

1989

11:00-11

MEMORANDUM

To: The Honorable John L. ...  
Governor, State of ...

From: ...

Subject: Division of Proposed Administrative Rules for Act  
1989, 1989, "Geothermal and Cable System  
Development Permitting Act of 1989"

In accordance with your Administrative Directive No. 87-2, the Department of Law and Natural Resources submits herewith for your final approval the proposed Administrative Rules implementing the Geothermal and Cable System Development Permitting Act of 1989. The Board of Law and Natural Resources adopted these rules at its August 11, 1989, meeting and the Department of the Attorney General is currently reviewing these proposed rules as to form.

- (1) Reason for Proposed Rule. The rules would implement the recently enacted Act 301, SLS 1989, Chapter 1989, RPS.
- (2) Program Objective. These proposed Administrative Rules would empower the Division of Water and Land Development to properly administer and implement the Geothermal and Cable System Development Permitting Act of 1989. The Division's responsibilities and activities would be enumerated in the following new rules:

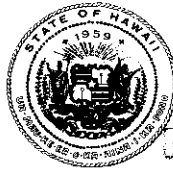
Chapter 13-185: "Rules of Practice and Procedure for Geothermal and Cable System Development Permitting"

- (3) Effect on Departmental Operations. The proposed rules would provide for the effective administration of geothermal/cable permitting rules and regulations by consolidating and coordinating as much as possible within provisions of existing statutes. An increased workload for the Department is anticipated in that an additional office has been established that must be supervised under the Division of Water and Land Development.
- (4) Funding. The enabling Act authorized an appropriation of \$275,000 for FY 1988-89 for the implementation of Act 301. Future expenditures of about \$200,000 annually are anticipated to continue the activities required under Act 301, subject to legislative approval.
- (5) Public Impact. The proposed rules will serve to provide the tax payers a more efficient public review process for geothermal and cable proposed projects. They will also consolidate aspects of the review procedures which will provide more efficient access to public hearings and public documents by members of the public who have concerns regarding geothermal and cable system development projects.
- (6) Program Alternative. Due to the nature and size of anticipated project proposals, the alternative of not providing for consolidated and coordinated agency review of geothermal and cable system development projects would result in delays in implementing any large scale geothermal and cable system project because there are permits involved at every level of government. Getting the agencies together to coordinate permitting requirements at the outset of a project will provide a mechanism for eliminating duplication where possible and for coordinating timeframes to maximize the possibility for concurrent public review and permitting.

WILLIAM W. PATY

Attach

cc: Dept. of Budget & Finance  
Dept of Business & Economic Dev.



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DEPUTIES

LIBERT K. LANDGRAF  
MANABU TAGOMORI  
RUSSELL N. FUKUMOTO

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

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

REF:WL-MH

May 11, 1989

MEMORANDUM

TO: The Honorable John Waihee  
Governor, State of Hawaii

FROM: William W. Paty, Chairperson

SUBJECT: Approval to Hold Public Hearing on Proposed  
Administrative Rules for Act 301, SLH 1988,  
"Geothermal and Cable System Development  
Permitting Act of 1988"

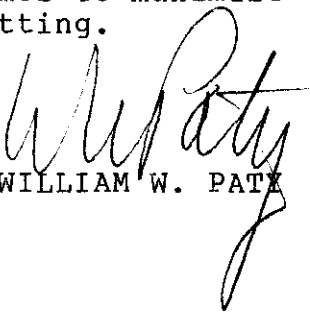
In accordance with your Administrative Directive No. 87-2, the Department of Land and Natural Resources submits herewith for your preliminary approval the proposed Administrative Rules implementing the Geothermal and Cable System Development Permitting Act of 1988. The Department of the Attorney General is currently reviewing these proposed rules as to form.

- (1) Reason for Proposed Rule. The rules would implement the recently enacted Act 301, SLH 1988, Chapter 196D, HRS.
- (2) Program Objective. These proposed Administrative Rules would empower the Division of Water and Land Development to properly administer and implement the Geothermal and Cable System Development Permitting Act of 1988. The Division's responsibilities and activities would be enumerated in the following new rules:

Chapter 13-185: "Rules of Practice and Procedure for Geothermal and Cable System Development Permitting"

- (3) Effect on Departmental Operations. The proposed rules would provide for the effective administration of geothermal and cable related permitting rules and regulations by consolidating and coordinating as much as possible within provisions of existing statutes. An increased workload for the Department is anticipated.

- (4) Funding. The enabling Act authorized an appropriation of \$275,000 for FY 1988-89 for the implementation of Act 301. Future expenditures of about \$200,000 annually are anticipated to continue the activities required under Act 301, subject to legislative approval.
- (5) Public Impact. The proposed rules will serve to provide the tax payers a more efficient public review process for geothermal and cable proposed projects. They will also consolidate aspects of the review procedures which will provide more efficient access to public hearings and public documents by members of the public who have concerns regarding geothermal and cable system development projects.
- (6) Program Alternative. Due to the nature and size of anticipated project proposals, the alternative of not providing for consolidated and coordinated agency review of geothermal and cable system development projects would result in delays in implementing any large scale geothermal and cable system project because there are permits involved at every level of government. Getting the agencies together to coordinate permitting requirements at the outset of a project will provide a mechanism for eliminating duplication where possible and for coordinating timeframes to maximize the possibility for concurrent permitting.

  
WILLIAM W. PATZ

Attach.

cc: Dept. of Budget & Finance  
Dept of Business & Economic Dev.

APPROVED/~~DISAPPROVED~~:

  
\_\_\_\_\_  
JOHN WAIHEE

Date: \_\_\_\_\_

JUN 20 1989



DEPUTIES

LIBERT K. LANDGRAF  
MANABU TAGOMORI  
RUSSELL N. FUKUMOTO

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 621  
HONOLULU, HAWAII 96809

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CONVEYANCES  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

REF: WL-DH

APR 14 1989

MEMORANDUM

TO: The Honorable John Waihee  
Governor, State of Hawaii

FROM: William W. Paty

SUBJECT: Preliminary Approval of Proposed Administrative  
Rules for Hawaii Dam Safety Act

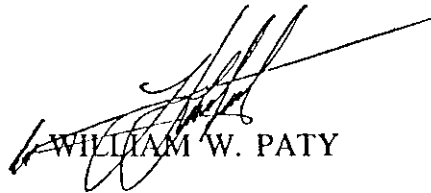
In accordance with your Administrative Directive No. 87-2, the Department of Land and Natural Resources submits herewith for your preliminary approval the proposed Administrative Rules implementing the Hawaii Dam Safety Act of 1987. The Attorney General has approved the proposed Rules as to form.

- (1) Reason for Proposed Rules. The rules would implement the recently enacted Hawaii Dam Safety Act of 1987, Chapter 179D, HRS.
- (2) Program Objective. These proposed Rules would empower the Board of Land and Natural Resources to establish a state dam safety program that would insure the safety of dams and reservoirs in the state. The Board's responsibilities and activities would be enumerated in Hawaii Administrative Rules, Chapter 13-190: "Dams and Reservoirs".
- (3) Effect on Departmental Operations. The proposed rules would provide for the effective administration of a new dam safety program within the Department. An increased workload for the Department is anticipated to provide for permitting, approval of plans, inspections, and enforcement.
- (4) Funding. Additional manpower and funds will be required to administer the proposed rules. Appropriations of \$171,000 for FY 1988-89 and \$155,000 for FY 1989-90 have been requested for the coming budget biennium. Future annual expenditures will be required to continue the program.
- (5) Public Impact. The proposed rules would create regulatory mechanisms to better protect and monitor the safety of dams and reservoirs for the benefit of

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the public. Owners of dams would develop greater awareness of their legal responsibility for hazards created by their dams.

- (6) Program Alternative. Inaction by government will increase the risk of failure of dams and reservoirs and the consequent endangerment of life and property. Cooperative efforts by government, dam owners, and the affected communities can lessen this risk. Failure to adopt the proposed Administrative Rules pursuant to Act 179D, SLH 1987, would be inconsistent with legislative intent.



WILLIAM W. PATY

Attach

cc: Dept of Budget & Finance  
Dept of Business & Economic Dev.

APPROVED/DISAPPROVED:

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JOHN WAIHEE

Date: \_\_\_\_\_