

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR SPECIAL PERMIT)
by) SPECIAL PERMIT NO. 468
THERMAL POWER COMPANY)
DILLINGHAM CORPORATION)
for)
GEOTHERMAL EXPLORATION AND)
EVALUATION)
in)
KAPOHO, PUNA, HAWAII)

SPECIAL PERMIT

The County Planning Commission at a duly held public hearing on October 15, 1980, considered the application of THERMAL POWER COMPANY/DILLINGHAM CORPORATION for a Special Permit in accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, as amended, and Rule No. 6 of the Planning Commission relating to Special Permit to allow geothermal exploration and evaluation at Kapoho, Puna, Hawaii, Tax Map Key 1-4-01:Portions of 2 and 19.

The Commission has found the following:

1. That the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for the public health and welfare of the people of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District not only includes lands with a high capacity of potential for agricultural uses, but also lands which are surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils, and other related characteristics. The subject property's dominant soil types are Aa and Pahoehe lava flows. The Land Study Bureau's overall master productivity rating for agricultural use of these lands is "E," or very poor. This is the lowest class on the scale. Although it is possible that some agricultural activities may be conducted on the subject property, it is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the master productivity rating of the subject property for agricultural use and the above-cited criterion for determining the Agricultural District.
2. The proposed use will not substantially alter or change the essential character of the land and its present use. Only four acres of land will be used for the drill sites. The remaining area of the parcels involved can still be used for agricultural purposes should the landowners so desire.

It is therefore determined that the granting of this particular request would not be in conflict with the State and County's Agricultural policies.

3. That unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. Rising fossil fuel costs and the recent realization that supplies are not unlimited have accelerated the search for renewable, alternative energy resources. When the district boundaries and regulations were established, the present energy situation and the efforts and resources needed to address it was not anticipated. Therefore, provisions for utilizing alternative energy resources were not included in any of the four land use districts.
4. Electricity is the major form of energy utilized in Hawaii County. The power rate on this island is among the highest in the nation. A factor which contributes to this situation is the present method of power generation. Most of the electricity is obtained through the burning of imported oil. The cost of fuel coupled with transportation costs cause higher rates. Recognizing this concern, the General Plan has stated as a policy that "The County shall encourage the continuation of studies concerning the development of power which can be distributed at lower costs to consumers." One (1) of the major economic significance of geothermal energy is that it would presumably provide cheap power. It is therefore determined that the granting of this particular request would be in the direction of fulfilling the above-stated policy as well as the goals of the General Plan's Public Utilities Element of "Ensuring that adequate, efficient and dependable public utility service will be available to users," and "Maximizing efficiency and economy in the provision of public utility services."

Furthermore, it has been the County's and State's policy to encourage the development of alternative energy power. Both levels of government have provided substantial funding and services for energy resource research and development to reduce the State's dependence on imported fuels. The island of Hawaii is believed to possess a vast resource base of geothermal heat. A project jointly sponsored by the County, State and Federal governments demonstrated the existence of a valuable geothermal energy source only 1800 feet away from the proposed well sites. The purpose of the subject application is to determine and define the existence and potential size of a geothermal resource, in commercial quantities, at this particular location.

As a potential power source, geothermal may either prove to be of major importance or no importance at all. Only through drilling and testing can this uncertainty be resolved. It is from these exploratory wells that data for evaluating the suitability of the resource as a production reservoir are obtained. Therefore, by allowing the proposed use, we would also be in the direction of fulfilling the County's goals, as stated in the recently adopted Energy Element of the General Plan, of striving for energy self-sufficiency and establishing the Big Island as a demonstration community for the development and use of natural energy resources.

5. Although it has been pointed out that the proposed use of the land for its intended purpose may have some adverse effects, such as problems of noise and fumes, to the surrounding properties and the residents in the immediate area, stringent controls and conditions will be attached to this Special Permit in order that the concerns may be alleviated. The petitioners will be required to comply with all applicable requirements of the State of Hawaii Department of Health.
6. That the proposed use will not unreasonably burden public agencies to provide roads, water, and other essential infrastructures and services.

Finally, we are cognizant of the fact that the granting of this particular Special Permit may lead to similar types of requests. As such, it should be pointed out that we are working on a policy of such exploratory programs to minimize rampant development of test wells. The qualification of our favorable recommendation to allow the petitioners to proceed with this development is that the total project shall be closely monitored and the petitioners will be held accountable to stringent standards to insure minimal damage to our environment. In this regard, the petitioners have indicated that they will be conducting environmental baseline studies, to update available information, during the geothermal exploration phase of the project. Furthermore, to minimize dangers to the health of residents in the immediate area, preventative measures will be required as conditions of approval of the Special Permit.

Therefore, the Commission hereby grants to the petitioner a Special Permit to allow geothermal exploration and evaluation at Kapoho, Puna, Hawaii, pursuant to the authority vested in it by Chapter 205, Section 205-6, Hawaii Revised Statutes, as amended, and Rule No. 6 of the Planning Commission.

Approval of the Special Permit is subject to the following conditions:

1. That a maximum of two (2) wells be permitted for drilling.
2. That prior to commencement of any operation, the petitioners or their authorized representative(s) shall comply with the requirements of Regulation 8 of the State Department of Land and Natural Resources relative to drilling for geothermal resources in Hawaii.
3. That the petitioners/representative(s) shall secure a building permit for all structures which are to be constructed on the subject property.
4. That prior to commencement of any drilling activity, the petitioners/representative(s) shall submit plans to the Planning Department showing the location of the well site(s) to be drilled.
5. That the drilling of the first well shall commence within one (1) year from the effective date of approval of the Special Permit.

6. 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.
7. That the rules, regulations and requirements of the State Department of Health shall be complied with.
8. That the petitioners/representative(s) shall be responsible to assure that every precaution is taken to reduce any nuisances, whether it be noise or fumes, which may affect the residents and properties in the immediate area. Should it be determined that these precautionary measures are not being applied, the Planning Department is authorized to cease any further activity in the area.
9. That upon termination of the operation or if the petitioners determine that the project is not feasible, all structures erected shall be dismantled and removed from the site(s).
10. That an archaeological reconnaissance survey shall be conducted of the proposed well site(s) prior to drilling. Such a report shall be submitted at the time plans for the well site(s) are submitted to the Planning Department for review.
11. That drilling be restricted to 5 days per week, Monday through Friday.
12. That all other applicable rules and regulations shall be complied with.

Should the foregoing conditions not be met, the Special Permit may be deemed null and void by the Planning Commission.

The effective date of the Special Permit shall be October 15, 1980 .

Dated at Hilo, Hawaii, this 17th day of December, 1980.


 WILLIAM J. PARIS, JR.
 Chairman, Planning Commission

APPROVED AS TO FORM
 AND LEGALITY:


 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date: 5 Dec 80