
CONTEXTUAL ISSUES

7 CONTEXTUAL ISSUES

This chapter presents key issues within the context of ‘O‘oma Beachside Village.

7.1 RELATIONSHIP BETWEEN THE SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

Short-term uses and long-term productivity consists of ‘O‘oma Beachside Village’s short-term construction phases and the long-term benefits after construction. Short-term construction impacts can be mitigated while they occur. In the long-term, the creation ‘O‘oma Beachside Village will contribute substantial positive economic and social benefits as discussed throughout this EIS. ‘O‘oma Beachside Village will contribute to the maintenance and enhancement of long-term productivity for Hawai‘i in general.

In the short-term, construction activities will impact the area. Earth movement and construction will be visible from mauka areas, Queen Ka‘ahumanu Highway, adjacent shoreline areas, and the ocean. The construction period would impact traffic conditions noise levels, and possibly ambient air quality in the immediate area. It will also generate employment. As discussed in Section 2.4 (Development Timetable and Preliminary Costs), full build-out is estimated occur over approximately 20-years. However, ~~most major grading and backbone~~ ‘O‘oma Beachside Village, LLC intends to complete all major infrastructure improvements will be completed during the initial construction period within 10 years of the LUC granting the requested reclassification. Construction of the homes and commercial areas will be completed over the entire build-out period.

Over the long-term, as portions of ‘O‘oma Beachside Village become operational and construction activities decline, short-term impacts generated by construction activities will decrease and be replaced by the long-term impacts generated by increased human activity in the area, as discussed in Chapter 4 (Assessment of Human Environment).

The long-term productivity of ‘O‘oma Beachside Village will outweigh the short-term uses of the environment. Long-term community benefits include improved public access to the shoreline, permanent open space, restored trails, and protected coastal and archaeological resources. The supply of various affordable, gap group, and market rate homes within a beachside setting, along with the provisions of neighborhood needs within mixed use villages, will satisfy socio-economic needs for West Hawai‘i.

As the community builds out, its productivity in terms of generating tax revenues will increase. Employment opportunities generated will have benefits that ripple through the regional economy. Income from property, personal, and excise taxes are expected to more than offset expenses associated with expanded public services to meet the requirements of ‘O‘oma Beachside Village and population growth.

Long-term risks to health and safety are not expected. ‘O‘oma Beachside Village will comply with all drainage, natural hazard building codes, noise mitigation, waste disposal requirements,

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

and water quality standards. The infrastructure improvements and sustainability standards implemented (as discussed in Section 2.6) are anticipated to improve health and safety standards.

The natural environment of the Property will be altered, but its long-term sustainability, viability, and productivity will be enhanced. The infrastructure improvements, such as drainage systems and recycled water systems, will be designed to mitigate impacts, as discussed in Section 4.9 (Infrastructure and Utilities).

The proposed open spaces, shoreline setback, and coastal preserve areas will provide for better managed archaeological, cultural, natural habitat, and recreational opportunities for visitors and residents.

The range of uses, types of development, quantity of open space, and mitigation measures for various environmental impacts will not foreclose future options for enhancement, expansion, or preservation of various environmental, cultural, and community facilities.

7.2 CUMULATIVE AND SECONDARY IMPACTS

Cumulative and secondary impacts are impacts that may result from other reasonably foreseeable actions within the area, regardless of who initiates the action. ~~To assess the cumulative and secondary impacts of ‘O‘oma Beachside Village in context with other proposed projects in the region, projects proposed on property currently within the State Urban District were used as the basis of reasonably anticipated development in the area.~~

Table ~~7 6~~ lists proposed residential projects and Table ~~8 7~~ lists proposed commercial projects. While the listed projects are in various stages of planning and permitting, it is unknown whether all proposed projects will proceed, or be built as currently proposed, as desired product types change over time and project developers are constantly assessing the project feasibility. There has been no movement toward development for several of the listed projects, in some cases for many years. Some listed projects may be proceeding only with their preliminary or first phases. Other listed projects are currently within the State Agricultural or Conservation districts, and would require a State Land Use District Boundary Amendment and other discretionary approvals at both the State and County levels to proceed. These approvals could take many years to obtain and are subject to review and approval of State and County decision making bodies, which will need to weigh the merits of each project at the time approvals are requested. Therefore, proposed projects in the State Agricultural or Conservation Districts are considered more speculative.

Table ~~7 6~~. Planned Residential Development Projects in West Hawai‘i*

Project Name	Number of Units	Comment/Status
Aina Le‘a	1,924	Across from Mauna Lani Resort. Plans include two golf courses and a 25-acre shopping center. <u>No movement on plans as of November 2008.</u>
Kaloko Heights	1,362	On Hina Lani Drive. Market homes on 7,500 to 15,000 sq.ft; also includes multi-family. First product expected 2013.

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

Project Name	Number of Units	Comment/Status
<u>Kaloko Makai</u>	<u>5,000</u>	<u>State Land Use District Boundary Amendment required. EISPN published June 2008. Plans include residential units, retail and commercial uses, schools, parks. Residential units would be phased according to market demand.</u>
Keahuolu Lands (RCX-2)	234	Mauka of Henry Street and south of Palani Road. Plans in flux as of Sept 2007. No movement on plans as of November 2008.
Keolalani at Waikoloa	3,000	Land zoned RS-10. Required sewer, water line, and bridge improvements will add to project infrastructure costs.
Kilohana Kai	250	Under construction.
Kona Kai Ola	400/boatslips/ 700 hotel/ 1,800 timeshare	No movement on plans as of May November 2008.
<u>Kula Nei</u>	<u>270</u>	<u>State Land Use District Boundary Amendment granted October 2008. Plans include residential units, parks, wastewater treatment plant, potable water well, and regional storage reservoir.</u>
Palamanui	845	Within 725-acre site tied to proposed UH West Hawai‘i campus; first homes expected 2009+. Excludes dormitories.
Seascape	108	Affordable condos with buy-back provision. Building Permits issued 2007; construction started.
Sunset Ridge	197	High \$400,000s to low \$700,000s in 2007. Under construction.
The Shores at Kohanaiki	500	Golf course and clubhouse under construction.
Villages of La‘i‘opua	1,350	225 units completed at Village 3 in 2001; Villages 4 and 5 (300 units) being developed. Villages 8, 9, 10 taken by HHFDC and are subject to EIS for Urbanization.
<u>Waikoloa Highlands</u>	<u>398</u>	<u>State Land Use District Boundary Amendment granted June, 2008. Residential subdivision.</u>
Waikoloa Village	476	Rentals, senior housing, hotel; commercial planned.
Kamakoa Vistas (Waikoloa Workforce Housing)	1,100	1,000 to 1,200, of which 400 rentals. County has deeded land to HIHT, and committed \$40 million for infrastructure. Community Facilities District financing.
Wainani Estates	49	Vacant lots; Increment One (30 lots of 15,000 to 25,000 sq.ft.) now on market.
Wehilani: Makana Kai and Kikaha	723	West and south of Waikoloa Village entrance. Now marketing.

* Note: The planned residential development projects in West Hawai‘i does not include proposed projects on lands designated LUC Agricultural or Conservation District as of October 1, 2007, because these plans would require discretionary approvals at both the State and County levels and thus are currently considered too speculative to assume production. Such projects include

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

‘O‘oma Beachside Village itself, as well as other announced proposals such as Kula Nei, Kaloko Makai, and Waikoloa Highlands.

Table 8 7. Planned Commercial Developments in West Hawai‘i*

Project Name	Estimated GLA (sq. ft.)	Comment/Status
Aina Le‘a	200,000	Estimate based on land area; project in need of financing and development partner. <u>No movement on plans as of November 2008.</u>
CG10 site	200,000	Office and retail potential development; no residential planned at this time.
Kaloko Heights	50,000	Neighborhood commercial; zoned CN-20.
Kona Commons	650,000	<u>To be developed in three phases. A portion of Phase 1 of 132,400 sq.ft. anticipated opened in October 2008.</u> On QLT leased lands makai of Queen Ka‘ahumanu Highway.
Kona Kai Ola	500,000	No movement on plans as of May <u>November 2008.</u>
Lanihau Shopping Center Phase 2	220,000	Fronts Henry Street.
Lots 14 & 15	60,000	Plans under review.
Makalapua Shopping center Phase 2	116,000	Up to 20-acre expansion permitted by water agreements within current Urban Phase 1.
NELHA	N/A	Plans unspecified, but approximately 400 acres of commercial/industrial land are potentially available.
Palamanui	280,000	Village and Community commercial areas designated within 725-acre site. Excludes research; medical.
Queen’s Marketplace	135,000	Anchor Island Gourmet markets (ABC stores/KTA)
Unnamed <u>Pualani Makai</u>	20,000	Neighborhood commercial. Across Pualani Estates, makai of Queen Ka‘ahumanu Highway. <u>No movement on plans as of November 2008.</u>
Waikoloa Village	200,000	Zoned CV-10; also includes residential rentals, senior housing, hotel.
Waimea Town Center	200,000	Town Center Plan under review; represents maximum development expected.

* Note: The Department of Transportation-Airports division is currently working a revised Master Plan for Kona International Airport at Keāhole, which may result in additional commercial uses at the Airport. These potential uses have not been considered here because the DOT-Airports master planning process is still underway and specific uses have not been determined, therefore such development is too speculative for analysis at this time.

As shown in the tables above, ‘O‘oma Beachside Village will be a part of the overall change and growth of the region. Cumulative and secondary impacts resulting from these projects are likely to include increased population and greater demands on public infrastructure systems and services. However, the population of West Hawai‘i is projected to grow and the needs of a growing population relating to traffic, infrastructure, public services, and other issues will need to be addressed regardless if some or all of these projects are built.

The challenge will be to manage growth in acceptable manner. ‘O‘oma Beachside Village is part of a new planning paradigm that will allow residents to live, work, and play all in the same

‘O‘OMA BEACHSIDE VILLAGE

Final Environmental Impact Statement

community. This “traditional neighborhood design” approach is an alternative to conventional suburban sprawl and focuses on creating vibrant communities, preserving open space, and reducing congestion by providing for residents’ many day-to-day needs within the community and thus minimizing trips to outside areas. This approach is consistent with, and implements, the vision, principles, and goals of the Kona Community Development Plan (Kona CDP).

The Kona CDP vision views Kona as a sustainable community characterized by a deep respect for the culture and the environment where residents responsively and responsibly accommodate change through an active and collaborative community. ‘O‘oma Beachside Village shares this vision.

Likewise, ‘O‘oma Beachside Village supports and is in alignment with the Guiding Principles of the Kona CDP that provide the foundation for the goals, objectives, policies, and implementation actions (the Kona CDP Guiding Principles are listed and numbered below, followed by brief paragraphs of the ‘O‘oma Beachside Village objective and proposed actions related to each principle):

1. **Protect Kona’s natural resources and culture**

‘O‘oma Beachside Village will be set back approximately 1,100- to 1,700-feet from the shoreline, creating a 75-acre public coastal open space and coastal preserve (18-acres as a public shoreline park, community pavilion and 57 acres designated as a coastal preserve) along the ocean frontage.

The historic Māmalahoa Trail, which will remain protected and preserved, is approximately 10 feet wide within a 30-foot wide easement and runs north-south through the Property. A buffer of 50 feet on both sides of the Trail will remain undisturbed. Therefore, the Māmalahoa Trail with the buffer will provide a 110-foot wide open space corridor, which is approximately 2,520 feet long, and includes approximately seven acres. There will also be an additional 60-foot building setback from the buffer on both sides.

2. **Provide connectivity and transportation choices**

‘O‘oma Beachside Village provides a network of interconnected streets that will disperse internal vehicular traffic throughout the community and connect residential areas to the mixed-use villages. A second circulation system of linked pedestrian/bike trails will provide another option for traveling throughout the community (mauka-makai and lateral).

3. **Provide housing choices**

‘O‘oma Beachside Village will offer a wide range of housing alternatives, focused on the primary resident market, including multi-family homes, “live-work” or mixed-use units, workforce, gap group and affordable homes, and single-family home lots.

4. Provide recreation opportunities

Approximately 103 acres (34 percent of the Property) of ‘O‘oma Beachside Village will remain in open space, including a community park recreation area, neighborhood parks, a shoreline park, preserves, and buffer zones.

5. Direct future growth patterns toward compact villages north of Kailua

The majority of future growth should be directed north of Kailua in the form of compact villages that offer increased density and mixture of homes, shops, and places to work. Directing future growth patterns in this manner will preserve Kona’s rural, diverse, and historical character.

‘O‘oma Beachside Village, situated north of Kailua within the Urban Expansion area of North Kona as noted in the *County of Hawai‘i General Plan*, will be a diverse coastal residential community, designed to be walkable, interconnected, environmentally-conscious, with two mixed-use villages and diverse housing options.

6. Provide infrastructure and essential facilities concurrent with growth

Although access is permitted from Queen Ka‘ahumanu Highway, coordination is underway for ~~a single highway intersection with The Shores at Kohalaiki and planning for~~ a transit corridor/frontage connector road providing another roadway link between Kailua and the Airport.

‘O‘oma Beachside Village is committed to participating with State and County agencies in to develop its portion of the proposed regional frontage road makai of Queen Ka‘ahumanu Highway and is committed to investigating designation of a transit stop on-site.

In addition, a site for a charter school, adjacent to the Mauka Mixed-use Village and the community park is proposed; the school site is conveniently located so that the school may share the public community park’s recreational facilities.

7. Encourage a diverse and vibrant economy emphasizing agriculture and sustainable economies

‘O‘oma Beachside Village provides two mixed-use villages with walkable, pedestrian-friendly commercial areas. Many buildings in these areas will contain commercial uses on the ground floor, and may contain commercial uses, offices, or residences on upper floors. The main objective of the ‘O‘oma mixed-use villages is to provide the commercial and business services to support the community and thus reduce the number of car trips required to Kailua-Kona.

8. Effective Governance

The Kona CDP encourages residents that responsively and responsibly accommodate change through an active and collaborative community with local decision-making.

‘O‘oma Beachside Village is a community that includes a mix of residential, commercial, public uses, parks, open space, a neighborhood charter school, biking and walking paths combining to form a community that encourages residents to build relationships with each other, rely less on cars for transportation, walk and bicycle more often, enjoy outdoor surroundings, and actively engage in civic life.

Regarding traffic, ‘O‘oma Beachside Village will be part of the regional solution to traffic circulation on Queen Ka‘ahumanu Highway by working cooperatively with the State, County, and adjoining landowners to plan and develop its portion of a frontage road makai of, and parallel to, Queen Ka‘ahumanu Highway. In addition, the traffic impact analysis report prepared for ‘O‘oma Beachside Village (see Section 4.4 and Appendix G) has accounted for increased traffic in the region due to additional proposed projects. Traffic on Queen Ka‘ahumanu Highway is expected to increase even if ‘O‘oma Beachside Village is not built. However, the State DOT and County of Hawai‘i have many roadway improvements planned to meet the expected growth in the area. The *Keāhole to Honaunau Regional Circulation Plan County Action Plan* (August 2006) prepared by the County of Hawai‘i Planning Department identifies several specific improvements including the widening of Queen Ka‘ahumanu Highway from Henry Street to the Airport and the development of an extensive roadway network mauka of the highway.

The new roadway network mauka of the highway would create more mauka-makai roadways between Queen Ka‘ahumanu Highway and Māmalahoa Highway and create more north-south roadways between and parallel to these two existing highways. The three important north-south roadways include the Kealakaa Street Extension, Ane Keohokalole Highway Extension, and Main Street (Kamanu Street) Extension. Combined with the proposed makai frontage road, the effect of these improvements would be the diversion of traffic from Queen Ka‘ahumanu Highway, resulting in a decrease in congestion on Queen Ka‘ahumanu Highway. The Kona CDP has discussed and recommended these road systems as a means of addressing regional traffic circulation.

In addition to traffic, other cumulative and secondary impacts resulting from other projects, along with ‘O‘oma Beachside Village, are likely to include potential impacts on public infrastructure systems and public services. Previous sections of this EIS have discussed the expected impact ‘O‘oma Beachside Village will have on public infrastructure systems and public services, and mitigation measures have been proposed. Further, tax revenues from ‘O‘oma Beachside Village are expected to contribute to State and County revenues in excess of the costs incurred to the State and the County, and thus contribute to the overall State and the County tax base (see Section 4.10.4) and, in turn, the provision of infrastructure concurrent with growth.

‘O‘oma Beachside Village is not expected to cause secondary impacts to sensitive surrounding land uses, including Kaloko-Honokōhau National Historic Park and NELHA. As discussed in Section 3.5 (Groundwater Resources and Nearshore Marine Environment), ‘O‘oma Beachside Village is not anticipated to impact groundwater, ocean waters, or ocean biology. This

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

conclusion is based on analysis of potential impacts of ‘O‘oma Beachside Village’s proposed water, wastewater, irrigation (including fertilizer application), and drainage systems. In addition, as discussed in Section 4.6 (Noise) and Section 4.7 (Air Quality), ‘O‘oma Beachside Village is not anticipated to significantly impact the acoustical environment or air quality and thus will not significantly contribute to cumulative and secondary impacts associated with these issues. Finally, adherence with Hawai‘i County law regarding lighting (Chapter 14 Article 9, HCC), ensures cumulative and secondary impacts related to light pollution will not impact sensitive surrounding land uses.

To mitigate cumulative impacts to human and environmental health, in the design and construction of ‘O‘oma Beachside Village, ‘O‘oma Beachside Village, LLC will implement LEED concepts in the development of ‘O‘oma Beachside Village, where appropriate. feasible measures to promote energy conservation and environmental stewardship, such as the standards and guidelines promulgated by the U.S. Green Building Council, the United States Environmental Protection Agency (EPA) ENERGY STAR Program, or other similar programs.

The U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Green Building Rating System ~~concepts~~ recognizes performance in five key areas: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. To further reduce energy consumption, ‘O‘oma Beachside Village, LLC will also consider implementing elements of the United States Environmental Protection Agency (EPA) ENERGY STAR Program. ENERGY STAR features that can reduce cumulative impacts include effective insulation, high performance windows, tight construction, efficient cooling equipment, and energy efficient lighting and appliances.

Finally, while many projects are proposed, it is unknown whether all proposed projects will proceed, or be built as currently proposed. As will be the case for ‘O‘oma Beachside Village, all proposed projects will be subject to regulatory review to ensure compliance with applicable land use policies and any specific project conditions. Projects must have the appropriate State land use designation, the appropriate County zoning, and comply with other applicable regulatory review and approval procedures to ensure the project will not have major adverse effects on infrastructure, public services, and the natural or socio-economic environment, or result in adverse cumulative and secondary impacts. As will be the case for ‘O‘oma Beachside Village, developers of other projects in the region will be required to satisfactorily mitigate impacts of their projects before proceeding with development.

7.3 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Creation of ‘O‘oma Beachside Village will involve the irreversible and irretrievable commitment of certain land and fiscal resources. Major resource commitments include the land and capital, construction materials, non-renewable resources, labor, and energy required for the community’s completion.

‘O‘oma Beachside Village will require approximately two-thirds of the Property be used for urban-like uses; however approximately one third of the Property will be set aside for open space, including the shoreline park, the coastal preserve, and the historic Māmalahoa Trail and buffer area. The urban-like uses of ‘O‘oma Beachside Village are well-suited for the Property because the Property is: 1) located contiguous to existing urban land uses; 2) designated as

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

“Urban Expansion” in the *County of Hawaii General Plan* (2005); 3) in close proximity to Queen Ka‘ahumanu Highway; 4) in close proximity to the West Hawai‘i employment areas; and 5) in alignment with the Kona CDP goals, strategies, and guiding principles relating to land use, transportation, housing, cultural resources, and infrastructure.

The impacts represented by the commitment of resources should be weighed against the positive and recurring socio-economic benefits that will be derived from ‘O‘oma Beachside Village versus the consequences of either taking no action or pursuing another less beneficial use of the Property.

As previously mentioned, ‘O‘oma Beachside Village is part of a new planning paradigm to allow residents to live, work, and play all in the same community. This “traditional neighborhood design” approach is an alternative to conventional suburban sprawl, and is consistent with, and implements, the vision, principles, and goals of the Kona CDP.

7.4 PROBABLE ADVERSE ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

Potential environmental impacts resulting from the creation of ‘O‘oma Beachside Village have been discussed throughout this EIS. Mitigation measures have been provided for adverse impacts.

Land Use Character – Over the last several decades land uses in West Hawai‘i have undergone a gradual change as more in-fill urban uses were built on previously vacant properties, particularly makai of Queen Ka‘ahumanu Highway. The construction of Queen Ka‘ahumanu Highway in the early 1970s led to the development of major destination resorts along the coastline.

‘O‘oma Beachside Village will complement the pattern of in-fill development along the coast in a way that is envisioned and consistent with the *Hawai‘i County General Plan* and draft Kona CDP. In doing so, ‘O‘oma Beachside Village also differs substantially from the major coastal resort designations by providing diverse housing opportunities within a beachside setting, rather than economically stratified, primarily second home, resort residential development. ‘O‘oma Beachside Village will provide a broad range of residential opportunities makai of Queen Ka‘ahumanu Highway, which are not currently not available in the existing resort residential developments.

Traffic Impacts – Traffic on Queen Ka‘ahumanu Highway is expected to increase even if ‘O‘oma Beachside Village is not built. ‘O‘oma Beachside Village will be part of the regional solution to traffic circulation on Queen Ka‘ahumanu Highway. ‘O‘oma Beachside Village will work cooperatively with the State, County, and adjoining landowners to plan and develop its portion of a frontage road makai of, and parallel to, Queen Ka‘ahumanu Highway. In addition, the State DOT and County of Hawai‘i have many roadway improvements planned to meet the expected growth in the area. Combined with the proposed makai frontage road, the effect of these improvements would be the diversion of trips from Queen Ka‘ahumanu Highway and therefore reduced congestion on Queen Ka‘ahumanu Highway.

Solid Waste – As detailed in Section 4.9.4, there will be solid waste generated during construction and after development of ‘O‘oma Beachside Village. ‘O‘oma Beachside Village,

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

LLC will encourage all contractors and tenants to recycle. Solid waste that cannot be recycled will be disposed of at the County Landfill.

The annual electrical demand of the project when fully developed is expected to reach a maximum of approximately 71 million kilowatt-hours

Electrical Power – When fully built out, the annual electrical demand for ‘O‘oma Beachside Village is expected to reach a maximum of approximately 71 million kilowatt-hours. To reduce energy consumption, ‘O‘oma Beachside Village, LLC will consider implementing elements of the United States Environmental Protection Agency (EPA) ENERGY STAR Program including effective insulation, high performance windows, tight construction, efficient cooling equipment, and energy efficient lighting and appliances. O‘oma Beachside Village will strive to incorporate energy conservation strategies such as use of solar power or photovoltaic systems and will also consider possibilities for net energy metering in building design to allow residents and businesses to lower electricity costs and provide energy back into the system.

Air Quality – In the short term, construction of ‘O‘oma Beachside Village will unavoidably contribute to air pollutant concentrations due to fugitive dust releases at construction areas. Mitigation measures, including frequent watering of exposed surfaces, will help to reduce and control such releases, and all construction activities will comply with the provisions of HAR, Chapter 11-60.1, Air Pollution Control, Section 11-60.1-33, “Fugitive Dust.” Over the long-term, an air quality modeling analysis of estimated community-related traffic indicates that even during worst-case conditions, predicted concentrations of pollutants will remain well below State and Federal standards.

Noise – In the short term, construction of ‘O‘oma Beachside Village will generate temporary noise impacts. The dominant noise sources during construction will most likely be earth-moving equipment, such as bulldozers and diesel trucks. Noise from construction activities will comply with all federal and state noise control regulations. In the long-term, traffic-generated noise to the community will be mitigated by adequate setbacks from the highway, in conformance with federal highway standards.

7.4.1 Rationale for Proceeding with ‘O‘oma Beachside Village Notwithstanding Unavoidable Effects

In light of the above mentioned unavoidable effects, ‘O‘oma Beachside Village should proceed because adverse impacts can be mitigated and are offset by substantial positive factors, including:

- Compliance with the *County of Hawai‘i General Plan* (February 2005), which designates a large portion of the ‘O‘oma Beachside Village property for Urban Expansion.
- Substantial compliance with policies of the *Hawai‘i State Plan*, State Functional Plans, and the Coastal Zone Management Act.
- Consistency with the vision, principles, and goals of the Kona Community Development Plan.
- The provision of diverse housing opportunities makai of Queen Ka‘ahumanu Highway.
- The public benefit of dedicating the 18-acre public shoreline park area for public use.

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

- The wages, taxes, and overall positive economic impacts of ‘O‘oma Beachside Village, including approximately:
 - 340 FTE development-related jobs per year (average) during the build-out period up to 2030.
 - 480 direct permanent, ongoing FTE new jobs after build-out.
 - \$3.2 million per year in net County revenues (additional government revenues less associated operating revenues) by build-out and thereafter.
 - \$1.4 million per year in net State revenues (additional government revenues less associated operating revenues) by build-out and thereafter.

7.5 UNRESOLVED ISSUES

Water – As discussed in Section 4.9.1 (Water System), ‘O‘oma Beachside Village, LLC’s preferred source of potable water for ‘O‘oma Beachside Village is an (on-site or off-site) desalination plant is the preferred alternative for providing water to ‘O‘oma Beachside Village. If an on-site desalination plant proves unfeasible, ‘O‘oma Beachside Village, LLC is continuing to will explore other alternate sources of water including connection to the County of Hawai‘i potable water system, partnership with private water system owners, or utilization of independent wells, an off-site desalination plant with an off-site well and storage, or utilization of a conventional potable well system. In providing a source of potable water for ‘O‘oma Beachside Village, ‘O‘oma Beachside Village, LLC will comply with all laws and regulations. As necessary, ‘O‘oma Beachside Village, LLC will undertake additional research to assess the potential impacts and appropriate mitigation measures of the selected systems.

The Commission on Water Resource Management (CWRM) application process for water use permits entails: 1) the preparation of extensive applications that includes analysis of: a) the public interest; b) the rights of the Department of Hawaiian Home Lands; c) any interference with any existing legal uses; and d) alternatives; 2) an thorough public and agency review process; 3) public hearing(s); and 4) a formal decision from CWRM. Well construction/pump installation permits also have an extensive application process that includes thorough review. Therefore, in the event that a desalination plant proves unfeasible, there will be extensive analysis, review, and evaluation of potential impacts of any alternative potable water system.

(This page intentionally left blank.)

CONSULTATION

8 CONSULTATION

8.1 PRE-CONSULTATION

In the course of planning for ‘O‘oma Beachside Village, the following agencies or individuals were consulted or provided information in preparation of the EISPN:

Federal

- Federal Emergency Management Agency
- Natural Resources Conservation Service
- U.S. Geological Survey

State of Hawai‘i

- Department of Agriculture
- Department of Business Economic Development & Tourism (DBEDT)
 - Land Use Commission
 - Office of Planning
- Department of Transportation
- Land Study Bureau

Hawai‘i County

- Brad Kurokawa, Deputy Planning Director
- Department of Environmental Management
 - Wastewater Division
- Department of Public Works
- Department of Water Supply
- Mayor Harry Kim
- Planning Department
- Roy Takemoto, Special Projects – Office of the Mayor

Other

- Jeff Nichols, NELHA

8.2 EISPN CONSULTATION

The EISPN was sent to the following agencies, organizations, and individuals. The public comment period on the EISPN was from May 8, 2007 to June 7, 2007. Section 11.0 of this EIS contains comment letters on the EISPN and responses.

Federal

- US Army Corps of Engineers
- US Fish & Wildlife Service
- USDA Natural Resources Conservation Service
- US Department of Defense

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

- US Department of the Interior, National Park Service, Kaloko-Honokōhau National Historic Park

State of Hawai‘i

- State Land Use Commission
- Department of Agriculture
- Department of Business, Economic Development & Tourism (DBEDT)
- DBEDT – Strategic Industries Division
- DBEDT – Office of Planning
- Department of Education
- Department of Hawaiian Homelands
- Department of Health – Office of Environmental Quality Control
- Department of Land & Natural Resources (DLNR)
- DLNR – State Historic Preservation Division
- Department of Transportation
- Department of Transportation – Airports Division
- Department of Transportation – Highways Division
- Office of Hawaiian Affairs
- University of Hawai‘i Environmental Center

County of Hawai‘i

- Fire Department
- Mass Transit Agency
- Department of Parks & Recreation
- Department of Planning
- Police Department
- Department of Public Works
- Department of Environmental Management
- Department of Water Supply
- Civil Defense Agency
- Corporation Counsel
- Office of the Mayor

Other

- Kailua-Kona Public Library
- Hawaiian Telcom
- Hawaii Electric Light Company (HELCo)
- Oceanic Time Warner Cable
- Hawai‘i Planning Commission
- Cyanotech Corporation
- Hawai‘i Leeward Planning Conference
- Keāhole Point Association
- Natural Energy Laboratory of Hawai‘i Authority (NELHA)
- County Councilmember Angel Pilago

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

EIS Consulted Parties

Title 11, Chapter 200, HAR, §11-200-15, Consultation Prior to Filing a Draft Environmental Impact Statement, states: “Upon publication of a preparation notice in the periodic bulletin, agencies, groups, or individuals shall have a period of thirty days from the initial issue date in which to request to become a consulted party and to make written comments regarding the environmental effects of the proposed action.”

The following individuals requested to become a consulted party during the EISPN comment period (May 8, 2007 to June 7, 2007):

- US Department of the Interior, National Park Service, Kaloko-Honokōhau National Historic Park
- US Department of the Interior, National Park Service, Kaloko-Honokōhau National Historic Park, Ala Kahakai National Historic Trail
- Keāhole Point Association

Further consultation with the above consulted parties is noted below

8.3 FURTHER CONSULTATION

Following the EISPN public comment period, additional consultation was sought prior to the preparation and distribution of ~~this~~ the Draft EIS. Based on input gathered at these consultations meetings, the project’s scope was refined from the plans presented in the EISPN to the plans presented in ~~this~~ the Draft EIS.

Some key issues that surfaced from the consultation include: improvements of the road infrastructure in the area, Queen Ka‘ahumanu traffic concerns, environmental impact on nearshore waters, adequate shoreline access, population growth, and social impacts. Below is a list of consulted agencies and individuals.

Table 9 8. Consultation

Date	Name	Agency/Organization
7-10-07	Roy Takemoto	Mayor’s Office
7-17-07	Linda Smith	Governor’s Senior Policy Advisor
7-17-07	Brennon Morioka	DOT – Highways
7-17-07	Francis Keeno	DOT Administration
7-18-07	Bob Lee	State Civil Defense
7-18-07	Heidi Guth	OHA
7-18-07	Brian Sekiguchi	DOT – Airports
7-19-07	*Geri Bell	National Park Service
7-19-07	Andy Smith	Governor’s Liaison for West Hawai‘i
7-19-07	Rick Vidgen	Chair of Governor’s Advisory Council

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

Date	Name	Agency/Organization
7-19-07	Greg Ogin	YMCA
7-19-07	Ruby McDonald	OHA West Hawai‘i Representative
7-19-07	Ross Wilson	Friends of NELHA
7-19-07	Debbie Baker	Executive Director for Kailua Business Improvement District
7-19-07	David Kaapu	Friends of NELHA
7-20-07	Laura Thielen	State Office of Planning
7-20-07	Laurence Lau	State Department of Health
7-23-07	Chiyome Fukino	State Department of Health
7-23-07	Heather Nakakura	West Hawai‘i Explorations Academy
7-23-07	Kurt Kawafuchi	State Department of Taxation
7-23-07	Ted Liu	State DBEDT
7-23-07	Elaine Brown	DOT – Airports
7-24-07	Mark McGuffie	Hawai‘i Island Economic Development Board
7-24-07	Roy Takemoto	Mayor’s Office
7-24-07	Dylan Nonaka	Governor’s Office – East Hawai‘i liaison
7-24-07	Harry Kim; Dixie Kaetsu	Mayor’s Office; Managing Director
7-24-07	Kepa Maly	-
7-24-07	Milton Pavao; Quirino Antonio	County DWS
7-30-07	Elaine Brown; Lynn Becones; Lynette Kawaoka; Robert Miyasaki; Glenn Soma; Steve Takashima; Chauncey Wong Yuen	DOT – Airports
8-1-07	Wally Lau	Neighborhood Place of Kona
8-2-07	Rick Gaffney	West Hawai‘i Fisheries Council
8-2-07	Mike Matsukawa	Kona CDP
8-8-07	Alika Desha	Royal Order of Kamehameha
8-8-07	Robert Lee	-
8-8-07	Reggie Lee	Hui O Na Kupuna
8-8-07	Shawn Makaiiau	-
8-8-07	Elizabeth Lee	Kahananui
8-8-07	Chrystal Yamasaki	Kona CDP Steering Committee member
8-8-07	Lily Kong	Ka Ohana O Na Kupuna O Kona
8-8-07	Kaleo Kualii	Kennedy Wilson on-site manager at Kohanaiki

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

Date	Name	Agency/Organization
8-14-07	John Dawrs	County Police Department
8-21-07	Hannah Springer	-
8-27-07	Roy Takemoto	Mayor’s Office
8-29-07	Angel Pilago; Elaine Watai	Councilman; Councilman’s staff member
8-29-07	Curtis Tyler	-
8-29-07	Kaimi Judd	Discovery Land Company
8-29-07	Vivian Landrum	Executive Director of the Kona-Kohala Chamber of Commerce
8-29-07	*Aric Arakaki	Ala Kahakai National Historic Trail Superintendent
8-30-07	Gary Eoff	Protect Kohanaiki Ohana
9-5-07	Bill Walsh	State DLNR
9-5-07	John Dawrs	County Police Department
9-5-07	Burke Matsuyama	-
9-5-07	Peter Keikua’ana Park	-
9-6-07	JoAnn Farnsworth	Kona CDP
9-10-07	Virginia Isbell	-
9-12-07	Nancy Pisicchio	Kona CDP
9-15-07	Marni Herkes	-
9-18-07	Susan Maddox	Executive Director of Tutu’s House and Friends of the Future
9-18-07	Riley Smith	Water Board member; Chair of Kona-Kohala Chamber of Commerce Environment and Natural Resources Committee
9-18-07	Jacqui Hoover	Executive Director of Hawai‘i Leeward Planning Conference (HLPC)
9-24-07	Ron Baird	NELHA
9-24-07	Heather Nakakura; Curtis Muraoka	West Hawai‘i Explorations Academy
9-24-07	Kaimi Judd	Discovery Land Company
9-24-07	Chauncey Wong-Yuen	DOT-Airports
9-25-07	Ron Mitchell	Rainbow Assets Regulator & Physical Maintenance
9-25-07	*Geri Bell; Les Inafuku	National Park Service
9-25-07	Ruby McDonald	OHA
9-25-07	Andy Smith	Governor’s Liaison for West Hawai‘i

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

Date	Name	Agency/Organization
9-26-07	Rae Kahaialii; Doreen Kahaialii; Ana Kahaialii; Kaleo Kualii; Mahealani Pai; Zachary Kanuha; Reggie Lee; Robert Lee; Auntie Elizabeth Lee	Hui O Na Kupuna
9-26-07	Roy Takemoto	Mayor’s Office
9-26-07	Burke Matsuyama	Kohanaiki Industrial Owners
11-14-07	Mahealani Pai	Hui O Na Kupuna
11-15-07	Jeff and Teri Leicher	Jack’s Diving Locker in Kona
11-19-07	Warren Lee	Hawai‘i Electric Light Company (HELCO)
12-3-07	Keith Kato	Hawai‘i Island Community Development Corporation (HICDC)
12-3-07	Milton Pavao; Quirino Antonio; Larry Beck	County DWS
12-3-07	Tom Brown	Hawai‘i County Transit Administrator
12-5-07	Ron Baird	NELHA
12-31-07	Sara Peck	-
1-17-08	Heather Nakakura; Curtis Muraoka	West Hawai‘i Explorations Academy
1-17-08	Chauncey Wong-Yuen	Kona Airport Manager
1-30-08	Rae Kahaialii, Doreen Kahaialii, Ana Kahaialii, Kaleo Kualii, Mahealani Pai, Zachary Kanuha, Reggie Lee, Robert Lee	Hui O Na Kupuna
3-5-08	Dora Aio-Leamons	Kaniohale Community Association
3-13-08	*Gerry Cysewski	President, Keāhole Point Association
4-2-08	Roy Takemoto	Mayor’s Office
4-2-08	*Gerry Cysewski	Keāhole Point Association
4-8-08	Danny Akaka	Cultural historian
<u>4-9-08</u>	<u>National Park Water Group</u>	
<u>4-23-08</u>	<u>Chris Yuen</u>	<u>Director, Planing Department</u>
<u>4-24-08</u>	<u>Water Quality Monitoring Workshop</u>	<u>Planning Department</u>
<u>5-12-08</u>	<u>Stacy Higa</u>	<u>Councilman</u>
<u>5-12-08</u>	<u>Marni Herkes</u>	-
<u>5-12-08</u>	<u>Sara Peck</u>	-
<u>5-14-08</u>	<u>Kona Water Roundtable</u>	<u>Department of Water Supply</u>
<u>5-15-08</u>	<u>Virginia Isbell</u>	-

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

Date	Name	Agency/Organization
<u>5-15-08</u>	<u>Andy Smith</u>	<u>Governor's Liaison</u>
<u>5-15-08</u>	<u>Barbara Kossow</u>	<u>County Deputy Managing Director</u>
<u>5-15-08</u>	<u>Hui O Na Kupuna</u>	
<u>5-16-08</u>	<u>Pete Hoffman</u>	<u>Councilmember</u>
<u>5-16-08</u>	<u>Curtis Muraoka</u>	<u>West Hawai'i Explorations Academy</u>
<u>6-3-08</u>	<u>Curtis Muraoka</u>	<u>West Hawai'i Explorations Academy</u>
<u>6-3-08</u>	<u>Jan War</u>	<u>NELHA, 'O'oma Citizen Advisory Group</u>
<u>6-3-08</u>	<u>*Geri Bell</u>	<u>National Park Service</u>
<u>6-3-08</u>	<u>Teri Leicher</u>	<u>Jack's Diving Locker in Kona</u>
<u>6-3-08</u>	<u>Laura Dierenfield</u>	<u>Peoples Advocacy for Trails Hawai'i (PATH)</u>
<u>7-11-08</u>	<u>Heidi Meeker</u>	<u>Department of Education</u>
<u>8-4-08</u>	<u>Lynn Becones, Steve Takashima, Elaine Brown</u>	<u>DOT Airports Division</u>
<u>8-7-08</u>	<u>Milton Pavao, Larry Beck, Kathy Garson (Corporation Counsel)</u>	<u>Department of Water Supply</u>
<u>8-12-08</u>	<u>'O'oma Citizen Advisory Group</u>	
<u>8-13-08</u>	<u>Na Ala Hele Advisory Group</u>	
<u>8-19-08</u>	<u>Brennon Morioka</u>	<u>Department of Transportation</u>
<u>10-23-08</u>	<u>Randy Moore</u>	<u>Department of Education</u>
<u>11-3-08</u>	<u>Kona Water Roundtable</u>	<u>Department of Water Supply</u>
<u>11-3-08</u>	<u>National Park Water Group</u>	
<u>11-5-08</u>	<u>Milton Pavao, Kathy Garson</u>	<u>Department of Water Supply</u>
<u>11-18-08</u>	<u>DOE Impact Fee Public Hearing</u>	
<u>12-2-08</u>	<u>Abbey Meyer, Abe Mitsuda, Bryan Yee, Loreen Maki</u>	<u>State Office of Planning</u>
<u>12-8-08</u>	<u>Mayor Billy Kenoi</u>	<u>County of Hawai'i Mayor's Office</u>
<u>12-18-08</u>	<u>'O'oma Citizen Advisory Group</u>	
<u>12-18-08</u>	<u>Hui O Nā Kūpuna</u>	

* EIS consulted party

(this page intentionally left blank.)

LIST OF PREPARERS

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

9 LIST OF PREPARERS

The ~~Draft~~ Final EIS has been prepared by PBR HAWAII, 1001 Bishop Street, ASB Tower, Suite 650, Honolulu, Hawai‘i 96813.

Several key technical consultants were employed to provide specific assessments of environmental factors for this project. These consultants and their specialty are listed below:

Name	Area of Expertise
B. D. Neal & Associates	Air Quality Impact Assessment
Rechtman Consulting, LLC	Archeological Inventory Survey
Rechtman Consulting, LLC and Kapa Maly	Cultural Impact Assessment
Peter Young	Community Relations
M&E Pacific	Traffic and Engineering
Mikiko Corporation	Economic and Fiscal Impacts; Market Support for Real Estate Development
Tom Nance Water Resources Engineering	Hydrology
Geometrician Associates	Botanical Survey
Phillip L. Bruner	Avifaunal and Feral Mammal Survey
Marine Research Consultants	Marine Biological and Water Quality Baseline Surveys
Y. Ebisu & Associates	Noise Assessment
Steven Lee Montgomery, Ph. D.	Terrestrial Invertebrate Survey

(This page intentionally left blank.)

REFERENCES

10 REFERENCES

- Associated Press. 2007 August 15. *Flossie downgraded again after swiping Hawaii*. Available online at <http://www.msnbc.msn.com/id/20228092/>. Accessed on 2007 September 17.
- Armstrong, J. 2006 March 7. *County hopes to stretch landfill use*. Hawaii Tribune-Herald.
- Baker, H.L. et al. 1965. *Detailed Land Classification, Island of Hawai‘i*. Honolulu, Hawai‘i: Land Study Bureau, University of Hawai‘i.
- B.D. Neal & Associates. 2008. *Air Quality Study for ‘O‘oma Beachside Village*. North Kona, Island of Hawai‘i. Report prepared for ‘O‘oma Beachside Village, LLC.
- Bruner, Phillip L. 2002. *Avifaunal and Feral Mammal Survey at ‘O‘oma II, North Kona, Hawaii*. Report prepared for Helber Hastert & Fee.
- Bruner, Phillip L. 2006. *Avifaunal and Feral Mammal Survey for the Proposed ‘O‘oma, Seaside Village*. North Kona, Hawai‘i. Report prepared for ‘O‘oma Beachside Village, LLC.
- Command, B. 2003 September 11. *Kohanaiki Deal Revealed*. West Hawaii Today.
- Commission on Water Resource Management (CWRM). 2008 Water Resource Protection Plan. Available online at: http://www.state.hi.us/dlnr/cwrp/planning_wrpp.htm
- County of Hawai‘i. 2004. *County of Hawai‘i Data Book*. Hilo, Hawai‘i: Department of Research and Development. Available online at http://www.hawaii-county.com/databook_current/dbooktoc.htm. Accessed 2007 September 18.
- County of Hawai‘i. 2005. *County of Hawai‘i General Plan February 2005*. Hilo, Hawai‘i: Hawai‘i County Planning Department, Hawai‘i. Available online at http://www.hawaii-county.com/directory/dir_plan.htm. Accessed on 2007 March 17.
- County of Hawai‘i Planning Department 2006. *Keahole to Honaunau Regional Circulation Plan*.
- County of Hawai‘i. 2007 May. *Kealakehe Wastewater Treatment Plant Fact Sheet*. Available online at http://co.hawaii.hi.us/env_mng/kwtp.htm. Accessed 2007 September 24.
- County of Hawai‘i. 2008. *Public Information – Waste Reduction Proposal [Brochure]*. Hilo, Hawai‘i: Office of the Mayor. Available online at http://www.hawaii-county.com/mayor/Waste_to_Energy_Brochure.pdf. Accessed 2008 April 30.
- County of Hawai‘i. 2008. *Kona Community Development Plan—Complete Pre-final April 17, 2008*. Available online at <http://www.hcrc.info/community-planning/community-development-plans/kona/cdp-draft-chapters/>
- County of Hawai‘i and R.M Towill Corporation. 1991. *Keāhole to Kailua Development Plan*. Hilo, Hawai‘i: County of Hawai‘i Planning Department.

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

- Dollar, S. 1982. *Wave Stress and Coral Community Structure in Hawai‘i*. Coral Reefs 1:71-81.
- Geometrician Associates, LLC. 2006. *Botanical Survey TMKs 7-3-09:04 and 22*. O‘oma, North Kona, Island of Hawai‘i: Report prepared for ‘O‘oma Beachside Village, LLC.
- Helber, Hastert & Fee Planners (HHF). 1991. *‘O‘oma II Final Supplemental EIS*. Honolulu, Hawai‘i: Report prepared for Kahala Capital Corporation.
- Helber, Hastert & Fee Planners (HHF). 2003. *County Environmental Report in Support of Applications for a Project District and Special Management Area Use Permit*. Honolulu, Hawai‘i: Report prepared for Clifto’s Kona Coast, LLC.
- Harding ESE. 2002. *Update to the Solid Waste Management Plan for the County of Hawai‘i*. Aiea, Hawai‘i: Report prepared for the County of Hawai‘i.
- Hawai‘i Center for Volcanology (HCV). 2003. Available online at <http://www.soest.hawaii.edu/GG/HCV/hualalai.html>. Accessed on 2007 March 17.
- Hawai‘i Health Systems Corporation (HHSC). 2006. *Kona Community Hospital*. Available online at <http://www.kch.hhsc.org/>. Accessed on 2007 March 19.
- Hawai‘i Island Board of Realtors (HIBR). 2008 January. HIBR Newsletter. Hilo, Hawai‘i. Available online at <http://www.hibr.org/newsletter>. Accessed 2008 February 25.
- Hawai‘i Island Board of Realtors (HIBR). 2008 October. HIBR Newsletter. Hilo, Hawai‘i. Available online at <http://www.hibr.org/newsletter>. Accessed 2008 November 7.
- Honolulu Seawater Air Conditioning (HSWAC). 2005. Available online at <http://www.honoluluswac.com/>. Accessed on 2007 September 17.
- Innovations Public Charter School. 2006. Available online at <http://www.ipcs.info/ipcs/ourschool.html>. Accessed on 2007 March 21.
- Juvik, S.P. and Juvik, J.O., eds. 1998. *Atlas of Hawai‘i, 3rd Edition*. Honolulu, Hawai‘i: University of Hawai‘i Press.
- Kanu o ka ‘Āina Learning Center. 2006. Available online at www.kalo.org. Accessed on 2007 March 21.
- M&E Pacific, Inc. 2008. *Civil & Electrical Infrastructure Assessment Report, ‘O‘oma Beachside Village*. ‘O‘oma, North Kona, Island of Hawai‘i, Hawai‘i. Report prepared for ‘O‘oma Beachside Village, LLC.
- M&E Pacific, Inc. 2008. *Traffic Impact Analysis Report, O‘oma Beachside Village*. ‘O‘oma, North Kona, Island of Hawai‘i, Hawai‘i. Report prepared for ‘O‘oma Beachside Village, LLC.

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

- Macdonald, G.A., Abbott, A., Peterson, F.L. 1983. *Volcanoes Under the Sea: The Geology of Hawai‘i*. Honolulu, Hawai‘i: University of Hawai‘i Press.
- Marine Research Consultants, Inc. 2008. *Marine Environmental Assessment ‘O‘oma Beachside Village*. North Kona, Hawai‘i: Report prepared for ‘O‘oma Beachside Village, LLC.
- Marine Research Consultants, Inc. 2008. *Assessment of Marine Water Chemistry, ‘O‘oma Beachside Village*. North Kona, Hawai‘i: Report prepared for ‘O‘oma Beachside Village, LLC.
- Mikiko Corporation. 2008. *Economic and Fiscal Impact Assessment for ‘O‘oma Beachside Village*. North Kona, Island of Hawai‘i: Report prepared for ‘O‘oma Beachside Village, LLC.
- Mikiko Corporation. 2007. *Market Assessment for ‘O‘oma Beachside Village*. North Kona, Island of Hawai‘i: Report prepared for ‘O‘oma Beachside Village, LLC.
- Montgomery, S. 2008. *Survey of Terrestrial Invertebrate Resources at ‘O‘oma, North Kona, Hawai‘i Island*. North Kona, Hawai‘i: Report prepared for ‘O‘oma Beachside Village, LLC.
- National Oceanic and Atmospheric Administration (NOAA). *Western Regional Climate Center, Historical Climate Information*. Available online <http://www.wrcc.dri.edu/CLIMATEDATA.html>. Accessed on 2007 September 27.
- National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service. 2007. *Recovery Plan for the Hawaiian Monk Seal (Monachus schauinslandi)*. Second Revision. Silver Spring, MD.
- Natural Energy Laboratory of Hawai‘i Authority (NELHA). 2006. *About NELHA*. Available at <http://www.nelha.org/>. Accessed on 2007 March 6.
- Oregon State University (OSU). 2006. *Volcano World*. Available online at <http://volcano.und.edu>. Accessed on 2007 March 15.
- Pacific Business News. 2006 November 3. *Big Island Housing Prices on the Rise*. Available at <http://pacific.bizjournals.com/pacific/stories/2006/10/30/daily76.html>. Accessed on 2007 March 23.
- Rechtman Consulting, LLC. 2007. *Cultural Impact Assessment for the ‘O‘oma Beachside Village Project Area*. North Kona, Island of Hawai‘i. Report prepared for ‘O‘oma Beachside Village, LLC.
- Rechtman Consulting, LLC. 2007. *Archaeological Inventory Survey Update for the ‘O‘oma Beachside Village Project Area*. North Kona, Island of Hawai‘i. Report prepared for ‘O‘oma Beachside Village, LLC.
- State of Hawai‘i, Department of Agriculture. 1977. *Agricultural Lands of Importance to the State of Hawai‘i*. Honolulu, Hawai‘i.

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

- State of Hawai‘i, Department of Business, Economic Development and Tourism. 2005. *Hawai‘i Census 2000*. Available online at <http://www.hawaii.gov/dbedt/info/census/Folder.2005-10-13.2927/>. Accessed on 2007 September 19.
- State of Hawai‘i, Department of Education (DOE). 2006. *Student Capacity and Enrollment Comparison*.
- State of Hawai‘i, Department of Transportation (DOT) Airports Division. 1997. *Kona International Airport at Keāhole FAR Part 150 Noise Compatibility Program: North Kona, Hawai‘i*.
- Tom Nance Water Resource Engineering. 2008. *Assessment of the Potential Impact on Water Resources of the Proposed O‘oma Beachside Village in North Kona*. North Kona, Hawai‘i. Report prepared for O‘oma Village LLC.
- United States Census Bureau. 2000. *Census 2000 Data for the State of Hawaii*. Available online at <http://www.census.gov/census2000/states/hi.html>. Accessed on 2007 February 21.
- United States Department of Agriculture (USDA), Soil Conservation Service (SCS): Sato, H., Ikeda, W., Paeth, R., Smythe, R., and Minoru Takehiro, M. 1973. *Soil Survey of the Island of Hawai‘i, State of Hawai‘i. Hawai‘i*: USDA SCS, in cooperation with the University of Hawai‘i Agricultural Experiment Station. Available online at <http://www.ctahr.hawaii.edu/soilsurvey/Hawaii/hawaii.htm>. Accessed on 2007 February 2.
- United States Geologic Survey (USGS). 1996. *Geologic Map of the Island of Hawai‘i*.
- United State Geologic Survey (USGS). 1997. *Lava Flow Hazard Zone Maps*. Available online at <http://pubs.usgs.gov/gip/hazards/maps.html>. Accessed on 2007 March 5.
- United State Geologic Survey (USGS) Hawai‘i Volcano Observatory. 2006. *Destructive Earthquakes in Hawai‘i County since 1868*. Available online at <http://hvo.wr.usgs.gov/earthquakes/destruct/>. Accessed on 2007 September 17.
- West Hawai‘i Wildfire Management Organization. 2006. The Pu‘u Anahulu Wildfire Management Study: Techniques for Managing Invasive Grass Fuel Loads [brochure]. Available online at http://jfsp.nifc.gov/projects/01-3-2-14/060804_Brochure.pdf. Accessed 2008 November 3.
- West Hawai‘i Explorations Academy. 2006. *The Essence of PBL*. Available online at <http://www.whea.net/>. Accessed on 2007 April 2.
- Wilson Okamoto Corporation. 2007. *Kona Regional Profile: Kona Community Development Plan*. Honolulu, Hawai‘i: Report prepared for County of Hawai‘i Planning Department.
- Y. Ebisu & Associates. 2008. *Acoustic Study for the Proposed ‘O‘oma Beachside Village Project*. North Kona, Island of Hawai‘i. Report prepared for ‘O‘oma Beachside Village, LLC.

COMMENTS & RESPONSES ON THE
ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

11 COMMENTS AND RESPONSES ON THE ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

The environmental impact statement preparation notice (EISPN) was sent to the following agencies, organizations, and individuals. The public comment period on the EISPN was from May 8, 2007 to June 7, 2007. Where indicated, the agency, organization, or individual submitted comments.

AGENCY	EISPN SENT	COMMENT DATE
State		
State Land Use Commission	5-4-07	-
Department of Agriculture	5-4-07	-
Department of Business, Economic Development & Tourism (DBEDT)	5-4-07	-
DBEDT – Strategic Industries Division	5-4-07	5-25-07
DBEDT – Office of Planning	5-4-07	6-6-07
Department of Education	5-4-07	5-24-07
Department of Hawaiian Homelands	5-4-07	5-14-07
Department of Health – Office of Environmental Quality Control	5-4-07	6-19-07
Department of Land & Natural Resources (DLNR)	5-4-07	5-7-07
DLNR- Na Ala Hele		5-7-07
DLNR – State Historic Preservation Division	5-4-07	-
Department of Transportation	5-4-07	5-30-07
Department of Transportation – Airports Division	5-4-07	-
Department of Transportation – Highways Division	5-4-07	-
Office of Hawaiian Affairs	5-4-07	6-4-07
University of Hawai‘i Environmental Center	5-4-07	-
Federal		
US Army Corps of Engineers	5-4-07	-
US Fish & Wildlife Service	5-4-07	-
USDA Natural Resources Conservation Service	5-4-07	-
US Department of Defense	5-4-07	-
US Department of the Interior, National Park Service, Kaloko-Honokōhau National Historic Park	5-4-07	6-7-07
US Department of the Interior, National Park Service, Ala Kahakai National Historic Trail	-	6-6-07
County of Hawai‘i		
Fire Department	5-4-07	5-16-07
Mass Transit Agency	5-4-07	-
Department of Parks & Recreation	5-4-07	-
Department of Planning	5-4-07	4-30-07
Police Department	5-4-07	5-22-07
Department of Public Works	5-4-07	6-7-07
Department of Environmental Management	5-4-07	5-30-07

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

AGENCY	EISPN SENT	COMMENT DATE
Department of Water Supply	5-4-07	5-31-07
Civil Defense Agency	5-4-07	-
Corporation Counsel	5-4-07	-
Office of the Mayor	5-4-07	-
Libraries, Private Companies, Organizations, and Individuals		
Kailua-Kona Public Library	5-4-07	-
Kona Traffic Safety Committee		5-31-07
Hawaiian Telcom	5-4-07	-
Hawaii Electric Light Company (HELCO)	5-4-07	-
Oceanic Time Warner Cable	5-4-07	-
Hawai‘i Planning Commission	5-4-07	-
Cyanotech Corporation	5-4-07	-
Hawai‘i Leeward Planning Conference	5-4-07	-
Keāhole Point Association	5-4-07	6-6-07
Natural Energy Laboratory of Hawai‘i Authority (NELHA)	5-4-07	-
County Councilmember Angel Pilago	5-4-07	-
Deborah Chang	-	6-5-07

(This page intentionally left blank.)



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR

STRATEGIC INDUSTRIES DIVISION
235 South Beretania Street, Leiopapa A Kamehameha Bldg., 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-3807
Fax: (808) 586-2536
Web site: www.hawaii.gov/dbedt

May 25, 2007

PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Attn: Thomas S. Witten, ASLA

Re: Environmental Impact Statement Preparation Notice (EISPN)
O'oma Beachside Village, North Kona, Hawaii
Tax Map Key: (3) 7-3-09: 04, 22, and (3) 7-3-09 (portion of State Right-of-Way)

In response to your May 4, 2007, notice, thank you for the opportunity to provide comments on the EISPN for the O'oma Beachside Village development in North Kona, Hawaii. The proposed 302.38-acre project would be a master-planned beach community comprised of single-family and multi-family residences, mixed-use villages, a shoreline and several neighborhood parks, and archaeological and open space preserves for protection of historic sites and anchialine ponds.

We would like to call your attention to: (1) State energy conservation goals; and, (2) energy and resource efficiency and renewable energy and resource development.

- 1. State energy conservation goals.** Project buildings, activities, and site grounds should be designed and/or retrofitted with energy saving considerations. The mandate for such consideration is found in Chapter 344, HRS ("State Environmental Policy") and Chapter 226 ("Hawaii State Planning Act"). In particular, we would like to call to your attention HRS 226 18(c) (4) which includes a State objective of promoting all cost-effective energy conservation through adoption of energy-efficient practices and technologies.

We recommend that you consult the County of Hawaii Energy Code early in your project. Hawaii Electric Light Company, Inc. may also have suggestions for customized demand-side management programs that offer rebates for installation of energy efficient measures and technologies.

2. Energy and resource efficiency and renewable energy and resource development.

We recommend that the planning and preliminary design for the project be conducted following sustainable development principles and guidelines under the pilot LEED-ND (Neighborhood Development) rating system and OEQC 1999 Planner's Checklist. We also recommend including specifics on Green Building Practices and Sustainable Design Techniques considered.

We note that several energy conservation measures have been proposed for the project, including "district cooling". We also note that waste generated by site preparation and green waste will be used onsite or recycled to minimize impact on the landfill. We encourage the parties involved with this development to make a further commitment to energy and resource efficiency and include requirements in the Conditions, Covenants, and Restrictions for a development that meet the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Certification. This would include, but not be limited to, new commercial construction, commercial interiors, core and shell development projects, homes, schools, and retail. Zero-Net Energy Green Homes should also be considered.

Our website (<http://www.hawaii.gov/dbedt/info/energy/efficiency/>) provides detailed information on guidelines, directives and statutes, as well as studies and reports on aspects of energy efficiency. Please also do not hesitate to contact Carilyn Shon, Energy Efficiency Branch Manager, at telephone number 587-3810, for additional information on LEED, energy efficiency, and renewable energy resources.

Sincerely,


Maurice H. Kaya
Chief Technology Officer

c: OEQC
Anthony Ching, Land Use Commission



PBR HAWAII & ASSOCIATES, INC.

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. I. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

May 9, 2008

Maurice H. Kaya
State of Hawai'i
Department of Business, Economic Development & Tourism
Strategic Industries Division
P.O. Box 2359
Honolulu, Hawai'i 96804

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Kaya:

Thank you for your letter dated May 25, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. **State energy conservation goals.** Thank you for calling our attention to relevant energy saving mandates found in Chapter 344, HRS and Chapter 226, HRS, particularly HRS 226, 18 (c)(4). 'O'oma Beachside Village will incorporate energy-efficient design and building techniques.

All buildings at 'O'oma Beachside Village will comply with the County of Hawai'i Energy Code (Hawai'i County Code, Section 5, Article 2).

'O'oma Beachside Village, LLC will consult with Hawai'i Electric Light Company, Inc., regarding suggestions for customized demand-side management programs that offer rebates for installation of energy-efficient measures and technologies.

2. **Energy and resource efficiency and renewable energy and resource development.** The Draft EIS will include a discussion of sustainable development principles and guidelines under the pilot LEED-ND (Neighborhood Development) program and OEQC's Guidelines for Sustainable Building Design in Hawai'i (A Planner's Checklist). Green Building Practices and Sustainable Design Techniques will also be considered.

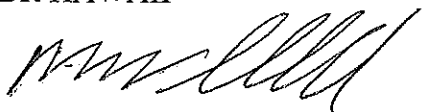
Energy conservation measures will be considered when the Conditions, Covenants, and Restrictions (CC&Rs) for 'O'oma Beachside Village are developed in the future.

Mr. Maurice Kaya
SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE
May 9, 2008
Page 2 of 2

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

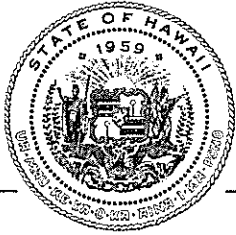
Sincerely,

PBR HAWAII

A handwritten signature in black ink, appearing to read 'Tom Schnell', written in a cursive style.

Tom Schnell, AICP
Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR
LAURA H. THIELEN
DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

Ref. No. P-11809

June 6, 2007

Thomas S. Witten, ASLA
PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Witten:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Petition: A07-774 North Kona Village, LLC
Requested Change: Conservation to Urban
Proposed Use: O'oma Beachside Village, a master planned community with single-family lots, affordable homes, mixed use village with retail, office, live-work opportunities, coastal preserve, shoreline park, canoe club hale, private beach club, multi-family residences, neighborhood parks, multi-mode access ways and greenway trails
TMK: 7-3-009: 004 por. and 7-3-009: (portion State Right of Way)
Area: 181.169 acres

Thank you for sending the Office of Planning an Environmental Impact Statement Preparation Notice (EISPN) for the above referenced proposal to reclassify land from the State Conservation District to the State Urban District.

The Office of Planning will be coordinating the State's position on areas of cross-cutting state concern. I am writing to request that the Draft Environmental Impact Statement (DEIS) consider the impacts of the proposed project on the following issues:

1. **Water Supply** - Water resource protection and quality is a critical state issue. Please include information on the drinking water and non-potable water sources that will be available for use by the project. We request that the water information be presented in a table similar to this:

	Non-Potable Water	Potable Water	Totals
Aquifer A (est. Potable sustainable yield)			
Aquifer B (est. Non-potable sustainable yield)			
Current regional use			
Current available supply (est.)			
Proposed Project Use			
Remaining available supply (est.)			

2. **Agricultural lands** - Preservation of important agricultural lands is a priority for the State and counties. The DEIS should indicate the ALISH and LSB ratings and designations for the Petition area.

3. **Housing** - Increasing the supply of affordable housing is a critical state and county issue. Please discuss specifically how the Petitioner plans to meet the county affordable housing requirements. Information on the regional housing needs should be included, along with the types and nature of other housing projects in the area, and how this proposal would fit in with those projects.

4. **Public Health** - If the project will have the potential to generate hazardous materials or petroleum contamination of the air, soil or water, please discuss how public health and safety will be protected.

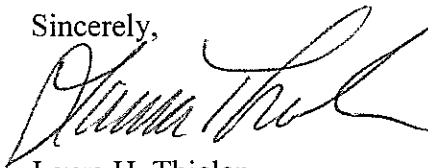
5. **Ocean Resources** - The State has an affirmative duty to protect Hawaii's nearshore waters. Please discuss how stormwater and wastewater generated by the project will be prevented from reducing the quality of nearshore water. The DEIS should also discuss the impacts to threatened and endangered animals in the coastal areas. We note that pages 3-4 of the EISPN do not specifically include a marine animal study. We highly recommend that a study be included in the DEIS.

6. **Cultural/Historic Resources** - We note that the DEIS will include an inventory of cultural and historic sites. We also recommend that the DEIS include monitoring and preservation plans along with approval from the State Historic Preservation Division. Please discuss how access for Native Hawaiians for traditional and customary practices will be preserved.

7. **Environmental, Recreational and Scenic Resources** - We note that a faunal and botanical survey will be included. The studies should include any required protections. Also, please include a description of volcanic hazards and flood zone designation. A description of recreational resources which are known to be used by the public on and near the project site should be included. A description of scenic resources should be included.
8. **Coastal Zone Management** - The State oversees protection of natural and cultural resources within the coastal zone. Please discuss how the proposed project will balance the competing values of economic development and preservation of coastal resources, including protection from hurricane storm surge, tsunami and shoreline erosion.
9. **Conservation District** -The proposed project is within the Conservation District. Please provide an inventory of conservation resources and how the loss of these resources (habitat area, etc.) will impact the public.

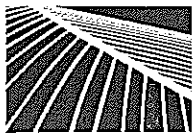
The Office of Planning looks forward to receiving the DEIS with the potential impacts and mitigation measures for the above issues addressed. If you have any questions, please call Lorene Maki at 587-2888.

Sincerely,



Laura H. Thielen
Director

c: Anthony Ching, LUC



May 9, 2008

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

Abbey Mayer, Director
State of Hawai'i
Department of Business, Economic Development & Tourism
Office of Planning
P.O. Box 2359
Honolulu, Hawai'i 96804

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT
STATEMENT PREPARATION NOTICE**

Dear Mr. Mayer:

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

We have received the Office of Planning's letter dated June 6, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to the Office of Planning's comments.

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

1. **Water Supply** – 'O'oma Beachside Village, LLC's preferred alternative for providing both potable and non-potable water to 'O'oma Beachside Village is an on-site desalination plant; however, other possible alternatives for providing water, including an off-site well system, may be considered. This will be discussed in the Draft EIS. An on-site desalination plant would have no impact on the regional aquifer.
2. **Agricultural Lands** – The Draft EIS will include a discussion and maps indicating the ALISH and LSB ratings and designations for the Petition area. The Petition Area is not classified under the ALISH system and is rated "E" in the LSB system.
3. **Housing** – 'O'oma Beachside Village will include affordable housing in accordance with the County's affordable housing requirements. Currently, this requirement is for at least 20 percent of the units to be developed as affordable as defined by the County.

The Draft EIS will include information on regional housing needs, along with types and nature of other housing projects in the area, and how 'O'oma Beachside Village fits in with those projects.

4. **Public Health** – 'O'oma Beachside Village is not expected to generate hazardous materials or petroleum contamination of the air, soil, or water.

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

5. **Ocean Resources** – The Draft EIS will discuss potential impacts and proposed mitigation measures related to near shore water and storm and waste water generated by 'O'oma Beachside Village.

The Draft EIS will also discuss potential impacts to threaten and endangered animals in the coastal area. Marine Research Consultants, Inc., conducted marine environmental assessment of the nearshore waters in the area. The assessment includes discussion regarding coral communities, macroinvertebrates, reef fish, and protected species (turtles and Hawaiian monk seals). The assessment will be included in the Draft EIS.

6. **Cultural/Historic Resources** – The 'O'oma Beachside Village property has been subject to extensive archaeological study, and the State Historic Preservation Division (SHPD) has approved a previous archaeological survey of the property. However, 'O'oma Beachside Village, LLC thought it prudent to re-examine the entire property. In 2007, Rechtman Consulting, LLC completed an intensive resurvey of the property. The Draft Environmental Impact Statement (Draft EIS) will contain this archaeological inventory survey update as an appendix.

'O'oma Beachside Village, LLC will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. Monitoring and preservation plans will be prepared as needed, however since the archaeological inventory survey update is currently under review by SHPD, it is premature to include monitoring and preservation plans in the Draft EIS.

The Draft EIS will include discussion of how access will be preserved for Native Hawaiians' traditional and customary practices.

7. **Environmental, Recreational, and Scenic Resources** – The Draft EIS will include flora and fauna surveys, and discussion of potential impacts and mitigation measures.

The Draft EIS will also include a description of volcanic hazards and the flood zone designation. The 'O'oma Beachside Village property is located within Volcanic Hazard Zone 4 and Flood Zones A and X.

The Draft EIS will include a discussion of scenic resources.

8. **Coastal Zone Management** – The Draft EIS will discuss how 'O'oma Beachside Village will balance economic development and preservation of coastal resources, including protection from hurricane storm surge, tsunami, and shoreline erosion.
9. **Conservation District** – The Draft EIS will discuss the resources of the property, potential impacts, and proposed mitigation measures associated with amending the Petition Area from the Conservation District to the Urban District.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Mr. Abbey Mayer, Director

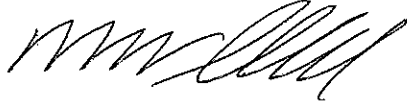
SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

May 9, 2008

Page 3 of 3

Sincerely,

PBR HAWAII

A handwritten signature in black ink, appearing to read 'Tom Schnell', written in a cursive style.

Tom Schnell, AICP

Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF BUSINESS SERVICES

May 24, 2007

Mr. Thomas S. Witten
PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawai'i 96813

Dear Mr. Witten:

Subject: Environmental Impact Statement Preparation Notice for 'O'oma Beachside Village, Kaloko, North Kona, TMK: 7-3-009: 4 & 22, and 7-3-9
(Portion of State Right-of-Way) (LUC Docket A07-774)

The Department of Education (DOE) has reviewed the Environmental Impact Statement Preparation Notice (EISPN) for the 'O'oma Beachside Village (Project) in North Kona. The proposed mixed-use community would have between 950 to 1,200 homes. Based on that range of units, the DOE estimates that, at maturity, the Project will generate 239 to 296 elementary students, 89 to 110 middle school students, and 71 to 88 high school students.

Public school students who would live in the proposed project would attend schools in the Kealakehe High School Complex. In the 2006-2007 school year, the Kealakehe Elementary enrollment is at its facility capacity. Enrollment is expected to grow over the next six years and exceed the school's facility capacity by 388 students in the 2012-2013 school year. This is a concern to the DOE because the projected enrollment estimate takes into account some, but not all, of the residential development being proposed in the area served by Kealakehe Elementary.

The enrollment at Kealakehe Intermediate School in the 2006-2007 school year is approximately 122 students below the school's facility capacity. Enrollment at Kealakehe is expected to level off over the next six years.

Kealakehe High School is presently over school facility capacity and enrollment is expected to fluctuate only slightly over the next six years.

Mr. Thomas S. Witten
Page 2
May 24, 2007

The DOE requests the imposition of a school fair-share contribution. The standard language for a fair-share condition is as follows:

The Applicant shall contribute to the development, funding, and/or construction of school facilities, on a fair-share basis, as determined by and to the satisfaction of the Department of Education. Terms of the contribution shall be agreed upon in writing by the Applicant and the Department of Education prior to obtaining county rezoning.

The DOE appreciates the opportunity to review the plans. If you have any questions, please call Heidi Meeker of the Facilities Development Branch at 733-4862.

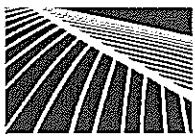
Sincerely yours,



Duane Y. Kashiwai
Public Works Administrator

DYK:jmb

c: Art Souza, CAS, Honokaa/Kealahou/Kohala/Konawaena Complex Areas
Genevieve Salmonson, Office of Environmental Quality Control
Anthony Ching, State Land Use Commission
Laura Thielen, Office of Planning
Christopher J. Yuen, Planning Director



PBR HAWAII

& ASSOCIATES, INC.

May 9, 2008

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP^{*}
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP^{*}
Associate

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawaii 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawaii 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-1989

WAILUKU OFFICE
1787 Wili Pā Loop, Suite 4
Wailuku, Hawaii 96793-1271
Tel: (808) 242-2878

Duane Kashiwai
State of Hawai'i
Department of Education
P.O. Box 2360
Honolulu, Hawai'i 96804

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Kashiwai:

Thank you for your letter dated May 24, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. DOE estimates that the project (based on a proposed 950 to 1,200 homes) will generate 239 to 296 elementary students, 89 to 110 middle school students, and 71 to 88 high school students. This information will be referenced in the Draft EIS.
2. We understand that enrollment at Kealakehe Elementary School is at its facility capacity, and is expected to grow over the next six years and exceed the school's facility capacity by 388 students in the 2012-2013 school year. This information will be referenced in the Draft EIS.

'O'oma Beachside Village has designated a three-acre site, adjacent to the Community Park, for a school site. It is expected that a charter school could occupy the site.
3. We understand that enrollment at Kealakehe Intermediate School in the 2006-2007 school year is approximately 122 students below the school's facility capacity. Enrollment at Kealakehe is expected to level off over the next six years. This information will be referenced in the Draft EIS.
4. We understand that Kealakehe High School is presently over school facility capacity and enrollment is expected to fluctuate only slightly over the next six years. This information will be referenced in the Draft EIS.
5. We understand that the 2007 Legislature passed a bill establishing school impact fees. The bill became Act 245 and is in the process of being implemented. Under this new law, it is possible the project will be required to pay an impact fee. 'O'oma Beachside Village, LLC will comply with all applicable laws regarding school impact fees.

Mr. Duane Kashiwai
SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE
May 9, 2008
Page 2 of 2

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

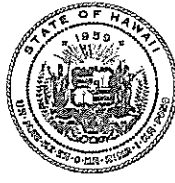
PBR HAWAII

A handwritten signature in black ink, appearing to read 'Tom Schnell', written in a cursive style.

Tom Schnell, AICP
Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



MICAH A. KANE
CHAIRMAN
HAWAIIAN HOMES COMMISSION

BEN HENDERSON
DEPUTY TO THE CHAIRMAN

KAULANA H. PARK
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

May 14, 2007

Mr. Thomas S. Witten, ASLA
PBR HAWAII
1001 Bishop Street,
ASB Tower, Suite 650
Honolulu, Hawaii 96813

Dear Mr. Witten:

Subject: Environmental Impact Statement Preparation Notice
O'oma Beachside Village, Hawaii

This is to acknowledge receipt of the Environmental Impact Statement Preparation Notice for the O'oma Beach Village project.

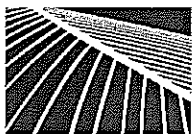
The Department of Hawaiian Home Lands has no comment at this time but would appreciate the opportunity to comment on the Draft Environmental Impact Statement when available.

Should you have any questions, please call our office at 808-586-3821.

Aloha and mahalo,

A handwritten signature in black ink, appearing to read "Linda Chinn".

Linda Chinn, Administrator
Land Management Division



PBR HAWAII & ASSOCIATES, INC.

May 9, 2008

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

Linda Chinn, Administrator
Land Management Division
State of Hawai'i
Department of Hawaiian Homelands
P.O. Box 1879
Honolulu, Hawai'i 96805

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT
STATEMENT PREPARATION NOTICE**

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

Dear Ms. Chinn:

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

Thank you for your letter dated May 14, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we acknowledge that you have no comment at this time.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

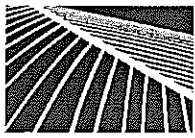
cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

O:\Job23\2309.03 Ooma Entitlements\EIS\EISPN\Comment Letters\DHHL response.doc

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pa Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878



PBR HAWAII

& ASSOCIATES, INC.

May 9, 2008

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

Laurence K. Lau
State of Hawai'i
Department of Health
Office of Environmental Quality Control
235 South Beretania Street
Honolulu, Hawai'i 96813

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

Dear Mr. Lau:

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

Thank you for your letter dated June 19, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to your comments. Your references pages and section numbers pertain to the EISPN; however please note that any changes provided in the Draft EIS may not correspond to these same pages and section numbers in the Draft EIS.

- 1. Page 2, Section 1.0 Summary, 1.1 Location, lines 6-7:** The Draft EIS will describe land uses east of the 'O'oma Beachside Village property across Queen Ka'ahumanu Highway. These land uses include the Keāhole Agricultural Park and Kaloko and Kohanaiki Industrial Parks.
- 2. Page 6, Section 2.0 'O'oma Beachside Village Description, 2.3 Surrounding Uses, paragraph 1 on page 6, lines 11-14:** The Draft EIS will include discussion of the potential noise impacts from aircraft use at Kona International Airport.
- 3. Page 6, Section 2.3 Surrounding Uses, paragraph 3 on page 6, lines 3-5:** Please refer to our response to #1 above.
- 4. Page 7, Section 2.4 Proposed Uses, 2.4.4 Trails, Parks and Open Space, paragraph 3:** We have reviewed the Ala Kahakai National Historic Trail EIS, provided comments to the National Park Service, and have also consulted with the National Park Service. The Māmalahoa Trail, which runs though the 'O'oma Beachside Village property in a north-south direction will remain protected and preserved.
- 5. Page 8, Section 2.4 Proposed Uses, 2.4.6 Archaeological and Cultural Preserves:** The Draft EIS will include discussion of how burials will be protected. Two sites containing burials (SIHP Site 18773 and 25932) will be preserved pursuant to a burial treatment plan prepared in consultation with recognized descendants and the Hawai'i Island Burial Council.

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Mr. Laurence K. Lau

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

May 9, 2008

Page 2 of 2

6. **Page 17, Section 3 Description of the Affected Natural Environment, Potential Impacts of the Proposed Action, and Mitigation Measures, 3.6 Fauna Existing Conditions:** The Draft EIS will include discussion regarding reptile and arthropod species may be extant on the property.
7. **Page 21, Section 4.0 Assessment of Existing Human Environment, Potential Impacts, and Mitigation Measures, 4.5 Visual Resources, Existing Conditions, Lines 2-3:** The Draft EIS will include an expanded discussion of visual resources.
8. **Page 22, Section 4.5 Visual Resources, Potential Impacts and Mitigation Measures, paragraph 2, lines 1-4:** The Draft EIS will include a visual analysis.
9. **Page 22, Section 4.6 Socio-Economic Characteristics, Existing Conditions, 4.6.1 Population and Housing, paragraph 1:** The Draft EIS will include an expanded discussion regarding population.
10. **Page 25-26, Section 4.7.2, Water System, Potential Impacts and Mitigation Measures:** The Draft EIS will include a discussion on potential impacts to groundwater resources and the nearshore marine environment.
11. **Page 27, Section 4.7.4 Drainage System, Potential Impacts and Mitigations Measures, paragraph 2:** The Draft EIS will include and expanded discussion regarding drainage.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

LINDA LINGLE
GOVERNOR OF HAWAII



LAURENCE K. LAU
INTERIM DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETANIA STREET
LEIOPAPA A KAMEHAMEHA, SUITE 702
HONOLULU, HAWAII 96813
Telephone (808) 586-4185
Facsimile (808) 586-4186
Electronic Mail: OEQC@doh.hawaii.gov

June 19, 2007

Mr. Anthony J. H. Ching, Executive Officer
State Land Use Commission
235 South Beretania Street, 4th Floor
Honolulu, Hawaii'i 96813
Attention: Max Rogers

Dear Mr. Ching:

Subject: EISPN for O'oma Beachside Village, Kaloko, North Kona, Hawaii'i

Our office has reviewed the EISPN for the project noted above. We have the following comments:

Page 2, Section 1.0 Summary, 1.1 Location, lines 6-7: Please describe the use of the parcels directly across Queen Ka'ahumanu Highway from the project site.

Page 6, Section 2.0 O'oma Beachside Village Description, 2.3 Surrounding Uses, paragraph 1 on page 6, lines 11-14: Please address potential noise impacts from aircraft use at Kona International Airport. The residences to be located at O'oma Beachside Village will be the closest residences to south side of the airport. The Natural Energy Laboratory of Hawaii'i Authority (NELHA) and Hawaii Ocean Science and Technology Park (HOST) are not residential uses. Please explain the potential noise impacts when flight paths over the project site are required in response to weather conditions.

Page 6, Section 2.3 Surrounding Uses, paragraph 3 on page 6, lines 3-5: Please refer to the comment above for Page 2, Section 1.1 Location, lines 6-7.

Page 7, Section 2.4 Proposed Uses, 2.4.4 Trails, Parks and Open Space, paragraph 3: Please refer to the Final Environmental Impact Statement (FEIS) for the Ala Kahakai National Trail, of which the Mamalahoa Trail is a part, to ascertain the most appropriate design and mitigation measures for the roadway crossings.

Mr. Anthony J. H. Ching, Executive Officer
June 19, 2007
Page 2

Page 8, Section 2.4 Proposed Uses, 2.4.6 Archaeological and Cultural Preserves: Please describe measures, such as fencing and locked gates, to protect burials and other artifacts from unauthorized removal from their sites.

Page 17, Section 3 Description of the Affected Natural Environment, Potential Impacts of the Proposed Action, and Mitigation Measures, 3.6 Fauna, Existing Conditions: Please expand the discussion to include reptile and arthropod species that may be extant at the project site.

Page 21, Section 4.0 Assessment of Existing Human Environment, Potential Impacts, and Mitigation Measures, 4.5 Visual Resources, Existing Conditions, lines 2-3: Please clarify this sentence to explain that the view looking mauka from the coast is one of vast vacant and undeveloped open space.

Page 22, Section 4.5 Visual Resources, Potential Impacts and Mitigation Measures, paragraph 2, lines 1-4: Please include comparative photos of current views to and from the project site and photo-simulations after the project is completed.

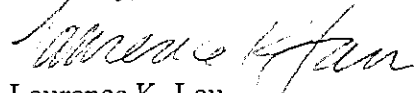
Page 22, Section 4.6 Socio-Economic Characteristics, Existing Conditions, 4.6.1 Population and Housing, paragraph 1: Please mention that the project would add approximately 3,600 to 4,800 additional residents to the Kalaoa Census Designated Place (CDP) which had a total population of 6,794 in 2000.

Page 25-26, Section 4.7.2, Water System, Potential Impacts and Mitigation Measures: Please address cumulative potential impacts to the aquifer from non-point sources such as the pesticides, herbicides and fertilizers which will be used at the 950-1200 homes to be generated by this project.

Page 27, Section 4.7.4 Drainage System, Potential Impacts and Mitigation Measures, paragraph 2: Please refer to the comment above for page 25-26, Section 4.7.2, Water System, Potential Impacts and Mitigation Measures.

Should you have any questions, please call Leslie Segundo at 586-4185.

Sincerely,



Laurence K. Lau
Deputy Director for Environmental Health

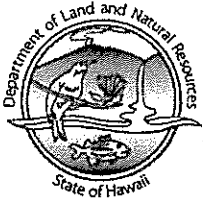
c: Mr. Dennis Moresco, CEO, North Kona Village, LLC.
Mr. Thomas S. Whitten, ASLA, PBR Hawaii.

RECEIVED MAY 08 2007

LINDA LINGLE
GOVERNOR OF HAWAII



ALLAN A. SMITH
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 7, 2007

Mr. Steven S.C. Lim, Attorney
121 Waiianuenu Avenue
Hilo, Hawaii 96720

Mr. Anthony Ching, Executive Officer
State Land Use Commission
Box 2359
Honolulu, Hawaii 96804-2359

Gentlemen:

Subject: Environmental Impact Statement Preparation Notice for O'oma Beachside Village, North Kona, Hawaii, Tax Map Key: (3) 7-3-9:4, 22 and State right-of-way

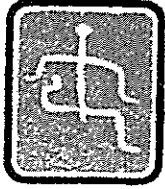
Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from the Division of Forestry & Wildlife - Na Ala Hele Program, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Y. Tsuji".

Russell Y. Tsuji
Administrator



NA ALA HELE
Hawaii Trail & Access System

April 26, 2007

Ref:H07:01 O'oma Beachside Village

TO: Russell Tsuji, Administrator Land Division

FROM: D. Moana Rowland, Abstractor *DMR*

THROUGH: Curt Cottrell, Program Manager *CJC*

SUBJECT: Environmental Impact Statement Preparation Notice for O'oma Beachside Village located at Kaloko, North Kona, Hawaii, TMK: 7-3-9-4 and 22, and State of Hawaii Right-of-Way

RECEIVED
 LAND DIVISION
 2007 APR 27 A 7:51
 DEPT. OF LAND & NATURAL RESOURCES
 STATE OF HAWAII

Thank you for the opportunity to comment on the above referenced document. The Division of Forestry and Wildlife - Na Ala Hele program offers the following comments:

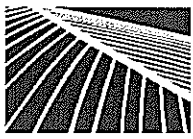
Figure 1 of the Environmental Impact Statement Preparation Notice (EISPN) identifies a State Right-of-Way (ROW) and the Mamalahoa Trail passing through the proposed project area. Figure 2 of the EISPN then identifies the ROW as "Trail" and the Mamalahoa Trail as "Old Mamalahoa Trail." Other maps (not made a part of the EISPN) refer to the ROW as the "King's Highway".

The exchange of names for the two features has led to confusion and the belief by some that several trails exist in the proposed project area. It would be helpful if the EISPN clarified this matter.

In fact only one trail can be located physically on the ground today. Whether it is the ROW or the Mamalahoa Trail, both of the referenced features are under the jurisdiction of the Department of Land and Natural Resources. The ROW terminates in parcel 23 that adjoins the subject area on the north. Sections of the Mamalahoa Trail have been breached during construction of the Keahole Airport and roads that access the Natural Energy Laboratory of Hawaii, the Kaloko-Honokohau National Historical Park, and the Waikoloa and Mauna Lani Resorts. Other sections of the trail can be clearly seen running from Kiholo in North Kona to Kalahuipua'a in South Kohala.

Na Ala Hele recommends that all intact sections of what is called the Mamalahoa Trail be protected and preserved, particularly if a "Preservation" designation has been applied based on the criteria and subsequent dictates of the Historic Preservation Office. In addition, the trail section in these parcels may serve as a potential connecting trail route for the Ala Kahakai National Historic Trail.

c: Irving Kawashima, NAH
Clement Chang, NAH



PBR HAWAII

& ASSOCIATES, INC.

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

May 9, 2008

Morris Atta, Acting Administrator
State of Hawai'i
Department of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, Hawai'i 96809

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Atta:

We have received the Department of Land and Natural Resources' letter dated May 7, 2007 regarding the Division of Forestry and Wildlife (DOFAW) Na Ala Hele Program's comments on the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to DOFAW's comments.

We acknowledge that various references to the State right-of-way (ROW) and the Māmalahoa Trail in the EISPN may have led to some confusion as to the number of actual trails that exist on the property, but concur with Na Ala Hele's determination that only one trail is physically on the ground today. The Draft EIS will include clarifications on the location and references of the State ROW and the Māmalahoa Trail. We understand that both of these referenced features are under the jurisdiction of the Department of Land and Natural Resources.

We acknowledge your recommendation that the Māmalahoa Trail be protected and preserved. 'O'oma Beachside Village, LLC's plans include protection and preservation of the approximately 10 feet wide Māmalahoa Trail. Protection and preservation of the trail will include a buffer of 50 feet on both sides of the Trail, resulting in an approximately 110-foot wide open space corridor, which is approximately 2,520 feet long, and will encompass approximately seven acres.

We also recognize the potential for portions of the Māmalahoa Trail to serve as connecting trail routes to the Ala Kahakai National Historic Trail. We have communicated with National Park Service regarding plans for the Ala Kahakai National Historic Trail and will continue to communicate with them and Division of Forestry & Wildlife – Na Ala Hele Program as plans for 'O'oma Beachside Village progress.

Thank you for reviewing the EISPN. Your comments will be included in the Draft EIS.

Mr. Morris Atta
SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE
May 9, 2008
Page 2 of 2

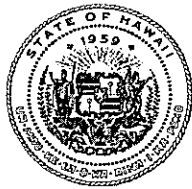
Sincerely,

PBR HAWAII

A handwritten signature in black ink, appearing to read 'Tom Schnell', written in a cursive style.

Tom Schnell, AICP
Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

BARRY FUKUNAGA
DIRECTOR

Deputy Directors
FRANCIS PAUL KEENO
BRENNON T. MORIOKA
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

STP 8.2505

May 30, 2007

Mr. Thomas S. Witten, ASLA
PBR Hawaii & Associates, Inc.
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Witten:

Subject: O'oma Beachside Village
North Kona Village, LLC
Environmental Impact Statement Preparation Notice (EISPN)
TMK: (3) 7-3-09: 04, 22, and (3) 7-3-09 (portion of State Right-of-Way)

We have the following initial comments on the development project proposed by the subject developer described in the EIS Preparation Notice:

1. The project will have a significant impact on our highway and airport facilities.
2. Due to the location of the project being adjacent to Kona International Airport at Keahole (KOA Airport), the project will have several airport impacts particularly because the project is under or near the flight tracks of aircraft and in the airport noise contours:
 - a. The use of certain landscaping and water features in the project should not become a bird/wildlife attractant or habitation that creates an interference with aircraft flight. The developer should also have a plan and program to monitor and control the bird/wildlife use and population of such natural or man-made elements in the project.
 - b. The developer will need to describe the disclosure, mitigation and attenuation measures the project will provide to address the noise and flight of aircraft events associated with the location. The developer should recognize that growth on the Island of Hawaii, particularly West Hawaii, can influence changes and improvements to KOA Airport and other needs for the operational use of KOA Airport can also involve other aircraft operations. The avigation easement and noise study from the developer will need to be reviewed and evaluated by our Airports Division.

- c. Proposed road connections and traffic flows from the project to NELHA/HOST and KOA Airport will be subject to the determination of our Department and NELHA/HOST. We have concerns regarding the proposal. The proposal will have to be accompanied by sufficient and thorough consideration of various factors, including airport security, acceptable to our Department.
 - d. FAA Form 7460-1 (Notice of Proposed Construction or Alteration) should be completed and submitted by the developer with the FAA Hawaii District Office for FAA review of planned and expected construction equipment such as cranes and derricks and the project buildings and facilities. Also, any drilling and blasting work creating dust and flying debris with a potential to interfere with aircraft operations will require prior consultation with and review by the FAA through the KOA Air Traffic Control Tower (KOA ATCT).
3. The project will contribute traffic from the development and add to the cumulative impact on the State highways. A traffic impact analysis report (TIAR) will need to be prepared by the developer using a qualified traffic engineer/expert and submitted for our review and approval. The TIAR should contain, at a minimum:
 - a. A traffic circulation plan for the project and around the project, including the project's roadway connections to Queen Kaahumanu Highway, across the highway and with any adjoining lands for connectivity purposes. Any connection to KOA Airport and NELHA/HOST was mentioned in our Comment 2.c. above.
 - b. Trip generation and projected traffic for each segment of and for the entire project based on appropriate traffic counts and categories, including level of service and intersection analysis. Traffic should also be equated to each development phase of the project and at full build out, use and occupancy of all of the project's facilities.
 - c. Project plans to accommodate the forthcoming widening project of Queen Kaahumanu Highway, the County's K to H Circulation Plan and the possible Queen Kaahumanu Highway Master Plan for grade-separated access connections and interior-lateral roads.
 - d. Recommended and required traffic mitigation measures and road/intersection improvements, including at the State highways for project and regional impacts, to be provided by the developer.
4. Other impacts to the Queen Kaahumanu Highway right-of-way such as, but not limited, drainage and storm water flow, change or improvement to permitted access, service and utility connections will also need to be identified and described by the developer.

Mr. Thomas S. Witten
Page 3
May 30, 2007

STP 8.2505

5. The development plan for the project should be detailed and comprehensive. The description of the components, increments and phases of the project, including existing State and County land use conditions and proposed zoning and land use designation changes, should be thorough so that a matching and accurate equating with the transportation (airport and highway) impacts and plans can be reviewed.

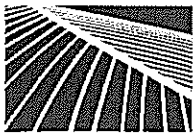
We appreciate the opportunity to provide our early comments. We look forward to receiving subsequent assessment information on the project for our further review and comment.

Very truly yours,

Francis Paul Keeno

for BARRY FUKUNAGA
Director of Transportation

c: Genevieve Salmonson, Office of Environmental Quality Control
Anthony Ching, Land Use Commission
Laura Theilen, Office of Planning, DBEDT



PBR HAWAII

& ASSOCIATES, INC.

May 9, 2008

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawaii 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawaii 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pā Loop, Suite 4
Wailuku, Hawaii 96793-1271
Tel: (808) 242-2878

Brennon Morioka
State of Hawai'i
Department of Transportation
869 Punchbowl Street
Honolulu, Hawai'i 96813-5097

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT
STATEMENT PREPARATION NOTICE**

Dear Mr. Morioka:

We have received the Department of Transportation's letter dated May 30, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to the DOT's comments.

1. The Draft EIS will include a Traffic Impact Analysis Report (TIAR) that will address traffic issues, as well as provide mitigation measures regarding potential adverse impacts.
2. The Draft EIS will include a discussion of the airport's proximity and impacts to the proposed 'O'oma Beachside Village.
 - a. Based on DOT concerns that certain landscaping and water features should not become a bird/wildlife attractant or habitation that creates an interference with aircraft flight, 'O'oma Beachside Village will utilize native species presently found on the property, as well as similar plants already used extensively at the nearby Kona International Airport at Keāhole (KOA). The petitioner will work with DOT engineering staff to comply with airport safety requirements and design any landscaping to discourage the attraction of birds or use as a nesting/breeding ground for other creatures that can cause or create hazards to aircraft flight. Generally plants with fruit and berries attract birds; therefore, 'O'oma Beachside Village will minimize the use of these types of plantings.
 - b. The Draft EIS will include discussion of mitigation and attenuation measures that 'O'oma Beachside Village will provide to address aircraft noise associated with the location. The petitioner acknowledges the need to disclose information to potential buyers regarding the location of the property.

We acknowledge that growth on the Island of Hawai'i can influence changes and improvements to KOA Airport, and other needs for the operational use of KOA Airport can involve other aircraft operations.

Mr. Brennan Morioka

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

May 9, 2008

Page 2 of 3

The Draft EIS will include a noise study. The DOT will receive copies of the Draft EIS for review.

The petitioner will work with DOT regarding any necessary avigation easement.

- c. We understand the proposed road connections and traffic flows from 'O'oma Beachside Village to NELHA/HOST and KOA Airport will be subject to the review of DOT and that NELHA/HOST is involved in this cooperative effort to plan and develop a frontage road makai of, and parallel to, Queen Ka'ahumanu Highway.
- d. We understand that the FAA Form 7460-1 (Notice of Proposed Construction or Alteration) will need to be completed and submitted with the FAA Hawai'i District Office for FAA review of planned and expected construction equipment, buildings, and facilities. This requirement will be noted in the Draft EIS.

Prior to construction, the petitioner will consult with the FAA regarding any drilling and blasting work creating dust and flying debris with a potential to interfere with aircraft operations.

3. As stated in #1 above, the Draft EIS will include a Traffic Impact Analysis Report (TIAR) that will address traffic issues, as well as provide mitigation measures regarding potential adverse impacts.
 - a. The Draft EIS will contain a traffic circulation plan, including the project's roadway connections to Queen Ka'ahumanu Highway, across the highway, and with any adjoining lands.
 - b. The TIAR will contain information regarding trip generation and projected traffic based on appropriate traffic counts and categories, including level of service and intersection analysis.
 - c. The TIAR will take into account plans to accommodate the forthcoming widening project of Queen Ka'ahumanu Highway, the County's K to H Circulation Plan, and the possible Queen Ka'ahumanu Highway Master Plan for grade-separated access connections and interior-lateral roads.
 - d. The TIAR will provide recommendations regarding traffic mitigation measures and road/intersection improvements to be provided by the petitioner.
4. The Draft EIS will include information regarding potential impacts to the Queen Ka'ahumanu Highway right-of-way, such as drainage and storm water flow, change or improvement to permitted access, and service and utility connections.

Mr. Brennan Morioka

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

May 9, 2008

Page 3 of 3

5. The Draft EIS will include the project's development plan, including a description of the components of 'O'oma Beachside Village. The Draft EIS will also include discussion of the existing State and County land use designations of the property and any proposed changes.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

June 4, 2007

Thomas S. Witten, ASLA
PBR Hawai'i
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawai'i 96813

HRD07_2990B

**Re: Environmental Impact Statement Preparation Notice
'O'oma Beachside Village Project, North Kona, Hawai'i Island
Tax Map Key (3) 7-3-09:04, 22 and (3) 7-3-09**

The Office of Hawaiian Affairs (OHA) is in receipt of your May 4, 2007 Environmental Impact Statement Preparation Notice (EISPN) for the 'O'oma Beachside Village Project (project).

The project area is 302.38 acres in size, and includes 83 acres within the State Land Use Urban District (TMK 3-7-3-009:022), 217.566 acres within the State land Use Conservation District (TMK 3-7-3-009:004), and a 1.814 acre portion of the State-owned Right of Way (TMK 3-7-3-009). Current project plans propose the construction of approximately 950 to 1,200 residential units, retail and office spaces, commercial areas, restaurants, and a beach club.

A State Land Use District Boundary Amendment is being sought to reclassify 179.355 acres of TMK parcel (3) 7-3-009:004 and the State-owned Right of Way from State Land Use Conservation District to State Land Use Urban District.

OHA is obligated to work towards the betterment of native Hawaiians and Hawaiians, and to serve the needs and interests of a wide and diverse beneficiary group. OHA must also ensure that other agencies, on the State and County levels, uphold their constitutionally, statutorily and judicially mandated obligations to the native Hawaiian and Hawaiian people. With these responsibilities in mind, OHA offers the following comments.

OHA looks forward to reviewing the findings of what we hope will be a comprehensive archaeological inventory survey and engaging in meaningful consultation to establish appropriate significance evaluations for all identified archaeological and cultural sites within the project area.

Thomas S. Witten, ASLA
PBR Hawai'i
June 4, 2007
Page 2

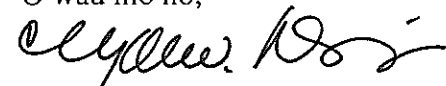
Following the State Historic Preservation Division approval of an archaeological inventory survey, issuance of required permits, and initiation of ground altering activity within the "Shores at Kohanaiki" project (located to the immediate south of the subject project area), multiple native Hawaiian burial and traditional cultural sites were identified and impacted by heavy construction activity. Thus, archaeological monitoring for all construction machinery operating within the subject project area is warranted. Furthermore, project planners and engineers should be prepared to explore and implement all means necessary to accommodate the preservation in place of identified native Hawaiian burial, traditional, and cultural sites.

OHA seeks assurances that the Cultural Impact Assessment will follow the guidelines established by the Office of Environmental Quality Control.

Consideration should be given to individuals accessing the proposed project area for protected traditional and cultural practices. Notwithstanding the strong Constitutional mandates and statutory obligations set forth to recognize the duties of the State of Hawai'i and its sub-agencies to protect the traditional and customary rights of native Hawaiians and Hawaiians, the Hawai'i Supreme Court has set forth judicial guidance and interpretation in this regard as well.

Thank you for the opportunity to provide comments at this early stage of the process, and we look forward to the opportunity to review and provide comment on the forthcoming draft Environmental Impact Statement. Should you have any questions, please contact Keola Lindsey, Lead Advocate-Culture at (808) 594-1904 or keolal@oha.org.

'O wau iho nō,



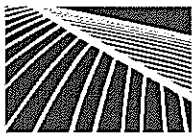
Clyde W. Nāmu'o
Administrator

C: Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

Ruby McDonald
OHA Community Resource Coordinator- West Hawai'i
75-5706 Hanama Place, Suite 107
Kailua-Kona, HI 96740

Christopher Yuen, Director
Hawai'i County Planning Department
Aupuni Center, 101 Pauahi Street, Suite 3
Hilo, HI 96720

Charles Young, Chairman
Hawai'i Island Burial Council
c/o State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, HI 96707



May 9, 2008

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

Clyde Nāmu‘o
State of Hawai‘i
Office of Hawaiian Affairs
711 Kapi‘olani Boulevard, Suite 500
Honolulu, Hawai‘i 96813

SUBJECT: ‘O‘OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

Dear Mr. Nāmu‘o:

Thank you for your letter dated June 4, 2007 regarding the ‘O‘oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, ‘O‘oma Beachside Village, LLC, we are responding to your comments.

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

1. The ‘O‘oma Beachside Village property has been subject to extensive archaeological study and the State Historic Preservation Division (SHPD) has approved a previous archaeological survey of the property. However, given the sensitive nature of archaeological resources in the immediate area and the recent inadvertent discoveries at neighboring Kohanaiki, ‘O‘oma Beachside Village, LLC thought it prudent to re-examine the entire property to assess the current condition of known preservation sites and to identify any additional sites that may have gone undocumented. In 2007, Rechtman Consulting, LLC completed an intensive resurvey of the property. The Draft Environmental Impact Statement (Draft EIS) will contain this archaeological inventory survey update as an appendix.
2. ‘O‘oma Beachside Village, LLC will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. Should historic remains, such as artifacts, burials, concentrations of shell or charcoal be encountered during construction activities, work will cease in the immediate vicinity of the find and the SHPD will be contacted for appropriate mitigation, if necessary.
3. The cultural impact assessment has been prepared in accordance with the Office of Environmental Quality Control (OEQC) Guidelines for Assessing Cultural Impact, and a copy of the report will be included in the Draft EIS as an appendix.
4. The Draft EIS will include discussion of how access to the property will be preserved for protected traditional and cultural practices.

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai‘i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai‘i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pā Loop, Suite 4
Wailuku, Hawai‘i 96793-1271
Tel: (808) 242-2878

Mr. Clyde Nāmu‘o

SUBJECT: ‘O‘OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

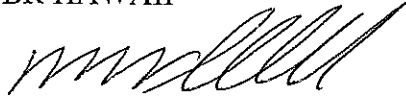
May 9, 2008

Page 2 of 2

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, ‘O‘oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP



United States Department of the Interior

NATIONAL PARK SERVICE
Kaloko-Honokohau National Historical Park
73-4786 Kanalani St., Suite 14
Kailua-Kona, HI 96740

IN REPLY REFER TO:

N1619

June 7, 2007

Mr. Thomas S. Witten, ASLA
PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, HI 96813

Dear Mr. Witten:

Thank you for the opportunity to provide input to the preparation of an Environmental Impact Statement for the proposed 'O'oma Beachside Village. Kaloko-Honokohau National Historical Park is located less than a mile south of the proposed project site. Because the proposed project has the potential to negatively impact cultural and natural resources within the National Park, the National Park Service (NPS) requests that we be a formally consulted party during the EIS process.

Kaloko-Honokohau NHP was authorized by Congress in 1978 to preserve and perpetuate traditional native Hawaiian activities and culture (Public Law 95-625). Water quality and quantity are critical to this mission and to the integrity of the Park. The National Park contains two large (11 and 15- acre) fishponds with associated wetlands, more than 140 known anchialine pools, and 596 acres of marine waters. These waters are significant cultural resources and also provide habitat for nine federally protected and candidate endangered species. The National Park water resources are fed by, and in the case of anchialine pools are solely dependent upon, groundwater input. The anchialine pools support three known candidate endangered species. 'Aimakapa Fishpond receives significant groundwater inputs and is significant foraging and nesting habitat for the endangered Hawaiian stilt and the Hawaiian coot, and is an important habitat for migratory waterfowl. Kaloko Fishpond is in the process of being restored for traditional and productive aquaculture use for human consumption. Kaloko Fishpond is used by the Hawaiian stilt for foraging and some attempted nesting. The Park's marine waters are inhabited by resident juvenile green sea turtles (listed as "threatened"), and the endangered hawksbill sea turtle. The endangered Hawaiian monk seal is an occasional visitor to Park waters and rests on the shoreline. Endangered Humpback whales are seasonally within Park waters.

The EIS preparation notice did not include a section on groundwater and in Section 4.7.2, Water System, defers identifying water sources for the proposed project. The preparation notice states that "North Kona Village, LLC will coordinate with the DWS to ensure that water storage and

source is *available at the time of development.*” [page 25, emphasis added] However, the EIS document must identify the sources and the amounts of potable and non-potable water withdrawals for the proposed project so that impacts to National Park resources from the development can be analyzed. Because an irrevocable commitment of groundwater resources will be made for this project, a full exploration of the impacts to the National Park is required. A detailed quantitative analysis of groundwater direction, flow, and the cumulative impacts of water withdrawal within the aquifer system must be made to identify impacts of withdrawal on the National Park water resources.

The petition for the Land Use District Boundary Amendment does mention groundwater (page 20) but incorrectly states that `O`oma Beachside Village will not adversely affect groundwater within the vicinity. Non-point source pollution of groundwater and marine waters from constructed impermeable surfaces (houses, roadways, driveways), termiticides and pesticides used on houses, buildings and grounds, added nutrients from irrigation and fertilizing green spaces, and pollutants from certain commercial businesses are a significant concern of the National Park Service. Because of the high permeability of the site and the interconnection of surface activity and groundwater resources, polluted groundwater has the potential to affect the National Park’s cultural and natural resources, and the marine environment. We suggest that the DEIS include an analysis of drainage construction techniques beyond what are required by the county and state, such as filtered drainage systems, to reduce non-point source pollution to the groundwater and marine waters. According to the Environmental Protection Agency’s 1993 Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters, one of the objectives of urban runoff management is “protection of ground water resources” (p. 4-5). The EPA Guidance says “infiltration systems [standard drywells, such as those used in West Hawaii] may not be appropriate where ground water requires protection” (p. 4-14). Additionally, restriction of termiticides, pesticides, and herbicides within the proposed development should be explored in the EIS.


The NPS is concerned about the fate of wastewater from the site. The alternatives for wastewater collection and disposal should each be fully analyzed in the EIS document. If wastewater is proposed to be reused for irrigation, it should be treated to R3 to protect groundwater and marine resources.

Air quality is also a concern of the National Park Service. Local air patterns and pollution sources are not adequately described in the preparation notice. Trade winds are not prevalent in this area. The prevalent wind system in the proposed project area is mauka – makai, nighttime and morning offshore winds changing to onshore during the day. Poor air quality resulting from volcanic emissions, airport emissions, highway traffic emissions, and fugitive dust from ongoing construction and from quarries within a mile of the proposed site is not readily moved away from the area as stated in the preparation notice. Cumulative impacts from the construction of this project as well as the additional cars residing in the final development, potentially 1.9 cars/household (Bureau of Transportation Statistics 2001, www.bts.gov), must be considered in conjunction with the highway expansion, expansion of the airport, addition of the short austere airfield runway and proposed military training routes over the area, and construction of multiple industrial parks in the area. A quantitative analysis of air quality and cumulative impacts should be made in the EIS. As this area becomes the population center, air quality and its effect on human health is an increasingly important issue that must be addressed.

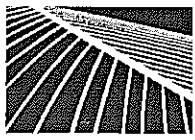
In addition, the NPS is concerned about the growing cumulative impacts of development projects along the Kona coast to the National Park's cultural and natural resources, and visitors, as well as to those outside of the National Park. Ultimately, Hawaii's visitor experience and visitation will be affected by the over-development of the Kona coast. The cumulative impacts that will impact Park visitors such as traffic, noise, light pollution, scenic resources, and coral reefs must be analyzed in the EIS and mitigated to the level of insignificance. Additionally, the EIS must address the cumulative impacts of this project to groundwater in concert with adjacent developments. Groundwater is an essential resource to the fishponds and pools that define Kaloko-Honokohau National Historical Park and are the centerpiece of the Park's planned Cultural Live-in Center.

Thank you for the opportunity to provide these comments early in your environmental review process. I look forward to our continuing communication on this proposed project. If you would like to visit Kaloko-Honokohau National Historical Park to see the resources that may be impacted by the proposed project or if you have any questions regarding our comments, please contact Richard Boston, Chief of Integrated Resource Management at 808-329-6881 x203, or Sallie Beavers, Ecologist, at 808-329-6881 x220.

Sincerely,


Geraldine K. Bell
Superintendent

CC: Office of Environmental Quality Control
A. Ching, State of Hawaii Land Use Commission
D. Moresco, North Kona Villiage, LLC
County of Hawaii Planning Commission
C. Yuen, County of Hawaii Planning Department
L. Thielen, State Office of Planning
M. Chinen, State of Hawaii Historic Preservation Division
P. Leonard, US Fish and Wildlife Service
A. Smith, Department of Land and Natural Resources
D. Polhemus, DLNR- Division of Aquatic Resources
P. Conry, DLNR- Division of Forestry and Wildlife
M. Pavao, County of Hawaii Department of Water Supply
R. Hardy, Commission on Water Resource Management
C. Pettee, NPS Water Rights Branch
J. Jarvis, Regional Director, NPS Pacific West Regional Office
G. Lind, Department of the Interior, Office of the Solicitor



PBR HAWAII

& ASSOCIATES, INC.

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuoi Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

May 9, 2008

Geraldine Bell
US Department of the Interior
National Park Service
Kaloko-Honokōhau National Historic Park
73-4786 Kanalani Street, Suite 14
Kailua-Kona, Hawai'i 96740

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Ms. Bell:

Thank you for your letter dated June 7, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. The Draft EIS will include a section on groundwater resources. 'O'oma Beachside Village, LLC's preferred alternative for providing water to 'O'oma Beachside Village is an on-site desalination plant; however, other possible alternatives for providing water, including an off-site well system, may be considered. This will be discussed in the Draft EIS. An on-site desalination plant would have no impact on the regional aquifer.
2. The Draft EIS will discuss drainage, non-point source pollution, and the potential impact to ground water resources and the nearshore marine environment. O'oma Beachside Village, LLC, will consider restriction of termiticides, pesticides, and herbicides within the 'O'oma Beachside Village.
3. The Draft EIS will discuss wastewater collection and disposal.
4. The Draft EIS will include a discussion of the potential short- and long-term impacts to air quality, as well as proposed mitigation measures for any potential impacts. The Draft EIS will include a quantitative analysis of air quality.
5. The Draft EIS will include a discussion of cumulative impacts.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS. As a formally consulted party during the EIS process, you will be sent a copy of the Draft EIS to review.

Ms. Geraldine Bell

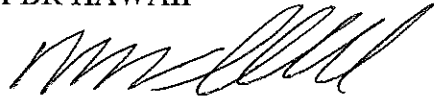
SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

May 9, 2008

Page 2 of 2

Sincerely,

PBR HAWAII

A handwritten signature in black ink, appearing to read 'Tom Schnell', written over the printed name.

Tom Schnell, AICP
Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP



United States Department of the Interior

NATIONAL PARK SERVICE
Ala Kahakai National Historic Trail
Kaloko-Honokohau NHP
74-4786 Kanalani Street, #14
Kailua-Kona, Hawaii 96740
Tel. (808) 326-6012
Fax. (808) 329-2597

IN REPLY REFER TO:

June 6, 2007

PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, HI. 96813
Attn: Thomas S. Witten, ASLA

Dear Sir:

RE: O'oma Beachside Village, EIS Preparation Notice

The National Park Service Ala Kahakai National Historic Trail has reviewed the O'oma Beachside Village EIS Preparation Notice.

The Ala Kahakai National Historic Trail was designated in Public Law 106-509, as a unit of the National Park Service in 2000. The 175-mile corridor extends from Upolu Point on the north tip of Hawaii Island extending down the west coast of the Island around Ka Lae to the east boundary of the Hawaii Volcanoes National Park. Given that the congressionally designated corridor of the Ala Kahakai NHT falls within the proposed development. Ala Kahakai NHT requests that this office be consulted with in the development of the O'oma Beachside Village EIS.

Concerns raised at this time relates to the potential negative impacts of the proposed development on ancient and historic trails, including shoreline, near shoreline and mauka-makai trails, and associated archaeological and natural resources. We are also concerned about potential negative cumulative impacts to water quality.

Finally, we are very concerned over the short and long term impacts to the physical environment and cultural landscape and request that a means to permanently and privately

June 6, 2007
RE: O'oma Beachside Village
Page 2

finance the management of shoreline and near shoreline resources be incorporated, as a condition for development and a condition for the proposed change in State land use designation, into the long term management of the shoreline area associated with this development in order to mitigate negative and cumulative impacts to natural and cultural resources and to the visitor experience.

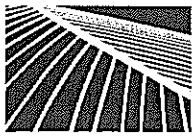
Thank you for this opportunity to comment. Please direct all responses and inquires to the address above.

Sincerely,

A handwritten signature in black ink, appearing to read "Aric Arakaki". The signature is stylized and written in a cursive-like font.

Aric Arakaki
Superintendent

cc: Office of Environmental Quality Control
State Land Use Commission
County of Hawaii Planning Department
Kaloko-Honokohau NHP



PBR HAWAII & ASSOCIATES, INC.

May 9, 2008

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

Aric Arakaki
US Department of the Interior
National Park Service
Ala Kahakai National Historic Trail
Kaloko-Honokōhau NHP
74-4786 Kanalani Street, #14
Kailua-Kona, Hawai'i 96740

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

Dear Mr. Arakaki:

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

Thank you for your letter dated June 6, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. We acknowledge that the Ala Kahakai National Historic Trail (NHT) Office requests to be a consulted party to the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). We will send you a copy of the Draft EIS when it is published.

We recognize that the congressionally designated corridor of the Ala Kahakai NHT falls within the 'O'oma Beachside Village property. Therefore, we reviewed the Ala Kahakai NHT EIS, and provided comments to your office regarding the NHT project on December 24, 2007 (see Attachment).

2. The Draft EIS will discuss the potential impact of 'O'oma Beachside Village on ancient and historic trails, including shoreline, near shoreline and mauka-makai trails, and associated archaeological and natural resources.

Two historic trails run through the 'O'oma property: the Māmalahoa Trail and a shoreline trail, which is proposed to be part of the Ala Kahakai NHT system.

Plans for 'O'oma are to preserve the Māmalahoa Trail in place and provide for a 50-foot buffer on both sides. In addition, 18 acres along the 'O'oma shoreline will be designated as a public shoreline park. This park will be an extension and continuation of the beach parks planned at The Shores at Kohanaiki and NELHA. The Ala Kahakai NHT is proposed to run within this public shoreline park area. In addition, 57 acres mauka of the shoreline park will be designated as coastal preserve. The coastal preserve contains known archaeological and cultural sites; therefore, the coastal preserve will remain generally undisturbed.

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Mr. Aric Arakaki

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

May 9, 2008

Page 2 of 2

3. The Draft EIS will discuss potential impacts to water quality along with mitigation measures.
4. The Draft EIS will discuss potential impacts to the physical environment and cultural landscape.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

Attachment

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

Harry Kim
Mayor



Darryl J. Oliveira
Fire Chief

Glen P.I. Honda
Deputy Fire Chief

County of Hawai'i
HAWAII FIRE DEPARTMENT
25 Aupuni Street • Suite 103 • Hilo, Hawai'i 96720
(808) 981-8394 • Fax (808) 981-2037

May 16, 2007

PBR Hawaii and Associates, Inc. - Hilo Office
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawaii 96720

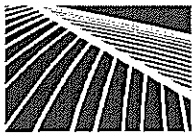
SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
O'OMA BEACHSIDE VILLAGE
TMK: (3)7-3-09:04, 22 AND (3)7-3-09 (PORTION OF STATE-RIGHT-OF-WAY)

We have no comments to offer at this time in reference to the above-mentioned Environmental Impact Statement Preparation Notice.


DARRYL OLIVEIRA
Fire Chief

PBW:lpc





PBR HAWAII & ASSOCIATES, INC.

May 9, 2008

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Darryl Oliveira, Fire Chief
County of Hawai'i
Hawai'i Fire Department
25 Aupuni Street, Suite 103
Hilo, Hawai'i 96720

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT
STATEMENT PREPARATION NOTICE**

Dear Chief Oliveira:

Thank you for your letter dated May 16, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we acknowledge that you have no comment at this time.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

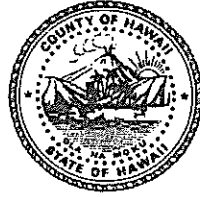
PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

O:\Job23\2309.03 Ooma Entitlements\EIS\EISPN\Comment Letters\Fire Dept response.doc

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • FAX (808) 961-8742

April 30, 2007

Thomas S. Witten, ASLA
PBR Hawaii
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, HI 96813

Dear Mr. Witten:

North Kona Village, LLC (Ooma Beachside Village)
Environmental Impact Statement Preparation Notice (EISPN)
Ooma 2nd, Kaloko, North Kona, Hawaii
TMK: 7-3-009: 004 (por) and 7-3-009: portion of a State Right-of-Way

Thank you for providing us an opportunity to comment on the Environmental Impact Statement Preparation Notice (EISPN) for the proposed North Kona Village, LLC Project. We understand that more detailed information about the proposed project will be included in the DEIS and FEIS.

We concur that parcel 4 is approximately 217.566 acres in size, situated in the State Land Use Conservation district and zoned Open by the County. The portion of the property proposed to be redesignated from the State Land Use Conservation to the Urban district is approximately 181.169 acres, which includes the 1.814-acre State right-of-way. A 38.211-acre portion of parcel 4 is proposed to be retained in the Conservation district. The General Plan LUPAG map designation is Urban Expansion.

As noted on page 8 of the EISPN, the State right-of-way may be acquired from the State of Hawaii. Please provide updated information as to the status of the lease or acquisition regarding the right-of-way. Finally, we note that "Parcel 44" referenced in paragraph 3, page 5 of the document should be "Parcel 22."

Thomas S. Witten, ASLA

Page 2

April 30, 2007

Thank you for the opportunity to provide preliminary comments on the proposed project. Please forward us a copy of the DEIS upon its availability. If you have any questions, please contact Norman Hayashi of this department at 961-8288, x205.

Sincerely,



CHRISTOPHER J. YUEN

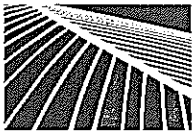
Planning Director

NH:syw

p:\wpwin60\ch343\2007\NorthKonaEISPN.doc

cc: Dennis Moresco, CEO/North Kona Village, LLC

Jennifer Benck, Esq.



PBR HAWAII & ASSOCIATES, INC.

May 9, 2008

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

Chris Yuen, Planning Director
County of Hawai'i
Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720-3043

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT
STATEMENT PREPARATION NOTICE**

Dear Mr. Yuen:

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

Thank you for your letter dated April 30, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside, LLC, we are responding to your comments.

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

We note that you confirmed the State and County General Plan zoning designations provided in the EISPN as correct.

The 'O'oma Beachside Village concept plan included in the Draft EIS will include proposed uses within the State ROW; however if the State continues ownership of the State ROW, the concept plan will be revised and 'O'oma Beachside, LLC will seek all necessary easements over the State ROW and comply with all laws regarding the development of 'O'oma Beachside Village on both sides of the State ROW.

References to "Parcel 44" have been corrected to "Parcel 22" in the Draft EIS.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

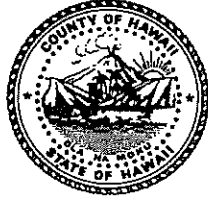
HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

O:\Job23\2309.03 Ooma Entitlements\EIS\EISPN\Comment Letters\Planning Dept response.doc

Harry Kim
Mayor



Lawrence K. Mahuna
Police Chief

Harry S. Kubojiri
Deputy Police Chief

County of Hawaii

POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawaii 96720-3998
(808) 935-3311 • Fax (808) 961-2389

May 22, 2007

Mr. Thomas S. Witten, ASLA
PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Witten:

Staff has reviewed the Environmental Impact Statement Preparation Notice (EISPN) regarding 'O'oma Beachside Village and submits the following comments.

Staff recommends that your plan incorporate the "future" secondary road as the main entry to your proposed subdivision and abandon the plan for an entry directly onto Queen Kaahumanu Highway. Ideally, that secondary road should go as far north as the Kona airport entry and as far south as Kealakehe Parkway. This will allow for several entries onto Queen Kaahumanu Highway without creating another traffic-stalling intersection.

Staff maintains that until such time as adequate roads are built to support the ever-growing population, construction, and additional vehicles on the roadways, additional development must adhere to the County's proposed policy on the principle of concurrency.

Thank you for providing us with the opportunity to comment. Should you have any questions, please contact Captain Randy Apele, Commander of the Kona Patrol Division, at 326-4646, extension 249.

Sincerely,

LAWRENCE K. MAHUNA
POLICE CHIEF

A handwritten signature in black ink, appearing to read "Derek D. Pacheco".

DEREK D. PACHECO
ASSISTANT POLICE CHIEF
AREA II OPERATIONS

RKA/JED:dmv



PBR HAWAII

& ASSOCIATES, INC.

May 9, 2008

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

Lawrence K. Mahuna, Police Chief
Derek D. Pacheco, Assistant Police Chief
Area II Operations
County of Hawai'i
Police Department
349 Kapiolani Street
Hilo, Hawai'i 96720-3998

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

Dear Chief Mahuna and Assistant Chief Pacheco:

Thank you for your letter dated May 22, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to your comments.

'O'oma Beachside Village, LLC is involved in a cooperative effort to plan and develop a frontage road makai of, and parallel to, Queen Ka'ahumanu Highway from Kohanaiki Industrial Park to the Airport. Currently, there is a State Department of Transportation (DOT) permitted access from the 'O'oma Beachside Village onto Queen Ka'ahumanu Highway. 'O'oma Beachside Village, LLC will continue to consult with the State Department of Transportation regarding accesses to the property.

The Draft EIS will include a Traffic Impact Analysis Report (TIAR) that will address access and traffic issues, as well as provide mitigation measures regarding potential adverse impacts.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

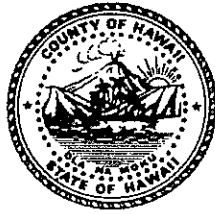
HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbthawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

O:\Job23\2309.03 Ooma Entitlements\EIS\EISPN\Comment Letters\Police response.doc

Harry Kim
Mayor



Bruce C. McClure
Director

Jiro A. Sumada
Deputy Director

County of Hawai'i
DEPARTMENT OF PUBLIC WORKS
Aupuni Center
101 Pauahi Street, Suite 7 · Hilo, Hawai'i 96720-4224
(808) 961-8321 · Fax (808) 961-8630
www.co.hawaii.hi.us

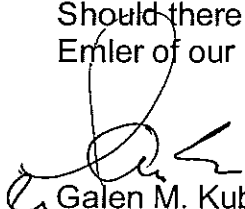
Thomas S. Witten, ASLA
PBR Hawaii & Associates, Inc.
ASB Tower, Suite 650
1001 Bishop St.
Honolulu, Hi. 96813

RECEIVED
AUG 10 7 2007
HAWAII

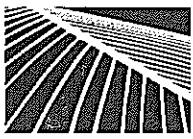
Subject: EISPN For O'Oma Beachside Village
Location: North Kona, Hawaii
TMK: 7-3-09:04,022 & 7-3-09: (Por of State ROW)

We reviewed the subject EISPN and prefer to withhold any comments pending the Draft EIS.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530


Galen M. Kuba, Chief Engineer
Engineering Division

Cc: Office of Environmental Quality Control
State of Hawaii Land Use Commission



PBR HAWAII

& ASSOCIATES, INC.

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

May 9, 2008

Galen M. Kuba, Chief Engineer
County of Hawai'i
Department of Public Works
Aupuni Center
101 Pauahi Street, Suite 7
Hilo, Hawai'i 96720-4224

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Chief Oliveira:

Thank you for your letter dated May 16, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we acknowledge that you reviewed the EISPN and prefer to withhold any comments pending the Draft EIS.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

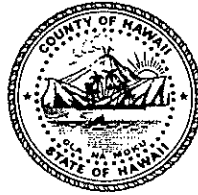
PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

O:\Job23\2309.03 Ooma Entitlements\EIS\EISPN\Comment Letters\DPW response.doc

Harry Kim
Mayor



Bobby Jean Leithead-Todd
Director

Nelson Ho
Deputy Director

County of Hawaii
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
25 Aupuni Street • Hilo, Hawai'i 96720-4252
(808) 961-8083 • Fax (808) 961-8086
http://co.hawaii.hi.us/directory/dir_envmng.htm

MEMORANDUM

DATE : May 30, 2007

TO : Chris J. Yuen, Planning Director

FROM : Bobby Jean Leithead-Todd, Director *BJT*

SUBJECT: 'O'oma Beachside Village
Environmental Impact Statement Preparation Notice
State Land Use Boundary Amendment (LUC Docket A07-774)
Applicant: North Kona Village, LLC
Request: Conservation to Urban
TMK 7-3-9: por 4, 22 and 7-3-09 (por of State Right-of-Way)

Thank you for the opportunity to review the Environmental Impact Statement Preparatory Notice for the proposed 'O'oma Beachside Village. The Department of Environmental Management (DEM) offers the following comments regarding the subject document:

Technical Services Section and Wastewater Division:

1. As discussed via teleconference between Lyle Hirota of my staff and Martin Nakasone of M&E Pacific on May 9, 2007, DEM-Technical Services Section (TSS) will be installing sewer infrastructure from Kealakehe Parkway to Hina Lani Street and effluent reuse infrastructure from Kealakehe Parkway to Kohanaiki in conjunction with the State Department of Transportation's (DOT's) Queen Ka'ahumanu Widening Project (Phase II-Kealakehe Parkway to Keahole Airport). Plans for installing additional sewer and reuse infrastructure to service the North Kona Area and upgrades of the Kealakehe Wastewater Treatment Plant (KWWTP) to provide R-1 reuse water are to be performed in additional phases. Additional information regarding this project can be found online at:
http://co.hawaii.hi.us/env_mng/kwtp.htm.

2. As part of this overall project, DEM may be able to supplement the irrigation supply of the `O`oma Beachside Villages development, if an on-site effluent reuse irrigation system is constructed, with effluent reuse from the KWWTP. If supplemental effluent reuse is desired, DEM requests that PBR HAWAII notify TSS of their preference for location of effluent reuse mains and approximate quantity of effluent reuse desired.
3. The County of Hawai`i is also in the process of developing a Community Development Plan (CDP) for Kona and, as part of this process, has conceptual plans which may result in a new decentralized wastewater treatment plant just mauka of the subject properties. Thus, public wastewater treatment facilities to serve the Kaloko area may be available sometime in the future. More information regarding the general location and proposed service area of this decentralized wastewater treatment plant can be found on the previously referenced website.
4. The KWWTP is not currently accepting septage from medium and large private wastewater treatment plants due to the effect of highly concentrated septage loads on the treatment process. DEM is in the process of requesting that the Hawaii State Department of Health (DOH) require sludge dewatering facilities at all new medium to large private wastewater treatment plants constructed in the County of Hawai`i.

Should you have any questions regarding our comments, please contact Ms. Dora Beck, P.E., Technical Services Chief at (808) 961-8028 or by email at dbeck@co.hawaii.hi.us.

Solid Waste Division:

A solid waste management plan should be submitted to the Division and should incorporate curbside recycling for home owners if contracted services are going to be provided.

If more information is required regarding the preparation of a solid waste management plan, please contact Michael Dworsky, P.E., Solid Waste Division Chief at (808) 961-8515 or by email at mdworsky@co.hawaii.hi.us.

cc: Nelson Ho, Deputy Director
Dora Beck, TSS Chief
Michael Dworsky, SWD Chief
Paul Ochi, WWD Op. Supv. TA
PBR Hawai`i
OEQC



PBR HAWAII

& ASSOCIATES, INC.

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP*
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP*
Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

May 9, 2008

Bobby Jean Leithead-Todd
County of Hawai'i
Department of Environmental Management
25 Aupuni Street
Hilo, Hawai'i 96720-4252

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Ms. Leithead-Todd:

Thank you for your letter dated May 30, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to your comments.

Technical Services Section (TSS) and Wastewater Division:

1. Thank you for providing information regarding your sewer infrastructure plans from Kealakehe Parkway to Hina Lani Street and effluent reuse infrastructure from Kealakehe Parkway to Kohanaiki in conjunction with the State DOT's Queen Ka'ahumanu Widening Project. This information will be referenced in the Draft EIS.
2. We acknowledge that DEM may be able to supplement the irrigation supply of 'O'oma Beachside Villages, if an on-site effluent reuse irrigation system is constructed, with effluent reuse from the KWWTP. As our effluent reuse plans move forward, we will notify TSS of any preference for location of effluent reuse mains and approximate quantity of effluent reuse desired. This information will be referenced in the Draft EIS.
3. We understand that the County of Hawai'i is in the process of developing a Community Development Plan for Kona and has conceptual plans which may result in a new decentralized wastewater treatment plant just mauka of the 'O'oma Beachside Village property. Thus, public wastewater treatment facilities to serve the Kaloko area may be available some time in the future. This information will be referenced in the Draft EIS.
4. We understand that the Kealakehe WWTP does not currently accept septage from medium and large private WWTP due to the effect of highly concentrated septage loads on the treatment process. DEM is currently in the process of requesting that the State DOH require sludge dewatering facilities at all new medium to large private WWTP constructed in the County.

Ms. Bobby Jean Leithead-Todd

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

May 9, 2008

Page 2 of 2

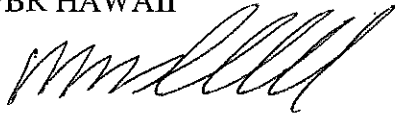
Solid Waste Division:

At the appropriate time, when more definite project plans are prepared, a solid waste management plan will be submitted to the Solid Waste Division.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

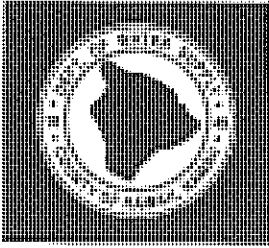
Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

June 15, 2007

PBR Hawaii
ATTENTION: Mr. Thomas Witten
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, HI 96813

ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
APPLICANT – NORTH KONA VILLAGE, LLC
TAX MAP KEY 7-3-009:004, 022 AND 7-3-009 (PORTION OF STATE RIGHT-OF-WAY)

We have reviewed the subject Environmental Impact Statement Preparation Notice and have the following comments and conditions.

The current water availability conditions in the area, which are subject to change without notice, provides for the same number of water units as the number of lots or dwelling units allowable under the current zoning, not to exceed a maximum of 50 units of water, per existing lot of record. Six (6) additional units of water are available, per existing lot of record, if a change of zone application is approved. For your information, one unit of water is equal to a maximum daily usage of 600 gallons per day, which is suitable for only one single-family dwelling.

Therefore, the Department's existing water system facilities cannot support the proposed development at this time. Extensive improvements and additions would be required which may include, but not be limited to, additional source, storage, transmission, and distribution facilities. Currently funding is not available from the Department for such improvements and no time schedule is set. However, the developer may enter into a Water Agreement with the Department/Water Board to ensure that the required water system improvements are constructed to support the proposed development.

In addition, the Department would request estimated maximum daily water usage calculations for the proposed development and also a conceptual water master plan for the necessary offsite water system improvements.

Should there be any questions, you may contact Mr. Finn McCall of our Water Resources and Planning Branch at 961-8070, extension 255.

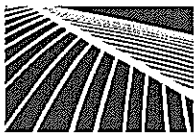
Sincerely yours,

Milton D. Pavao, P.E.
Manager

FM:dfg

copy – State of Hawai'i, Office of Environmental Quality Control
State of Hawai'i, Land Use Commission

... Water brings progress...



PBR HAWAII & ASSOCIATES, INC.

May 9, 2008

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. I. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

Milton Pavao
County of Hawai'i
Department of Water Supply
345 Kekūanaō'a Street, Suite 20
Hilo, Hawai'i 96720

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT
STATEMENT PREPARATION NOTICE**

Dear Mr. Pavao:

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

Thank you for your letter dated May 31, 2007 regarding the 'O'oma Beachside Village State Land Use Boundary Amendment petition (LUC Docket A07-774), which includes the Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to your comments.

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

We understand the DWS's existing water system facilities cannot support the proposed project at this time. Extensive improvements and additions would be required which may include additional source, storage, transmission, and distribution facilities. Currently, funding is not available from DWS for such improvements and no time schedule is set.

'O'oma Beachside Village, LLC's preferred alternative for providing both potable and non-potable water to 'O'oma Beachside Village is an on-site desalination plant; however, other possible alternatives for providing water, including an off-site well system, will be considered. This will be discussed in the Draft EIS.

The Draft EIS also will include the project's estimated maximum daily water usage calculations and a conceptual water master plan for necessary off-site water system improvements.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

Dacayanan, Melissa

2007 MAY 31 PM 2 17

From: ALOHAFIDLR [alohafidlr@aol.com]
Sent: Thursday, May 31, 2007 9:30 AM
To: planning@co.hawaii.hi.us
Cc: petehoffmann@hawaii.rr.com; Pilago, K. Argel
Subject: North Kona Village

PLANNING DEPARTMENT
COURT OF LAND

Dear Mr. Yuen:

I've attached the Kona Traffic Safety Committee's comments on the subject application.

Mahalo for your consideration of the issues we raise.

Aloha,

Joel Gimpel

5/31/2007

029219

2007 MAY 31 PM 2 17

PLANNING DEPARTMENT
KONA TRAFFIC SAFETY COMMITTEE
73-4686 Hina Lani Street
Kailua-Kona, Hawaii 96740

Chris Yuen, Director
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720-8742

May 31, 2007

Subject: SLU Boundary Amendment Application (LUC Docket A07-774)
Applicant: North Kona Village, LLC
Request: Conservation to Urban
TMK: 7-3-9:por 4

Dear Mr. Yuen:

Mahalo for requesting the Kona Traffic Safety Committee's comments on the subject Environmental Impact Statement Preparation Notice (EISPN) for an SLU Boundary Amendment. We understand that the proposed 302+ acre master-planned community ("O'oma Beachside Village") will consist of 950-1200 residences, retail and office space, a shoreline park, restaurants, a 10-acre community park, several neighborhood parks, and greenway trails, and is bordered by NELHA to the north, Hwy 19 to the east, the Shores at Kohanaiki to the south, and the ocean to the west. We note also that the EISPN states that a Traffic Impact Report will be among the technical studies included in the Environmental Impact Statement, which is being prepared.

There are, of course, many significant traffic-related implications and concerns raised by a development of this size and scope, especially when the principal access is from Hwy 19, which is already operating at capacity. Assuming enactment of the concurrency ordinance pending before the County Council, occupancy should not be permitted until needed infrastructure, including roadway improvements, are in place. In that respect, the EISPN states that Hwy 19 is being expanded to four lanes, and that Phase I "is anticipated to be completed by April 2007," (which is clearly well behind schedule). In fact, a request for bids for the design and construction covering Phase II, the portion of Hwy 19 abutting this development, has yet to be announced, and work won't begin for several years.

We understand that the applicant suggests several "potential" secondary access openings (via the NELHA access road, through HOST to the Airport, and to the Shores at Kohanaiki), but because the bulk of the more than 5000 vehicle trips per day will access this development via Hwy 19, we urge that consideration be given to requiring a grade-separated intersection on Hwy 19 in order to maintain smooth traffic flow and minimize the potential for traffic accidents.

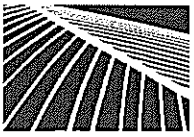
We will reserve further comments on needed roadway improvements until we can review a detailed site plan and a current TIAR that realistically evaluates the enormous effect of a development of this size and scope on traffic in the area.

In addition to the traffic-related concerns outlined above, we urge that decision on this proposal be deferred until the Community Development Plan for Kona has been adopted, to assure that it conforms.

Sincerely yours,

Joel Gimpel, Chair
Public Affairs

Cc: Pete Hoffman
Angel Pilago



PBR HAWAII & ASSOCIATES, INC.

May 9, 2008

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Joel Gimpel, Chair
Kona Traffic Safety Committee
73-4686 Hina Lani Street
Kailua-Kona, Hawai'i 96740

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT
STATEMENT PREPARATION NOTICE**

Dear Mr. Gimpel:

Thank you for your letter dated May 31, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to your comments.

We acknowledge your concerns regarding traffic. The Draft EIS will include a Traffic Impact Analysis Report (TIAR) that will address access and traffic issues, as well as provide mitigation measures for potential adverse impacts. The TIAR will also address current plans for the widening of Queen Ka'ahumanu Highway to the extent known and made public by the State Department of Transportation (DOT).

'O'oma Beachside Village, LLC is currently involved in a cooperative effort to plan and develop a frontage road makai Queen Ka'ahumanu Highway from Kohanaiki Industrial Park to the Airport. This frontage road would provide access to the Shores of Kohanaiki, 'O'oma, NELHA, and would also provide alternate access to the airport. 'O'oma Beachside Village, LLC will continue to coordinate with the State DOT and surrounding land owners on roadway access and connectivity to adjacent lands.

The Draft EIS will include a discussion on the draft Kona Development Plan and how 'O'oma Beachside Village conforms to the draft policies.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

Keahole Point Association

Tenants at NELHA

MEMBERS:

Big Island Abalone Corp.
Kona Blue Water Farms
Cyanotech Corp.
Deep Seawater International
Inc.
Hawaii Deep Marine Inc.
High Health Aquaculture
Inc.
Indo-Pacific Sea Farms
Kona Bay Marine Resources
Inc.
Kona Cold Lobsters Ltd.
Koyo USA Corp
Mera Pharmaceuticals Inc.
Moana Technologies LLC
Ocean Rider Inc.
Pacific Ocean Ventures LLC
Pacific Planktonics
Royal Hawaiian Sea Farms
Inc.
Savers Holdings Ltd
Taylor Shellfish – Kona
Unlimited Aquaculture LLC
West Hawaii Explorations
Academy

June 6, 2007

Mr. Thomas S. Witten, ASLA
PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Witten,

I am writing to request that the Keahole Point Association (KPA), and association of tenant businesses located at the Natural Energy Laboratory of Hawaii Authority (NELHA), be included as a consulted party in the EIS for the Ooma Beachside Village. The KPA has numerous concerns about the proposed project that members feel, if improperly or incompletely addressed, will damage their businesses.

Air Quality: Tenants, especially tenants adjacent to the development, have concerns about sufficient dust control. Fugitive dust is a health hazard for our employees who work outside. Dust is also detrimental to many aquaculture farming practices. Dust contaminates algae cultures/crops used for human or animal consumption reducing their value. Dust deposits coat the interior surfaces of growing tanks, smothering and reducing success of diatom production and molluscan postlarval production. It is imperative that dust be mitigated through proper allocation of resources during the construction process.

Security: Tenants, especially those neighboring the development, have concerns about added increased proximity of the public to NELHA properties. Agricultural theft and vandalism of tenant businesses is a significant problem and tenants at NELHA have ongoing losses due to public access to the facility during working hours. Development and increased access to the NELHA property border at the South will increase public access to NELHA and directly to some current and future tenant properties.

Light contamination: Many tenants at NELHA engage in animal husbandry practices in outdoor tanks. Some of these animals, e.g. abalone, are responsive to day/night light cycles. Increasing the ambient light during periods of darkness can inhibit feeding and disrupt reproductive cycles. Both of these production impacts can be very damaging to tenant businesses. The elevation of the properties and the lighting plans need to be planned to minimize light contamination to adjacent NELHA tenant properties.

Waste Water Treatment/Surface Water Runoff: Most NELHA tenants use seawater drawn from ocean intakes, as well as local groundwater wells, for

73-4460 Queen Kaahumanu Hwy #202, Kailua-Kona Hawaii 96740 USA

Keahole Point Association

Tenants at NELHA

production processes. Many products produced by NELHA tenants are for human consumption. The dominant attraction of NELHA as site for aquaculture and other water related industries is the availability of AA class water. The pristine quality of this water is integral to tenant success in producing product (survival and growth of products) and integral to marketing of products. Degradation of groundwater and coastal waters from pollutants originating on site would significantly impact tenant production and market values. As such, NELHA tenants are extremely concerned about proper management of sewage, storm water runoff, and termiticide/fertilizer/pesticide contamination during construction and operation of the development. These issues need to be addressed completely and enforced.

Traffic: Any interconnection of the proposed development to the NELHA access road would dramatically increase security risks and significantly complicate security monitoring of tenant properties. Additional traffic loads on this road would be disruptive to tenant business and pedestrian safety.

Thank you for your consideration of these matters. We look forward to your cooperation in addressing our concerns.

Sincerely,



Gerry Cysewski, President
Keahole Point Association

CC:

Office of Environmental Quality Control
State of Hawaii Land Use Commission
North Kona Village LLC
Natural Energy Laboratory of Hawaii Authority
Hawaii Aquaculture Development Program



May 9, 2008

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP*
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP*
Associate

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Gerry Cysewski
Keāhole Point Association
73-4460 Queen Ka'ahumanu Highway #202
Kailua-Kona, Hawai'i 96740

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT
STATEMENT PREPARATION NOTICE**

Dear Mr. Cysewski:

Thank you for your letter dated June 6, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. **Air Quality:** The Draft EIS will contain analysis of air quality impacts. It is anticipated that no State or Federal air quality standards will be violated during or after the creation of the 'O'oma Beachside Village. A dust control plan will be implemented during all phases of development. All construction activities will comply with the provisions of Chapter 11-60.1-33, HAR on fugitive dust.
2. **Security:** 'O'oma Beachside Village LLC acknowledges your concerns regarding security. 'O'oma Beachside Village, LLC will continue to consult with the Keāhole Point Association and NELHA regarding security issues.
3. **Light Contamination:** Regarding lighting impacts on animals, all exterior lighting will be partially or fully shielded. Outdoor lights will include low-pressure sodium lamps that direct light downward, as required by the County's Outdoor Lighting Standards (HCC §14-50) to curtail light pollution.
4. **Wastewater Treatment/Surface Water Runoff:** The Draft EIS will include an analysis of water quality impacts, for both groundwater and coastal waters. The Draft EIS will also include discussion on the management and mitigation of sewage, reject water, stormwater runoff, and termiticide/fertilizer/pesticide contamination.
5. **Traffic:** We acknowledge your concerns regarding an interconnection of 'O'oma Beachside Village to the NELHA access road. The Draft EIS will contain a Traffic Impact Analysis Report (TIAR), which will discuss the traffic impacts of this alternative.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS. As a formally consulted party during the EIS process, you will be sent a copy of the Draft EIS to review.

Mr. Gerry Cysewski

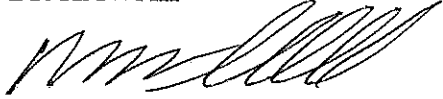
SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

May 9, 2008

Page 2 of 2

Sincerely,

PBR HAWAII

A handwritten signature in black ink, appearing to read 'Tom Schnell', written in a cursive style.

Tom Schnell, AICP
Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

Deborah L. Chang
Island Transitions LLC
P.O. Box 202
Pa`auilo, HI 96776
June 5, 2007

Mr. Dennis Moresco, CEO
North Kona Village, LLC
c/o Midland Pacific Homes
7305 Morro Rd., Ste. 200
Atascadero, CA 93422

Dear Mr. Moresco:

SUBJECT: Environmental Impact Statement Preparation Notice
`O`oma Beachside Village
TMKs: (3) 7-3-09:04, 22 and (3) 7-3-09 (por.)

The Environmental Impact Statement (EIS) for the above-named application should fully address the island's need for the proposed "masterplanned shoreline community" in North Kona. It should also demonstrate how reclassifying 181 acres of State Conservation Land into the State Urban District will be in the island's best interests.

Specifically, the EIS should address the following questions/issues:

- With Hawai`i's lowest unemployment rate in the nation, is there a need for this type of project? Employers in West Hawai`i are currently finding it difficult to attract and keep good workers. How many workers will need to be imported for this project?
- How will this project add to the island's already burgeoning population, i.e., how many temporary and permanent workers, full and part-time residents, and transient visitors are anticipated?
- Although "affordable homes" are included in the list of proposed uses, will there be a commitment to build affordable homes sufficient to meet the need generated by the project? How will this be calculated? What will ensure that these homes will remain affordable?
- Reclassifying 181 acres of State Conservation Land to the State Urban District will instantly inflate land values of that acreage and open it to all-too-familiar land speculation. How is this in the island's best interests?
- Queen Ka`ahumanu Highway is already beset by traffic gridlock. The EIS should demonstrate how the proposed project will not worsen already unacceptable traffic problems.
- In assessing the potential impacts of the `O`oma Beachside Village (OBV) on traffic, the Traffic Impact Assessment (TIA) in the EIS should not only account for impacts directly due to OBV but also the cumulative traffic impacts that can be expected as other subdivisions and developments that have already received development entitlements are constructed in the North Kona and South Kohala Districts. At a minimum, South Kohala District should be included in this analysis, because people are regularly traveling between those two districts.

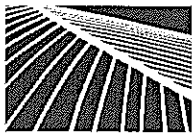
Mr. Dennis Moresco
June 5, 2007
Page 2

Mahalo for this opportunity to provide input during the EIS preparation stage. Please send me a copy of the Draft EIS when it is ready for review.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Chang". The signature is written in black ink and has a long, sweeping underline that extends to the right.

c: ✓ Mr. Anthony Ching
Mr. Thomas S. Witten
OEQC
Mr. Christopher Yuen



May 9, 2008

PARTNERS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN

W. FRANK BRANDT, FASLA
Chairman

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED AP®
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED AP®
Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Deborah Chang
Island Transitions LLC
P.O. Box 202
Pa'auilo, Hawai'i 96776

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT
STATEMENT PREPARATION NOTICE**

Dear Ms. Chang:

Thank you for your letter dated June 5, 2007 regarding the 'O'oma Beachside Village Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. **Employment** – The Draft Environmental Impact Statement (EIS) will include an economic impact analysis report. This report will include information on employment and job creation.
2. **Population** – The Draft EIS will include an economic impact analysis report. This report will include information on projected population.
3. **Affordable Housing** – 'O'oma Beachside Village will include affordable housing in accordance with the County's affordable housing requirements. Currently, this requirement is for at least 20 percent of the units to be developed as affordable housing.
4. **Reclassification** – The reclassification of approximately 181.169 acres from the State Conservation District to the State Urban District is a prerequisite for the creation of 'O'oma Beachside Village, a mixed-use residential and commercial community. Residential and commercial uses are more urban in nature than conservation land and have inherently higher land values.

The Draft EIS will contain discussion on the need for the reclassification and the benefits to the State of Hawaii and the County of Hawaii.

5. **Traffic** – The Draft EIS will include a Traffic Impact Analysis Report (TIAR) that will address traffic issues, including cumulative impacts from other from projects that have received development entitlements.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Ms. Deborah Chang

SUBJECT: 'O'OMA BEACHSIDE VILLAGE ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

May 9, 2008

Page 2 of 2

Sincerely,

PBR HAWAII

A handwritten signature in black ink, appearing to read 'Tom Schnell', written in a cursive style.

Tom Schnell, AICP
Senior Associate

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

COMMENTS & RESPONSES ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT

'O'OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

12 COMMENTS AND RESPONSES ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Draft EIS was sent to the following agencies, organizations, and individuals. The official 45-day public comment period on the Draft EIS was from May 23, 2008 to July 7, 2008. 'O'oma Beachside Village, LLC, as a courtesy to those that requested more time to review the document, decided to extend the comment period on the Draft EIS until September 8, 2008.

Where indicated, the agency, organization, or individual submitted comments.

<u>AGENCY/INDIVIDUAL</u>	<u>DRAFT EIS SENT</u>	<u>COMMENT DATE</u>
<u>State</u>		
<u>State Land Use Commission</u>	<u>5-13-08</u>	<u>8-26-08</u>
<u>Department of Agriculture</u>	<u>5-23-08</u>	
<u>Department of Accounting & General Services</u>	<u>5-23-08</u>	<u>6-27-08</u>
<u>Department of Business Economic Development & Tourism (DBEDT)</u>	<u>5-23-08</u>	
<u>DBEDT Energy, Strategic Industries Division</u>	<u>5-23-08</u>	<u>6-27-08</u>
<u>DBEDT Planning Office</u>	<u>5-23-08</u>	<u>7-7-08</u>
<u>Department of Defense</u>	<u>5-23-08</u>	
<u>Department of Education</u>	<u>5-23-08</u>	<u>6-25-08</u>
<u>Department of Hawaiian Homelands</u>	<u>5-23-08</u>	
<u>Department of Health (DOH)</u>	<u>5-23-08</u>	<u>7-2-08</u>
<u>DOH – Office of Environmental Quality Control (OEQC)</u>	<u>5-13-08</u>	
<u>Department of Land & Natural Resources (DLNR)</u>	<u>5-23-08</u>	<u>7-11-08</u>
<u>DLNR – Na Ala Hele</u>		<u>7-29-08</u>
<u>DLNR Office of Conservation and Coastal Lands</u>		<u>8-25-08</u>
<u>DLNR State Historic Preservation Division</u>	<u>5-23-08</u>	<u>7-13-08</u>
<u>Department of Transportation (DOT)</u>	<u>5-23-08</u>	<u>7-7-08</u>
<u>Office of Hawaiian Affairs</u>	<u>5-23-08</u>	<u>7-3-08</u>
<u>UH Environmental Center</u>	<u>5-23-08</u>	<u>7-7-08</u>
<u>UH Water Resources Research Center</u>	<u>5-23-08</u>	
<u>Federal</u>		
<u>Federal Aviation Administration (FAA)</u>	<u>5-23-08</u>	
<u>US Army Corps of Engineers</u>	<u>5-23-08</u>	<u>5-27-08</u>
<u>US Fish & Wildlife Service</u>	<u>5-23-08</u>	<u>7-11-08</u>
<u>USDA Natural Resources Conservation Service</u>	<u>5-23-08</u>	<u>6-20-08</u>
<u>US National Marine Fisheries Service</u>	<u>5-23-08</u>	
<u>US Department of the Interior, National Park Service, Kaloko-Honokōhau National Historic Park</u>	<u>5-23-08</u>	<u>7-3-08</u>
<u>US Department of the Interior, National Park Service, Ala Kahakai National Historic Trail</u>	<u>5-23-08</u>	
<u>County of Hawai'i</u>		
<u>Fire Department</u>	<u>5-23-08</u>	
<u>Department of Planning</u>	<u>5-23-08</u>	

‘O‘OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

<u>AGENCY/INDIVIDUAL</u>	<u>DRAFT EIS SENT</u>	<u>COMMENT DATE</u>
<u>Department of Parks & Recreation</u>	<u>5-23-08</u>	
<u>Police Department</u>	<u>5-23-08</u>	<u>6-9-08</u>
<u>Department of Environmental Management</u>	<u>5-23-08</u>	<u>6-4-08</u>
<u>Department of Public Works</u>	<u>5-23-08</u>	
<u>Department of Water Supply</u>	<u>5-23-08</u>	<u>6-4-08/8-21-08</u>
<u>Kona Council Office</u>	<u>5-23-08</u>	
<u>Mayor’s Office</u>	<u>5-23-08</u>	<u>9-2-08</u>
<u>Councilmember Bob Jacobson</u>		<u>7-6-08</u>
<u>Libraries, Private Companies, Organizations, and Individuals</u>		
<u>Kailua-Kona Public Library</u>	<u>5-23-08</u>	
<u>State Main Library</u>	<u>5-23-08</u>	
<u>Regional Libraries</u>	<u>5-23-08</u>	
<u>DBEDT Library</u>	<u>5-23-08</u>	
<u>UH Hamilton Library</u>	<u>5-23-08</u>	
<u>Legislative Reference Bureau</u>	<u>5-23-08</u>	
<u>UH Hilo Library</u>	<u>5-23-08</u>	
<u>Honolulu Advertiser</u>	<u>5-23-08</u>	
<u>Honolulu Star Bulletin</u>	<u>5-23-08</u>	
<u>West Hawaii Today</u>	<u>5-23-08</u>	
<u>Hawaii Tribune Herald</u>	<u>5-23-08</u>	
<u>Hawaii Electric Light Company (HELCo)</u>	<u>5-23-08</u>	
<u>Kona Traffic Safety Committee</u>	<u>5-23-08</u>	
<u>Keāhole Point Association</u>	<u>5-23-08</u>	
<u>Natural Energy Laboratory of Hawai‘i Authority (NELHA)</u>	<u>7-2-08</u>	
<u>PATH – Peoples Advocacy for Trails Hawai‘i</u>		<u>7-10-08</u>
<u>Plan to Protect Kona – Duane Erway</u>	<u>7-24-08</u>	<u>9-5-08</u>
<u>Sierra Club - Janice Palma-Glennie</u>		<u>7-7-08</u>
<u>West Hawaii Explorations Academy</u>	<u>7-24-08</u>	<u>8-20-08</u>
<u>Deborah Chang</u>	<u>5-23-08</u>	<u>7-7-08</u>
<u>Mike Matsukawa</u>	<u>5-23-08</u>	
<u>Hannah Springer</u>	<u>5-23-08</u>	
<u>Mahealani Pai</u>	<u>5-23-08</u>	
<u>Robert Lee</u>	<u>5-23-08</u>	
<u>Reggie Lee</u>	<u>5-23-08</u>	
<u>Rae Kahaialii</u>	<u>5-23-08</u>	
<u>Curtis Muraoka</u>	<u>5-23-08</u>	
<u>Theodore Leaf & Diane Stone</u>	<u>5-23-08</u>	<u>7-7-08</u>
<u>Danny Akaka</u>	<u>5-23-08</u>	
<u>Jane Bockus</u>	<u>7-24-08</u>	
<u>George Broderson</u>	<u>7-24-08</u>	
<u>Chad Kamaukala Campbell</u>	<u>7-24-08</u>	
<u>George Broderson</u>	<u>7-24-08</u>	
<u>Paul Campbell</u>	<u>7-24-08</u>	

'O'OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

<u>AGENCY/INDIVIDUAL</u>	<u>DRAFT EIS SENT</u>	<u>COMMENT DATE</u>
<u>Keli Campbell</u>	<u>7-24-08</u>	
<u>Susan Decker</u>	<u>7-24-08</u>	
<u>Catherine Delo Santos</u>	<u>7-24-08</u>	
<u>Gene & Susan Dursin</u>	<u>7-24-08</u>	
<u>Charles Flaherty</u>	<u>7-24-08</u>	
<u>David Kimo Frankel</u>	<u>7-24-08</u>	
<u>Peter Hain</u>	<u>7-24-08</u>	
<u>Luna Haunio</u>	<u>7-24-08</u>	
<u>Jeffery Mikulina</u>	<u>7-24-08</u>	
<u>Isaac Moriwake</u>	<u>7-24-08</u>	
<u>Shannon Rudolph</u>	<u>7-24-08</u>	
<u>James Sogi</u>	<u>7-24-08</u>	
<u>Tom Carey</u>	<u>7-24-08</u>	
<u>Brenda Ford</u>	<u>7-24-08</u>	
<u>Josh Green</u>	<u>7-24-08</u>	
<u>Grace K. M Horowitz</u>	<u>7-24-08</u>	
<u>Angel Pilago</u>	<u>7-24-08</u>	
<u>Sara Peck</u>	<u>7-24-08</u>	
<u>Marni Herkes</u>	<u>7-24-08</u>	
<u>Wally Lau</u>	<u>7-24-08</u>	
<u>Teri Leicher</u>	<u>7-24-08</u>	
<u>JanWar</u>	<u>7-24-08</u>	
<u>Guy Toyama</u>	<u>7-24-08</u>	
<u>Kalei Rapoza</u>	<u>7-24-08</u>	
<u>Randy Rugar</u>	<u>7-24-08</u>	
<u>Aaron Stene</u>	<u>7-24-08</u>	
<u>Jeff Nichols</u>	<u>7-24-08</u>	
<u>Alizon Atkins</u>		<u>7-7-08</u>
<u>Andrea Alden</u>	<u>7-24-08</u>	<u>7-31-08</u>
<u>Barbara Sterne</u>		<u>6-21-08</u>
<u>Carol Curtis</u>		<u>7-7-08</u>
<u>Carol Fuller</u>	<u>7-24-08</u>	<u>7-6-08</u>
<u>Claire Bajo</u>		<u>8-20-08</u>
<u>Cory Harden</u>	<u>7-24-08</u>	<u>6-19-08</u>
<u>Dan and Marlene Sabo</u>		<u>6-28-08</u>
<u>David Blehert</u>		<u>9-6-08</u>
<u>Debbie Hecht</u>		<u>7-7-08</u>
<u>Deborah Koehn</u>		<u>9-7-08</u>
<u>Deborah Koehn and David Blehert</u>		<u>7-6-08</u>
<u>Derinda Cantrell</u>		<u>9-6-08</u>
<u>Ivor Williams</u>		<u>7-7-08</u>
<u>Jay and Phyllis Hanson</u>	<u>7-24-08</u>	<u>7-6-08</u>
<u>Jean Jaklevick and Scott Wolff (sent same letter twice)</u>		<u>7-7-08</u>
<u>Jeff Sacher</u>		<u>9-6-08</u>

'O'OMA BEACHSIDE VILLAGE
Final Environmental Impact Statement

<u>AGENCY/INDIVIDUAL</u>	<u>DRAFT EIS SENT</u>	<u>COMMENT DATE</u>
<u>Jing Jing Tsong</u>		<u>6-30-08</u>
<u>Karla Saville</u>		<u>7-7-08</u>
<u>Kerry Alligood</u>	<u>7-24-08</u>	<u>7-5-08</u>
<u>Kitty and Stan Lyons</u>		<u>7-31-08</u>
<u>Matthew Binder</u>		<u>8-4-08</u>
<u>Merry Anne Stone</u>		<u>7-30-08</u>
<u>Rebecca Villegas</u>		<u>7-30-08</u>
<u>Scarlett O'Hara Bill</u>		<u>7-6-08</u>
<u>Tlaloc Tokuda</u>		<u>9-6-08</u>
<u>Tracy Solomon</u>		<u>9-7-08</u>

LINDA LINGLE
Governor

JAMES R. AIONA, JR.
Lieutenant Governor

THEODORE E. LIU
Director

MARK K. ANDERSON
Deputy Director



LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

ORLANDO "DAN" DAVIDSON
Executive Officer

SANDRA M. MATSUSHIMA
Chief Clerk

BERT K. SARUWATARI
Senior Planner

MICHAEL A. MURPHY
Planner

FRED A. TALON
Drafting Technician

August 26, 2008

Mr. Tom Schnell, Senior Associate
PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell:

Subject: Docket No. A07-774/North Kona Village, LLC
Draft Environmental Impact Statement (DEIS)
'O'oma Beachside Village
Kaloko, North Kona, Hawai'i
Tax Map Keys: 7-3-09:04 (por.), and 7-3-09 (portion of State Right-of-Way)

We have reviewed the subject DEIS for the proposed development and have the following comments:

- 1) Pursuant to section 11-200-17(e)(5), HAR, the phasing and timing of the proposed action should be described. According to the DEIS, the project timeline extends from 2011 to 2029. Pursuant to section 15-15-50(c)(19), HAR, in the event that full urban development cannot substantially be completed before ten years after the date of LUC approval, there should be provided a schedule for development of the total project together with a map identifying the location of each increment involved. We therefore request that the existing development timetable in the DEIS provide more details to better identify the phases of each component of the development, the timeline for completion of each one, and to be accompanied by a map illustrating their respective locations.
- 2) Section 11-200-17(f), HAR, requires that alternatives to the proposed action should be described in a separate and distinct section. It appears that the alternatives that are presented in the DEIS are for the most part discussed in a negative context relative to the proposed development. There should also be a discussion of the potential benefits of the various alternatives, including the manner and degree the alternatives might avoid some or all of the adverse environmental effects, both in the short and long term.
- 3) Section 11-200-17(h), HAR, requires a description of the status of each identified approval needed by the project. We request that the *projected* applications and plans submittal dates (i.e., by month/year) for approval to the various agencies be provided.

Mr. Tom Schnell, Senior Associate
August 26, 2008
Page 2

- 4) In accordance with section 11-200-17(i), HAR, the probable impact of the proposed action on the environment shall be included. Review of the DEIS indicates that no inventory and assessment of Invertebrates or Cave Fauna on the subject property was conducted. In the interest of full environmental disclosure, we request that such a study be conducted.

A discussion on the existing civil defense conditions and potential impacts and proposed mitigation measures should also be included.

Section 11-200-17(i), HAR, also requires that the interrelationships and cumulative impacts of related projects be discussed, including the potential secondary effects. We note that in section 7.2, *Cumulative and Secondary Impacts*, the footnote to Table 6, entitled "Planned Residential Development Projects in West Hawai'i" states:

"Note: The planned residential development projects in West Hawai'i does not include proposed projects on lands designated LUC Agricultural or Conservation District as of October 1, 2007, because these plans would require discretionary approvals at both the State and County levels and thus are currently considered too speculative to assume production. Such projects include `O`oma Beachside Village itself, as well as other announced proposals such as Kula Nei, Kaloko Makai, and Waikalua Highlands."


We request that these developments also be considered in the assessment of cumulative and secondary effects.

- 5) We request that information on the cost of the project be expanded to include a breakdown of costs by component (onsite and offsite) and by development phase.

We have no further comments to offer at this time. Thank you for the opportunity to comment on the subject DEIS.

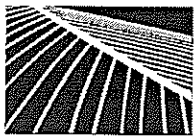
Should you have any questions, please feel free to call me at 587-3822.

Sincerely,



ORLANDO DAVIDSON
Executive Officer

c: Office of Environmental Quality Control



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pi Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Mr. Dan Davidson, Executive Officer
Land Use Commission
Department of Business, Economic Development & Tourism
State of Hawai'i
P.O. Box 2359
Honolulu, Hawai'i 96804

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Mr. Davidson:

Thank you for the letter dated August 26, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). We have reviewed the Land Use Commission's letter and offer the following responses to the comments.

1. **Phasing and Timing.** 'O'oma Beachside Village will not be built in discrete phases or increments; it is a single integrated community. For the purpose of infrastructure development and demand projections, the property has been roughly divided into three areas: Area A, Area B, and Area C (see the attached "Figure 11" and also Figure 3 of the Civil and Electrical Infrastructure Assessment Report, Appendix J of the Draft EIS). However, these areas are not sequential phases, as it will be necessary or desirable to construct certain elements of each concurrently or with offset start or completion timeframes.

For example, it is envisioned that both the Makai Village (roughly the location of Area A) and the Mauka Village (roughly the location of Area B) will be started simultaneously. This will provide for both: 1) larger ocean view residential homes and lots and supporting retail facilities in the Mauka Village; and 2) a gateway entrance and essential smaller market rate and affordable residential units and community-serving retail and commercial space in the Mauka Village. Concurrently or soon afterward, in the Residential Village between the Makai Village and Mauka Village area (roughly the location of Area C), elements such as greenways and the proposed charter school may be built. It will also be necessary to build roadways and infrastructure connecting the Makai Village and Mauka Village areas though the Residential Village area, and some residential units may also be built.

While all areas of the community may have elements under construction or completed at the same time, complete build-out will be limited to market demand and absorption. As provided in the market assessment (Appendix K of the Draft EIS), average annual absorption has been projected at approximately 67 residential units per year as distributed throughout the property between the years 2012 to 2029. Likewise, commercial absorption is projected simultaneously in both the Makai Village and Mauka Village areas with the smaller commercial area of the Makai Village (approximately 50,000 square feet) being built out and absorbed sooner than the larger commercial area of the Mauka Village (approximately 150,000 square feet).

Finally, at the start up of 'O'oma Beachside Village, it will be essential to design, size, and construct major infrastructure systems, such as water and wastewater treatment facilities, with the capacity to serve the entire community. If the proposed reclassification is approved,

Mr. Dan Davidson

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 2 of 3

'O'oma Beachside Village will include approximately 264 acres within the State Urban district. While this is a sizable area, it is not so large to allow for phasing of major infrastructure systems necessary to provide services to the community. Without assurance that the entire 'O'oma Beachside Village could be built as planned, it would not be feasible for the landowner, 'O'oma Beachside Village LLC, to proceed with all large scale infrastructure improvements needed for the project. 'O'oma Beachside Village, LLC intends to complete all major infrastructure for the project within 10 years of the granting of the requested reclassification.

To reflect the relevant above information in the Final EIS, Section 2.4 (Development Timetable and Preliminary Costs) will be revised as shown in the Attachment titled, "Development Timetable and Preliminary Costs." A new figure will also be added to the Final EIS to show project areas Area A, Area B, and Area C as shown on the attachment titled, "Figure 11".

2. **Alternatives.** In the Draft EIS alternatives to the proposed action are described Chapter 6 (Alternatives to the Proposed Action), a separate and distinct section. In response to your comment to include discussion of potential benefits of the various alternatives, in the Final EIS Chapter 6 (Alternatives to the Proposed Action) will be will be revised as shown in the attachment titled, "Chapter 6 (Alternatives to the Proposed Action)."
3. **Permits and Approvals.** In response to your comment, in the Final EIS the lists of required permits and approvals contained in Section 1.7.4 and Section 5.3 will be revised as shown in the attachment titled, "Required Permits and Approvals."
- 4a. **Invertebrates and Cave Fauna.** In August and September of 2008, Steven Lee Montgomery, Ph.D., conducted an invertebrate survey (which includes cave fauna and arthropods) of the 'O'oma Beachside Village property. The invertebrate survey did not identify any threatened or endangered invertebrate species. The survey report will be included as an appendix to the Final EIS. In addition, Section 3.7 (Fauna) of the Final EIS will be revised to include information from Dr. Montgomery's report, as shown on the Attachment titled: "Fauna."
- b. **Civil Defense.** Section 3.4 (Natural Hazards) of the Draft EIS provides a discussion on: 1) potential natural hazards including flooding, tsunamis, hurricanes, volcanoes, and, earthquakes; and 2) potential impacts and mitigation measures. In addition, Figure 15 of the Draft EIS shows the tsunami evacuation zone.

In response to your comment, in the Final EIS Section 3.4 (Natural Hazards) will be revised to include the following information:

The State of Hawai'i Department of Defense, Office of Civil Defense operates a system of civil defense sirens throughout the state to alert the public of emergencies and natural hazards, particularly tsunamis and hurricanes. The siren closest to the Property is to the southeast at Kealakehe School on Kealaka'a Street. The range of this siren does not reach to the area of the Property.

and

Impacts from natural hazards can be further mitigated by adherence to appropriate civil defense evacuation procedures. 'O'oma Beachside Village, LLC will coordinate with the State of Hawai'i Department of Defense, Office of Civil Defense and County of Hawaii Civil Defense Agency regarding civil defense measures, such as sirens, necessary to serve 'O'oma Beachside Village.

Mr. Dan Davidson

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 3 of 3

- c. **Cumulative and Secondary Impacts.** As requested, in Final EIS Section 7.2 (Cumulative and Secondary Impacts) will be revised to include the Kula Nei, Kaloko Makai, and Waikalua Highlands projects listed in the assessment of cumulative and secondary impacts as shown on the attachment titled, "Cumulative and Secondary Impacts."

5. **Cost of the Project.** In response to your request to expand information on the cost the project to include a breakdown of costs by component (onsite and offsite) and by development phase, in the Final EIS, Section 2.4 (Development Timetable and Preliminary Costs) will be revised as shown in the Attachment titled, "Development Timetable and Preliminary Costs." Please note that as explained in response to the first question above, 'O'oma Beachside Village will not be built in discrete phases or increments, therefore, we are not able to provide costs by development phase.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP

Senior Associate

Attachments:

Development Timetable and Preliminary Costs
Figure 11
Chapter 6 (Alternatives to the Proposed Action)
Required Permits and Approvals
Fauna
Cumulative and Secondary Impacts

cc: Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
COMPTROLLER

BARBARA A. ANNIS
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810

(P)1185.8

JUN 27 2008

Mr. Tom Schnell
PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell:

Subject: Draft Environmental Impact Statement
'O'oma Beachside Village
North Kona, Hawaii
TMK (3) 7-3-009:04, 22 and (3) 7-3-09 (portion of State Right of Way)

A parcel located at TMK (3) 7-3-009:05, adjacent to the subject project, was previously considered as a possible site for a new Kona Civic Center as part of a Site Selection Study/Environmental Impact Statement published in 1994. As such, we ask that the impact of a new Kona Civic Center being developed nearby be considered in your environmental impact statement.

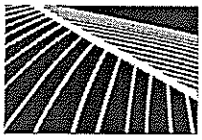
If there are any questions regarding the above, please have your staff call Mr. David DePonte of the Planning Branch at 586-0492.

Sincerely,

ERNEST Y. W. LAU
Public Works Administrator

DD:vca

c: Mr. Glenn Okada, DAGS Hawaii District Office
Ms. Katherine Kealoha, OEQC



PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

Ernest Y.W. Lau
State of Hawai'i
Department of Accounting & General Services
P.O. Box 119
Honolulu, Hawai'i 96810

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Mr. Lau:

Thank you for your letter dated June 27, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comment.

Thank you for bringing to our attention that a parcel (TMK (3) 7-3-009:005) mauka of Queen Ka'ahumanu Highway and the 'O'oma Beachside Village property was previously considered as a possible site for a new State Kona Civic Center as part of a Site Selection Study/EIS published in 1994. We note, however, that since the 1994 State Kona Civic Center Site Selection Study/EIS, development plans for the State Kona Civic Center have stalled.

Based on conversation with one of your Department's staff members (July 7, 2008), we understand that DAGS is pursuing a revised site selection study for the proposed State Kona Civic Center that may or may not include the same parcels examined in the 1994 study.

To reflect the relevant above information in the Final EIS, Section 2.1.1 (Location and Surrounding Uses) will be revised to include the following paragraph:

Directly east of the Property, mauka of Queen Ka'ahumanu Highway, is State-owned land previously considered as a possible site for a new State Kona Civic Center as part of a Site Selection Study/EIS published in 1994. However, since the 1994 State Kona Civic Center site selection study/EIS, development plans for the State Kona Civic Center have stalled. The Department of Accounting and General Services (DAGS) is pursuing a revised site selection study for the proposed State Kona Civic Center that may or may not include the neighboring parcel examined in the 1994 study.

We appreciate your review of the Draft EIS and your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

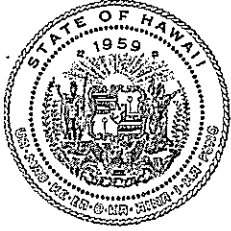
Tom Schnell, AICP
Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pi Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR

STRATEGIC INDUSTRIES DIVISION
235 South Beretania Street, Leiolapa A Kamehameha Bldg., 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-3807
Fax: (808) 586-2536
Web site: www.hawaii.gov/dbedt

June 27, 2008

PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Attn: Tom Schnell

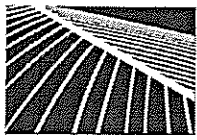
Re: Draft Environmental Impact Statement (DEIS)
O'oma Beachside Village, North Kona, Hawaii
Tax Map Key: (3) 7-3-09: 04, 22, and (3) 7-3-09 (portion of State Right-of-Way)

Thank you for the opportunity to review the DEIS for O'oma Beachside Village. We appreciate your May 9, 2008, response to our comments on the EISPN and the inclusion of some of our recommendations in the section of the DEIS entitled Environmentally-Responsible Building Design Guidelines.

Sincerely,

Elizabeth Corbin
Acting Administrator

c: OEQC
Dan Davidson, Land Use Commission



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

W. FRANK BRANDE, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Elizabeth Corbin
State of Hawai'i
Department of Business, Economic Development & Tourism
Strategic Industries Division
P.O. Box 2359
Honolulu, Hawai'i 96804

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL
IMPACT STATEMENT**

Dear Ms. Corbin:

Thank you for your letter dated June 27, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). We appreciate your review of the Draft EIS and your letter will be included in the Final EIS.

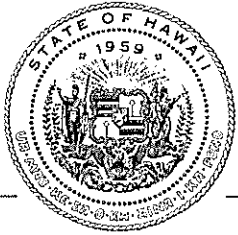
Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

2309.03 DBEDT SID



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR
ABBEY SETH MAYER
DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

Ref. No. P-12176

July 7, 2008

Mr. Tom Schnell
PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell:

Petition:	A07-774 North Kona Village, LLC
Requested Change:	Conservation to Urban
Proposed Use:	O'oma Beachside Village, a master planned community with single-family lots, affordable homes, mixed use village with retail, office, live-work opportunities, coastal preserve, shoreline park, canoe club hale, private beach club, multi-family residences, neighborhood parks, multi-mode access ways and greenway trails
TMK:	7-3-009: 004 por. and 7-3-009: portion State Right of Way
Area:	181.169 acres

Thank you for sending the Office of Planning the Draft Environmental Impact Statement (DEIS) for the above referenced proposal to reclassify 181.169 acres of land from the State Conservation District to the State Urban District.

The Office of Planning will be coordinating the State's position on areas of state concern. We have the following comments and concerns:

1. **Cultural/Historic Resources, Chapter 4:** We note that the DEIS has a cultural study. The study indicates that there may be cultural activities currently occurring around and within the Petition area. We are concerned that the mitigation measures listed in the chapter may not be adequate.
2. **Invertebrates and Cave Fauna:** We note that the DEIS indicates that an Invertebrates and Cave fauna study was not done for the Petition area. The reason cited on pages 44-45, Section 3.7 is that no known cave fauna from the Island of Hawaii are currently listed as candidate, threatened or endangered. However, if a study is not completed, it cannot be known whether the property contains any

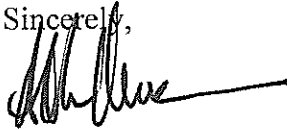
Mr. Tom Schnell
Page 2
July 7, 2008

unique or new species of invertebrates that might be considered important by the U.S. Fish and Wildlife Service or the Department of Land and Natural Resources.

3. **Airport Noise Contours:** The State Department of Transportation Airports Division does not concur with the noise study in the Draft EIS. They recommend that a meeting be scheduled to resolve problem areas.
4. **Energy Conservation:** The Final EIS should further explain and commit to utilizing the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating System. LEED for Neighborhood Development (LEED-ND) should also be considered in the master planning process.

The Office of Planning looks forward to receiving the FEIS with the above issues addressed. If you have any questions, please call Lorene Maki at 587-2888.

Sincerely,

A handwritten signature in black ink, appearing to read 'Abbey Seth Mayer', with a long horizontal flourish extending to the right.

Abbey Seth Mayer
Director

C: LUC



December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pa Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Abbey Seth Mayer
State of Hawai'i
Office of Planning
P.O. Box 2359
Honolulu, Hawai'i 96804

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Mr. Mayer:

Thank you for your letter dated July 7, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. **Cultural/Historic Resources, Chapter 4:** Regarding cultural/historic resources you state: "We are concerned that the mitigation measures listed in the chapter may not be adequate." Without further elaboration on any specific, potential inadequacies, it is difficult to respond to this comment. We note that Section 4.1 of the Draft EIS discusses archaeological and historic resources, potential impacts, and mitigation measures. Likewise Section 4.2 of the Draft EIS discusses cultural resources, potential impacts, and mitigation measures. Both an archaeological inventory survey and a cultural impact assessment have been prepared for the 'O'oma Beachside Village property. In addition, 'O'oma Beachside Village representatives met and consulted with various cultural descendents regarding 'O'oma Beachside Village, its impacts and proposed mitigation measures. A list of those individuals consulted was provided in Chapter 8 of the Draft EIS.
2. **Invertebrates and Cave Fauna:** In August and September of 2008, Steven Lee Montgomery, Ph.D., conducted an invertebrate survey (which includes cave fauna and arthropods) of the 'O'oma Beachside Village property. The invertebrate survey did not identify any threatened or endangered invertebrate species. The survey report will be included as an appendix to the Final EIS. In addition, Section 3.7 (Fauna) of the Final EIS will be revised to include information from Dr. Montgomery's report, as shown on the Attachment titled: "Fauna."
3. **Airport Noise Contours:** We note that the current FAA-approved (14 Code of Federal Regulations (CFR) Part 150) noise contours for the Airport were completed in 1997 and reflect conditions through 2001. DOT is currently updating the airport noise contours in conjunction with the 14 CFR Part 150 update for the Kona International Airport (KOA).

As recommended, 'O'oma Beachside Village, LLC representatives met with the DOT Airports Division on August 4, 2008. At that meeting the main topic of discussion was the difference between the DOT Airports Division consultant's projected KOA noise contours compared with the projected noise contours contained in the Draft EIS acoustic study.

Subsequent to the meeting, DOT Airports Division's consultant revised their projected noise contours. We note that the DOT Airports Division consultant's revised projected noise contours are more in alignment with the projected noise contours contained in the Draft EIS acoustic study.

DOT has not completed its 14 CFR Part 150 update for KOA and subsequently the FAA has not approved the DOT Airports Division consultant's revised projected noise contours. However, 'O'oma Beachside Village, LLC will comply with all FAA and State DOT airport noise compatibility guidelines in effect at the time of building permit approval for any 'O'oma Beachside Village structure.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.6.2 (Aircraft Noise) will be revised as shown in the Attachment titled: "Aircraft Noise."

4. **Energy Conservation:** Section 2.5.2 (Leadership in Energy and Environmental Design (LEED)) specifically discusses the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating System and also mentions the LEED for Neighborhood Development Program (LEED-ND) pilot program. We note that the pilot program is no longer accepting projects.

In response to your request for the Final EIS to further explain and commit to utilizing the LEED Green Building Rating System and to consider LEED-ND in the master planning process, in the Final EIS Section 2.5 (Environmentally-Responsible Planning and Design) will be revised to include the following statement:

In the design and construction of 'O'oma Beachside Village, 'O'oma Beachside Village, LLC will implement feasible measures to promote energy conservation and environmental stewardship, such as the standards and guidelines promulgated by the U.S. Green Building Council, the United States Environmental Protection Agency (EPA) ENERGY STAR Program, or other similar programs.

In addition, in the Final EIS Section 2.5.2 (Leadership in Energy and Environmental Design (LEED)) will be revised as shown in the attachment titled: "Leadership in Energy and Environmental Design (LEED)."

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

Attachments:

Fauna
Aircraft Noise
Leadership in Energy and Environmental Design (LEED)

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

June 25, 2008

Mr. Tom Schnell
PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell:

Subject: Draft Environmental Impact Statement for 'O'oma Beachside Village
Kaloko, North Kona, TMK: 7-3-009: 4 & 22, and 7-3-9
(portion of State right-of-way) (LUC Docket A07-774)

The Department of Education (DOE) has reviewed the Environmental Impact Statement (DEIS) for the 'O'oma Beachside Village (Project) in North Kona.

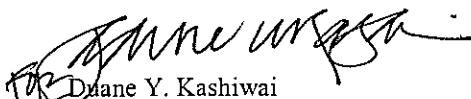
We note that 'O'oma Beachside Village, LLC, the Project's developers, acknowledge that the Project will generate close to 500 public school students, and that those students will be attending schools that are presently crowded and projected to continue to be crowded for the next several years.

We also note that the Project's developers acknowledge they may be required to comply with the school impact fee law currently being implemented.

Finally, we note that what remains to be acknowledged is that the school impact fee law could require the Project to provide school land within the proposed project. If it is determined that the Project should be the site of an elementary or middle school, any acreage provided for a charter school will not meet the obligations of the impact fee law.

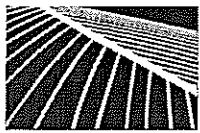
We believe it would be beneficial for the Project's developer to meet with the DOE to further discuss their plans. If you have any questions, please call Heidi Meeker of the Facilities Development Branch at 377-8301.

Sincerely yours,


Duane Y. Kashiwai
Public Works Administrator

DYK:jmb

c: Art Souza, CAS, Honokaa/Kealakehe/Kohala/Konawaena Complex Areas
Katherine Kealoha, Office of Environmental Quality Control
Dan Davidson, State Land Use Commission
Abby Seth Mayer, Office of Planning
Christopher J. Yuen, County of Hawaii



PBR HAWAII
& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Duane Kashiwai
State of Hawai'i
Department of Education
P.O. Box 2360
Honolulu, Hawai'i 96804

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL
IMPACT STATEMENT**

Dear Mr. Kashiwai:

Thank you for your letter dated June 25, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

Representatives from 'O'oma Beachside Village have had several meetings with the Department of Education (DOE). Currently, 'O'oma Beachside Village LLC is working with the DOE on an agreement to address the means by which 'O'oma Beachside Village will fulfill its obligations with respect to school impact fees.

To reflect the above information in the Final EIS, in the Final EIS Section 4.11.1 (Schools) will be revised to include the following:

Representatives from 'O'oma Beachside Village have had several meetings with DOE. Currently, 'O'oma Beachside Village, LLC is working with DOE on an agreement to address the means by which 'O'oma Beachside Village will fulfill its obligations with respect to school impact fees.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
EPO-08-079

July 2, 2008

Mr. Tom Schnell
PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell:

SUBJECT: Draft Environmental Impact Statement for Ooma Beachside Village
Kaloko, North Kona, Island of Hawaii, Hawaii
TMK: (3) 7-3-009: 004 and 022
(3) 7-3-009: (State Right of Way)

Thank you for allowing us to review and comment on the subject application. The document was routed to the various branches of the Department of Health (DOH) Environmental Health Administration. We have the following Wastewater Branch, Clean Water Branch and Safe Drinking Water Branch, and General comments.

Wastewater Branch

The document proposes a “traditional neighborhood design” community that is walkable, interconnected, environmentally-conscious with diverse housing options, a range of community services, mixed-use villages and an extensive open space network (extensive shoreline setback, preserves, parks, trails, and shoreline access) and supporting infrastructure.

The project is located in the Critical Wastewater Disposal Area (CWDA) where no new cesspools will be allowed. The Department has no objections to the proposed development as the proposal calls for developing an offsite or onsite centralized wastewater treatment plant or coordinating with others to utilize such facilities. Further, as the on-site wastewater treatment plant is self-sufficient, water efficient and environmentally sound, and will provide recycled (R-1) water for general irrigation within Ooma Beachside Village, we have no objections and support this project.

Mr. Schnell
July 2, 2008
Page 2

All wastewater plans must meet Department's Rules, HAR Chapter 11-62, "Wastewater Systems." We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. If you have any questions, please contact the Planning & Design Section of the Wastewater Branch at 586-4294.

Clean Water Branch

The Department of Health (DOH), Clean Water Branch (CWB), has reviewed the subject document and offers these comments on your project. Please note that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at <http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf>.

1. Any project and its potential impacts to State waters must meet the following criteria:
 - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
 - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
2. For types of discharges listed below or wastewater discharges into Class 1 or Class AA waters, you may need to obtain a National Pollutant Discharge Elimination System (NPDES) individual permit. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.
 - a. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the start of the construction activities.
 - b. Hydrotesting water.

Mr. Schnell
July 2, 2008
Page 3

- c. Construction dewatering effluent.
 - d. Treated effluent from recycled water distribution systems.
3. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage is required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.

If you have any questions, please visit our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>, or contact the Engineering Section, CWB, at 586-4309.

Safe Drinking Water Branch

It appears that the development's proposed desalination system will serve more than 25 people and therefore will be subject to regulation as a public water system. A public water system must meet the following conditions prior to operation of the water system:

Public Water Systems

- All new public water systems are required to demonstrate and meet minimum capacity requirements prior to their establishment. This requirement involves demonstration that the system will have satisfactory technical, managerial and financial capacity to enable the system to comply with safe drinking water standards and requirements in accordance with HAR 11-20 Section 29.5 titled "Capacity demonstration and evaluation."
- Projects that propose development of new sources of potable water serving or proposed to serve a public water system must comply with the terms of HAR 11-20 Section 29 titled "Use of new sources of raw water for public water systems." This section requires that all new public water system sources be approved by the Director of Health prior to its use. Such approval is based primarily upon the submission of a satisfactory engineering report which addresses the requirements set in Section 11-20-29.
- The engineering report must identify all potential sources of contamination and evaluate alternative control measures which could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source. In addition, water quality analyses for all regulated contaminants, performed by a laboratory certified by the State Laboratories Division of the State of Hawaii, must be submitted as part of the report to demonstrate compliance with all drinking water standards. Additional parameters may be required by the Director for this submittal or additional tests required upon his or her

review of the information submitted.

- All sources of public water system sources must undergo a source water assessment which will delineate a source water protection area. This process is preliminary to the
- creation of a source water protection plan for that source and activities which will take place to protect the source of drinking water.
- Projects proposing to develop new public water systems or proposing substantial modifications to existing public water systems must additionally receive construction plan approval by the Director of Health prior to construction of the proposed system or modification. These projects include treatment, storage and distribution systems of public water systems. The approval authority for projects owned and operated by a County Board or Department of Water or Water Supply has been delegated to them.
- All public water systems must be operated by certified distribution system and water treatment plant operators as defined by Hawaii Administrative Rules, Title 11, Chapter 11-25 titled "Rules Pertaining to Certification of Public Water System Operators."
- All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing potable water system to meet irrigation or other needs must be carefully designed and operated to prevent the cross-connection of these systems and prevent the possibility of backflow of water from the non-potable system to the potable system. The two systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the potable water supply. In addition backflow devices must be tested periodically (annually) to assure their proper operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent the inadvertent consumption on non-potable water. Compliance with Hawaii Administrative Rules, Title 11, Chapter 11-21 titled "Cross-Connection and Backflow Control" is also required.
- All projects which propose the establishment of a potentially contaminating activity (as identified in the Hawaii Source Water Assessment Plan) within the source water protection area of an existing source of water for a public water supply should address this potential and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.
- Systems that utilize technologies such as RO (Reverse Osmosis) may be subject to a pilot testing program at the discretion of the Safe Drinking Water Branch.

Mr. Schnell
July 2, 2008
Page 5

For further information concerning the application of capacity, new source approval, operator certification, source water assessment, backflow/cross-connection prevention or other regulated public water system programs, please contact the Safe Drinking Water Branch Engineering Section at 586-4258.

Underground Injection Control (UIC)

- Injection wells used for the subsurface disposal of wastewater, sewage effluent, or surface runoff are subject to environmental regulation and permitting under Hawaii Administrative Rules, Title 11, Chapter 11-23, titled “Underground Injection Control” (UIC). The Department of Health’s approval must be first obtained before any injection well construction commences. A UIC permit must be issued before any injection well operation occurs.
- Authorization to use an injection well is granted when a UIC permit is issued to the injection well facility. The UIC permit contains discharge and operation limitations, monitoring and reporting requirements, and other facility management and operational conditions. A complete UIC permit application form is needed to apply for a UIC permit.
- A UIC permit can have a valid duration of up to five (5) years. Permit renewal is needed to keep an expiring permit valid for another term.

For further information concerning the UIC permit and the Underground Injection Control Program, please contact Chauncy Hew of the Safe Drinking Water Branch at 586-4258.

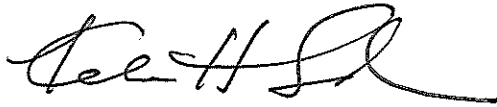
General

We strongly recommend that you review all of the Standard Comments on our website: www.hawaii.gov/health/environmental/env-planning/landuse/landuse.html. Any comments specifically applicable to this project should be adhered to.

Mr. Schnell
July 2, 2008
Page 6

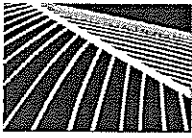
If there are any questions about these comments please contact Jiakai Liu with the Environmental Planning Office at 586-4346.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelvin H. Sunada', written in a cursive style.

KELVIN H. SUNADA, MANAGER
Environmental Planning Office

c: EPO
WWB
CWB
SDWB
EH-Hawaii



PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

Kelvin Sunada
State of Hawai'i
Department of Health
P.O. Box 3378
Honolulu, Hawai'i 96801-3378

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

Dear Mr. Sunada:

Thank you for your letter dated July 2, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

Wastewater Branch

We acknowledge that the Wastewater Branch has no objections and supports this project.

We understand that wastewater plans must meet Hawai'i Administrative Rules (HAR) Chapter 11-62, Wastewater Systems. As stated in Section 4.9.2 (Wastewater System) of the Draft EIS: "Wastewater system design and construction will be in accordance with County standards and all wastewater plans will conform to applicable provisions of HAR Chapter 11-62, Wastewater Systems, HAR, Section 11-62-27, Recycled Water Systems, and HAR Section 11-21-2, Cross-Connection and Backflow Control."

Clean Water Branch

We have reviewed the Clean Water Branch's standard comments and 'O'oma Beachside Village will comply with all requirements of HAR, Chapters 11-54 and 11-55.

1. In response to your comment, in the Final EIS Section 3.5.2 (Nearshore Marine Environment) will be revised to include the following statement:

'O'oma Beachside Village will comply with all State of Hawai'i water quality standards contained in HAR, Chapter 11-54, including the State's: 1) antidegradation policy, which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected; 2) designated uses, as determined by the classification of the receiving State waters; and 3) water quality criteria. 'O'oma Beachside Village will also comply with all State of Hawai'i permitting requirements specified in HAR, Chapter 11-55.

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pa Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Kelvin Sunada

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 2 of 3

2. A National Pollutant Discharge Elimination System (NPDES) permit is required. The need for this permit is stated in Table 5 of Section 5.3 (Approvals and Permits) on page 180 of the Draft EIS.

At the appropriate time during the NPDES permit preparation process, the Clean Water Branch will be contacted, and an NPDES individual permit application will be submitted at least 180 calendar days before commencement of discharge.

3. We acknowledge that all discharges related to the project construction or operation activities must comply with the State's water quality standards (HAR, Chapter 11-54) and permitting requirements (HAR, Chapter 11-55).

Safe Drinking Water Branch

Public Water Systems

We understand that the proposed desalination system will be subject to regulation as a public water system and must meet the conditions listed in your letter.

To reflect the above information in the Final EIS Section 4.9.1 (Water System) will be revised as follows:

Desalination System

An on-site reverse osmosis (RO) desalination plant feeding a private transmission, storage, and distribution system is proposed for 'O'oma Beachside Village. The RO process uses a membrane filter that is highly permeable to water and only slightly permeable to dissolved solids. The membranes are subjected to high-pressure seawater, allowing only pure (potable) water through the membrane and leaving a brine solution. The proposed desalination system will be subject to regulation as a public water system and will meet conditions of the State Department of Health, including HAR Chapter 11-20, 11-21, and 11-25.

Underground Injection Control (UIC)

We understand that injection wells used for the subsurface disposal of wastewater, sewage effluent, or surface runoff are subject to environmental regulation and permitting under HAR Chapter 11-23, Underground Injection Control. An UIC permit must be issued before any injection well operation occurs.

To reflect the above information in the Final EIS Section 4.9.2 (Wastewater System) will be revised as follows:

Wastewater system design, and construction, and operation will be in accordance with County standards and all wastewater plans will conform to applicable provisions of HAR Chapter 11-62, Wastewater Systems, HAR, Section 11-62-27, Recycled Water Systems, and HAR Section 11-21-2, Cross-Connection and Backflow Control. In addition, any injection well that may be required will be in compliance with HAR Chapter 11-23, Underground Injection Control.

Kelvin Sunada

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT

December 10, 2008

Page 3 of 3

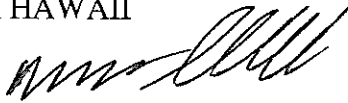
Standard Comments

We have reviewed the DOH's Standard Comments and 'O'oma Beachside Village will adhere to any specifically applicable Comments.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP

Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

2309.03 DOH

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

RECEIVED
JUL 15 2008
DLNR HAWAII

July 11, 2008

PBR Hawaii & Associates, Inc.
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Attention: Mr. Tom Schnell

Dear Mr. Schnell:

SUBJECT: Draft Environmental Impact Statement for 'O'oma Beachside Village,
North Kona, Island of Hawaii; TMK: (3) 7-3-009:004, 022 and
(3) 7-3-009; portion of State's Right of Way

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

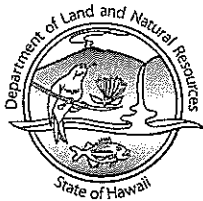
At this time, enclosed are comments from (a) Division of Boating and Ocean Recreation, (b) Engineering Division and (c) Hawaii District office of the Land Division on the subject matter. Should you have any questions, please feel free to call Darlene Nakamura at 587-0417. Thank you.

Sincerely,


for Morris M. Atta
Administrator

Enclosures

cc: Office of Environmental Quality Control w/copies
State of Hawaii, Land Use Commission w/copies
State of Hawaii, Department of Business, Economic Development & Tourism w/copies



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 28, 2008

MEMORANDUM

RECEIVED
LAND DIVISION

2008 JUL 11 A 10:33

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

2008 JUN 16 AM 10:35

DLNR-BOR-H

TO:

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division – Hawaii District

FROM:

Morris M. Atta, Administrator

SUBJECT:

Draft Environmental Impact Statement for 'O'oma Beachside Village

LOCATION:

North Kona, Island of Hawaii; TMK: (3) 7-3-009:004, 022 and
(3) 7-3-009; portion of State's Right of Way

APPLICANT:

PBR Hawaii & Associates, Inc. on behalf of 'O'oma Beachside Village, LLC

Transmitted for your review and comments on the above referenced document. We would appreciate your comments on this document. Please submit any comments by July 2, 2008.

A copy of the CD is available for your review in Land Division office, Room 220.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached below.

Signed:

C. E. Murphy

Date:

7/9/08

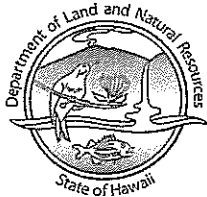
cc: Central Files

Comments: This area appears to be an important Kona destination. Pine Trees Beaches and surf spot. Regular users may take a close look for parking and public access.

LINDA LINGLE
GOVERNOR OF HAWAII



Laura H. Thielen
Chairperson
Board of Land and Natural Resources
Commission on Water Resource Management



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 28, 2008

MEMORANDUM

- TO: **DLNR Agencies:**
- Div. of Aquatic Resources
 - Div. of Boating & Ocean Recreation
 - Engineering Division *WLD*
 - Div. of Forestry & Wildlife
 - Div. of State Parks
 - Commission on Water Resource Management *WCR*
 - Office of Conservation & Coastal Lands
 - Land Division – Hawaii District *WLD*

RECEIVED
LAND DIVISION
2008 JUL -2 A 9:16
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

FROM: *for* Morris M. Atta, Administrator *Charlene*

SUBJECT: Draft Environmental Impact Statement for 'O'oma Beachside Village

LOCATION: North Kona, Island of Hawaii; TMK: (3) 7-3-009:004, 022 and (3) 7-3-009; portion of State's Right of Way

APPLICANT: PBR Hawaii & Associates, Inc. on behalf of 'O'oma Beachside Village, LLC

Transmitted for your review and comments on the above referenced document. We would appreciate your comments on this document. Please submit any comments by July 2, 2008.

A copy of the CD is available for your review in Land Division office, Room 220.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *C. J. ...*
Date: 7/2/08

cc: Central Files

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

L/DMorrisAtta
Ref.: DEISOoma BeachsideVillage
Maui.410

COMMENTS

- (X) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zones A and X. The National Flood Insurance Program does not have any regulations for developments within Zone X, however, it does regulate developments within Zone A as indicated in bold letters below.
- () Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is also located in Zone _____.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is _____.
- (X) Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

City and County of Honolulu, Department of Planning and Permitting

- () Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
- (X) Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.
- (X) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
- () Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

- () The applicant should include water demands and infrastructure required to meet project needs. Please note that projects within State lands requiring water service from the Honolulu Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.
- () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.
- () Additional Comments: _____

- () Other: _____

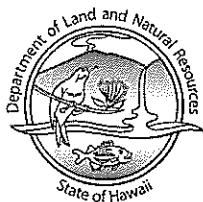
Should you have any questions, please call Ms.Suzie Agraan of the Planning Branch at 587-0258.

Signed: _____

ERIC T. HIRANO, CHIEF ENGINEER

Date: _____

7/2/08



RECEIVED
LAND DIVISION

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

2008 JUL -2 10:46 AM 30 A 11:14

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

May 28, 2008

MEMORANDUM

- TO: **DLNR Agencies:**
- Div. of Aquatic Resources
 - Div. of Boating & Ocean Recreation
 - Engineering Division
 - Div. of Forestry & Wildlife
 - Div. of State Parks
 - Commission on Water Resource Management
 - Office of Conservation & Coastal Lands
 - Land Division – Hawaii District

FROM: Morris M. Atta, Administrator *Charles*

SUBJECT: Draft Environmental Impact Statement for 'O'oma Beachside Village

LOCATION: North Kona, Island of Hawaii; TMK: (3) 7-3-009:004, 022 and
(3) 7-3-009; portion of State's Right of Way

APPLICANT: PBR Hawaii & Associates, Inc. on behalf of 'O'oma Beachside Village, LLC

Transmitted for your review and comments on the above referenced document. We would appreciate your comments on this document. Please submit any comments by July 2, 2008.

A copy of the CD is available for your review in Land Division office, Room 220.

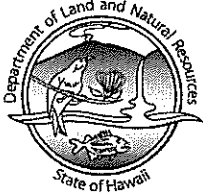
If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *[Signature]*
Date: 6/30/08

cc: Central Files




STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

75 Aupuni Street, Room 204
Hilo, Hawaii 96720
PHONE: (808) 974-6203
FAX: (808) 974-6222

June 30, 2008

MEMORANDUM

TO: Morris M. Atta, Administrator

FROM: Kevin E. Moore, Hawaii District Land Agent 

SUBJECT: Draft Environmental Impact Statement for 'O'oma Beachside Village

LOCATION: North Kona, Island of Hawaii, TMK: (3) 7-3-009:004, 022 and 7-3-009 portion of State Right of Way

APPLICANT: PBR Hawaii & Associates, Inc. on behalf of 'O'oma Beachside Village, LLC

Pursuant to your request for comments on the above matter, we offer the following:

The proposed development involves two privately owned parcels separated by a State right-of-way (ROW). The mauka parcel, TMK 7-3-009:024, was conveyed by the State to a private party in 1986 as part of a land exchange by Land Patent Grant No. S-15,665. The map attached to the grant depicts both a 30-foot roadway designated as King's Highway and a separate Mamalahoa Trail. A copy of the map is attached.

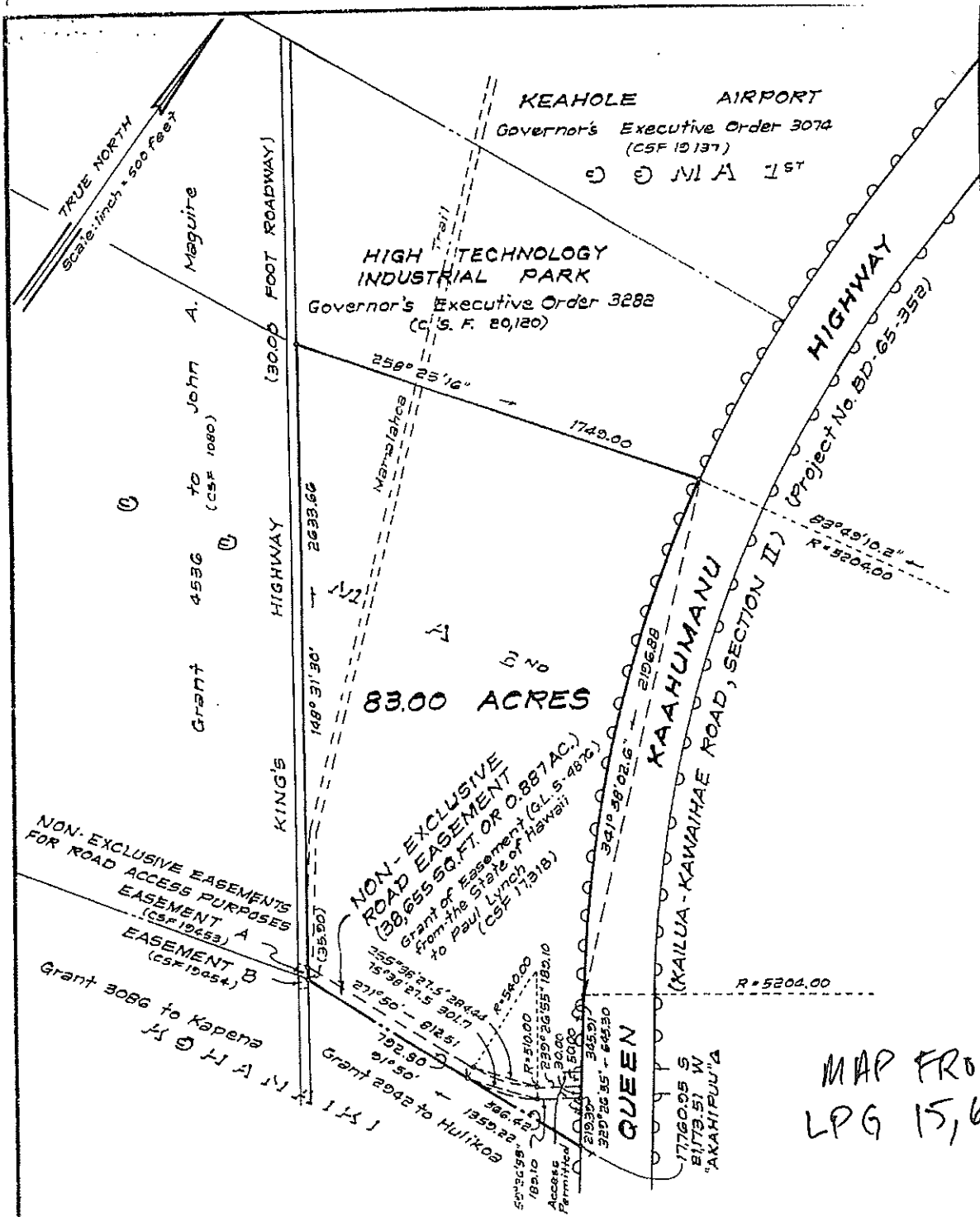
In the Draft Environmental Impact Statement (DEIS), the applicant appears to take the position that the ROW and Mamalahoa Trail are the same thing, and that the "portion of the State ROW not aligned with the Mamalahoa Trail is the result of a mapping error". DEIS at 14. The DEIS also states that the applicant "has obtained State authorization to include the State ROW and the Mamalahoa Trail in its State Land Use petition and County zoning application." DEIS at 14. The DEIS proceeds to depict the proposed development as being built over the ROW, but preserving the Mamalahoa Trail. See attached master plan from DEIS (ROW highlighted in yellow).

Our specific comments and questions are:

1. Our office does not have a copy of the authorization from the State to include the State ROW and Mamalahoa Trail in applicant's State Land Use petition and County zoning application. Can the applicant please provide us with a copy.

2. The State ROW and Mamalahoa Trail may be two separate State property interests. Accordingly, the applicant's development should not be permitted to extinguish or interfere with the State ROW without compensation to the State. Further, the land underlying the State ROW may be ceded lands that are subject to restrictions against disposition.

Please contact me should you have any questions.



MAP FROM
LPG 15,665

EXCHANGE
STATE OF HAWAII
TO AMERICAN TRUST COMPANY OF HAWAII, INC.
 Ooma 2 nd, North Kona, Island of Hawaii, Hawaii
 Scale: 1 inch = 500 feet

INSB H-474 (BG)
 C. BK G. J. Matsuno

Denotes access permitted
 Denotes no vehicle access permitted

TAX MAP 7-3-00: por. 5

SURVEY DIVISION
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

EXHIBIT "B"

C. S. F. No. 20,499

STATE OF HAWAII

J.M.M. Dec. 29, 1981

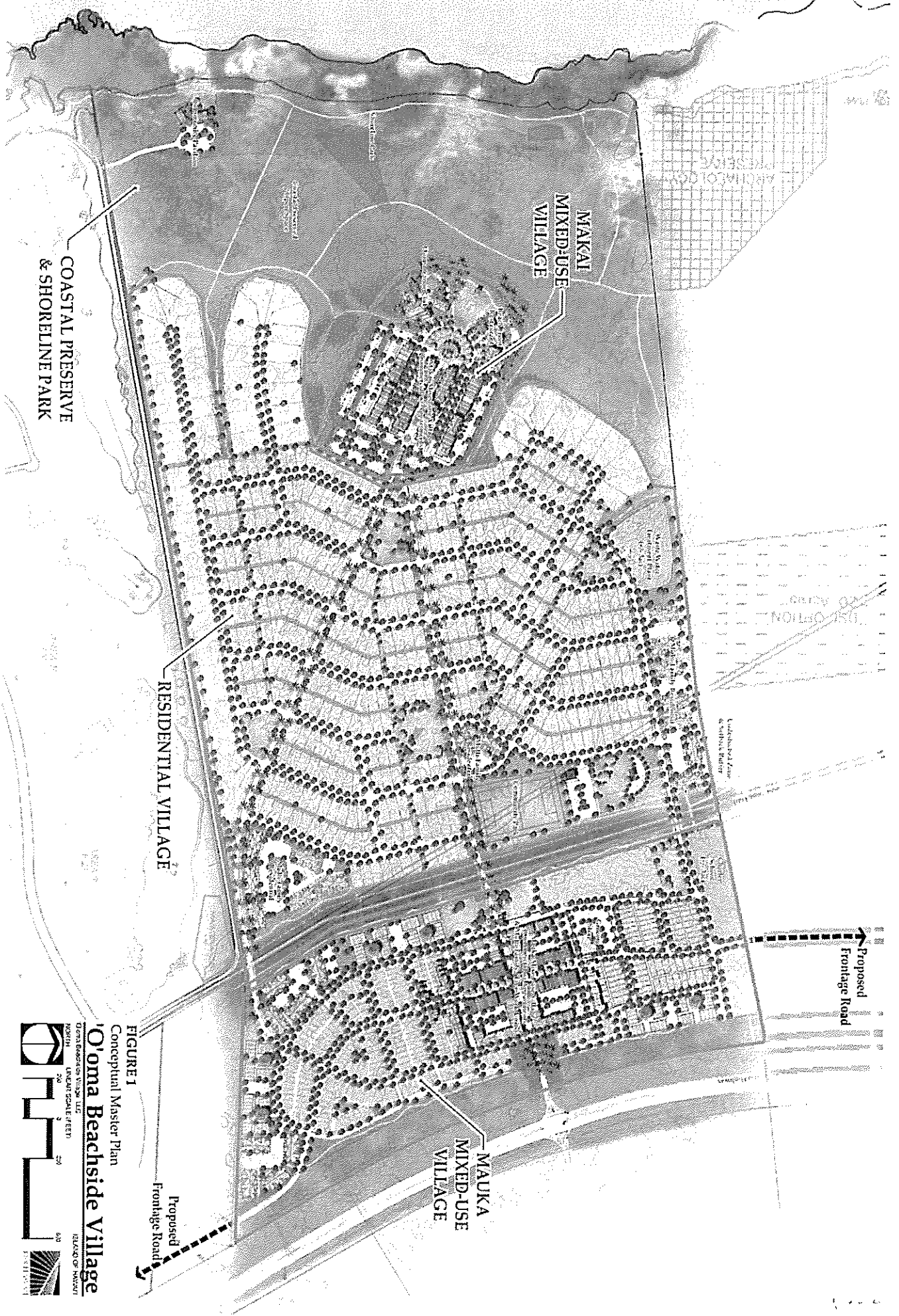
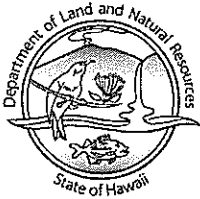


FIGURE 1
 Conceptual Master Plan
O'oma Beachside Village
 O'OMA BEACHSIDE VILLAGE, LLC
 200' 1/4" INCH SCALE (FEET)
 20' 1/4" INCH SCALE (FEET)
 40' 1/4" INCH SCALE (FEET)
 80' 1/4" INCH SCALE (FEET)
 160' 1/4" INCH SCALE (FEET)

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 25, 2008

PBR Hawaii & Associates, Inc.
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Attention: Mr. Tom Schnell

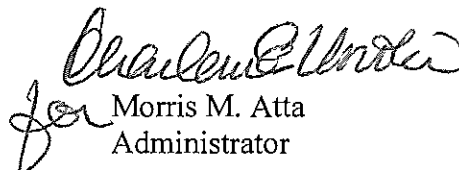
Dear Mr. Schnell:

SUBJECT: Draft Environmental Impact Statement for 'O'oma Beachside Village,
North Kona, Island of Hawaii; TMK: (3) 7-3-009:004, 022 and
(3) 7-3-009; portion of State's Right of Way

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

In addition to the comments previously sent you, enclosed are comments from the Office of Conservation and Coastal Lands on the subject matter. Should you have any questions, please feel free to call Charlene Unoki at 587-0426. Thank you.

Sincerely,


Morris M. Atta
Administrator

Enclosures

cc: Office of Environmental Quality Control w/copy
State of Hawaii, Land Use Commission w/copy
State of Hawaii, Department of Business, Economic Development & Tourism w/copy

LINDA LINGLE
GOVERNOR OF HAWAII



RECEIVED
AUG - 8 2008
OFFICE OF PLANNING

L-5711



RECEIVED
LAND DIVISION

2008 AUG 22 A 11:49

LAURA H. THISEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND FISH RECREATION
BUREAU OF CONVEYANCES

COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
OBSERVATION AND RESEARCH (COMMISSION)

ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION

LAND AND WATER RESOURCE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Correspondence HA-09-2

REF:OCCL:MC

AUG - 6 2008

MEMORANDUM:

TO: Abbey Seth Mayer, Director
DBEDT Office of Planning

FROM: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: Draft Environmental Impact Statement
Zoning Change

TMKS: (4) 7-3-09:4

LOCATION: Proposed 'O'oma Beachside Village, Kaloko, North Kona, Hawai'i

A07-774

The Office of Conservation and Coastal Lands (OCCL) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed rezoning of the above subject parcel from Conservation to Urban. The parcel is in the Resource and General Subzones of the State Land Use Conservation District.

As the proposed 'O'oma Beachside Village development does not involve identified land uses in the Conservation District as outlined in Hawai'i Administrative Rules (HAR) §13-5, the applicant has petitioned the State Land Use Commission (LUC) to reclassify 181.169 acres of the 217.566-acre parcel, taking them out of the Conservation District.

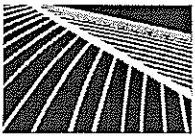
HAR §13-5 states that the objective of the General Subzone is to designate open space where specific conservation uses may not be defined, but where urban use would be premature; and that the objective of the Resource Subzone is to develop, with proper management, areas to ensure sustained use of the natural resources of those areas.

The Resource Subzone encompasses (1) lands necessary for providing future parkland and lands presently used for national, state, county, or private parks; (2) Lands suitable for growing and harvesting of commercial timber or other forest products; and (3) Lands suitable for outdoor recreational uses such as hunting, fishing, hiking, camping, and picnicking.

OCCL would like to see the EIS more fully explain why the applicant feels that these objectives are no longer applicable to the parcel in question.

Please contact Michael Cain at 587-0048 should you have any questions on this matter.

cc: DLNR Chair, Land Division



PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

Morris Atta
State of Hawai'i
Department of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, Hawai'i 96809

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL
IMPACT STATEMENT**

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

Dear Mr. Atta:

Thank you for your letters dated July 11, 2008 and August 25, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding the comments received from each Department of Land and Natural Resources division.

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

Division of Boating and Ocean Recreation

'O'oma Beachside Village will provide 75 acres of public coastal open space and coastal preserve (18-acres as a public shoreline park, community pavilion, and 57 acres designated as a coastal preserve). The public shoreline park will include free parking and comfort station facilities. Shoreline access will not be inhibited.

We wish to clarify that the "Pine Trees" surf and beach spot is within the neighboring Shores at Kohanaiki property and is not within the 'O'oma Beachside Village property.

Engineering Division

Thank you for confirming that the project site is located in Flood Insurance Rate Map zones A and X. This information was provided in Section 3.4.1 of the Draft EIS.

No development will occur within a Special Flood Hazard Area.

Hawaii District Office of the Land Division

1. A copy of the authorization from the State to include the State right-of-way (ROW) and Māmalahoa Trail in the State Land Use Petition and County zoning application is attached.
2. In obtaining the desired District Boundary Amendment from the State Land Use Commission, 'O'oma Beachside Village will not extinguish or interfere with the State's rights in the State ROW, and 'O'oma Beachside Village, LLC will work in cooperation with the State to appropriately integrate the State ROW of Mamalahoa Trail in the development of 'O'oma Beachside Village.

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pa Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Morris Atta

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 2 of 3

Office of Conservation and Coastal Lands

As discussed in Section 5.1.2 (State Land Use Law) of the Draft EIS, a State Land Use District Boundary Amendment (SLUDBA) is being sought to reclassify approximately 181.169 acres (the Petition Area) of the 'O'oma Beachside Village property from the State Land Use Conservation District to the State Land Use Urban District. This Petition Area includes approximately 179.355 acres of TMK (3) 7-3-009:004 (Parcel 4) and the 1.814-acre portion of the State ROW. Approximately 38.211 acres of Parcel 4 (consisting of the shoreline area and proposed coastal preserve) will remain in the Conservation District, and therefore are not included as part of the Petition Area.

Decision-making criteria to be used in the Land Use Commission's review of petitions for reclassification of district boundaries is found in Section 205-17, Hawaii Revised Statutes (HRS), and Section 15-15-77, Hawaii Administrative Rules (HAR). In addition, standards for determining the Urban district are contained in Section 15-15-18, HAR. The Draft EIS contains an analysis of how 'O'oma Beachside Village conforms to these criteria and standards.

Regarding the State Conservation District, as you point out in your letter, Section 13-5, HAR states that the objective of the Conservation District General Subzone is "to designate open space where specific conservation uses may not be defined, but where urban use would be premature." Reclassification of the Petition Area from the Conservation District to the Urban District would not be premature in this area.

As discussed in Section 5.1.2 (State Land Use Law) of the Draft EIS, the 'O'oma Beachside Village property is surrounded by existing Urban uses. The Petition Area is contiguous with Urban land to the south and east. The portion of the Petition Area contiguous to the Urban District to the east will be planned and developed together as one project.

To the south of the Petition Area is the approximately 470-acre golf course community called The Shores at Kohanaiki, currently under construction, and located within the Urban District.

The NELHA property, directly north of 'O'oma Beachside Village, consists of a mix of commercial, public, quasi-public, and industrial uses. Directly north of NELHA is the Kona International Airport at Keāhole, which is primarily within the Urban District.

In addition, as discussed in the Draft EIS, reclassification of portions of Parcel 4 to urban use is consistent with the County of Hawai'i General Plan Land Use Pattern Allocation Guide (LUPAG) which designates the majority of Parcel 4 as "Urban Expansion" (see Figure 7 in the Draft EIS). "Urban Expansion" allows for a mix of high density, medium density, low density, industrial, industrial-commercial, and/or open designations in areas where new settlements may be desirable. Approximately 38.211 acres of Parcel 4, consisting of the shoreline area and a proposed coastal preserve area, will remain in the Conservation District, which is consistent with the "Open" designation of the LUPAG and is roughly the area designated as within the Conservation District Resource Subzone.

Morris Atta

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 3 of 3

Section 13-5 HAR states that the objective of the Resource Subzone is "to develop, with proper management, areas to ensure sustained use of the natural resources of those areas." The Resource subzone encompasses: "(1) lands necessary for providing future parkland and lands presently used for national, state, county, or private parks; (2) lands suitable for growing and harvesting commercial timber or other forest products; and (3) Lands suitable for outdoor recreational uses such as hunting, fishing, hiking, camping, and picnicking." The proposed shoreline park and coastal preserve within the LUPAG Open Space/Conservation District Resource Subzone portion of Parcel 4 are consistent and compatible these designations.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



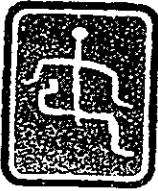
Tom Schnell, AICP
Senior Associate

Attachment:

Authorization from the State to include the State right-of-way (ROW) and Māmalahoa Trail in the State Land Use Petition and County zoning

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

2309.03 DLNR



NA ALA HELE
Hawai'i Trail & Access System

July 29, 2008

TO: Mr. Tom Schnell, AICP

FROM: Clement Chang Jr, Trails & Access Specialist II *cc*

THRU: Irving Kawashima, Trails & Access Specialist V *ik*

SUBJECT: `O`oma Beachside Village, TMK 7-3-9: 04, 22, Comments on Draft Environmental Impact Statement

Mr. Schnell, per a response regarding a Draft Environmental Impact Statement that was received by our office from someone in the community; it seems as if we did not respond in regard to the said project. Per attached memo dated April 26, 2007, it concludes that all sections called the Mamalahoa Trail be protected and preserved. The State Historic Preservation Office should be involved based upon a criterion that has been attached to other sections of the said trail. The Na Ala Hele Program should be involved throughout this development process and encourages attending one of our Na Ala Hele Advisory Council Meetings regarding this project. A preservation plan would be recommended; and consistency regarding preservation easements, buffers and no build zones attached to the project. Further question may be addressed to Clement Chang at 974-4221.

Cc. Curt Cotrell, Na Ala Hele Program Manager
Christopher Yuen, County Planning Director
Morgan Davis, State Historic Preservation
Aric Arakaki, Ala Kahakai National Historic Trail Superintendent



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED[®]AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED[®]AP
Associate

DACHENG DONG, LEED[®]AP
Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pa Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2876

Clement Chang, Jr.
State of Hawai'i
Department of Land and Natural Resources
Division of Forestry and Wildlife, Na Ala Hele
1151 Punchbowl Street, Room 224
Honolulu, Hawai'i 96813

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Mr. Chang:

Thank you for your memo dated July 29, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

As discussed in Section 4.3 (Trails and Access) of the Draft EIS, 'O'oma Beachside Village will protect and preserve the Māmalahoa Trail. A buffer of 50 feet on both sides of the Trail will remain undisturbed. Therefore, the Māmalahoa Trail with the buffer will provide a 110-foot wide open space corridor. This wide open space corridor will be approximately 2,520 feet long and encompass approximately seven acres. There will also be an additional 60-foot building setback on both sides of the buffer.

A copy of the Draft EIS and relevant archaeological reports were distributed to the State Historic Preservation Division (SHPD). The SHPD provided comments on the Draft EIS. An archeological preservation plan will be submitted SHPD for review and approval to the prior to final subdivision approval or commencement of ground altering activities within the project area.

As you recommended, a representative for 'O'oma Beachside Village, LLC attended the August 13 Na Ala Hele Advisory Council Meeting. We have also met with Aric Arakaki of the National Park Service regarding the Ala Kahakai National Historic Trail, and reviewed and commented on the Ala Kahakai National Historic Trail EIS. We will continue to meet with Na Ala Hele regarding the preservation and protection of the Mamalahoa Trail.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

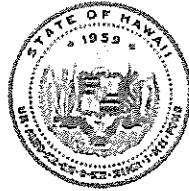
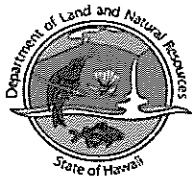
PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

2309.03 DLNR Na Ala Hele

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 13, 2008

Mr. Tom Schnell
PBR Hawaii
ASB Tower, Suite 650
Honolulu, Hawai'i 96749

LOG NO: 2008.2015
DOC NO: 0807TD04

Archaeology

Dear Mr. Schnell:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Draft Environmental Impact Statement
`O`oma Beachside Village Project (300 acres)
`O`oma 2nd Ahupua`a, North Kona District, Island of Hawai`i
TMK: (3) 7-3-09: 04 and 22 (and portion of State Right-of-Way)**

Thank you for submitting a copy the subject DEIS for review and comments. We have recently reviewed the inventory survey update for this project entitled *Archaeological Inventory Survey Update for the `O`oma Beachside Village Project Area [TMK 3-7-3-090:004 and 022], `O`oma 2nd Ahupua`a, North Kona District, Island of Hawai`i* (R.B. Rechtman, June 2007), which is included as Appendix E if the DEIS. The information found in your discussion of archaeological resources within the DEIS is taken from the Retchman report as well.

This letter addresses the archaeological issues of the project; our culture-history branch is reviewing the Cultural Impact Assessment (Appendix F) and a separate letter will follow regarding that document.

We have a few questions regarding the history of archaeological work within the project area, and the final list of unmitigated sites as identified in the Retchman report and in the DEIS. These are discussed as separate issues below.

SHPD Review: on page 47 of the DEIS of the report, an SHPD update regarding TMK parcel 4 is discussed. (September 16, 1998 letter from Don Hibbard to Marilyn Metz, Log No. 22204, Doc No. 9809PM04). According to your document, the letter "concluded that all historic preservation issues, except preservation planning, were complete" (p.47). In the letter, Hibbard states that, "Preservation commitments still need to be executed for historic sites in several areas, but not in this project area. Thus, we conclude that all mitigation in your specific parcel has been conducted." The specific parcel referred to here is the Natural Energy Laboratory portion of parcel 4 (parcel 23). We have no records of data recovery mitigation work being completed for the balance of parcel 4.

Preservation Sites: The Retchman report (p. 87) and your DEIS (p. 49) lists nine sites within the project area that are recommended for preservation. Eight of these sites were previously identified and recommended for preservation; and one site (Site 25932) was newly identified during the fieldwork for Retchman's report. We concur with the recommended treatment for these sites and the significance assessments. We also request that the status of two additional sites previously recommended for preservation be addressed. These include Site 10181, a coral-paved terrace interpreted as a shrine; and Site 18775, an extensively modified sinkhole. The latter site was located near the southern boundary of the project area and may be within the adjacent property to the south. We request verification of its location.

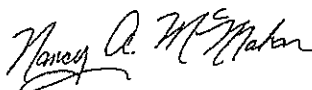
Data Recovery Sites: The Retchman report indicates, by virtue of the 1998 SHPD letter, that all data recovery work was completed within the project area. However, we have no records of data recovery fieldwork being completed at the following five sites recommended for data recovery in 1986: 18774, 18808, 18821, 18822, and 18831. If this fieldwork has not been completed, a data recovery plan will need to be submitted to our office for review and

approval prior to the completion of the field work. One of these sites (18822) is located near preservation site 1913 and may be included within the preservation area.

Additional Mitigation Documents: As indicated in on pages 49 and 50 of the DEIS, interim and long term preservation plans will be needed for the preservation sites, in addition to a burial treatment plan for the known burial sites (18773, 25932). These documents, including the long term preservation plan, will need to be accepted by our office prior to final subdivision approval or commencement of ground altering activities within the project area (whichever comes first). In addition, we concur with your recommendation that monitoring of mass grading activities occur. A monitoring plan will need to be submitted to our office for review and approval prior to commencement of ground altering activities. The monitoring plan should minimally include a specific discussion of the circumstances under which monitoring will occur, monitoring and notification procedures, and procedures to be followed in the event of inadvertent discovery of human skeletal remains and non-burial sites.

At this time, we request that you review the information discussed above with your consultant and determine whether revisions are needed in the final EIS. Please contact Theresa Donham (Theresa.K.Donham@hawaii.gov) if you have any questions or concerns regarding this letter.

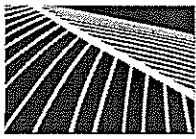
Aloha,



Digitally signed by Nancy A.
McMahon
Date: 2008.07.13 16:25:13 -10'00'

Nancy McMahon, Archaeology and Historic Preservation Manager
State Historic Preservation Division

cc: Office of Environmental Quality Control
235 South Beretania Street, Suite 703
Honolulu, Hawaii 96813
Fax: 586-4186



December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pa Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Nancy McMahan
State of Hawai'i
Department of Land and Natural Resources
State Historic Preservation Division
601 Kamokila Boulevard, Room 555
Kapolei, Hawai'i 96707

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL
IMPACT STATEMENT**

Dear Ms. McMahan:

Thank you for your letter dated July 13, 2008 (Log No. 2008.2015; Doc No. 0807TD04) regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

SHPD Review: Thank you for the clarification regarding the status of data recovery mitigation work for parcel 4. In response to your clarification, in the Final EIS Section 4.1 (Archaeological and Historic Resources) (page 47 of the Draft EIS) will be revised as follows:

In September of 1998, SHPD prepared an update on the historic preservation status of Parcel 4, and concluded that all historic preservation issues, except preservation planning, were complete. In October of 2002, SHPD prepared another update on the historic preservation status of Parcel 22. This SHPD correspondence likewise indicated that both survey work and data recovery had been acceptably completed and what remained to be done was preservation planning (see Appendix E for SHPD correspondence). In comments on the Draft EIS, SHPD clarified that for Parcel 4 there where five sites for which data recovery fieldwork had not been completed.

~~However,~~ Given the sensitive nature of archaeological resources in the immediate area and recent inadvertent discoveries at neighboring Kohanaiki, 'O'oma Beachside Village, LLC thought it prudent to re-examine the entire Property to assess the current condition of the known preservation sites and to identify any additional sites that may have gone undocumented. In 2007, Rechtman Consulting, LLC completed an intensive re-survey of the Property, identified the known preservation sites, and found one additional site that had not been previously recorded. Appendix E contains the complete updated archaeological survey.

In addition, in the Final EIS Table 3 (on page 49 of the Draft EIS) will be revised as follows to include: 1) the five sites (18774, 18808, 18821, 18822, and 18831) for which data recovery field work had not been completed; 2) sites 10181 and 18775 as you requested in your letter (see the heading "Preservation Sites" below and in your letter); and 3) a newly discovered burial site.

Nancy McMahon

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 2 of 3

SIHP No.	Function	Temporal Association	Significance	Treatment
2	Trail	Pre-contact	A, C, D, E	Preservation
1910	Habitation	Pre-contact/Historic	C, D, E	Preservation
1911	Habitation	Pre-contact	D	Preservation
1912	Habitation	Pre-contact	D, E	Preservation
1913*	Heiau	Pre-contact	D, E	Preservation
10155	Habitation	Pre-contact	D	Preservation
<u>10181§</u>	<u>Shrine</u>	<u>Pre-contact</u>	<u>D, E</u>	<u>Preservation</u>
18027*	Habitation	Pre-contact	D, E	Preservation
18773	Burial	Pre-contact	D, E	Preservation
<u>18774§</u>	<u>Habitation</u>	<u>Pre-contact</u>	<u>D</u>	<u>No further work</u>
<u>18775§</u>	<u>Habitation</u>	<u>Pre-contact/Historic</u>	<u>D</u>	<u>Preservation</u>
<u>18808§</u>	<u>Habitation</u>	<u>Pre-contact</u>	<u>D</u>	<u>Preservation</u>
<u>18821§</u>	<u>Habitation</u>	<u>Pre-contact</u>	<u>D</u>	<u>Preservation</u>
<u>18822§</u>	<u>Habitation</u>	<u>Pre-contact</u>	<u>D</u>	<u>Preservation</u>
<u>18831§</u>	<u>Resource Extraction</u>	<u>Modern</u>	<u>Not significant</u>	<u>No further work</u>
25932	Burial	Pre-contact	D, E	Preservation
<u>26678§</u>	<u>Burial</u>	<u>Pre-contact</u>	<u>D, E</u>	<u>Preservation</u>

Table 3. Archaeological Sites: Significance and Treatment

* Portions of both of these sites are included in the archaeological preservation area established on the NELHA property to the north.

§ Significance and treatment for this site should be considered recommendations until SHPD provides concurrence.

Preservation Sites: Site 10181 is a coral pavement that has been subject to looting, and this site is now included in the revised report as a preservation site. Site 18775 is a large modified lava blister complex located on the boundary between the current study area and the adjacent Kohanaiki development area. The site is surrounded by a temporary barrier fence, and it appears that its treatment was approved as part of the Kohanaiki project. However this site may be partially within the O'oma Beachside Village property and 'O'oma Beachside Village LLC will adhere to any existing preservation commitments that have apparently already been approved by your office.

In addition to being noted in the revised Table 3 in the Final EIS (see above) the Archaeological Inventory Report has been revised to include the two additional sites (Sites 10181 and 18775).

Data Recovery Sites: We acknowledge that there are five sites ((18774, 18808, 18821, 18822, and 18831) on Parcel 4 for which it was mistakenly thought that data recovery fieldwork had been completed. As appropriate, a data recovery plan will be prepared for these sites. In addition, in the Final EIS Table 3 will be revised as detailed above and the revised Archaeological Inventory Report will address these sites and recommend appropriate recommendations for your review.

Additional Mitigation Documents: We understand that interim and long-term preservation plans and a burial treatment plan will need to be accepted by your office prior to final subdivision approval or commencement of ground altering activities within the project area. We also understand that a monitoring plan will need to be submitted to your office for review and

Nancy McMahon

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT

December 10, 2008

Page 3 of 3

approval prior to commencement of ground altering activities. 'O'oma Beachside Village LLC will comply with the above requirements.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

A handwritten signature in black ink, appearing to read 'Tom Schnell', written over the printed name.

Tom Schnell, AICP
Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

2309.03 SHPD

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:
DIR 0833
STP 8.2922

July 7, 2008

Mr. Tom Schnell
PBR Hawaii & Associates, Inc.
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell:

Subject: O'oma Beachside Village LLC
O'oma Beachside Village – Draft EIS
TMK: (3) 7-3-009:004, 022

The Department of Transportation (DOT) submits the following comments on the proposed subject project presented in the Draft EIS:

1. The project will impact both DOT highway and airport facilities. These impacts should be addressed to the satisfaction of the DOT.
2. Airport Comments:
 - a. The DOT Airports Division does not concur with the noise Draft EIS's study. A meeting with the Airports Division is recommended.
 - b. The flight tracks used to develop the noise contours for the proposed project appear to be from a 1997 study. This study is not representative of the current flight tracks according to radar information received from the Federal Aviation Administration (FAA).
 - c. References made to and use of the number (87,358) of flight operations in 1997 is much lower than the number of operations (144,570) in 2007. The use of current flight operation numbers is necessary.

- d. The Draft EIS' noise study used the FAA Integrated Noise Model (INM), Model 6.1. This has been superseded by INM Version 7.0 (April 2007), which should be used as it significantly improves the previous version.
- e. The need for and a management and control plan for bird/wildlife attractant and habitation mitigation meeting with the approval of the Airports Division is still applicable.
- f. The above items must be resolved to DOT's satisfaction and reflected in any aviation easement deemed necessary by the Airports Division.
- g. The project's compliance with the FAA requirements set forth in Form 7460-1 (Notice of Proposed Construction or Alteration) is acknowledged.
- h. Access for any parallel (frontage) road to Queen Kaahumanu Highway from the subject project through the adjacent NELHA/HOST complex and into KOA Airport is still being discussed and subject to DOT's approval.

3. Highway Comments:

- a. The project's Traffic Impact Analysis Report (TIAR) is undergoing Highways Division's review and subject to its approval.
- b. O'oma Beachside Village and Kohanaiki's joint access to Queen Ka'ahumanu Highway and the associated intersection improvements are also a part of the review being done by the Highways Division.
- c. The impacts of the proposed frontage road paralleling Queen Kaahumanu Highway are additional factors in the Highways Division review.
- d. The developer/applicant's cooperation and participation in resolving the traffic and roadway concerns is requested and appreciated.

Mr. Tom Schnell
July 7, 2008
Page 3

DIR 0833
STP 8.2922

- e. Changes to the project's land development plan (e.g., form, features, phasing, number of units, roadway design and network, which may create additional traffic impacts, may require a revised TIAR. The revised TIAR should be provided to the Highways Division for its review and approval.

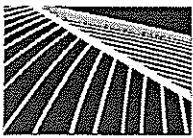
DOT appreciates the opportunity to provide its comments.

Very truly yours,



BRENNON T. MORIOKA, PH.D., P.E.
Director of Transportation

- c: Department of Business Economic Development & Tourism, Office of Planning
Department of Health, Office of Environmental Quality Control
Land Use Commission



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Brennan Morioka
State of Hawai'i
Department of Transportation
869 Punchbowl Street
Honolulu, Hawai'i 96813-5097

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Mr. Morioka:

Thank you for your letter dated July 7, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. We acknowledge your statement that the project will impact DOT highway and airport facilities. These impacts are discussed in Sections 4.4 (Roadways and Traffic) and 4.5 (Kona International Airport at Keāhole) of the Draft EIS.
2. Airport Comments:
 - a. All uses within 'O'oma Beachside Village, including homes, the school, and businesses, are located in accord with current Federal Aviation Administration (FAA) and State Department of Transportation (DOT) airport noise compatibility guidelines. We note that the current FAA-approved (14 Code of Federal Regulations (CFR) Part 150) noise contours for the Airport were completed in 1997 and reflect conditions through 2001. We acknowledge that DOT is currently updating the airport noise contours in conjunction with the 14 CFR Part 150 update for the Kona Airport (KOA).

As recommended, 'O'oma Beachside Village, LLC representatives met with the DOT Airports Division on August 4, 2008. At that meeting the main topic of discussion was the difference between the DOT Airports Division consultant's projected KOA noise contours compared with the projected noise contours contained in the Draft EIS acoustic study (see Appendix H Draft EIS).

Subsequent to the meeting, DOT Airports Division's consultant revised their projected noise contours. We note that the DOT Airports Division consultant's revised projected noise contours are more in alignment with the projected noise contours contained in the Draft EIS acoustic study.

We note that DOT has not completed its 14 CFR Part 150 update for KOA and subsequently the FAA has not approved the DOT Airports Division consultant's revised projected noise contours. However 'O'oma Beachside Village LLC will comply with all FAA and State DOT airport noise compatibility guidelines in effect at the time of building permit approval for any 'O'oma Beachside Village structure.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.6.2 (Aircraft Noise) will be revised as shown in the Attachment titled "Aircraft Noise."

- b. We note that the current FAA-approved 14 CFR Part 150 Study for KOA was completed in 1997. The flight tracks contained in the 1997 14 CFR Part 150 Study are the "official" flight tracks for KOA until such a time as the 14 CFR Part 150 Study is updated and approved by the FAA. We acknowledge that DOT is currently updating the 14 CFR Part 150 Study, however this update has not been submitted to, or approved by, the FAA.
 - c. The Draft EIS acoustic study took into account increased flight operations since 1997. References and depiction of the 2001 FAR Part 150 noise contours (from the 1997 14 CFR Part 150 Study) were made in the Draft EIS acoustic study (see Figure 5 of the Draft EIS acoustic study) for full disclosure of the "official" FAR Part 150 noise contours for KOA at the time of the Draft EIS acoustic study (2008). Additional noise contours for 2007/2008 (see Figure 11 of the Draft EIS acoustic study) developed by the 'O'oma acoustical engineer were included in the Draft EIS acoustic study, as were the 2007/2008 DOT draft noise contours (see Figure 12 of the Draft EIS acoustic study). So, both the past "official" aircraft noise contours as well as the current aircraft noise contours were included in the Draft EIS acoustic study.
 - d. Both versions of the FAA Integrated Noise Model (INM) were used to develop the results contained in the Draft EIS acoustic study. As indicated in the second paragraph on Page 25 of the Draft EIS acoustic study, the differences in noise contours over the project site attributable to differences in the INM Versions 6.1 and 7.0 were insignificant, with documentation provided in Tables 9A and 9B on Page 21 of the Draft EIS acoustic study. The measured aircraft noise data collected on the 'O'oma Beachside Village property in March 2007 (see Tables 5 through 8 of the Draft EIS acoustic study) also confirmed the reasonableness of the aircraft noise modeling results and report conclusions.
 - e. In response to your comment, in the Final EIS Section 4.5 (Kona International Airport at Keāhole) will be revised as follows:

Based on DOT concerns that certain landscaping and water features should not become a bird/wildlife attractant or habitation that may result in interference with aircraft flight, landscaping at 'O'oma Beachside Village will include native species presently found on the Property, as well as similar plants already used extensively at the Airport. 'O'oma Beachside Village, LLC will work with DOT engineering staff to comply with airport safety requirements and design any landscaping to discourage the attraction of birds or use as a nesting/breeding ground for other creatures that can cause or create hazards to aircraft flight. A management and control plan for bird/wildlife attractant and habitation mitigation will be submitted to the DOT Airports for approval. Generally, plants with fruit and berries attract birds; therefore, 'O'oma Beachside Village will minimize the use of these types of plantings.
 - f. 'O'oma Beachside Village LLC will comply with all FAA and State DOT airport regulations. As stated in the Draft EIS, Section 4.5 (Kona International Airport at Keāhole): "If necessary, 'O'oma Beachside Village will work with DOT regarding any necessary aviation easement."
 - g. Your comment is noted.
 - h. We acknowledge your comment.
3. Highway Comments:
- a. We understand that the TIAR is undergoing Highways Division's review.

Brennan Morioka

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 3 of 3

- b. We acknowledge that 'O'oma Beachside Village and Kohanaiki's joint access to Queen Ka'ahumanu Highway and the associated intersection improvements are also part of the review being done by the Highways Division.
- c. We acknowledge that the impacts of the proposed frontage road paralleling Queen Ka'ahumanu Highway are additional factors in the Highways Division review.
- d. We acknowledge DOT's request and appreciation that 'O'oma Beachside Village, LLC is cooperating and participating in resolving the traffic and roadway concerns.
- e. We acknowledge that changes to 'O'oma Beachside Village's land development plan that could create additional traffic impacts may require a revised TIAR for review and approval by the Highways Division.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP

Senior Associate

Attachment:

Aircraft Noise

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

2309.03 DOT



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD08/2990C

July 3, 2008

Tom Schnell
PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, HI 96813

RE: Request for comments on the Environmental Impact Statement for the 'O'oma Beachside Village, North Kona, Hawai'i Island, TMKs: (3) 7-3-09:004 and 022; and (3) 7-3-009: portion of State Right of Way.

Aloha e Tom Schnell,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter dated May 23, 2008. 'O'oma Beachside Village LLC proposes to develop a 302.38-acre area in North Kona, Hawai'i Island. The project would consist of between 950 to 1,200 homes, which will include multi-family units, mixed-use homes, workforce, gap group and affordable homes and single-family home lots. The project will also include a possible charter school, canoe club, commercial space, coastal preserve, open space, and shoreline park with a community pavilion. The project will require the reclassification of approximately 181.169 acres from the State Land Use Conservation District to the State Land Use Urban District. OHA has reviewed the project and offers the following comments.

Land use

As a general rule, OHA disapproves of any land reclassification that would result in the reduction of urban development protections afforded to a property. OHA would only approve of such land reclassifications in special cases in which the increased development is merited. We believe that agricultural lands and their status as such should be preserved, as their purpose fulfills a crucial need of the Native Hawaiian community and the state as a whole, as well as being constitutionally protected. (Hawai'i State Constitution, Article XI, section 3.)

State Right of Way

We request a detailed explanation of why the applicant believes that the portion of the State Right of Way that is not aligned with the Māmalahoa Trail is a mapping error (Section 2.1.2). This information should be provided in an amended Draft Environmental Impact Statement Assessment (EIS).

Water

OHA has concerns that not enough information is provided regarding the project's water source to properly inform the decision-making process. The Draft EIS notes at Section 1.7.8 and Section 7.5 that the source of water for the site is an "unresolved issue." OHA questions how the applicant, state agencies and the broader public can analyze and provide input on a project and its impacts when the source of water for the project remains "unresolved." The Draft EIS does not provide a satisfactory analysis of whether the project will have enough water to support the proposed 950-1,200 homes, commercial buildings and other activities.

The Draft EIS identifies a desalination system as the means to deliver water to the project. However, the document and its Ground Water Quality Assessment offer little description of the desalination system or the impacts this system would have on the environment. The following statement (which is later repeated in the Draft EIS) is the only analysis found in the Ground Water Quality Assessment (Appendix A) that addresses the impact that drawing water from on-site deep wells will have on the basal groundwater source.

Whether or not this feedwater supply is seawater from NELHA or onsite saltwater wells drawing water at depth below the basal lens, provision of this supply will have no impact on the basal groundwater as it moves across the project site and discharges at the shoreline.

This is not enough information to conclude that the desalination system will have no impact on the basal groundwater source. We ask for a more detailed description of desalination system, and whether there is enough groundwater below the basal lens to provide water to support the project. We also look forward to learning more information about the effects of disposing the hypersaline concentrate byproduct from the desalination system into the marine environment, particularly as this byproduct is often much warmer than the surrounding waters. All of this information is pertinent to a Draft EIS, not a Final, because it is necessary for effective review and decision-making.

Nearshore Marine Environment

The Draft EIS states that "the shoreline area is heavily used for recreational purposes, which is not likely to change" (page 42) and that the project will "enhance public access to the coastline" (page 63). An amended Draft EIS should analyze the impact this enhanced public

access will have on the entire nearshore marine environment, including but not limited to fish, coral, turtles and Hawaiian monk seal populations. An amended Draft EIS should also list mitigation measures for these impacts.

Moreover, an amended Draft EIS needs to consider the impacts of, and offer mitigation measures for, increased public access to the anchialine pond that was discovered in 2008. An amended Draft EIS should also present plans that will ensure the protection of any anchialine ponds that are exposed in the future on the project site, particularly in the public shoreline park or the coastal reserve. Public safety should also be considered in these plans.

Flora

We appreciate that landscaping plans will include the use of native plants suitable to the area's environment where appropriate. Landscaping with native plants furthers the traditional Hawaiian concept of mālama 'āina and creates a more Hawaiian sense of place. However, OHA suggests that other native plants that were historically found in the area also be considered in landscaping plans. Such plants as 'ūlei, lama, uhiuhi and ohe are mentioned on page 52 of the Draft EIS as growing in the area in previous times.

Cultural resources

OHA appreciates that the two identified burial sites on the project site will be preserved pursuant to a burial treatment plan prepared in consultation with recognized descendants and the Hawai'i Island Burial Council. We are also pleased that the seven other identified preservation sites will be treated in accordance with a preservation plan that will be approved by the State Historic Preservation Division. We will rest upon the applicant's assurances that should iwi kūpuna or Native Hawaiian cultural or traditional deposits be found during the construction of the project, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

We request that an amended Draft EIS include an analysis of how enhanced public access to the area and the coastline will impact traditional and customary practices, particularly fishing and gathering. Specifically, how will Native Hawaiian gathering and fishing practices be affected by the potentially depleted marine resources of the area that may result from more people accessing the coastline due to the improved public access? An amended Draft EIS should also include mitigation measures for this impact.

Traffic

Construction for the project is anticipated to begin in 2011, with the first homes going up for sale or lease in 2012. However, the first mitigating measure for traffic is not slated to be completed until 2015, and the final traffic mitigating measures are not set to be done until the project is at full build-out in 2029. Therefore, the project's traffic mitigating measures will lag behind and be constantly trying to catch up with the growth of the project and its increased pressure on the region's traffic. An amended Draft EIS should study whether moving up the

deadlines for the Huliko‘a Drive and Hina Lani Street improvements to an earlier time would be effective in helping alleviate traffic that would result from the project’s construction, commercial and residential activities.

Housing

OHA disagrees with the applicant’s method of analyzing the possible number of homes that could be developed in the North Kona/South Kohala region by 2030. OHA believes that when determining the total possible number of homes that will be built in the area by 2030, the applicant must factor in all currently proposed projects for the region, regardless of whether the projects are currently located in the State Land Use Commission Agricultural or Conservation Districts. The applicant’s method of not including projects that are in the Agricultural and Conservation Districts results in an incomplete total because it excludes four proposed projects, including the applicant’s own project, which is the subject of this very Draft EIS. This should be adjusted in Section 4.10.2, Housing, and Section 7.2, Cumulative and Secondary Impacts.

In addition, OHA requests that an amended Draft EIS contain a breakdown of how many of the project’s homes will be gap group, workforce and market housing. An amended Draft EIS should also define the terms “gap group” and “workforce” housing and describe the pricing of these units and with what, if any, State of County regulations they will comply.

Schools

OHA requests that an amended Draft EIS include a description of the method the applicant used to determine that the possible charter school should be allocated three acres in the project site.

Alternatives

An amended Draft EIS should include an analysis of a new alternative that includes more affordable, gap group and workforce housing.

Summary

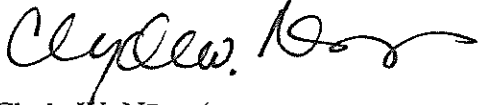
Many of the requests made above reflect a need for more details and analysis to be provided before any informed review and decision-making can occur. OHA would prefer to see an amended Draft EIS provided for further analysis to the public and appropriate agencies before a Final EIS is produced.

Based on the questions noted above, neither OHA nor other reviewers can conduct an adequate review of the project as proposed. We look forward to receiving further information and consultation prior to any finding being made on this Draft EIS, and we forward this request to the Office of Environmental Quality Control.

Tom Schnell
July 3, 2008
Page 5

Thank you for the opportunity to comment. If you have further questions, please contact Sterling Wong (808) 594-0248 or e-mail him at sterlingw@oha.org.

‘O wau iho nō me ka ‘oia‘i‘o,



Clyde W. Nāmu‘o
Administrator

C: OHA Kona CRC Office

Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

Dan Davidson
State of Hawai‘i
Land Use Commission
P.O. Box 2359
Honolulu, HI 96804



PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

Clyde Nāmu‘o
State of Hawai‘i
Office of Hawaiian Affairs
711 Kapi‘olani Boulevard, Suite 500
Honolulu, Hawai‘i 96813

SUBJECT: ‘O‘OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

Dear Mr. Nāmu‘o:

Thank you for your letter dated July 3, 2008 regarding the ‘O‘oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, ‘O‘oma Beachside Village, LLC, we are responding to your comments.

To begin, throughout your letter it is requested that additional information be provided in an amended Draft EIS. Please note that the Draft EIS and the subsequent Final EIS are, and will be, prepared in conformance with State of Hawai‘i EIS laws (Chapter 343, Hawai‘i Revised Statutes (HRS) and rules (Title 11, Chapter 200, Hawai‘i Administrative Rules (HAR)). The EIS laws and rules provide for the preparation of a Draft EIS, a review process, and the preparation of a Final EIS. Per the EIS rules, the Final EIS will incorporate substantive comments received during the review process, including your comments and our responses to your comments. The accepting authority, the State Land Use Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments.

The organization of the balance of this letter follows the headings of your letter.

Land Use

As discussed in Draft EIS, the mauka portion of the ‘O‘oma Beachside Village property (83 acres) is within the State Urban District. ‘O‘oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the ‘O‘oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the ‘O‘oma Beachside Village property along the shoreline will remain in the State Conservation District. The ‘O‘oma Beachside Village property does not contain land within the State Agricultural District.

The State Land Use Commission (LUC) acts on petitions for boundary amendments. Decision-making criteria used in the LUC’s review of petitions for reclassification of district boundaries is found in Section 205-17, HRS, and Section 15-15-77, HAR. In addition, standards for determining the Urban district are contained in Section 15-15-18, HAR. The Draft EIS contains an analysis of how ‘O‘oma Beachside Village conforms to these criteria and standards.

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai‘i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai‘i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pā Loop, Suite 4
Wailuku, Hawai‘i 96793-1271
Tel: (808) 242-2878

Clyde Nāmu‘o

SUBJECT: ‘O‘OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 2 of 8

State Right of Way

Both the State Right of Way (ROW) and Māmalahoa Trail are under the jurisdiction of the State Department of Land and Natural Resources (DLNR). However, while the State ROW runs in alignment with the historic Mamalahoa Trail south of 'O'oma Beachside Village, and within a portion of the 'O'oma Beachside Village property, the Mamalahoa Trail veers mauka, evidencing a usable path. However, the ROW does not veer mauka, but continues in a straight line, where it dead-ends north of the 'O'oma Beachside Village property (see Figure 3 in the Draft EIS). The State ROW serves no practical purpose once it leaves the Mamalahoa Trail alignment. Physical inspection of the property reveals that there is no separate ROW on the ground. DLNR Na Ala Hele recognizes that only one trail can be located physically on the ground today and recommends that the Mamalahoa Trail be protected and preserved.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 2.1.2 (Land Ownership) will be revised as follows:

The State of Hawai‘i is the fee owner of the State ROW, erroneously referred to on survey maps as “King’s Highway,” which is located between Parcels 4 and 22 and extends north-south, paralleling Queen Ka‘ahumanu Highway. At the southern boundary of the Property, the State ROW and the Māmalahoa Trail share the same alignment; however, approximately one-third of the way into the Property, the two separate, with the historic Māmalahoa Trail veering slightly mauka and evidencing a usable path; however and the State ROW does not veer mauka, but continues in a straight line coming to a dead end north of ‘O‘oma Beachside Village (see Figure 3). The State ROW serves no practical purpose once it leaves the Mamalahoa Trail alignment, and it is understood that the portion of the State ROW not aligned with the Māmalahoa Trail is the result of a mapping error. Physical inspection of the property reveals that there is no separate ROW on the ground. Both the State Right of Way (ROW) and Māmalahoa Trail are under the jurisdiction of the State Department of Land and Natural Resources (DLNR). DLNR Na Ala Hele recognizes that only one trail can be located physically on the ground today and recommends that the Mamalahoa Trail be protected and preserved. ‘O‘oma Beachside Village, LLC has obtained State authorization to include the State ROW and the Māmalahoa Trail in its State Land Use petition and County zoning application.

Water

As discussed in the Draft EIS, ‘O‘oma Beachside Village, LLC’s preferred source for potable water for ‘O‘oma Beachside Village is a desalination plant. If a desalination plant proves unfeasible, ‘O‘oma Beachside Village will explore alternate sources of water including connection to the County of Hawai‘i potable water system, partnership with private water system owners, or utilization of independent wells. In providing a source of potable water for ‘O‘oma Beachside Village, ‘O‘oma Beachside Village, LLC will comply with all laws and regulations. As necessary, ‘O‘oma Beachside Village, LLC will undertake additional research to assess the potential impacts and appropriate mitigation measures of the selected systems.

We note that the Commission on Water Resource Management (CWRM) application process for water use permits entails: 1) the preparation of an extensive application that includes analysis of: a) the public interest; b) the rights of the Department of Hawaiian Home Lands; c) any interference with any existing legal uses; and d) alternatives; 2) a thorough public and agency review process; 3) public hearing(s); and 4) a formal decision from CWRM. Well construction/pump installation permits also have an extensive application process that includes thorough review. Therefore, in the event that a desalination plant proves unfeasible, there will be

Clyde Nāmu‘o

SUBJECT: ‘O‘OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 3 of 8

extensive analysis, review, and evaluation of potential impacts of any alternative potable water system.

Section 4.9.1 (Water System) of the Draft EIS as well as Appendix H (Civil and Electrical Infrastructure Assessment) provide a description of the proposed desalination system, including the type of system (reverse osmosis), an explanation of the desalination process, and discussion regarding alternatives for storage and distribution of the desalinated water.

We wish to clarify that the source of feedwater for the desalination system is not basal groundwater as erroneously stated in your letter. As stated in the EIS (see Section 3.5.1 (Groundwater Resources) and Section 4.9.1 (Water System): “Two possible sources of feedwater supply considered for desalinization are: 1) the NELHA deep (cold) or shallow (warm) systems; or 2) on-site deep wells that would tap *saline groundwater at a depth beneath the brackish lens* [emphasis added].”

To clarify, brackish water is that body of groundwater overlying more saline water at depth and clearly discernable as a “lens.” The term “brackish” covers a range of salinities from greater than drinking water (salinity of 0.5 parts per thousand (ppt)) to possibly salinity on the order of one-third of seawater (i.e. salinity of 12 ppt or less). In the Draft EIS and in the Groundwater Quality Assessment (Appendix A) the terms “saline groundwater” and “saltwater” are used interchangeably. In the context used, both terms refer to groundwater extracted from beneath the midpoint of the transition zone, meaning a salinity greater than 17.5 ppt and most likely in the range of 25 to 32 ppt under continuous pumping. In this context, the depth it is extracted from is more important than its salinity. The goal is to use water which will not diminish or otherwise impact the supply of brackish water in the overlying basal lens.

We also wish to clarify that both the Draft EIS (see Section 3.5.1 (Groundwater Resources) and the Groundwater Quality Assessment (Appendix A) include more detailed analysis than cited in your letter regarding why it is concluded that the desalination system will not have an impact to groundwater resources. As discussed in greater detail in the Draft EIS (see Section 3.5.1 (Groundwater Resources)) and the Groundwater Quality Assessment (Appendix A), this conclusion is based on analysis of: 1) feedwater supply, desalination, and concentrate disposal; 2) percolation of excess irrigation water; and 3) stormwater collection and disposal.

Regarding your request to learn more information about the effects of disposing the hypersaline concentrate from the desalination system to marine waters, three factors will cause the concentrate to move seaward at depth: 1) injection will be into and join the seaward moving saline groundwater beneath the basal lens; 2) the concentrate will have a greater density than the receiving saline groundwater, meaning there will be no tendency for the concentrate to rise due to density; and 3) lava permeabilities are on the order of 200 times greater in the direction of the flow (i.e. horizontal) than across the flow (i.e., vertical). The concentrate, diluted by mixing into the receiving saline groundwater, will diffusively discharge into the marine environment at a depth comparable to its depth of initial injection (tentatively between 200 and 250 feet). In the marine environment, the concentrate will be rapidly mixed to background levels (in a matter of a few feet) with no impact on the marine environment.

Clyde Nāmu‘o

SUBJECT: ‘O‘OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 4 of 8

To reflect the relevant above information in the Final EIS, Section 3.5.1 (Groundwater Resources) in the Final EIS will be revised as shown in the attachment titled “Groundwater Resources.”

Nearshore Marine Environment

Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS, as well as Marine Environmental Assessment (Appendix B), includes discussion regarding the nearshore marine environment, including reef fish, coral communities, macroinvertebrates, sea turtles, Hawaiian monk seals, and anchialine ponds. As stated in the Draft EIS, the Marine Environmental Assessment concludes that ‘O‘oma Beachside Village does not appear to have the potential to cause adverse impacts to the marine environment. However, in response to your comment for additional information and mitigation measures, in the Final EIS Section 3.5.2 (Nearshore Marine Environment) will be revised as shown in the attachment titled: “Nearshore Marine Environment.”

Flora

As stated in Section 3.6 (Flora) of the EIS: “‘O‘oma Beachside Village will include landscaping appropriate to the setting. Where feasible, new landscaping will include native and indigenous plants and drought tolerant hardy plants and grasses to minimize the need for irrigation.” As noted on page 52 of the Draft EIS, plants such as ‘ūlei (*Osteomeles anthyllidifolia*), ēlama (*Diospyros ferrea*), uhiuhi (*Caesalpinia kavaiensis*), and ohe (*Reynoldsia sandwicensis*), are described in historic accounts of the kula region of ‘O‘oma. The lower kula lands, where the ‘O‘oma Beachside Village property is located, receive less rainfall than the kula lands; therefore, it is unknown whether these plants would grow well within the ‘O‘oma Beachside Village property. However, in response to your comment, Section 3.6 (Flora) in the Final EIS will be revised as follows:

‘O‘oma Beachside Village will include landscaping appropriate to the setting. Where feasible, new landscaping will include native and indigenous plants and drought tolerant hardy plants and grasses to minimize the need for irrigation. Plants such as the pilo (*Capparis sandwichtiana*), ‘a‘ali‘i (*Dodonaea viscosa*), naupaka (*Scaevola sericea*) and ‘ilima (*Sida fallax*), and nāio (*Myoporum sandwicense*), which already occur on the Property, would make good planting material. These native species are adapted to the local environmental conditions and would require less water and little, if any, soil. Other native species known to have grown in the region or that are appropriate to a coastal environment may also be planted. Conditions, Covenants and Restrictions (CC&Rs) can be developed to specify use of native and drought-tolerant plants appropriate to a coastal environment.

Cultural Resources

In response to your comment, Section 4.2 (Cultural Resources) in the Final EIS will be revised as follows:

While there were no specific ongoing traditional cultural practices identified relative to the land within the proposed ‘O‘oma Beachside Village property, there are potential cultural impacts, both specific and nonspecific, related to coastal and near-shore subsistence and recreational activities, primarily among beachgoers, fisherman, and surfers. Enhanced public access to the area and the coastline of ‘O‘oma Beachside Village is anticipated to also enhance traditional native Hawaiian cultural practices including fishing and gathering. As these activities could be characterized as

Clyde Nāmu‘o

SUBJECT: ‘O‘OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 5 of 8

traditional and customary practices, the locations of these activities could thus be considered traditional cultural properties and as such would be significant under Criterion E. As the proposed project will in no way inhibit coastal access, and as most of the proposed project elements are significantly set back (at least 1,100 feet) from the shoreline, it is envisioned that the protection and preservation of the ‘O‘oma shoreline will be enhanced; and that no traditional and customary practices will be impacted.

Throughout the planning process and preparation of this EIS, ‘O‘oma Beachside Village representatives have consulted with lineal and cultural descendants of the area. ‘O‘oma Beachside Village will continue to seek input from descendants to provide guidance and insight into the use of coastline area including measures to minimize potential adverse impacts to marine resources resulting from an increase in people accessing the shoreline.

In addition Section 3.5.2 (Nearshore Marine Environment) also will be revised to reflect the relevant above information as shown in the attachment titled: “Nearshore Marine Environment.”

Traffic

The Traffic Impact Analysis report, included as Appendix G of the Draft EIS, was prepared in compliance with the concurrency conditions of County of Hawai‘i Ordinance 07-99 which requires analyses for five, 10, and 20 year forecasts. Ordinance 07-99 also requires mitigation of adverse traffic effects before occupancy of a project is permitted. Proposed ‘O‘oma Beachside Village traffic mitigation measures are in accordance with forecasted conditions and ‘O‘oma Beachside Village LLC will comply with all laws and conditions regarding traffic impacts.

With ‘O‘oma Beachside Village construction anticipated to begin as early as 2011, full build-out is not expected to be completed until 2029. As discussed in the Draft EIS (Section 4.4), independent of any mitigation measures proposed specifically for ‘O‘oma Beachside Village, the State Department of Transportation and County of Hawai‘i both have many roadway improvements planned to meet the expected growth in the area, including the widening of Queen Ka‘ahumanu Highway from Henry Street to the airport and the development of an extensive roadway network mauka of the highway.

The State DOT is currently widening Queen Ka‘ahumanu Highway to a four-lane divided highway from Kailua to the Airport. Phase I of the expansion involves widening the highway from Henry Street to Kealakehe Parkway and is currently underway with completion anticipated in 2008. Phase II of the highway widening will be from Kealakehe Parkway to Keāhole Airport Road, with completion expected in 2011.

The new roadway network mauka of the highway would create more mauka-makai roadways between Queen Ka‘ahumanu Highway and Māmalahoa Highway and create more north-south roadways between and parallel to these two existing highways.

In addition, ‘O‘oma Beachside Village will be part of the regional solution to address congestion and improve traffic circulation on Queen Ka‘ahumanu Highway by working cooperatively with the State, County, and adjoining landowners to plan and develop a Frontage Road makai of, and parallel to, Queen Ka‘ahumanu Highway.

Clyde Nāmu‘o

SUBJECT: ‘O‘OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 6 of 8

Housing

In response to your comment regarding proposed projects in the State Agricultural and Conservation Districts, Section 4.10.2 (Housing) in the Final EIS will be revised as shown on the attachment titled “Housing” and Section 7.2 (Cumulative and Secondary Impacts) will be revised as shown on the attachment titled, “Cumulative and Secondary Impacts.”

Regarding your requests pertaining to gap group, workforce, and market housing pricing, the information already provided the Draft EIS (see Section 4.10.2 (Housing)), which presents various price ranges in terms of the ability of households earning a range of incomes to be able to afford a home, represents the most accurate information that can be provided at this time. ‘O‘oma Beachside Village, LLC will comply with County of Hawai‘i affordable housing requirements and the pricing of such units will be in compliance with applicable State and County regulations.

In response to your request to define the terms “gap group” and “workforce housing,” Section 4.10.2 (Housing) in the Final EIS will be revised as shown on the attachment titled: “Housing.”

Schools

The school site is intended to be used for a private or charter school, and therefore, the size of the school site is not based on any standard established for public schools.

Representatives from ‘O‘oma Beachside Village have had several meetings with the Department of Education (DOE). Currently, ‘O‘oma Beachside Village, LLC is working with the DOE on an agreement to address the means by which ‘O‘oma Beachside Village will fulfill its obligations with respect to school impact fees.

Alternatives

In response to your comment, in the Final EIS Chapter 6 (Alternatives to the Proposed Action) will be revised to include a new section as follows:

6.5 MORE AFFORDABLE, GAP GROUP, AND WORKFORCE HOUSING ALTERNATIVE

Similar to the residential lot subdivision alternative, another alternative could be to develop the Property along the lines of a more conventional subdivision with more affordable, gap group, and workforce housing. The potential benefit of this alternative is that it would address the need for more affordable and moderate-rate housing in West Hawai‘i. This alternative would still require reclassification of a portion of the Property from the current State Conservation District to the State Urban District as well as County residential zoning.

‘O‘oma Beachside Village already responds to the demand for housing in the North Kona/South Kohala area by providing a broad spectrum of housing opportunities. ‘O‘oma Beachside Village’s range of housing will include affordable housing in accordance with the County’s affordable housing requirements) and will also include gap group and workforce housing, defined as homes priced for households earning 150 percent to 220 percent of the median income. This inclusionary design provides for a community with social diversity, a mix of ages, and a range of life experiences. In addition, the market assessment prepared for the current ‘O‘oma Beachside Village master plan concludes that there is demand for all the currently proposed housing price levels within ‘O‘oma Beachside Village.

Clyde Nāmu‘o

SUBJECT: ‘O‘OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 7 of 8

However, different master plans could be designed that could result in the provision of more affordable, gap group, and workforce housing. To subsidize the added cost of additional affordable, gap group, and workforce housing options, it is likely that more market housing would be required, resulting in a higher density project. The amount of neighborhood “village” commercial uses may also need to be reduced to accommodate more residential units, resulting in a more conventional type subdivision.

Depending on the density and design capacity, additional affordable, gap group, and workforce housing may result in a more segregated community (by income) with different environmental impacts. For example, a higher density project that increased the residential unit count from what is currently proposed could keep the same buildable area (a positive benefit) as currently proposed, but result in a community more defined by home price with increased visual impacts (appearance of the site changing from moderate density traditional neighborhood designed community to a higher density development with more stories for the residential buildings and/or smaller lots). A higher density project would also result in increased traffic and infrastructure demands (increased water demand, wastewater generated, and solid waste produced). Implementation of this alternative would result in increased construction-related impacts (such as construction noise, construction equipment exhaust emissions, temporary traffic disruption, fugitive dust and soil erosion).

A higher density project could also be accomplished by reducing open space on the Property from what is currently proposed (currently approximately one-third of the Property is proposed to be open space). This would reduce park, recreation, and preserve areas and could result in decreased quality of life for residents and increased impermeable surfaces and increased runoff. Reducing open space would also not avoid increased traffic and infrastructure demands (increased water demand, wastewater generated, and solid waste produced).

As currently proposed, ‘O‘oma Beachside Village’s inclusionary traditional neighborhood design contributes to a high quality of life. The community will include a broad mix of residential price ranges, commercial and public uses, parks, and open space, a neighborhood school, biking and walking paths, a town center, pedestrian-friendly streets, and public civic spaces. These components combine to form a community that encourages residents to build relationships with each other, rely less on cars for transportation, walk and bicycle more often, enjoy outdoor surroundings, and actively engage in civic life.

As discussed in Section 2.2.1 (Statement of Objectives), the information gathered from community meetings and consultations indicates that ‘O‘oma Beachside Village should include mixed uses, where commercial and residential use come together to create a working sustainable community. As currently proposed, ‘O‘oma Beachside Village offers traditional neighborhood design, with stores and services as an integral part of the community. This design will help to minimize car trips onto Queen Ka‘ahumanu Highway since many establishments providing for residents’ day-to-day needs will be within walking and biking distance. Therefore, unlike a conventional subdivision, ‘O‘oma Beachside Village is designed to be a self-contained, walkable community with an array of services and facilities to enable residents to meet many of their daily needs without using car.

Because the alternative of a higher density project with more affordable, gap group, and workforce housing is contrary to the objectives of ‘O‘oma Beachside Village, this alternative was rejected. In addition, implementation of this alternative could result in increased infrastructure demands (water, wastewater flows, solid waste disposal); 2) traffic impacts; and 3) short-term construction-related impacts (such as construction noise, construction equipment exhaust emissions, temporary traffic disruption, and fugitive dust).

Clyde Nāmu‘o
SUBJECT: ‘O‘OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT
December 10, 2008
Page 8 of 8

Summary

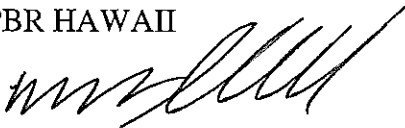
Regarding your request for an amended Draft EIS, as stated at the beginning of this letter, the Draft EIS and the subsequent Final EIS are, and will be, prepared in conformance with State of Hawai‘i EIS laws (Chapter 343, Hawai‘i Revised Statutes (HRS) and rules (Title 11, Chapter 200, Hawai‘i Administrative Rules (HAR)). The EIS laws and rules provide for the preparation of a Draft EIS, a review process, and the preparation of a Final EIS. Per the EIS rules, the Final EIS will incorporate substantive comments received during the review process, including your comments and our responses to your comments.

With this letter, we have sought to address your stated concerns and we will proceed with preparing a Final EIS incorporating your comments and our responses. The accepting authority, the State Land Use Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

Attachments:

- Groundwater Resources
- Nearshore Marine Environment
- Housing
- Cumulative and Secondary Impacts

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, ‘O‘oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP



UNIVERSITY
of HAWAII
MĀNOA

July 07, 2008
RE: 0780

Mr. Tom Schnell
PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell:

Draft Environmental Impact Statement
O'oma Beachside Village
Kaleko, North Kona, Hawai'i

The proposed O'oma Beachside development will be a mixed-use community in North Kona, situated along the coast makai of Queen Ka'ahumanu Highway. O'oma is expected to provide 950 to 1,200 homes spread out among workforce, "live-work" units, affordable homes, gap group, and single-family home lots. Two mixed-use villages will contain businesses and commercial services within walking distance. O'oma's supporting infrastructure will likely include a water system, wastewater treatment plant, and a charter school site. Approximately one-third of the village will consist of landscaped areas, parks, and preserves. Included among the open space is a fifty-seven acre coastal preserve and an eighteen acre public shoreline park. Development will be restricted to at least 1,100 feet from the shoreline. Positive impacts of the proposed action include the provision of affordable housing near Kailua-Kona, the preservation of a large tract of empty space, and archaeological/cultural resource protection.

This review was conducted with the assistance of Sara Peck, UH Sea Grant; and Ryan Riddle, Environmental Center.

General Comments

We were pleased to read of all the energy and water saving features that are being considered for this development. We only hope that they are implemented when the development is completed.

In addition to our general comments, we also have several specific comments.

July 7, 2008
Page 2

Open Space (p. 23)

In the subsection on Community and Neighborhood Parks, the acreage of the centrally located community park is omitted.

Leadership in Energy and Environmental Design (LEED) (p. 27)

The discussion of the LEED's rating system was interesting and instructive. One wonders though if the proposed O'oma Beachside Village will have homes built to LEED standards. We are especially interested in whether this development will follow preliminary LEED Neighborhood Development (LEEDND) standards under consideration by the US Green Building Council (USGBC). It is our understanding that one of the pilot projects being used by the USGBC is a development on Oahu for which PBR is the lead consultant.

Hurricane (p. 33)

There were a number of hurricanes that have come close to the islands besides the two most recent ones that actually made land fall. It would be helpful to include a map of the hurricanes that have been tracked by the National Weather Service and other entities. Such a map is available in the draft environmental impact statement for the Expansion of the Waimanalo Landfill on page p. 5-32. This map was made from data available at the University of Hawaii School of Ocean and Earth Science and Technology.

Feedwater Supply, Desalination, and Concentrate Disposal (p. 36)

Concentrations of salt and other particles in the water are usually stated in part per thousand or ppt (or parts per million or ppm for smaller concentrations). In this section salinity is stated as a percentage. It is difficult to judge the relative amount of salt in the water when expressed as a percentage. It is expressed as parts per thousands on page 16 in Appendix A, the report prepared by Tom Nance Water Resource Engineering.

Percolation of Excess Irrigation Water (pp.36-37)

At the top of page 37, concentrations are reported as micromoles not as microns.

Marine Environment (pp. 41-42)

Since part of this project is on ocean front land, we were wondering if sea level rise was considered in the analysis of the marine environment. Are there any potential impacts to the project if sea level were to rise one or two meters in the next 40 years?

July 7, 2008
Page 3

Identified Sites (pp. 48-49)

It would be useful to include a map in the body of the text with which the reader could associate the location of the archaeological sites with the proposed construction.

Trails and Access (pp. 62-63)

Wording in this section makes it sound as if the Ala Kahakai National Historic Trail is already in existence within the project area. Paragraph four on page 62, and the first paragraph on page 63, lead the reader to this impression. This impression is misleading and contradicts the impression given in the third paragraph of page 63.

Potential Impacts and Mitigation Measures (p. 63)

In regard to public beach access, page 63 reads "The 18 acres along the shoreline designated as a public shoreline park will be an extension of the beach parks planned at The Shores of Kohanaiki and NELHA. The shoreline park will include parking, a comfort station, and a community pavilion." O'oma's Conceptual Master Plan (detailed in Figure 1) seems to indicate that the public parking/beach access point will be via a road just south of O'oma's property line, which then winds south into Shores of Kohanaiki property. Where do you anticipate that this road will terminate - onto the Frontage Road, or Queen Ka'ahumanu?

Potential Impacts and Mitigation Measures (pp. 66-70)

For purposes of clarity, it would be helpful to have a chart detailing the projected levels of service for each of the study intersections. In current form, it is difficult to comparatively analyze the current and future (2015, 2020, 2029) designations and their acceptability. The inclusion of tables would improve the comprehension of the existing text.

On page 67, in the first full paragraph at the top of the page, the Draft EIS states that the O'oma Beachside Village, LLC will work with State and County agencies to pursue regional transit options. Is there any transit now in existence for this area? How likely is it that there will be a regional transit option on this part of the island if one does not now exist?

Ka'imianani Drive (p. 67)

We are not sure of the numbers in this section. As stated in this section, traffic is expected to increase by 1.3 percent from 2015 to 2020 which represents a 4.83 percent annual growth rate during that time period. Wouldn't an annual growth rate of close to 5 percent per year lead to an overall growth rate of greater than 1.3 percent?

July 7, 2008
Page 4

Aircraft Noise (pp. 74-75)

Figures 18, 19, and 20 estimate widening DNL noise contours with respect to Kona International Airport for the years 2013 and 2030, yet there is no discussion in the text for the reasons. Should we assume that this is solely due to increasing air traffic at the airport? Are there no plans for runway extension or modification in the foreseeable future? What are the existing figures for daily average takeoffs and landings? What are the projected figures for 2013 and 2030?

Visual Analysis Figure 21 (between pp. 78-79)

In A-A and B-B sections, the R.O.W. is titled as "R.O.W. of Mamalahoa Highway." Did you mean R.O.W. of Queen Ka'ahumanu Highway? Additionally, in B-B Section, the undisturbed highway buffer is indicated as +/- 50 ft., while in A-A Section, the buffer is listed as +/- 150. Under the B-B Section scenario, the building setback would not meet the 500-foot setback stated on page 78, "O'oma Beachside Village will not be visible from Queen Ka'ahumanu Highway because of . . . the significant highway right-of-way area and buffer area between the Highway and the first O'oma Beachside Village buildings (over 500 feet)."

Desalination Process (p. 80)

Desalination is a very energy intensive process. The cost of desalination is usually more costly than developing well water. If water is available from the Keahou Aquifer system then why is there a consideration of using desalination?

Solid Waste (p. 84)

Is the figure of 47 years given for the Pu'uana'hulu landfill indicative of current conditions, or is it inclusive of current *and* projected future conditions?

Neighborhood Commercial Uses (p. 91)

What type of commercial and retail uses are envisioned for the O'oma Beachside Villages?

Potential Impacts and Mitigation Measures (p. 93)

What will stop second home buyers from purchasing available units in this development? Since this development is aimed at satisfying demand at the local level, what have the developers put in place to make sure that the units are sold mainly to area residents?

July 7, 2008
Page 5

Alternatives to the Proposed Action (pp. 182-184)

In Section 5.2.3 (pp. 168-179), the DEIS details in-depth, O'oma's conformance to the Kona Community Development Plan. In this section, this same information is repeated in great depth. In the interest of brevity, this section could be condensed, and the reader could be referred to Section 5.2.3.

Appendix A Ground Water Quality Assessment

On page 15 of Appendix A, it is reported that the estimated potable water consumption will be 0.693 mgd and that the waste water is estimated at 0.479 mgd. This is a difference of more than 0.2 mgd between consumption and waste, why is the difference so great?

On page 16 of Appendix A the nitrogen and phosphate concentrations are given as 300 and 100 μ M. How was the mass of potassium and nitrogen derived?

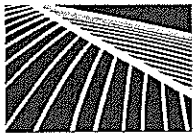
Thank you for the opportunity to review this Draft EIS.

Sincerely,



Peter Rappa
Environmental Review Coordinator

cc: OEQC
Dan Davidson, State of Hawaii LUC
Sara Peck
James Moncur, WRRC
Ryan Riddle



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wih Pa Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Mr. Peter Rappa
University of Hawai'i
Environmental Center
2500 Dole Street, Krauss Annex 19
Honolulu, Hawai'i 96822

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Mr. Rappa:

Thank you for your fax letter dated July 7, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments. The organization of this letter follows the headings of your letter.

Open Space (p. 23)

To correct this oversight, in the Final EIS Section 2.3.4 (Open Space) will be revised as follows:

Community and Neighborhood Parks – The centrally located community park of approximately seven acres will include recreational facilities such as a soccer field and restrooms. Smaller, neighborhood pocket parks will be dispersed throughout 'O'oma Beachside Village, and connected by the community trail system. Pedestrian trails and paths will make these green spaces accessible for residents to enjoy, and add a layer of interconnectivity within the community. The neighborhood parks total approximately five acres.

Leadership in Energy and Environmental Design (LEED) (p. 27)

Regarding your question about LEED standards, in the Final EIS Section 2.5 (Environmentally-Responsible Planning and Design) will be revised to include the following statement:

In the design and construction of 'O'oma Beachside Village, 'O'oma Beachside Village, LLC will implement feasible measures to promote energy conservation and environmental stewardship, such as the standards and guidelines promulgated by the U.S. Green Building Council, the United States Environmental Protection Agency (EPA) ENERGY STAR Program, or other similar programs.

Section 2.5.2 (Leadership in Energy and Environmental Design (LEED)) of the Draft EIS discusses the LEED-ND pilot program. We note that the pilot program is no longer accepting projects. To include this information, as well as additional information regarding LEED, in the Final EIS, in the Final EIS Section 2.5.2 (Leadership in Energy and Environmental Design (LEED)) will be revised as shown in the attachment titled: "Leadership in Energy and Environmental Design (LEED)."

Mr. Peter Rappa

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 2 of 7

Hurricane (p. 33)

Section 3.4 (Natural Hazards) of the Draft EIS discusses natural hazards, including hurricanes and notes that the occurrence of natural disasters cannot be predicted. Since hurricanes are acknowledged to occur in Hawaii but cannot be predicted, we do not see that including in the EIS a map of hurricanes that have been tracked by the National Weather Service and other entities would be helpful, as this would not provide any information to predict the likelihood of a hurricane impacting 'O'oma Beachside Village in the future.

Feedwater Supply, Desalination, and Concentrate Disposal (p. 33)

To correct this error, in the Final EIS Section 3.5.1 (Groundwater Resources) will be revised as follows:

Through the desalination process approximately 40 to 45 percent of the feedwater will become usable water (potable and non-potable). Approximately 55 to 60 percent of the feedwater would become hypersaline concentrate that will be disposed of in on-site or off-site wells. Two disposal wells would be used, each providing full back up capacity for the other. The wells will deliver the concentrate into the saltwater zone below the basal lens. Tentatively, the wells would be designed to deliver the concentrate to between 200 and 250 feet below sea level. The concentrate would have a salinity of approximately 60 (ppt) percent, which is substantially denser than either open coastal seawater (salinity of 35 ppt percent) or saline groundwater (salinity of 33-35 ppt percent).

Percolation of Excess Irrigation Water (p. 36)

To correct this error, in the Final EIS Section 3.5.1 (Groundwater Resources) will be revised as follows:

Percolation of Excess Irrigation Water – 'O'oma Beachside Village will include irrigated landscaped areas. Sources of irrigation water will include the desalinated water and R-1 water recovered from the on-site wastewater treatment plant. The desalinated water would have negligible nutrient levels. The R-1 water would contain nitrogen and phosphorus in concentrations assumed to be 300 and 100 µM (micromoles microns), respectively. It is assumed that approximately 15 percent of irrigation water will percolate downward into the underlying basal lens.

Marine Environment (pp. 41-42)

There should be no significant impact to 'O'oma Beachside Village if sea level were to rise one or two meters in the next 40 years. As shown on the conceptual master plan (Figure 1) and discussed in numerous places throughout the Draft EIS, 'O'oma Beachside Village will be set back at least 1,000 feet from the shoreline. The open space between the shoreline and the built environment includes a 57-acre coastal preserve and an 18-acre public shoreline park. The lowest elevation of any habitable structures within 'O'oma Beachside Village will be at the southwest corner of the Makai Village area, which is at a current elevation of 20 feet mean sea level.

Therefore if sea level were to rise two meters in the next 40 years, the open space between the shoreline and built environment may be reduced, but there would still be a significant distance between the shoreline and the built environment.

Mr. Peter Rappa
SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT
December 10, 2008
Page 3 of 7

To reflect the relevant above information in the Final EIS, Section 3.5.2 (Nearshore Marine Environment) in the Final EIS will be revised to include the following:

There should be no significant impact to 'O'oma Beachside Village if sea level were to rise one or two meters in the next 40 years. 'O'oma Beachside Village will be set back at least 1,000 feet from the shoreline. The open space between the shoreline the built environment will include a 57-acre coastal preserve and an 18-acre public shoreline park. The lowest elevation of any habitable structures within 'O'oma Beachside Village will be at the southwest corner of the Makai Village area, which is at a current elevation of 20 feet mean sea level.

Therefore if sea level were to rise two meters in the next 40 years, the open space between the shoreline and built environment may be reduced, but there would still be a significant distance between the shoreline and the built environment and no habitable structures would be impacted.

Identified Sites (pp. 48-49)

The archaeological inventory survey, included as Appendix E of the Draft EIS, includes a map of the identified archaeological sites.

Trails and Access (pp. 62-63)

We regret that you found the information in Section 4.3 (Trails and Access) regarding the Ala Kahakai National Historic Trail System misleading and contradictory. To clarify, in the Final EIS Section 4.3 (Trails and Access) will be revised as follows:

Two trails run through the Property: the historic Māmalahoa Trail and a shoreline trail, which is proposed to be part of the Ala Kahakai National Historic Trail System. Historic trails, such as the Māmalahoa Trail, were, and still remain important features of the cultural landscape. "Ancient" trail construction methods included the making of worn paths on pāhoehoe or 'a'ā lava surfaces, curbstone and coral-cobble lined trails, or cobble stepping stone pavements, and trails across sandy shores and dry rocky soils (Maly & Maly 2003).

The Māmalahoa Trail runs a roughly north-south course through the mauka third of the Property. This historic linear trail extends from Kailua-Kona north about seven miles to the 1801 lava flow near Keāhole Point in Kawaihae. Historical records indicate that the Māmalahoa Trail was constructed through the 'O'oma area in 1847 at the order of Kamehameha III. This trail or government roadway, was built to meet the needs of changing transportation in the Hawaiian Kingdom, and in many places it overlays the older near shore ala loa (ancient foot trail that encircled the island). Up until this point, residents built trails that typically ran mauka to makai (mountain to ocean) in the ahupua'a or village settlement to transfer goods and communicate with family and friends. When ahupua'a increased in numbers, coastal lateral trails were quickly incorporated into the trail system. The Māmalahoa Trail is a straight, curbed, cut and fill path that was built by labor forces conscripted by the island governors to transport food and other goods to the neighboring ahupua'a and the harbor of Kailua-Kona as well as a major route along the west side of the island (Rechtman 2007).

The Ala Kahakai National Historic Trail System was established by an act of the U.S. Congress in 2000, and is managed by the National Park Service. This 175-mile corridor extends from 'Upolu Point on the north tip of the island, along the west coast around Ka Lae and to the eastern boundary of Hawai'i Volcanoes National Park. The designated corridor of the Ala Kahakai National Historic Trail falls within the Property.

Mr. Peter Rappa

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 4 of 7

POTENTIAL IMPACTS AND MITIGATION MEASURES

'O'oma Beachside Village will make the Property more accessible relative to the current limited access. In addition to improved roadways, a secondary circulation system of linked pedestrian/bike trails will provide options for traveling through the community, including accessing the shoreline. The community trail system will connect residential areas to the neighborhood pocket parks, the community park and facilities, the mixed-use villages, and the mauka-makai shoreline access trail.

'O'oma Beachside Village will enhance public access to the coastline. The 18 acres along the shoreline designated as a public shoreline park will be an extension of the beach parks planned at The Shores at Kohanaiki and NELHA. The shoreline park will include parking, a comfort station, and a community pavilion. In addition, the existing shoreline trail Ala Kahakai National Historic Trail corridor is proposed to run within this the public shoreline park area is proposed to become part of the Ala Kahakai National Historic Trail corridor.

Potential Impacts and Mitigation Measures (p. 63)

Because access to Queen Ka'ahumanu Highway is limited by the State Department of Transportation, it is anticipated that the beach access road will connect with the proposed frontage road.

Potential Impacts and Mitigation Measures (pp. 66-70)

The traffic impact analysis report, included as Appendix G of the Draft EIS, includes level of service tables. We do not agree that inclusion of technical traffic engineering details (such as level of service tables) in the body of the EIS text would enhance clarity. The EIS text is written as a summary of the technical reports contained as appendices and is meant to communicate technical engineering concepts in a non-technical way.

The County of Hawaii provides free island-wide bus service on scheduled routes, including in the Kona area.

As discussed throughout the Draft EIS, 'O'oma Beachside Village is consistent and in alignment with the Kona Community Development Plan (Kona CDP) objectives of encouraging Traditional Neighborhood Design (TND) and Transit Oriented Developments (TOD). The Kona CDP seeks to promote transit-oriented and pedestrian-oriented development and to increase transit use to manage traffic congestion. During the Kona CDP meetings, one of the key issues brought up was transportation strategies, which included the implementation of mass transit, multi-modal transportation, and transit-oriented design. 'O'oma Beachside Village has been designed to embody the principles of the Kona CDP and therefore, 'O'oma Beachside Village, LLC is committed to work with State and County agencies to pursue regional transit options and exploring the designation of a transit station within 'O'oma Beachside Village.

Ka'iminani Drive (p. 67)

As stated on page 67 of the Draft EIS: "By 2020, traffic is expected to increase by 1.3 percent over the 2015 projections, which represents a 4.83 percent annual growth rate." In other words, between 2015 and 2020, traffic is expected to increase 1.3 percent compared with the 2015 projections; a 1.3 percent increase compared to 2015 projections represents an 4.83 percent annual growth rate for the years between 2015 and 2020.

Aircraft Noise (pp. 74-75)

Projections of increases of airport noise for the years 2013 and 2030 were developed using operational forecasts, existing aircraft flight tracks for the existing runway and assumed flight tracks for a proposed new runway. To include this information in the Final EIS, in the Final EIS Section 4.6.2 (Aircraft Noise) will be revised as follows:

Projections of increases of airport noise for the years 2013 and 2030 were developed using operational forecasts, existing aircraft flight tracks for the existing runway and assumed flight tracks for a proposed new runway. Potential noise impacts from additional military operations at the Airport were also investigated. Figure 19 20 shows the 2013 estimated aircraft noise contours over the Property and Figure 20 21 shows the 2030 estimated aircraft noise contours over the Property

The Kona International Airport at Keahole (KOA) Master Plan (<http://www.kona-airport.com/downloads/KOA%20MP%20chpt%205.pdf>) discusses a possible runway extension and a proposed new runway. Figures for existing and projected daily average takeoffs and landings are referenced in the acoustic study provided in the Draft EIS (Appendix H). These factors were taken into consideration in developing the projected airport noise contours in the Draft EIS.

Visual Analysis Figure 21 (between pp. 78-79)

In response to your comment, in the Final EIS, Visual Analysis Figure will be revised as shown on the attachment titled "Figure 22."

Desalination Process (p. 80)

While the Keauhou Aquifer may have the capacity for additional pumping, this groundwater is not immediately available to the 'O'oma Beachside Village property for various reasons, including a lack of infrastructure to pump the water and transport it to the property. As stated in Section 4.9.1 (Water System) of the Draft EIS a desalination plant is the preferred alternative for water for 'O'oma Beachside Village. Desalination is self-sufficient and environmentally sound, as it will not negatively impact the basal lens or nearshore water quality.

Solid Waste (p. 84)

The figure of 47 years is a projection from the County of Hawai'i. The document cited, County of Hawai'i Mayor's Office. 2008. *Public Information - Waste Reduction Proposal* [Brochure], states: "The West Hawaii landfill meets all of the current EPA requirements for landfills, and has an anticipated remaining life of 47 years."

Mr. Peter Rappa
SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT
December 10, 2008
Page 6 of 7

Neighborhood Commercial Uses (p. 91)

As stated in Section 2.3 ('O'oma Beachside Village Description) of the Draft EIS: "A main objective of planning for the Mauka Mixed-use Village is to provide convenient commercial and business services to support the overall 'O'oma Beachside Village community and thus reduce the number of car trips to Kailua-Kona."

As further explained in Section 4.10.3 (Neighborhood Commercial Uses) of the Draft EIS: "'O'oma Beachside Village Description will be a complete community with neighborhood shops, a small grocery store, restaurants, offices, and other businesses."

Potential Impacts and Mitigation Measures (p.93)

'O'oma Beachside Village will be marketed to local residents; however, it is not legal to discriminate regarding who may be allowed to purchase a property within Hawai'i. Because 'O'oma Beachside Village is not designed as resort, it may not be as desirable to second home buyers seeking a vacation home.

Alternatives to the Proposed Action (pp. 182-184)

We acknowledge your comment; however, because 'O'oma Beachside Village has been designed to embody the principles of the Kona CDP, we find it important to reiterate 'O'oma Beachside Village's conformance with the Kona CDP.

Appendix A Ground Water Quality Assessment

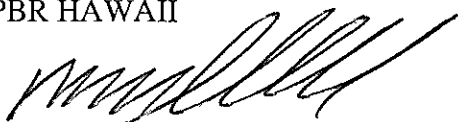
As stated on page 15 of the Ground Water Quality Assessment (Appendix A), estimated average potable water consumption (0.693 MGD) has been adjusted above County design standard rates. This was done to provide a conservative estimate of potable water demand.

As also stated on page 15 of the Ground Water Quality Assessment (Appendix A), the wastewater generation (0.479 MGD) is based on County design standards and the assumption of year-round full occupancy.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

Mr. Peter Rappa

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT

December 10, 2008

Page 7 of 7

Attachments:

Leadership in Energy and Environmental Design (LEED)

Figure 22

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

2309.03 UH E Center



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, HONOLULU
BUILDING 223
FORT SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF: CEPOH-EC-T

May 27, 2008

Civil Works Technical Branch

Mr. Tom Schnell
PBR Hawaii
1001 Bishop Street, Suite 650
Honolulu, Hawaii 96813

Dear Mr. Schnell:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS) for the Ooma Beachside Village, Kaloko, Island of Hawaii (TMK 7-3-9: 4, 22, por. 3). The flood zone designations provided on page 33 of the DEIS is correct.

The DEIS has been forwarded to our Regulatory Branch to determine Department of the Army permit requirements. They will respond to your office under separate cover. Should you require additional information, please call Ms. Jessie Dobinchick of my staff at 438-8876.

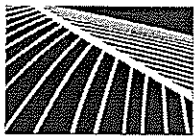
Sincerely,

A handwritten signature in cursive script that reads "James Pennaz".

James Pennaz, P.E.
Chief, Civil Works Technical Branch

Copies Furnished:
State Land Use Commission
PO Box 2359
Honolulu, Hawaii 96804

Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813



PBR HAWAII
& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

James Pennaz
Attn: CEPOH-EC-T
Department of the Army
U.S. Army Engineering District, Honolulu
Building 223
Fort Shafter, Hawai'i 96858-5440

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL
IMPACT STATEMENT**

Dear Mr. Pennaz:

Thank you for your letter dated May 27, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we acknowledge your confirmation that the flood zone designations provided on page 33 of the Draft EIS are correct.

Thank you for sending the Draft EIS to your Regulatory Branch to determine Department of Army requirements. As of the date of this letter the Regulatory Branch has not responded.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

2309.03 US Army



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850

In Reply Refer To:
2008-TA-0222

JUL 11 2008

Mr. Tom Schnell
Senior Associate, PBR Hawaii
1001 Bishop Street
ASB Tower Suite 650
Honolulu, Hawaii 96813

Subject: Draft Environmental Impact Statement for Ooma Beachside Village, North Kona,
Island of Hawaii

Dear Mr. Schnell:

The U. S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Statement (DEIS) for the Ooma Beachside Village project located north of Kailua-Kona on the island of Hawaii. We received a disk containing the DEIS on May 22, 2008, but at a later date we determined the enclosed disk was blank. We appreciate you extending the comment period until July 11, 2008, to allow us additional time for review and comment. At build-out, this master planned community will have between 950 to 1,250 single-family and multi-family residences, community services and supporting infrastructure. This project will be located on 302 acres of land that is currently undeveloped. The total potable water demand at full build-out is estimated to be 0.694 million gallons per day (Mgd). We have reviewed the project information you provided and pertinent information in our files, including data compiled by the Hawaii Biodiversity and Mapping Program and the Hawaii GAP Program. We recommend you address potential project impacts to the sensitive and listed species and native ecosystems discussed below and include measures to minimize adverse impacts to these resources in your Final Environmental Impact Statement (FEIS).

- Hawaiian hoary bats (*Lasiurus cinereus semotus*) roost in both exotic and native woody vegetation and leave their young unattended in “nursery” trees and shrubs when they forage. If trees or shrubs suitable for bat roosting are cleared during the bat breeding season (April to August) there is a risk that young bats could inadvertently be harmed or killed. Page 44 of the DEIS states “The endangered Hawaiian hoary bat was also not recorded on the evening search using an ultrasound detector.” We recommend more thorough bat surveys be conducted in areas where trees or shrubs will be cleared. Although no bats were detected by ultrasound detector on the evening of the survey, bats could potentially use the site at other times of the year because bats migrate seasonally across the island of Hawaii. In addition, echolocation and radar surveys are a preferred

TAKE PRIDE®
IN AMERICA 

alternative to ultrasound for bat detection. Please contact our office for descriptions of appropriate bat survey techniques. If bats occur on the property, then we will help you to develop avoidance and minimization measures so that your project will be in compliance with the Endangered Species Act of 1973, as amended. To avoid impacts to the endangered Hawaiian hoary bat, clearing of woody vegetation could be scheduled for September through March, outside the bat breeding season.

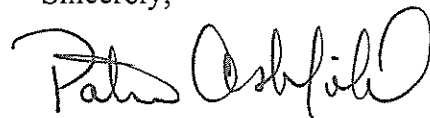
- The endangered Blackburn's sphinx moth (*Manduca blackburni*) has been observed in the vicinity of the proposed project. Adult moths feed on nectar from beach morning glory (*Ipomea pescaprea*), a species documented at the proposed project site and the moth larvae are known to feed on the native plant, pilo (*Capparis sandwichiana*) also documented onsite. In addition, the introduced tree tobacco (*Nicotiana glauca*) is a host plant for the Blackburn sphinx moth and may be growing on the project site. We recommend you survey pilo, beach morning glory, and if present, tree tobacco for the presence of Blackburn sphinx moth. Please contact our office for appropriate survey methodologies.
- At build-out, this proposed project could potentially impact the Keauhou aquifer. The Service is concerned that the long-term demand for water from the Keauhou aquifer system would exceed the aquifer's sustainable yield and result in increased salinity of wetlands, fishponds, anchialine pools, and coastal waters in the Kaloko-Honokahau National Park. Three candidate species for listing, including two shrimp (*Metabetaeus lohena* and *Palaemonella burnsi*), and a damselfly (*Megalagrion xanthomelas*), and the endangered Hawaiian stilt (*Himantopus mexicanus knudseni*) and Hawaiian coot (*Fulica alai*), depend on these aquatic ecosystems and may be adversely impacted by increases in salinity. The Service has identified Kaloko-Honokahau National Park as core wetland in the Draft Revised Recovery Plan for Hawaiian waterbirds (2005). The cumulative impacts of development in the area surrounding the Park is an issue of concern for the Service. The increased demand for water in the area surrounding the Park has the potential to affect listed species and native ecosystems. The Service is in receipt of a letter sent to Mr. Dennis Moresco, of Ooma Beachside Village, LLC, dated July 3, 2008, from Geraldine K. Bell, Superintendent of Kaloko-Honokohau National Historical Park, which addresses the Park's concerns regarding these potential project-related impacts to the Keauhou aquifer. The Service agrees with the concerns and recommendations identified in Superintendent Bell's letter.
- This proposed development will lead to an increase in impervious surfaces and an associated increase in stormwater runoff in the project area. This may lead to an increase in non-point source pollution. These increases in stormwater runoff and non-point source pollution may decrease the water quality of the wetlands, fishponds, anchialine pools, and coastal waters in the vicinity of this proposed project. As stated above, the Service is in receipt of a letter to the developer from National Park Superintendent Geraldine K. Bell, dated July 3, 2008. We concur with Superintendent Bell's concerns and recommendations in regard to stormwater and other non-point source pollution issues including the recommended use of treated wastewater for irrigation and recommended restrictions on the use of termiticides.

- The Service supports your intention to use native plants for landscaping purposes in this proposed project. Hawaii's native ecosystems are being heavily impacted by exotic invasive plants. Whenever possible we recommend using native plants for landscaping purposes. If native plants do not meet your landscaping objectives, we recommend that you choose species that are thought to have a low risk of becoming invasive. The following websites would be good resources to use when choosing landscaping plants: Pacific Island Ecosystems at Risk (<http://www.hear.org/Pier/>), Hawaii-Pacific Weed Risk Assessment (http://www.botany.hawaii.edu/faculty/daehler/wra/full_table.asp) and Global Compendium of Weeds (www.hear.org/gcw).
- Two anchialine ponds have been identified on the site of the proposed project. The DEIS describes one anchialine pond as "pristine in nature" and the other is described as "senescent". The Service recommends the "pristine" anchialine pond be protected and the "senescent" anchialine pond be restored through vegetation management. Anchialine ponds are unique ecosystem and they are disappearing in the State of Hawaii as housing developments, resorts and roads fill in the ponds. As these ponds become more accessible to the public, exotic fish are often introduced resulting in the eventual degradation of these ecosystems for the native shrimp and insect species. The Service recommends developing a long-term management plan for the anchialine ponds located within proposed project. The Service also recommends installing signage informing the public about these unique and fragile ecosystems.
- Page 42 of the DEIS states "Ooma Beachside Village does not have any likelihood of changing the present situation with respect to [sea] turtles and Hawaiian monk seals. At present, the shoreline area is heavily used for recreational purposes, which is not likely to change. Any additional activity by people using the beach area as a result of the Ooma Beachside Village will not qualitatively change usage of the shoreline by humans and there are there are no physical factors that are likely to result in modification of seal behavior." The Service disagrees with the determination that developing this area to accommodate between 950 to 1,250 residences will not increase human activity along the beach and shoreline area. The FEIS should address the direct and indirect impacts associated with the increase in human activity to listed and sensitive species and habitats in the area and describe measures to avoid and minimize these impacts.
- Page 45 of the DEIS indicates sea turtles and Hawaiian monk (*Monachus schauinslandi*) seals may occasionally "haul out" on beaches within the proposed project. Green sea turtles (*Chelonia mydas*) and the endangered Hawksbill sea turtle (*Eretmochelys imbricate*) nest on beaches from May through September, peaking in June and July. Many factors affect the potential survival of these turtles, including the loss or destruction of nesting and basking beaches, predation, and other human activities. Optimal nesting habitat is a dark beach free of barriers that restrict their movement. We recommend shielding all outdoor lighting within the project area to reduce the impacts of lights to beach habitats within and adjacent to the project site. Effective light shields should be completely opaque, sufficiently large, and positioned so that light from the shielded source does not reach the beach. We recommend you contact National Marine Fisheries Service regarding potential impacts to monk seals as this species is within their jurisdiction.

- To further minimize project impacts to listed species occurring in the project vicinity, we recommend prohibiting free movement of pets, discouraging the feeding of feral cats, predator control, public education to discourage the feeding of feral animals and installation of sturdy animal-proof garbage containers to prevent increases in the populations of house mice, rats, mongoose, and feral cats. These measures should also be incorporated into any Community Rules and Regulations instituted for the Ooma Beachside Villages.
- The proposed project is located on the dry leeward side of the island of Hawaii where wildland fires interdependent with the proposed project may affect listed upland species. The West Hawaii Wildfire Management Organization was formed to support efforts to coordinate development of area firebreaks, a system of fire suppression helicopter dip-sites, and fire prevention materials to minimize impacts of fires associated with increases in the West Hawaii population. We recommend you contact this organization for further information regarding your project and potential wildland fire issues.
- Kookoolau (*Bidens micrantha* ssp. *ctenophylla*), a rare endemic plant, is a candidate species for listing by the Service and is known to occur near the proposed project. Due to variability of precipitation in this area, we recommend additional surveys following prolonged wet periods to ensure this species is not present onsite. If kookoolau is found on the site, our office can assist in determining appropriate avoidance measures.

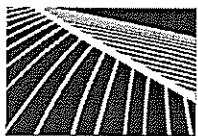
We appreciate the opportunity to participate in the environmental review process for this project. Please contact Dr. Jeff Zimpfer, Fish and Wildlife Biologist, Consultation and Technical Assistance Program (phone: 808-792-9431; fax: 808-792-9581) if you have any questions regarding our comments and recommendations.

Sincerely,



for Patrick Leonard
Field Supervisor

cc: State of Hawaii Department of Business, Economic Development & Tourism
Office of Environmental Quality Control
State of Hawaii Land Use Commission
National Park Service, Hawaii



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Mr. Patrick Leonard
U.S. Fish and Wildlife Service
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawai'i 96850

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Mr. Leonard:

Thank you for your letter dated July 11, 2008 (Reference: 2008-TA-0222) regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. **Hawaiian Hoary Bat.** As described in the Draft EIS and the botanical survey included as Appendix C of the Draft EIS, the vegetation of the upper portion of the property has a simple and fairly uniform structure. The substrate is a mixture of mostly pāhoehoe lava and some 'a'ā lava. Vegetation cover is dominated by scattered bunch grasses, with subdominant low shrubs and herbs. There are a few very widely scattered trees. The coastal area varies in vegetation cover from almost continuous blankets of herbs and grasses to low forests or parkland. It is dominated in biomass by the alien tree heliotrope (*Tournefortia argentea*), with the native naupaka (*Scaevola sericea*) and the aliens Christmas berry (*Schinus terebinthifolius*), noni, kiawe (*Prosopis pallida*), and koa haole (*Leucaena leucocephala*) also common.

This near-coastal and coastal environment does not present a typical habitat suitable for bat roosting. In addition, the built environment of 'O'oma will be set back at least 1,000 feet from the shoreline. This setback area will remain in open space comprised of a 57-acre coastal preserve and an 18-acre public shoreline park. Therefore, the coastal area where the most amounts of existing trees and shrubs occur will not be extensively cleared.

In addition to the 2006 biological survey, which did not record the presence of bats on the Property, bats also were not detected during a previous survey conducted in 2002.

Therefore, with two surveys not recording the presence of bats on the Property, combined with the lack of typical bat habitat, we do not have much evidence that would lead us to conclude that bats inhabit the Property. However, we acknowledge that bats have been seen along the Kona coast, so it is possible that they may occasionally forage on and around the Property. To mitigate any potential impact to bats, the clearing of woody vegetation can be scheduled for September through March, outside bat breeding season. Trees will also be searched for bats before cutting.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.7 (Fauna) will be revised as shown in the Attachment titled, "Fauna."

2. **Blackburn Sphinx Moth.** Steven Lee Montgomery, Ph.D., conducted an invertebrate survey of the 'O'oma Beachside Village property. The invertebrate survey did not identify any threatened or endangered invertebrate species, including the Blackburn sphinx moth. Neither the moth's solanaceous native host plant, 'aiea (*Nothocestrum* sp.), nor the best alien host, tree tobacco (*Nicotiana glauca*), was observed on the Property. No other solanaceous plants were found. *Capparis sandwichiana*, (maiapilo or pilo¹) reported to be a nectar plant for adult Blackburn sphinx moths, is known to be on the Property. *Ipomea pes-caprae* subsp. *brasiliensis* (pōhuehue or beach morning glory) also grows on the Property. However, no Blackburn sphinx moths were observed feeding on the blooming flowers of either plant over the course of the invertebrate survey.

The invertebrate survey report will be included as an appendix to the Final EIS. In addition, to reflect the relevant above information in the Final EIS, in the Final EIS Section 4.7 (Fauna) will be revised as shown in the Attachment titled, "Fauna."

3. **Keauhou Aquifer.** We note your concerns and those of the Kaloko-Honokōhau National Historic Park regarding groundwater withdrawals from the Keauhou Aquifer and perceived impacts to anchialine pools and coastal waters in the Kaloko-Honokōhau National Historic Park. We have responded to the letter dated July 3, 2008, from Geraldine Bell, Superintendent of the Kaloko-Honokōhau National Historic Park and have provided you with a copy.

As discussed in the Draft EIS, 'O'oma Beachside Village, LLC's preferred source for potable water for 'O'oma Beachside Village is a desalination plant. If a desalination plant proves unfeasible, 'O'oma Beachside Village will explore alternate sources of water including connection to the County of Hawai'i potable water system, partnership with private water system owners, or utilization of independent wells. In providing a source of potable water for 'O'oma Beachside Village, 'O'oma Beachside Village, LLC will comply with all laws and regulations. As necessary, 'O'oma Beachside Village, LLC will undertake additional research to assess the potential impacts and appropriate mitigation measures of the selected systems.

We note that the Commission on Water Resource Management (CWRM) application process for water use permits entails: 1) the preparation of an extensive application that include analysis of: a) the public interest; b) the rights of the Department of Hawaiian Home Lands; c) any interference with any existing legal uses; and d) alternatives; 2) a thorough public and agency review process; 3) public hearing(s); and 4) a formal decision from CWRM. Well construction/pump installation permits also have an extensive application process that includes thorough review. Therefore, in the event that a desalination plant proves unfeasible, there will be extensive analysis, review, and evaluation of potential impacts of any alternative potable water system.

Regarding candidate and endangered species you note, the one shrimp species (*Metabetaeus lohena*) has been identified in the anchialine pond within the 'O'oma Beachside Village property. However the additional shrimp you note (*Palaemonella burnsi*), as well as the damselfly (*Megalagrion xanthomels*) and Hawaiian stilt (*Himantopus mexicanus knudseni*) were not identified on the Property during the course of the invertebrate and avifaunal and feral mammal surveys.

4. **Non-point Source Pollution.** We note your concerns and those of the Kaloko-Honokōhau National Historic Park regarding non-point source pollution and perceived impacts to the water quality of the wetlands, fishponds, anchialine pools, and coastal waters in the vicinity of 'O'oma Beachside Village. We have responded to the letter dated July 3, 2008, from Geraldine Bell, Superintendent of the Kaloko-Honokōhau National Historic Park and have provided you with a copy.

The Ground Water Quality Assessment (Appendix A) and the Marine Water Quality Assessment (Appendix B) contained in the Draft EIS conclude that 'O'oma Beachside Village will not have

¹ The name *pilo* also is associated with the genus *Hedyotis*. *Hedyotis* is not associated with *Manudca* however.

Mr. Patrick Leonard

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 3 of 6

significant impacts to either groundwater or ocean water quality; however, 'O'oma Beachside Village, LLC seeks to come to agreement with the National Park Service on protective conditions concerning protection of water resources (storm and surface water runoff, pollution prevention, ground-water quality monitoring) for the 'O'oma Beachside Village property.

As stated in the Draft EIS, all drainage improvements will be developed in accordance with applicable State of Hawai'i Department of Health (DOH) and County of Hawai'i drainage requirements and standards. In addition, 'O'oma Beachside Village, LLC will comply with all laws and regulations regarding runoff and non-point source pollution. Additional protective conditions concerning protection of water resources may be implemented by agreement with the National Park Service.

To include the proposed additional protective conditions that may be implemented by agreement with the National Park Service, and which are beyond what are required by the State and County, in the Final EIS Section 4.9.3 (Drainage System) will be revised as shown on the attachment titled, "Drainage System" and Section 4.9.2 (Wastewater System) will be revised as shown on the attachment titled, "Wastewater System."

5. We are pleased the U.S. Fish and Wildlife Service supports 'O'oma Beachside Village, LLC's intention to use native plants for landscaping. Thank you for your website recommendations regarding landscaping plants. To include these recommendations within the Final EIS, Section 3.6 (Flora) will be revised to include the following information:

As recommended by the U.S. Fish and Wildlife Service, other plants that could be used for landscaping can be found on the following website resources:

- Pacific Island Ecosystems at Risk (<http://www.hear.org/Pier/>)
- Hawaii-Pacific Weed Risk Assessment (http://www.botany.hawaii.edu/faculty/daehler/wra/full_table.asp)
- Global Compendium of Weeds (www.hear.org/gcw)

6. **Anchialine Pond.** Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS discusses anchialine ponds observed on the 'O'oma Beachside Village property. It is noted that in 2008 a single pond was observed near the southern boundary. The pond was populated with numerous native herbivorous red shrimp or opae'ula (*Halocardina rubra*), and was devoid of alien fishes, indicating that the pond is pristine in nature.

It is also noted that during the 1990-92 and 2002 assessments another anchialine pond was identified near the southern boundary but in 2002 the pond appeared to be in a final stage of senescence. Examination of the area in 2008 revealed marshy areas under the canopy of trees, but no exposed water that could be considered a pond matching the description from 1990-92 and 2002.

To include your anchialine pond recommendations within the Final EIS, in the Final EIS Section 3.5.2 (Nearshore Marine Environment) will be revised as shown in the Attachment titled "Nearshore Marine Environment."

7. **Human Activity.** The Draft EIS does not state that human activity will not increase along the beach and shoreline of the 'O'oma Beachside Village property. The statement you quote notes that the *qualitative* use of the shoreline by humans is not likely to change as the result additional human activity.

Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS addresses potential impacts and mitigation measures related to listed and sensitive species and habitats including the anchialine pond on the Property, sea turtles, and Hawaiian monk seals. In particular in Section 3.5.2 (Nearshore Marine Environment) it is noted:

Mr. Patrick Leonard

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 4 of 6

The lack of shoreline development as well as establishment of a shoreline park and coastal preserve area will ensure that the marine environment remains unchanged from present conditions. As a result, use of the beaches for haul-out areas by turtles or seals will not be altered from the present situation. Mitigative measures to ensure that there are no effects to turtles or Hawaiian monk seals by human interaction include appropriate signage and establishment of protective buffer zones established by trained personnel from State and/or Federal agencies.

8. **Sea Turtles and Hawaiian Monk Seals.** Regarding your concern about turtle nesting and the optimal nesting habitat of a dark beach free of barriers that restrict turtle movement, the lack of shoreline development and the establishment of a shoreline park and coastal preserve area will ensure existing shoreline nesting conditions are not significantly changed. In addition, adherence with Hawai'i County law regarding lighting (Chapter 14 Article 9, HCC), which requires shielding of all outdoor lights, will ensure cumulative and secondary impacts related to light pollution will not impact the shoreline and beach.

Regarding your concerns about Hawaiian monk seals, we have previously contacted the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA) and we have also reviewed the *Recovery Plan for the Hawaiian Monk Seal* (NOAA 2007) and other pertinent information regarding Hawaiian monk seals.

According to NOAA, fewer than 100 seals have been sighted in the main Hawaiian Islands (MHI). The majority of Hawaiian monk seals live in the Northwest Hawaiian Islands; however, the population size and range seems to be expanding in the MHI. Within the MHI, Hawaiian monk seals tend to distribute themselves in more remote areas where human disturbance is less likely, but a few monk seals are now observed on popular public beaches and some individual seals have become habituated to human presence. According to NOAA, this situation presents management challenges, and it is often difficult to convey to the public that monk seals are sensitive to disturbance, especially when some individual animals seem content to share the beach with many people.

Monk seals are subject to harassment by people and pets. NOAA says that on more than one occasion this has led to swimmers being bitten, seals chased and/or attacked by dogs. In some cases, acclimation and habituation to humans have led to interactions that are harmful to humans and ultimately the seals. Other areas of concern include interactions with recreational fishers, as well as interactions with recreational and commercial boating. A critical threat to monk seals in the MHI is the introduction of disease from domestic, feral, and wild animals. We note your recommendations regarding prohibiting the free movement of pets and measures to limit feral animals.

The growth of monk seal populations in the MHI has brought an increasingly large number of people in contact with monk seals. Closer proximity to seals can be seen as an opportunity to build a constituency for the species. Inevitably, it will also mean an increase in conflict between people and monk seals.

Appropriate protocol if a Hawaiian monk seal is encountered on a beach is to notify NOAA who will check if the animal is injured or entangled, then put tape around the site to keep people from approaching too closely.

Management measures by NOAA to ensure that haul-out beaches in the MHI are available for use by the Hawaiian monk seals include conducting workshops on managing monk seals, hiring monk seal coordinators on different islands to monitor hauled-out seals and prevent sources of human disturbance, establishing volunteer monk seal monitoring groups, and establishing monk seal protection zones around monk seals on recreational beaches.

NOAA notes that an education and outreach program could minimize conflicts between people and monk seals, while increasing the public understanding of monk seal conservation, thus enhancing the recovery potential and conservation of the monk seal. The education and outreach program should focus on both residents and visitors, ensuring the greatest possibility for peaceful coexistence between seals and people.

To reflect the relevant above information in the Final EIS, Section 3.5.2 (Nearshore Marine Environment) will be revised as shown in the Attachment titled "Nearshore Marine Environment."

9. **Pets and Feral Animals.** In response to your comments regarding prohibiting the free movement of pets and measures to limit feral animals, in the Final EIS Section 3.7 (Fauna) will be revised to include your recommendations as shown in the Attachment titled "Fauna."
10. **Wild Land Fires.** Thank you for the information regarding the West Hawaii Wildfire Management Organization. As recommended we have contacted this organization. In response to your concerns about wildfires and to reflect information received from the West Hawaii Wildfire Management Organization, in the Final EIS Section 3.4 (Natural Hazards) will be revised to include the following information:

3.4.6 Wildfires

Currently the vegetation cover on the property varies from nearly continuous to sparse and is most typically dominated by scattered bunch grasses. Common grasses (such as invasive fountain grass (*Pennisetum setaceum*), which is the most common grass on the Property) can easily carry fire. According to the West Hawaii Wildfire Management Organization (2006), most fires are human-caused and start along roadsides. Queen Ka'ahumanu Highway borders the Property to the east.

POTENTIAL IMPACTS AND MITIGATION MEASURES

The occurrence of a natural disaster cannot be predicted, and should one occur, it could pose a risk of life and property within the proposed 'O'oma Beachside Village community. The proposed development, however, will not exacerbate any natural hazard conditions.

To mitigate potential impacts to life and property, caused by a natural disaster, no significant improvements or habitable structures will be built within the 100-year floodplain (Zone A) or the tsunami inundation zone. The only improvements near the shoreline will be park-related as comfort station and community pavilion.

All structures at 'O'oma Beachside Village will be constructed in compliance with requirements of the UBC, appropriate to the Zone 4 Seismic Probability Rating and other County, State, and Federal standards.

The creation of 'O'oma Beachside Village will mitigate the potential for wildfires on the Property through its landscape design and plant palette. In large part, vegetative fuel for fires, such as fountain grass, will be replaced by buildings and landscaping of the community. Landscaping at 'O'oma will include native species less likely to catch fire and non-invasive succulents. Further discussion of plants is provided in Section 3.6 (Flora). Other mitigation measures include the use of lava rock and other non-flammable materials in building and landscaping, and creating a trail system, which can act as a fire break. Within open space, such as the shoreline park and coastal preserve, any grasses and other dry vegetation can be more readily managed and monitored compared to existing conditions. 'O'oma Beachside Village will also contain complete fire prevention measures including access roads in accordance with Uniform Fire Code (UFC) Section 10.207, water supply for fire suppression in accordance with UFC Section 10.301(c), and buildings under construction in compliance with the provisions of UFC Article 87.

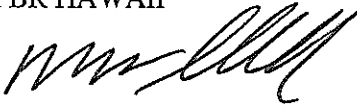
Mr. Patrick Leonard
SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT
December 10, 2008
Page 6 of 6

11. Botanical surveys conducted in October 2002 and November and December 2006 did not identify kooloolua (*Bidens micrantha* ssp. *ctenophylla*) on the property. We understand that kooloolua is a candidate species for listing by the USFWS and note that the species seems to have been considered a candidate species since at least 1980. 'O'oma Beachside Village, LLC will comply with all laws regarding endangered species if any are discovered on the Property; however, previous botanical surveys of have not indentified endangered or threatened plant species on the Property.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

Attachments:

Fauna

Drainage System
Wastewater System
Nearshore Marine Environment

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

2309.03 USFWS

United States Department of Agriculture



Natural Resources Conservation Service
P.O. Box 50004 Rm. 4-118
Honolulu, HI 96850
808-541-2600

June 20, 2008

Tom Schnell
PBR Hawaii
ABS Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

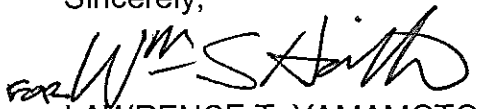
Dear Mr. Schnell,

Thank you for providing the NRCS the opportunity to review the Draft Environmental Impact Statement (DEIS) for the Ooma Beachside Village, Kaloko, North Kona, Hawaii. In review of the project site location it was found that no Prime or Important Farmlands exist or will be impacted at this site. In addition, no hydric soils are located in the project area. Hydric soils identify potential areas of wetlands. If wetlands do exist, any proposed impacts to these wetlands would need to demonstrate compliance with the "Clean Water Act", and may need an Army Corp of Engineers 404 permit.

Please find enclosed an NRCS Soil Survey Map and selected soil reports. The Soil Survey Map identifies all soil map units in the project area. The soil reports provide selected soil properties and interpretations, e.g., Dwellings W/O Basements, soil layers with USDA textures, and engineering classifications. The limitation ratings for the selected uses, e.g., Dwellings W/O Basements are severe. These ratings do not preclude the intended land use, however they do identify potential limitations for the use, which may require corrective measures, increase costs, and/or require continued maintenance.

The NRCS Soil Survey is a general planning tool and does not eliminate the need for an onsite investigation. If you have any questions concerning the soils or interpretations for this project please call, Tony Rolfes, Assistant State Soil Scientist, (808) 541-2600 x129, or email, Tony.Rolfes@hi.usda.gov.

Sincerely,


LAWRENCE T. YAMAMOTO
Director
Pacific Islands Area

cc: Michael Robotham, Assistant Director for Soil Science and Natural Resource Assessments, USDA-NRCS, Honolulu, HI

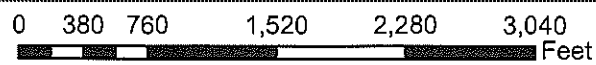
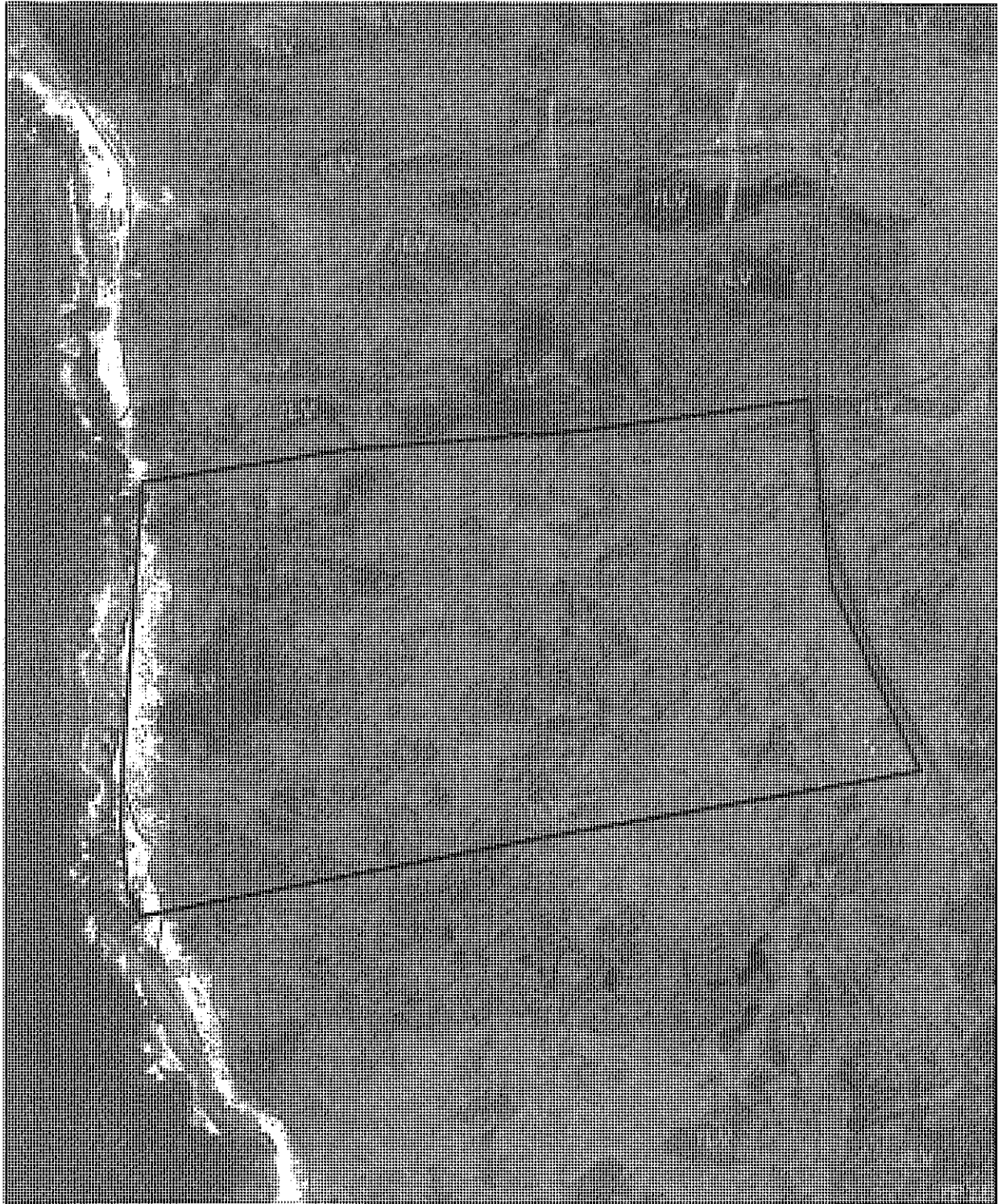
Enclosures:

Helping People Help the Land

An Equal Opportunity Provider and Employer

SOILS MAP



'O'oma Beachside Village



NRCS
6/2008



Legend

-  Soil Map Units
-  Approx. Project Site for 'O'oma Beachside Village

Map Unit Legend

Island of Hawaii Area, Hawaii

Map symbol	Map unit name
BH	Beaches
rLV	Lava flows, aa
rLW	Lava flows, pahoehoe

Selected Soil Interpretations

Island of Hawaii Area, Hawaii

[The information in this table indicates the dominant soil condition but does not eliminate the need for onsite investigation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

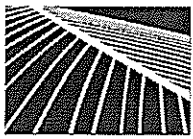
*This soil interpretation was designed as a "limitation" as opposed to a "suitability". The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation.

Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements (HI) *		ENG - Small Commercial Buildings (HI) *	
		Rating class and limiting features	Value	Rating class and limiting features	Value
BH:					
Beaches	100	Severe		Severe	
		Flash flooding > Rare	1.00	Flash flooding > Rare	1.00
rLV:					
Lava flows, aa, Aa	100	Severe		Severe	
		Fragments (>3") >50%	1.00	Slopes > 8%	1.00
		Slopes > 15%	1.00	Fragments (>3") >50%	1.00
rLW:					
Lava flows, pahoehoe, Pahoehoe	100	Severe		Severe	
		Bedrock (hard) < 20" depth	1.00	Slopes > 8%	1.00
		Slopes > 15%	1.00	Bedrock (hard) < 20" depth	1.00

Engineering Properties

Island of Hawaii Area, Hawaii

Map symbol and soil name	Depth	USDA texture	Classification		Fragments			Percent passing sieve number--					Liquid limit	Plasticity Index	
			Unified	AASHTO	>10 Inches	3-10 Inches	4	10	40	200					
<i>In</i>														<i>Pct</i>	
BH:															
Beaches	0-6	Coarse sand	SP, SP-SM	A-1, A-2-4, A-3	0-15	0-10	100	75-100	5-85	0-5	0-14	NP			
	6-60	Coarse sand, Fine sand, Sand	SP, SP-SM	A-1, A-2-4, A-3	0-15	0-10	100	75-100	5-85	0-5	0-14	NP			
<i>In</i>														<i>Pct</i>	
TLV:															
Lava flows, aa, Aa	0-60	Extremely stony material	GP	A-1	30-75	30-75	0-20	0-10	0-5	0	0-14	NP			
TLW:															
Lava flows, pahoehoe, Pahoehoe	0-60	Bedrock	---	---	0	0	0	0	0	0	0	NP			



PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

Lawrence T. Yamamoto
U.S. Department of Agriculture
Natural Resources Conservation Service
P.O. Box 50004, Rm. 4-118
Honolulu, Hawai'i 96850

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL
IMPACT STATEMENT**

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

Dear Mr. Yamamoto:

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

Thank you for your letter dated June 20, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. We note your statement that no Prime or Important Farmlands exist or will be impacted at the site.
2. We note your statement that no hydric soils are located in the project area.
3. Thank you for providing the NRCS soil survey map and selected soil reports. We note that your data is consistent with the soils discussion provided in Section 3.3.1 of the Draft EIS.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

2309.03 NRCS



United States Department of the Interior

NATIONAL PARK SERVICE

Kaloko-Honokohau National Historical Park
73-4786 Kanalani St., Suite 14
Kailua-Kona, HI 96740

IN REPLY REFER TO:
L7621

July 3, 2008

Mr. Dennis Moresco
Ooma Beachside Village, LLC
c/o Midland Pacific Homes
7305 Morro Road, Suite 200
Atascadero, CA 93422

RE: National Park Service Response to the DEIS,
O'oma Beachside Village, LLC, North Kona, Hawaii

Dear Mr. Moresco:

Thank you for providing the National Park Service with the opportunity to review and comment on the DEIS for the O'oma Beachside Village, LLC, North Kona, Hawaii, proposed for development by Midland Pacific Homes. The O'oma Beachside Village property is situated less than 1 mile from the Kaloko-Honokohau National Historical Park boundary, and has the potential to affect the natural and cultural resources within the National Park. We have reviewed the DEIS and would like to provide the following comments.

Kaloko-Honokohau National Historical Park (KAHO) was authorized in 1978 by Congress to preserve, interpret, and perpetuate traditional Native Hawaiian activities and culture (Public Law 95-625). Water quality and quantity in the National Park are vital to the integrity of this mission. The National Park contains two large (11 and 15- acre) ancient Hawaiian fishponds with large associated wetlands, more than 140 known anchialine pools, and 596 acres of marine waters. Each of these water bodies is a significant cultural resource, and they also provide habitat for nine federally protected and candidate endangered species. The National Park water resources are fed by, and in the case of the anchialine pools and `Aimakapa Fishpond, are solely dependent upon, ground water inputs. The anchialine pools support three known candidate endangered species. `Aimakapa Fishpond and wetland is a significant foraging and breeding habitat for the endangered Hawaiian stilt and the Hawaiian coot, and is an important habitat for migratory waterfowl. The Park boundaries also encompass 596 acres of class AA marine waters, which include extensive coral reef habitat, and support four federally protected marine species.

The draft Environmental Impact Statement (DEIS) contains a number of statements that are apparently not supported by scientific data or references to published literature, or cannot be verified because of lack of information on methodology in the Appendices. Some studies in the DEIS, upon which conclusions regarding impacts and their significance are based, are inadequate in statistical sampling design and effort, and use methodologies that are inappropriate to establish baseline conditions or to detect the presence of rare species. Application of information gathered in these studies results in conclusions in the DEIS that are unsupported and perhaps invalid.

A. POTENTIAL IMPACTS TO GROUNDWATER RESOURCES AND NEARSHORE MARINE ENVIRONMENT DUE TO GROUNDWATER WITHDRAWALS

1. Potable Water Source and Analysis of Impacts to Groundwater

The total potable water demand for the project at full build-out is estimated to be 0.694 MGD. KAHO responded to environmental consultant PBR Hawaii regarding the EIS preparation notice in a letter dated June 7, 2007. In this letter, the Park noted that the water source for the project had not yet been identified and requested that the DEIS identify the sources and the amounts of potable and non-potable water withdrawals for the proposed project so that impacts to National Park resources could be analyzed. Of primary concern is the uncertainty in the DEIS of the water source for the project and consequent lack of evaluation of the impacts of potential new pumping wells in the Keauhou high-level aquifer in the vicinity of KAHO. The DEIS states that the applicant's preferred water source is saltwater and an on-site desalination plant. However, as noted in several places (Section 1.7.8, Section 3.5, Section 4.9.1, Section 7.5, and Appendix A), the project's water source remains an unresolved issue and the applicant continues to explore alternatives such as a conventional potable well system.

According to Appendix A, the conventional potable well system would involve the construction of one or more new wells in the high-level aquifer, but the analysis of environmental impacts due to groundwater withdrawals in the DEIS is limited to a desalination system as the sole source of water to the project, and the environmental impacts of new wells in the high-level aquifer are never considered. The DEIS therefore fails to consider the impacts to groundwater and the near shore marine environment from one of the project's potential water systems or to identify appropriate mitigation measures.

This is a significant concern to the NPS because groundwater is an essential resource to the fishponds, anchialine pools, wetlands, and coral reefs that define Kaloko-Honokohau National Historical Park. Ground-water withdrawals from the Keauhou high-level aquifer will increasingly capture fresh water that would otherwise recharge the basal aquifer. The NPS has become increasingly involved in the environmental review and planning of development surrounding the National Park to raise awareness about this issue. In a June 7, 2007 letter, the National Park responded to environmental consultant PBR Hawaii regarding the 'O'oma Beachside Village EIS preparation notice, and specifically requested that a detailed quantitative analysis of the cumulative impacts of water withdrawals within the aquifer system be made to identify impacts on National Park water resources.

Since implementation of the preferred alternative may include the development of new wells in the Keauhou high-level aquifer, the NPS again requests that this DEIS evaluate the potential impacts of the groundwater withdraws, and include appropriate mitigation measures. According to the U.S. Geological Survey, there may be no volume of groundwater use that can be truly free of any adverse consequence, especially when time is considered; the direct hydrologic effects will be equal to the volume of water removed, but those effects may require decades to centuries to be manifest (Anderson & Woosley, USGS Circular 1261, 2005). Likewise, if pumping to support 'O'oma Beachside Village will remove 0.694 Mgd from the Keauhou high-level aquifer, then the DEIS should clearly acknowledge that aquifer storage in combination with ground-water discharge to the basal aquifer and the near shore area will decrease by 0.694 Mgd in the vicinity

of the new wells. It is essential that this component of the proposed project be subject to public review.

2. Permits Required for New Pumping and/or Injection Wells

Sections 1.7.4 and 5.3 of the DEIS discuss required permits and approvals for the proposed project. These lists should be revised to include (1) Well Construction and Pumping Permits from the Commission on Water Resource Management that will be needed for new wells to supply feedwater for the desalination plant or potable water from the high-level aquifer, and (2) the Underground Injection Control Permits from the Department of Health that will be needed for the injection wells to dispose of the reverse osmosis concentrate from desalination.

3. Depth of Production Wells for Desalination Plant

The anticipated depth of the on-site production wells is not clear because of the inconsistent use of the terms 'saline', 'saltwater' and 'brackish' when discussing groundwater quality. For example, Section 3.5 states that on-site deep wells would tap "saline groundwater at a depth beneath the brackish lens" but later states that the desalination feedwater would come from "on-site saltwater wells drawing at a depth below the basal lens." It is therefore not clear if the source of water for the desalination plant will be saline groundwater or saltwater, and the difference in the depth of the wells could be considerable at this location. It might be helpful if the terms brackish, saline, and saltwater were defined in terms of TDS concentration. Regardless, the DEIS should provide a more detailed estimate of the depth of the wells that will provide feedwater to the desalination plant so that the water quality and depth at which groundwater is withdrawn from the basal aquifer is understood.

4. Water Quality of the Reverse Osmosis Concentrate

The anticipated salinity of the reverse osmosis concentrate is uncertain from the information presented in the DEIS. Sections 3.5 and 4.9.1 state that the "concentrate would have a salinity of approximately 60%, which is substantially denser than either open coastal seawater (salinity of 35%) or saline groundwater (salinity of 33-35%)."

These statements are inaccurate and conflict with information provided in Appendix A. The average salinity of seawater is 3.5% or 35 ppt. Saline groundwater is typically classified as water with 1.5 – 3.0% salinity or 15 – 30 ppt. These sections should be revised to be consistent with the water quality information provided in Appendix A, which states that the reverse osmosis concentrate would be hypersaline, with a salinity over 1.5 times that of seawater. This information is needed to evaluate potential impacts to the basal aquifer and nearshore resources.

5. Number and Depth of the Injection Wells

The anticipated number and depth of on-site injection wells is not clear. Section 3.5.1 states that reverse osmosis concentrate "would be discharged in deep wells at a level deeper than the source feed water" and that on-site wells that "will deliver the concentrate into the saltwater zone below the basal lens." Because the depth at which feedwater will be pumped or the depth to saltwater is not specified in the DEIS, it is not clear what the depth of the injection well will be. The DEIS should be revised to include an approximate number and depth of the injection wells so that

potential impacts to the basal aquifer and nearshore resources can be adequately evaluated. Ideally, the injection well would be completed far below the saltwater interface.

6. Potential Impacts to Groundwater Resources and Nearshore Marine Environment due to the Disposal of Reverse Osmosis Concentrate

The DEIS does not provide sufficient information or analysis to demonstrate that there will be no significant environmental impacts to groundwater or nearshore marine resources due to the disposal of reverse osmosis concentrate. The DEIS states in several places (Section 3.5, Appendix A) that after injection into deep wells the concentrate “will flow seaward without rising into and impacting basal groundwater. Discharge into the marine environment would be offshore at a substantial distance and depth.”

This determination is vague and the data upon which it was made is not included in the DEIS. Analyzing the response of the basal aquifer to the injection of the reverse osmosis concentrate and quantifying the distance from the shore and the depth at which that the concentrate will discharge into the marine environment is a complex variable-density and solute-transport problem. This type of analysis would be further complicated if the depth and number of pumping and injection wells was not known. This determination of no impact was must be supported by scientific information and analysis.

7. Groundwater-Dependent Ecosystems

The DEIS does not address the potential impacts of the proposed project on groundwater-dependent ecosystems, specifically anchialine pools. Anchialine pools contain endemic and native flora and fauna that depend upon brackish groundwater, and the DEIS does not mention the importance of the basal lens to their survival. Groundwater withdrawals in both the high-level and basal aquifer have the potential to decrease water levels and increase salinity in these groundwater dependent ecosystems, as well as the offshore coral reef ecosystem. To effectively manage and protect these resources, the DEIS should describe the ecosystems that depend upon groundwater and should recognize that anchialine pools are areas of ground- and surface-water interaction containing diverse ecological communities, and are sensitive environmental and cultural areas susceptible to groundwater withdrawals.

8. Sustainable Yield of the Keauhou Aquifer System

Section 4.9.1 states that the sustainable yield of the Keauhou aquifer system is estimated to be more than 38 MGD because this number was determined before the discovery of the high-level aquifer. This statement is inconsistent with recent the findings of the Commission on Water Resource Management which is responsible for developing the sustainable yield estimates for all aquifers in Hawaii. The Commission recently proposed reducing the sustainable yield of the aquifer system to 36 MGD in the 2007 Water Resources Protection Plan Update, which was released well after the discovery of the high-level aquifer.

B. DRAINAGE, STORMWATER COLLECTION AND DISPOSAL, NON-POINT SOURCE POLLUTION

In the National Park Service's letter responding to the EIS preparation notice, we specifically requested that the DEIS include an analysis of drainage construction techniques beyond what are required by the county and state, such as filtered drainage systems, to reduce non-point source pollution to the groundwater and marine waters. According to the Environmental Protection Agency's 1993 Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters⁵, one of the objectives of urban runoff management is "protection of ground water resources" (p. 4-5). The EPA Guidance says "infiltration systems [standard drywells, such as those used in West Hawaii] may not be appropriate where ground water requires protection" (p. 4-14).

As the DEIS points out (Section 3.3), the prevailing geologic condition of the O`oma site is highly permeable lava with few accumulated soils. Rain and runoff water carry pollutants quickly to ground water, on to coastal anchialine pools and into the nearshore waters via submarine ground water discharge. Although the Kona Coast is arid, it can and does experience heavy rainfall events. For example, the National Park Service's remote automated weather station located within KAHO has recorded eight rainfall events in the last 3.5 years with greater than 1.5 inches of rainfall in a 24-hour period. The most recent of these events in December 2007 produced 2 inches of rainfall in two hours.

Due to the permeable lava substrate, the proposed project area has no streams or typical surface waters other than anchialine pools, which are essentially exposed ground water. Therefore, ground-water flow may be considered similar to an underground "stream," that is, a conduit for pollutants to surface waters and marine waters at the coast. The submarine ground-water discharge to reef ecosystems along the Kona coast has been documented by Wilkins,¹ the US Geological Survey² and the University of Hawaii.³

The DEIS is inadequate in that it does not assess impacts of polluted surface-runoff from the proposed project's roadways, houses, and commercial areas (66% of the proposed project-area acreage) to ground water, anchialine pools, the adjacent nearshore marine waters. No mitigation is proposed in the DEIS to protect coastal water resources from adverse impacts associated with polluted runoff. The DEIS states (Section 3.5.1, Section 4.9.3, Appendix A) that "nitrogen and phosphorus levels from developed areas are relatively low, (lower than the underlying groundwater)." This statement is contradicted by the findings regarding nonpoint source pollution in the form of nutrient inputs from developed areas in the Environmental Protection Agency's Nationwide Urban Runoff Program, the Coastal Nonpoint Pollution Control Program jointly administered by the Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration, and the National Water Quality Assessment Program led by the US Geological Survey.

In the Coastal Zone Act Reauthorization Amendments of 1990, Congress recognized the role of nonpoint source pollution in the continuing degradation of many of the nation's coastal waters. According to the EPA, surface-water runoff generated by rainfall and excess irrigation is a significant nationwide problem for ground-water pollution

¹ Wilkins, G.A. 1992. Aquatic Studies in Kaloko-Honokohau National Historical Park, Final Report. 10 p.

² Presto, M. K, Storlazzi, C.D., Logan, J.B., and Grossman, E.E. 2007. Submarine groundwater discharge and seasonal trends along the coast of Kaloko-Honokohau National Historic Park, Hawaii, part I; time-series measurements of currents, waves and water properties; November 2005-July 2006: U.S. Geological Survey Open-File Report 2007-1310, 39 p. [<http://pubs.usgs.gov/of/2007/1310/>].

³ <http://www.soest.hawaii.edu/GG/FACULTY/glenn/>.

(<http://www.epa.gov/owow/nps/qa.html>). The consequences of nonpoint source pollution include increased risk of disease from water recreation, algae blooms, fish kills, destroyed aquatic habitats, and turbid waters⁴. The DEIS also does not acknowledge that roadway and other impermeable surfaces associated with development are exposed to and can introduce petroleum products, metals, pesticides, and other pollutants to ground water. The DEIS claims (Section 4.9.3) that the project “will not have any significant adverse effect on groundwater or coastal marine waters” However, according to the EPA, coastal development without appropriate management measures for protection from nonpoint source pollution poses a significant threat to ground water, aquatic, and marine resources⁵.

In 1998, Hawaii listed 18 impaired water bodies under section 303(d) of the Clean Water Act, one of these was on Hawaii Island. As of 2004 the number of state-listed impaired water bodies had increased to 244, with 28 of these on Hawaii Island and five on the Kona Coast (http://iaspub.epa.gov/tmdl/state_rept.control?p_state=HI&p_cycle=1998; http://iaspub.epa.gov/tmdl/state_rept.control?p_state=HI&p_cycle=2004). Although the proposed project area is not one of these five sites, clearly even the relatively pristine coastal waters of West Hawaii are at risk from increasing urbanization. The EIS should recognize the potential for impact particularly in the context of proposed and existing neighboring developments.

These issues of protection of West Hawaii’s coastal water resources were exhaustively addressed by the Land Use Commission (LUC) in 2002. In 2001 the National Park Service intervened in a petition by TSA Corporation for a land-use district boundary amendment before the state Land Use Commission. The NPS intervened not to halt the development, but rather to request protective conditions be placed on the development to protect water resources in the National Park from nonpoint source pollution. In its 2002 Findings of Fact Conclusions of Law Decision and Order, the LUC recognized the potential adverse impacts of upslope development and the legal and constitutional obligation to protect and preserve the resources of the Park. The Commission found that “...for all proposed development adjacent to or near a National Park that raises threats of harm to the environment, cultural resources, or human health, precautionary measures should be taken to protect the National Park cultural and natural resources...”⁶

The LUC expressly determined that:

[N]ative Hawaiian rights and natural and cultural resources would be damaged or destroyed by the pollution of groundwater that reaches the National Park from surrounding areas, including [the] proposed development at the Kaloko Industrial Park. Appropriate mitigation measures are, therefore, required under the Hawaii Constitution . . . in order to approve reclassification of the project area.⁷

Following the 2002 Decision and Order on Docket A00-732, the neighboring commercial/industrial developers with petitions before the LUC, Lanihau Partners and McClean Honokohau Properties, came to agreement with the National Park Service on protective

⁴ Hawaii’s Implementation Plan for Polluted Runoff Control, 2000.

⁵ Environmental Protection Agency. 1993. Guidance specifying management measures for sources of nonpoint pollution in coastal waters. EPA-840-B-92-002. US Environmental Protection Agency Office of Water, Washington DC.

⁶ LUC 2002, Docket A00-732 Findings of Fact Conclusions of Law Decision and Order FF ¶165

⁷ LUC 2002. Docket A00-732 Findings of Fact Conclusions of Law Decision and Order; Conclusion of Law ¶ 7

conditions to be put in place on redistricting by the LUC. To properly mitigate potential impacts to ground water and coastal waters from this project development, O`oma Beachside Village, LLC should voluntarily adopt those LUC conditions concerning protection of water resources (storm and surface water runoff, pollution prevention, ground-water quality monitoring) for the proposed project area.

Project roadway and parking-lot drainage wells should be made to filter petrochemical pollutants by including oil/water separators or similar pollutant-removal technology in the drainage basin. Such filters must be installed as mitigation because the design specifications of drainage wells in compliance with the Hawaii County Public Works and State Department of Health standards do not inherently incorporate any structure or other design feature to remove petroleum, oil, or any contaminants contained in runoff. Despite the DEIS-stated mitigation to follow County and State standards, the County Codes for drainage wells currently do not address protection of significant environmental resources, but rather solely consider flood control and volume of runoff.⁸ The proposed project area is below the Underground Injection Control line. Representatives from the Safe Drinking Water Branch of the Department of Health, Groundwater Protection Control Section, and the County Department of Public Works testified to the LUC that there is no State law or County code currently to ensure that pollutants carried with surface runoff do not get into the environment through groundwater.⁹

In 2002, the Hawaii County Council took the Land Use Commission's Findings, and Decision and Order under consideration and also recognized the need to address nonpoint source pollution. The Council applied the following condition to Ordinance No. 02 114 amending the County Zoning Code for the TSA project:

In order to address and mitigate potential impacts from non-point source pollutants, the applicant shall participate with the County of Hawaii in a pilot storm drain program for roadways within the Kaloko-Honokohau region. This pilot program may potentially include other developments within the County and apply to all other government and private developments. ... The drainage system within road rights-of-way shall include storm drain filtration devices...¹⁰

The Council also applied the condition to the Lanihau Partners, LLC development in Ordinance 04 110, Section 2 Condition O. In consideration of the above, O`oma Beachside Villages LLC should commit to join this pilot project for roadways within the development and commit to employ best technology pollution filtration devices in parking lots and roadway, or should connect all stormwater drains to their wastewater treatment plant and treat appropriately as mitigation to protect ground water and coastal water resources.

C. WATER CONSERVATION AND POLLUTION PREVENTION

Section 4.9.1 Water Conservation states that O`oma Beachside Village, LLC is committed to aggressive water conservation strategies. The National Park Service supports these strategies, and in addition the NPS asks that O`oma Beachside Village, LLC provide the new residents with

⁸ LUC 2002. LUC Docket A00-732 Findings of Fact Conclusions of Law Decision and Order; FF ¶¶418-421.

⁹ LUC Testimony: Emler 7/18/01, p. 73:lines16-22, 8/23/01, p. 116: lines 11-22; Hew 10/3/01, p. 109:lines 11-17

¹⁰ 2002 County of Hawaii Ordinance No. 02 114, Section 2, Condition F

information about controlling non-point source pollution including but not limited to vehicle maintenance and proper disposal of vehicle fluids, the impacts of washing cars on the street, and storm drain stenciling and require strict adherence to these protective measures in its CCRs. However, the DEIS does not discuss the use of appropriate fertilizers and pesticides, and no enforceable controls on approved chemicals and uses by property owners through CCRs or other means were offered as mitigation to protect ground water. Controls on fertilizers and pesticides should be included in the EIS.

The National Park Service strongly supports the protective measures listed in Section 2.5.1 and requests that O`oma Beachside Village, LLC commit to these measures by incorporating them into their proposed conditions of approval for the amended land-use district boundary in the LUC Decision an Order. In particular the National Park Service supports the decision to protect the anchialine pools and other aquatic ecosystems by prohibiting chemical ground treatment for termites on the proposed development. There are numerous highly successful alternative termite control measures that use physical barriers instead of chemical treatment. The University of Hawaii Termite Project has shown that in Hawaii's environment, soil insecticides are unlikely to remain effective over a great many years, and that with proper installation, mechanical barriers should maintain their effectiveness longer than pesticides. Commonly used termiticides, including fipronil and the pyrethroid insecticides (permethrin), which are broad spectrum insecticides, are highly toxic to fish and aquatic invertebrates and can cause adverse effects in receiving aquatic ecosystems. Additionally, fipronil and some of its breakdown compounds may bioaccumulate in fish. It is important to recognize that as pesticides degrade in the environment, other active compounds are formed. These "degradates," particularly in the case of fipronil, are sometimes as toxic as or more toxic than the parent compound, and some are more persistent in the environment. Water quality testing to detect termiticides may not reveal degradates if they are not specifically tested for. These chemicals also may go undetected if they are not tested for at their environmentally relevant concentrations, which can be quite low (e.g., for pyrethroids about 1 nanogram/liter [part per trillion] in water and 1 nanogram/gram [part per billion, dry weight] in sediment). The relatively short residence time of these termiticides also contributes to lack of detection. However, a short residence time does not mean that there is little or no opportunity for toxic effect on organisms.

D. WASTEWATER TREATMENT AND IRRIGATION WATER

Section 4.9.2 discusses the proposed wastewater system and recycled use of the effluent. The DEIS does not discuss the nutrient removal capabilities of the proposed membrane bioreactor wastewater treatment system. While the use of recycled water to the R-1 level is the appropriate treatment to reduce viral and bacterial pathogens for irrigation uses around residential areas, the stated level of nutrients contained in the wastewater effluent is a significant concern, particularly so close to ground water supplying anchialine and marine resources. It is unclear why applied fertilizer would be added (Section 3.5.1, page 37 and Section 4.9.3 page 83) since the stated nutrient concentration of the effluent is high, and a typical benefit of irrigating with recycled water is the elimination of need for fertilizer. The stated addition of 300 uM Nitrogen (presumably Total Nitrogen, though this is not clear in the DEIS) from effluent is approximately 2.5 to 3.5 times greater than that reported in high-level aquifer wells and 2 to 4.5 times greater than reported in coastal groundwater monitoring wells (Appendix A). The addition of 100 uM Phosphorus (presumably Total Phosphorus, though this is not clear in the DEIS) is approximately 12.5 to 29 times greater than reported in the in the high-level aquifer wells and 8.3

to 153 times higher than reported in coastal monitoring wells (Appendix A). Therefore, additional nutrient removal technologies should be employed for this coastal development.

Table 2 of Appendix A hints that TN was calculated as the sum of dissolved nitrate plus dissolved ammonia plus total organic nitrogen. This is somewhat non-standard. A more typical way to do it would be to analyze for TN itself; which would be preferable since Hawaii standards are expressed as TN. By doing an analysis for TN itself, a comparison of the rates of TN compared with TDN + TPN as a quality control check could be utilized for a more complete analysis. Not all the TPN is necessarily organic, so adding nitrate, ammonia, and TON is not necessarily an optimal way to estimate TN.

The DEIS states (Section 3.5.1) that “[i]t is assumed that approximately 15 percent of irrigation water will percolate downward into the underlying basal lens.” No scientific data or scientific studies are provided to support this assumption. For the development adjacent to the proposed O’oma Beachside Village, Waimea Water Services estimated that approximately 54% of the irrigation water will infiltrate into the aquifer. (The Water Development Impacts Study for the Shores of Kohanaiki, Figure 6, Waimea Water Services, Inc., 2007). Fifteen percent seems very low compared to what was assumed for the adjacent development.

Additionally, the DEIS states that, if necessary, overflow from the wastewater storage reservoir would be discharged into injection wells. No analysis is made of the potential impacts of injecting nutrient-enriched wastewater in a coastal injection well. Also no mention is made in Sections 1.7.4 and 5.3 of the DEIS for the Underground Injection Control Permit from the Department of Health that will be required for the injection wells to dispose of wastewater effluent.

The DEIS (Section 4.9.2 R-1 Water, and Section 3.5.1) states that storm and irrigation water “percolating into the ground (either pre- or post-development) removal rates of nitrogen and phosphorus will be 80 and 95%, respectively.” This statement is speculative and is based on unvalidated assumptions. The de-nitrification abilities of the project area’s soil type, highly permeable lava with few accumulated soils, has not been determined and the stated removal rate is not supported by scientific data. According to the EPA, even a well-constructed wastewater leach field (soil beds that are optimally constructed to treat effluent) that is comprised of fine-grained soils, i.e. silts and clays, especially those containing organic material, and layered soils is expected to remove no more than 20% nitrogen,¹¹ so it is unlikely that percolation through unimproved soil such as on the project site will achieve the stated nitrogen removal rate. Similarly, no data are provided in the DEIS regarding phosphorus removal. No scientific study on the sorption, transport, and retention capacity of the project area soils for phosphorus was conducted or provided. It is unlikely that percolation through unimproved soil will realistically remove these stated levels of nutrients.

E. NEARSHORE MARINE ENVIRONMENT

The DEIS (Section 3.5.2 and Appendix B) states that the data collected by Marine Research Consultants in previous marine water quality and environmental assessments can be used to evaluate changes over time and that the previous studies can serve as a baseline for future

¹¹ United States Environmental Protection Agency. 2002. Onsite Wastewater Treatment Systems Manual.

monitoring. These statements are not supported by the study design. The low number of transects and samples lack the statistical ability (power) to reliably detect changes over time or between sites. Because the transects were not selected randomly, the results are relevant only to the transects themselves and cannot be generalized to the entire study area. The location of Transect 1 was moved from previous surveys, thus comparison over time is no longer possible for this transect. Results from Transect 1 should be clarified and state whether the data collected before the transect was moved were thrown out. According to Appendix B, data collection for this study does not meet the Department of Health criteria of three separate samplings within a 14-day period. Pages 8 and 9 of Appendix B suggest that the water quality parameters that exceed DOH standards represent “natural conditions” because there is currently no development on the O’oma property. However, this statement is contradicted by Appendix A wherein it is noted that nutrient enrichment is occurring. There are numerous developments upslope and in the surrounding watershed that are on septic and cesspool wastewater systems. Inputs from these systems are likely the sources influencing nutrient concentrations along the coast.

F. CONTEXTUAL ISSUES, CUMULATIVE IMPACTS

The cumulative impact section of the DEIS is inadequate. The tabular listing of proposed developments is not an adequate analysis of the cumulative affects from these developments to environmental resources and existing infrastructure. In addition to proposed developments, analysis of cumulative impacts must also take into consideration *current* developments and land uses. In its 2002 Decision and Order for Docket A00-732, the Land Use Commission stated:

This Commission is acutely aware that continuous development is planned for this coastline. Although each developer might claim that only a “small amount” of pollution will result from their development and that the area’s ecosystem will show “little” effects, these developments and their impacts are cumulative and, absent strong mitigation measures, have the potential to devastate the fragile resources of the coastal and marine aquatic environments of the entire Kona coastal region.

The EIS should be revised to incorporate thorough analyses of cumulative impacts to environmental resources and public infrastructure.

1. Cumulative Impacts of Water Withdrawal

The proposed project’s water source remains an unresolved issue and the DEIS states that the applicant continues to explore alternatives such as a conventional potable-well system. No analysis of the cumulative impacts of water withdrawal from the aquifer was conducted. The DEIS does not report the estimated water needs of the surrounding proposed developments in combination with its own needs and does not examine the potential impacts of that amount of withdrawal on ground water supply and ground-water dependent ecosystems. Inland wells withdraw from the same aquifer as the ground water that discharges through the National Park, and potential wells supplying this proposed development would likely be located directly inland of the National Park. The NPS is highly concerned about the impacts of withdrawal to the cultural and natural resources in the Park that are dependent upon ground-water flow. Ground water within the National Park is considered a cultural resource; essential to the ancient Hawaiian fishponds and the pools that define the Park and are central to the National Park’s

planned Cultural Live-in Center (NPS 1994, General Management Plan/EIS). The focus on this singular development obscures that the overall proposed withdrawal of water is considerable. Ultimately, the cumulative impact to the aquifer will be quite significant.

2. Cumulative Impacts Contributing to Nonpoint Source Pollution

The DEIS does not analyze the cumulative impacts of nonpoint source pollution to coastal aquatic and nearshore marine resources generated by the rapidly increasing area of impermeable surfaces and individual wastewater systems around and upslope of the proposed project site in the context of other developments, existing and planned, in the area. Appendix A (page 7) acknowledges that nitrate enrichment is occurring between the high-level ground water wells and the basal monitoring wells and cites developed lands as a source. This finding is supported by other studies.¹² However, statements in the DEIS (Section 3.5.1 – Groundwater Resources; Appendix A (Groundwater); Appendix B (Marine Environment and Marine Water Quality); that these increases in nutrients are “within the range of natural variability” of nutrient concentrations in the underlying groundwater ignore the fact that as nutrient inputs increase from additional developments coming online, this range of variation increases upwards accordingly.

Another factor that is not given sufficient discussion is that the existing “high level aquifer wells” are not above human influence and thus cannot be used to argue that high levels of nitrate and other nutrients are coming down the mountain from purely natural areas above human influence.

G. OTHER RELATED ISSUES

1. Traffic and Frontage Road

Figure 17 shows a frontage road inside the National Park boundaries. A frontage road within the National Park lands is not a viable option, since an act of Congress would be required. Figure 17 should be revised to eliminate the frontage road from this section.

2. Lighting

The effects of lighting near the shoreline as a result of development and impacts to protected species are not considered. There should be a thorough examination of lighting issues and impacts on birds, endangered species and the shoreline resources.

3. Potential Impacts and Proposed Mitigation Measures

The DEIS states that seals and turtles will not be impacted, however, in other sections, there is discussion of the potential for impact. The document contradicts itself (Page 6, Section 1.7.2 ff), where it states the turtles and Monk Seals that “haul out” on occasion, but will not be impacted because the area will be set aside as a shoreline park and coastal preserve. On page 23, it states the shoreline park will have parking, comfort station, a public-use pavilion, and trails from the housing areas will be put in. On page 42 second paragraph it says “the shoreline is heavily used for

¹² Hoover, D. and C. Gold. 2005. Assessment of coastal water resources and watershed conditions in Kaloko-Honokohau National Historical Park, Hawaii. 139 p.

recreation”, but throughout the document it talks about enhancing the shoreline with the facilities mentioned on page 23, and it is logical to surmise that with about 1000 new homes, and their residents, use at the coast will increase significantly. On page 45 under Potential Impacts and Mitigation Measures it states “Mitigative measures to ensure that there are no effects to turtles or seals by human interaction include appropriate signage and establishment of protective buffer zones established by trained personnel from the State and/or Federal agencies.” Likewise, the discussion on page 63 indicates that more accessibility to the coastal areas will be an outcome, yet the effects of increased access regarding seals, turtles and sensitive cultural sites are not addressed, nor are the potential mitigation actions.

4. Sustainability and Best Practices Implementation

There is mention of consideration of the use of photovoltaics and integrated building PV systems but only as suggestions of possible implementation. There should be a stronger commitment to sustainability and implementation of best practices.

5. Cultural resources preservation planning and mitigation

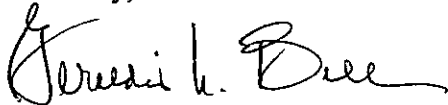
The DEIS acknowledges cultural resources management planning and surveys that have taken place (pp. 47, 50) and identifies that a preservation plan will be completed – that plan should be identified and appended to the final document so that there is an existing framework and SOPs in place.

6. Shoreline management

On page 147, the DEIS does not indicate that an integrated shoreline erosion management plan will be completed in conformance with the State Land Use and Hawaii County General Plan for flooding and other natural hazards. Additionally, the document fails to acknowledge the Ala Kahakai National Historic Trail, that encompasses a 175-mile corridor along the Kona coast, passes through the proposed development.

Thank you for the opportunity to participate in the environmental review process for this proposed project and to provide you with our comments and concerns. If you have any questions on our comments, please contact me at 808-329-6881 x1201.

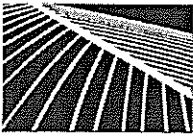
Sincerely,



Geraldine K. Bell
Superintendent

cc: Office of Environmental Quality Control (OEQC)
T. Schnell, PBR Hawaii
County of Hawaii Planning Department
County of Hawaii Department of Water Supply

County of Hawaii Department of Public Works
Commission on Water Resources Management
State Office of Planning
State of Hawaii Coastal Zone Management Program
D. Davidson, State of Hawaii Land Use Commission
U.S. Fish and Wildlife Service
Department of Health Clean Water Branch
Department of Health Safe Drinking Water Branch, UIC Program
NPS Pacific West Regional Office (OAK, SEA, HNL)
NPS Water Rights Branch
G. Lind, DOI Solicitor's Office



PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawaii 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE
101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawaii 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE
1787 Wili Pi Loop, Suite 4
Wailuku, Hawaii 96793-1271
Tel: (808) 242-2878

Geraldine Bell
US Department of the Interior
National Park Service
Kaloko-Honokōhau National Historic Park
73-4786 Kanalani Street, Suite 14
Kailua-Kona, Hawai'i 96740

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Ms. Bell:

Thank you for your letter (Reference: L7621) dated July 3, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

With this letter we to respond to your general statement on page one of your letter that says the Draft EIS "contains a number of statements that apparently not supported by scientific data or references to published literature, or cannot be verified because of lack of information on methodology in the Appendices." We assume your concerns in this regard are elucidated in statements and questions in the body of your letter. Hence, to resolve your concerns we provide the responses below. The organization follows the headings and subheadings of your letter; however for clarity we have lettered each specific question or concern with a lowercase letter.

A. POTENTIAL IMPACTS TO GROUNDWATER RESOURCES AND NEARSHORE MARINE ENVIRONMENT DUE TO GROUNDWATER WITHDRAWALS

1. Potable Water Source and Analysis of Impacts to Groundwater

a. Of primary concern is the uncertainty in the DEIS of the water source for the project and consequent lack of evaluation of the impacts of potential new pumping wells in the Keauhou high-level aquifer in the vicinity of KAHŌ.

Response: As discussed in the Draft EIS, 'O'oma Beachside Village, LLC's preferred source for potable water for 'O'oma Beachside Village is a desalination plant. If a desalination plant proves unfeasible, 'O'oma Beachside Village will explore alternate sources of water including connection to the County of Hawai'i potable water system, partnership with private water system owners, or utilization of independent wells. In providing a source of potable water for 'O'oma Beachside Village, 'O'oma Beachside Village, LLC will comply with all laws and regulations. As necessary, 'O'oma Beachside Village, LLC will undertake additional research to assess the potential impacts and appropriate mitigation measures of the selected systems.

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 2 of 19

As will be discussed in the Final EIS, the desalination plant may be located on-site on the Property, or off-site: 1) at the existing Department of Water Supply (DWS) Keahole Tank site (TMK (3) 7-3-010: 043); 2) on, or in the vicinity of, the land for the future 1.0 million gallon Pālanui reservoir site (TMK (3) 7-3-010: portion of 044); 3) on land directly mauka of 'O'oma Beachside Village (TMK (3) 7-3-009: portion of 005); or 4) on other mauka lands mutually agreed upon by DWS and 'O'oma Beachside Village, LLC.

On November 25, 2008, the Water Board of the County of Hawaii adopted Resolution No. 08-08 supporting the development of desalination facilities by private parties such as 'O'oma Beachside Village, LLC, for dedication to the Water Board, provided however, that the DWS and the State Department of Health both approve of the desalination facilities and of the quality of water produced by said facilities and that there is sufficient demand and infrastructure for distribution of the water to operate the facility in an economically responsible manner. The Final EIS will contain the complete resolution.

We note that the Commission on Water Resource Management (CWRM) application process for water use permits entails: 1) the preparation of an extensive application that includes analysis of: a) the public interest; b) the rights of the Department of Hawaiian Home Lands; c) any interference with any existing legal uses; and d) alternatives; 2) an thorough public and agency review process; 3) public hearing(s); and 4) a formal decision from CWRM. Well construction/pump installation permits also have an extensive application process that includes thorough review. Therefore, in the event that a desalination plant proves unfeasible, there will be extensive analysis, review, and evaluation of potential impacts of any alternative potable water system.

To reflect the relevant above information in the Final EIS, Section 3.5.1 (Groundwater Resources) will be revised as shown in the Attachment titled "Groundwater Resources" and Section 4.9.1 (Water System) will be revised as shown in the Attachment titled "Water System."

2. Permits Required for New Pumping and/or Injection Wells

- a. *Sections 1.7.4 and 5.3 of the DEIS discuss required permits and approvals for the proposed project. These lists should be revised to include (1) Well Construction and Pumping Permits for the Commission on Water Resource Management that will be needed for new wells to supply feedwater for the desalination plant or potable water from the high-level aquifer, and (2) the Underground Injection Control Permits from the Department of Health that will be needed for the injection wells to dispose of the reverse osmosis concentrate from desalination.*

Response: In response to your comment, in the Final EIS the lists of required permits and approvals contained in Section 1.7.4 and Section 5.3 will be revised to include: 1) Well Construction/Pump Installation permits from the Commission on Water Resource Management for supply wells; and 2) Underground Injection Control permits from the State Department of Health for disposal wells.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 1.7.4 and Section 5.3 (Approvals and Permits) will be revised as shown in the attachment titled "Required Permits and Approvals."

3. Depth of Production Wells for Desalination Plant

- a. *The anticipated depth of the on-site projection wells is not clear because of the inconsistent use of the terms 'saline', 'saltwater' and 'brackish' when discussing groundwater quality.*

Response: The term "brackish" covers a range of salinities from greater than drinking water (salinity of 0.5 PPT) to possibly salinity on the order of one-third of seawater (i.e. salinity of 12 PPT or less). Brackish water is that body of groundwater overlying more saline water at depth and clearly discernable as a "lens."

The terms "saline groundwater" and "saltwater" are used interchangeably. In the context used, both terms refer to groundwater extracted from beneath the midpoint of the transition zone, meaning a salinity greater than 17.5 PPT and most likely in the range of 25 to 32 PPT under continuous pumping. In this context, the depth it is extracted from is more important than its salinity. The goal is to use water which will not diminish or otherwise impact the supply of brackish water in the overlying basal lens.

To reflect the relevant above information in the Final EIS, Section 3.5.1 (Groundwater Resources) will be revised as shown in the Attachment titled "Groundwater Resources."

- b. *Regardless, the DEIS should provide a more detailed estimate of the depth of the wells that will provide feedwater to the desalination plant so that the water quality and depth at which the groundwater is withdrawn from the basal aquifer is understood.*

Response: The likely depth that the supply wells would draw from is 60 to 90 feet below sea level. The anticipated feedwater salinity will be 25 PPT or greater.

To reflect the relevant above information in the Final EIS, Section 3.5.1 (Groundwater Resources) will be revised as shown in the Attachment titled "Groundwater Resources."

4. Water Quality of the Reverse Osmosis Concentrate

- a. *The anticipated salinity of the reverse osmosis concentrate is uncertain from the information presented in the DEIS.*

Response: In the Draft EIS, the percent symbol (%) or parts per hundred was mistakenly used instead of the permille symbol (‰) or parts per thousand. The correct symbol was used in the Ground Water Quality Assessment (Appendix A).

To correct this mistake, in the Final EIS, Section 3.5.1 (Groundwater Resources) will be revised as shown in the Attachment titled "Groundwater Resources" and Section 4.9.1 (Water System) will be revised as shown in the Attachment titled "Water System."

5. Number and Depth of the Injection Wells

- a. *The anticipated number and depth of on-site injection wells is not clear...The DEIS should be revised to include an approximate number and depth of the injection wells so that potential impacts to the basal aquifer and nearshore resources can be adequately evaluated.*

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 4 of 19

Response: Two wells would be used for the disposal of reverse osmosis concentrate, each providing full back up capacity for the other. Tentatively, the wells would be designed to deliver the reverse osmosis concentrate to between 200 and 250 feet below sea level.

To reflect the above information in the Final EIS, Section 3.5.1 (Groundwater Resources) will be revised as shown in the Attachment titled "Groundwater Resources."

6. Potential Impacts to Groundwater Resources and Nearshore Marine Environment due to the Disposal of Reverse Osmosis Concentrate

- a. *The DEIS does not provide sufficient information or analysis to demonstrate that there will be no significant environmental impacts to groundwater or nearshore marine resources due to the disposal of reverse osmosis concentrate. The DEIS states in several places (Section 3.5, Appendix A) that after injection into deep wells the concentrate "will flow seaward without rising into and impacting basal groundwater. Discharge into the marine environment would be offshore at a substantial distance and depth." ¶This determination is vague and the data upon which it is made is not in the DEIS...This determination of no impact must be supported by scientific information and analysis.*

Response: In response to your comment, we note that in Section 3.5.1 (Groundwater Resources) of the Draft EIS, it is stated:

Owing to the greater density, as well as the horizontal-to-vertical anisotropy of the subsurface lava flows, the concentrate will flow seaward without rising into and impacting basal groundwater. Discharge into the marine environment would be offshore at a substantial distance and depth.

To clarify and elaborate, three factors will cause the concentrate to move seaward at depth: 1) injection will be into and join the seaward moving saline groundwater beneath the basal lens; 2) the concentrate will have a greater density than the receiving saline groundwater, meaning there will be no tendency for the concentrate to rise due to density; and 3) lava permeabilities are on the order of 200 times greater in the direction of the flow (ie. horizontal) than across the flow (ie. vertical).

The concentrate, diluted by mixing into the receiving saline groundwater, will diffusively discharge into the marine environment at a depth comparable to its depth of initial injection (tentatively between 200 and 250 feet). In the marine environment, the concentrate will be rapidly mixed to background levels (in a matter of a few feet) with no impact on the marine environment.

This analysis is provided and supported by our groundwater quality expert (Tom Nance Water Resource Engineering), and our marine water resources expert (Marine Research Consultants). Tom Nance Water Resource Engineering has over 20 years experience in the areas of groundwater and surface water development, hydraulics and water system design, flood control and drainage, and coastal engineering. Marine Research Consultants have over 25 years experience dealing with coral reef ecology, and coastal oceanography in the Pacific, primarily in the Hawaiian and Marianas Islands.

Based on their expertise, both Tom Nance Water Resource Engineering and Marine Research Consultants, conclude that it is not necessary to do modeling to determine the flow of the

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 5 of 19

discharge of the reverse osmosis concentrate and its impact on groundwater or nearshore marine resources.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 3.5.1 (Groundwater Resources) will be revised as shown in the Attachment titled "Groundwater Resources."

7. Groundwater-Dependent Ecosystems

- a. *The DEIS does not address the potential impacts of the proposed project on groundwater-dependent ecosystems, specifically anchialine pools. Anchialine pools contain endemic and native flora and fauna that depend upon brackish groundwater, and the DEIS does not mention the importance of the basal lens to their survival. Groundwater withdrawals in both the high-level and basal aquifer have the potential to decrease water levels and increase salinity in these groundwater dependent ecosystems, as well as the offshore coral reef ecosystem. To effectively manage and protect these resources, the DEIS should describe the ecosystems that depend upon groundwater and should recognize that anchialine pools are areas of ground-and surface-water interaction containing diverse ecological communities, and are sensitive environmental and cultural areas susceptible to groundwater withdrawals.*

Response: The Draft EIS describes anchialine ponds as "coastal land-locked bodies of water lacking surface connection to the sea, but with measurable salinities and damped tidal fluctuations. They are found in porous substrata such as recent lava or limestone adjacent to the sea." We note that, without groundwater, anchialine ponds would not exist. To include this clarification in the Final EIS, in the Final EIS Section 3.5.2 (Nearshore Marine Environment) will be revised as follows:

Anchialine Ponds – Anchialine ponds are coastal land-locked bodies of water lacking surface connection to the sea, but with measurable salinities and damped tidal fluctuations. They are found in porous substrata such as recent lava or limestone adjacent to the sea. Without groundwater, anchialine ponds would not exist.

As reported in the Draft EIS in 2008, a single pond was observed on the 'O'oma property with a floor elevation several meters lower than the surrounding lava fields. The area of exposed water was approximately one square meter. The pond was populated with numerous native herbivorous red shrimp or opae'ula (*Halocardina rubra*), and was devoid of alien fishes, indicating that the pond is pristine in nature. This information is provided in the Draft EIS (see Section 3.5.2, Nearshore Marine Environment and Appendix B, Marine Environmental Assessment/Marine Water Quality Assessment).

The Draft EIS also reports another anchialine pond was identified near the southern boundary in assessment surveys conducted in 1990-92 and 2002. Red shrimp or opae'ula (*Halocardina rubra*) and glass shrimp (*Palaemon debilis*) were abundant in 2002. The three snails common to anchialine ponds (*Assiminea* sp. *Melania* sp. and *Theodoxus cariosa*) were also observed. Alien fish species were not observed in the pond in 2002.

Because of the use of saline groundwater as a source of supply for desalination and disposal to saline groundwater beneath the basal lens, lowering basal water levels and increasing the salinity of basal groundwater will not occur as a result of the development of 'O'oma Beachside Village.

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 6 of 19

Regarding offshore coral reef systems, these systems exist in water of oceanic salinity (which is undiluted by any groundwater input). Hence any change that might result in an increase in salinity of nearshore marine waters would have the potential for positive rather than negative effects to offshore systems. The reality however, that is fully supported by the data provided in the DEIS, is that all groundwater entering the ocean off the 'O'oma site is completely mixed to oceanic salinity by the time it is contact with reef communities. In addition, areas with maximal groundwater discharge to the ocean in semi-enclosed embayments of West Hawai'i, such as Kealakekua Bay also have the most well developed reef systems.

Anchialine pools are decidedly not sensitive to changes in salinity and nutrient concentrations under completely natural conditions. They are adapted to exist under daily oscillations in water quality owing to natural tidal fluctuations, and are not nutrient limited (meaning that the concentration of nutrients is not the factor that controls biomass). The major sensitivity of anchialine pools is the introduction of alien species which disrupt the biotic balance. Hence, the best management is to control the introduction of such species.

8. Sustainable Yield of the Keauhou Aquifer System

- a. *Section 4.9.1 states that the sustainable yield of the keauhou aquifer system is estimated to be more than 38 MGD because this number was determined before the discovery of the high-level aquifer. This statement is inconsistent with the recent findings of the Commission on Water Resource Management which is responsible for developing the sustainable yield estimates for all aquifers in Hawaii. The Commission recently proposed reducing the sustainable yield of the aquifer system to 36 MGD in the 2007 Water Resources Protection Plan Update, which as released well after the discovery of the high-level aquifer.*

Response: The Water Resource Protection Plan (2008), recently approved by the Commission on Water Resource Management, states that the 2008 sustainable yield of the Keauhou aquifer is 38 MGD.

B. DRAINAGE, STORMWATER COLLECTION AND DISPOSAL, NON-POINT SOURCE POLLUTION

In general we note that this section of your letter contains: 1) lengthy discussions regarding non-point source pollution; 2) references to EPA guidance measures from a 1993 document that pertains to the United States in general and is not specific to Hawaii or Kona; and 3) citations from various State Land Use Commission and County change in zoning decisions for other projects. While we appreciate your recitation of this information, our responses below address your specific comments regarding what you consider deficiencies of the Draft EIS.

- a. *...we specifically requested that the DEIS include an analysis of drainage construction techniques beyond what are required by the county and state, such as filtered drainage systems, to reduce non-point source pollution to the groundwater and marine waters.*

Response: As stated in the Draft EIS, all drainage improvements will be developed in accordance with applicable State of Hawai'i Department of Health (DOH) and County of

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 7 of 19

Hawai'i drainage requirements and standards. In addition, 'O'oma Beachside Village, LLC will comply with all laws and regulations regarding runoff and non-point source pollution.

In response to your request for the EIS to include analysis of drainage construction techniques beyond what are required by the State and County to reduce non-point source pollution, in the Final EIS Section 4.9.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System."

- b. *The DEIS is inadequate in that it does not assess impacts of polluted surface-runoff from the proposed project's roadways, houses, and commercial areas (66% of the proposed project- area acreage) to ground water, anchialine pools, the adjacent nearshore marine waters. No mitigation is proposed in the DEIS to protect coastal water resources from adverse impacts associated with polluted runoff. ¶The DEIS also does not acknowledge that roadway and other impermeable surfaces associated with development are exposed to and can introduce petroleum products, metals, pesticides, and other pollutants to ground water.*

Response: The Ground Water Quality Assessment (Appendix A) in the Draft EIS concludes that analysis of storm water percolation indicates insignificant impacts to ground water due to storm water runoff. The Marine Water Quality Assessment (Appendix B) in the Draft EIS concludes that 'O'oma Beachside Village will not have any significant negative effect on ocean water quality. Based on these conclusions, specific impacts are not anticipated; however, as stated in the Draft EIS, drainage mitigation measures include developing all drainage improvements in accordance with applicable DOH and County drainage requirements and standards. In addition, 'O'oma Beachside Village, LLC will comply with all laws and regulations regarding runoff and non-point source pollution.

To further address your concerns regarding non-point source pollution and drainage mitigation measures, in the Final EIS, Section 4.9.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System."

- c. *In 1998, Hawaii listed 18 impaired water bodies under section 303(d) of the Clean Water Act, one of these was on Hawaii Island. As of 2004 the number of state-listed impaired water bodies had increased to 244, with 28 of these on Hawaii Island and five on the Kona Coast (http://iaspub.epa.gov/tmdl/state_rept.control?pstate=HI&p_cycle=1998; http://iaspub.epa.gov/tmdl/state_rept.control?pstate=HI&p_cycle=2004). **Although the proposed project area is not one of these five sites [emphasis added]**, clearly even the relatively pristine coastal waters of West Hawaii are at risk from increasing urbanization. The EIS should recognize the potential for impact particularly in the context of proposed and existing neighboring developments.*

Response: The Marine Water Quality Assessment (Appendix B) in the Draft EIS concludes that 'O'oma Beachside Village will not have any significant negative effect on ocean water quality.

As stated in Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS, the Marine Water Quality Assessment (Appendix B) concludes that 'O'oma Beachside Village will not have any significant negative effect on ocean water quality. Changes to the marine environment as a result of 'O'oma Beachside Village will likely be undetectable, with no alteration from the present

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 8 of 19

conditions because of: 1) the park and coastal preserve along the shoreline, resulting in a substantial setback; 2) lack of potential for surface runoff and sediment effects; 3) small projected groundwater subsidies; and 4) the strong mixing characteristics of the nearshore environment.

- d. Following the 2002 Decision and Order on Docket A00-732, the neighboring commercial/industrial developers with petitions before the LUC, Lanihau Partners and McClean Honokohau Properties, came to agreement with the National Park Service on protective conditions to be put in place on redistricting by the LUC. To properly mitigate potential impacts to ground water and coastal waters from this project development, O'oma Beachside Village, LLC should voluntarily adopt those LUC conditions concerning protection of water resources (storm and surface water runoff, pollution prevention, ground-water quality monitoring) for the proposed project area.*

Response: While the Ground Water Quality Assessment (Appendix A) and the Marine Water Quality Assessment (Appendix B) contained in the Draft EIS conclude that 'O'oma Beachside Village will not have significant impacts to either groundwater or ocean water quality, 'O'oma Beachside Village, LLC seeks to come to agreement with the National Park Service on protective conditions concerning protection of water resources for the 'O'oma Beachside Village property.

- e. Project roadway and parking-lot drainage wells should be made to filter petrochemical pollutants by including oil/water separators or similar pollutant-removal technology in the drainage basin.*

Response: 'O'oma Beachside Village, LLC will design and construct (or require to be constructed), to extent practicable and consistent with applicable laws, landscaped areas, including grassed or vegetative swales, grass filter strips, vegetated open space areas, check dams, or other comparable advanced storm water BMPs, specifically engineered to treat the first flush runoff volume from roadways, and from exposed parking lots designed for more than ten vehicles within the 'O'oma Beachside Village property to remove pollutants. Additionally, 'O'oma Beachside Village, LLC will design and install storm water BMPs for treating the first flush runoff volume to remove suspended solids and oils and greases from storm runoff from 'O'oma Beachside Village roadways and parking lots designed for more than fifty vehicles.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.9.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System."

- f. O'oma Beachside Villages LLC should commit to join this pilot project [specified in County Ordinance 02-114, Condition F] for roadways within the development and commit to employ best technology pollution filtration devices in parking lots and roadway, or should connect all stormwater drains to their wastewater treatment plant and treat appropriately as mitigation to protect ground water and coastal water resources.*

Response: 'O'oma Beachside Village, LLC will seek to participate with the County of Hawai'i in its pilot storm drain program for roadways within the Kaloko-Honokōhau region. This program is specified in County Ordinance 02-114, Condition F which requires: 1) all roadways be constructed to County decidable standards with paved swales and striped on-street parking;

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 9 of 19

and 2) the drainage system within road right-of-ways include storm drainage filtration devices which meet the approval of the Department of Public Works, in consultation with the National Park Service, and the applicable permitting requirements of the Underground Injection Control (UIC) of the Federal Safe Drinking Water Act and the National Pollutant Discharge Elimination System (NPDES) of the Federal Clean Water Act.

To reflect the relevant above information in the Final EIS, Section 4.9.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System."

C. *WATER CONSERVATION AND POLLUTION PREVENTION*

- a. *...the NPS asks that O'oma Beachside Village, LLC provide the new residents with information about controlling non-point source pollution including but not limited to vehicle maintenance and proper disposal of vehicle fluids, the impacts of washing cars on the street and storm drain stenciling and require strict adherence to these protective measures in its CCRs. However, the DEIS does not discuss the use of appropriate fertilizers and pesticides, and no enforceable controls on approved chemicals and uses by property owners through CCRs or other means were offered as mitigation to protect ground water. Controls on fertilizers and pesticides should be included in the EIS.*

Response: 'O'oma Beachside Village, LLC will develop an Owner's Pollution Prevention Plan (OPP Plan), before constructing 'O'oma Beachside Village, that: 1) addresses environmental stewardship and non-point sources of water pollution that can be generated in residential areas, and 2) provides best management practices for pollution prevention. The OPP Plan will include guidance related to: water conservation, lot and landscape runoff, erosion control, use of fertilizers, use of pesticides, environmentally safe automobile maintenance, and management of household chemicals. The OPP Plan will also include information on the National Park and the nationally significant cultural and natural resources within the National Park.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.9.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System."

- b. *The National Park Service strongly supports the protective measures listed in Section 2.5.1 and requests that O'oma Beachside Village, LLC commit to these measures by incorporating them into their proposed conditions of approval for the amended land-use district boundary in the LUC Decision an Order.*

Response: We are pleased that the National Park Service supports the protective measures listed in Section 2.5.1 of the Draft EIS. In the Final EIS Section 2.5 (Environmentally-Responsible Planning and Design) will be revised to include the following statement:

In the design and construction of 'O'oma Beachside Village, 'O'oma Beachside Village, LLC will implement feasible measures to promote energy conservation and environmental stewardship, such as the standards and guidelines promulgated by the U.S. Green Building Council, the United States Environmental Protection Agency (EPA) ENERGY STAR Program, or other similar programs.

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 10 of 19

D. WASTEWATER TREATMENT AND IRRIGATION WATER

- a. Section 4.9.2 discusses the proposed wastewater system and recycled use of the effluent. The DEIS does not discuss the nutrient removal capabilities of the proposed membrane bioreactor wastewater treatment system.*

Response: While the Ground Water Quality Assessment (Appendix A) and the Marine Water Quality Assessment (Appendix B) contained in the Draft EIS conclude that 'O'oma Beachside Village will not have significant impacts to either groundwater or ocean water quality, 'O'oma Beachside Village, LLC seeks to come to agreement with the National Park Service on protective conditions to be put in place concerning protection of water resources for the 'O'oma Beachside Village property.

To this end, regarding your concerns related to wastewater treatment, 'O'oma Beachside Village, LLC and/or its successors and assigns will not obtain a certificate of occupancy for a residential lot within 'O'oma Beachside Village until the residential lot to be occupied is connected to one of the following:

1. A public wastewater treatment plant ("WWTP");
2. A private WWTP and effluent disposal system serving 'O'oma Beachside Village (or portion thereof) designed to reduce Total Nitrogen to a concentration of <5 mg/l and Total Phosphorus to a concentration of <2 mg/l (aerobic nitrification processes combined with anoxic/anaerobic sand filters to perform denitrification, or comparable technology); or
3. An Individual Wastewater System ("IWS"), for lots 10,000 square feet or larger, that uses an enhanced treatment (such as Sequential Batch Reactor, CBT, or technology with a comparable nutrient removal efficiency) and an absorption field of import material, featuring adequate percolation rate, such that the IWS and absorption field are designed to reduce Total Nitrogen to a concentration of <5 mg/l and Total Phosphorus to a concentration of <2 mg/l.

Further, effluent disposal for a WWTP within 'O'oma Beachside Village shall be in accordance with applicable laws and will include either:

1. Horizontal absorption system with absorption trenches or beds of sufficient import material (meeting the Hawai'i State Department of Health specifications) featuring adequate percolation rate and constructed in a manner to achieve the level of nutrient removal stated above; or
2. An irrigation system for disposing of effluent within 'O'oma Beachside Village in accordance with applicable laws and Hawai'i State Department of Health requirements; or
3. A combination thereof. Installation is subject to conditions of approval by the Director of the Hawai'i State Department of Health and Chapter 11-62, HAR.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.9.2 (Wastewater System) will be revised as shown on the attachment titled "Wastewater System."

- b. While the use of recycled water to the R-1 level is the appropriate treatment to reduce viral and bacterial pathogens for irrigation uses around residential areas, the stated level of nutrients contained in the wastewater effluent is a significant concern, particularly so close to ground water supplying anchialine and marine resources. It*

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 11 of 19

is unclear why applied fertilizer would be added (Section 3.5.1, page 37 and Section 4.9.3 page 83) since the stated nutrient concentration of the effluent is high, and a typical benefit of irrigating with recycled water is the elimination of need for fertilizer. The stated addition of 300 μ M Nitrogen (presumably Total Nitrogen, though this is not clear in the DEIS) from effluent is approximately 2.5 to 3.5 times greater than that reported in high-level aquifer wells and 2 to 4.5 times greater than reported in coastal groundwater monitoring wells (Appendix A). The addition of 100 μ M Phosphorus (presumably Total Phosphorus, though this is not clear in the DEIS) is approximately 12.5 to 29 times greater than reported in the in the high-level aquifer wells and 8.3 to 153 times higher than reported in coastal monitoring wells (Appendix A). Therefore, additional nutrient removal technologies should be employed for this coastal development.

Response: The analysis conducted for the Ground Water Quality Assessment (Appendix A) and reported in the Draft EIS is a very conservative calculation (i.e., an overestimate) of the potential contribution of nutrients to groundwater. For example, the contribution of irrigation return flow ignored the contribution of nutrients in R-1 wastewater and overestimated the impact of irrigation return flow as a result. In other words, the actual nutrient amounts passing below the plant root zone would be less than calculated.

The issue is not the individual concentrations of these inputs to groundwater but the increases that may result in the receiving groundwater. As shown by the analysis, the increases are relatively small and within the normal variability of existing conditions. It should also be noted that the 'O'oma Beachside Village property is at a lateral distance from the National Park; groundwater beneath the 'O'oma Beachside Village property will not move toward, or enter into, basal groundwater beneath the National Park.

While the Ground Water Quality Assessment (Appendix A) and the Marine Water Quality Assessment (Appendix B) contained in the Draft EIS conclude that 'O'oma Beachside Village will not have significant impacts to either groundwater or ocean water quality, 'O'oma Beachside Village, LLC seeks to come to agreement with the National Park Service on protective conditions to be put in place concerning protection of water resources for the 'O'oma Beachside Village property.

Therefore, in response to your suggestion that "additional nutrient removal technologies should be employed for this coastal development," 'O'oma Beachside Village LLC will implement the provisions noted above regarding pollution prevention and wastewater treatment.

- c. *Table 2 of Appendix A hints that TN was calculated as the sum of dissolved nitrate plus dissolved ammonia plus total organic nitrogen. This is somewhat non-standard. A more typical way to do it would be to analyze for TN itself; which would be preferable since Hawaii standards are expressed as TN. By doing an analysis for TN itself, a comparison of the rates of TN compared with TDN + TPN as a quality control check could be utilized for a more complete analysis. Not all the TPN is necessarily organic, so adding nitrate, ammonia, and TON is not necessarily an optimal way to estimate TN.*

Response: We are unclear why you think Table 2 "hints" that TN was calculated as the sum of nitrate, ammonia, and dissolved organic nitrogen, but that is not the way TN was calculated. It

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 12 of 19

was calculated by analyzing for TN directly. Dissolved organic nitrogen was then calculated as the amount of TN minus nitrate and ammonia.

- d. *The DEIS states (Section 3.5.1) that “[i]t is assumed that approximately 15 percent of irrigation water will percolate downward into the underlying basal lens.” No scientific data or scientific studies are provided to support this assumption. For the development adjacent to the proposed O’oma Beachside Village, Waimea Water Services estimated that approximately 54% of the irrigation water will infiltrate into the aquifer. (The Water Development Impacts Study for the Shores of Kohanaiki, Figure 6, Waimea Water Services, Inc., 2007). Fifteen percent seems very low compared to what was assumed for the adjacent development.*

Response: The assumption of 15 percent of applied irrigation water becoming percolate to the underlying basal lens is entirely consistent with appropriate irrigation practices. If Waimea Water Services estimated that percolation at adjacent Kohanaiki would be 54 percent of the applied irrigation water, they would be assuming an application rate of more than twice the plant's actual evapotranspiration rate. Clearly, Waimea Water Services percolation rate at Kohanaiki is not consistent with a reasonable irrigation application rate.

- e. *Additionally, the DEIS states that if necessary, overflow from the wastewater storage reservoir would be discharged into injection wells. No analysis is made of the potential impacts of injecting nutrient-enriched wastewater in a coastal injection well.*

Response: The potential impact of the discharge of excess wastewater effluent is discussed on page 15 of the Groundwater Quality Assessment (Appendix A). The disposal well is a necessary backup facility, but it may never actually be used for that purpose.

- f. *Also no mention is made in Sections 1.7.4 and 5.3 of the DEIS for the Underground Injection Control Permit from the Department of Health that will be required for the injection wells to dispose of wastewater effluent.*

Response: In response to your comment, Section 1.7.4 and Section 5.3 (Approvals and Permits) in the Final EIS will be revised as shown in the attachment titled “Required Permits and Approvals.”

- g. *The DEIS (Section 4.9.2 R-1 Water, and Section 3.5.1) states that storm and irrigation water “percolating into the ground (either pre- or post-development) removal rates of nitrogen and phosphorus will be 80 and 95%, respectively.” This statement is speculative and is based on un-validated assumptions. The denitrification abilities of the project area’s soil type, highly permeable lava with few accumulated soils, has not been determined and the stated removal rate is not supported by scientific data. According to the EPA, even a well-constructed wastewater leach field (soil beds that are optimally constructed to treat effluent) that is comprised of fine-grained soils, i.e. silts and clays, especially those containing organic material, and layered soils is expected to remove no more than 20% nitrogen, so it is unlikely that percolation through unimproved soil such as on the project site will achieve the stated nitrogen removal rate. Similarly, no data are provided in the DEIS regarding phosphorus removal. No scientific study on the sorption, transport,*

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 13 of 19

and retention capacity of the project area soils for phosphorus was conducted or provided. It is unlikely that percolation through unimproved soil will realistically remove these stated levels of nutrients.

Response: The removal rates of nitrogen and phosphorus (80 and 95 percent, respectively) are based on measurements and calculations as to the fate of these nutrients in the disposal of the effluent from the County's Kealakehe WWTP. That effluent is dumped into a sump on the mauka side of Queen Ka'ahumanu Highway. It then percolates about 50 feet to groundwater and then travels to and discharges into the upper end of Honokōhau Harbor. The removal rates used in the 'O'oma calculations are based on measured (and computed) removal rates of the Kealakehe WWTP's effluent discharge.

E. NEARSHORE MARINE ENVIRONMENT

- a. The DEIS (Section 3.5.2 and Appendix B) states that the data collected by Marine Research Consultants in previous marine water quality and environmental assessments can be used to evaluate changes over time and that the previous studies can serve as a baseline for future monitoring. These statements are not supported by the study design. The low number of transects and samples lack the statistical ability (power) to reliably detect changes over time or between sites.*

Response: Surveys over time were not established *a priori* as a statistically valid sampling plan, but were only utilized as "data of convenience."

- b. Because the transects were not selected randomly, the results are relevant only to the transects themselves and cannot be generalized to the entire study area. The location of Transect 1 was moved from previous surveys, thus comparison over time is no longer possible for this transect. Results from Transect 1 should be clarified and state whether the data collected before the transect was moved were thrown out.*

Response: Transect locations are determined by a well-documented method termed "stratified random sampling" which is the accepted method used by many federal agencies (e.g., National Marine Fisheries Service and United States Fish and Wildlife Service) for similar reef analyses.

- c. According to Appendix B, data collection for this study does not meet the Department of Health criteria of three separate samplings within a 14-day period.*

Response: Department of Health (DOH) Kona-specific water quality standards specify three samplings within a 14-day period for projects that are stipulated to comply with these standards. The evaluation of impacts to the marine environment in the vicinity of the 'O'oma Beachside Village property was not prepared as part of such a stipulated requirement, and hence was not obligated to comply with all conditions of the DOH standards. If future compliance conditions for the 'O'oma Beachside Village stipulate compliance with DOH standards, all stipulated conditions will be met.

- d. Pages 8 and 9 of Appendix B suggest that the water quality parameters that exceed DOH standards represent "natural conditions" because there is currently no development on the O'oma property. However, this statement is contradicted by Appendix A wherein it is noted that nutrient enrichment is occurring. There are*

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 14 of 19

numerous developments upslope and in the surrounding watershed that are on septic and cesspool wastewater systems. Inputs from these systems are likely the sources influencing nutrient concentrations along the coast.

Response: As there is presently no development on the 'O'oma Beachside Village property, any water quality parameters that exceed DOH standards can be considered a result of natural conditions. In this context, "natural conditions" refers to the current conditions on the 'O'oma Beachside Village property. This does not contradict the Groundwater Quality Assessment (Appendix A), which notes the current condition of groundwater flowing the beneath 'O'oma Beachside Village property but does not speculate on sources influencing nutrient concentrations. However, mixing plots in the Marine Water Quality Assessment (Appendix B) indicate no excursion of data points above mixing lines, indicating no subsidies above 'O'oma property.

F. CONTEXTUAL ISSUES, CUMULATIVE IMPACTS

The cumulative impact section of the DEIS is inadequate. The tabular listing of proposed developments is not an adequate analysis of the cumulative affects from these developments to environmental resources and existing infrastructure. In addition to proposed developments, analysis of cumulative impacts must also take into consideration current developments and land uses. In its 2002 Decision and Order for Docket A00-732, the Land Use Commission stated:

This Commission is acutely aware that continuous development is planned for this coastline. Although each developer might claim that only a "small amount" of pollution will result from their development and that the area's ecosystem will show "little" effects, these developments and their impacts are cumulative and, absent strong mitigation measures, have the potential to devastate the fragile resources of the coastal and marine aquatic environments of the entire Kona coastal region.

The EIS should be revised to incorporate thorough analyses of cumulative impacts to environmental resources and public infrastructure.

Response: The analysis of existing conditions in the Draft EIS includes consideration of current developments and land uses in the region. Each section of the Draft EIS provides information on existing conditions, which inherently includes the cumulative conditions associated with currently built developments up to the point in time of the Draft EIS (May 2008).

Regarding cumulative impacts to groundwater and marine water, as to which the majority of the comments in your letter pertain, the Ground Water Quality Assessment (Appendix A) and the Marine Water Quality Assessment (Appendix B) contained in the Draft EIS conclude that 'O'oma Beachside Village will not have significant impacts to either groundwater or ocean water quality. Therefore, 'O'oma Beachside Village will not contribute to potential impacts associated with other proposed developments in the region.

'O'oma Beachside Village, LLC seeks agreement with the National Park Service on protective conditions to be put in place regarding the protection of water resources for the 'O'oma Beachside Village property. To this end, we have proposed measures that seek to address your concerns. These measures are similar to measures agreed to by the National Park Service and other developments in the region. Therefore, we seek concurrence that any agreement reached between 'O'oma Beachside Village LLC and the National Park Service will also address National Park Service's concerns regarding cumulative impacts.

1. Cumulative Impacts of Water Withdrawal

- a. *The proposed project's water source remains an unresolved issue and the DEIS states that the applicant continues to explore alternatives such as a conventional potable-well system. No analysis of the cumulative impacts of water withdrawal from the aquifer was conducted. The DEIS does not report the estimated water needs of the surrounding proposed developments in combination with its own needs and does not examine the potential impacts of that amount of withdrawal on ground water supply and ground-water dependent ecosystems. Inland wells withdraw from the same aquifer as the ground water that discharges through the National Park, and potential wells supplying this proposed development would likely be located directly inland of the National Park. The NPS is highly concerned about the impacts of withdrawal to the cultural and natural resources in the Park that are dependent upon ground-water flow. Ground water within the National Park is considered a cultural resource; essential to the ancient Hawaiian fishponds and the pools that define the Park and are central to the National Park's planned Cultural Live-in Center (NPS 1994, General Management Plan/EIS). The focus on this singular development obscures that the overall proposed withdrawal of water is considerable. Ultimately, the cumulative impact to the aquifer will be quite significant.*

Response: As discussed on page one of this letter and in the Draft EIS, 'O'oma Beachside Village, LLC's preferred source for potable water for 'O'oma Beachside Village is a desalination plant. If a desalination plant proves unfeasible, 'O'oma Beachside Village will explore alternate sources of water including connection to the County of Hawai'i potable water system, partnership with private water system owners, or utilization of independent wells. In providing a source of potable water for 'O'oma Beachside Village, 'O'oma Beachside Village, LLC will comply with all laws and regulations. As necessary, 'O'oma Beachside Village, LLC will undertake additional research to assess the potential impacts and appropriate mitigation measures of the selected systems.

2. Cumulative Impacts Contributing to Nonpoint Source Pollution

- a. *The DEIS does not analyze the cumulative impacts of nonpoint source pollution to coastal aquatic and nearshore marine resources generated by the rapidly increasing area of impermeable surfaces and individual wastewater systems around and upslope of the proposed project site in the context of other developments, existing and planned, in the area.*

Response: As discussed previously, the Ground Water Quality Assessment (Appendix A) and the Marine Water Quality Assessment (Appendix B) contained in the Draft EIS conclude that 'O'oma Beachside Village will not have significant impacts to either groundwater or ocean water quality.

'O'oma Beachside Village, LLC seeks agreement with the National Park Service on protective conditions to be put in place regarding the protection of water resources for the 'O'oma Beachside Village property. To this end we have proposed measures that seek to address your concerns. These measures are similar to measures agreed to by the National Park Service and other developments in the region. Therefore, we seek concurrence that any agreement reached between 'O'oma Beachside Village LLC and the National Park Service will also address

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 16 of 19

National Park Service's concerns regarding cumulative impacts contributing to nonpoint source pollution.

- b. Another factor that is not given sufficient discussion is that the existing "high level aquifer wells" are not above human influence and thus cannot be used to argue that high levels of nitrate and other nutrients are coming down the mountain from purely natural areas above human influence.*

Response: The Groundwater Quality Assessment (Appendix A) notes the current condition of groundwater flowing the beneath 'O'oma Beachside Village property but does not speculate on sources influencing nutrient concentrations. We note that in a previous comment you state that inputs from upslope septic and cesspool wastewater systems are likely sources influencing nutrient concentrations, but we are unclear from your comment above if this is what you are referring to as "human influence."

G. OTHER RELATED ISSUES

1. Traffic and Frontage Road

- a. Figure 17 shows a frontage road inside the National Park boundaries. A frontage road within the National Park lands is not a viable option, since an act of Congress would be required. Figure 17 should be revised to eliminate the frontage road from this section.*

Response: In the Final EIS the Figure will be revised to eliminate the frontage road inside the National Park boundaries. The Attachment titled "Figure 18" shows the revised Figure.

2. Lighting

- a. The effects of lighting near the shoreline as a result of development and impacts to protected species are not considered. There should be a thorough examination of lighting issues and impacts on birds, endangered species and the shoreline resources.*

Response: The substantial setback from the shoreline (over 1,000 feet) will provide a buffer against the effects of lighting near the shoreline. All exterior lighting will conform to County of Hawai'i standards, Hawai'i County Code (HCC) Chapter 14, Article 9 Outdoor Lighting. The substantial setback is discussed throughout the Draft EIS. Compliance with HCC Chapter 14, Article 9 Outdoor Lighting is discussed in Section 7.2 (Cumulative and Secondary Impacts) of the Draft EIS.

3. Potential Impacts and Proposed Mitigation Measures

- a. The DEIS states that seals and turtles will not be impacted, however, in other sections, there is discussion of the potential for impact. The document contradicts itself (Page 6, Section I.7.2 ff), where it states the turtles and Monk Seals that "haul out" on occasion, but will not be impacted because the area will be set aside as a shoreline park and coastal preserve. On page 23, it states the shoreline park will have parking, comfort station, a public-use pavilion, and trails from the housing areas will be put in. On page 42 second paragraph it says "the shoreline is heavily*

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 17 of 19

used for recreation”, but throughout the document it talks about enhancing the shoreline with the facilities mentioned on page 23, and it is logical to surmise that with about 1000 new homes, and their residents, use at the coast will increase significantly. On page 45 under Potential Impacts and Mitigation Measures it states “Mitigative measures to ensure that there are no effects to turtles or seals by human interaction include appropriate signage and establishment of protective buffer zones established by trained personnel from the State and/or Federal agencies.” Likewise, the discussion on page 63 indicates that more accessibility to the coastal areas will be an outcome, yet the effects of increased access regarding seals, turtles and sensitive cultural sites are not addressed, nor are the potential mitigation actions.

Response: 'O'oma Beachside Village will enhance access to the shoreline and this is pointed out in several sections of the EIS as you note. Section 3.5.2 (Nearshore Environment) discusses potential impacts and mitigation measures regarding turtles and Hawaiian monk seals. The mitigation measures included in the Draft EIS are based on consultation with the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS).

We note that established mitigation measures for protecting hauled-out Hawaiian monk seals, which includes cordoning off areas where Hawaiian monk seals have come ashore, have been generally effective in the Main Hawaiian Islands, and this segment of the monk seal population appears to be increasing. It is also noted that per consultation with NOAA, prohibiting dogs from the shoreline area may be of greater significance in limiting behavioral disturbances to Hawaiian monk seals and turtles that “haul out” on occasion.

4. Sustainability and Best Practices Implementation

- a. *There is mention of consideration of the use of photovoltaics and integrated building PV systems but only as suggestions of possible implementation. There should be a stronger commitment to sustainability and implementation of best practices.*

Response: As stated previously, in the Final EIS Section 2.5 (Environmentally-Responsible Planning and Design) will be revised to include the following statement:

In the design and construction of 'O'oma Beachside Village, 'O'oma Beachside Village, LLC will implement feasible measures to promote energy conservation and environmental stewardship, such as the standards and guidelines promulgated by the U.S. Green Building Council, the United States Environmental Protection Agency (EPA) ENERGY STAR Program, or other similar programs.

5. Cultural Resources Preservation Planning and Mitigation

- a. *The DEIS acknowledges cultural resources management planning and surveys that have taken place (pp. 47, 50) and identifies that a preservation plan will be completed — that plan should be identified and appended to the final document so that there is an existing framework and SOPs in place.*

Response: As stated in Section 4.1 (Archaeological and Historic Resources) of the Draft EIS, 'O'oma Beachside Village, LLC will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. As stated in Section 4.2 (Cultural Resources) of the Draft EIS, as appropriate, preservation plans will be submitted to and approved by the State Historic Preservation Division prior to final subdivision approval. Development

activities will not commence until site protection measures and stewardship aspects of the preservation plans are implemented.

6. Shoreline Management

- a. *On page 147, the DEIS does not indicate that an integrated shoreline erosion management plan will be completed in conformance with the State Land Use and Hawaii County General Plan for flooding and other natural hazards.*

Response: On page 147 of the Draft EIS it is indicated that 'O'oma Beachside Village supports the County of Hawai'i General Plan policy to "Develop an integrated shoreline erosion plan that ensures the preservation of sandy beaches and public access to an along the shoreline, and the protection of private and public property from flood hazards and wave damage." Further on page 148 is it noted that "...no habitable structures will be built within the 100-year floodplain (Zone A) or the tsunami inundation zone, and all structures will be constructed in compliance with requirements of the UBC, appropriate to the Zone 4 Seismic Probability Rating, as well as applicable County, State, or Federal standards."

All structures and buildings will be set back more than 1,000 feet from the shoreline, with the exception of the shoreline park facilities, which will be approximately 330 feet from the shoreline, but still outside the shoreline setback area.

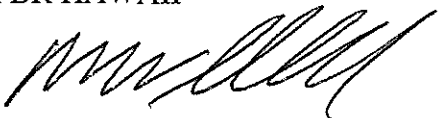
- b. *Additionally, the document fails to acknowledge the Ala Kahakai National Historic Trail, that encompasses a 175-mile corridor along the Kona coast, passes through the proposed development.*

Section 4.3 (Trails and Access) of the Draft EIS acknowledges that the Ala Kahakai National Historic Trail corridor passes through the Property. The Ala Kahakai National Historic Trail is also mentioned in several other sections of the Draft EIS.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

Attachments:

Required Permits and Approvals
Groundwater Resources
Water System
Drainage System
Wastewater System
Figure 18

Ms. Geraldine Bell

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT

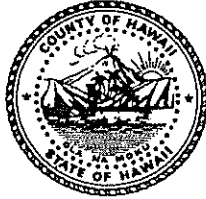
December 10, 2008

Page 19 of 19

cc: State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP
Patrick Leonard, U.S. Fish and Wildlife Service

23093.03 NPS KHNHP

Harry Kim
Mayor



Lawrence K. Mahuna
Police Chief

Harry S. Kubojiri
Deputy Police Chief

County of Hawaii

POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawaii 96720-3998
(808) 935-3311 • Fax (808) 961-2389

June 9, 2008

Mr. Tom Schnell
PBR Hawaii & Associates Inc.
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell:

SUBJECT: Draft Environmental Impact Statement (DEIS)
Project: 'O'oma Beachside Village
Location: North Kona, Island of Hawaii
Tax Map: (3) 7-3-09: 04, 22 and (3) 7-3-09

This responds to your May 23, 2008 submittal requesting review and comments of your Draft Environmental Impact Statement (DEIS) for the 'O'oma Beachside Village project in North Kona, Hawaii.

Staff has reviewed the above-referenced DEIS and submits the following comments and recommendations:


- Any additional development/project utilizing Queen Kaahumanu Highway as an access will adversely impact traffic conditions throughout Queen Kaahumanu Highway, particularly during peak traffic hours or during an emergency condition.
- Recommend against any further development in this area until such time as the second phase of improvements to Queen Kaahumanu Highway (Kealakehe Parkway to Keahole Airport) has been completed and is open to traffic.
- Recommend secondary frontage road makai of Queen Kaahumanu Highway between Kuakini Highway and Keahole Airport be completed and open to traffic prior to completion of the project.

Mr. Tom Schnell
June 9, 2008
Page 2

Should you have any further questions or comments, please feel free to contact Captain Chad Basque at 326-4646, extension 249.

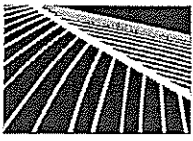
Sincerely,

LAWRENCE K. MAHUNA
POLICE CHIEF



HENRY J. TAVARES JR.
ASSISTANT CHIEF
AREA II OPERATIONS

CB:dmv



PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

Lawrence K. Mahuna, Police Chief
Henry J. Tavares, Jr., Assistant Chief
Area II Operations
County of Hawai'i
Police Department
349 Kapiolani Street
Hilo, Hawai'i 96720-3998

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

Dear Chief Mahuna and Assistant Chief Tavares:

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

Thank you for your letter dated June 9, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. As discussed in Section 4.4 of the Draft EIS, traffic on Queen Ka'ahumanu Highway is expected to increase even if 'O'oma Beachside Village is not built. The State DOT and County of Hawai'i have many roadway improvements planned to meet the expected growth in the area and distribute north/south traffic off Queen Ka'ahumanu Highway to an expanded roadway network mauka of the highway.

'O'oma Beachside Village will be part of the regional solution to address congestion and improve traffic circulation on Queen Ka'ahumanu Highway by working cooperatively with the State, County, and adjoining landowners to plan and develop its portion of a Frontage Road makai of, and parallel to, Queen Ka'ahumanu Highway.

The widening of Queen Ka'ahumanu Highway, the Frontage Road, and the development of the mauka roadway network would accommodate much of the anticipated growth in the North Kona region. The highway system is expected to operate at acceptable levels of service in the forecast future.

2. 'O'oma Beachside Village is not expected to be entirely built out until 2029, by which time, the second phase of improvements to Queen Ka'ahumanu Highway are expected to be completed.
3. As discussed above, 'O'oma Beachside Village will work cooperatively with the State, County, and adjoining landowners to plan and develop its portion of the Frontage Road makai of, and parallel to, Queen Ka'ahumanu Highway.

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

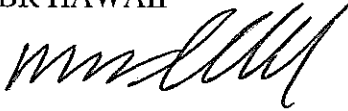
1787 Wili Pa Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Chief Mahuna and Assistant Chief Tavares
SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT
December 10, 2008
Page 2 of 2

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

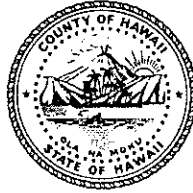
PBR HAWAII

A handwritten signature in black ink, appearing to read 'Tom Schnell', written in a cursive style.

Tom Schnell, AICP
Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

Harry Kim
Mayor



Bobby Jean Leithead Todd
Director

Nelson Ho
Deputy Director

County of Hawaii

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

25 Aupuni Street • Hilo, Hawai'i 96720-4252

(808) 961-8083 • Fax (808) 961-8086

http://co.hawaii.hi.us/directory/dir_envmng.htm

June 4, 2008

Mr. Tom Schnell
PBR Hawaii
1001 Bishop Street, ASB Tower 650
Honolulu, HI 96813

Subject: Draft Environmental Impact Statement
`O`oma Beachside Village
North Kona, Hawai'i
TMK: 7-3-09:04, 22 and 7-3-09 (por of State ROW)

Dear Mr. Schnell,

We offer the following comments:

Wastewater Division

- This project is not within the North Kona Improvement District.
- As stated in our March 22, 2007 communication (attached), a private wastewater treatment plant will require dewatering facilities.

If you have any questions or need further clarification, please contact Bert Saito, Wastewater Division Chief, at 808-961-8515.

Thank you for allowing us to offer our comments on this project.

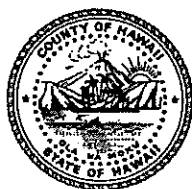
Sincerely,

Bobby Jean Leithead Todd
DIRECTOR

cc: Dora Beck, WWD Chief

enclosure

Harry Kim
Mayor



Barbara Bell
Director

Nelson Ho
Deputy Director

County of Hawaii

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

25 Aupuni Street • Hilo, Hawai'i 96720-4252
(808) 961-8083 • Fax (808) 961-8086
http://co.hawaii.hi.us/director/dir_envmng.htm

March 22, 2007

Mr. Harold K. Yee, P.E.
Program Manager
Department of Health
Wastewater Branch
919 Ala Moana Boulevard, Room 309
Honolulu, Hawai'i 96814

Subject: **Acceptance of Solids from Private Wastewater Treatment and Collection Systems –
County of Hawai'i**

Dear Mr. Yee,

As indicated in your discussions with our Technical Services Section, wastewater treatment facilities owned and operated by the County of Hawai'i have been experiencing problems with acceptance of large quantities of septage loads from private facilities due to the high Total Suspended Solid (TSS) and Biological Oxygen Demand (BOD) concentrations of the discharges.

While we understand that it would not be economically feasible to expect small private treatment plants to have facilities for dewatering of solids from their plants, we are requesting the State of Hawai'i Department of Health, Wastewater Branch, require that designs for all new private wastewater treatment works located in the County of Hawai'i, with treatment capacities greater than or equal to 100,000 gallons per day, include sludge dewatering facilities.

Treatment works would be as defined in Hawai'i Administrative Rules §11-62-03 and would include the associated collection and disposal system, excluding individual wastewater systems. Under this request, treatment works utilizing Septic Tank Effluent Pump (STEP) systems would also be required to be equipped with dewatering facilities for treatment of solids received from the septic tanks utilized as part of the treatment works.

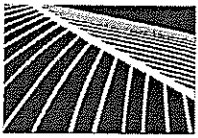
Please provide any comments or questions regarding this request to Ms. Dora Beck, P.E., Technical Services Chief at 808-961-8028 (dbeck@co.hawaii.hi.us).

Handwritten signature of Barbara Bell in cursive script.

Barbara Bell
DIRECTOR

cc: Nelson Ho, Deputy Director
Dora Beck, TSS Chief
Paul Ochi, Acting WWD Supt.

2/16/6



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Bobby Jean Leithead Todd
County of Hawai'i
Department of Environmental Management
25 Aupuni Street
Hilo, Hawai'i 96720-4252

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL
IMPACT STATEMENT**

Dear Ms. Leithead-Todd:

Thank you for your letter dated June 4, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

Wastewater Division

1. We understand 'O'oma Beachside Village is not within the North Kona Improvement District.
2. We understand that a private wastewater treatment plant will require dewatering facilities.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

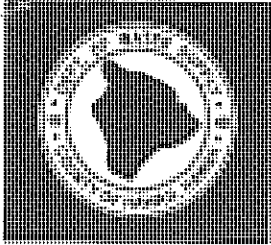
Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

2309.03 DEM



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

June 4, 2008

Mr. Thomas Schnell
PBR Hawaii & Associates, Inc.
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, HI 96813

**DRAFT ENVIRONMENTAL IMPACT STATEMENT
O'OMA BEACHSIDE VILLAGE
APPLICANT – O'OMA BEACHSIDE VILLAGE, LLC
TAX MAP KEY 7-3-009:004, 022 AND 7-3-009 (PORTION OF STATE R-O-W)**

We have reviewed the subject Draft Environmental Impact Statement (DEIS) and have the following comments and conditions.

The Department has no objection to the proposed private water system utilizing desalinated water to provide potable water for the proposed development, with the following conditions:

1. The Department will not be responsible for the operation or maintenance of the water system. The developer shall be required to establish a private water utility to operate and maintain the system.
2. The private water system shall not be interconnected with the Department's water system in any way.
3. The Department will not allow the construction of a private water storage tank at our existing Keahole tank site, as indicated on Page 80 of the DEIS.
4. The Department will provide review and approval of the construction plans for the potable water system for development as they apply to the State of Hawai'i Water System Standards, 2002, as amended. The Department will not review or comment on the design of the desalination system as the Water System Standards do not cover desalination systems.
5. The developer will be required to comply with all rules and regulations of the State of Hawai'i, Department of Land and Natural Resources, Commission on Water Resource Management pertaining to source development. The developer will also be required to comply with all rules and regulations of the State of Hawai'i, Department of Health, pertaining to water quality and safe drinking water.

Please also note that the Department operates a total of 13 wells in the North Kona Water System. Page 78 of the DEIS indicates that there are only four (4) wells serving the North Kona Water System.

... Water brings progress...

Mr. Thomas Schnell, PBR Hawaii
Page 2
June 4, 2008

Should there be any questions, you may contact Mr. Finn McCall of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,

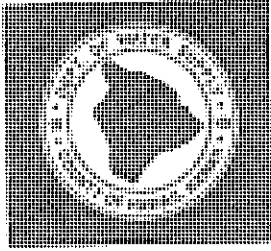
A handwritten signature in black ink, appearing to read 'Milton D. Pavao'. The signature is stylized with a large loop at the top and a long, vertical stroke extending downwards.

Milton/D Pavao, P.E.
Manager

}

FM:dfg

copy – State of Hawai'i, Office of Environmental Quality Control
State of Hawai'i, Land Use Commission



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I
345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAI'I 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

August 21, 2008

Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

**SUPPLEMENTAL COMMENTS TO
DRAFT ENVIRONMENTAL IMPACT STATEMENT
REGARDING WATER SOURCE FOR 'O'OMA BEACHSIDE VILLAGE
'O'OMA, NORTH KONA, HAWAI'I
TAX MAP KEY 7-3-009:004**

This is a follow-up and supplement to our previous comments and letter concerning the draft environmental impact statement for the 'O'oma Beachside Village residential development in Kona.

Through this letter, we would like to confirm that the County of Hawai'i, Department of Water Supply is in discussions with the developers of 'O'oma Beachside Village with respect to the options available for the potable water supply for the proposed development.

Our discussions include the prospect of the construction of a saltwater desalination plant for the project, constructed to all applicable Department of Health requirements and all applicable DWS-dedicable standards, with the potential for dedication of the desalination system to the Hawaii County Department of Water Supply.

As noted in our draft Water Use and Development Plan, we recognize the need to look at a variety of options for supplying water to the expanding population in West Hawaii, to include new well sources and the likelihood of desalination in our long-term water supply solutions.

The prospect of the Department of Water Supply working with 'O'oma Beachside Village LLC to provide for the ultimate construction and possible dedication of a desalination system offers the department a significant new opportunity for a water source .

While we understand that 'O'oma Beachside Village will continue to explore all options for development of the water source, we appreciate the discussions we have had thus far and we will continue to work with them on water solutions for the proposed development.

... Water brings progress...

Office of Environmental Quality Control
Page 2
August 21, 2008

Please contact Mr. Lawrence Beck of our Water Resources and Planning Branch at (808) 961-8070, extension 260, should you have any questions.

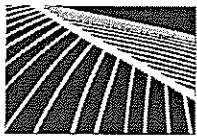
Sincerely yours,

A handwritten signature in black ink, appearing to be 'Milton D. Pavao', written over a printed name.

ℓ Milton D. Pavao, P.E.
Manager

LEB:dfg

copy: State of Hawai'i Land Use Commission
✓Mr. Peter T. Young, Ho'okuleana LLC



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIM MIKAMI YUEN, LEED®AP
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

HONOLULU OFFICE

1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
Fax: (808) 523-1402
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

101 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
Tel: (808) 961-3333
Fax: (808) 961-4989

WAILUKU OFFICE

1787 Wili Pā Loop, Suite 4
Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Milton Pavao
County of Hawai'i
Department of Water Supply
345 Kekūanaō'a Street, Suite 20
Hilo, Hawai'i 96720

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Mr. Pavao:

Thank you for your letters dated June 4, 2008 and August 21, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

Per your August 21, 2008 letter, we acknowledge that the County of Hawaii Department of Water Supply (DWS) is in discussions with 'O'oma Beachside Village, LLC regarding options available for potable water. Discussions include the prospect of the construction of a saltwater desalination plant, constructed to all applicable State Department of Health requirements and all DWS-dedicable standards, with the potential for dedication to DWS.

We understand that DWS will provide review and approval of construction plans for the potable water system for 'O'oma Beachside Village as they apply to the State of Hawai'i Water System Standards, 2002, as amended; however DWS will not review or comment on the design of a desalination system as the Water System Standards do not cover desalination systems.

'O'oma Beachside Village, LLC will comply with all rules and regulations of the State of Hawai'i, Department of Land and Natural Resources, Commission on Water Resources Management pertaining to source development. 'O'oma Beachside Village, LLC will also comply with all rules and regulations of the State of Hawai'i, Department of Health, pertaining to water quality and safe drinking water.

In the Final EIS Section 4.9.1 (Water System) will be revised to reflect that DWS operates a total of 13 wells in the North Kona Water System, as follows:

The County of Hawai'i Department of Water Supply (DWS) is the major purveyor for potable water. ~~Four major~~ Thirteen wells serve the North Kona System, running from the Airport south to Kealakekua.

Mr. Milton Pavao

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT

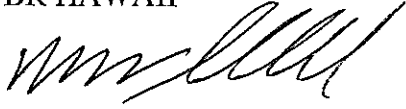
December 10, 2008

Page 2 of 2

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

A handwritten signature in black ink, appearing to read 'Tom Schnell', written in a cursive style.

Tom Schnell, AICP

Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

2309.03 DWS