NOTICE OF PUBLIC HEARING

Proposed Amendments to the Rules for the
Designation and Regulation of Geothermal Resource Subzones

In accordance with Act 151, Session Laws of Hawaii 1984, public
hearings will be held by the State Department of Land and Natural
Resources to receive testimony on the proposed amendments to the rules
for the designation and regulation of geothermal resource subzones.

The proposed amendments provide for the provisions of Act 151, SLH
1984, which amended Act 296, SLH 1983.

The public hearings will be held at the following dates, places, and
times:

July 31, 1984 - Department of Land and Natural Resources Board
Room, Kalanimoku Building, Room 132, 1151
Punchbowl Street, Honolulu, Hawaii, 7:00 pm.

July 31, 1984 - Second floor Conference Room, State Office
Building, 3060 Eiwa Street, Lihue, Kauai, 7:00 pm.

August 1, 1984 - County Council Room, Hawaii County Building, 25
Aupuni Street, Hilo, Hawaii, 7:00 pm.

August 2, 1984 - Kahului Public Library, Kamehameha and School
Streets, Kahului, Maui, 7:00 pm.

Interested persons are urged to attend the hearings and submit
comments, orally or in writing. Copies of the proposed amendments to
the rules may be obtained from the Division of Water and Land
Development, Department of Land and Natural Resources, Room 227, 1151
Punchbowl Street, Kalanimoku Building, Honolulu, Hawaii 96813 (phone
548-7539) or the following locations.

Division of Land Management, Dept. of Land & Natural Resources:
State Office Building, 75 Aupuni Street, Hilo, Hawaii 96720.
State Office Building, 54 High Street, Wailuku, Maui 96793.
State Office Building, 3060 Eiwa Street, Lihue, Kauai 96766.

State of Hawaii
BOARD OF LAND AND NATURAL RESOURCES

SUSUMU ONO
Chairperson

Dated: July 6, 1984

Publish in Honolulu Star Bulletin, issue of July 11, 1984
Hawaii Tribune Herald, issue of July 11, 1984
Maui News, issue of July 11, 1984
The Garden Island, issue of July 11, 1984
In accordance with Chapters 91 and 205, Hawaii Revised Statutes, and Act 296, Session Laws of Hawaii 1983, public hearings will be held by the State Department of Land and Natural Resources to receive testimony on the proposed rules for the designation and regulation of geothermal resource subzones.

The proposed rules describe the procedure for initiating the designation of subzones, establishing criteria, providing for the modification and withdrawal of existing subzones, and providing for the regulation of geothermal resource subzones.

Four separate hearings will be held simultaneously on May 22, 1984 beginning at 7:00 p.m. at the following locations:

- Department of Land and Natural Resources Board Room, Kalanikomo Building, Room 132, 1151 Punchbowl Street, Honolulu, Hawaii.
- County Council Room, Hawaii County Building, 25 Aupuni Street, Hilo, Hawaii.
- Maui Community College, 310 Kaahumanu Ave., Building 208, Room 21, Kahului, Maui.
- Conference Room A-C, State Office Building, 3060 Eiwa Street, Lihue, Kauai.

All interested persons are urged to attend the hearings and submit comments, orally or in writing. Copies of the proposed rules may be obtained from the Division of Water and Land Development, Department of Land and Natural Resources, Room 227, 1151 Punchbowl Street, Kalanikomo Building, Honolulu, Hawaii 96813 (phone 548-7539) or the following locations.

Division of Land Management, Dept. of Land & Natural Resources:
State Office Building, 75 Aupuni Street, Hilo, Hawaii 96720.
State Office Building, 54 High Street, Wailuku, Maui 96793.
State Office Building, 3060 Eiwa Street, Lihue, Kauai 96766.

BOARD OF LAND & NATURAL RESOURCES

SUSUMU ONO, Chairperson of the Board

Dated: April 19, 1984

Publish in Hawaii Tribune Herald, April 26, 1984
" Hon. StarBulletin, April 26, 1984
" The Garden Island, April 25, 1984
" Maui News, April 26, 1984
Honorable Andrew Levin  
Senator, First District  
The Fifteenth Legislature  
State of Hawaii  
State Capitol, Room 208  
Honolulu, Hawaii 96813

Dear Senator Levin:

Thank you for your letter of March 29, 1989, concerning the designation of geothermal resource subzones on the island of Hawaii. The following is in direct response to your inquiry to our Department of Land and Natural Resources and the Attorney General’s Office concerning requirements for notification of public hearings and our Department’s compliance with Chapter 91, HRS, and all other applicable statutes and regulations:

(1) Beginning in 1984, and prior to the holding of any required public hearings related to the designation of geothermal resource subzones by the Board of Land and Natural Resources, several public information and participation meetings were conducted by the Department on the island of Hawaii:

- May 8, 1984 - Hilo, Hawaii
- May 29, 1984 - Hilo, Hawaii
- July 10, 1984 - Pahoa, Hawaii
- July 11, 1984 - Volcano, Hawaii

(2) During the subzone designation process which occurred prior to 1986, the statutory public hearing notice requirements for subzone designations, as mandated by Section 205-5.2, HRS, and the Department’s Administrative Rule Chapter 13-184, required that public notices be published on three separate days in a newspaper of general circulation statewide and in the county in which the hearing is to be held. The following are the dates and newspapers in which the notices of public hearings were published in fulfillment of the statutory notice requirements:

- August 4, 6, 13, 15, and 21, 1984 - Honolulu Star Bulletin
- August 5, 6, 13, 15, and 21, 1984 - Hawaii Tribune Herald
(3) During 1986, Section 205-5.2, HRS, was amended and now requires that in addition to the publication requirements described in item (2) above, copies of the public hearing notice shall be mailed to all property owners within the area proposed for geothermal resource subzone designation, and to owners within 1000 feet of the proposed GRS area.

(4) With regards to your constituent’s letter and its specific reference to Section 91-9.5, HRS, entitled "Notification of hearing; service.", it should be noted that the section identified pertains to written notice for contested case hearing proceedings and does not apply to the notification requirements related to subzone designations.

(5) In reference to the County of Hawaii’s Geothermal Resource Permit (Rule 12), and its requirement for written notification from the Planning Department to landowners within 300 feet of the boundary of the property for which the permit is being requested, this procedure is a result of the same 1986 legislation which amended Chapter 205, HRS, as described in item (3).

We hope the above answers your questions on the public notice requirements related to the geothermal resource subzone designation process. Should you have any questions, please contact Manabu Tagomori at 548-7533.

Very truly yours,

WILLIAM W. PATY

cc: Mr. Warren Price, Attorney General
Mr. & Mrs. Richard Hedtke
P.O. Box 937
Pahoa, Hawaii  96778

Dear Mr. & Mrs. Hedtke:

Thank you for your letters of March 20 and 28, 1989, concerning the designation of geothermal resource subzones. The following is in direct response to your questions concerning requirements for notification of public hearings:

1) Prior to the holding of the public hearings and the designation of geothermal resource subzones by the Board of Land and Natural Resources, several public information and participation meetings were conducted by the Department on the Island of Hawaii. Following are the dates and places of these meeting:

   May 8, 1984.......................Hilo, Hawaii
   May 29, 1984.......................Hilo, Hawaii
   July 10, 1984......................Pahoa, Hawaii
   July 11, 1984.....................Volcano, Hawaii

2) Statutory public hearing notice requirements for subzone designations prior to 1986, required that public notice be published on three separate days in a newspaper of general circulation statewide and in the county in which the hearing is to be held. Following are the dates and newspapers in which the notices of public hearings were published:

   August 4, 6, 13, 15, and 21, 1984          Honolulu Star-Bulletin
   August 5, 6, 13, 15, and 21, 1984          Hawaii Tribune Herald

3) During 1986, Chapter 205, HRS, was amended and now requires that in addition to the publication requirements described in item (2) above, copies of the notice shall be mailed to all owners of record of real estate within the proposed GRS area, and to those owners within 1000 feet of the area proposed for designation as a geothermal resource subzone.

4) Your reference to Section 91-9.5, HRS, entitled "Notification of hearing; service" pertains to written notice for contested case hearings and does not apply to the subzone designation process.
In regard to the County Geothermal Resource Permit (Rule 12), the requirement for written notification from the Planning Department to landowners within 300 feet of the boundary of the property for which the permit is being requested, is a direct result of the same legislative action which amended Chapter 205, HRS, as described in item (3).

To date, the Board of Land and Natural Resources has not revised or updated its county-by-county assessment of potential geothermal resource areas. The Department will be conducting a review of the earlier statewide assessment as provided by Chapter 205, HRS, and will make a recommendation to the Board of any revisions, if required.

We hope the above answers your questions on the designation of geothermal resource subzones. Should you have any questions, please contact Manabu Tagomori at 548-7533.

Very truly yours,

WILLIAM W. PATY

MAY 24 1989
### Figure 44

**STATUS OF GEOTHERMAL RESOURCE SUBZONES IN HAWAI’I**

(as of March 1, 1986)

<table>
<thead>
<tr>
<th>SUBZONE STATUS:</th>
<th>HALEAKALA SOUTHWEST RIFT ZONE, MAUI</th>
<th>KILAUEA LOWER EAST RIFT ZONE</th>
<th>KILAUEA UPPER EAST RIFT ZONE</th>
<th>KILAUEA MIDDLE EAST RIFT ZONE</th>
<th>KILAUEA SOUTHWEST RIFT ZONE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PUBLIC MEETINGS:</strong></td>
<td>5/9/84-Kahului</td>
<td>5/30/84-Kahului</td>
<td>5/8/84-Hilo</td>
<td>5/13/85-Keaau</td>
<td>3/14/85-Pahala</td>
</tr>
<tr>
<td><strong>PUBLIC HEARINGS:</strong></td>
<td>7/27/84-Ulupalakua</td>
<td>5/8/84-Hilo</td>
<td>5/29/84-Hilo</td>
<td>5/15/85-Pahoa</td>
<td>5/16/85-Pahala</td>
</tr>
<tr>
<td><strong>BLNR CONTESTED CASE HEARINGS:</strong></td>
<td>9/10/84-Kula</td>
<td>9/11/84-Pahoa</td>
<td>9/12/84-Hilo</td>
<td>9/26/85-Pahoa</td>
<td>9/26/85-Pahala</td>
</tr>
<tr>
<td><strong>BLNR DECISION:</strong></td>
<td>10/16/84-BLNR designates 4,108 acres as Haleakala southwest GRS.</td>
<td>10/16/84-BLNR designates 6,000 acres as Kapoho GRS &amp; 5,405 acres as Kamaili GRS. (5,591)</td>
<td>12/28/84-See text of BLNR decision in Appendix A.</td>
<td>12/20/85-BLNR designates 9,413 acres as GRS (Figure 40). See text of BLNR decision in Appendix A.</td>
<td></td>
</tr>
<tr>
<td><strong>EXISTING GRS:</strong></td>
<td>Existing GRS as shown in Figure 43.</td>
<td>Existing GRS as shown in 36.</td>
<td>Contingent GRS (Figure 38) to be voided if land exchange suggested by BLNR decision of 12/28/84 is consummated. BLNR decision appealed to Hawaii Supreme Court.</td>
<td>Existing GRS (Figure 40) designation appealed to the Hawaii Supreme Court.</td>
<td>A request for a contested case hearing regarding designation is pending before the BLNR.</td>
</tr>
</tbody>
</table>

**NOTES:**
- BLNR = Board of Land and Natural Resources
- GRS = Geothermal Resource Subzone
- DOWALD = Division of Water and Land Development, Department of Land and Natural Resources

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BLNR decision appealed to Hawaii Supreme Court.
May 19, 1989

Mr. Delan A. Perry
Kapoho Grown
P.O. Box 537
Pahoa, Hawaii 96778

Dear Mr. Delan Perry,

As a follow up to our recent meeting and your letter of March 22, 1989, requesting the withdrawal of your property from the existing Kilauea Lower East Rift Geothermal Resource Subzone (GRS), listed below are the necessary information required in order to evaluate and process your request:

1) Name and address of all landowners requesting withdrawal of their property, the tax map key and acreage of their land parcel, and a map showing the affected property if available.

2) In addition, each landowner shall file a written basis for his request including evidence that:

   a) The area no longer has any sufficient potential for geothermal resource development;

   b) There is no known or likely prospect for the utilization of geothermal resources for electrical energy production;

   c) Potential geologic hazards to geothermal production or use exist in the area;

   d) Adverse environmental or social impact would result from the development of geothermal resources within the area;

   e) The development and utilization of geothermal resources would not be compatible with other allowed uses in the area and the surrounding lands; and

   f) Geothermal development in the area, on balance, is not in the best interest of the county or the State.
Upon the receipt of the above-requested information and review by our Department, a public hearing before the Board of Land and Natural Resources will be scheduled to receive testimony on the request to modify the existing subzone. A legal notice of the public hearing will be published in a daily paper and also mailed to all landowners requesting withdrawal of their property. Additional written testimony may be filed with the Department within 15 days following the close of the public hearing.

In accordance with Administrative Rules, Chapter 13-184, the Board of Land and Natural Resources "shall modify or withdraw a designation only upon finding by a preponderance of the evidence that the area is no longer suited for designation; provided, however, that within an existing subzone with active geothermal development activities, the area may not be modified or withdrawn".

Should you have any questions, please contact Dan Lum at 548-7643.

Sincerely,

[Signature]

MANABU TAGOMORI
Manager-Chief Engineer

DN:dh
DIV. OF WATER & LAND DEVELOPMENT

Mr. William Paty, Director
Department of Land and Natural Resources
1151 Punchbowl Street, RM. 110
Honolulu 96813

March 22, 1989

RE: NOTICE OF INTENT TO SEEK WITHDRAWAL OF TMK 3-1-4-1:61 FROM GEOTHERMAL SUBZONE AS PROVIDED IN HRS SECTION 13-184-10.

Dear Chairman Paty,

I intend to have my property in Kapoho, Hawaii TMK 1-4-1:61 withdrawn from the Geothermal Resource Subzone. This parcel is in an agricultural and residential use. Development of any potential geothermal resource would:
1) disrupt and corrupt present agricultural and residential usage,
2) cause economic losses,
3) threaten health of residents, employees, and crops,
4) threaten contamination of the groundwater reservoir,
5) disrupt the social environment of our rural community,
6) detrimentally affect the State's supply of tropical fruit and fruit products, foliage, and nuts, and
7) be incompatible with existing land uses.

I also request establishment of a buffer zone to prevent unmitigatable environmental and economic problems associated with development of the geothermal resource.

I hereby request initiation of a withdrawal procedure and will provide any additional information on request.

Please advise me if this letter meets your requirements set forth in HRS Section 13-184-10. Please also be informed that there will be additional parcels seeking to be withdrawn under this petition.

Sincerely,

Delan Armstrong Perry

cc: Lon Rankin, President, Kapoho Community Association
Mr. Dean Nakano,

I am strongly opposed to having my 2 properties in the geothermal subzone. No scientific observation hole must be done near my property! My tax map key numbers are TMK-314001031 and 314001032. Kapoho

My wife and I have spent most of our working years (20) to pay for these 2 properties. We don't want any devaluation of our 2 properties due to the testing or development of geothermal.

In this present project to test for Ormat's and other special interest groups interests there is no buffer zone to protect us and if so 1300 ft. is a poor consolation.

Also I feel that the protection of the environment by the State of Hawaii hasn't been sufficient based on past geothermal projects done in the Pohiki-Kapoho area. A lot of hydrogen sulfide has been emitted into the air to neighboring communities and the noise level has been so great that even the Pahoa residents could hear the flashing of the geothermal well. (HG-1)

We are also very disappointed with the State and County of Hawaii in not giving us any notice by mail to say that we are in the subzone.

We rightfully own our land and we ask of the withdrawal of our 2 properties from the subzone in Kapoho.

Sincerely,

Yoshio Shinde

P.O. Box 134
Pahoa, Hawaii 96778

Helene Shinde co-Trustee
83 Kapiolani St. Apt. 3
Hilo, Hawaii 96720