Permit." Since the Special Permit was granted on July 14, 1977, the original time condition expired on July 14, 1980. However, a time extension until July 14, 1981, was granted by the Land Use Commission in 1979.

In a letter dated July 13, 1981, the petitioner stated in part, the following:

EXHIBIT G

"At this time, GEDCO requests an extension of this permit for an additional three (3) years in order to allow for future additional drilling and testing.

"The first well, Ashida No. 1, has been drilled but additional work have been required in this well. On the basis of final evaluations which we shall be receiving in the near future, decision will then be made for additional drilling or other action.

"We're presently working on the Lanipuna site, and do not expect to be able to return to the Ashida site for at least six (6) months. As conclusive Geothermal data from the Ashida area would contribute specifically to a final understanding of this resource in Puna, we respectfully request that an extension be granted to allow continuation of this exploratory work.

We have already expended approximately two million dollars on the Ashida Well No. 1 in our exploratory effort and expect that more funds will be expended should our request for an extension be granted."

Although the time extension request was first received in July, the public hearing was not scheduled until the petitioner submitted the required \$100.00 filing fee and additional information for the request. Subsequent to their letter of July 13, 1981, the petitioner also submitted a letter dated October 28, 1981, which states in part, the following:

"In requesting the three-year extension of the Special Use Permit, the timetable of events are as follows:

"Remedial work to be done on Ashida Well No. 1 in 1982.

Based on the results obtained from Ashida Well No. 1, an additional 1 to 2 wells will be drilled in 1983. After completion of remedial work and based on the results obtained, additional 1 or 2 wells will be drilled in 1984."

For the Commissioners' information, the following table has been prepared to indicate the time requirements applicable to all of the Special Permits granted for geothermal exploratory drilling. It should be noted that there is only one drilling rig serving all four of the approved permits.

SPECIAL PERMIT	EFF. DATE	REQUIRED STARTING DATE	TERMINATION DATE
SP No. 77-265 (LUC 364) GEDCO - Permit for 6 wells	7/14/77	7/14/78 7/14/79 (ext.) 7/14/80 (ext.)*	7/14/80 7/14/81 (ext.)
Request 3-yr. time ext.....			7/14/84
SP No. 80-3 (LUC 460) GEDCO Permit for 3 success- ful or 9 maximum wells	2/10/81	2/10/82	2/10/84
SP No. 80-13 (LUC 468) Thermal/Dillingham Permit for 2 wells	10/15/80	10/15/81*	10/15/83
SP No. 80-8 (LUC 471) Barnwell Geothermal Corp. Permit for 6 wells	12/16/80	12/16/81*	12/16/83

*Time condition has been met.

RECOMMENDATION: GEDCO

Upon review of the subject request, staff recommends that a three (3)-year extension until July 14, 1984, be approved, based on the following considerations:

That approval of the time extension request will not be contrary to the purpose and intent of the time conditions. The purpose of stipulating time conditions is to assure that any proposed development come to fruition in a timely manner. In this particular case, the Special Permit has been granted to allow the drilling of exploratory geothermal wells for the purpose of assessing geothermal potential for the area. One well has already been drilled on site and the time extension would allow further evaluation for more conclusive data on the resource. The petitioner has already expended approximately two million dollars on the first well and is requesting additional time to complete their evaluation of the area.

That approval of the subject request will not alter the reasons for which the permit was originally approved. In addition, extending the life of the permit for three additional years will not increase any of the expected impacts of the project.

However, it should be noted that the petitioner is partially responsible for creating the timing problem in meeting the conditions of the Special Permit. The petitioner has made

EXHIBIT H

other commitments to drill exploratory geothermal wells that have prevented them from meeting the requirements of this particular permit. Therefore, future time extension requests will take this into consideration.

It is recommended that the Commission further impose the following conditions:

10. That the petitioner, Geothermal Exploration and Development Corporation (GEDCO), shall be responsible for complying with the stated conditions of approval. This permit shall be non-transferable and non-compliance with this condition shall result in the automatic nullification of the permit.
11. That drilling of the second well shall commence within one (1) year from the effective date of approval of the time extension request.
12. That the petitioner shall submit a status report to the Planning Director on a biannual basis, or, within thirty (30) days of the completion of any exploratory well. The status report shall include, but not be limited to:
 - a. A detailed description of the work undertaken during the current reporting period including a drilling activity report;
 - b. A description of the work being proposed over the next reporting period;

- c. The results of the environmental/noise monitoring activities;
- d. A log of the complaints received and the responses thereto;
- e. The current status of exploration activities in the context of long-range development goals; and
- f. Any other information that the Planning Director may require which will address environmental and regulatory concerns involving the requirements of the Special Permit.

If requested by the petitioner, any proprietary information will be kept confidential within the time frame as may be agreed to.

- 13. That the petitioner provide a telephone number for use by local individuals in case of noise or odor complaints and have an employee available at the drillsite, 24 hours a day, to respond to any local complaints for the duration of the drilling activity.
- 14. That the petitioner conduct a noise monitoring program throughout the drilling operation. The petitioner shall submit the noise monitoring data to the Planning Department upon termination of the drilling operation or, at any time during drilling activity, upon the request of the Planning Director.

EXHIBIT I

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
November 18, 1981

The Planning Commission met in regular session at 10:05 a.m. in the Police Department's Training Room, South Hilo, Hawaii, with Chairman Bert H. Nakano presiding.

PRESENT:	Bert H. Nakano	ABSENT:	Ex-officio Member
	Glenn Frias		H. William Sewake
	Clyde Imada		
	Roy Kagawa		
	Alfredo Orita		
	William J. Paris, Jr.		
	George Ponte		
	Tina Whitmarsh		
	Charles H. Sakamoto		

Sidney M. Fuke, Planning Director (From 1:12 p.m. until 4:03 p.m.)

Duane Kanuha, Deputy Planning Director (From 10:05 a.m. until 10:54 a.m.)

Norman Hayashi, Staff Planner (From 1:12 p.m. until 4:03 p.m.)

Brian Nishimura, Staff Planner
Keith Kato, Staff Planner

Ben Tsukazaki, Deputy Corporation Counsel
Robert Yanabu, representing Ex-officio Member Edward Harada (From 10:05 a.m. until 10:54 a.m.)
Galen Kuba, representing Ex-officio Member Edward Harada (From 1:12 p.m. until 4:03 p.m.)

and approximately 6 people at 10:05 a.m., 7 people at 1:12 p.m., 6 people at 1:36 p.m., 12 people at 2:38 p.m., and 8 people at 3:29 p.m. were in attendance

The Chair stated for the record that the meeting places were changed to the Police Department's Training Room from Police Department's Building A Conference Room and Councilroom.

NULLIFY SMA 96
COUNTY OF HAWAII,
DEPARTMENT OF
PUBLIC WORKS
KAHULUI,
NORTH KONA

Request by Planning Director to nullify Special Management Area (SMA) Use Permit No. 96 granted to the County of Hawaii, Department of Public Works due to non-compliance with the performance time condition. The permit allowed the reconstruction of the Kahului Bridge, Kahului, North Kona, TMK: 7-5-19.

Staff presented background and recommendation that the permit be nullified, on file.

Public Works' representative, David Murakami, stated that the main reason that they are not pursuing the project at this time is because of the lack of funds; however, if in the future they do receive the funding, they will be coming before the Planning Commission to reactivate the permit.

EXHIBIT J

✓ TIME EXTENSION
TO SP 77-265
GEOTHERMAL
EXPLORATION AND
DEVELOPMENT
CORPORATION
OPIHIKAO,
PUNA

Public hearing on the request by Geothermal Exploration and Development Corporation for a 3-year time extension to Condition No. 5 of Special Permit No. 77-265 (LUC 364) which allowed for the drilling of exploratory geothermal wells on approximately 120 acres of land situated within the State Land Use Agricultural District. Condition No. 5 stated that the permit would be valid only until July 14, 1981. The area involved is located on the northwestern or Pahoia side of Opihikao Road, approximately 2.5 miles from the junction of Opihikao Road and the Pahoia-Kalapana Road, Opihikao, Puna, TMK: 1-3-01:Portion of 24 & 25.

Staff presented background and recommendation for approval with conditions, on file.

Under public testimony, Audrey Zubaty said she felt the petitioner should be more responsive to the community when people asks questions and that there should be monitoring of more water sites. In response, Mr. Lum stated they were unaware of the situation where one of their workers wrote to her and referred her to the DLNR instead of responding to her questions directly. He further stated he did not receive a copy of the letter she referred to, noting they probably would have responded immediately had they known about it. He then pointed out to Ms. Zubaty that one of the conditions that will be imposed on them will be that they provide a telephone number for use by the local individuals in case of complaints and have an employee available at the drillsite 24 hours a day to respond to any local complaints during the duration of the drilling activity.

Upon the Director's questioning, Mr. Lum stated that after reading the staff's proposed conditions, they do not have any objections or concerns to them and are aware of the fact that failure to comply with any of the conditions can result in the nullification of the permit.

It was moved by Commissioner Paris and seconded by Commissioner Sakamoto that the public hearing be closed. Motion was carried.

It was moved by Commissioner Sakamoto and seconded by Commissioner Paris to send a favorable recommendation to the State Land Use Commission for the reasons and with the conditions as outlined by the staff. A roll call vote was taken and motion carried with nine ayes.

DELETE CONDITION
NO. 10 OF SP 471
BARNWELL
INDUSTRIES, INC.
KEAHIALAKA,
PUNA

Public hearing on the request by Barnwell Industries, Inc. for the deletion of Condition No. 10 of Special Permit No. 471 which allowed the drilling of six wells for geothermal exploration and evaluation. Condition No. 10 restricted the drilling activity to five days a week, Monday through Friday. The request is to permit the drilling activity to take place seven days a week. The area involved is located along the south side of Pohoiki Road and about 1,500 feet from the HGP-A well, at its nearest point, adjacent to and on the makai side of Leilani Estates and Lunipuna Gardens Subdivisions, Keahiakala, Puna, TMK: 1-3-08: Portions of 6, 7 & 19 and 1-3-09:Portion of 7.

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
November 18, 1981

A regularly advertised public hearing on the application of Geothermal Exploration and Development Corporation was called to order at 3:29 p.m. in the Police Department's Training Room, South Hilo, Hawaii, with Chairman Bert H. Nakano presiding.

PRESENT: Bert H. Nakano
Glenn Frias
Clyde Imada
Roy Kagawa
Alfredo Orita
William J. Paris, Jr.
George Ponte
Tina Whitmarsh
Charles H. Sakamoto

ABSENT: Ex-officio Member
H. William Sewake

Sidney M. Fuke, Planning Director
Norman Hayashi, Staff Planner
Brian Nishimura, Staff Planner
Keith Kato, Staff Planner

Ben Tsukazaki, Deputy Corporation Counsel
Galen Kuba, representing Ex-officio Member Edward Harada

and approximately 8 people were in attendance

CHAIRMAN: Public hearing on the request by Geothermal Exploration and Development Corporation for a 3-year time extension to Condition No. 5 of Special Permit No. 77-265 (LUC 364) which allowed for the drilling of exploratory geothermal wells on approximately 120 acres of land situated within the State Land Use Agricultural District. Condition No. 5 stated that the permit would be valid only until July 14, 1981. The area involved is located on the northwestern or Pahoehoe side of Opihikao Road, approximately 2.5 miles from the junction of Opihikao Road and the Pahoehoe-Kalapana Road, Opihikao, Puna, TMK: 1-3-01:Portion of 24 & 25. Staff?

NISHIMURA: (Presented background and recommendation for approval with conditions, on file.)

CHAIRMAN: Commissioners, do you have any questions that you'd like to ask? None. Is the applicant or representative present? Will you come forward. Do you swear to tell the truth on the testimony you're about to give on the subject matter now before the Hawaii County Planning Commission?

LUM: I do.

CHAIRMAN: State your name for the record, please.

EXHIBIT K

LUM: My name is Clifford Lum; and I represent GEDCO, the applicant, on the present time extension request.

CHAIRMAN: Mr. Lum, do you have anything that you'd like to add or clarify?

LUM: No, I do not.

CHAIRMAN: Commissioners, do you have any questions that you'd like to ask Mr. Lum?

PARIS: Mr. Lum, it indicates here you shifted well sites before final work was done on the Ashida No. 1. What was the reason for that?

LUM: Actually, Commissioner, they drilled one well and then moved to the next site to drill while they were doing their remedial evaluation of one well site. So rather than leave the drill, you know, just laying on the side while they're doing the evaluation, they would move on to drill another well site.

CHAIRMAN: Any other questions, Commissioners? If not, thank you. Okay, Commissioners, what is your pleasure? Oh, I'm sorry. This is a public hearing. Is there anyone in the audience who would like to speak for or against this application? Do you swear to tell the truth on the testimony you're about to give on the subject matter now before the Hawaii County Planning Commission?

ZUBATY: Yes, I do.

CHAIRMAN: Will you state your name for the record, please.

ZUBATY: My name is Audrey Zubaty; and I'm a resident of Leilani Estates. When they were drilling down at Lunipuna, I went down and asked at one point when they had been inspected by the Department of Land and Natural Resources. We had asked several questions of Barnwell; and they told us to contact the Department of Land and Natural Resources. We felt that they were not very responsive to the community. I wanted to know when they had been inspected by the State; and they just said it's public knowledge, go ask the State. I feel that these people should be a little bit more responsive to the community at large. And they keep saying how they want to be helpful and they really don't go out of their way to be very helpful to us. And I just think that if somebody asks a question like when were you inspected that we should get an answer, when they were inspected according to the Regulation 10, you know, in the manual of the DLNR.

I also feel that maybe there should be some sort of a monitoring. They want to have an extension to their permit and maybe the Planning Commission could put in an addendum to it. I like all the rules that were read, it's a great job, but maybe a monitoring of more water sites, for each group of wells that they drill, they should monitor more sites. Now I don't know how many monitoring sites there are in that Opihikao area. There aren't houses in the vicinity of where they want to drill and maybe they should be required to monitor those water systems and just basically be

more responsive to the community. I know that Thermal Power has a 24-hour number; and I don't think they do, either, they have an answering service. We feel it should be required and then somebody should make sure that those requirements have all been met. Thank you.

CHAIRMAN: I get one question here. Did I hear you right by you saying that you complained to them and you were told to go to the R & D?

ZUBATY: Well, I'll tell you what happened. I wrote to the DLNR, to Fred Lum, and I have all the letters. When GEDCO originally started drilling at Lunipuna, we were complaining about the noise and I wrote to the Health Department, to lots of different places. DLNR was the only one who never responded to any of my letters. And then we asked him, I have a letter, I do not have it with me. And we asked Barnwell to give us the date that DLNR came out; and I have a letter from Mr. Blumenthal who said it's public information, contact DLNR. They would not tell me and I want to know who comes out to inspect these people.

CHAIRMAN: Thank you. Commissioners, do you have any questions? Cliff, you care to answer her?

LUM: I really don't know how to respond to the answer, to the question, since I'm not aware of the situation at all. But one of the conditions right now is, there is a condition stating to give a phone number of someone to contact; and that phone number will be given where that person can be contacted 24 hours a day. So, you know, unfortunately, if we knew about the things, we probably would have responded. But Mr. Blumenthal did not send a copy of the letter to us so I'm not aware of that situation.

CHAIRMAN: Thank you, Cliff. Any other person that wants to testify for or against this application? If not, thank you.

FUKE: Mr. Chairman, I guess just a confirmation on the part of Mr. Lum on behalf of his clients - have you or your clients have a chance to read the additional proposed condition?

LUM: Yes, we have.

FUKE: Do you have any objections or concerns with respect to the proposed conditions?

LUM: No, we do not.

FUKE: Are you also aware that under the existing condition that in the event there are failure to any one of these conditions that it would be grounds for the Planning Commission to, after a public hearing, consider, reconsider the petition and perhaps even nullify the special permit?

LUM: We are aware of that, yes.

FUKE: Thank you.

CHAIRMAN: Commissioners, what is your pleasure? Continue the hearing or you can conclude the public hearing.

PARIS: Mr. Chairman, I move that we close the hearing.

SAKAMOTO Second the motion, Mr. Chairman.

CHAIRMAN: It has been moved by Commissioner Paris, seconded by Commissioner Sakamoto to close the public hearing. All those in favor of the motion say aye?

COMMISSIONERS: Aye.

CHAIRMAN: Oppose? Public hearing is closed.

It was moved by Commissioner Sakamoto and seconded by Commissioner Paris to send a favorable recommendation to the State Land Use Commission for the reasons and with the conditions as outlined by the staff. A roll call vote was taken and motion carried with nine ayes.

The public hearing adjourned at 3:47 p.m.

Respectfully submitted,

Sharon M. Nomura
Secretary

A T T E S T:

Bert H. Nakano
Chairman, Planning Commission