



DEPARTMENT OF LAND AND NATURAL RESOURCES

NOTICE OF MESSAGE RECEIVED

DATE NOV. 18 / 91 TIME 12:00 <sup>(A.M.)</sup><sub>(P.M.)</sub>

FOR Roger Evans

FROM Jim Albertini  
(MR.) (MRS.) (MISS) (MS.)

OF Rainforest Action Group

PHONE 966-7622 EXT. (Big Island)

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> TELEPHONED       | <input checked="" type="checkbox"/> PLEASE CALL |
| <input type="checkbox"/> CAME TO SEE YOU             | <input type="checkbox"/> WILL CALL AGAIN        |
| <input type="checkbox"/> RETURNED YOUR CALL          | <input type="checkbox"/> WANTS TO SEE YOU       |
| <input type="checkbox"/> LEFT THE FOLLOWING MESSAGE: | <input type="checkbox"/> URGENT - CALL AT ONCE  |

Re: Jurisdiction of  
Geothermal Sulphur P.  
and the Geothermal  
Qualifying Activities  
11/25/91  
10:45 am  
no answer  
TAKEN BY: Rog no answer 11/19/91  
1:15 pm  
for

DRAFT  
2/1/85

Mr. James Albertini  
P.O. Box AB  
Kurtistown, Hawaii 96760

Dear Mr. Albertini,

This is in response to your telephone message to Mr. Roger Evans of this Department, which was referred to our Division.

Janet Swift of my staff has tried to phone you on the Big Island at 966-7622 with no answer. Accordingly, she has prepared this response to your questions regarding jurisdiction of geothermal subzones and jurisdiction of True/Mid-Pacific Geothermal Venture's bulldozing activities.

Chapter 205, Hawaii Revised Statutes, sections 5.1 and 5.2 cover geothermal resource subzones and designation of areas as geothermal resource subzones, and provide that the board of land and natural resources has the responsibility for these areas. The administrative rule to implement the statutes is Title 13, Department of Land and Natural Resources, Subtitle 7, Water and Land Development, Chapter 184 "Designation and Regulation of Geothermal Resource Subzones".

Regarding True/Mid-Pacific Geothermal Venture's bulldozing activities, permits are required from both Hawaii County and from this Department. Hawaii County requires grubbing, grading, excavation and stockpiling permits for various projects. The Hawaii County Planning Department can provide you with citations of ordinances relating to these requirements. The Department of Land and Natural Resources requires an archaeological reconnaissance survey to be conducted for any area selected to be cleared for any project operation, prior to the initiation of clearing operations, under CDUA No. HA-12/20/85-1830, Decision and Order Plan of Operations, 6. (f).

Thank you for your inquiry. If you have any further questions, please call me at 587-0214.

Sincerely yours,

MANABU TAGOMORI,  
Deputy Director

TO Dean F  
DATE 10/15 TIME 3:20

**WHILE YOU WERE OUT**

M Jim Martin  
of Hawaii  
Phone 908-7622

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	URGENT	<input type="checkbox"/>

RETURNED YOUR CALL  10/28/91

Message Tried 8:45 am  
9:30 am  
11:55 am

10/15  
Operator

TO JANET  
DATE 10/21/91 TIME 8:25 AM

**WHILE YOU WERE OUT**

M DOT for HARRY KIM  
of CIVIL DEFENSE (HILCO)  
Phone 935 0031

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	URGENT	<input type="checkbox"/>

RETURNED YOUR CALL

Message Mr. YAMAGUCHI  
said he did file complaint  
on Sept 20, 1991, (CASE 15 pending)

\_\_\_\_\_  
Operator



DRAFT

Mr. Nelson Ho  
Regional Vice President  
Sierra Club  
P.O. Box 1137  
Hilo, Hawaii 96721

Dear Mr. Ho,

✓ Thank you for your letter of September 30, 1991 inquiring about reports of hapu'u (tree fern) being removed from True/Mid-Pacific Geothermal Venture project site in the Wao Kele O Puna area.

We inquired of Mr. Allan Kawada of True/Mid-Pacific Venture whether hapu'u is being harvested from the True/Mid-Pacific project site. We were told that the contractor is removing hapu'u from the area that has been permitted for clearing by both DLNR and Hawaii County. No harvesting is going on, only hapu'u that is being cleared for well pad #2 is being removed. The well pad has been surveyed and the boundaries marked so that the contractor stays within the permitted area.

We sent our field inspector, Mr. Eric Tanaka, to check out the site. Mr. Tanaka did not find any violations. He reported by telephone that all clearing has been limited to the site of well pad #2. He spoke to Mr. Toguchi who is authorized to clear the hapu'u from Campbell land. Mr. Toguchi reported that someone else has been seen harvesting hapu'u from an access road leading into private agriculture lands below the True project site.

✓ Thank you again for your concern about the proper management of the True/Mid-Pacific Geothermal Venture project.

Very truly yours,

WILLIAM W. PATY  
Chairperson

*Handwritten notes:*  
We will write you on 10/15



# MOKU · LOA · GROUP

SIERRA CLUB · HAWAII CHAPTER

William Paty  
Chairman, Dept. of Land and Natural Resources  
1151 Punchbowl St.  
Honolulu, Hawaii 96813

September 30, 1991

Sierra Club is writing after receiving several independent reports that True Geothermal Company has been illegally cutting and removing hapu'u (tree fern) logs. Several people have sighted up to three different pick-up trucks making many trips a day out of the locked Wao Kele O Puna rainforest area, loaded with hapu'u logs.

This illegal activity started before the June 12, 1991 geothermal well blowout at the Ormat facility and continues to the present day.

We believe that the removal of this hapu'u violates Campbell Estate's CDDA and the Decision and Order dated April 11, 1986.

We understand that Mrs. Renee Siracusa has informed you of the illegal cutting at the time of the community hearings investigating Ormat's blowout and followed up with a written letter. We also understand that Mrs. Siracusa made an oral request to Land Agent Glen Toguchi requesting an investigation of these reports. We understand that there has been no written or oral response to her communications.

- 1) We hereby request a written response be sent to us, discussing the following issues:
- 2) What has DLNR done to investigate these reports of illegal hapu'u log harvesting?
- 3) If Campbell Estate or True Geothermal claim that the logs were taken from the three acre "Well Site 2", do their DLNR permits allow this kind of activity? Under what authority were they removed?
- 4) Did the DLNR investigate whether the hapu'u removed were in fact just from the three acre geothermal "Site 2"?

P.O. BOX 1137 · HILO, HAWAII · 96721

6) How many cut hapu'u logs have been taken out? When was this done and where did they go?

6) Can DLNR order an independent investigation and verification of any developer claims? If so, we hereby request such action. We also request that independent botanists Dr. James Jacobi of U.S. Fish and Wildlife Service and Dr. Lani Stemmermann of the University of Hawaii at Hilo accompany your investigators into the geothermal subzone.

We consider this an urgent matter and look forward to your response within ten days.

Thank you,



Nelson Ho  
Regional Vice President  
Sierra Club

cc: Governor Waihee  
Senator Andrew Levin  
Mayor Lorraine Inouye  
Norman Hayashi  
Sierra Club Legal Defense Fund  
Renee Siracusa  
Citizens For Responsible Energy Development  
with Aloha Aina (CREDA)



INCIDENT REPORT

MADE BY Mr. Jim Albertini  
ADDRESS Big Island Rainforest Action Group  
TELEPHONE 966-7622

Call Taken  
By Sharon - Hilo Land Mgt  
Time 12:00 N  
Date 9-20-91  
ph 933-4245

\*\*\*\*\*

NATURE OF COMPLAINT/INQUIRY/CONCERN: Jim Albertini of BIRAC  
Called regarding removal of Hapuu from the True/Mid-pacific project  
site. Albertini reported that someone has been hauling hapuu by  
the truck loads for over several months and that this activity is still  
ongoing. He believes that this activity is in violation of True's permit. I  
advised him that DLNR would investigate and get back to him concerning our  
findings. He thanked our Dept for the quick response and will look forward  
to the results of our investigation.

\*\*\*\*\*

Screened

REFERRED TO: Agency DLNR - DWRM By \_\_\_\_\_  
Individual Dean Nakano Time \_\_\_\_\_

PRIORITY: 2 1 -- Lives Endangered  
2 -- Timely Response  
3 -- Routine Data Date \_\_\_\_\_

FOLLOW-UP:

Action Taken

Called True Groth. (Kawada) re complaint and By D. Nakano  
also requested E. Tanaka to investigate activity. Time 1:45 pm  
Note: Although the DFO does not specifically prohibit the Date 9-20-91  
removal of Hapuu, it does require approval of all clearing, grubbing, and grading  
activity within the project. Need to determine on what basis Hapuu is being taken,  
(i.e. harvesting vs. removal of fallen plants resulting from approved clearing activity,  
(over))

9/20/91 (pm)

Spoke to Kawada - Contractor is removing maté (Hapua) from the area that has been permitted for clearing by both DLNR and the County (i.e. grubbing permit). No harvesting is ongoing, only what is being cleared for well pad #2. The well pad has been surveyed and the boundaries marked so that the contractor stays within the permitted area.

9/24/91 (1:45) called Albertini, left msg that I would call back later to advise him of investigation. Also followed up on complaint received from Susan Legal Defense Fund (Majori Zigler). I advised her of our findings.

9/25/91 - called Jim Albertini to advise him of the above. He was not satisfied with our findings and said that our inspector is not doing his job and that Kawada may not be telling the truth. He said that someone has been harvesting Hapua for several months now.

I had Eric check out the site, he did not find any violations. All clearing has been limited to the site of well pad #2. Eric spoke to Mr. Toquechi who is authorized to clear the Hapua from Campbell land, Toquechi reported that someone else had been seen harvesting Hapua from an access road leading into private-agriculture lands below the Free project site. Eric's inspection report to follow with pictures.



RECEIVED

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

JOHN WANE GOVERNOR  
MURRAY E. TOWLE DIRECTOR  
BARBARA KIM STANTON DEPUTY DIRECTOR  
Takeshi Yoshihara DEPUTY DIRECTOR

ENERGY DIVISION, 435 MERCHANT ST., RM. 110, HONOLULU, HAWAII 96813 PHONE: (808) 548-4000 FAX: (808) 531-4263

DIV. OF WATER & LAND DEVELOPMENT

FACSIMILE TRANSMITTAL PAGE

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: MANABU TAGOMORI  
COMPANY: DLNR  
FROM: G.O. LESPERANCE  
DATE: 10/10/91 TIME: \_\_\_\_\_

MESSAGE: GOV REF 91:530-15 FROM  
NELSON HO, RE TRUE GEOTHERMAL'S REMOVAL  
OF HAPU'U LOGS FROM WAO KELE O PUNA.

DBED HAS NO COMMENT TO MAKE  
ON ~~THIS~~ THIS GOV REFERRAL. THE SUBJECT  
MATTER IS CLEARLY WITHIN DLNR'S PURVIEW.

PLEASE CC MURRAY E. TOWLE ON  
YOUR DRAFT RESPONSE FOR THE GOV'S  
CONSIDERATION.

Total number of pages (including Transmittal Page): 1

IF YOU DO NOT RECEIVE ALL OF THE PAGES LEGIBLY.

WMM

to: Director, DLNR  
 PLEASE COORDINATE WITH DBED

FOR:

- Comment/Recommendation (required)
- Appropriate attention
- Direct reply (cc/bcc: Governor)
- Your information/file
- Draft reply for Governor's signature
- Follow up/report
- Submit copy of response (if any)
- Keep enclosure(s)
- Return enclosure(s)
- Other

JA OCT 1 1991  
 DUE seven working days from OCT 1 1991  
 (If delay is encountered in meeting suspense  
 date, please advise by telephone immediately)  
 In reply, please refer to: 911530-15

10/9

RECEIVED  
 STATE DEPT  
 OCT 1 1991

F A X T R A N S M I T T A L S H E E T

Date: 9 130 191

From: ~~Byron...~~

NHO

Fax #: 933-4280

Company: Governor's Office of Information - Hilo

Number of pages (including this sheet):

6

To: Gov. Waihee

Fax #: 548.1559

Company:

Comments or Instructions:

For your info -  
Mahalo, Nelson Ho

LAND DEVELOPMENT

9110017 A10:35

Note: if any of these fax copies are illegible, or you do not receive the same number of pages as stated above, please contact us immediately at: (808) 933-4299

530-15



# MOKU · LOA · GROUP

SIERRA CLUB · HAWAII CHAPTER

William Paty  
Chairman, Dept. of Land and Natural Resources  
1151 Punchbowl St.  
Honolulu, Hawaii 96813

September 30, 1991

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Page #2 Sierra Club

5) How many cut hepu'u logs have been taken out? When was this done and where did they go?

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We consider this an urgent matter and look forward to your response within ten days.

Thank you.



Nelson Ho  
Regional Vice President  
Sierra Club

cc: Governor Waihee  
Senator Andrew Levin  
Mayor Lorraine Inouye  
Norman Hayashi  
Sierra Club Legal Defense Fund  
Renee Siracusa  
Citizens For Responsible Energy Development  
with Aloha Aina (CREDA)

September 23, 1991

To Whom It May Concern:

I am a resident of Koahe Homesteads. On Tuesday, 9/3/91, I was being driven up the hill and stopped to talk to 2 men, 1 boy in dark blue datsun type truck. The men were hawke, spoke w/ a trace of pidgin, very rough & scuffy looking. They were looking for a lost dog - about 1/2 between True's middle road & Rene's house. On Thurs, Sept 5, 1991, about midday I saw the same truck, followed by a red truck (both w/ <sup>Racks</sup> over bed) filled w/ cut traps. I saw them just below True's middle road heading towards Paloa. I was unable to read tag numbers. I was walking. On Friday, Sept 6<sup>th</sup>, a friend showed me a business card the same 2 men had left in case their lost dog was found. Richard Stoker was driver of dark blue truck.

Pottoi Kilegreo  
 certified coconut sprouts + trees  
 Island sales + main land export

JAMES O'DONNELL

RICHARD STOKER

If I can give any further information  
please contact me.

Athena Peanut  
P.O. Box 181  
Pahoa, Hi. 96778

message phone: 965-6634, work Sats + Suns

Aloha  
\* \*  
\* \*

(\*) N.B. I have lived in Kaahe Homesteads since  
1979 + know the area intimately. There is  
no place else besides the rainforest (Wao  
Kele O Puna) where that much hopu'u grows.

Pu'u Liliuoa



Trucks seen with hapu'u:  
dk. green (6/11) p-u  
navy " w/racks  
faded blue + grey "  
green "  
white "  
red " w/racks

Since hapu'u overhangs license plates (deliberately?) cannot get tag numbers.

←→  
Mark Orneby at BIRAG camp  
on school/dump road intersection  
has also seen them.

TO Janet  
DATE 10/29 TIME 9:20

**WHILE YOU WERE OUT**

M Nelson Hirai  
of Clean Air Plan  
Phone 586-4200

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	URGENT	<input type="checkbox"/>

RETURNED YOUR CALL

Message Re  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Operator

Nolan Hira will follow up from DOH to Willie Nagamine

Willie 586 4200

Mark Ignolia 586 4249

October 28, 1991

Memorandum

To: Dean Nakano

From: Janet Swift *Janet*

Subject: Telephone Conversation with Mr. Jim Albertini

I reached Mr. Albertini by telephone at about 1:00 p.m. (after several unsuccessful tries during the morning). He asked me to summarize the Nelson Ho letter, and he asked for a copy of it. He feels that the amount of hapu'u coming out of the locked True gate is more than could come from the acreage permitted for clearing. He asked specifically what areas did our investigator look at - he claims a person could go directly to the site #2 and miss a lot of other areas. I told him that our investigator's report had not come in yet but that I would call him back when I could answer the question of where our investigator looked. I told him that we had information that others have been seen harvesting outside the True area gaining access via old cane roads. I asked him if our investigator's report doesn't satisfy him, what would satisfy him. He said he would go to the media (I thought perhaps an independent investigation would satisfy him, as Nelson Ho suggested - I still think this is a good idea, since there is clearly so little trust of our work - but he didn't suggest looking for himself).

Mr. Albertini brought up another matter - he said he has a phone call to you on this issue, but asked me about it and to relay the concern. He said that Wilson Goddard, one of the independent investigators, received information on October 18, 1991 from Mark Ignolia of the Hazardous Emergency Response Office, that very high levels of radon had been detected coming from KS-1A. Mr. Albertini didn't know when this radioactive gas was discovered, but he wants to know when it was, and when each agency knew.

He went on to say that KS-1A was flow tested in June 1985. He thought a source test on radon would have been done by Thermal Power. He wants to know if Ormat had access to that information, and when - did DOH, DLNR have access to that information, and when.

His call to you was to ask if you were aware of the high level of radioactive radon gas from KS-1A. Also are radon gas data available from KS-3, 7 and 8?

He said what concerns him in particular is that this is a hazard, per Goddard, and in high concentrations the radon comes in condensable form, in other words it combines with other things. He said he among others was rained on during the KS-3 venting, and he wants to know did that geothermal rain contain radioactive material. If so who knew about this and who didn't know. If the

regulators didn't know, then why?

According to Albertini, Goddard told him that per condition 20 of the Authority to Construct, the developer is not required to share data with the state. If this is true, then it really erodes confidence in the regulatory agencies, and they can't be depended on to protect the public.

I told Mr. Albertini I would pass his request to you. I advised him that the Authority to Construct permit is a Department of Health permit and DLNR does not have jurisdiction over that particular permit.

October 28, 1991

Memorandum

To: Dean Nakano

From: Janet Swift

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October 28, 1991

Mr. James Albertini  
P.O. Box AB  
Kurtistown, Hawaii 96760

Dear Mr. Albertini,

Enclosed per your request is a copy of our letter to Mr. Nelson Ho, Regional Vice President of the Sierra Club, regarding removal of hapu'u from the Wao Kele O Puna area.

As my staff indicated to you, our field investigator's report has not been received to date. Janet Swift of my staff will telephone you to follow up on the details you requested relative to that report.

Sincerely yours,

MANABU TAGOMORI,  
Deputy Director