

RECEIVED

JAN 2 1 1982

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

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



LAND USE COMMISSION

WATER RESOURCES INTERNATIONAL, INC.

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

COMMISSION MEMBERS:

January 20, 1982

Richard Choy  
Everett Cuskaden  
Shinsei Miyasato  
Teofilo Tachian  
Robert Tamaye  
Edward Yanai

GORDAN FURUTANI  
Executive Officer

Hawaii Planning Department  
25 Aupuni Street  
Hilo, Hawaii 96720

*8/2*  
*1-21/82*

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

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

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

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

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

Sincerely,

GORDAN Y. FURUTANI  
Executive Officer

GYF:gm

Enc.

cc: Geothermal Exploration and Development Corporation

STATE OF HAWAII  
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission January 19, 1982  
9:00 a.m.

FROM: Staff

SUBJECT: SP77-265 -- Geothermal Exploration and Development Corporation (Time Extension)

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

The subject property is located on the northwestern or Pahoehoe side of Opihikao Road, approximately 2.5 miles from the junction of Opihikao Road and the Pahoehoe-Kalapana Road. The area where drilling is proposed to take place consists of two land parcels with a combined area of approximately 120 acres. One of the subject parcels is owned by Vern Yamanaka and the other by Harold Ashida. The petitioner has leased the geothermal rights from the property owners. More background information and maps showing the location of the subject property are provided in Attachments A, B<sub>1</sub> and B<sub>2</sub>.

Condition No. 5 of the Special Permit states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- "10. That the petitioner, Geothermal Exploration and Development Corporation (GEDCO), shall be responsible for complying with the stated conditions of approval. This permit shall be non-transferable and non-compliance with this condition shall result in the automatic nullification of the permit.
- "11. That drilling of the second well shall commence within one (1) year from the effective date of approval of the time extension request. 1/19/83
- "12. That the petitioner shall submit a status report to the Planning Director on a biannual basis, or, within thirty (30) days of the completion of any exploratory well. The status report shall include, but not be limited to:
- a. A detailed description of the work undertaken during the current reporting period including a drilling activity report;
  - b. A description of the work being proposed over the next reporting period;
  - c. The results of the environmental/noise monitoring activities;
  - d. A log of the complaints received and the responses thereto;
  - e. The current status of exploration activities in the context of long-range development goals; and
  - f. Any other information that the Planning Director may require which will address environmental and regulatory concerns involving the requirements of the Special Permit.
- If requested by the petitioner, any proprietary information will be kept confidential within the time frame as may be agreed to.
- "13. That the petitioner provide a telephone number for use by local individuals in case of noise or odor complaints and have an employee available at the drillsite, 24 hours a day, to respond to any local complaints for the duration of the drilling activity.

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

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