

SPECIAL PERMIT	
Petition Received	8-24-87
Maps	
Action Span	8-24-87 to 10-03-87
Action Date	9/29/87
Recordation	2/1/88

SP87-366 ISLAND POWER COMPANY, INC. (KAUAI)

KANAI

TM

OWNER

LESSEE

AREA

3-9-2: 20

STATE OF HAWAII

LIHUE PLANTATION
CO. LTD.
FOR G.L.S.
FOR G.L.S-4412

2180.79 AC.

3-9-2: 1

STATE OF HAWAII

LIHUE PLANTATION
CO. LTD.
FOR G.L.S-4412

3059.413 AC

3-9-2: 31

STATE OF HI.

NONE

63.00 AC.

~~3-9-2: 33~~

~~STATE OF HI.
(DEPT. OF LAND
& NAT. RESOURCES)
DIV. OF STATE
PARK~~

~~NONE~~

~~petition 387.228 AC~~

3-9-2: 12

STATE

LIHUE PLANTATION
CO. LTD.

320.192 AC

3-9-3: 9

Bishop Estate OIAF E. THRONAS

6.76 ACs

PETITION TIME'S

3-9-2:31 (por)

3-9-2:1 (por)

3-9-2:20 (por)

3-9-2:12 (por)

LUC PETITION CONTENTS AND PROCEDURES CHECKLIST
FOR SPECIAL USE PERMIT

DOCKET NO./PETITIONER: SP87-366/ISLAND POWER COMPANY, INC.

DATE FILED: August 24, 1987

Please check off your areas of concern and initial your station before passing this form to the next station.

RECEPTIONIST X

- X Time stamp
- X Assign docket number and open file
- X Send acknowledgment letter
- X Gives to Chief Clerk to prepare file
- X After Planner prepares staff report, send report and
- X designated copies of file to LUC
- X Gives copy of report and designated copies of
- file to Executive Officer and Planner

PLANNER _____

- _____ Checks for complete record and conditions
- _____ Check for notice of public hearing
- _____ Sends to Drafting Technician for maps, etc.
- _____ Prepares staff report

DRAFTING TECHNICIAN _____

Confirms petitioner's accuracy with respect to:

- | | |
|----------------------|--------------------------------------|
| <u>✓</u> ownership | <u>✓</u> location and size |
| <u>✓</u> lessees | <u>✓</u> land use district |
| <u>✓</u> tax map key | <u>✓</u> map and its accuracy w/text |
| | <u>✓</u> check acreage of use |

_____ Gives file to Receptionist to send designated copies of file to LUC

SP87-366 ISLAND POWER COMPANY, INC.

Jeff Burt, President
P. O. Box 625
Kalaheo, Kauai, HI 96741

Avery Youn
Planning Director
County of Kauai
4280 Rice Street
Lihue, Kauai, HI 96766

[illegible]



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 548-4611

December 21, 1990

Mr. Jay R. Bingham, P.E.
Bingham Engineering
5160 Wiley Post Way
Salt Lake City, Utah 84116

Dear Mr. Bingham:

Subject: Comments on the Upper and Lower Wailua
Hydroelectric Project

We have reviewed the documents submitted with your letter dated November 21, 1990 for the subject project and are concerned about the timeliness of these efforts as it relates to the State Land Use Commission Special Use Permit No. SP87-366/Island Power Company, Inc.

According to the Land Use Commission's November 23, 1987 Findings of Fact, Conclusions of Law and Decision and Order granting the Special Use Permit on State Agricultural Lands, the project was to be completed and operating by November 23, 1990. Condition nine (9) of the Permit states as follows:

"9. That the project be completed and operating within two years of the approval of the Special Use Permit."

According to our records, no motion for a time extension on this Special Use Permit was filed by Island Power Company, Inc. We suggest that this matter be clarified as soon as possible.

We appreciate your cooperation on this matter. If you have any questions, feel free to call me or my staff at (808) 548-3039/8101.

Sincerely,

A handwritten signature in dark ink, appearing to read "Esther Ueda", written over a horizontal line.

ESTHER UEDA
Executive Officer

EU:to

cc: Kauai County Planning Dept.

November 21, 1990

Esther Ueda, Executive Officer
Land Use Commission
Old Federal Building
Room 104
335 Merchant Street
Honolulu, Hawaii 96813

NOV 30 12 27 PM '90
LAND USE COMMISSION
STATE OF HAWAII

RE: Upper and Lower Wailua Hydroelectric Projects

Dear Esther Ueda:

On behalf of Island Power Company there is attached the following documents:

1. Plans and Specifications
2. Soil Erosion Control Plan
3. Monitoring of Fish Populations
4. Results of Monitoring of Fish Population

This is furnished to you for your review and comments. Any questions can be referred to:

Jay R. Bingham
5160 Wiley Post Way
Salt Lake City, Utah 84116

or

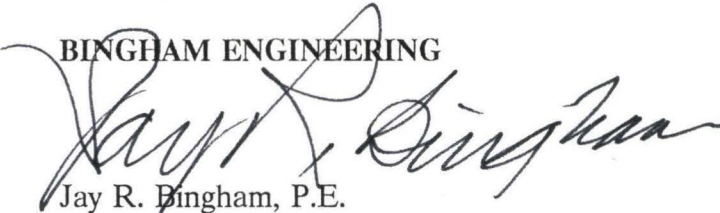
Merv Kimura
P.O. Box 625
Kauai, Kalaheo, Hawaii 96741

← attachments
in separate
folder labeled
attachments

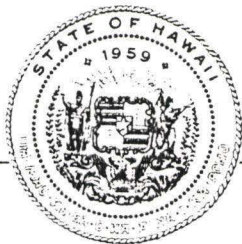
We are planning to begin construction the first of February. Your early response will be appreciated.

Sincerely,

BINGHAM ENGINEERING


Jay R. Bingham, P.E.
Chairman

JRB/k 1358



STATE (HAWAII)
DEPARTMENT OF BUSINESS
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE
Governor

TEOFILO PHIL TACBIAN
Chairman

FREDERICK P. WHITTEMORE
Vice Chairman

COMMISSION MEMBERS:

Richard B.F. Choy
Lawrence F. Chun
Everett L. Cuskaden
Sharon R. Himeno
Toru Suzuki
Robert S. Tamaye
Renton L.K. Nip

ESTHER UEDA
Executive Officer

January 5, 1988

NOTIFICATION OF BOUNDARY AMENDMENT

To all concerned agencies:

The Findings of Fact, Conclusions of Law and Decisions and Order for the following boundary amendment petition and special permit have been filed by the Land Use Commission:

Petition
Docket No.

Special Permit Requested

LUC Action on Sept. 29, 1987

DATE OF
DECISION
AND ORDER

✓ SP87-366
ISLAND
POWER
COMPANY
INC.
For a Special Use Permit to
Establish a Hydroelectric
Powerplant and Related Uses
on Approximately 69.3 Acres
of Land Within the Agricul-
tural District at Wailua,
Kauai

Approved special permit for 69.3
acres at Wailua, Kauai, TMK:
3-9-02: portion 1, portion 12,
portion 20, portion 24, portion
25, and portion 31
Nov. 23, 1987

Boundary Amendment
Requested

LUC Action on Nov. 16, 1987

A87-612
GROVE
FARM
PROPERTIES,
INC.
To reclassify approximately
60 acres from Agricultural
to Urban at Puhi, Kauai

Approved approximately 60 acres
at Puhi, Kauai, TMK: 3-3-02:
Por. 1
(see map attached)
Dec. 28, 1987

Should you have any questions on the above, please do
not hesitate to contact this office.

Sincerely,

ESTHER UEDA
Executive Officer

EU:to

NOTIFICATION OF BOUNDARY AMENDMENT DECISIONS BY LUC

Concerned Agencies

State (all petitions)

1. Dept. of Planning & Economic Development - Planning Division
2. Dept. of Planning & Economic Development - Land Use Division
3. Dept. of Transportation - Office of the Director
4. Board of Land & Natural Resources - Office of the Chairman
5. Dept. of Education - Facilities & Auxiliary Services Branch
6. Office of Environmental Quality Control
7. USDA Soil Conservation Service - Attention: Harry Sato
8. Board of Agriculture - Office of the Chairman
9. C&C, Dept. of Finance - Mapping Section
10. Deputy Attorney General - Robert A. Marks

City & County of Honolulu (Oahu petitions only)

1. Dept. of General Planning - Chief Planning Officer
2. Dept. of General Planning - Division Head, Policy Analysis Division
3. Dept. of Land Utilization - Director
4. Planning Commission - Executive Secretary
5. Board of Water Supply - Manager and Chief Engineer
6. Dept. of Public Works - Director
7. C&C, Dept. of Finance - Property Assessment Section
8. C&C, Dept. of Finance - Property Technical Office

Hawaii County (Hawaii petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Tax Office

Maui County (Maui petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Tax Division

Kauai County (Kauai petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works
5. Real Property Division

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
ISLAND POWER COMPANY, INC.)
For a Special Permit to Establish)
a Hydroelectric Powerplant and)
Related Uses on Approximately 69.3)
Acres of Land Within the Agricul-)
tural District at Wailua, Kauai,)
Tax Map Key Number: 3-9-02: portion)
1, portion 12, portion 20, portion)
24, portion 25, and portion 31)
_____)

DOCKET NO. SP87-366
ISLAND POWER COMPANY, INC.

**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.**

NOV 23 1987

Date

by

[Signature]
Executive Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION AND ORDER

NOV 23 8 37 AM '87
LAND USE COMMISSION
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. SP87-366
	)	
ISLAND POWER COMPANY, INC.	)	ISLAND POWER COMPANY, INC.
	)	
For a Special Permit to Establish	)	
a Hydroelectric Powerplant and	)	
Related Uses on Approximately 69.3	)	
Acres of Land Within the Agricul-	)	
tural District at Wailua, Kauai,	)	
Tax Map Key Number: 3-9-02: portion	)	
1, portion 12, portion 20, portion	)	
24, portion 25, and portion 31	)	
	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION AND ORDER

Island Power Company, Inc. (hereinafter "Petitioner") initiated this proceeding pursuant to Section 205-6, Hawaii Revised Statutes, as amended, and Subchapter 12 of the Hawaii Land Use Commission Rules. The Land Use Commission (hereinafter the "Commission") having considered the entire record on this matter, hereby makes the following findings of fact, conclusions of law and decision and order:

FINDINGS OF FACT

Procedural Matters

1. The Petitioner filed the Special Permit application with the County of Kauai Planning Department (the "Planning Department") on June 4, 1987. The Kauai Planning Commission conducted a public hearing on August 12, 1987. David Boynton testified as a public witness.

Description of the Property and
Summary of Proposed Use

2. Petitioner proposes to construct and operate a hydroelectric power plant on the Wailua River South Fork on approximately 69.3 acres of land within the State Land Use Agricultural District. Improvements will consist of a diversion dam measuring 400 feet long by 23 feet high, a power house and installation of a 4,950 feet long penstock (pipeline for conveying water) from the dam to the power house and transmission lines from the power house to the Lydgate Electric Substation. Petitioner also proposes modifications to an existing diversion structure of the Stable Storm Ditch located at Wailua River North Fork.

3. The proposed hydroelectric power plant impacts lands in the State Land Use Agricultural and Conservation Districts. A Conservation District Use Permit ("CDUP") for improvements located in the Conservation District was approved by the Board of Land and Natural Resources on August 8, 1986.

Portions of the proposed power plant located within the Conservation District include: the power house and tailrace facilities, portions of the penstock, portions of the electrical transmission line, the north fork diversion structure, and access roadways.

4. Components of the proposed power plant that are located in the State Land Use Agricultural District

(hereinafter the "Property") and subject to this Special Permit request are as follows:

<u>Item</u>	<u>Description of Improvements</u>	<u>Tax Map Keys Affected</u>
A	CONCRETE DAM	3-9-02: portion 1, portion 20, portion 31
B	DIVERSION IMPOUNDMENT - Approx. 35 acres of surface water area to maximum pool level of 274.5 feet above mean sea level within existing flood plain of South Fork of Wailua River	3-9-02: portion 1, portion 20, portion 31
C	PENSTOCK - being a strip of land 50 ft. wide, 25 ft. on either side of centerline	3-9-02: portion 1
D	ELECTRIC TRANSMISSION LINE - being a 50-ft.-wide strip of land, 25 ft. on either side of centerline	3-9-02: portion 12, portion 20, portion 24, portion 25
E	ROADWAYS - access to various components of project	3-9-02: portion 12, portion 20, portion 24, portion 25, portion 31

5. The Property is owned by the State of Hawaii and leased to Lihue Plantation Co., Ltd.

6. The proposed project will utilize stream flows from the North Fork and the South Fork of the Wailua River to generate hydroelectric power. Water will be diverted from the North Fork into the South Fork by using the existing Stable Storm Ditch diversion and canal system operated by Lihue Plantation Company, Ltd.

7. The diversion dam and intake structure will be constructed approximately 1,000 feet upstream from the Wailua Falls. The diversion dam will create a 35-acre pool submerging lands mostly with steep slopes or flood plain areas not being used for agricultural purposes. Approximately 8.3 acres of the impoundment are currently in sugarcane cultivation.

8. A buried pipeline (penstock) varying in diameter from 96 inches to 84 inches and approximately 4,950 feet long will convey water from the diversion dam to a powerhouse approximately 1.5 miles downstream from the Wailua Falls. The flow will then be discharged from the powerhouse and returned to the natural channel of the Wailua River.

9. Petitioner proposes to maintain a minimum flow in Wailua River of 9,700,560 gallons per day or 15 cubic feet per second (cfs) to preserve the existing aquatic resources and the visual characteristics of Wailua Falls. Petitioner requires a minimum of 30 cfs to operate the power plant economically. When flows in the South Fork become less than 45 cfs, it will bypass the diversion dam and flow down the natural channel over Wailua Falls. All flows in excess of 380 cfs will also bypass the diversion dam.

10. In order to maintain the historic and existing diversion practices of Lihue Plantation Company, no new provisions will be added for any minimum bypass flows at the Stable Storm Ditch diversion. However, flows in excess of 100

cfs will bypass this diversion and will remain in the North Fork of the Wailua River.

11. A new transmission line approximately 2.2 miles in length will be constructed to interconnect the project with Kauai Electric facilities at the existing Lydgate Substation. The power will be sold to Kauai Electric which will in turn distribute it to their customers.

12. The project will cost approximately 9 million dollars and will generate about 17.5 million kilowatt hours (KWH) of electricity per year (equivalent to about 6% of electricity generated by Kauai Electric in 1986).

State and County Plans and Programs

13. The Property is located in the State Land Use Agricultural District.

14. The County General Plan for the area is Open/Agriculture and the zoning is Agriculture/Open.

15. The Property is not located within the County Special Management Area.

Summary of Agency Concerns

16. The County Public Works Department indicated that the proposed dam will be constructed across a floodway and that County Ordinance No. 416 prohibits construction of structures in the floodway. However, since the dam will not present any threat to surrounding property, the project will be exempt from the requirements of Ordinance No. 416.

17. The State Health Department indicated that the Petitioner should comply with air and water pollution mitigative measures.

18. In its approval of the CDUP for the portion of the project within the Conservation District, the Department of Land and Natural Resources (DLNR) imposed six conditions requiring Petitioner to 1) conduct a baseline study of the stream habitat, 2) set up an automatic flow recorder, 3) maintain a minimum 15 cfs conservation flow, 4) limit plant operation to times when the flow in the South Fork is between 45 and 380 cfs, 5) cease operation if DLNR determine impacts to be unacceptable, and 6) obtain approval for the location of the stream flow devices from the DLNR.

Impacts to the Environment

19. The Final Environmental Impact Statement for this project was accepted on May 21, 1986 by the DLNR for the CDUP.

20. Petitioner believes that no impacts to residences in the vicinity are foreseen because the nearest residential cluster is located over a mile away.

21. Approximately 5 acres of prime agricultural lands, meaning lands with a Land Study Bureau Master Productivity rating of "A" or "B", and currently in sugarcane cultivation will be temporarily disturbed by the installation of the penstock. After installation the penstock will be completely buried and the land will be restored to its former use for sugarcane cultivation.

An area of 8.3 acres will be removed from cane production by the impoundment but these lands are not designated "A" or "B" by the Land Study Bureau and are not considered by the County of Kauai as prime agricultural land.

Petitioner will fully compensate the Lihue Plantation for damages to crops caused by the construction of the project.

22. The proposed transmission line from the powerhouse to the existing Lydgate Power Station will cross over cultivated sugarcane lands. Potential conflicts could arise with harvest fires in the area of the power lines. Generally, a minimum of 35 feet height clearance is recommended by plantations to avoid conflicts with their operations. Petitioner proposes to resolve this with Lihue Plantation prior to construction.

23. Construction of the project will result in short-term impacts to stream water quality such as increased sedimentation and turbidity in the waters of both the project area and further downstream. Petitioner will comply with the State Health Department's dust and erosion control requirements to minimize these short-term impacts.

24. Petitioner believes the project will not adversely affect the environment below the Stable Storm Diversion on the North Fork because historic water diversion practices for agricultural purposes have already degraded the aquatic ecosystem directly downstream and existing aquatic resources

have been dependent on flows from the East Branch, North Fork downstream of the diversion structure.

Impacts to Wailua Falls Scenic Resource

25. Petitioner states that the proposed project will be designed to release a minimum flow of 15 cfs in the natural channel and onto the Wailua Falls. The history of stream flow measurements taken at the U.S.G.S. gauge No. 1606000 between 1911-1984 indicates that flows of 15 cfs or less occurred over the Wailua Falls, under natural conditions, 44% of the time or about 161 days of the year. As the project will divert flows from the North Fork into the South Fork, the frequency of low flows of 15 cfs or less will be reduced to 19% of the time or 70 days of each year.

Petitioner believes that the 15 cfs minimum bypass flow will maintain the scenic and visual qualities of the Wailua Falls.

Conformance With Special Permit Tests

26. The proposed use is not contrary to the objectives sought to be accomplished by the Land Use Laws and Regulations since certain portions of the project are on lands that are vacant and unsuited for agriculture. In addition, prime agricultural lands (lands rated "A" or "B" by the Land Study Bureau Master Productivity Rating System) that are disrupted during construction will be restored to their former use for sugarcane cultivation.

27. The desired use will not adversely affect surrounding properties.

28. The proposed use would not unreasonably burden public agencies to provide infrastructure improvements.

29. Although no unusual trends or conditions have arisen in this area since the district boundaries were established, the proposed project is in response to the State's Energy Functional Plans which promotes a shift from petroleum to indigenous renewable resources for the production of energy.

30. Portions of lands upon which the proposed use is sought are unsuited for uses permitted within the District and any prime agricultural lands that are disturbed during construction of the project will be restored to their former use for agricultural purposes.

Planning Commission Recommendation

At its meeting held on August 12, 1987, the Planning Commission voted to recommend approval of the above Special Permit, subject to the following conditions:

- "1. Requirements and conditions of the U.S. Army Corps of Engineers, State Department of Land and Natural Resources, Health Department, County Public Works Department shall be complied with and resolved with the respective agency(ies).
- "2. To minimize visual impacts as viewed from the Wailua Falls, the penstock shall be completely

shielded from public views during construction.
The penstock shall also be completely buried as represented by the applicant.

- "3. Mass grading, grubbing or removal of vegetation, that will be visible from the Wailua Falls lookout shall not be allowed.
- "4. Results of the baseline study and post-project studies as required of the applicant by the Board of Land and Natural Resources shall also be submitted to the Planning Department.
- "5. The Planning Commission shall reserve the right to modify or impose further conditions to this permit should unacceptable impacts, as determined by the Planning Commission to the scenic quality of the Wailua Falls. (sic)
- "6. As represented by the applicant, all prime ag (sic) lands disturbed by the project shall be restored to its (sic) former use and condition.
- "7. Public access to the dam and reservoir shall be provided for recreational purposes. Details for such an access will be resolved between the applicant and Lihue Plantation Company either through an easement, license or permit system.
- "8. The applicant is advised that prior to and/or during construction and use, additional government

agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)."

CONCLUSIONS OF LAW

The proposed use is an "unusual and reasonable" use as defined in Chapter 205-6, Hawaii Revised Statutes and the proposed use is not contrary to the objectives sought to be accomplished by the State Land Use Law to preserve, protect and encourage development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare.

ORDER

IT IS HEREBY ORDERED that Special Permit Number 87-366 filed by Island Power Company, Inc. to establish a hydroelectric power plant on approximately 69.3 acres, situate within the State Land Use Agricultural District at Koloa, Kauai, Tax Map Key Numbers 3-9-02: Portion 1, Portion 12, Portion 20, Portion 24, Portion 25, and Portion 31, be approved subject to the following conditions as recommend by the Kauai Planning Commission and as amended by the Land Use Commission:

1. Requirements and conditions of the U.S. Army Corps of Engineers, State Department of Land and Natural Resources, Health Department, County Public Works Department shall be complied with and resolved with the respective agency(ies).

2. In order to minimize visual impacts as viewed from the Wailua Falls, the penstock shall be completely shielded

from public views during construction. The penstock shall also be completely buried as represented by the applicant.

3. Mass grading, grubbing or removal of vegetation, that will be visible from the Wailua Falls lookout shall not be allowed.

4. Results of the baseline study and post-project studies as required of the applicant by the Board of Land and Natural Resources shall also be submitted to the Planning Department.

5. The Planning Commission shall reserve the right to modify or impose further conditions to this permit should unacceptable impacts, as determined by the Planning Commission, occur to the scenic quality of the Wailua Falls. Such modification or imposition of further conditions to this permit shall be subject to LUC approval.

6. As represented by the applicant, all prime agricultural lands disturbed by the project shall be restored to their former use and condition except 8.3 acres of agricultural land which will be submerged.

7. Public access to the dam and reservoir shall be provided for recreational purposes. Details for such an access will be resolved between the applicant and Lihue Plantation Company either through an easement, license or permit system.

8. The applicant is advised that prior to and/or during construction and use, additional government agency

conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies).

9. That the project be completed and operating within two years of the approval of the Special Use Permit.

10. That the Petitioner indemnify and hold harmless the State of Hawaii and all of its agencies or employees from any lawsuit or legal action arising directly or indirectly out of the design, construction and use of the project, including the dam and transmission lines, whether the use be for generation and conveyance of electrical power or for recreational use by members of the public.

DOCKET NO. SP87-366 - ISLAND POWER COMPANY, INC.

Done at Honolulu, Hawaii, this 23rd day of November 1987
per motions on September 29, 1987 and November 16, 1987.

LAND USE COMMISSION
STATE OF HAWAII

By *J. P. Tacbian*
TEOFILO PHIL TACBIAN
Chairman and Commissioner

By *Frederick P. Whittemore*
FREDERICK P. WHITTEMORE
Vice Chairman and Commissioner

By *[Signature]*
RICHARD B. F. CHOY
Commissioner

By *Sharon R. Himeno*
SHARON R. HIMENO
Commissioner

By *Robert S. Tamaye*
ROBERT S. TAMAYE
Commissioner

By *Toru Suzuki*
TORU SUZUKI
Commissioner

By *Lawrence F. Chun*
LAWRENCE F. CHUN
Commissioner

By *Everett L. Cuskaden*
EVERETT L. CUSKADEN
Commissioner

P-491 841 126

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

NOT FOR INTERNATIONAL MAIL

(See Reverse)

SP87-366/Island Power Company, Inc.

U.S.G.P.O. 153-506

PS Form 3800, June 1985

Sent to	Jeff Burt	
Street and No.	P. O. Box 625	
P.O., State and ZIP Code	Kalaheo 96741	
Postage	\$	.73
Certified Fee		.75
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt showing to whom and Date Delivered		.70
Return Receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees	\$	2.18
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 to the right of the return address 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 to the right of the return address 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.

SP87-366/Island Power Company, Inc.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Mr. Jeff Burt, President
Island Power Company, Inc.
P. O. Box 625
Kalaheo, HI 96741

4. Article Number

P 491 841 126

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

8. Addressee's Address (*ONLY if requested and fee paid*)

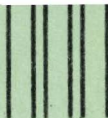
NOV 30 1987

**UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS**

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 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.



PENALTY FOR PRIVATE
USE, \$300

**RETURN
TO**



Print Sender's name, address, and ZIP Code in the space below.

State of Hawaii

LAND USE COMMISSION

Rm. 104, Old Federal Bldg.

335 Merchant Street

Honolulu, Hawaii 96813

P-491 841 125

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

NOT FOR INTERNATIONAL MAIL

(See Reverse)

SP87-366/Island Power Company, Inc.

U.S.G.P.O. 153-506

PS Form 3800, June 1985

Sent to Tom H. Shigemoto	
Street and No. 4280 Rice St.	
P.O., State and ZIP Code Lihue, 96766	
Postage	\$.73
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and date delivered	.70
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.18
Postmark or Date	



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CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address 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 to the right of the return address 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.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address.

2. ☐ Restricted Delivery.

3. Article Addressed to:

Mr. Tom H. Shigemoto
Planning Director
Kauai County Planning Dept.
4280 Rice Street
Lihue, HI 96766

4. Article Number

P 491 841 125

Type of Service:

☐ Registered
☒ Certified
☐ Express Mail

☐ Insured
☐ COD

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

V. Shigemoto

7. Date of Delivery

11/24/87

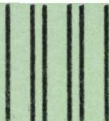
8. Addressee's Address (*ONLY if requested and fee paid*)

**UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS**

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 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.



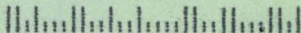
PENALTY FOR PRIVATE
USE, \$300

**RETURN
TO**



Print Sender's name, address, and ZIP Code in the space below.

State of Hawaii
LAND USE COMMISSION
Rm. 104, Old Federal Bldg.
335 Merchant Street
Honolulu, Hawaii 96813



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. SP87-366
	)	
ISLAND POWER COMPANY, INC.	)	ISLAND POWER COMPANY, INC.
	)	
For a Special Permit to Establish	)	
a Hydroelectric Powerplant and	)	
Related Uses on Approximately 69.3	)	
Acres of Land Within the Agricul-	)	
tural District at Wailua, Kauai,	)	
Tax Map Key Number: 3-9-02: portion	)	
1, portion 12, portion 20, portion	)	
24, portion 25, and portion 31	)	
	)	

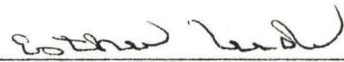
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

CERT. TOM H. SHIGEMOTO, Planning Director
County of Kauai
Planning Department
4280 Rice Street
Lihue, Kauai, Hawaii 96766

CERT. JEFF BURT, President
Island Power Company, Inc.
P. O. Box 625
Kalaheo, Kauai, Hawaii 96741

DATED: Honolulu, Hawaii, this 23rd day of November 1987.



ESTHER UEDA
Executive Officer



STATE OF HAWAII
DEPARTMENT OF BUSINESS
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street
Honolulu, Hawaii 96813 Telephone: 5-18-4611

JOHN WAIHEE
Governor

TEOFILO PHIL TACBIAN
Chairman

FREDERICK P. WHITTEMORE
Vice Chairman

COMMISSION MEMBERS:

Richard B.F. Choy
Lawrence F. Chun
Everett L. Cuskaden
Sharon R. Himeno
Toru Suzuki
Robert S. Tamaye
Renton L.K. Nip

ESTHER UEDA
Executive Officer

September 22, 1987

Mr. Jeff Burt, President
Island Power Company, Inc.
P. O. Box 625
Kalaheo, HI 96741

Dear Mr. Burt:

Enclosed is a Land Use Commission meeting agenda.

Please note that:

Special Permit 87-366/ISLAND POWER COMPANY, INC.

will be acted on at that time. We request that you or your representative attend this meeting. A copy of the Land Use Commission staff report is enclosed for your information.

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

Very truly yours,

ESTHER UEDA
Executive Officer

Enclosure: Agenda
LUC staff report



STATE OF HAWAII
DEPARTMENT OF BUSINESS
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE
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TEOFILO PHIL TACBIAN
Chairman

FREDERICK P. WHITEMORE
Vice Chairman

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Richard B.F. Choy
Lawrence F. Chun
Everett L. Cuskaden
Sharon R. Himeno
Toru Suzuki
Robert S. Tamaye
Renton L.K. Nip

ESTHER UEDA
Executive Officer

September 22, 1987

Mr. Avery Youn
Planning Director
County of Kauai
4280 Rice Street
Lihue, HI 96766

Dear Mr. Youn:

Enclosed is a Land Use Commission meeting agenda.

Please note that:

Special Permit SP87-366/ISLAND POWER COMPANY, INC.

will be acted on at that time. We request that you or your representative attend this meeting. A copy of the Land Use Commission staff report is enclosed for your information.

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

Very truly yours,

Esther Ueda

ESTHER UEDA
Executive Officer

Enclosure: Agenda
LUC staff report



STATE OF HAWAII
DEPARTMENT OF BUSINESS
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

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Lawrence F. Chun
Everett L. Cuskaden
Sharon R. Himeno
Toru Suzuki
Robert S. Tamaye
Renton L.K. Nip

ESTHER UEDA
Executive Officer

September 29, 1987

MEMORANDUM

TO: Land Use Commission

FROM: Staff *Esther Ueda*

SUBJECT: Special Permit Request No. 87-366 Filed by Island Power Company, Inc. to Establish a Hydroelectric Power Plant

Procedural Matters

The Special Permit application (Permit) by Island Power Company, Inc. (Petitioner) was received by the Kauai Planning Department on June 4, 1987.

The Kauai County Planning Commission conducted a public hearing on the Permit on August 12, 1987. David Boynton testified as a public witness.

On August 12, 1987, the Kauai Planning Commission voted to recommend approval of the request subject to eight conditions.

A copy of the record of the proceeding before the Kauai Planning Commission was received by the Land Use Commission on August 24, 1987.

Description of the Property
Summary of Proposed Use

Petitioner proposes to construct and operate a hydroelectric power plant on the Wailua River South Fork. Improvements will consist of a diversion dam measuring 400 feet long by 23 feet high, a power plant and installation of a 4,950 feet long penstock (pipeline for conveying water) from the dam to the power plant and power transmission lines from the power plant to the Lydgate Electric Substation. Petitioner also proposes modifications to an existing diversion structure of the Stable Storm Ditch located at Wailua River North Fork.

The proposed hydroelectric power plant impacts lands in the State Land Use Agricultural and Conservation Districts. A Conservation District Use Permit ("CDUP") for improvements located in the Conservation District was approved by the Board of Land and Natural Resources on August 8, 1986.

Components of the proposed power plant that are located in the State Land Use Agricultural District and subject to this Special Permit request are:

Item No.	Description of Improvements	TMK(s) Affected	Area of Use in Acres (Approx.)
A	CONCRETE DAM	3-9-02:1	0.1
		3-9-02:20	0.1
		3-9-02:31	<u>0.5</u>
		Sub Total Area:	0.7
B	DIVERSION IMPOUNDMENT - Approx. 35 acres of surface water area to maximum pool level of 274.5 feet above mean sea level within existing flood plain of South Fork of Wailua River	3-9-02:1	13.0
		3-9-02:20	7.0
		3-9-02:31	<u>15.0</u>
		Sub Total Area:	35.0
C	PENSTOCK - being a strip of land 50 ft. wide, 25 ft. on either side of centerline	3-9-02:1	<u>3.7</u>
		Sub Total Area:	3.7
D	ELECTRIC TRANSMISSION LINE - being a 50-ft.-wide strip of land, 25 ft. on either side of centerline	3-9-02:12	4.8
		3-9-02:24	3.9
		3-9-02:25	<u></u>
		Sub Total Area:	8.7
Grand Total Area:			48.1 acs.
			(the "Property")

(Source: DLNR Staff Report Exhibit "A")

Portions of the proposed power plant located within the Conservation District include: tailrace facilities, portions of the penstock (about 2.0 acres), portions of the electrical transmission line (about 4.3 acres), and the north fork diversion structure.

Roadways make up the balance of the proposed project and lie in both the Conservation and Agricultural Districts.

The Property is owned by the State of Hawaii and leased to Lihue Plantation Co., Ltd.

The proposed project will utilize stream flows from the North Fork and the South Fork of the Wailua River to generate hydroelectric power. Water will be diverted from the North Fork into the South Fork by using the existing Stable Storm Ditch diversion and canal system operated by Lihue Plantation Company, Ltd.

The diversion dam and intake structure will be constructed approximately 1,000 feet upstream from the Wailua Falls. The diversion dam will create a 35-acre pool submerging lands mostly with steep slopes or flood plain areas not being used for agricultural purposes. Approximately 8.3 acres of the impoundment are currently in sugarcane cultivation.

A buried pipeline (penstock) varying in diameter from 96 inches to 84 inches and approximately 4,950 feet long will convey water from the diversion dam to a powerhouse approximately 1.5 miles downstream from the Wailua Falls. The flow will then be discharged from the powerhouse and returned to the natural channel of the Wailua River.

Petitioner proposes to maintain a minimum flow in Wailua River of 9,700,560 gallons per day or 15 cubic feet per second (cfs) to preserve the existing aquatic resources and the visual characteristics of Wailua Falls. Petitioner requires a minimum of 30 cfs to operate the power plant economically. When flows in the South Fork become less than 45 cfs, it will bypass the diversion dam and flow down the natural channel over Wailua Falls. All flows in excess of 380 cfs will also bypass the diversion dam.

In order to maintain the historic and existing diversion practices of Lihue Plantation Company, no new provisions will be added for any minimum bypass flows at the Stable Storm Ditch diversion. However, flows in excess of 100 cfs will bypass this diversion and will remain in the North Fork of the Wailua River.

A new transmission line approximately 2.2 miles in length will be constructed to interconnect the project with Kauai Electric facilities at the existing Lydgate Substation. The power will be sold to Kauai Electric which will in turn distribute it to their customers.

The project will cost approximately 9 million dollars and will generate about 17.5 million kilowatt hours (KWH) of electricity per year (equivalent to about 6% of electricity generated by Kauai Electric in 1986).

State and County Plans and Programs

The Property is located in the State Land Use Agricultural District.

The County General Plan for the area is Open/Agriculture and the zoning is Agriculture/Open.

The Property is not located within the County Special Management Area.

Summary of Agency Concerns

The County Public Works Department indicated that the proposed dam will be constructed across a floodway and that County Ordinance No. 416 prohibits construction of structures in the floodway. However, since the dam will not present any threat to surrounding property, the project will be exempt from the requirements of Ordinance No. 416.

The State Health Department indicated that the Petitioner should comply with air and water pollution mitigative measures.

In its approval of the CDUP, the Department of Land and Natural Resources (DLNR) imposed the following conditions:

- "1. to insure that the construction impacts and conservation flow recommendations do not result in adverse impacts to native aquatic species, a baseline and post-project studies be conducted. The studies be funded by the applicant and the scope of these studies should be determined in coordination with this Department. In addition pre- and post-project water quality monitoring be conducted;
- "2. that an automatic flow recorder be set up downstream of the diversion dam intake to monitor conservation flow compliance;
- "3. that the minimum conservation flow for this project is 15 cfs;
- "4. that the times of plant operation be limited to periods when flow in the South Fork is between 45 and 380 cfs;
- "5. that the applicant agrees to cease construction or power plant operation should unacceptable impacts, as determined by this Department, to fish, wildlife or riparian resources occur, at least until mitigation measures are taken;

"6. that the location of the stream flow devices used to measure minimum conservation flow and to measure stream flow for purposes of the 45 cfs and the 15 cfs be approved by the Department."

Impacts to the Environment

The Final Environmental Impact Statement for this project was accepted on May 21, 1986 by the DLNR for the CDUP.

The nearest residential cluster is located over a mile away from the project site and therefore no impacts to residences in the vicinity are foreseen.

Approximately 13.3 acres of prime agricultural lands currently in sugarcane cultivation will be disturbed by the impoundment and the installation of the penstock. However, the penstock will be completely buried and the land, consisting of approximately 5 acres, will be restored to its former use for sugarcane cultivation. The applicant intends to fully compensate the Lihue Plantation for damages to crops caused by the construction of the project.

The proposed transmission line from the powerhouse to the existing Lydgate Power Station will cross over cultivated sugarcane lands. Potential conflicts could arise with harvest fires in the area of the power lines. Generally, a minimum of 35 feet height clearance is recommended by plantations to avoid conflicts with their operations. This issue needs to be resolved between the Petitioner and Lihue Plantation.

Construction of the project will result in short-term impacts to stream water quality such as increase sedimentation and turbidity in the waters of both the project area and further downstream. Petitioner will comply with the State Health Department's dust and erosion control requirements to minimize these short-term impacts.

Relative to the impact of the project to the North Fork of the Wailua River, all flows in excess of 100 cfs will bypass the Stable Storm Diversion in the North Fork and remain in the natural channel. Historic water diversions practices for agricultural purposes has degraded the aquatic value further downstream from the Stable Storm Diversion. Existing aquatic resources have been dependent on flows from the East Branch, North Fork downstream of the diversion structure. As such, the project is not anticipated to adversely affect the environment below the Stable Storm Diversion on the North Fork.

Impacts to Wailua Falls Scenic Resource

The proposed project will be designed to release a minimum flow of 15 cfs in the natural channel and onto the Wailua Falls. The history of stream flow measurements taken at the U.S.G.S. gauge No. 1606000 between 1911-1984 indicates that flows of 15 cfs or less occurred over the Wailua Falls, under natural conditions, 44% of the time or about 161 days of the year. As the project will divert flows from the North Fork into the South Fork, the frequency of low flows of 15 cfs or less will be reduced to 19% of the time or 70 days of each year.

Petitioner believes that the 15 cfs minimum bypass flow will maintain the scenic and visual qualities of the Wailua Falls.

Conformance With Special Permit Tests

In support of its recommendation; the County Planning Department provided the following:

- "1. such use is not contrary to the objectives sought to be accomplished by the Land Use Laws and Regulations since certain portions of the project are on lands that are vacant and unsuited for agriculture. In addition, prime ag lands that are disrupted during construction will be restored to its former use for sugarcane cultivation;
- "2. the desired use will not adversely affect surrounding properties;
- "3. such use would not unreasonably burden public agencies to provide infrastructure improvements;
- "4. although no unusual trends or conditions has arisen in this area since the district boundaries were established, the proposed project is in response to the State's Energy Functional Plans which promotes a shift from petroleum to indigenous renewable resources for the production of energy; and
- "5. that certain lands upon which the proposed use is sought is unsuited for uses permitted within the District and that all prime ag lands that are disturbed during construction of the project will be restored to its former use for agricultural purposes."

Planning Commission Recommendation

At its meeting held on August 12, 1987, the Planning Commission voted to recommend approval of the above Special Permit, subject to the following conditions:

- "1. Requirements and conditions of the U.S. Army Corps of Engineers, State Department of Land and Natural Resources, Health Department, County Public Works Department shall be complied with and resolved with the respective agency(ies).
- "2. To minimize visual impacts as viewed from the Wailua Falls, the penstock shall be completely shielded from public views during construction. The penstock shall also be completely buried as represented by the applicant.
- "3. Mass grading, grubbing or removal of vegetation, that will be visible from the Wailua Falls lookout shall not be allowed.
- "4. Results of the baseline study and post-project studies as required of the applicant by the Board of Land and Natural Resources shall also be submitted to the Planning Department.
- "5. The Planning Commission shall reserve the right to modify or impose further conditions of this permit should unacceptable impacts, as determined by the Planning Commission to the scenic quality of the Wailua Falls.
- "6. As represented by the applicant, all prime ag lands disturbed by the project shall be restored to its former use and condition.
- "7. Public access to the dam and reservoir shall be provided for recreational purposes. Details for such an access will be resolved between the applicant and Lihue Plantation Company either through an easement, license or permit system.
- "8. The applicant is advised that prior to and/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)."

LUC Staff Comments

Staff points out the following:

--conditions imposed by the Kauai Planning Commission do not include a condition regarding the timeframe to establish the proposed hydroelectric power plant.

--the Planning Commission's Condition No. 6 states "As represented by the applicant, all prime ag lands disturbed by the project shall be restored to its former use and condition," inasmuch as the Petitioner will be submerging approximately 8.3 acres of prime agricultural land for the proposed diversion impoundment, Petitioner should clarify how the proposed project will meet this condition.

--Staff discussions with Petitioner on September 16, 1987, indicated that the island created by the proposed diversion dam impoundment is also part of the permit request. This area is identified as Tax Map Key No. 3-9-2: portion of 20, consisting of approximately 3 acres, should be added to the 48.1 acre (the "Property") for a total Permit request area of 51.1 acres.

--inasmuch as the Property is owned by the State, Petitioner should clarify whether the State has authorized it to apply for the Special Permit

The following materials are provided for your information:

- 1) Letter from Avery Youn to Land Use Commission dated August 17, 1987
- 2) County of Kauai Planning Department Staff Report
- 3) County of Kauai Planning Department Staff Evaluation and Recommendation
- 4) Comments of the County Department of Public Works
- 5) Transcripts of the August 12, 1987 Public Hearing
- 6) Application of Island Power Company, Inc. dated June 4, 1987
- 7) Letter from DLNR to Jeff Burt of Island Power Company, Inc. dated January 21, 1987 with copy of December 19, 1986 DLNR staff report
- 8) Updated Wailua Hydroelectric Project Schedule (Figure B-5-1)

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

House Conference Room 310
State Capitol
Honolulu, Hawaii

September 29, 1987

approved
10128187

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Frederick P. Whittemore, Vice-Chairman
Richard Choy
Toru Suzuki
Robert Tamaye
Lawrence Chun
Everett Cuskaden
Renton L.K. Nip (Portion of Proceeding)
Sharon R. Himeno

STAFF PRESENT: Esther Ueda, Executive Officer
Benjamin Matsubara, Special Deputy
Attorney General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk

Julie Sorenson Laber, Court Reporter

Chairman Tacbian called the meeting to order.

ACTION

* SP87-366 - ISLAND POWER COMPANY, INC. (Kauai)

Chairman Tacbian announced that the Commission would take action on this special use permit.

Ray Young, Staff Planner, oriented the Commission to the area being requested and gave a summary report of the special use permit request by Petitioner to allow construction of a hydroelectric power generating facility on approximately 69.3 acres of land within the Agricultural District at Wailua, Kauai.

After hearing comments from Petitioner, Merv Kimura, and Tom Shigemoto of the County of Kauai, questions were asked by the Commissioners.

Commissioner Cuskaden moved to approve SP87-366 - Island Power Company, Inc. to allow construction of a hydroelectric power generating facility on approximately 69 acres of land within the Agricultural District at Wailua, Kauai subject to the following conditions:

1. Requirements and conditions of the U.S. Army Corps of Engineers, State Department of Land and Natural Resources, Health Department, County Public Works Department shall be complied with and resolved with the respective agency(ies).
2. In order to minimize visual impacts as viewed from the Wailua Falls, the penstock shall be completely shielded from public views during construction. The penstock shall also be completely buried as represented by the applicant.
3. Mass grading, grubbing or removal of vegetation, that will be visible from the Wailua Falls lookout shall not be allowed.
4. Results of the baseline study and post-project studies as required of the applicant by the Board of Land and Natural Resources shall also be submitted to the Planning Department.
5. The Planning Commission shall reserve the right to modify or impose further conditions of this permit should unacceptable impacts, as determined by the Planning Commission occur to the scenic quality of the Wailua Falls subject to further LUC approval.
6. As represented by the applicant, all prime agricultural lands disturbed by the project shall be restored to its former use and condition.
7. Public access to the dam and reservoir shall be provided for recreational purposes. Details for such an access will be resolved between the applicant and Lihue Plantation Company either through an easement, license or permit system.

8. The applicant is advised that prior to and/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)."
9. That the project be completed and operating within two years of the approval of the Special Use Permit.
10. That the Petitioner indemnify and hold harmless the State of Hawaii and all of its agencies and/or employees for any lawsuit or legal action relating in any way to the design, construction and use of the project, including the dam and transmission lines, and whether said use is for generation and conveyance of electrical power or for recreational use by members of the public.

The motion was seconded by Commissioner Whittemore.

Commissioner Chun moved to amend condition number 6, "As represented by the applicant, all prime agricultural lands disturbed by the project shall be restored to its former use and condition except 8.3 acres of agricultural land that will be submerged. The motion to amend condition number 6 was unanimously carried by voice votes.

The motion to approve the petition subject to ten conditions as amended was unanimously carried by the following voice votes.

Ayes: Commissioner Cuskaden, Whittemore, Choy, Himeno, Tamaye, Suzuki, Chun, and Chairman Tacbian.

HEARING

A87-613 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED

Pursuant to a notice published in the Honolulu Star Bulletin on August 14, 1987 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of

the petition of The Trustees Under the Will and of the Estate of James Campbell, Deceased to reclassify approximately 890 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii for a residential and business community.

Appearances

Ivan Lui-Kwan, Esq., Attorney for the Petitioner
Stanley Suyat, Esq., Attorney for the Petitioner

David Laxson, Esq., Deputy Corporation Counsel, City and County of Honolulu
Betsy Marcinkus, Department of General Planning, City and County of Honolulu, City and County of Honolulu

John Anderson, Esq., Deputy Attorney General, Department of Business and Economic Development
Abe Mitsuda, Acting Administrator, Land Use Division, Department of Business and Economic Development

EXHIBITS

Petitioner's Exhibit A through Y were entered and admitted into evidence with State's noted objections.

Raymond Young, Staff Planner, oriented the Commission to the area being requested for reclassification on the USGS and tax maps.

Commissioner Nip joined the proceeding at this time.

PUBLIC WITNESSES:

1. Sharlyne Palacio, Administrative Assistant for the ILWU, was not present to testify at this time.

2. The Commission approved the Navy's request to testify at the continued hearing on this petition.

PETITIONER'S WITNESSES

1. Herbert Cornuelle

MISCELLANEOUS:

1. The Commission appointed Chairman Tacbian to be hearing officer for the meeting set for October 14, 1987 in Kona on Docket No. A83-554 Farms of Kapua.

2. The Commission authorized Benjamin Matsubara, LUC counsel, to intervene, if appropriate, in Civil No. 87-0403(3), Fred Rohlfing, Corp. Counsel vs. William Kapuni dba Molokai Luau.

3. The Commission approved Benjamin Matsubara's recommendation to accept the Motion to Withdraw Petition filed by Petitioner in Docket No. A87-611 Daniel Tsugio Graham and Charlotte Kobayashi Graham.

4. Adoption of Decision and Orders

The Decision and Order for the following docket was adopted:

SP87-363 Molokai Concrete and Aggregates, Inc.

5. Adoption of Minutes

The minutes for the following meeting dates were approved as circulated: August 26 and 27, 1987; September 9, 1987; and September 17, 1987

A field trip to the petition site was scheduled for this afternoon.

The meeting was adjourned at 12:30 p.m.

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

September 29, 1987 - 9:00 a.m.
and September 30, 1987*

House Conference Room 310
State Capitol
Honolulu, Hawaii

REC'D. BY

1987 SEP 14 PM 2 51

LI. GOVERNOR'S OFFICE

A G E N D A

I. ACTION

1. SP87-366 ISLAND POWER COMPANY, INC. (Kauai)

To allow construction of a hydroelectric power generating facility on approximately 69.3 acres of land within the Agricultural District at Wailua, Kauai.

II. HEARING

1. A87-613 THE TRUSTEES UNDER THE WILL AND OF THE ESTATE
OF JAMES CAMPBELL, DECEASED

To reclassify approximately 890 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii, for a residential and business community.

III. MISCELLANEOUS

1. Adoption of Decision and Orders
2. Adoption of Minutes
3. Tentative Meeting Schedule

*Meeting will continue on September 30, 1987 only if not completed on September 29, 1987.

P 491 841 168

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

NOT FOR INTERNATIONAL MAIL

(See Reverse)

SP87-366-ISLAND POWER CO., INC.

U.S.G.P.O. 153-506

PS Form 3800, June 1985

Sent to Jeff Burt	
Street and No. P.O. Box 625	
P.O., State and ZIP Code Kalaheo, Kauai 96741	
Postage	\$.22
Certified Fee	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	.70
Return Receipt showing to whom Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 1.67
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 to the right of the return address 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 to the right of the return address 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.
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3. Article Addressed to:

Jeff Burt
P.O. Box 625
Kalaheo, Kauai, HI 96741

4. Article Number

P491-841-168

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
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5. Signature — Addressee

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PENALTY FOR PRIVATE
USE, \$300

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TO



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State of Hawaii
LAND USE COMMISSION
Rm. 104, Old Federal Bldg.
335 Merchant St.
Honolulu, Hawaii

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

September 14, 1987

Mr. Jeff Burt, President
P.O. Box 625
Kalaheo, Kauai, Hawaii 96741

Dear Mr. Burt:

Enclosed is a Land Use Commission meeting agenda.

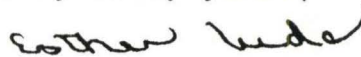
Please note that petition (s)

SP87-366 - ISLAND POWER COMPANY, INC. (Kauai)

will be acted on at that time. We request that you or your representative attend this meeting.

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

Very truly yours,



ESTHER UEDA
Executive Officer

Enclosure: Agenda

P-491 841 169

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SP87-366-ISLAND POWER CO., INC.

U.S.G.P.O. 153-506

PS Form 3800, June 1985

Sent to	
Avery Youn	
Street and No.	
4280 Rice Street	
P.O., State and ZIP Code	
Lihue, Kauai 96766	
Postage	\$
	.22
Certified Fee	
	.75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
	.70
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
	1.67
Postmark or Date	



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3. Article Addressed to:

Avery Youn
4280 Rice Street
Lihue, Kauai, HI 96766

4. Article Number

P-491-841-169

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

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5. Signature — Addressee

X

6. Signature — Agent

X

Vincent S. Sigafoos

7. Date of Delivery

9-17 RD

8. Addressee's Address (*ONLY if requested and fee paid*)

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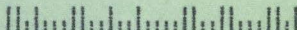
PENALTY FOR PRIVATE
USE, \$300

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TO



Print Sender's name, address, and ZIP Code in the space below.

State of Hawaii
LAND USE COMMISSION
Rm. 104, Old Federal Bldg.
335 Merchant Street
Honolulu, Hawaii 96813



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

September 14, 1987

Mr. Avery Youn, Planning Director
Planning Department, County of Kauai
4280 Rice Street
Lihue, HI 96766

Dear Mr. Youn:

Enclosed is a Land Use Commission meeting agenda.

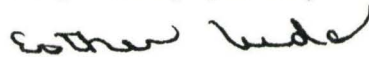
Please note that petition (s)

SP87-366 - ISLAND POWER COMPANY, INC. (Kauai)

will be acted on at that time. We request that you or your representative attend this meeting.

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

Very truly yours,



ESTHER UEDA
Executive Officer

Enclosure: Agenda



STATE OF HAWAII
DEPARTMENT OF BUSINESS
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street
Honolulu, Hawaii 96813 Telephone: 548-4611

JOHN WAIHEE
Governor

TEOFILO PHIL TACBIAN
Chairman

FREDERICK P. WHITEMORE
Vice Chairman

COMMISSION MEMBERS:

Richard B.F. Choy
Lawrence F. Chun
Everett L. Cuskaden
Sharon R. Himeno
Toru Suzuki
Robert S. Tamaya
Renton L.K. Nip

ESTHER UEDA
Executive Officer

September 3, 1987

Mr Avery Youn, Director
Planning Department
County of Kauai
4280 Rice Street
Lihue, Hawaii 96766

Dear Mr. Youn:

Subject: Land Use Commission Special Permit No. SP87-366/Island Power
Company, Inc.

We have reviewed the record for the subject Special Permit transmitted with your letter dated August 17, 1987, and find that the following items are missing or need to be clarified:

- 1) A map reflecting the specific location, acreage and tax map key number or portions affected for the special Permit should be provided;
- 2) Further information should be provided as to whether the Applicant has the approval of the appropriate landowners to apply for the Special Permit, or whether any lease agreement, or such similar document has been executed for the proposed project;
- 3) We understand that the Final Environmental Impact Statement (FEIS) is part of the official record for the Special Permit, however, the County does not have an extra copy for the Commission's records. We have obtained a copy of the FEIS from Mr. Merv Kimura of Island Power, Inc.
- 4) We note that the proposed project schedule on page B-27 of Petitioner's FEIS is outdated. We would appreciate any updated information that the County might have that was not included in the materials submitted to us.

We appreciate your assistance in providing the additional material/information requested. If you have any questions on this matter, please call me or my staff at 548-4611.

Sincerely,

ESTHER UEDA
Executive Officer

EU:to

cc: Island Power Company, Inc.



STATE OF HAWAII
DEPARTMENT OF BUSINESS
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Room 104, Old Federal Bldg., 335 Merchant Street
Honolulu, Hawaii 96813 Telephone: 548-4611

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Sharon R. Himeno
Toru Suzuki
Robert S. Tamaye
Renton L.K. Nip

ESTHER UEDA
Executive Officer

September 2, 1987

Mr. Avery Youn, Planning Director
Kauai County Planning Department
4280 Rice Street
Lihue, Kauai, Hawaii 96766

Dear Mr. Youn:

This to acknowledge receipt of the record for the following
special use permit transmitted with your letter dated
August 17, 1987.

DOCKET NO./PETITION: Sp87-366 - Island Power Company, Inc.

(SP-87-16) (Kauai)

TAX MAP KEY: 3-9-02: 1, 20, 31, 33

LOCATION: Wailua, Kauai

USE REQUESTED: Hydro-electric plant

DATE FILED: August 24, 1987

In accordance with Section 205-6, Hawaii Revised Statutes,
the Land Use Commission will act on this petition within 45
days of receipt of the complete record on this request.

If you have any questions on this matter, please feel free
to contact us.

Sincerely,

ESTHER UEDA
Executive Officer

cc: Petitioner

TONY T. KUNIMURA
MAYOR



AVERY H. YOUN
PLANNING DIRECTOR

TOM H. SHIGEMOTO
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3919

COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

August 17, 1987

State of Hawaii
Land Use Commission
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813

Aug 24 2 09 PM '87
LAND USE COMMISSION
STATE OF HAWAII

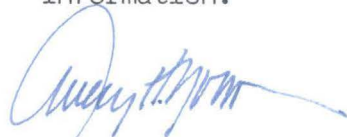
Subject: Application for Special Permit
Our File No. SP-87-16
Island Power Company, Inc.
TMK: 3-9-02: 1,20,31,33, Wailua, Kauai

The Planning Commission at its meeting held on August 12, 1987, voted 4 to 0 to recommend approval of the above Special Permit, subject to the following conditions:

1. Requirements and conditions of the U.S. Army Corps of Engineers, State Department of Land and Natural Resources, Health Department, County Public Works Department shall be complied with and resolved with the respective agency(ies).
2. To minimize visual impacts as viewed from the Wailua Falls, the penstock shall be completely shielded from public views during construction. The penstock shall also be completely buried as represented by the applicant.
3. Mass grading, grubbing or removal of vegetation, that will be visible from the Wailua Falls lookout shall not be allowed.
4. Results of the baseline study and post-project studies as required of the applicant by the Board of Land and Natural Resources shall also be submitted to the Planning Department.

5. The Planning Commission shall reserve the right to modify or impose further conditions of this permit should unacceptable impacts, as determined by the Planning Commission to the scenic quality of the Wailua Falls.
6. As represented by the applicant, all prime ag lands disturbed by the project shall be restored to its former use and condition.
7. Public access to the dam and reservoir shall be provided for recreational purposes. Details for such an access will be resolved between the applicant and Lihue Plantation Company either through an easement, license or permit system.
8. The applicant is advised that prior to and/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies).

In accordance with provisions under Section 205-6, HRS, we herewith transmit for your consideration the foregoing applicaton, together with pertinent information.



AVERY H. YOUN
Planning Director

cc: Applicant
Mayor
Pub. Works Dept.
Water Dept.
State Health Dept.
Real Prop. Div.
State Dept. of Ag.

I hereby certify that this letter represents a true and correct record of the subject action.


Elaine S. Kashiwabara, Hearings Reporter

COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

Hearing date August 12, 1987
Action deadline Sept. 23, 1987
Add.hearing dates _____

ZA Deadline for Council
Transmittal _____

STAFF REPORT

PROJECT: Special Permit SP-87-16
Use Permit II-87-50
Class IV Zoning Permit Z-IV-87-63

APPLICANT: Island Power Company, Inc.

FINDINGS

LOCATION: Wailua, Kauai Approximately 1,000 feet upstream from the
Wailua Falls.

TAX MAP KEY: 3-9-02:1,20,31,33 AREA: 69.3 acres ZONING: Ag/Open
STATE LUC: Ag. GENERAL PLAN: Open/Agriculture EXIST.USE: Open/ Ag.

ACTIONS REQUIRED: A Special Permit is required since the proposed use is not
generally permitted in the State Land Use Agricultural District. A Use Permit
is required since the proposed use is not generally permitted in the Open and
Agriculture Districts. A Class IV Zoning Permit is a procedural requirement
in obtaining a use permit.

PROJECT DESCRIPTION AND USE: The applicant proposes to construct a hydro-electric
power plant by undergoing the following: 1. construct a diversion dam measuring
400 feet long by 23 ft. high, which will create a 35 acre impoundment 1,000
feet upstream from the Wailua Falls. 2. install a 4,950 ft. long penstock
comprised of 96 inch spiral rib pipe and 84 inch steel pipe. 3. undergo
modifications to the existing diversion structure on the North Fork of Wailua
River. Other improvements are within the Conservation District.

LEGAL REQUIREMENTS: The applicant has complied with Ord. No 402, relating to
Public Hearing Notice Requirements. An Environmental Impact Statement has
been prepared for the project. A Conservation District Use Application for
the project has been approved by the Board of Land and Natural Resources on
on August 8, 1986.

APPLICANT'S REASONS/JUSTIFICATION:

See Attached

Aug 24 2 09 PM '87
LAND USE COMMISSION
STATE OF HAWAII

APPLICANT'S REASONS/JUSTIFICATION:

The applicant has provided the following justification:

"The indicated lands are presently within Agricultural and Open zoned District Boundaries. The intended use for the project lands involved in this application is in keeping with State energy self-sufficiency goals. The applicant has successfully negotiated a lease agreement with the present land users and has offered compensation for lands displaced from agricultural production."

FINDINGS:

Project Description - The applicant proposes to construct and operate a hydroelectric power plant on the South Fork of the Wailua River. The project will cost approximately 9 million dollars to construct and will generate about 17.5 million kilowatt hours (KWH) of electricity per year.

The proposed project will utilize stream flows from the North Fork and the South Fork of the Wailua River to generate hydroelectric power. Water will be diverted from the North Fork into the South Fork by using the existing Stable Storm Ditch diversion and canal system operated by Lihue Plantation Company, Ltd. Some modifications will be made to the existing diversion structure on the North Fork of the Wailua River to facilitate the diversion of flows up to 100 cfs into the Stable Storm Ditch. No modifications will be made to the Stable Storm Ditch.

A new diversion weir and intake structure will be constructed on the South Fork approximately 1,000 feet upstream from the Wailua Falls. The intake structure will be screened to prevent entrainment of fish. The diversion dam will create a 35-acre pool. Lands which will be submerged are mostly steep sloped or flood plain areas and are not being used for agricultural purposes. A buried pipeline (penstock) varying in diameter from 96 inches to 84 inches and approximately 4,950 feet long will convey water from the diversion dam to a powerhouse approximately 1.5 miles downstream from the Falls. The flow will then be discharged from the powerhouse and return to the natural channel of the Wailua River.

In order to maintain the historic and existing diversion practices of Lihue Plantation Company, no new provisions will be added for any minimum bypass flows at the Stable Storm Ditch diversion. However, flows in excess of 100 cfs will bypass this diversion and will remain in the North Fork of the Wailua River. A minimum flow of 9,700,560 gallons per day or 15 cfs will bypass the new diversion weir on the South Fork of the Wailua River to preserve the existing aquatic resources and to preserve the visual characteristics of Wailua Falls. When flows in the South Fork become less than 45 cfs, they will bypass the new diversion weir and flow down the natural channel over Wailua Falls. All flows in excess of 380 cfs will also bypass the new weir. Although flows of 15 cfs or less occur frequently in the South Fork of the Wailua River, the proposed project will decrease the frequency of flows in this range. However, the proposed project will increase the frequency of flows in the range of 15-45 cfs.

A new transmission line approximately 2.2 miles in length will be constructed to interconnect the project with Kauai Electric at the existing Lydgate Substation. The project power will be sold to Kauai Electric which will then be distributed to their customers. The attached figure indicates that in 1981, total generated electricity for the island of Kauai was 219 million kilowatt hours. 60.1% of the electricity was produced by oil, 33.3% by bagasse, and 6.6% by hydroelectric power.

More current data obtained from the Kauai Electric division indicates that the total generated power for 1986 was 271 million kilowatt hours. Approximately 62% of the electricity was generated by oil, and 38% (104,146,000 KWH) was produced by bagasse and hydroelectric power combined. Based on the total generated electricity for 1986 (271,656,000 KWH) the projected 17.5 million KWH of the proposed project would represent 6% of the total annual generated energy.

Surroundings - Sugar cane fields surround the project areas and there are no residences in the area. Approximately 5 acres of prime agricultural land will be affected by installation of the penstock over sugar cane fields owned by Lihue Plantation. Once the penstock has been completely buried, the lands will be restored to their former state and use for sugar cane cultivation.

Soils - In accordance with the Land Study Bureau's Detailed Land Classification Study for the island of Kauai, the soils of the diversion dam site are classified by the number code E-89 and E-90. This represents a low soil productivity rating relative to agricultural use, containing non-stony to rocky soils with 36-80 percent slopes.

The penstock will involve soils that are classified by the number codes: B-78, D-11, E-89, E-90, E-92, C-79. The majority of the codes represents a low soil productivity. The code B-78, represents a moderate to good agricultural productivity rating.

Use Permit Criteria - In accordance with the use permit criteria, a use permit may be granted if the proposal is a compatible use and is not detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the community, and will not cause any substantial harmful environmental consequences on the land of the applicant or on other lands or waters.

SPECIAL PERMIT CRITERIA:

In accordance with the State Land Use Regulations, certain "unusual and reasonable" uses within the Agricultural District other than those for which the district is classified may be permitted. The following tests are applied:

1. Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

2. That the desired use would not adversely affect surrounding property.
3. Such use would not unreasonably burden public agencies to provide infrastructure improvements.
4. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.
5. That the land upon which the proposed use is sought is unsuited for uses permitted within the district.

AGENCY COMMENTS:

PUBLIC WORKS DEPARTMENT: (See attachment)

WATER DEPARTMENT:

We do not have a County domestic water system in this area; therefore, we have no comments to this Zoning , Use and Special Permit Application.

STATE HEALTH DEPARTMENT:

Our concerns are as follows:

1. Applicant shall comply with air and water pollution mitigative measures contained in the EIS for this project.
2. We reserve the right to implement further environmental health requirements when more detailed plans are submitted to our department.

STATE DEPARTMENT OF LAND & NATURAL RESOURCES: (See attachment)


for Myles Hironaka
CZM Planner

8/5/87

LAND USE COMMISSION
STATE OF HAWAII
AUG 24 2 09 PM '87

RE: Special Permit SP-87-16
Use Permit U-87-50
Class IV Zoning Permit Z-IV-87-63

APPLICANT: Island Power Company, Inc.

EVALUATION:

In evaluating the proposal relative to the Use Permit criteria, the following are considered:

Impacts to Surroundings - The nearest residential cluster is located over a mile away from the project site and therefore no impacts to residences in the vicinity are foreseen.

Approximately 5 acres of prime ag lands, currently being used to cultivate sugar cane will be disturbed by the installation of the penstock. However, the penstock will be completely buried and the land will be restored to its former use for sugar cane cultivation. The applicant intends to fully compensate the Lihue Plantation for damages to crops caused by the construction of the project.

The proposed transmission line from the powerhouse to the existing Lydgate Power Station will cross over cultivated sugar cane lands. Potential conflicts could arise with harvest fires in the area of the power lines. Generally, a minimum of 35 feet height clearance is recommended by plantations to avoid conflicts with their operations. This issue needs to be resolved between the applicant and Lihue Plantation.

The majority of the area to be occupied by the diversion weir and 35-acre pool are lands within the existing flood plain and channel of the Wailua River. Due to the steepness of the terrain, these lands have not been used for agricultural purposes.

Impacts to Environment - Construction of the project will result in short-term impacts to stream water quality. Activities such as excavation and placement of fill material will increase sedimentation and turbidity in the waters of both the project area and further downstream. Compliance with the State Health Department's dust and erosion control requirements will help to minimize these short-term impacts.

Concerns of the project's effect on the reduction of stream flows on both the North and South Fork, resulting in impacts to the aquatic resources, has been expressed by the public and government agencies. To mitigate these concerns, the applicant will maintain a minimum instream flow of 15 cubic feet per second or 9,700,560 gallons per day which will bypass the diversion dam on the South Fork and remain in the natural channel during all periods of power production. When natural flows above the diversion weir in the South Fork become less than 45 cfs (29,101,680 gallons per day), the

proposed power plant will not operate and all flows will bypass the diversion weir and remain in the natural channel. All stream flows in excess of 380 cfs will also bypass the diversion dam.

Relative to the impact of the project to the North Fork of the Wailua River, all flows in excess of 100 cfs will bypass the Stable Storm Diversion in the North Fork and remain in the natural channel. Historic water diversions practices for agricultural purposes has degraded the aquatic value further downstream from the Stable Storm Diversion. Existing aquatic resources have been dependent on flows from the East Branch, North Fork. As such, the project is not anticipated to adversely affect the environment below the Stable Storm Diversion on the North Fork.

The Final Environmental Impact Statement for the project provided the foregoing mitigative measures. To ensure that these measures are implemented and maintained, the Department of Land and Natural Resources, under conditions of approval for the CDDA for the project has imposed the following conditions:

1. to insure that the construction impacts and conservation flow recommendations do not result in adverse impacts to native aquatic species, a baseline and post-project studies be conducted. The studies be funded by the applicant and the scope of these studies should be determined in coordination with this Department. In addition pre- and post-project water quality monitoring be conducted;
2. that an automatic flow recorder be set up downstream of the diversion dam intake to monitor conservation flow compliance;
3. that the minimum conservation flow for this project is 15 cfs;
4. that the times of plant operation be limited to periods when flow in the South Fork is between 45 and 380 cfs;
5. that the applicant agrees to cease construction or power plant operation should unacceptable impacts, as determined by this Department, to fish, wildlife or riparian resources occur, at least until mitigation measures are taken;
6. that the location of the stream flow devices used to measure minimum conservation flow and to measure stream flow for purposes of the 45 cfs and the 15 cfs be approved by the Department.

These conditions will help to mitigate impacts to the aquatic resources of the Wailua River. In addition, the 35-acre pool on the South Fork may provide a better habitat for the endangered Hawaiian water birds and small mouth bass. The pool will be managed primarily as an endangered water bird habitat in coordination with the State of Hawaii Division of Forestry, Division of Wildlife and the U. S. Fish and Wildlife Service. Further, the

screening of the intake to the penstock will be incorporated to prevent or reduce entrainment of fish. Screen design will also be made in conjunction with the U. S. Fish and Wildlife Service.

Upon completion of the project, the reservoir will become a recreational asset. Fishing and possibly boating activities would be prime considerations for such an environment. Inasmuch as access through Lihue Plantation property is currently prohibited, details regarding easements, permits or licenses to and from the dam must be resolved.

In addition, the concern for the safety of the dam needs to be resolved. Staff believes that the U. S. Army Corps of Engineers is the agency to determine structural adequacy of such a dam. As such, construction plans for the facility must be certified by the Corps of Engineers or agency responsible for ensuring the adequacy of the dam design.

Scenic Impact - The long-term value of the Wailua Falls as a scenic resource and visitor attraction must be preserved. In this respect, special attention should be given to the effects the project will have on the scenic quality of the waterfall and its surroundings.

The proposed project will be designed to release a minimum flow of 15 cfs in the natural channel and onto the Wailua Falls. The history of stream flow measurements taken at the U.S.G.S. gauge No. 1606000 between 1911-1984 indicates that flows of 15 cfs or less occurred over the Wailua Falls, under natural conditions, 44% of the time or about 161 days of the year. As the project will divert flows from the North Fork into the South Fork, the frequency of low flows of 15 cfs or less will be reduced to 19% of the time or 70 days of each year. The history of stream flow measurements also show that 60% of the time or 212 days of the year stream flows do not exceed 45 cfs. In the event stream flows do not exceed 45 cfs, the project will not operate, and these flows will not be diverted. (See attached tables)

Although it is difficult to evaluate the aesthetic impact to the Falls without a visual representation of the waterfall with a flow of 15 cfs, the Final EIS depicts pictures of Wailua Falls with a flow of 8.7 cfs. Since, the minimum bypass flow of 15 cfs is almost twice this amount, the applicant believes that the 15 cfs minimum bypass flow will maintain the scenic and visual qualities of the Wailua Falls.

Special Permit Criteria - In evaluating the project relative to the Special Permit Criteria, the following are considered:

1. such use is not contrary to the objectives sought to be accomplished by the Land Use Laws and Regulations since certain portions of the project are on lands that are vacant and unsuited for agriculture. In addition, prime ag lands that are disrupted during construction will be restored to its former use for sugar cane cultivation;

2. the desired use will not adversely affect surrounding properties;
3. such use would not unreasonably burden public agencies to provide infrastructure improvements;
4. although no unusual trends or conditions has arisen in this area since the district boundaries were established, the proposed project is in response to the State's Energy Functional Plans which promotes a shift from petroleum to indigenous renewable resources for the production of energy; and
5. that certain lands upon which the proposed use is sought is unsuited for uses permitted within the District and that all prime ag lands that are disturbed during construction of the project will be restored to its former use for agricultural purposes.

CONCLUSION:

Based on the foregoing findings and evaluation, it is concluded that the subject proposal meets the criteria in granting a Special Permit, Use Permit, and Class IV Zoning Permit in that:

1. The proposed use is not contrary to the objectives of the State Land Use Law and Regulations, since prime ag lands that are disturbed during construction of the project will be restored to its former use. The proposed use will not adversely affect surrounding uses and properties, and will not burden public agencies to provide or improve public infrastructure or public services.
2. The proposal should not create any substantial harmful environmental consequences or adverse impacts to the immediate and surrounding properties provided the necessary safeguards are employed during and after construction.
3. The proposal is warranted in that it utilizes the island's existing water resources to provide an alternate energy source.

RECOMMENDATIONS:

Based on the foregoing findings, evaluation, and conclusion, it is hereby recommended that Special Permit SP-87-16, Use Permit U-87-50, and Class IV Zoning Permit Z-IV-87-63 be approved subject to the following conditions:

1. Requirements and conditions of the U.S. Army Corps of Engineers, State Department of Land and Natural Resources, Health Department, County Public Works Department shall be complied with and resolved with the respective agency(ies).
2. To minimize visual impacts as viewed from the Wailua Falls, the penstock shall be completely shielded from public views during construction. The penstock shall also be completely buried as represented by the applicant.

3. Mass grading, grubbing or removal of vegetation, that will be visible from the Wailua Falls lookout shall not be allowed.
4. Results of the baseline study and post-project studies as required of the applicant by the Board of Land and Natural Resources shall also be submitted to the Planning Department.
5. The Planning Commission shall reserve the right to modify or impose further conditions of this permit should unacceptable impacts, as determined by the Planning Commission to the scenic quality of the Wailua Falls.
6. As represented by the applicant, all prime ag lands disturbed by the project shall be restored to its former use and condition.
7. Public access to the dam and reservoir shall be provided for recreational purposes. Details for such an access will be resolved between the applicant and Lihue Plantation Company either through an easement, license or permit system.
8. The applicant is advised that prior to and/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies).

By Don H. Shigemoto
for Myles S. Hironaka
CZM Planner

Approved & Recommended to Commission:

Avery H. Youn

Avery H. Youn
Planning Director

TABLE B-6b-6

**DISCHARGE IMPACT ON FALLS AND ON DOWNSTREAM
SOUTH FORK WAILUA RIVER**

<u>Condition</u>	<u>0-15</u>	<u>Range of Flows (cfs)</u>			<u>380 to peak</u>
		<u>15-45</u>	<u>45-380</u>		
<u>Impact on Falls</u>					
Existing Condition (percent)	44%	16%	34%		6%
Project Condition (percent)	19%	71%	6%		4%
Net (percent)	-25%	+55%	-28%		-2%
Time (days/year)	-91	+201	-102		-7
<u>Impact on Downstream South Fork</u>					
Existing Condition (percent)	44%	16%	34%		6%
Project Condition (percent)	19%	17%	52%		12%
Net (percent)	-25%	+1%	+18%		+6%
Time (days/year)	-91	+4	+66		+22

Minimum flow in river for diversion = 45 cfs
Range of turbine flows = 30 to 365 cfs

TABLE B-6b-14

**INSTANTANEOUS FLOW RANGES FOR POWER
DEVELOPMENT AND FOR RELEASE OVER FALLS**

<u>Average Yearly Duration (Days)</u>	<u>Percent of Year</u>	<u>River Flow Upstream of Hydropower Intake (cfs)</u>	<u>Hydropower Flow (cfs)</u>	<u>Flow Over Wailua Falls (cfs)</u>
212	60	0 to 45	0	0 to 45
113	34	45 to 380	30 to 365	15
40	6	380 to Peak	365	15 to peak

COUNTY OF KAUAI
PLANNING DEPARTMENT

FROM: Avery H. Youn, Planning Director (MH)

DATE: June 4, 1987

SUBJECT: Zoning Permit Z-IV-87-63, Use Permit U-87-50 and Special Permit SP-87-16,
ISLAND POWER COMPANY, INC.

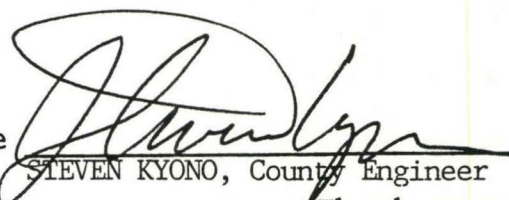
TO: (x) Public Works Dept.
(x) Water Dept.
(x) State Health Dept.
() State Highways Div.
() Fire Dept.
() Sam Lee (DLNR)
() State Dept. of Agriculture
() Police Dept.
()
()

FOR YOUR COMMENTS (pertaining to your department): June 19, 1987

Please refer to the draft and final EIS for comments which we have
made and were addressed in the report.



Signature


STEVEN KYONO, County Engineer

Please return one (1) copy by June 19, 1987. Thank you.

KK/sm

A. Flood Requirements

1. Plate B-17 of the "Feasibility Report and Environmental Statement" shows the proposed power plant location. The power plant appears to be located within the 500-year flood. As such, we have no flood requirements for the power house.
2. The dam will be constructed across the South Fork Wailua River. Although no detailed flood study have been made, the dam would traverse the flood zone called the floodway. Ordinance No. 416 prohibits construction of structures in the floodway.

However, we will approve the construction of the dam. The dam is at an elevation where no residence or structures are in existence nor will they probably be built. Consequently, the dam should not present flood threats to surrounding structures. The dam itself is not regularly occupied by people. The dam is a structure which usually is built in the river or stream. We will exempt the dam from the requirements of Ordinance No. 416.

COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN of public hearings to be held by the County of Kauai Planning Commission at the County Building (Council Chambers) on Wednesday, August 12, 1987, at 1:30 p.m. or soon thereafter to consider under the provisions of Ordinance No. 164 (CZO), as amended, and the State Land Use Commission Rules and Regulations, the following applications:

1. USE PERMIT and CLASS IV ZONING PERMIT to allow expansion of an existing grandfathered commercial use within the Open zone on property located in Wainiha, Kauai, better known as the Wainiha Store, further identified as Tax Map Key: 5-8-06:21, containing a total area of 18,000 square feet.
2. VARIANCE PERMIT to deviate from Section 3.015 B-3 (relating to the side yard setback requirement of a 2-story residential unit) and CLASS IV ZONING PERMIT to construct a cottage on Lot 15 of the Pali Kai Cottages at Nawiliwili, Kauai, further identified as Tax Map Key: 3-5-02:27, containing an area of 5,053 square feet.
3. USE PERMIT and CLASS IV ZONING PERMIT to establish a child day care center within an existing church on property in the Special Planning Area "A" of Kapaa, Kauai, south of Koa Street, roughly 300 feet west of the intersection with Ulu Street, further identified as Tax Map Key: 4-5-09:23, containing an area of 37,000 square feet.
- ✓ 4. SPECIAL PERMIT, USE PERMIT and CLASS IV ZONING PERMIT to allow construction of a hydroelectric power generating facility located along Wailua River, Kauai, approximately 1,100 feet north of the Wailua Falls, further identified as Tax Map Key: 3-9-02:10 & 20, containing a land area of 69.3 acres.
5. CLASS IV ZONING PERMIT to allow construction of a warehouse on property located in Lihue, Kauai, immediately north of Nawiliwili Road, approximately 250 feet south of its intersection with Lala Road, further identified as Tax Map Key: 3-3-03:10, comprised of 76,140 square feet.
6. CLASS IV ZONING PERMIT to allow establishment of a rent-a-car facility within the new Lihue Airport industrial subdivision situated at the intersection of Kapule Highway and Ahukini Road, Lihue, Kauai, further identified as Tax Map Key: 3-5-01: Por. 8, containing a total area of 3 acres.

Any party may be represented by counsel if he or she so desires. In addition, individuals may appear on their own behalf, a member of a partnership may represent the partnership, and an officer or authorized employee of a corporation or trust or association may represent the corporation, trust or association.

Proposed plans are on file in the office of the Planning Department at Lihue and available to the public for inspection during office hours.

Testimonies for or against the applications should be filed in writing to said Commission before the date of the public hearings or presented in person at the time of the public hearings.

(July 22, 1987)

KAUAI PLANNING COMMISSION
Betty T. Matsumura, Chairman
By Avery H. Youn, Planning Director

Publish in reduced print.

LAND USE COMMISSION
STATE OF HAWAII

JUL 22 12 56 PM 1987

KAUAI PLANNING COMMISSION
PUBLIC HEARING
AUGUST 12, 1987

A public hearing of the Planning Commission of the County of Kauai was held on Wednesday, August 12, 1987, in the Council Chambers at the County Building, Lihue. Following Commissioners were present:

Mrs. Betty Matsumura, Chairman
Mrs. Sunshyne Costa
Mr. Gerald Dela Cruz
Mr. Arthur Fujita
Mr. Ajerico Pablo
Mr. Rebecca Sialana

Absent & excused:
Mr. Thomas Contrades

LAND USE COMMISSION
STATE OF HAWAII
AUG 24 2 10 PM '87

Chairman Matsumura opened the hearing to the public at 4:13 p.m. and the following are statemets, in effect, of the proceedings:

Special Permit SP-87-16, Use Permit U-87-50 & Class IV Zoning Permit Z-IV-87-63 = Island Power Company, Inc.

Staff, Bryan Mamacalay presented the findings (on file) on the request to allow construction of a hydroelectric power generating facility in Wailua.

MR. JEFF BURT, PRESIDENT: I think that it was covered very well as far as the description of what we proposed to do. I might add that we have been working on this project for a little over two years now. We do have most of the permits in order. We'd like to, obviously, begin construction of this project as soon as possible. We feel that it would be a good asset to the County and to the State both by providing jobs and by adding to the energy self-sufficiency of the island.

CHAIRMAN MATSUMURA: I have one question. I'm not too familiar with hydroelectric plants but I see you're going to make a diversion to dam this water. What would happen downstream? (Mr. Burt, "Do you mean long term, short term or just in general?") When you do it, not much water will be going down and in due time what will happen to the river downstream? ("That's a very good question. As far as aquatics are concerned and visual aspects of the Falls, these were points that were brought out pretty heavily during our other public involvement and agency involvement, what will be provided is a minimum flow to always pass through or go by the diversion structure before any power can be generated. The amount of flow is 15 cubic feet per second, upon that there's a minimum of 30 cfs required to turn the turbines, so what that actually means is there has to be 45 cubic feet per second in the stream for us to even turn on the generators. We've run that through the film industry, other agencies, the Corp of Engineers, Fish and Wildlife Service, and they've all determined through studies and other means that that flow will be adequate for visual aspects along with the aquatic characteristics of the stream. As far as during construction, there will be different aspects involved as far as minimizing erosion and other turbidity causing activities in the stream to minimize that. Those will be short-term type impacts.")

DIRECTOR YOUN: That 30 cubic feet per second is that constant? The minimum of that to run the generator? (Mr. Burt, "Yes. There need to be that much energy to turn the turbine.") Does it consume more than that if there's greater pressure? ("Oh yes, that's the minimum, it goes up to a total of 375 cubic feet

per second. Actually, the way this plan operates it's a very volatile type drainage to the storms, and when it rains it all comes down in a short time so we're taking a part of flood flows from a rain storm and creating energy.") So you need 45 cfs, 15 over the Falls and 30 through the pipe? ("Exactly.") What if you had a hundred does that mean 15 over the Falls and 85 through the pipe? ("That's exactly correct. I might add that historically....There's been a very long period of flow records on that drainage, there's a gauging station right at our proposed diversion. We spent a lot of time along with other agencies visually looking at the Falls. It's amazing 40 percent of the time those flows are below 10 cfs many times. We've had photographs in our environmental impact statement with the Falls at 3 cfs and at 8 cfs. We're talking at 15 cfs for the minimum so this issue has been discussed immensely and was a big concern. Originally, the Corp of Engineers proposed 10 cfs and through our negotiations and our studies it ended up that 15 was decided as the minimum."

MR. ARTHUR FUJITA: You're a private company that's going to be selling power is that it? (Mr. Burt, "That's correct.") Just some background information. I'm sure you folks did a lot of studies but how come you folks selected Kauai to perhaps start a hydro plant? ("Well, to give you a little background, we've been involved in construction and development of over 13 hydroelectric projects on the mainland. Through our searching for sites and sites to develop, we came to Kauai interested in project sites. Obviously, it's been deemed as the wettest spot on earth so a hydro developer would want to go where the water is. In doing so, we became aware of the Wailua project through a study that the Corp of Engineers had done. They virtually did much of the environmental work that we were able to utilize, and we did have to make some changes to their plan, and we coordinated through them to minimize costs in order to lower the price of power because at their particular proposal it would not be economically feasible. So we had to make a few changes to reduce the cost and up the power production which we did do and this is why the project is economically feasible at this time.") So I imagine you've already entered into some kind of agreement with.... ("We've been negotiating since July of '85. We hadn't signed the agreement and oil prices dropped which kind of put a little bit of stress on that particular matter. We have set up a meeting for next Monday which should hopefully finalize those agreements. It's a very difficult thing getting those agreements, all the particular items covered, and that's basically what we've been covering over is certain technical items in the agreement.")

MR. DAVID BOYNTON: I'm representing myself here and also the many residents and visitors of the island. You really hold an awesome amount of power in your hand just to think that a little raise of the hand and the word "aye" that you have the power to destroy one of Kauai's most beautiful scenic spots. I think it ranks probably one of the top five spots on Kauai, up there with Kalalau and Waimea Canyon and Hanalei and the Na Pali coast. I have a bit of experience not just from having lived here for 15 years but also from spending a year working with tourists. I started a business couple of years ago called Waimea Canyon Visitor Center and Gift Shop in Waimea town and although my business lasted just a year, because it didn't generate enough income to sustain my living, I talked to hundreds and hundreds of people sitting there at my desk every day and everyone comes in with a couple of big questions. The number one question is where's the bathrooms and that's helped to put the Russian Fort on the map as a very popular spot, but probably the second most commonly asked question is where's the waterfalls? People come to the Garden Island for the lush tropical look and a very primary part of that is waterfalls. People have high expectations. Wailua Falls is quite famous not because it's been on a hundred postcards and so many bookcovers and magazine covers

and so on, but because it was featured as the Falls on Fantasy Island. I just find that it's so unbelievable that we're so close to putting that Waterfall in a pipe and I really can't believe that it's going to happen.

I would like to disagree with the previous speaker because I don't feel the issue of the beauty of that Falls has been adequately covered. At the hearing, before the Board of Land and Natural Resources, Dr. Doak Cox from the Environmental Center at the University of Hawaii was under the same opinion. He testified that he felt the aesthetic qualities, the visual quality of Wailua Falls had not been adequately covered in the environmental impact statement--it wasn't then and it wasn't now. I think many people on the island don't understand what's about to happen, one example is Mayor Kunimura. Around the time of the Board of Land and Natural Resources hearing, I went to talk to him about Wailua Falls and we went back and forth for about 20 minutes and I finally came to understand that he didn't really know what was happening. He thought the water was going to be taken out of the stream and then put back in the stream and go over the Falls. Well, that's not going to happen, the water is going to go down a big black pipe and the great majority of it is not going over the Falls. Indeed they will leave a minimum flow but that is not what makes Wailua Falls famous, what makes your reputation is the grandeur of it. I just picked up a couple of postcards at the store. Here's the difference, maybe, between Wailua Falls as you can see it as in the few days and the past couple of weeks after a nice rainfall. Here's Wailua Falls on a lot lesser day with lot less flow. Now, this is the Falls that people remember and talk about and that brings people to Kauai. I'll just read a brief statement from the environmental impact statement here. It says, "...for the island of Kauai, Wailua Falls maybe considered the most significant waterfall because of the combination of height discharge volume and most important the accessibility." There are equally spectacular falls and cascades on Kauai and the other islands, particularly on the island of Hawaii, but most of them must be viewed from at least a distance of several miles or more. What we're talking about is one of the most unique view points in the State. There's probably no falls of this size in the State that you can get so close to. So I think this would be a real tragedy to take this Falls and turn it into a dribble. What we're talking about is this will become a little thing like this. We're talking not just about vision, and view and pretty sights, but we're talking about tourism as the mainstay of Kauai's economy. We're talking about a big new proposed hotel here in Lihue, and one that maybe we'll see again at Nukolii which was recently deferred.

I think that when tourists come to this island, they expect to see some real beauty and it would be sad to see it disappear. There's a little two paragraph comment the effect of the hydro-power plant on tourism. It's just so brief as to be totally inadequate and I hope you can get some more information yourselves. It says, "...the project is not expected to cause any significant impacts to the existing qualities for tourist attraction at this site." This inspite of the fact that over a hundred days a year these days when that big, beautiful Falls is really seen in its grandeur will not be any more. It will just be that two little stripes coming out of the side there. I hope you will take the time yourselves, maybe, to go up and see the Falls, to see many different pictures of what it looks like at different flow rates, to listen to what people say, to listen to their disappointments at seeing Wailua Falls on a low flow day. They walk up and they go, "you know, well, yeah, there supposed to be a nice fall." They turn around get in their car, "I think there must be another one somewhere else." People are really shocked because Wailua Falls at low flow is not what it's built up to be. So I hope you will take this responsibility, because it's an awesome one, and look into this very, very thoroughly.

To me this would be one of the worst mistakes of this decade if you were to allow this Falls to be put into a pipe.

MR. FUJITA: David, so apparently you're against the project in its entirety? (Mr. Boynton, "Well, because economically I can't see them building it without the size of a facility that they're talking about. I think hydro-power is a great thing if done in the right place and I'm sad that today we don't have Kitano hydro-power working because that would be one to me with no harmful effects at all. Here we have such a few very special places like Wailua I just can't see doing anything to that beautiful Falls, so I'm, yeah, totally opposed to hydro-power development that would change that Falls.") Even if it means savings for the entire island in terms of electric power? ("If you look into some of the cost factors, you might find some interesting information. There was some discussion, and I don't quite remember the figures, but the replacement cost that they are trying to get a contract for is actually like double or triple the cost of producing that electricity today. And what they're saying is, well the cost of electricity will probably go up so let's write a long-term contract at this higher rate and eventually it'll catch up and you'll get a good deal, but we're not saving, we're losing money right now, no telling what the future will hold. This is another thing they sort of say well there's no other really good alternatives, but I just spoke to Don Heacock who had spoken to the State energy specialist, and it was a little statement in the Hanalei EIS which said within 10 years photovoltaics will become economically feasible, and in talking to the State energy specialist he said, well that's not totally right, I think within 5 years with all these developments and super conductors and so on photovoltaic will become economically feasible. So to me something that could be put out back of the canefields of Kekaha that no one would ever see would be a much better possible future alternative then to take one of our very, very special scenic sites and destroy it forever.")

CHAIRMAN MATSUMURA: Mr. Burt, will you come up forward, please, the Director has a couple of questions.

DIRECTOR YOUN: In the design of the dam, 15 cubic feet per second supposed to flow all the time, is that right? (Mr. Burt, "Correct.") Can that capacity be increased? ("Yes, it could. Obviously, there would be some cost factor but it wouldn't be a mint.") It isn't just a gate you open or adjust? ("Well actually it'll be in a design near the crest of the dam. The dimensions of a slot, if you will, that passes through the structure and goes down over the face of the dam to allow aquatics to go over the top. What it would entail would be enlarging a slot which wouldn't be an immense job but what it would do....") It's not adjustable then? The opening is designed at 15 cfs? ("That's exactly right.") It's not like a metal gate that you can adjust? ("No. It would be nice to do it that way but it has to be designed in a way that aquatic species can migrate, and the way they asked for it to be designed with rock grouting base at the top of the dam through an open flow slot and a gate, did not pass their particular specifications as far as the Fisheries and the Aquatics people are concerned.") Do you recall how many days out of a year that the flow is between 15 and 45? ("Most of the time--at least half the time.") How many days is it over 380? ("Not very many. There is a space there and I wish I remembered all the figures but the way the other person mentioned that the Falls will be destroyed you'll have to remember that at least half of the time or most of the time the Falls are at that low flow. During a time when you get huge rainstorms is when you get those larger flows. I might also add there is a percentage of the time when the flows are greater than can be put into the pipeline, those go over the top also. So, it's not all of the time taking all of the flows. So during a particular stretch of the flows....") What is your estimate

then? Is it true that there will only be 15 cubic feet per second for say 90 percent of the year? ("90 percent of the year? Not at all, I think it's something like 60, or something like that. I'd like to refer to the EIS, I don't have that in front of me, but I think there is one there that has those numbers.") That's all right. ("It's not all of the time, it's a significant amount something like 60 percent, and it increases the figure by about 20 percent over what it is now--something like that. I'd like to add something else. There's another feature of this project that was entailed to add to the flow stability and that is through the north fork of the Wailua. Presently, you need to remember that that whole drainage is controlled by the Plantation Company both for power production and sugarcane that's why the flows are so low and a lot of the time the flow is so muddy, they're totally diverted most of the year. One part of this project is that we will divert flows from the north fork at a present diversion ditch, increase that flow into the south fork, which will add during some of the time more flow than what would presently be there at low flow situations. Now all the time the flows are down below 10 cfs with adding that north fork in there, we're actually increasing the base flow before we can make power a certain percentage of the time--I think it's something like 8 to 10 percent. So there are times, if this project is implemented, we will add to enhancing those Falls during a low flow period because of flows we're bringing in from the north fork. If you'd like to know the exact information, I think, we've got it right here as far as the flows, but I'll leave that up to you.") We have it in the EIS. ("These things we've been through it, I should know the numbers. I mean through all the agencies they've really been gone over time and time again.")

The hearing was closed at 4:40 p.m.

Respectfully submitted,



AVERY H. YOUN
Secretary to the Commission

ek

COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHUE, KAUAI

ZONING PERMIT APPLICATION (X)
USE PERMIT APPLICATION (X)
VARIANCE PERMIT APPLICATION ()
SPECIAL PERMIT APPLICATION (X)
SMA PERMIT APPLICATION ()

APPLICANT Island Power Company, Inc.

ADDRESS P.O. Box 625

Kalaheo, HI 96741

PHONE NO. 355-5428 TAX MAP KEY 3:9:02 LOT NO. 31,1,20 LOT SIZE 69.3 Ac.

Agricultural/

APPLICANT IS: (check one) ZONING DISTRICT open EXISTING LAND USE cane fields
State Park

- A. Owner of Property As defined by Ordinance No. 317.
B. Lessee of Property X *Number of Years Leased 35 From 1987 to 2022
C. Authorized Agent Attach Letter of Authorization.

NOTE: *Lessee must have an unexpired and recorded lease of five (5) years or more from date of filing this application.

DESCRIPTION OF PROPOSED USE, IMPROVEMENT, ALTERATION, AND/OR CONSTRUCTION: (specify exact use, number of units, etc.) Hydroelectric power generating facility

FOR VARIANCE OR USE PERMITS ONLY

CONDITIONS JUSTIFYING VARIANCE OR USE PERMIT APPLICATION: (use additional sheets as required)

SEE ATTACHED SHEET.

JUL 22 1987
LAND USE COMMISSION
STATE OF HAWAII

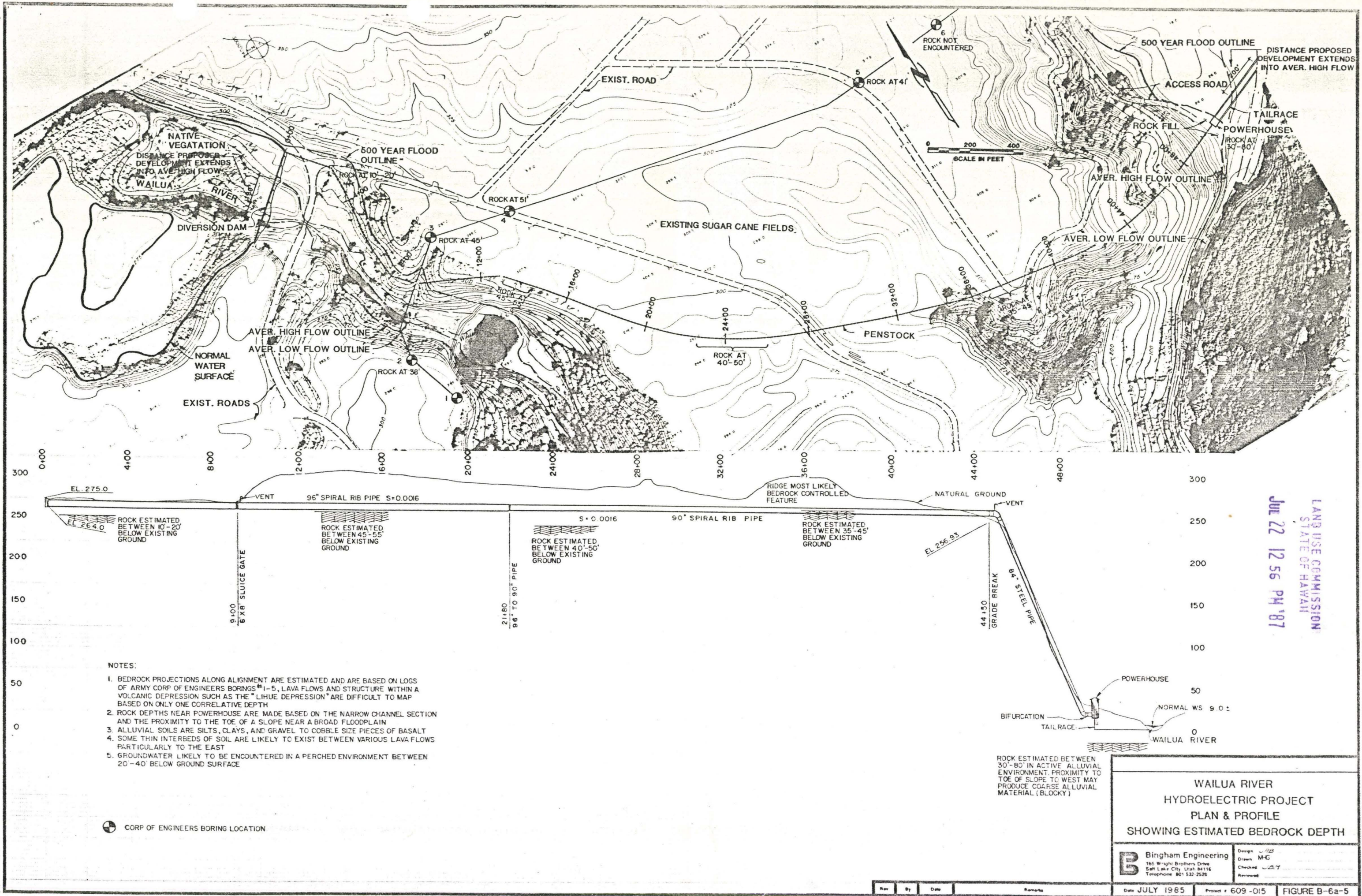
The construction, work, use, or activity approved in this permit shall be subject to inspection by the Planning Inspector or authorized personnel of the Planning Department, County of Kauai. The applicant is advised that inspection will occur prior to or during construction and use to ascertain compliance with the provisions of Ordinance No. 164, as amended, (Comprehensive Zoning Ordinance, County of Kauai) and/or other laws which are enforced by the Planning Department.

Signature Ken Fennesbeek for Island Power
Owner/Applicant

Permit Fee \$ 50.00
Received By laf
Date Rec'd. 6/4/87

The indicated lands are presently within agricultural and open zoned district boundaries.

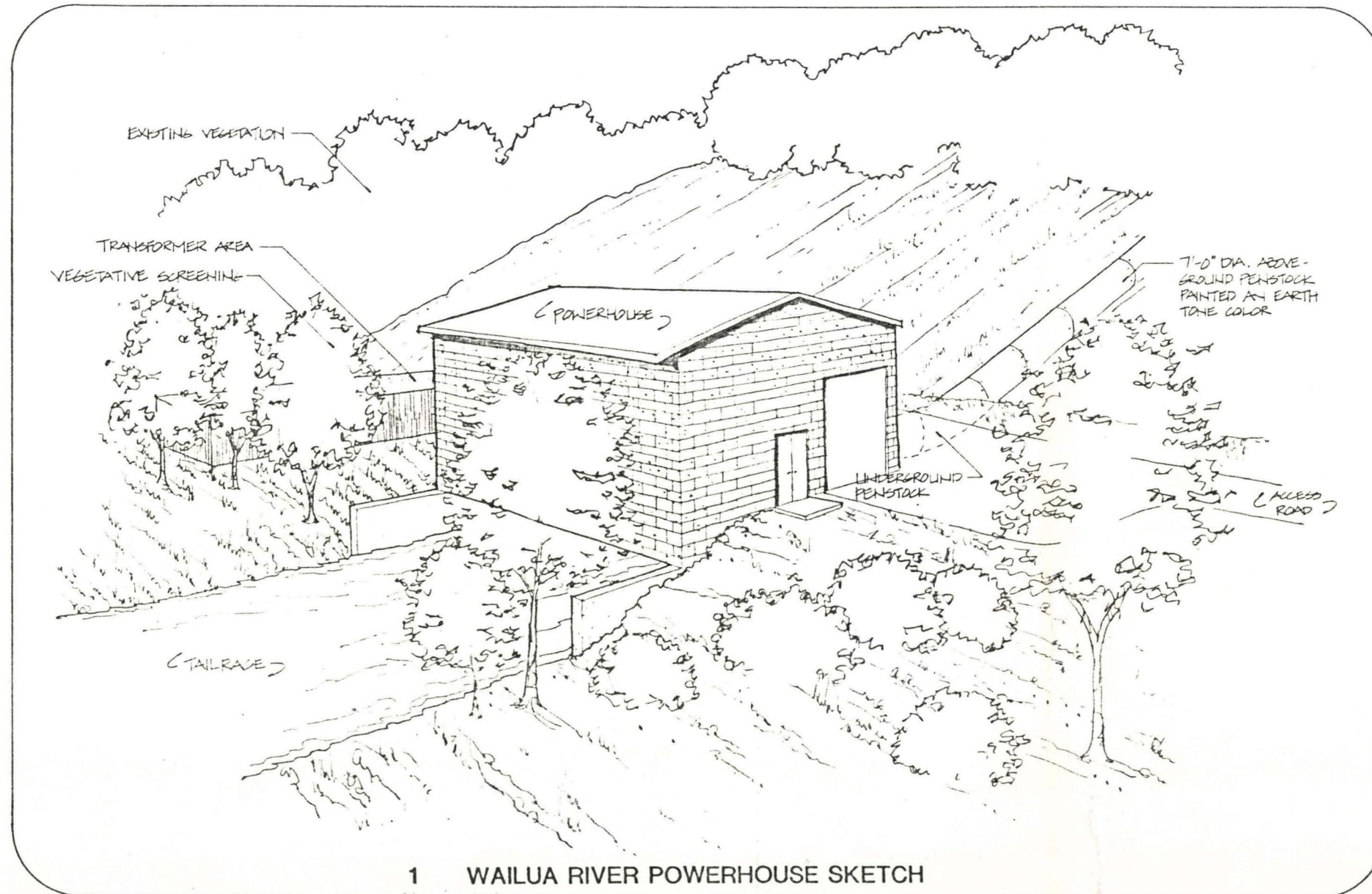
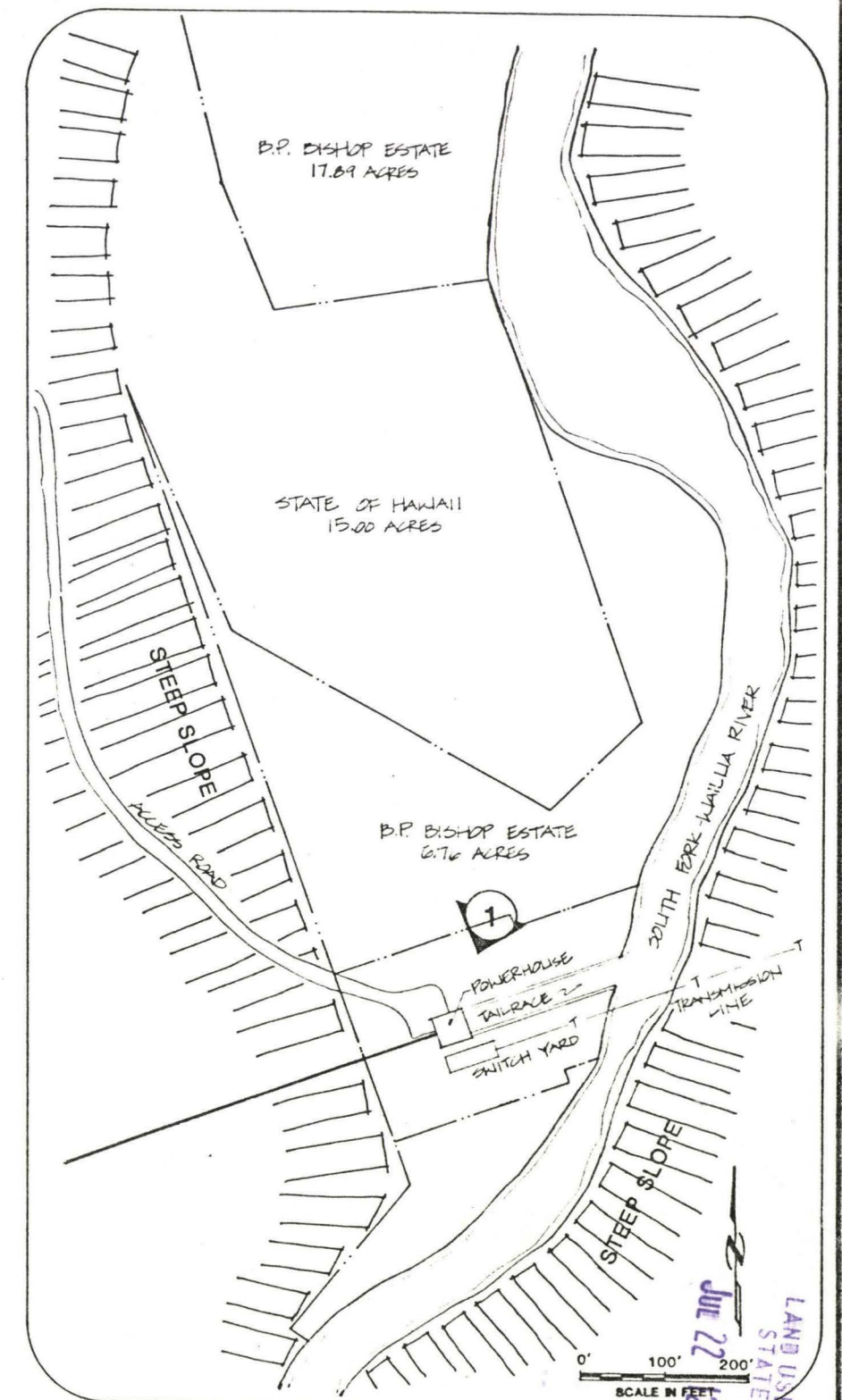
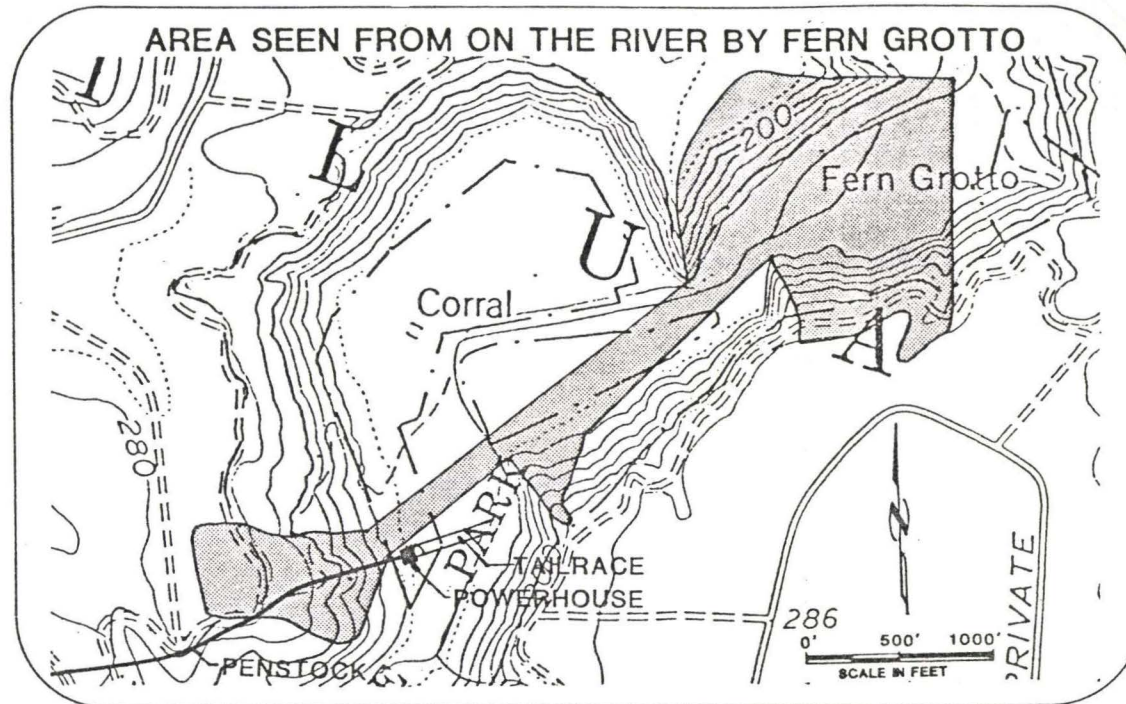
The intended use for the project lands involved in this application is in keeping with State energy self-sufficiency goals. The applicant has successfully negotiated a lease agreement with the present land users and has offered compensation for lands displaced from agricultural production.



LAND USE COMMISSION
STATE OF HAWAII
JUL 22 12 56 PM '87

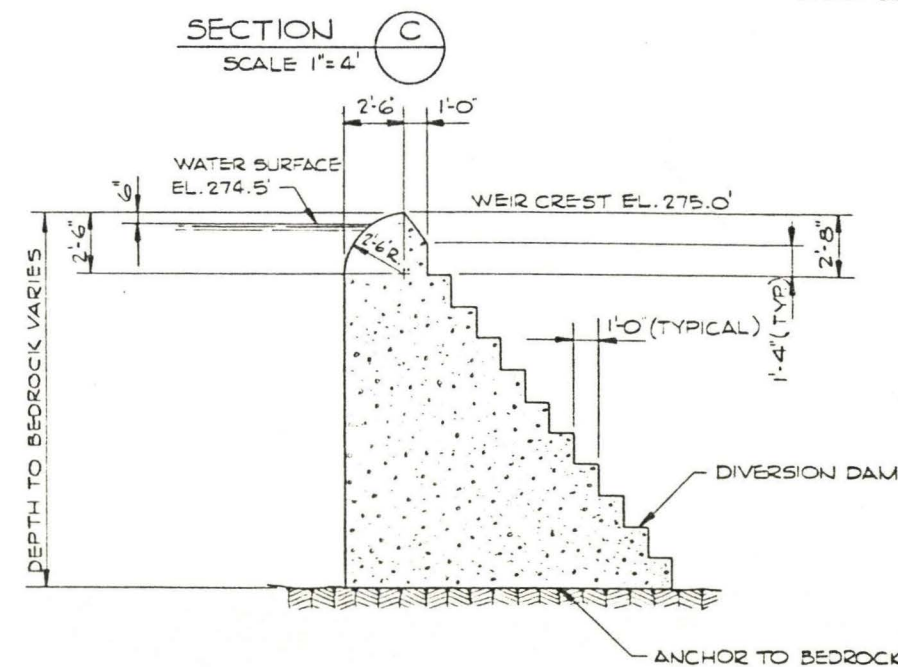
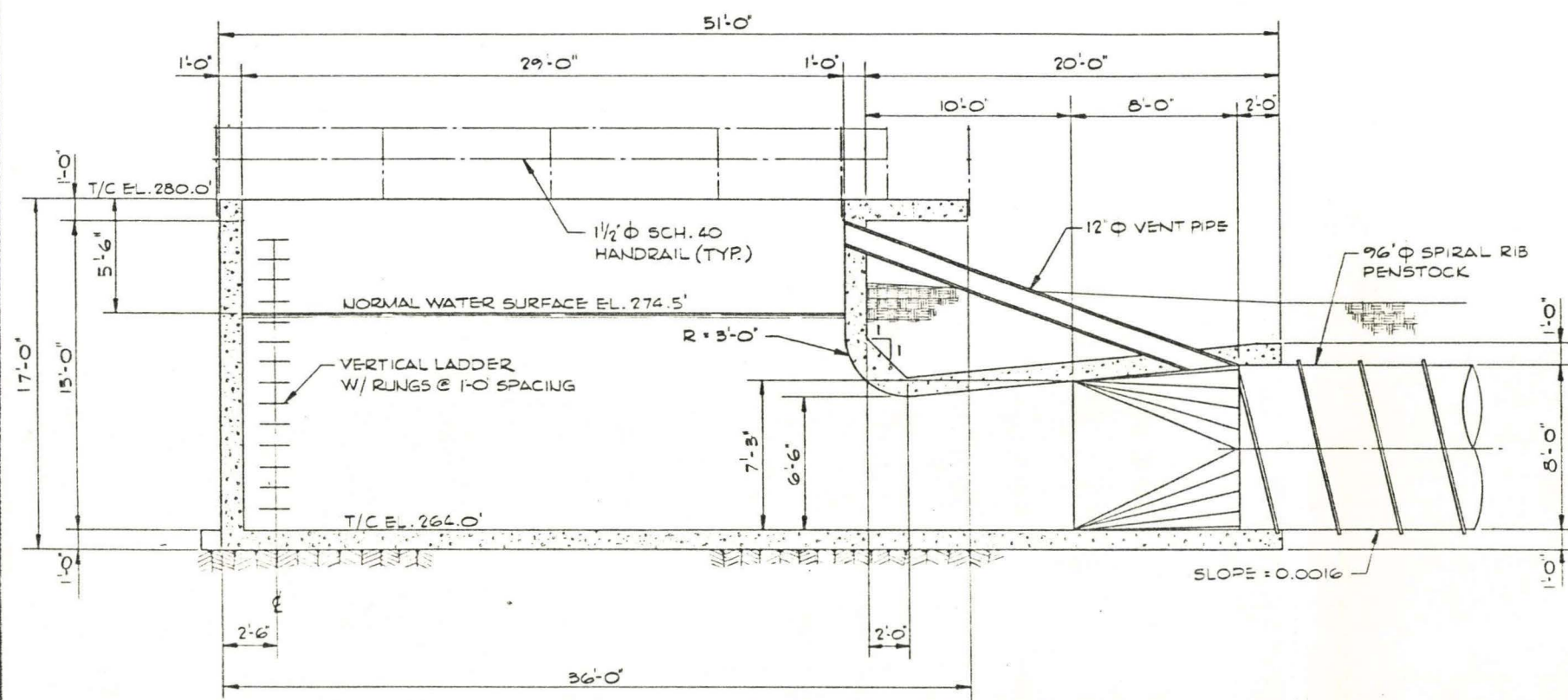
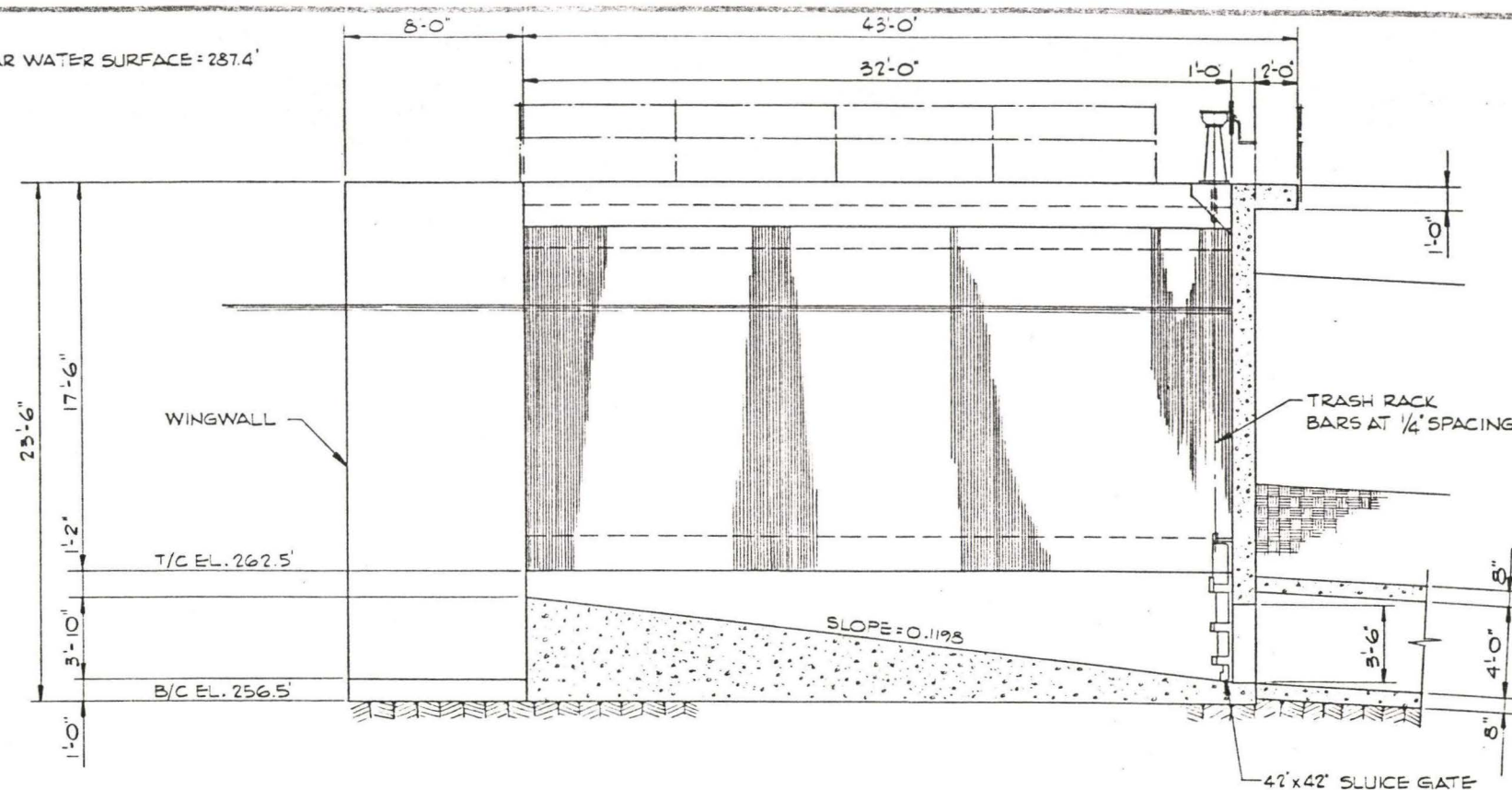
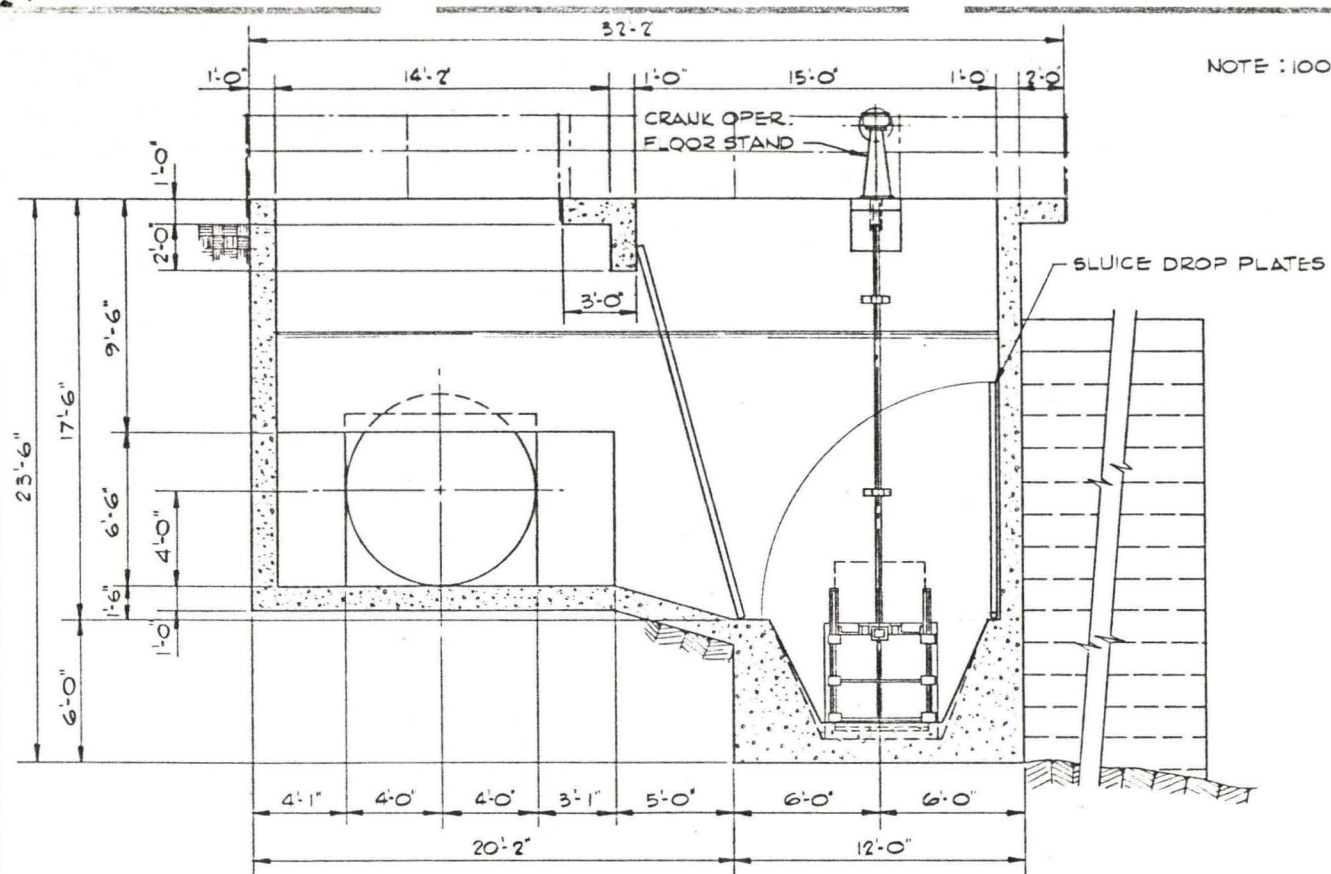
WAILUA RIVER
HYDROELECTRIC PROJECT
PLAN & PROFILE
SHOWING ESTIMATED BEDROCK DEPTH

B	Bingham Engineering 185 Wright Brothers Drive Salt Lake City, Utah 84116 Telephone: 801 532-2520	Design	J-28
		Drawn	M-G
		Checked	J-27
		Reviewed	
Date JULY 1985		Project # 609-015	FIGURE B-6a-5



1 WAILUA RIVER POWERHOUSE SKETCH

WAILUA RIVER HYDROELECTRIC PROJECT VISUAL ANALYSIS	
B BINGHAM ENGINEERING 100 Lindeberg Plaza #2 5140 River Road, Suite 200 Salt Lake City, Utah 84116 (801) 532-2520	Design: _____ Drawn: _____ Checked: _____ Reviewed: _____
Rev: _____ By: _____ Date: _____	Date: _____ Project #: _____ SHE: _____ of _____



JUL 22 12 56 PM '87
LAND USE COMMISSION
STATE OF HAWAII

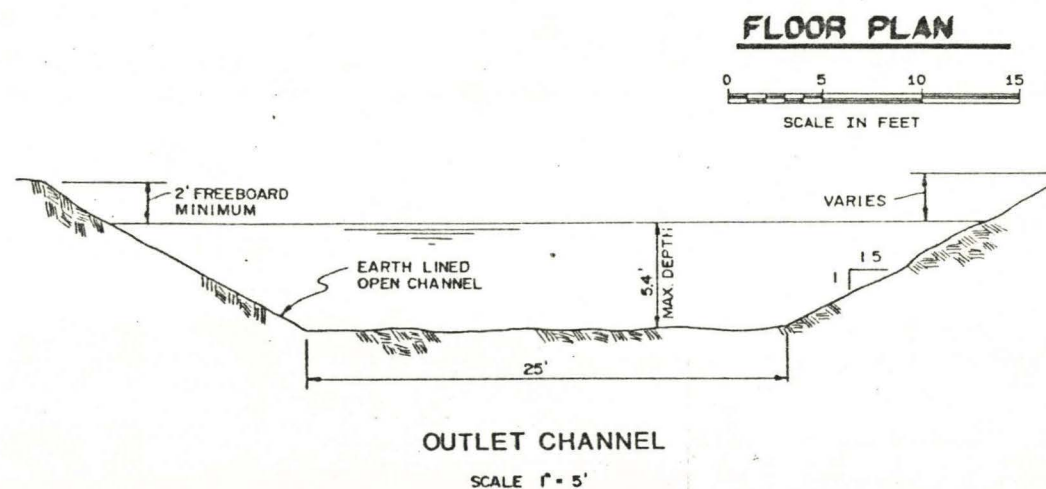
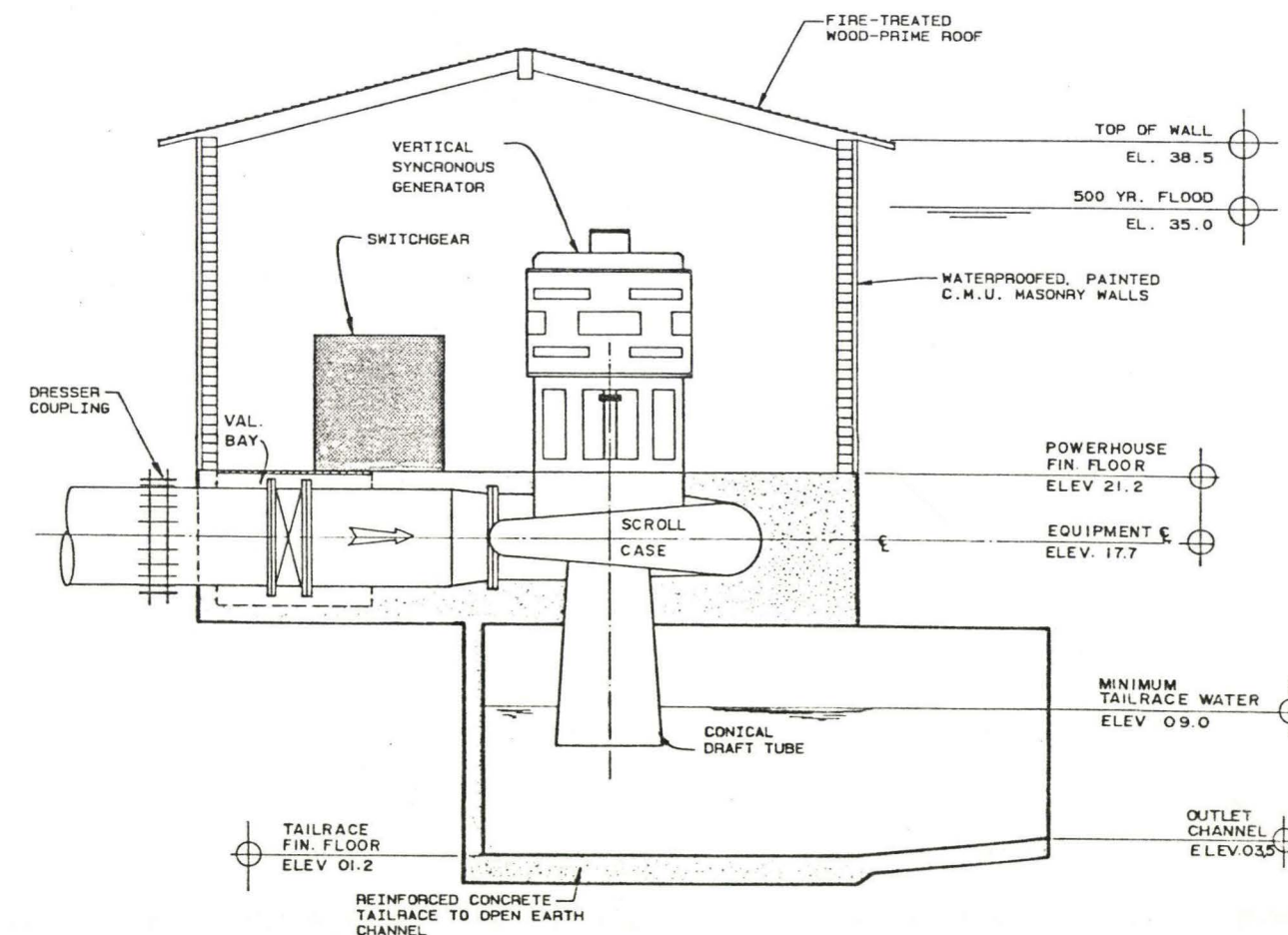
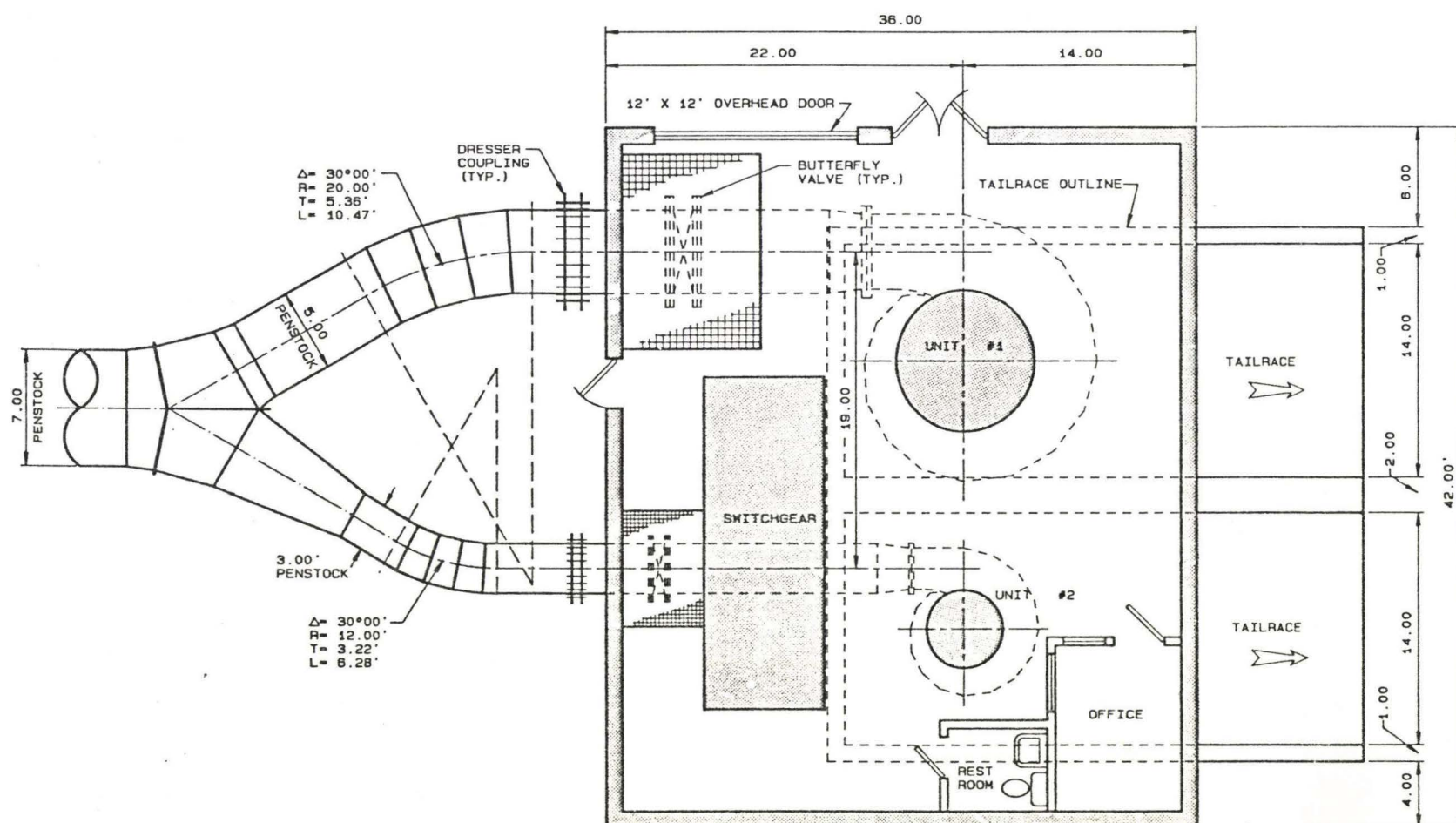
WAILUA RIVER
HYDROELECTRIC PROJECT
INTAKE STRUCTURE
DETAILS

B BINGHAM ENGINEERING
100 Lumberton Plaza 2
5180 Wilkes Post Hwy
Bainbridge City, Utah 84015
(801) 537-2520

Design: F.R.J.
Drawn: F.R.J.
Checked: F.R.J.
Reviewed: F.R.J.

LAND USE COMMISSION
STATE OF HAWAII
JUL 22 12 56 PM '85

NOTE:
DESIGN FEATURES AND WATERPROOFING
WILL BE INCORPORATED INTO THE
POWERHOUSE DESIGN TO PROTECT
AGAINST THE 500 YEAR FLOOD LEVEL
OCCURRENCE.



EQUIPMENT DATA

	UNIT #1	UNIT #2
GENERATOR RATING	5000 KW	1800 KW
TURBINE OUTPUT	6700 HP	2145 HP
MAXIMUM FLOW	294 CFS	96 CFS
MINIMUM FLOW	90 CFS	30 CFS
EFFECTIVE HEAD	257 ft.	257 ft.
RPM	514	900
OUTPUT VOLTAGE	4160	4160
RUNNER DIA.	42"	24"

SWITCHGEAR - REMOTE, PROGRAMMABLE CONTROLLED

SUBSTATION - TO CONTAIN TRANSFORMER WITH STEP-UP VOLTAGE 4160 TO 57 KV

WAILUA RIVER
HYDROELECTRIC PROJECT

POWERHOUSE
PLAN AND SECTION

B Bingham Engineering
185 Wright Brothers Drive
Salt Lake City, Utah 84116
Telephone: 801 532-2520

Design: JAB
Drawn: RPE / JAB
Checked: JAB
Reviewed: JAB

Rev. By Date Remarks
Date JULY 1985 Project # 609-015

JOHN WAIHEE
~~XXXXXXXXXXXX~~
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 821
HONOLULU, HAWAII 96809
JAN 21 1987

DIVISIONS:
AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

Mr. Jeff Burt
Island Power Company, Inc.
c/o BBB Power Associates
100 Lindbergh Plaza 2
5160 Wiley Post Way
Salt Lake City, Utah 84116

Dear Mr. Burt:

Subject: Sale of Easements and Water License for
Hydroelectric Plant Operations at Wailua, Lihue,
Kauai

Enclosed is a copy of amended agenda Item F-11, under which the Board of Land and Natural Resources at its meeting of December 19, 1986 authorized:

1. The direct sale of non-exclusive easements for the construction, operation and maintenance of access roadways, powerline transmission facilities, penstock, diversion dam and impoundment pond, weir and culvert improvements, and tail race (if any) over and across portions of State lands at Wailua, Lihue, Kauai.
2. The sale, at public auction, of a water license for the right to divert, impound, transmit and use waters from the North and South Forks of the Wailua River for the production of electrical power.

In this instance, the actions taken were requested by Island Power Company, Inc. to facilitate its proposed development and construction of a hydroelectric power plant on land owned by B. P. Bishop Estate.

SEP 14 4 07 PM '87
LAND USE COMMISSION
STATE OF HAWAII

Mr. Jeff Burt
Page 2

Please review, thoroughly, the enclosure's content, especially the terms and conditions respecting the easements and water license. In this connection, it is mentioned that the terms and conditions for the water license were amended by the addition of the statutory requirement subjecting said disposition to legislative disapproval. Moreover, although the sale of easements and water license may occur on different dates, the terms of use for both dispositions will be made to run concurrently.

Since the easements and water license involves lands encumbered by various executive orders and Governor's proclamations, it will be necessary to secure written concurrences from agencies having control and management of such lands and the Governor. For this procedure and to ensure that our information is as complete as possible, you must provide survey maps and descriptions for each of the easements to be disposed.

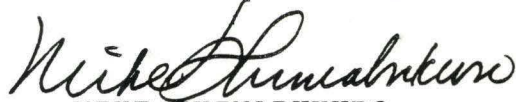
To insure that easement routes and boundaries do not conflict with existing and future programs and projects of our department, please consult our Divisions of Forestry and Wildlife, State Parks and Water and Land Development. You are also requested to coordinate the locations of the easements with Lihue Plantation Co., Ltd. to minimize or avoid, if possible, interference with their activities on lands demised by General Lease Nos. S-4412 and S-4413.

Recognizing that a hydroelectric plant project is an expensive and extensive, as well as an environmentally sensitive, undertaking, we believe it wise and important that the aspects and issues connected therewith be examined thoroughly. Accordingly, our procedures and actions to finalize the actions authorized by the Board must be as deliberate.

Mr. Jeff Burt
Page 2

Thank you for your cooperation. Should you have any questions, please contact Mr. Len Bautista of our Land Management Division in Honolulu at (808) 548-6463.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mike Shimabukuro".

MIKE SHIMABUKURO
Acting Land Management Administrator

Enc.

cc Mr. Leonard Zalopany, Sr.
Mr. Sam Lee
Lihue Plantation Co., Ltd. w/copy of F-11

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 621
HONOLULU, HAWAII 96809

DIVISIONS:
CONVEYANCES
FISH AND GAME
FORESTRY
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

December 19, 1986

Board of Land and
Natural Resources
State of Hawaii
Honolulu, HI

SEP 14 4 07 PM '87
LAND USE COMMISSION
STATE OF HAWAII

Gentlemen:

KAUAI

Sale of Easements and Water License for
Hydroelectric Plant Operations at Wailua,
Lihue, Kauai

STATUTE: Chapter 171, Hawaii Revised Statutes

APPLICANT: ISLAND POWER COMPANY, INC.

FOR: A. Non-exclusive easements over and across portions of the Government (Crown) Land of Wailua at Wailua, Lihue, Kauai, being also portions of the Lihue-Koloa Forest Reserve (Governor's Proclamation of June 5, 1909, as modified by Governor's Proclamation dated June 21, 1920), Kalepa Forest Reserve (Governor's Proclamation dated June 19, 1944), Wailua River State Park (Executive Order Nos. 1771 and 2423), General Lease Nos. S-4412 and S-4413 to Lihue Plantation Company, Ltd. and portions of the North and South Forks of the Wailua River, as identified on the attached Exhibit "A" and approximately located on maps labelled Land Board Exhibits "B" and "C," copies of which are appended to the basic file.

Applicant to secure subdivision approvals, where necessary, from the County of Kauai and also to provide survey maps and descriptions of the easements for verification by the Survey Division, Department of Accounting and General Services.

B. Water License for the right to divert, impound, transmit and use waters from the North and South Forks of the Wailua River for the production of electrical power.

as amended
APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

Amendment: Water license subject to legislative approval

12/19/86

ITEM F-11

TERM OF EASEMENTS & WATER LICENSE: Thirty-five (35) years, with commencement dates to be determined by the Chairperson.

PURPOSE:

- A. Easements - the right, privilege and authority to improve, construct, repair, maintain and operate access roadways, powerline transmission facilities, penstock, diversion dam and impoundment pond, weir and culvert, and tailrace facilities, if any, over and across portions of the State land identified on the attached Exhibit "A" in conjunction with hydroelectric plant operations.
- B. Water License - the right to divert, impound, transmit, and use waters from the North and South Forks of the Wailua River and the return of such waters to the South Fork of the Wailua River.

ANNUAL RENTAL:

- A. For the above-described easements, annual fair market rental to be determined by independent appraisal, same subject to the review and approval of the Chairperson.
- B. For the water license, upset annual license fee plus percentage of gross proceeds based on the annual production of electricity whether sold by the licensee or utilized for hydroelectric plant operations; to be determined by staff or independent appraisal, same subject to the review and approval of the Chairperson.

RENTAL REOPENING:

Annual fair market rental for easements, annual license fee and percentage rent to be reopened at the end of the 10th, 20th and 30th years of the lease term.

METHOD OF PAYMENT:

Easement rentals to be paid semi-annually in advance. Annual license fee in full payable in advance and percentage rent to be paid within sixty (60) days following the end of the previous year of the lease term.

WAIVER OF ANNUAL LICENSE FEE AND PERCENTAGE RENT:

Waiver of annual license fee and percentage rental for the first year of the term of water license.

REMARKS:

The above-described easements, together with the construction and operation of a hydroelectric plant wholly sited on land owned by B. P. Bishop Estate (TMK 3-9-03:9)

were the subject of Conservation District Use Application (CDUA) KA-12/5/85-1797 filed by the applicant. Subsequent to and in connection with said application, an Environmental Impact Statement (EIS) was prepared by the applicant pursuant to Chapter 343, Hawaii Revised Statutes, as amended. The project EIS was accepted by the department on May 21, 1986.

Said CDUA was approved by the Board under agenda Item H-1, dated August 8, 1986, subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and County governments, and applicable parts of Section 13-2-21, Administrative Rules, as amended;
2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
3. Since this approval is for use of conservation lands only, the applicant shall obtain appropriate authorization through the Division of Land Management, State Department of Land and Natural Resources for the occupancy of state lands;
4. If any unanticipated sites or remains of historic or prehistoric interest (such as shell, bone or charcoal deposits, human burials, rock or coral alignments, paving, or walls) are encountered during construction, the applicant shall stop work and contact the Historic Preservation Office at 548-7460 or 548-6408 immediately;
5. The applicant shall comply with all applicable Public Health Regulations;
6. The construction, alteration, moving, demolition and repair of any building or other improvement on lands within the Conservation District shall be subject

to the building and grading codes of the respective counties in which the lands are located; provided that prior to the commencement of any construction, alteration, or repair of any building or other improvement, four (4) copies each of the final location map, plans, and specifications shall be submitted to the Chairperson, or his authorized representative, for approval of which three (3) copies will be returned;

7. Any work or construction to be done on the land shall be initiated within one (1) year of the approval of such use or approval of disposition either by way of license or land management permit or easement, whichever is later, and all work and construction must be completed within three (3) years of the approval of that same date whichever is later;
8. Other terms and conditions as prescribed by the Chairperson.;
9. To insure that the construction impacts and conservation flow recommendations do not result in adverse impacts to native aquatic species, a baseline and post-project studies be conducted. The studies be funded by the applicant and the scope of these studies should be determined in coordination with this department. In addition, pre- and post-project water quality monitoring be conducted;
10. That an automatic flow recorder be set up downstream of the diversion dam intake to monitor conservation flow compliance;
11. That the routing of the power line through the Kalepa Forest Reserve be done after consultation with the Division of Forestry and Wildlife;
12. That the minimum conservation flow for this project is 15 cfs;
13. That the times of plant operation be limited to periods when flow in the South Fork is between 45 and 380 cfs;
14. That the applicant obtain the necessary authorization from the Division of Land Management for the non-consumptive use of the State-owned surface waters;

15. That the applicant agrees to cease construction or power plant operation should unacceptable impacts, as determined by this department, to fish, wildlife or riparian resources occur, at least until mitigation measures are taken;
16. That the location of the stream flow devices used to measure minimum conservation flow and to measure stream flow for purposes of the 45 cfs and the 15 cfs be approved by the department; and
17. That the final alignment of the transmission line and the penstock be reviewed at the time the plans are submitted and that the final alignment be approved by the Chairperson after consideration of the landscape plan and the visual impacts of those two (2) items on the State parks.

It should be mentioned that the proposed term of easements and water license reflects the applicant's information to the Board of holding to a fixed price for the sale of electrical power of 8.5 to 9 cents over a 35-year period. However, it is recognized that the ultimate decision on the rate at which electrical power will be sold will be determined by the public utility commission.

RECOMMENDATION: That the Board:

- A. Authorize the direct sale of the above-described easements to the applicant subject to the foregoing terms and conditions which are incorporated herein by reference, and further subject to the following:
 1. Prior written concurrence of the Governor, State of Hawaii where applicable.
 2. Prior written concurrence of the division of Forestry and Wildlife and State Parks where applicable.
 3. Prior written concurrence of Lihue Plantation Company, Ltd. where applicable.
 4. Compliance with Conditions 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 15, 16 and 17 of CDUA KA-12/5/85-1797 as approved by the Board under agenda Item H-1 dated August 8, 1986.

5. The construction, maintenance and repair of improvements, including the maintenance of easement areas shall be done by the applicant at no cost to the State of Hawaii.
6. Reverter clause upon sooner termination or abandonment of the specified purposes for which the easement is granted.
7. Standard relocation clause.
8. That the Grantee be allowed to assign its interest in the electric transmission easement to Citizens Utilities Company or other State registered utility acceptable to the Board.
9. Other terms and conditions of the standard grant of easement form.
10. Such other terms and conditions as may be prescribed by the Chairperson.

B. Authorize the issuance of a construction right of entry to the applicant subject to the following:

1. Standard indemnity and hold-harmless clause.
2. Standard compliance with applicable governmental requirements clause.
3. Such other terms and conditions as may be prescribed by the Chairperson.

C. Authorize the public auction sale of a water license subject to the above-described terms and conditions which are incorporated herein by reference and further subject to the following:

1. Applicable conditions of CDUA KA-12/5/85-1797 as approved by the Board under agenda Item H-1 dated August 8, 1986.
2. Performance bond in the sum of one-half (1/2) of the annual rental set at auction.

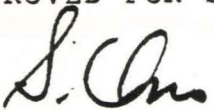
3. That the Licensor reserves the right to use the licensed area for all purposes, and further, to use all facilities now or hereafter installed or placed on the licensed area for measuring and recording flow of water, even if owned or operated by the Licensee, together with the right to install, operate, and maintain such additional facilities as it may deem necessary for such purposes.
4. That the Licensor reserves the right to sell to others additional licenses for the development and diversion of waters from the Waimea River and for use of existing roads thereto, so long as the issuance of such additional licenses does not interfere unreasonably with the Licensee's existing operations.
5. That the Licensor reserves the right to withdraw water from the aqueduct for domestic or emergency use.
6. In the event the applicant is not the successful bidder to the water license, the successful bidder shall indemnify the applicant for all legitimate costs incurred by the applicant for the construction and maintenance of improvements connected with the easements acquired to facilitate the operation of a hydroelectric plant and the production of electric power.
7. Such other terms and conditions as may be prescribed by the Chairperson.

Respectfully submitted,


MIKE SHIMABUKURO

Acting Land Management Administrator

APPROVED FOR SUBMITTAL:


SUSUMU ONO, Chairperson

Att.

E X H I B I T " A "

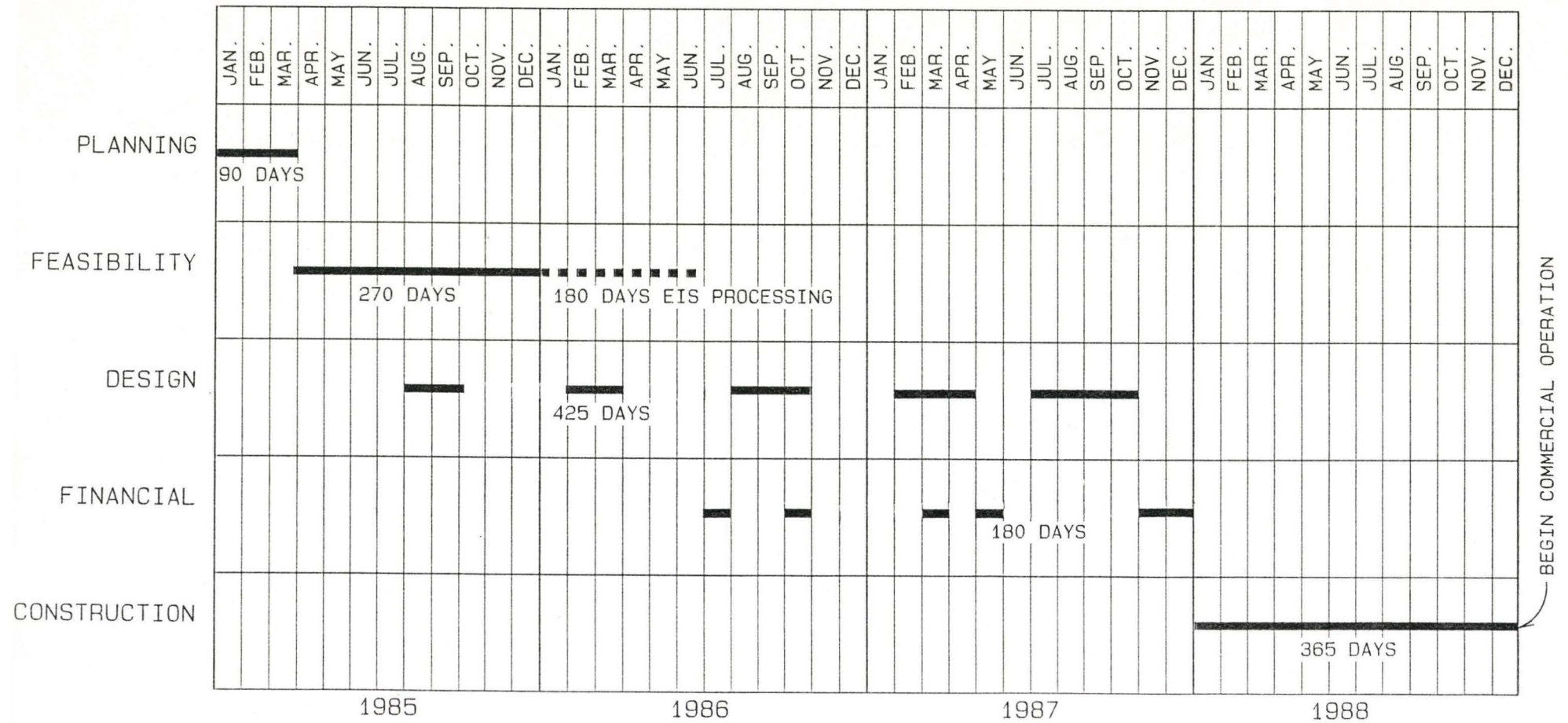
Item No.	Description of Improvements	TMK(s) Affected	Area of Use (Approx.)	Land Title Status	Status (Existing Encumbrance)	Zoning	
						State Ld.Use.Comm.	County of Kauai
I	DIVERSION STRUCTURE - Concrete Dam, 23 ft. high with crest length of 400 ft. (Area required: 600 ft. x 50 ft.)	3-9-02:1	0.1 ac.	5(b)	G.L. No. S-4412	Agric.	
		3-9-02:20	0.1 ac.	5(b)	G.L. No. S-4412	Agric.	
		3-9-02:31	0.5 ac.	5(b)	None (Wailua River South Fork)	Agric.	
		Total Area:		0.7 ac.			
II.	DIVERSION IMPOUNDMENT - Approx. 35 acres of surface water area to maximum pool level of 274.5 MSL within existing flood plain of South Fork of Wailua River	3-9-02:1	13.0 acs.	5(b)	G.L. No. S-4412	Agric.	
		3-9-02:20	7.0 acs.	5(b)	G.L. No. S-4412	Agric.	
		3-9-02:31	15.0 acs.	5(b)	None (Wailua River South Fork)	Agric.	
		Total Area:		35.0 acs.			
III.	TAILRACE FACILITIES, if any, which extends from hydroelectric plant site into the State-owned South Fork of the Wailua River	3-9-02:21	To be determined	5(b)	None (Wailua River South Fork)	Cons.	
IV.	PENSTOCK - being a strip of land 50 ft. wide, 25 ft. on either side of centerline, approx. 4,950 ft. long, running from diversion structure to powerhouse site	3-9-02:1	3.7 ac.	5(b)	G.L. No. S-4412	Agric.	
		3-9-02:33	2.0 ac.	5(b)	E.O. No. 2423	Cons.	
		Total Area:		5.7 ac.			
V.	ELECTRIC TRANSMISSION LINE - being a 50-ft.-wide strip of land, 25 ft. on either side of centerline, approx. 2.2 miles, running from powerhouse site to existing Lydgate Substation to accommodate 12 KV system	3-9-02:12	4.8 ac.	5(b)	G.L. No. S-4412	Agric.	
		3-9-02:14	3.1 ac.	5(b)	Gov's Proc. dated 6/19/44	Cons. (Kalepa Forest Reserve)	
		3-9-02:21	0.6 ac.	5(b)	E.O. No. 1771	Cons. (Wailua River State Park)	
		3-9-02:24]	3.9 ac.	5(b)	G.L. No. S-4413	Agric. (cane haul road)	
		3-9-02:25]		5(b)	G.L. No. S-4412	Agric.	
		3-9-02:33	0.6 ac.	5(b)	E.O. No. 2423	Cons. (Wailua River State Park)	
		Total Area:		13.0 ac.			

E X H I B I T " A "

Item No.	Description of Improvements	TMK(s) Affected	Area of Use (Approx.)	Land Title Status	Status (Existing Encumbrance)	Zoning	
						State Ld.Use.Comm.	County of Kauai
VI	NORTH FORK DIVERSION STRUCTURE - improvements to existing culvert and weir (USGS Gauging Station 620) at confluence of North Fork of Wailua River and the stable storm ditch to increase flow into Wailua River, South Fork	3-9-01:1	Undetermined	5(b)	Gov's Proc. dated 6/5/1909	Cons. (Lihue-Koloa Forest Reserve)	
VII	ROADWAYS -	3-9-01:1	Undetermined	5(b)	Gov's Proc. dated 6/5/1909	Cons. (Lihue-Koloa Forest Reserve)	
	A. Interior access between powerhouse site and dam and impoundment pond	3-9-02:12 3-9-02:14	Undetermined Undetermined	5(b) 5(b)	G.L. No. S-4412 Gov's Proc. dated 6/19/44	Agric. Cons. (Kalepa Forest Reserve)	
	B. Use of existing plantation roads to access powerhouse site, diversion structures, impoundment pond, penstock and electric transmission	3-9-02:20 3-9-02:21 3-9-02:24 3-9-02:25	Undetermined Undetermined Undetermined Undetermined	5(b) 5(b) 5(b) 5(b)	G.L. No. S-4412 E.O. No. 1771 G.L. No. S-4413 G.L. No. S-4412	Agric. Cons. (Wailua River State Park) Agric. Agric.	
	C. Use of existing roadways leading from Kuhio Highway to all facilities	3-9-02:31 3-9-02:33	Undetermined Undetermined	5(b) 5(b)	Wailua River E.O. 2423	Agric. (South Fork) Cons. (Wailua River State Park)	

WAILUA HYDROELECTRIC PROJECT

PROJECT SCHEDULE



LAND USE COMMISSION
STATE OF HAWAII
SEP 14 4 07 PM '87

FIGURE B-5-1