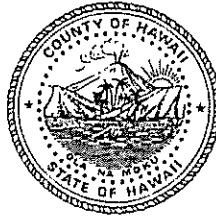


Harry Kim
Mayor



Dixie Kaetsu
Managing Director

Barbara Kossow
Deputy Managing Director

County of Hawai'i

891 Ululani Street • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 75-5706 Kuakini Highway, Suite 103 • Kailua-Kona, Hawai'i 96740
(808) 329-5226 • Fax (808) 326-5663

September 2, 2008

PBR HAWAI'I
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawai'i 96813

Attention: Tom Schnell

Subject: Support for 'O'oma Beachside Village

It is not often that I find myself in the position of writing to anyone in appreciation and support of a developer. From the beginning of our administration, it was recognized that there must be a change in mentality about development on this island. The most difficult part of this was to get developers to understand and accept that their development plans must embrace certain goals in the design of their project. The added difficulty of this was that in accepting these goals, it would not necessarily increase the profit or value added to the project.

The goals included:

- Development that reflects a welcome to all and not only to special groups.
- Energy efficient and sustainably designed neighborhoods meeting LEED-certified standards.
- Addressing and surpassing the requirements of affordable housing.
- Development to make available a true open space and welcome mat to the residents of Hawai'i Island, with special focus on coastal areas.
- Development that is consistent with what the community wants to see in the future, as set forth in the Kona Community Development Plan (CDP).

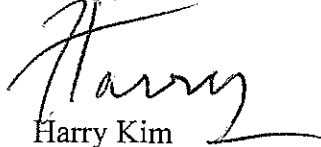
The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a

chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

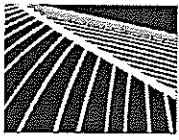
In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Aloha,

A handwritten signature in black ink, appearing to read "Harry Kim". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Harry Kim
MAYOR



PBR HAWAII
& ASSOCIATES, INC.

PRINCIPALS

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STAN DUNCAN, ASLA
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RUSSELL Y. J. CHUNG, FASLA
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WINSTON SHIGEKUNI
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Chairman Emeritus

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December 10, 2008

Mayor Harry Kim
County of Hawai'i
891 Ululani Street
Hilo, Hawai'i 96720

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

Dear Mayor Kim:

Thank you for your letter dated 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 thank you for your supportive 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 Mayor Kim

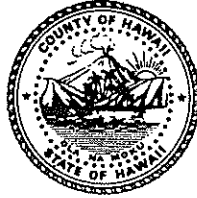
BOB JACOBSON

Councilmember

Chair, Environmental Management Committee

Vice-Chair, Finance Committee

Vice-President Hawai'i State Association of Counties



333 Kīlauea Avenue, Second Floor
Ben Franklin Building, Hilo, Hawai'i 96720

Mailing Address: 25 Aupuni Street, Suite 200

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Fax: (808) 961-8912

E-Mail: bjacobson@co.hawaii.hi.us

HAWAI'I COUNTY COUNCIL

County of Hawai'i

July 6, 2008

Re: O`oma II proposed O`oma Beachside Village Draft Environmental Statement (DEIS)

Aloha,

I perceive that the O`oma Beachside Village proposal DEIS understates its impacts on the natural, cultural, and social resources of the area.

It makes unwarranted assumptions in relation to protecting precious groundwater and the near shore pristine Class AA waters and reef.

The proposed development should not be built on coastal Conservation land. The proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. It is in conflict with the purpose of the community-derived land use plan.

It ignores the fact that O`oma II was chosen to be acquired as Public, Open Space.

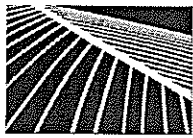
O`oma II has been the flashpoint of two major land use battles, both won by the community, which did not want private development on this coastal land.

We should not move this protected conservation land out of its deserved protection. There are good reasons that this land was given such protection to begin with.

It is important to understand that this is a very special place that can help the residents of Kona to have a better quality of life for many generations to come. Failure to protect this location will have a direct negative impact on the quality of life of residents now and in the future. Preserving this location as conservation land and protecting its qualities is necessary. Deny any change of designation for O`oma II and reject this DEIS.

Mahalo,

A handwritten signature in black ink that reads "Bob Jacobson".



December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

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Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
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GRANT T. MURAKAMI, AICP
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Bob Jacobson
Councilmember
333 Kilauea Avenue, Second Floor
Ben Franklin Building
Hilo, Hawai'i 96720

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

Dear Councilmember Jacobson:

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

Thank you for your email dated July 6, 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.

ASSOCIATES

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Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
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SCOTT ALIKA ABRIGO
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SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

1. *I perceive that the O'oma Beachside Village proposal DEIS understates its impacts on the natural, cultural, and social resources of the area.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what the "DEIS understates," it is not possible to respond more specifically.

2. *It makes unwarranted assumptions in relation to protecting precious groundwater and the near shore pristine Class AA waters and reef.*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *The proposed development should not be built on coastal Conservation land.*

Response: By way of clarification, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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).

'O'oma Beachside Village is consistent with the *County of Hawai'i General Plan* (General Plan) and the Kona Community Development Plan (Kona CDP). The General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see Land Use Pattern Allocation Guide (LUPAG) map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..." In addition, the 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP.

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Councilmember Bob Jacobson

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

December 10, 2008

Page 2 of 4

Because the 'O'oma Beachside Village property is within the County General Plan Urban Expansion area and the Kona CDP Urban Area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the desires expressed in the County General Plan and the Kona CDP.

To create 'O'oma Beachside Village, approximately 181 acres of property is proposed to be reclassified from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres (consisting of the shoreline area and proposed coastal preserve) will remain in the State Conservation District.

4. *The proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. It is in conflict with the purpose of the community-derived land use plan.*

Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, Ooma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

Councilmember Bob Jacobson

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

December 10, 2008

Page 3 of 4

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

5. *It ignores the fact that O'oma II was chosen to be acquired as Public, Open Space.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection
- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

6. *O'oma II has been the flashpoint of two major land use battles, both won by the community, which did not want private development on this coastal land.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

Councilmember Bob Jacobson

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

December 10, 2008

Page 4 of 4

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

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Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

7. *We should not move this protected conservation land out of its deserved protection. There are good reasons that this land was given such protection to begin with. It is important to understand that this is a very special place that can help the residents of Kona to have a better quality of life for many generations to come. Failure to protect this location will have a direct negative impact on the quality of life of residents now and in the future. Preserving this location as conservation land and protecting its qualities is necessary. Deny any change of designation for O'oma II and reject this DEIS.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to the State Land Use Urban District.

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 Jacobson



PATH ~ PEOPLES ADVOCACY FOR TRAILS HAWAII

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Ann C. Peterson

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July 7th 2008

Mr. Dennis Moresco, Manager
`O`oma Beachside Village, LLC
c/o Midland Pacific Building Corporation
7305 Morro Road, Suite 200
Atascadero, California 93422

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

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

Aloha:

This letter is in regards to the `O`oma Beachside Village project and recent EIS.

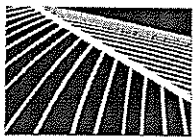
The coastal trail and frontage road are two critical components for bicycling and walking infrastructure to ensure safe passage through, to and from `O`oma Beachside Village. Such trails and bikeways are currently called for under the Ala Kahakai Master Plan, Bike Plan Hawaii, and the Kona Community Development Plan. We urge `O`oma Beach Side Village to work with its neighbors to insure bicycling and walking connectivity.

We also urge the parties involved in the effort to establish an MOA on the frontage road (agencies including HDOT, `O`oma Beachside Village, the National Park, NELHA and Kohanaiki, among others) also include in the MOA a provision for a shared use path as well, a Priority 1 Bike Plan Hawaii project. A very similar facility has just been completed in Maui called the Mokulele Bike Path. It is our understanding that Kimura International is preparing Project Implementation Plans for select priority 1 projects in Bike Plan Hawaii. Perhaps there is an opportunity for this frontage road working group and Kimura International to collaborate on the shared use path.

Our future transportation needs hinge on the ability of `O`oma and other properties along this heavily traveled corridor to accommodate non motorized transportation needs.

Thank you for the opportunity to comment.


Laura Dierenfield
Executive Director



December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
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R. STAN DUNCAN, ASLA
Executive Vice-President

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

VINCENT SHIGEKUNI
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GRANT T. MURAKAMI, AICP
Principal

Ms. Laura Dierenfield
PATH – Peoples Advocacy for Trails Hawai'i
P.O. Box 62
Kailua-Kona, Hawai'i 96745

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

Dear Ms. Dierenfield:

Thank you for your letter postmarked 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.

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
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SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

- 1. The coastal trail and frontage road are two critical components for bicycling and walking infrastructure to ensure safe passage through, to and from 'O'oma Beachside Village. Such trails and bikeways are currently called for under the Ala Kahakai Master Plan, Bike Plan Hawaii, and the Kona Community Development Plan. We urge 'O'oma Beachside Village to work with its neighbors to insure bicycling and walking connectivity.*

Response: 'O'oma Beachside Village, LLC, will work with its neighbors to insure trail connectivity. As stated in Section 2.2.1 of the Draft EIS, one of the objectives of 'O'oma Beachside Village is to: "Encourage alternative modes of travel, other than cars, to travel through the community."

We agree with your comment that the coastal trail and frontage road are critical components for bicycling and walking infrastructure. The 'O'oma Beachside Village public shoreline park will be an extension of the beach parks planned at The Shores at Kohanaiki and NELHA and the existing shoreline trail within the public shoreline park area is proposed to become part of the Ala Kahakai National Historic Trail corridor. Regarding the Frontage Road, within 'O'oma Beachside Village, appropriate bicycle facilities will be incorporated to ensure the ability to connect with neighboring properties and 'O'oma Beachside Village, LLC, is willing to work with its neighbors to encourage continuous bicycling and walking connectivity.

- 2. We also urge the parties involved in the effort to establish an MOA on the frontage road (agencies including HDOT, 'O'oma Beachside Village, the National Park, NELHA and Kohanaiki, among others) also include in the MOA a provision for a shared use path as well, a Priority 1 Bike Plan Hawaii project. A very similar facility has just been completed in Maui called the Mokulele Bike Path. It is our understanding that Kimura International is preparing Project Implementation Plans for select priority 1 projects in Bike Plan Hawaii. Perhaps there is an opportunity for this frontage road working group and Kimura International to collaborate on the shared use path.*

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Ms. Laura Dierenfield

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

December 10, 2008

Page 2 of 2

Response: 'O'oma Beachside Village, LLC, is willing to work with its neighbors to encourage bicycling and walking connectivity, and is willing to discuss collaboration with Kimura International and others regarding facilities to accommodate non-motorized transportation needs.

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 PATH

PLAN TO PROTECT KONA



74-5602-A Alapa Street
Suite 725
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September 4, 2008

PBR HAWAII,
ASB Tower, Suite 650
1001 Bishop Street,
Honolulu, Hawai'i 96813;
Attn: Tom R. Schnell

Re: O`oma Beachside Village DEIS

Aloha, Dr. Schnell!!!!

The O`oma Beachside Village DEIS is fundamentally flawed. Neither Appendix A "Ground Water Assessment" or Appendix B "Marine Environmental Assessment/Marine Water Quality Assessment" contains the word Pesticide/ Pesticides. Long term use of pesticides in the proposed development will likely irreparably harm the natural resources of the area.

The important mention of pesticides in the main body of the DEIS, is on page 27: "For termite protection, use nontoxic alternatives to pesticides and herbicides ---". While this is very important, it covers only a portion of pesticide use on the property. Pesticides will be used to control insects of all kinds and control weeds and fungus. And some pesticides are toxic to fish and some are toxic to mammals.

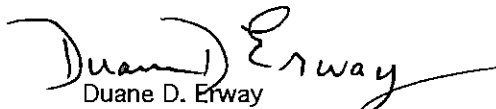
Searching the web for "pesticides" "toxic to fish" I found data on toxicity of some Fungicides, Insecticides and Herbicides at:

http://www.datcp.state.wi.us/arm/environment/plants/endangered-species/pdf/ag_pest.pdf

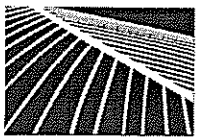
The problem for O`oma Beachside Village is that there are so many toxic pesticides there is no way to prevent their inadvertent use by individuals. Some portion of them will surely find their way into the groundwater and ocean, just as the fertilizers as indicated in Appendix A and Appendix B.

The DEIS fails to consider the use of pesticides other than for controlling termites and therefore needs to be rejected.

Regards,


Duane D. Erway
President

C: Office of Environmental Quality Control
State of Hawai'i Land Use Commission
Attn: Dan Davidson
O`oma Beachside Village, LLC c/o Midland Pacific Homes
Attn: Peter Young



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

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

Dear Mr. Erway:

Thank you for your letter dated September 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.

We acknowledge that residents of 'O'oma Beachside Village may possibly use pesticides on their property. However, pesticide use is not anticipated to significantly impact groundwater resources or the marine environment, either directly or indirectly from stormwater runoff or non-point source pollution.

The Ground Water Quality Assessment in the Draft EIS (Appendix A) concludes that analysis of stormwater percolation indicates insignificant impacts to ground water due to storm water runoff. The Marine Water Quality Assessment in the Draft EIS (Appendix B) concludes that 'O'oma Beachside Village will not have any significant negative effect on ocean water quality. These conclusions take into consideration analysis of percolation of excess irrigation water and stormwater collection and disposal. 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.

Specific to your concerns regarding pesticides, 'O'oma Beachside Village, LLC (or the 'O'oma Beachside Village Association) 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: water conservation, lot and landscape runoff, erosion control, use of fertilizers, use of pesticides, environmentally safe automobile maintenance, and management of household chemicals.

Duane Erway

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

December 10, 2008

Page 2 of 2

To include the relevant above information in the Final EIS, Section 4.9.3 (Drainage System) in the Final EIS will be revised as shown on the attachment titled "Drainage System."

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: Drainage System

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

From: Janice Palma-Glennie [mailto:palmtree7@hawaiiintel.net]

Sent: Monday, July 07, 2008 7:57 PM

To: luc@dbedt.hawaii.gov

Cc: PeterYoung@hawaii.rr.com; melkalahiki@aol.com; r.keakealani2@gte.net; sysadmin@pbrhawaii.com; SIERRA Mikulina, Jeff; cory harden; David Kimo Frankel; debbie hecht hecht.deb@gmail.com>; Duane erway sierra club; James Weatherford; mattbinder@earthlink.net; Paul Campbell; phil barnes; Roberta Brashear; rose acevedo

Subject: Final draft - comments on O`oma II DEIS

Importance: High

Hawai`i State Chapter of the Sierra Club
c/o West Hawai`i Conservation Chair
P.O. Box 4849
Kailua-Kona, Hawai`i 96745

Hawai`i State Land Use Commission
235 S. Beretania St. 406
Honolulu, HI

RE: TMK(3) 7-3-009:022,004; (State) 7-3-009; O`oma Beachside Village LLC (formerly North Kona Village LLC Development) at O`oma II, North Kona

July 3, 2008

Aloha members of the State Land Use Commission:

I am sending testimony today in representation of the Hawai`i State Chapter of the Sierra Club's 5500 members regarding the request by O`oma Beachside Village LLC's to reclassify O`oma II out of Conservation protection for development purposes. Overall, it's clear that the proposed development s a bad idea that would have many significant environmental, cultural, and social impacts on O`oma II and the region. **For this reason, we feel that there is no reason that this proposal, nor the change of classification of this Conservation-protected land sought by the landowners, should be allowed.**

Overall, the draft EIS for O`oma Beachside Village LLC's proposed development reads like a fairy tale. It has been prepared by people who are paid to portray any development as an answer to prayers – though the only prayers answered would be those of the speculators and developers who stand to make vast sums of money from such approval. Findings of no significant impact by the preparers are worn out and useless for the purposes of making informed decisions on this critical issue. In this particular case, the claims are, even worse, baseless.

Unsurprisingly, the draft EIS states that O`oma Beachside Village's development "is not expected" to cause significant, long-term harm to *anything* – water, air, native culture, viewplane, social structure...anything which 1200 residences, shops, roads and other trappings of mankind would otherwise most certainly be expected to change and harm. *If the developer's claims are true, where do the environmental and social problems of Oahu or Lost Angeles originate? How is it possible that when development has burgeoned, as it has on Oahu, negative impacts not seen prior to that development seem to grow and take a stranglehold on communities and natural resources?* Cumulative impacts cannot legally or morally be ignored when making decisions on such large developments as the one for O`oma II.

KONA COMMUNITY DEVELOPMENT PLAN (KCDP)

It should be pointed out that in spite of the text devoted to demonstrating consistency with the draft Kona Community Development Plan, this document is a draft, and that the Goals, Objectives, Policies and Actions do not apply until the draft is approved by the Hawaii County Council.

(Sec. 5.2.3) The O`oma Village draft EIS provides extensive description of the process and language resulting in the draft Kona Community Development Plan. A detailed account of the extensive community-based process undertaken to gather public input into the drafting of the KCDP is included. As described, during the "Mapping the Future " Workshop, attended by about 350 people, people were invited to designate on maps where they believe the most appropriate locations for future growth in Kona should be directed. *It can not be overly stressed that all the designated Growth Opportunity Areas selected by the participants were located mauka of Queen Kaahumanu Highway, and there were no designations indicating that future growth should occur in the vicinity of the property which is the subject of this draft EIS.* This preference serves as the foundation for future planned urban growth included in the Kona CDP. Therefore, **the proposed O`oma Village development is not consistent with the draft Kona CDP.**

In addition, the draft EIS stresses that it is consistent with the Kona CDP in that it will provide a Traditional Neighborhood

Design/ Transportation Oriented Design development. For O`oma Beachside Village to be consistent with the Kona CDP, the master plan for the project would have to be designed through a community-based charrette process that would utilize the Kona CDP Village Design Guidelines that are based on the Form-based SmartCode design standards.

Commercial and "village" activities are not planned for, needed or wanted at O`oma, since there are TODs to be located (rightly so) on the mauka side of Queen Ka`ahumanu Highway (as per the KCDP). A huge development will increase traffic - not decrease it -- and is at odds with the developments which will be supported -- not pretending to be supported -- by the KCDP.

In one example of being consistent with the KCDP, it's claimed that the O`oma development will be more neighborly in the way homes are situated -- windows open, happy faces all around; but how many windows will be open in this development adjacent to a fast-growing airport and military pilot training site? The draft EIS mentions "bakeries" and it must be asked: bakeries are having trouble making it on Hawai`i Island now. Though it sounds romantic, where, once again, does the developer get information or give guarantees that any of the businesses they cite as potentially viable in their plan could/would ever be successful on their property?

O`oma Beachside Village LLC has shamelessly presented information from the Kona Community Development Plan (KCDP) as if it was their own. This unethical farce is as galling as it is absurd. As a member of the Kona Community Development Plan Steering committee, I was also involved in the process from its inception as a member of the public to the vote on its current draft. From the community perspective (and from a lack of information cited within this document to the contrary), **there is no public call or need for changing this Conservation-protected land**, especially by the hundreds -- if not thousands -- of stakeholders who took part in the two-years long KCDP process.

(1.7.2) SUMMARY OF POTENTIAL IMPACTS AND PROPOSED MITIGATION MEASURES

The proposed development's impacts are continually and irrationally minimized with no substantiation within the draft EIS. Meanwhile, it is absurd to claim that a hugely increased human population, including a substantial commercial district built next to the coastline would not change the cultural, recreational, and social balance of what is currently natural, uninhabited, open space.

This section disingenuously opens by implying that lava flows are not as significant nor as "vibrant" as a new urban development. This biased assumption (3.3.1) ignores Hawaiian culture and the value of Hawai`i's natural environment, in particular, the beauty and cultural relevance of, and reverence for, intact lava flows.

Claims are made that no significant, long-lasting negative impacts "are expected" on any of the following:

Groundwater and nearshore marine environment, flora, fauna, archeological resources, cultural resources, trails and access, traffic, noise, air and water quality, wastewater, drainage, solid waste, electrical, housing, economy, or public services. But, of course, what else would be claimed? That developments of this size are shown to heavily and negatively impact all of those things, and maybe even more? Would studies like the University of Hawai`i's water quality study be cited to show that water quality is decreasing in West Hawai`i as development has increased? Would Oahu's water quality disasters be used as case studies for avoiding such disasters on Hawai`i Island? Would studies be cited to show how nonpoint source pollution from such huge developments most certainly has negative impacts on nearshore and groundwater, even though those studies most certainly exist? Would concerns by the likes of the Kaloka/Honokohau National Park be addressed specifically if they weren't required to do so in the EIS process?

Will these studies and problems be properly and thoroughly addressed by O`oma Beachside Village?

EXCLUSIVE USE OF THE COASTAL AREA

An exclusive-use "leisure club" is planned on the property. Besides increasing the use of the shoreline (i.e., surfing, paddling, socializing, etc), this will separate a community accustomed to being able to access this shoreline without membership or divisions between the "haves" and "have nots". If there's anything the Kona community has shown that it doesn't want (besides exclusive development at the shoreline) is exclusive use of the shoreline. Hawai`i is traditionally a place where all people can use and access the shoreline. Ideas like exclusive "members-only" clubs are not Hawaiian-style and create a class system which is antithetical to traditional use of the shoreline regardless of economic ability or status.

As with the "club", what other areas within the development will be for residents/members only? It appears that the 70-85 "estate lots" on the periphery has "coastal preserve/open space" around these homes that is planned to be off-limits to due to "archeological" and other sensitive sites. Is this a way to create exclusivity for upscale homeowners whose residences just "happen" to be located near them?

WATER ISSUES INCLUDING, BUT NOT LIMITED TO, GROUNDWATER, NEARSHORE MARINE ENVIRONMENT, DRAINAGE, DRINKING WATER, WASTEWATER DISPOSAL/TREATMENT.

Water (Sections 1.7.8, 2.2, 4.9.1, etc. throughout the DEIS) is probably the most under-studied, weakly-cited, pie-in-the-sky portion of this document (yet is probably the most important), with questions that go far beyond where the drinking water will come from. "Preferred", "exploring", "additional research", "assumed" are words used to substitute "proven", "promised", "will do."

(Sec. 2.2) DEIS says the development won't deplete resources, yet a source for drinking water is just one of the many

environmental/natural resource issues left unaddressed in the DEIS. Evidence is flimsy and devoid of facts and circumvents the serious potential impacts which this development will have upon groundwater and nearshore waters and every living system between and beyond it.

Possible sources of water include NELHA (4.9.1), according to the DEIS. However, as with other suppositions made, no reference is made to that entities' desire to take part in that plan. Sec. 4.9.2 discusses the problems associated with wastewater treatment, yet no definite ways to address that issue are given.

How can we be certain resources won't be depleted if their use isn't fully addressed? And how will these issues be addressed in definite terms?

The waters offshore O`oma II are pristine. They are rated Class AA by the State Department of Health. They are crystal clear – unlike the waters off O`ahu. Coastal water is so clear here because there is so little development in the area. You only need to look at the water quality on O`ahu to see what happens when too much development is allowed to take place. This project will significantly degrade water quality – and for this reason alone the LJC should maintain the conservation district designation.

As in most areas of the draft EIS, scientific or otherwise solid studies or information are sorely lacking (including solid waste management and polluted runoff that inevitably percolates through the porous ground and into the aquifer when land like O`oma II is developed). **Solid waste** (4.9.4) is a huge issue for the entire island, though the draft EIS uses a prediction for the life of the Pu`uanahulu landfill that does not take into account the need for Hilo to find a place for its overflowing rubbish; and the political wrangling that is currently taking place to figure out a solution for this dire problem is ignored.

3.4.1 A 100-year flood zone does exist within the property. What are the potential affects of flooding on this area if it's developed and how will it affect the use and quality of natural resources on- and nearshore?

Many water issues remain scientific mysteries, yet development that will impact water quality races forward in Kona. The Kaloko-Honokohau National Park reps have put together Water Working Group meetings so that better information and input can be exchanged, to help make sure that new developments near its borders – like the one proposed in this document – won't negatively affect the park's natural and cultural resources. The "Cautionary Principle" (in this case protecting the Conservation status and current passive use at O`oma II) must be engaged in cases where the elixir of life is at stake.

The National Park's comments regarding statements that no negligible impact will be seen on waters within the Kaloko-Honokohau National Park should be addressed and fully answered.

Desalinization (3.5.1) can be environmentally sensible. However, the disposal of salts and the addition of nutrients to irrigation water can counterbalance the benefits derived from this treatment. How will desalinated water be disposed of and will it be nitrified for use on landscapes or other uses?

Additionally, studies show that pharmaceutical chemicals whose origin is human (through human waste) is becoming a significant hazard in many areas, even in treated water. How will this be dealt with?

(2.1.3, 3.5.2,...) Some anchialine ponds are assumed to be in "senescence" on the property. However, what is this senescence caused by, though it's assumed it's caused by "natural causes"? Could it be the withdrawal of water for upslope development that's depleting the quantities of water? What affects will development on the property have on those ponds and other brackish water that is currently close to the ground's surface?

In a place where very little runoff occurs relative to other wetter, places, what will increased water from residential, commercial and landscape use have on corals and other nearshore organisms? How will this affect nearshore subsistence fishing and gathering?

FLORA

Native plant species would be used "where feasible" (Sec. 3.6,3.5.1). What would limit their use? Aesthetics, water use, viability? Homeowners are not required to use native species, nor to restrict use of toxic pesticides or herbicides, nor to limit water use. Since a significant part of the development will be turned over to individual private owners, what guarantees are there of native plant use, or good groundwater and nearshore water quality throughout this project? When such a short list is given as to what plant material currently exists on the property, what guarantee is there that future landscaping will be so limited as claimed in Sec. 3.6?

Soil does not need to be "corrected" as per DEIS, and the land, especially the beach areas, hosts a wide variety of uses in its natural condition including hiking, fishing, gathering, picnicking, (formerly camping), subsistence gathering, spiritual activity, etc. The nearshore waters are pristine because of the lack of runoff to them and because there is no artificial drainage or other changes made to the soil.

FAUNA

Section 3.7 In a discussion of impact on endangered species like honu, what is considered the "shoreline"? At what distance from the shoreline is the danger to sea life nil or "insignificant" and what does that mean? In this case, will 1000' setback insure that sea turtles won't be harmed by toxic runoff, increased population, noise, lighting, etc? Fifty feet?

It was claimed that no sea turtles were seen during the survey done for the draft EIS. How long was this survey done, as honu are seen regularly by shoreline visitors? How much time will be spent in the preparation of the final EIS to determine what species are, in fact, using this area and/or potentially threatened by its increased use?

(3.5.2) Since Hawaiian monk seals have been observed "hauling out" on this shoreline, what impacts will increased urban development have when this occurs (since monk seals were not observed during the "survey" process)?

Endangered Hawaiian a'e'o was not noted as being observed in the anchialine ponds or elsewhere on the O'oma property, though it is a regular inhabitant at next door Kohanaiki and has been seen at O'oma. Endangered bats were also not observed by development surveyors. How complete will cave/lava tube studies be before development would proceed?

Light pollution and its affect on marine life (i.e., sea turtles, manta rays, etc). needs to be addressed.

ARCHEOLOGICAL AND CULTURAL RESOURCES, TRAILS, ACCESS

If a second study revealed a yet-undiscovered archeological site (4.1.2), how many more studies are necessary to insure that critical sites aren't overlooked or destroyed? Or will they be discovered (and possibly destroyed) during bulldozing of the property as what occurred at Kohanaiki and Hokuia?

In the DEIS, the source of the name of O'oma (4.2.2, 2.1.4) is said to not be presently known. The history shows, however, that O'oma was so esteemed by King Kamehameha I that his son was sent there to live for five years. Should such historically significant land be taken out of Conservation protection in order to fulfill the financial fantasies of a well-heeled development company - particularly at a time when the information needed to assess the cultural value of the property is not available? Or would it be more judicious to leave this land in its present natural, Conservation-protected status so that, when the meaning of the name and other important cultural/historical discoveries are made, it will not be too late to protect the cultural value that might come with that rediscovery?

Again, section 4.2 is thin on cultural information. This is not surprising since no proper public scoping process was done regarding this development proposal, and "survey" time must have been short. Just because other cultural/archeological information and heritage has been lost due to development that should not have occurred elsewhere, should two wrongs try to make a right at O'oma II - **one of the last intact, protected, conservation areas on the North Kona coast**?

Surfing is cited as an example of a cultural and recreational activity that won't be impacted by a new urban center located at coastal O'oma II. Contrary to DEIS claims, surfing is particularly sensitive to and negatively impacted by increased population and increased access (as well as the creation of exclusive sports clubs and equipment storage which belongs in Waikiki - not in Kona). To say otherwise is untrue. As with other claims made in this document regarding past, present and future use of the area, this baseless premise further undermines the validity of other claims made therein.

What further efforts will be made to insure that the history of this area is more than suppositions (4.2.4) and is satisfyingly complete, especially to those who grew up and/or care greatly and honor the history of the area? Will a complete CIS (Cultural Impact Study) be done?

What commitment would be made to connecting mauka-makai trails at O'oma II (4.2.5) with upslope trails across the Queen Ka'ahumanu Highway for public, traditional and modern use?

When the document reads "in no way will inhibit coastal access", one must assume that 24-hour access will be granted, including unfettered overnight camping, which is good. This, however, does not seem to be part of the proposal, even though it is implied and wishful thinking on the public's part. **Camping is not only a critical component of Hawaii's local culture, it is also widely desired by the West Hawai'i community as a vanishing way for families and communities to connect with each other and the natural environment.** This DEIS does not even mention camping. Is public overnight camping planned, or would it be supported in the O'oma II proposal?

No guarantees of public access to historic or other trails on the property are made, though it is said that access would be better than it is now. What kind of access to trails and "preserves" would be guaranteed (2.2.5)? Would hours of public access to the shoreline be limited, as they are now, or would the public be able to access their shoreline 24 hours a day as is true throughout the island chain outside of Hawai'i Island? Who will determine where the trails go, where the public can and cannot go, hours of access, etc. in all areas of the development (including the "public park")?

O'oma Beachside Village does not support the ahupua'a model of land and resource use, since all aspects of an ahupua'a would lie within it, rather than connecting the mauka lands beyond it to its makai resources. Keeping the land in Conservation protection would better insure that a complete ahupua'a at O'oma is most likely to remain intact since natural, environmentally pristine, protected, open coastal space is critical to the integrity of that concept and will serve the interests of upslope residents more than a crowded, urban-style development will serve them.

VIEWPLANES

Viewplanes aren't considered important enough by the developer to be given their own category, yet the mauka-makai views here and elsewhere in Hawai'i are significant, including aesthetically, culturally, and economically.

The undeveloped parcel of land at O'oma II offers visitors and residents a majestic viewplane. We are able to see the ocean and wild landscape. This feeling will be lost – as it has along too much of this coastline already. Development here will adversely affect the view in a significant manner.

Sec. 4.8 says there are few distinguishing landmarks. Are there fishing koa at O'oma II as reported by local fishermen in the area and will they be protected as critical to fishing success? What is a "distinguishing landmark" by today's standards? To many it's the natural wildness of O'oma II that distinguishes it from most other land on the North Kona coast.

Views from upslope are critical to surfers, fishermen, and others who need to monitor ocean and wind conditions in relation to the pursuit of their activities. Being able to determine if the time and energy needed to go to that shoreline is feasible and desirable is dependent upon visual connections to the coastline. The Keahole to Kona Development plan is cited for determination as to whether this area is part of a critical viewplane. Why not the KCDP? Why not a more current survey that takes into account the increased population and development that has occurred in the area since 1991? "Directly in front of the property" views are not all that counts when viewplane is considered. Even open vistas while driving provide a sense of place to visitors and residents. There have been huge complaints (including the National Park) and tremendous sadness regarding the grading done at Kohanaiki, yet O'oma's owners promises to continue more of the same, which includes berming (according to County law) that can significantly raise the grade of the land in relation to the highest point of the land. This can mean that the coastline views now enjoyed and depended upon and enjoyed by many could be lost if the O'oma parcel is developed as proposed.

What will be the highest building or berm that will be created per the present development proposal, and how will that affect coastal views from north, south and mauka of the property, even beyond the Queen Ka'ahumanu Highway? Will the "visual buffer to the highway" be a large berm like at Kohanaiki which was slipped through the community process and has angered so many residents? Will this "buffer to the highway" also be a way to give coastal views to more residences on the property as well as obscure the treasured mauka views which are being stolen time and again by wily development companies?

Considerations of viewplanes are thin in the draft EIS and provide no guarantee that residents will be able to see to and from the shore as they now can.

LIGHT POLLUTION

How will light pollution from the new urban environment affect current uses, surrounding existing and planned development (including NELHA), and natural resources on and offshore? Campers at nearby Kohanaiki will be there 24/7. Darkness is the desired situation when camping in a natural environment, yet a commercial district and 1200 residences a stone's throw away will contribute to light pollution along the coastline and mauka and take away from the treasured lack of light that's becoming so rare in an increasingly artificially lit, urban environment.

TRAFFIC

The claims that a huge residential and commercial development won't add to the region's traffic problems is one made by every developer that comes down the pike. It doesn't take a rocket scientist to know that traffic would flow far, far better in if a huge urban development's thousands of projected vehicle trips aren't added to the roadways planned for that area. Since projected traffic increases are made assuming that a significant portion of residents will work on site at O'oma, how will those numbers change if those promises aren't fulfilled?

More immigration to the region for temporary construction work will mean more families to further burden already insufficient infrastructure including schools, roads, police, fire, etc., whether it is for the short- or long-term. Traffic in the O'oma area is near gridlock many hours of the day, particularly during tourist season. Though a widened highway will lessen that traffic for approximately 8 miles for a few years, sometime in the future, the development already approved along that route -- not counting O'oma's proposal -- will negate those improvements quickly as it has elsewhere in West Hawai'i.

The document claims that the airport and development won't impact one another (4.5). How might dangers from noise, airplane crashes and pollution impact the nearby residential development, since it most certainly will exist?

Increased military use of the airport was not mentioned in this document. The short- and long-term impacts and viability of the proposed residential and commercial tenants seem inextricably tied to this, as well as being an airport concern.

AIR QUALITY/NOISE

Air quality will, of course, be affected in the long term by an increase of motor vehicles and other trappings of an urban development. Pesticide and other chemical use soars in these types of developments, spreading to both air and water. And no noise increase, as claimed in the draft EIS? O'oma II's consultants and owners must have lived their lives miles from any neighbors if they believe that increased population does not mean increased noise. What about automobiles, air conditioning, lawn mowers, blowers, loud music, children, barking dogs...? Those can be more than just "normal" to many

people, especially when added to the noise of airplanes which is already a large feature in the proposal area. What will be done to insure that residences and commercial enterprises will peacefully co-exist? How much control over private activities will there be compared to other neighborhoods and subdivisions in the region since mixed use defies the desire homeowners to have "privacy" and do what they see fit on their property?

----- WASTEWATER

Not shown or known how wastewater will be handled (2.3.6).

----- HOUSING

Diversity in housing and commercial activity on site is not guaranteed by the developer, nor is it desired by the general public on coastal land (coastal conservation area protection was the #1 concern of the public in scoping processes, including the KCDP and County Open Space Surveys).

Affordable Housing. A large amount of rhetoric stresses an intent for O'oma Beachside Village to be a mixed use project that will provide affordable housing. But no commitment is made as to the number, percentage, or range of affordable and workforce housing that the project intends to provide other than County standards. Since the draft EIS places so much emphasis on providing these housing opportunities for local residents, the draft must spell out the number and range 60% to 180% of affordable and workforce housing, in relation to Kona's Average Mean Income (AMI).

High end, exclusive (protected by a "preserve" area), luxury housing (which is what a huge area of O'oma II looks slated to become) is a niche overly filled on the kona coast (including at 500 new luxury residences moving at next door Kohanaiki) and is not needed nor wanted by local residents.

----- SITE WORK

(sec. 3.2) Grading and bulldozing: "Will attempt...to the extent practicable". what does this mean? Financially, physically practicable? In whose eyes and to what standards?

----- CAMPING

Is camping planned? The community has been awaiting the re-opening of camping in this area. It is hugely needed and desired.

----- TIMING

(Sec. 2.4) Because costs are dependent upon timetable, it remains unclear if the development company will be able to provide the amenities promised if the timetable cannot be adhered to.

----- SOCIAL IMPACTS (4.10)/EDUCATIONAL OPPORTUNITY/ECONOMIC STRENGTH

This area has been a critical place to the Kona community for generations. Keiki have grown to adults in the safety and comradeship of ohana and other community members. This tradition continues today and plays a significant role in providing healthy, meaningful, educational, safe, fun, outdoor activity, especially to the youth of the community. Exclusive clubs, fancy restaurants, tourist traps, and low-paying service jobs do not belong at the shoreline in a place where community activity thrives in a natural, clean, commercially-free setting like O'oma II; and **no amount of money can replace what nature has given the residents and visitors of Hawai'i when it comes to coastal areas like O'oma II.**

The growing population of the area demands more -- not less -- natural, open, public space. And that space cannot be recreated by man in amusement parks or other commercial, artificial environments.

With a West Hawai'i campus of the University of Hawai'i planned nearby and the West Hawai'i Explorations Academy adjacent, it's clear that a natural, pristine environment can play a key role in providing young people with a natural laboratory that may help cure disease, discover new and wonderful species of flora and fauna, and re-instill an appreciation and understanding of the cultural heritage of Hawai'i that would otherwise be lost to an urban, coastal development.

It's also clear that the visitor-related economic base of Hawai'i depends upon the protection and nurturing of what remains of conservation-protected lands and nearshore waters. How can the owners of O'oma II provide any better for the community, its social fabric, and its economic visitor base than what is provided through its existing protected, natural condition?

----- 2. 5 ENVIRONMENTALLY- RESPONSIBLE PLANNING AND DESIGN

Although the draft EIS devotes considerable space to reviewing Environmentally Responsible Planning programs and procedures, such as those serving to save energy, incorporate LEED Standards, or desalinate water, no real commitment or guarantee has been made that the design, construction and/or operation of the O'oma Beachside Village will adhere to any such outcomes. Instead, all outcomes are prefaced with statements such as "where appropriate....", "will consider...." where feasible..."

See 2.51, 2.5.2, 2.5.3.

----- COMMUNITY VISION VS DEVELOPER VISION

The No Action alternative, per scoping processes cited in this document as well as outside of it, is the preferred choice of

Kona residents over that presented by the landowners.

The vision presented by o`oma villages is not the community vision (2.2 Statement of Purpose and Need). More important than creating urban development at the shoreline is the need and desire to preserve open space for recreational use, and cultural/environmental protection. Urban development can happen in many places, but natural, open, conservation-protected land is disappearing and irreplaceable. If O`oma can be acquired through bond, matching funds, the 2% open space fund and other means, shouldn't the community have the opportunity to have a meaningful chunk of open space in perpetuity-- not just an 18-acre scrap leftover in trade for nature-destroying development on that property?

Kupuna are named as having given oral background on the area. Yet, these same persons do not support development of this area as proposed, nor does the general public.

The offer of an 18-acre park isn't a gift to the Kona community. It's an insult. Why would the public -- old or young -- want to trade hundreds of acres of natural open space which they've used and enjoyed for generations for a tiny patch of ground whose inherent natural integrity would be undermined by the tradeoff of so many acres of urban development?

It's inferred that O`oma's owners held "community meetings." (Sec. 2.2.1) This is a gross overstatement. And the plan was not designed from their ideas up, but was presented to them. Their names are listed, but their support of the plan is not, nor should it be.

A resolution is currently being prepared to be introduced at the County level for acquiring O`oma for the public as open space as well as keeping the land in Conservation protection.

The community does not want to create an artificial "vibrant" community at O`oma II. (See petitions, past and present public testimony, KCDP, etc.)

There is no good reason to reclassify this land. The public gets no benefits from reclassification of O`oma II. We don't need more jobs in the area. We are at full employment. We don't need more luxury houses. We don't need a sliver of a park when the land is already undeveloped and will remain so, as long as the land remains in the conservation district (to be potentially acquired by the County for public use in perpetuity).

CUMULATIVE IMPACTS

Sec. 7.2 cites pages of projects approved and moving forward in West Hawaii in order to address **cumulative impacts** of development in the region. This is exactly why the public wanted and worked so hard for the KCDP -- to prevent development-generated, piecemeal development that has preceded the implementation of the KCDP and to protect what's left of natural, open, coastal space. (Sec. 2.1.1) Next door, five hundred homes are being built at Kohanaiki -- further proof that coastal development is out of control and that vanishing conservation protection should be maintained for those few areas left in that designation.

Correction to draft EIS on Kohanaiki public park: The public park at Kohanaiki will not have a commercial beach facility/snack bar.

VESTED RIGHTS

___ The only vested rights that O`oma Beachside Village, LLC has to use their coastal land is per Conservation-designated guidelines. The assumption that landowners have a right to upzone or otherwise change protective status of their land to turn a profit is false and not based on legal fact. In fact, this very agency denied a change of classification for this property in 1986, with two following denials made to reclassify this property. Why, and how do those reasons overlap with the reasons to deny this development proposal as well? What characteristics put this land in conservation protection to begin with and demand its continued protection and what promises could be valuable enough to change that?

CHOSEN IN THE TOP 5 PLACES TO BE ACQUIRED AS PUBLIC, OPEN SPACE

O`oma II is in the top 5 places to be protected and acquired as Open, Public Space by Hawai'i County's **Open Space Commission**. This choice was the result of a rigorous, years-long and continuing public scoping process (in which O`oma II continues to move up in ranking of importance -- most likely due to the shrinking opportunities to save natural, open space in North Kona at the same time as the population explodes).

Though I flew to Oahu last year to testify as representative for the Sierra Club regarding preparation of the DEIS for O`oma Beachside Village's proposal (previously called North Kona Village), neither Sierra Club nor the other community groups and/or individual community members who also testified (in person or in writing) was notified of the DEIS's completion, nor did their testimony appear in that document. Groups and individuals omitted includes, but is not limited to, the following: Rep. Josh Green, Plan to Protect, Tom Carey, Tim Carey, Jeffrey Sacher, Anne Goodie, Keli Campbell, Susan Decker, Sue Dursin, Rebecca Villegas, Miles Mulcahy, Jane Bockus, Grace Horowitz, Debbie Datkowitz, Dianne Zink, Douglas Blake, Alastair Glennie, David Kimo Frankel, Broderson Ohana.

We ask that theirs and other testimony received by the State LUC be included in the Final EIS. Whatever the reasons for not including the testimony of those individuals and groups (including not having sent copies of testimony to all of the necessary

entities), democratic process would be best served if agencies and/or individuals involved in the permitting and decision-making process are as informed as possible in order that they may have better insight into the broader impact which their potential decision might have.

Every place in this document which leaves science hanging and supposition in its place should be re-evaluated and thoroughly covered in any future discussion/EIS of this proposal. The Kaloko/Honokohau National Park comments will, no doubt, address these most critical and pervasive water-related issues. Our group feels strongly that no change of land use designation should even be considered, especially when evidence as flimsy and devoid of facts is used to circumvent the serious potential impacts which this development will have upon groundwater and nearshore waters and every living system between and beyond it.

In contrast to what is inferred by the draft EIS, Conservation land (whether inside or outside of the County's Urban Expansion Area) can and should continue to remain protected so that it can fulfill its critical niche far into the future. All that is necessary for this public mandate to be fulfilled is for State representatives to honor the wishes of the Kona community by insuring that the legal protection of O'oma II --- an area determined to be of such critical value that it was placed in Conservation classification -- be maintained so that O'oma II will remain natural and, overall, unchanged by the negative forces which mankind will otherwise wreak upon it.

Mahalo for your consideration of our views and for standing firm in the protection of O'oma II.

Best regards,
Janice Palma-Glennie
for the Hawai'i Chapter of the Sierra Club

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P.S.

1) Citizens petitions containing hundreds of signatures will be sent ASAP regarding the proposed change from Conservation protection of O'oma II. (Technical difficulties prevented their being on time with this testimony.) With very little effort and/or time being spent on collecting those signatures, it's clear that the public is more interested in protecting their coastal resources than having a dense, urban development located on coastal lands.

2) Please include the past testimony by the Sierra Club to the LUC as current for the DEIS comments. Mahalo.

April 11, 2007

State Land Use Commission
235 S. Beretania St. 406
Honolulu, HI
(hand delivered)

RE: A07-774 North Kona Village LLC Development at O`oma

Aloha members of the State Land Use Commission:

This is the first time in over twenty-five years of being involved in land use planning advocacy that I've flown to Oahu to testify for an issue, which might tell you something about my commitment to helping to protect coastal O`oma. Today I'm speaking on behalf of the Sierra Club's thousands of Hawai'i members, as well as for myself and my ohana.

The importance of O`oma II and other remaining open coastlines to the people of this state weighs heavily upon me, as it must do to those of you sitting on this important commission. As a small business owner -- a one-woman "show" -- my business is closed when I'm not at work; but the truth is, I couldn't have been anywhere else than asking for your protection of O`oma's natural beauty and bounty. And I ask that you honor the Kona community's vision to keep O`oma in its natural state, so that it can be protected for the future as public, open space.

As the LUC seems to be the appropriate body to accept an EIS for this proposal, I'll move on to other issues including enumerating some of the reasons why North Kona Village LLC's project should not only require an EIS, but why the entire project should be given a "thumbs down" when it comes before you for a change of land use classification.

1) It's a no-brainer that owner/speculator North Kona Village LLC should need to do an EIS for their near 300-acre project, especially when prime, coastal land is poised to have its guts torn out for speculative, private development.

2) Open coastline on Hawai'i Island is vanishing. If you've lived on Oahu, Kauai, Maui -- even Lanai and Molokai -- long enough, you know what it's like to have popular, fragile, open, coastal space wrenched away from the public domain.

3) O`oma is appropriately designated as Conservation land. No other other designation could better serve the public interest, nor make more sense for this coastal property.

The environmental resources of O`oma deserve the highest degree of protection and would be heavily compromised by any change from conservation. People on Oahu know that overdevelopment and overuse of natural resources can wreak havoc on the environment, cost taxpayers untold millions of dollars both directly and indirectly, and, in many cases, wreak environmental damage that can never be meaningfully fixed, no less paid for "after the fact". Coastal development, especially on the makai side of Queen Ka'ahumanu Highway in Kona, will contribute to the destruction of the water quality, viewplane, cultural relevance, recreational value... in fact, any semblance of "hawaiian-ness" left in Kona, just as it has in many places on Oahu.

What the Kona community clearly DOES NOT NEED is more coastal development, unaffordable housing and/or commercial activity -- especially on coastal land.

4) This developer will tout the benefit of providing more jobs. But creating more jobs is the last thing that Kona needs. The region is at full employment with employees being flown in from off-island and even the Mainland to fill existing jobs, especially in construction. More jobs mean a more rapidly-increasing population that Kona has been unable to absorb healthfully. More traffic on already overburdened roads, more crowding in already crowded schools, more lack of affordable housing, more diminished and compromised natural resources, more development like what North Kona Village LLC proposes will cause more of what's already killing Kona.

5) Class AA waters like the the kind off the O`oma coast are but a distant memory for Oahu residents. Such clean water is a resource to be treasured and judiciously used. What claim can this developer make regarding protected water quality that is not, in fact, an impossible pretense? Absolutely nothing can balance the loss of water quality which this proposed project would bring. If you need more information on this, I strongly suggest that you check out a recent, in-depth, University of Hawai'i study related to the severe degradation of water quality caused by existing Kona development.

6) O`oma was chosen as one of the top five places to be acquired by the County as public, open space. Rising to this place high above 200 other treasured locales, O`oma's change to a mostly private, urban domain would seem more than ironic to the minions of residents who gave their input to its dire importance. And when those hundreds of residents expressed their desire to protect O`oma, they didn't say "please save us just a tiny strip on the shoreline." The manini "public park" proposed by North Kona Village nothing that the developer wouldn't be required to provide. The miserly acreage being offered as community shoreline park, compared to the entire 300 acres being considered for North Kona Village's economic windfall, is meaningless compared to the huge public loss. Though their PR makes it sound like they're providing some grand benefit, North Kona Village could never hope to get through the Hawai'i County mayor's door, no less the County Council's and the general public's without offering at least this minimal shoreline strip for public use. *Only protecting and acquiring the majority of the O`oma II parcel would give the public a reasonable slice of what's left of Kona's coastal pie and meet their demands that what's left of coastal, conservation land in Kona be protected in its natural condition.*

7) it is not a "takings" for the LUC to decide that this land maintain its Conservation status. In fact, it's more appropriate to consider it a taking from the community! North Kona Village purchased the land knowing that it was highly

protected, conservation space. By buying it for speculative purposes, they gambled that they would be given a "green light" for their plans, even though there is not, nor should there be, any guarantee that this will be so. As the destructive affects of overdevelopment have been witnessed all over Hawai'i, it seems far more logical that decision-makers like yourselves would take great pains to protect what little is left of protected conservation land, especially in so fragile a coastal area as O'oma and perhaps allow the landowners to build a private residence on a fraction of it while making sure that the rest of it is preserved "as is".

8) It makes economic sense to keep this land in protected, Conservation status. It's hard to tally all the businesses in Kona that depend upon the natural environment being in good health. But those I can list just off the top of my head are diving, whale watching, fishing, gathering makes economic sense to protect the ocean quality (diving, whale watching, swimming, surfing, fishing, gathering).

In the late 1980s and early '90s, the business folks at the Natural Energy Lab (NELHA) fought alongside the community to protect O'oma from development. Their reasons were long-term, scientific and economic. As short-term gain and a more corporate mentality have taken hold of this State-funded project area, the vision of a clean coastline and coastal waters has been increasingly ignored by some of NELHA's management, despite the long-term sensibility of it. When businesses that rely upon supposedly "pristine" ocean water have to purify dirty sea water instead, millions of dollars in profits might not be pouring in to those businesses like they are today.

9) Surfing is an exponentially popular activity, yet safe, clean water and uncrowded surf breaks are diminishing throughout a State where surfing was the sport of the ali'i. Increasing growth and popularity of this sport has slammed West Hawai'i's coastline. The surf breaks that front O'oma beg protection from harmful runoff, exclusive use, and other abuses of private development. In fact, one of the groups leading the fighting to protect O'oma in the late '80s and early '90s was a group of adult and keiki surfers whose main goal was to protect this and the next door Kohanaiki area from environmental and cultural degradation.

11) Cultural and archeological resources on this property must be acknowledged and protected. It's not enough that the federally acknowledged importance of the Ala Kahakki Trail and other potentially significant cultural resources be protected within a private development. They must living and/or scrupulously protected, depending upon their nature.

12) Of huge significance is the fact that this plan ignores the drumbeat reverberating from West Hawai'i asking that no rezoning and subdivision be allowed until island infrastructure catches up with what is already approved and being built. It's clear from the recently passed moratorium resolution as well as an upcoming ordinance that Kona residents have had more than enough of horrific traffic jams and other infrastructure deficits which have been shoved down their throats by thoughtless, developer-generated growth. Endless upzoning and subdivision of land needs to stop here in this room today if any glimmer of hope exists of catching up with already approved and current development.

13) Kona is in the process of creating a Community Development Plan (CDP). I've read literally thousands of comments by community members and other stakeholders who took part in scoping meetings for a year and a half. In those statements, one of the ones most frequently repeated was that open, coastal space should be protected -- not developed. I'm a member of the CDP Steering committee, though I do not speak for that group today. Having taken part in the CDP process for over a year, I understand ever more strongly that residents want their coastlines and conservation lands protected; and they want a regional plan to guide future development. They expect to maintain a quality of life that looks sweet in the Kona sunset and which provides the host culture of the island -- the essence of island life -- a place to regain and hold its power and spirit of aloha. The CDP process, as well as a legally-binding CDP, should be honored by government and business leaders alike. With no respect for that process, developers come in droves with PR that claims Hawaiian names for their own. Meanwhile, they have little or no care for what happens to the land and people of the place they consider a mere economic commodity.

11) There is no need for so-called modern "improvements" at O'oma. Any further private control and development of O'oma will only result in the loss of its current long-term positive affects on the Kona community. Residents can easily access O'oma (except that its hours of access have been limited by the landowners). Heading down a sandy beach road and rocky trails, adults and children play, fish, dive, jog, hike, bike, picnic and muse without paved roads marring their experience or luxury houses looming over their special place.

12) Coastal O'oma has been the flash point of two monumental community land use victories in the last two decades. Why do we have to keep doing this? Why aren't leaders listening to those thousands of voices which, unlike fickle NELHA, have remained steadfast for twenty years?

Two days ago I walked O'oma's coastline at sunset. The land is Big Island rocky, the sea is deep, deep blue and rated Class AA -- the best. The views are from the ocean to the top of Hualalai at 9,000 feet. Native sea birds, a "blow" of a whale (even at this late date) thrilled and soothed me. In the decades I've walked this land, I've learned that some of the native plants there cure, some can kill. I've watched keiki become adults, become mothers and fathers -- their legacy of a stable life strongly connected to the days and nights (as camping was allowed for so long and no longer allowed by presnet landowners) that they spent here with their families and friends playing, talking story, fishing...all under Kona's sunny and stary sky.

Any development proposed for O`oma deserves the highest degree of scrutiny possible by State, County and community agencies. Keeping this land in its current Conservation land use designation would stop this fighting once and for all.

Mahalo for this opportunity to testify on behalf of our chapter's 5500 members.

Sincerely,
Janice Palma-Glennie
Moku Loa Group and the Hawai`i State Chapter of the Sierra Club

From: Janice Palma-Glennie [palmtree7@hawaiiantel.net]
Sent: Monday, July 07, 2008 3:48 PM
To: luc@dbedt.hawaii.gov
Cc: melkalahiki@aol.com; r.keakealani2@gte.net; PeterYoung@hawaii.rr.com
Subject: Testimony for proposed O`oma Beachside Village, North Kona

Importance: High

Hawai`i State Chapter of the Sierra Club
c/o West Hawai`i Conservation Chair
P.O. Box 4849
Kailua-Kona, Hawai`i 96745

Hawai`i State Land Use Commission
235 S. Beretania St. 406
Honolulu, HI

RE: TMK(3) 7-3-009:022,004; (State) 7-3-009; O`oma Beachside Village LLC (formerly North Kona Village LLC Development) at O`oma II, North Kona

July 3, 2008

Aloha members of the State Land Use Commission:

I am sending testimony today in representation of the Hawai`i State Chapter of the Sierra Club's 5500 members regarding the request by O`oma Beachside Village LLC's to reclassify O`oma II out of Conservation protection for development purposes. Overall, it's clear that the proposed development is a bad idea that would have many significant environmental, cultural, and social impacts on O`oma II and the region. **For this reason, we feel that there is no reason that this proposal, nor the change of classification of this Conservation-protected land sought by the landowners, should be allowed.**

Overall, the draft EIS for O`oma Beachside Village LLC's proposed development reads like a fairy tale. It has been prepared by people who are paid to portray any development as an answer to prayers -- though the only prayers answered would be those of the speculators and developers who stand to make vast sums of money from such approval. Findings of no significant impact by the preparers are worn out and useless for the purposes of making informed decisions on this critical issue. In this particular case, the claims are, even worse, baseless.

As expected, the draft EIS states that O`oma Beachside Village's development "is not expected" to cause significant, long-term harm to *anything* -- water, air, native culture, viewplane, social structure...anything which 1200 residences, shops, roads and other trappings of mankind would otherwise most certainly be expected to hang and harm. *If the developer's claims are true, where do the environmental and social problems of Oahu or Lost Angeles originate? How is it possible that when development has burgeoned, as it has on Oahu, negative impacts not seen prior to that development seem to grow and take a stranglehold on communities and natural resources?* Cumulative impacts cannot legally or morally be ignored when making decisions on such large developments as the one for O`oma II.

KONA COMMUNITY DEVELOPMENT PLAN (KCDP)

It should be pointed out that in spite of the text devoted to demonstrating consistency with the draft Kona Community Development Plan, this document is a draft, and that the Goals, Objectives, Policies and Actions do not apply until the draft is approved by the Hawaii County Council.

The O`oma Village draft EIS provides extensive description of the process and language resulting in the draft Kona Community Development Plan. A detailed account of the extensive community-based process undertaken to gather public input into the drafting of the KCDP is included. As described, during the "Mapping the Future " Workshop, attended by about 350 people, people were invited to designate on maps where they believe the most appropriate locations for future growth in Kona should be directed. It can not be overly stressed that all the designated Growth Opportunity Areas selected by the participants were located mauka of Queen Kaahumanu Highway, and there were no designations indicating that future growth should occur in the vicinity of the property which is the subject of this draft EIS. This preference serves as the foundation for future planned urban growth included in the Kona CDP. Therefore, in that regard, the proposed O`oma Village development is not consistent with the draft Kona CDP.

In addition, the draft EIS stresses that it is consistent with the Kona CDP in that it will be providing a Traditional Neighborhood Design/ Transportation Oriented Design development. For O`oma Beachside Village to be consistent with the Kona CDP, the master plan for the project would have to be designed through a community-based charrette process that would utilize the Kona CDP Village Design Guidelines that are based on the Form-based SmartCode design standards. (page 177)

Commercial and "village" activities are not planned for, needed or wanted at O`oma, since there are TODs to be located (rightly so) on the mauka side of Queen Ka`ahumanu Highway (as per the KCDP). A huge development will increase traffic -- not decrease it -- and is at odds with the developments which will be supported -- not pretending to be supported -- by the KCDP.

It's claimed that the O`oma development will be neighborly in the way homes are situated, windows open, happy faces all around; but how many windows will be open in this development adjacent to a fast-growing airport and military pilot training site?

The draft EIS mentions “bakeries” and it must be asked: bakeries are having trouble making it on Hawai‘i Island now. Though it sounds romantic, where, once again, does the developer get information or give guarantees that any of the businesses they cite as potentially viable in their plan could/would ever be located on their property?

O‘oma Beachside Village LLC has shamelessly presented information from the Kona Community Development Plan (KCDP) as if it was their own. This unethical farce is as galling as it is absurd. As a member of the Kona Community Development Plan Steering committee, I was also involved in the process from its inception as a member of the public to the vote on its current draft. From the community perspective (and from a lack of information cited within this document to the contrary), **there is no public call or need for changing this Conservation-protected land**, especially by the hundreds – if not thousands – of stakeholders who took part in the KCDP process.

In contrast to what is inferred by the draft EIS, Conservation land (whether inside or outside of the County’s Urban Expansion Area) can and should continue to remain protected so that it can fulfill its critical niche far into the future. All that is necessary for this public mandate to be fulfilled is for the State representatives to honor the wishes of the Kona community by insuring that the legal protection of O‘oma II — determined to be of such critical value that it was placed in Conservation classification — is maintained so that O‘oma II will remain natural and, overall, unchanged by the negative forces which mankind will otherwise wreak upon it.

(1.7.2) SUMMARY OF POTENTIAL IMPACTS AN PROPOSED MITIGATION MEASURES

The proposed development’s impacts are continually and irrationally minimized with no substantiation within the draft EIS. Meanwhile, it is absurd to claim that a hugely increased human population, including a substantial commercial district built next to the coastline would not change the cultural, recreational, and social balance of what is currently natural, uninhabited, open space.

This section disingenuously opens by implying that **lava flows** are not as significant nor as “vibrant” as a new urban development. This biased assumption (3.3.1) ignores Hawaiian culture and the value of Hawai‘i’s natural environment, in particular, the beauty and cultural relevance of, and reverence for, intact lava flows.

Claims are made that no significant, long-lasting negative impacts “are expected” on any of the following: Groundwater and nearshore marine environment, flora, fauna, archeological resources, cultural resources, trails and access, traffic, noise, air and water quality, wastewater, drainage, solid waste, electrical, housing, economy, or public services. But, of course, what else would be claimed? That developments of this size are shown to heavily and negatively impact all of those things, and maybe even more? Would studies like the University of Hawai‘i’s water quality study be cited to show that water quality is decreasing in West Hawai‘i as development has increased? Would Oahu’s water quality disasters be used as case studies for avoiding such disasters on Hawai‘i Island? Would studies be cited to show how nonpoint source pollution from such huge developments most certainly has negative impacts on nearshore and groundwater, even though those studies most certainly exist? Would concerns by the likes of the Kaloka/Honokohau National Park be addressed specifically if they weren’t required to do so in the EIS process?

Will these studies and problems be properly and thoroughly addressed by O‘oma Beachside Village?

(Sec. 5.2.3) The O‘oma Village draft EIS provides extensive description of the process and language resulting in the draft Kona Community Development Plan. A detailed account of the extensive community-based process undertaken to gather public input into the drafting of the KCDP is included. As described, during the “Mapping the Future” Workshop, attended by about 350 people, were invited to designate on maps where they believe the most appropriate locations for future growth in Kona should be directed. It can not be overly stressed that all the designated Growth Opportunity Areas selected by the participants were located mauka of Queen Kaahumanu Highway, and there were no designations indicating that future growth should occur in the vicinity of the property which is the subject of this draft EIS. This preference serves as the foundation for future planned urban growth included in the Kona CDP. Therefore, in that most critical regard, **the proposed O‘oma Village development is not consistent with the draft Kona CDP.**

In addition, the draft EIS stresses that it is consistent with the Kona CDP in that it will provide a Traditional Neighborhood Design/Transportation Oriented Design development. For O‘oma Beachside Village to be consistent with the Kona CDP, the master plan for the project would have to be designed through a community-based charrette process that would utilize the Kona CDP Village Design Guidelines that are based on the Form-based SmartCode design standards.

The Hawai‘i County General Plan is cited for why this land is suitable for heavy urbanization. However, being within the urban expansion area of the GP does not imply that Conservation protection should be thrown out the window throughout that huge area. In fact, the protection of that land for public use has become more desirable and critical as population pressure has increased in the region. Public input into the KCDP makes this point very clear.

EXCLUSIVE USE OF THE COASTAL AREA

An exclusive-use “leisure club” is planned on the property. Besides increasing the use of the shoreline (i.e., surfing, paddling, socializing, etc), this will separate a community accustomed to being able to access this shoreline without membership or divisions between the “haves” and “have nots”. If there’s anything the Kona community has shown that it doesn’t want (besides exclusive development at the shoreline) is exclusive use of the shoreline. Hawai‘i is traditionally a place where all people can use and access the shoreline. Ideas like exclusive “members-only” clubs are not Hawaiian and create a class system which is antithetical to traditional use of the shoreline by anyone regardless of economic ability or status.

As with the “club” and its concept of exclusivity and membership, what other areas within the development will be for residents/members only? It appears that the 70-85 “estate lots” on the periphery — the “coastal preserve/open space” around these homes — is planned to be off-limits to due to “archeological” and other sensitive sites. Is this a way to create exclusivity for upscale homeowners whose residences just “happen” to be located near them?

WATER ISSUES INCLUDING, BUT NOT LIMITED TO, GROUNDWATER, NEARSHORE MARINE ENVIRONMENT, DRAINAGE, DRINKING WATER, WASTEWATER DISPOSAL/TREATMENT.

Water (Sections 1.7.8, 2.2, 4.9.1, etc. throughout the DEIS) is probably the most understudied, weakly-cited, pie-in-the-sky portion of this document (yet is probably the most important), with questions that go far beyond where the drinking water will come from. “Preferred”,

"exploring", "additional research", "assumed" are words used to substitute "proven", "promised", "will do."

(Sec. 2.2) DEIS says the development won't deplete resources, yet a source for drinking water is just one of the many environmental/natural resources issues left un-addressed in the DEIS. Evidence is flimsy and devoid of facts and circumvents the serious potential impacts which this development will have upon groundwater and nearshore waters and every living system between and beyond it.

How can we be certain resources won't be depleted if their use isn't fully addressed?

The waters offshore O`oma II are pristine. They are rated AA by the State Department of Health. They are crystal clear -- unlike the waters off O`ahu. Coastal water is so clear here because there is so little development in the area. You only need to look at the water quality on O`ahu to see what happens when too much development is allowed to take place. This project will significantly degrade water quality -- and for this reason alone the LUC should maintain the conservation district designation.

Possible sources of water include NELHA (4.9.1), according to the DEIS. However, as with other suppositions made, no reference is made to that entities' desire to take part in that plan. Sec. 4.9.2 discusses the problems associated with wastewater treatment, yet no definite ways to address that issue are given.

As in most areas of the draft EIS, scientific or otherwise solid studies or information are sorely lacking (including solid waste management and polluted runoff that inevitably percolates through the porous ground and into the aquifer when land like O`oma II is developed). Solid waste (4.9.4) is a huge issue for the entire island, though the draft EIS uses a prediction for the life of the Pu`uanahulu landfill that does not take into account the need for Hilo to find a place for its overflowing rubbish and the political wrangling that is currently taking place to figure out a solution for this dire problem.

3.4.1 A 100-year flood zone does exist within the property. What are the potential affects of potential flooding on this area and its uses?

Many water issues scientific mystery, yet development that will impact water quality races forward in Kona. The Kaloko-Honokohau National Park reps have put together Water Working Group meetings so that better information and input can be exchanged, to help make sure that new developments near its borders -- like the one proposed in this document -- affect and will potentially affect all aspects of water and water use. The "Cautionary Principle" (in this case protecting Conservation land at O`oma II) must be used in cases where the elixir of life is at stake.

The National Park's comments regarding statements that no negligible impact will be seen on waters within the Kaloko-Honokohau National Park should be addressed.

Desalinization (3.5.1) can be environmentally sensible. However, the disposal of salts and the addition of nutrients to irrigation water can counterbalance the benefits derived from this treatment.

Additionally, studies show that pharmaceutical chemicals whose origin is in human waste is becoming a significant hazard in even treated water. How will this be dealt with?

(2.1.3, 3.5.2,...) Anchialine ponds are assumed to be in "senescence" on the property. However, what is this senescence caused by? Could it be the withdrawal of water for upslope development? What affects will development on the property have on those ponds and other water that is currently close to the ground's surface?

In a place where very little runoff occurs relative to other wetter, places, what will increased water from residential, commercial and landscape use have on corals and other nearshore organisms? How will this affect nearshore subsistence fishing and gathering?

(2.1.3) Anchialine ponds are assumed to be in "senescence" on the property. However, what is this senescence caused by? Could it be the withdrawal of water for upslope development? What affects will development on the property have on those ponds and other water that is currently close to the ground's surface?

FLORA

Native plant species would be used "where feasible" (Sec. 3.6,3.5.1). What would limit their use? Aesthetics, water use? Homeowners are not required to use native species, nor to restrict use of toxic pesticides or herbicides, nor to limit water use. Since a significant part of the development will be turned over to individual private owners, what guarantees are there of plant protection, groundwater and nearshore water quality throughout this project? When such a short list is given as to what currently exists on the property, what guarantee is there that future landscaping will be so limited as claimed in Sec. 3.6?

Soil does not need to be "corrected" as per DEIS, and the land, especially the beach areas, hosts a wide variety of uses in its natural condition including hiking, fishing, gathering, picnicking, (formerly camping), subsistence gathering, spiritual activity, etc. The nearshore waters are pristine because of the lack of runoff to them and because there is not artificial drainage or other changes made to the soil.

FAUNA

Section 3.7 In a discussion of impact on endangered species like honu, what is considered the "shoreline"? At what distance from the shoreline is the danger to sea life nil or "insignificant" and what does that mean? In this case, will 1000' setback insure that sea turtles won't be harmed by toxic runoff, increased population, noise, lighting, etc? Fifty feet?

It was claimed that no sea turtles were seen during the survey done for the draft EIS. How long was this survey done, as honu are seen regularly by shoreline visitors. How much time will be spent in the preparation of the final EIS to determine what species are, in fact, using this area and/or potentially threatened by its increased use?

(3.5.2) Since Hawaiian monk seals have been observed "hauling out" on this shoreline, what impacts will increased urban development have when this occurs?

Endangered Hawaiian a`eo was not noted as having been observed in the anchialine ponds, though it is a regular inhabitant at next door

Kohanaiki. Endangered bats were also not observed. How complete will cave/lava tube studies be before development would proceed?

Light pollution and its affect on marine life needs to be addressed.

ARCHEOLOGICAL AND CULTURAL RESOURCES, TRAILS, ACCESS

If a second study revealed a yet-undiscovered archeological site (4.1.2), how many more studies are necessary to insure that critical sites aren't overlooked or destroyed?

In the DEIS, the source of the name of O`oma (4.2.2, 2.1.4) is said to not be presently known. The history shows, however, that O`oma was so esteemed by King Kamehameha I that his son was sent there to live for five years. Should such historically significant land be taken out of Conservation protection in order to fulfill the financial fantasies of a well-heeled development company? Or would it be more judicious to leave this land in its present natural, Conservation-protected status so that, when the meaning of the name and other important cultural/historical discoveries are made, it will not be too late to protect those values that might come with that rediscovery?

Again, section 4.2 is thin on cultural information. This is not surprising since no proper public scoping process was done regarding this development proposal. Just because other cultural/archeological information and heritage has been lost due to development that should not have occurred, should that be continued at O`oma II -- one of the last intact, protected areas on the North Kona coast?

Surfing is cited as an example of one cultural and recreational activity that won't be impacted by a new urban center being located on coastal O`oma II. Contrary to the DEIS claims, surfing is particularly sensitive to and negatively impacted by increased population and increased access. To say otherwise is untrue. As with other claims made in this document regarding past, present and future use of the area, especially cultural, this one further undermines the validity of other claims made therein.

What further efforts will be made to insure that the history of this area is more than suppositions (4.2.4) and is more complete? Will a complete CIS (Cultural Impact Study) be done?

What commitment would be made to helping to connect mauka-makai trails at O`oma II (4.2.5) with upslope trails for public, traditional and modern use?

When the document reads "in no way will inhibit coastal access", one must assume that 24-hour access will be granted, including unfettered overnight camping. This, however, does not seem to be part of the proposal, even though it is implied. Camping is not only a critical component of Hawaii's local culture, it is also widely desired by the West Hawai'i community as a vanishing way for families and communities to connect with each other and the natural environment. This DEIS does not even mention this community need. Is public overnight camping planned in the O`oma II proposal?

No guarantees of public access to historic or other trails on the property are made, though it is implied that access would be better than it is now. What kind of access to trails and "preserves" would be guaranteed (2.2.5)? Would hours of public access to the shoreline be short, as they are now, or would the public be able to access their shoreline 24 hours a day? Who will determine where the trails go, where the public can and cannot go, hours of access, etc. in all areas of the development (including the "public park")?

O`oma Beachside Village does not support the ahupua`a model of land and resource use, since all aspects of an ahupua`a would lie within it. Keeping the land in Conservation protection would better insure that a complete ahupua`a is most likely to remain intact since natural, environmentally pristine, protected, open coastal space is critical to the integrity of that concept.

VIEWPLANES

Viewplanes aren't even considered important enough by the developer to given their own category, yet the mauka-makai views here and elsewhere in Hawai'i are significant, including aesthetic, cultural, and economic.

The undeveloped parcel of land at O`oma II offers visitors and residents a majestic viewplane. We are able to see the ocean and wild landscape. This feeling will be lost -- as it has along too much of this coastline already. Development here will adversely affect the view in a significant manner.

Sec. 4.8 says there are few distinguishing landmarks. Are there fishing koa at O`oma II as reported by local fishermen in the area and will they be protected as critical to fishing success?

Views from upslope are critical to surfers, fishermen, and others who need to monitor ocean and wind conditions in relation to pursue their activities. Being able to determine if the time and energy needed to go to that shoreline is feasible and desirable at that time is dependent upon visual connections to the coastline. The Keahole to Kona Development plan is cited for determination as to whether this area is part of a critical viewplane. Why not the KCDP? Why not a more current survey that takes into account the increased population and development that has occurred in the area since 1991? "Directly in front of the property" views are not all that counts when viewplane is considered. There have been huge complaints (including the National Park) and sadness regarding the grading done at Kohanaiki, yet O`oma's owners promises to continue more of the same, which includes berming (according to County law) that can significantly raise the grade of the land in relation, not tot eh lower portions of the land, but to the highest ones. This can mean that the coastline views now enjoyed and depended upon by those above the property (whether on Queen Ka`ahumanu Highway or elsewhere) could lose what little views they now enjoy and depend upon of the coast if the O`oma parcel is developed as proposed.

What will be the highest point on the property per the present development proposal and how will that affect coastal views from north, south and mauka of the property, even beyond the Queen Ka`ahumanu Highway?

Will the "visual buffer to the highway" be a large berm like at Kohanaiki which was slipped through the community process and has angered so many residents? Will this "buffer to the highway" also be a way to give coastal views to more mauka residences as well as obscure the treasured mauka views which are being stolen time and again by wily development companies?

Considerations of viewplanes are thin and provide no guarantee that residents will be able to have views to and from the shore as they now can.

LIGHT POLLUTION

How will light pollution from the new urban environment affect current uses as well as surrounding existing and planned development (including NELHA)? Campers at nearby Kohanaiki will be there 24/7. Darkness is the desired situation when camping in a natural environment, yet businesses and 1200 residences will contribute to light pollution along the coastline and mauka.

TRAFFIC

The claims that a huge residential and commercial development won't add to the region's traffic problems is one made by every developer that comes down the pike. It doesn't take a rocket scientist to know that traffic would flow far, far better in that area if a huge urban development's thousands of projected vehicle trips are added to the roadways planned for that area. Since projected traffic increases are made by assuming that a significant portion of residents work on site, how will those numbers change if those promises aren't fulfilled?

More immigration to the region for temporary construction work will mean more families to further burden already insufficient infrastructure including schools, roads, police, fire, etc., whether it is for the short- or long-term. Traffic in the O'oma area is near gridlock many hours of the day, particularly during tourist season. Though a widened highway will lessen that traffic for approximately 8 miles sometime in the future, the development already approved along that route -- not counting O'oma's proposal -- will negate those improvements.

The document claims that the airport and development won't impact one another (4.5). Dangers from noise, airplane crashes and pollution will certainly impact the nearby residential development.

Increased military use of the airport was not even mentioned in this document. The short- and long-term impacts and viability of the proposed residential and commercial tenants seem inextricably tied to this, as well as being an airport concern.

AIR QUALITY/NOISE

Air quality will, of course, be affected in the long term by an increase of motor vehicles and other trappings of an urban development. Pesticide and other chemical use soars in these types of developments, spreading to both air and water. And no noise increase? O'oma II's owners must have lived their lives miles from any neighbors if they believe that increased population does not mean increased noise. What about automobiles, air conditioning, lawn mowers, blowers, loud music, children, barking dogs...? Those can be more than just "normal" to many people, especially when added to the noise of airplanes which is already a large feature in the proposal area.

WASTEWATER

Not shown or known how wastewater will be handled (2.3.6).

HOUSING

Diversity in housing and commercial activity is not guaranteed by the developer, nor is it desired by the general public on coastal land (coastal conservation area protection was the #1 concern of the public in all scoping processes).

Affordable Housing. A large amount of rhetoric stresses an intent for O'oma Beachside Village to be a mixed use project that will provide affordable housing. But no commitment is made as to the number, percentage, or range of affordable and workforce housing that the project intends to provide. Since the draft EIS places so much emphasis on providing these housing opportunities for local residents, the draft must spell out the number and range 60% to 180% of affordable and workforce housing, in relation to Kona's Average Mean Income (AMI).

High end, exclusive (protected by a "preserve" area), luxury housing (which is what a huge area of O'oma II looks slated to become) is a niche overly filled on the kona coast (including at least 250 new luxury residences permitted at next door Kohanaiki) and is not needed nor wanted by local residents.

SITE WORK

(sec. 3.2) Grading and bulldozing: "Will attempt...to the extent practicable". what does this mean? Financially, physically practicable? In whose eyes?

CAMPING

Is camping planned? The community has been awaiting the re-opening of camping in this area. It is hugely needed and desired.

TIMING

(Sec. 2.4) Because costs are dependent upon timetable, it remains unclear if the development company will be able to provide the amenities promised if the timetable cannot be adhered to.

SOCIAL IMPACTS (4.10)/EDUCATIONAL OPPORTUNITY/ECONOMIC STRENGTH

This area has been a critical place to the Kona community for generations. Keiki have grown to adults in the safety and comradie of ohana and other community members. This tradition continues today and plays a significant role in providing healthy, meaningful, educational, safe, fun, outdoor activity, especially to the youth of the community. Exclusive clubs and fancy restaurants and low-paying service jobs do not belong at the shoreline in a place where community reigns and thrives in a natural, clean, commercially-free setting like O'oma II; and no amount of money can replace what nature has given the residents and visitors of Hawai'i when it comes to coastal areas like O'oma II.

The growing population of the area demands more -- not less -- natural, open, public space. And that space cannot be recreated by man in amusement parks or other commercial, artificial environments.

With a West Hawai'i campus of the University of Hawai'i planned nearby and the West Hawai'i Explorations Academy adjacent, it's clear that a natural, pristine environment can play a key role in providing young people with a natural laboratory that may help cure disease, discover new

and wonderful species of flora and fauna, and re-instill an appreciation and understanding of the cultural heritage of Hawai'i that will be lost in the proposed development.

It's also clear that the visitor-related economic base of Hawai'i depends upon the protection and nurturing of what remains of conservation-protected lands and nearshore waters. How can the owners of O'oma II provide any better for the community, its social fabric, and its economic visitor base any better than what is provided through its existing natural condition?

2. 5 ENVIRONMENTALLY- RESPONSIBLE PLANNING AND DESIGN

Although the draft EIS devotes considerable space to reviewing Environmentally Responsible Planning programs and procedures, such those serving to save energy, incorporate LEED Standards, or desalinate water, no real commitment or guarantee has been made that the design, construction and/or operation of the O'oma Beachside Village will adhere to any such outcomes. Instead, all outcomes are prefaced with statements such as "where appropriate....", "will consider...." where feasible..." See 2.51, 2.5.2, 2.5.3.

COMMUNITY VISION VS DEVELOPER VISION

The No Action alternative, per scoping processes cited in this document as well as outside of it is the preferred choice of Kona residents as presented by the landowners.

Kupuna are named as having given oral background on the area. Yet, these same persons do not support development of this area as proposed, nor does the general public.

The vision presented by o'oma villages is not the community vision (2.2 Statement of Purpose and Need). More important than creating urban development at the shoreline is the need and desire to preserve open space for recreational use, and cultural/environmental protection. Urban development can happen in many places, but natural, open, conservation-protected land is disappearing and irreplaceable. If O'oma can be acquired through bond, matching funds, the 2% open space fund and other means, shouldn't the community have that opportunity to have a meaningful chunk of open space -- not just an 18-acre scrap leftover in trade for nature-destroying development on that property.

A resolution is currently being prepared and is under consideration to be introduced at the County level for acquiring O'oma for the public as open space as well as keeping the land in Conservation protection.

The offer of an 18-acre park isn't a gift to the Kona community. It's an insult. Why would the public -- old or young -- want to trade hundreds of acres of natural open space which they've used and enjoyed for generations for a tiny patch of ground whose inherent natural integrity would be undermined by the tradeoff of so many acres of urban development?

It's inferred that O'oma's owners held "community meetings." (Sec. 2.2.1) This is a gross overstatement. And the plan was designed from their ideas up, but was presented to them. Their names are listed, but their support of the plan is not, nor should it be.

The community does not want to create an artificial "vibrant" community at O'oma II. (See petitions, past and present public testimony, KCDP, etc.)

There is no good reason to reclassify this land. The public gets no benefits from reclassification of O'oma II. We don't need more jobs in the area. We are at full employment. We don't need more luxury houses. We don't need a sliver of a park when the land is already undeveloped -- and will remain so as long as the land remains in the conservation district (and potentially acquired by the County for public use in perpetuity).

CUMULATIVE IMPACTS

Sec. 7.2 cites pages of projects approved and moving forward in West Hawaii in order to address cumulative impacts of development in the region. This is exactly why the public wanted and worked so hard for the KCDP -- to prevent develop-generated, piecemeal development that has preceded the implementation of the KCDP. (Sec. 2.1.1) Next door, five hundred homes are being built at Kohanaiki -- further proof that coastal development is out of control and that vanishing conservation protection should be maintained for those few areas left in that designation.

Correction to draft EIS on Kohanaiki public park: The public park at Kohanaiki will not have a commercial beach facility/snack bar.

VESTED RIGHTS

__ The only vested rights that O'oma Beachside Village, LLC has to use their coastal land is per Conservation-designated guidelines. The assumption that landowners have a right to upzone or otherwise change protective status of their land to turn a profit is false and not based on legal fact. In fact, this very agency denied a change of classification for this property in 1986, with two following denials made to reclassify this property. Why, and how do those reasons overlap with the reasons to deny this development proposal as well? What characteristics put this land in conservation protection to begin with and demand its continued protection?

CHOSEN IN TOP 5 PLACES TO BE ACQUIRED AS PUBLIC, OPEN SPACE

The public hasn't been consulted nor is there support for the proposed project. In fact, O'oma II is in the top 5 places to be protected and acquired as Open, Public Space by Hawai'i County's **Open Space Commission**. This choice was the result of a rigorous, years-long and continuing public scoping process (in which O'oma II continues to move up in ranking of importance -- most likely due to the shrinking opportunities to protect natural, open space in North Kona at the same time as the population explodes, requiring more natural, open space).

Though I flew to Oahu last year to testify as representative for the Sierra Club regarding preparation of the DEIS for O'oma Beachside Village's proposal (previously called North Kona Village), neither Sierra Club nor the other community groups and/or individual community members who also testified (in person or in writing) was notified of the DEIS's completion, nor did their testimony appear in that document. Groups and individuals omitted includes, but is not limited to, the following: Rep. Josh Green, Plan to Protect, Tom Carey, Tim Carey, Jeffrey Sacher, Anne Goodie, Keli Campbell, Susan Decker, Sue Dursin, Rebecca Villegas, Miles Mulcahy, Jane Bockus, Grace Horowitz, Debbie Datkowitz, Dianne Zink, Douglas Blake, Alastair Glennie, David Kimo Frankel, Broderson Ohana.

We ask that theirs and other testimony received by the State LUC be included in the Final EIS. Whatever the reasons for not including the testimony of those individuals and groups (including not having sent copies of testimony to all of the necessary entities), democratic process would be best served if agencies and/or individuals involved in the permitting and decision-making process are as informed as possible in order that they may have better insight into the broader impact which their potential decision might have.

Every place in this document which leaves science hanging and supposition in its place should be reevaluated and thoroughly covered in any future discussion/EIS of this proposal. The Kaloko/Honokohau National Park comments will, no doubt, address these most critical and pervasive water-related issues. Our group feels strongly that no change of land use designation should even be considered when evidence as flimsy and devoid of facts is used to circumvent the serious potential impacts which this development will have upon groundwater and nearshore waters and every living system between and beyond it.

We ask that you stand strong in the face of continued developer requests and deny any change out of the protected Conservation status that O`oma II now has. This is the only way that West Hawai`i's burgeoning population can have any hope of maintaining a vestage of protected, natural, stunning, open, public space left for the future.

Mahalo for your consideration of our views.

Best regards,
Janice Palma-Glennie
for the Hawai`i Chapter of the Sierra Club

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P.S.

1) Citizens petitions containing hundreds of signatures will be sent ASAP regarding the proposed change from Conservation protection of O`oma II. (Technical difficulties prevented their being on time with this testimony.) With very little effort and/or time being spent on collecting those signatures, it's clear that the public is more interested in protecting their coastal resources than having a dense, urban development located on coastal lands.

2) Please include the past testimony by the Sierra Club to the LUC as current for the DEIS comments. Mahalo.

April 11, 2007

State Land Use Commission
235 S. Beretania St. 406
Honolulu, HI
(hand delivered)

RE: A07-774 North Kona Village LLC Development at O`oma

Aloha members of the State Land Use Commission:

This is the first time in over twenty-five years of being involved in land use planning advocacy that I've flown to Oahu to testify for an issue, which might tell you something about my commitment to helping to protect coastal O`oma. Today I'm speaking on behalf of the Sierra Club's thousands of Hawai`i members, as well as for myself and my ohana.

The importance of O`oma II and other remaining open coastlines to the people of this state weighs heavily upon me, as it must do to those of you sitting on this important commission. As a small business owner -- a one-woman "show" -- my business is closed when I'm not at work; but the truth is, I couldn't have been anywhere else than asking for your protection of O`oma's natural beauty and bounty. And I ask that you honor

the Kona community's vision to keep O`oma in its natural state, so that it can be protected for the future as public, open space. As the LUC seems to be the appropriate body to accept an EIS for this proposal, I'll move on to other issues including enumerating some of the reasons why North Kona Village LLC's project should not only require an EIS, but why the entire project should be given a "thumbs down" when it comes before you for a change of land use classification.

- 1) **It's a no-brainer that owner/speculator North Kona Village LLC should need to do an EIS for their near 300-acre project,** especially when prime, coastal land is poised to have its guts torn out for speculative, private development.
- 2) **Open coastline on Hawai'i Island is vanishing.** If you've lived on Oahu, Kauai, Maui -- even Lanai and Molokai -- long enough, you know what it's like to have popular, fragile, open, coastal space wrenched away from the public domain.
- 3) **O`oma is appropriately designated as Conservation land.** No other other designation could better serve the public interest, nor make more sense for this coastal property.

The environmental resources of O`oma deserve the highest degree of protection and would be heavily compromised by any change from conservation. People on Oahu know that overdevelopment and overuse of natural resources can wreak havoc on the environment, cost taxpayers untold millions of dollars both directly and indirectly, and, in many cases, wreak environmental damage that can never be meaningfully fixed, no less paid for "after the fact". Coastal development, especially on the makai side of Queen Ka'ahumanu Highway in Kona, will contribute to the destruction of the water quality, viewplane, cultural relevance, recreational value... in fact, any semblance of "hawaiian-ness" left in Kona, just as it has in many places on Oahu.

What the Kona community clearly DOES NOT NEED is more coastal development, unaffordable housing and/or commercial activity -- especially on coastal land.

4) This developer will tout the benefit of providing more jobs. **But creating more jobs is the last thing that Kona needs.** The region is at full employment with employees being flown in from off-island and even the Mainland to fill existing jobs, especially in construction. More jobs mean a more rapidly-increasing population that Kona has been unable to absorb healthfully. More traffic on already overburdened roads, more crowding in already crowded schools, more lack of affordable housing, more diminished and compromised natural resources, more development like what North Kona Village LLC proposes will cause more of what's already killing Kona.

5) **Class AA waters like the the kind off the O`oma coast are but a distant memory for Oahu residents.** Such clean water is a resource to be treasured and judiciously used. What claim can this developer make regarding protected water quality that is not, in fact, an impossible pretense? Absolutely nothing can balance the loss of water quality which this proposed project would bring. If you need more information on this, I strongly suggest that you check out a recent, in-depth, University of Hawai'i study related to the severe degradation of water quality caused by existing Kona development.

6) **O`oma was chosen as one of the top five places to be acquired by the County as public, open space.** Rising to this place high above 200 other treasured locales, O`oma's change to a mostly private, urban domain would seem more than ironic to the minions of residents who gave their input to its dire importance. And when those hundreds of residents expressed their desire to protect O`oma, they didn't say "please save us just a tiny strip on the shoreline." The manini "public park" proposed by North Kona Village nothing that the developer wouldn't be required to provide. The miserly acreage being offered as community shoreline park, compared to the entire 300 acres being considered for North Kona Village's economic windfall, is meaningless compared to the huge public loss. Though their PR makes it sound like they're providing some grand benefit, North Kona Village could never hope to get through the Hawai'i County mayor's door, no less the County Council's and the general public's without offering at least this minimal shoreline strip for public use. *Only protecting and acquiring the majority of the O`oma II parcel would give the public a reasonable slice of what's left of Kona's coastal pie and meet their demands that what's left of coastal, conservation land in Kona be protected in its natural condition.*

7) **It is not a "takings" for the LUC to decide that this land maintain its Conservation status.** In fact, it's more appropriate to consider it a taking from the community! North Kona Village purchased the land knowing that it was highly protected, conservation space. By buying it for speculative purposes, they gambled that they would be given a "green light" for their plans, even though there is not, nor should there be, any guarantee that this will be so. As the destructive affects of overdevelopment have been witnessed all over Hawai'i, it seems far more logical that decision-makers like yourselves would take great pains to protect what little is left of protected conservation land, especially in so fragile a coastal area as O`oma and perhaps allow the landowners to build a private residence on a fraction of it while making sure that the rest of it is preserved "as is".

8) **It makes economic sense to keep this land in protected, Conservation status.** It's hard to tally all the businesses in Kona that depend upon the natural environment being in good health. But those I can list just off the top of my head are diving, whale watching, fishing, gathering makes economic sense to protect the ocean quality (diving, whale watching, swimming, surfing, fishing, gathering).

In the late 1980s and early '90s, the business folks at the Natural Energy Lab (NELHA) fought alongside the community to protect O`oma from development. Their reasons were long-term, scientific and economic. As short-term gain and a more corporate mentality have taken hold of this State-funded project area, the vision of a clean coastline and coastal waters has been increasingly ignored by some of NELHA's management, despite the long-term sensibility of it. When businesses that rely upon supposedly "pristine" ocean water have to purify dirty sea water instead, millions of dollars in profits might not be pouring in to those businesses like they are today.

9) **Surfing is an exponentially popular activity, yet safe, clean water and uncrowded surf breaks are diminishing throughout a State where surfing was the sport of the ali'i.** Increasing growth and popularity of this sport has slammed West Hawai'i's coastline. The surf breaks that front O`oma beg protection from harmful runoff, exclusive use, and other abuses of private development. In fact, one of the groups leading the fighting to protect O`oma in the late '80s and early '90s was a group of adult and keiki surfers whose main goal was to protect this and the next door Kohanaiki area from environmental and cultural degradation.

11) **Cultural and archeological resources on this property must be acknowledged and protected.** It's not enough that the federally

acknowledged importance of the Ala Kahakki Trail and other potentially significant cultural resources be protected within a private development. They must living and/or scrupulously protected, depending upon their nature.

12) Of huge significance is the fact that this plan ignores the drumbeat reverberating from West Hawai'i asking that no rezoning and subdivision be allowed until island infrastructure catches up with what is already approved and being built. It's clear from the recently passed moratorium resolution as well as an upcoming ordinance that Kona residents have had more than enough of horrific traffic jams and other infrastructure deficits which have been shoved down their throats by thoughtless, developer-generated growth. Endless upzoning and subdivision of land needs to stop here in this room today if any glimmer of hope exists of catching up with already approved and current development.

13) Kona is in the process of creating a Community Development Plan (CDP). I've read literally thousands of comments by community members and other stakeholders who took part in scoping meetings for a year and a half. In those statements, one of the ones most frequently repeated was that open, coastal space should be protected – not developed. I'm a member of the CDP Steering committee, though I do not speak for that group today. Having taken part in the CDP process for over a year, I understand ever more strongly that residents want their coastlines and conservation lands protected; and they want a regional plan to guide future development. **They expect to maintain a quality of life that looks sweet in the Kona sunset and which provides the host culture of the island -- the essence of island life -- a place to regain and hold its power and spirit of aloha. The CDP process, as well as a legally-binding CDP, should be honored by government and business leaders alike. With no respect for that process, developers come in droves with PR that claims Hawaiian names for their own. Meanwhile, they have little or no care for what happens to the land and people of the place they consider a mere economic commodity.**

11) There is no need for so-called modern "improvements" at O'oma. Any further private control and development of O'oma will only result in the loss of its current long-term positive affects on the Kona community. Residents can easily access O'oma (except that its hours of access have been limited by the landowners). Heading down a sandy beach road and rocky trails, adults and children play, fish, dive, jog, hike, bike, picnic and muse without paved roads marring their experience or luxury houses looming over their special place.

12) Coastal O'oma has been the flash point of two monumental community land use victories in the last two decades. *Why do we have to keep doing this? Why aren't leaders listening to those thousands of voices which, unlike fickle NELHA, have remained steadfast for twenty years?*

Two days ago I walked O'oma's coastline at sunset. The land is Big Island rocky, the sea is deep, deep blue and rated Class AA -- the best. The views are from the ocean to the top of Hualalai at 9,000 feet. Native sea birds, a "blow" of a whale (even at this late date) thrilled and soothed me. In the decades I've walked this land, I've learned that some of the native plants there cure, some can kill. I've watched keiki become adults, become mothers and fathers -- their legacy of a stable life strongly connected to the days and nights (as camping was allowed for so long and no longer allowed by presnet landowners) that they spent here with their families and friends playing, talking story, fishing...all under Kona's sunny and starry sky.

Any development proposed for O'oma deserves the highest degree of scrutiny possible by State, County and community agencies. Keeping this land in its current Conservation land use designation would stop this fighting once and for all.

Mahalo for this opportunity to testify on behalf of our chapter's 5500 members.

Sincerely,
Janice Palma-Glennie
Moku Loa Group and the Hawai'i State Chapter of the Sierra Club



PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

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

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Dear Ms. Palma-Glennie:

Thank you for your email letters dated July 7, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). We note that on July 7, 2008 you sent two e-mail letters: one at 3:48 pm and another at 7:57 pm. In comparing the two email letters we note that the content is substantially the same, with the 7:57 pm version seeming to be a revision of the 3:48 pm version. As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, with this letter, we are responding to your comments contained in both the 3:48 pm and 7:57 pm versions of your e-mail letter; however, your text reproduced in this letter is from the 7:57 pm version. The organization of this letter follows the headings and subheadings of your letter; however, for clarity we have lettered each specific question or concern.

KONA COMMUNITY DEVELOPMENT PLAN

- a. *It should be pointed out that in spite of the text devoted to demonstrating consistency with the draft Kona Community Development Plan, this document is a draft, and that the Goals, Objectives, Policies and Actions do not apply until the draft is approved by the Hawaii County Council.*

Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input, and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

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- b. (Sec. 5.2.3) *The O'oma Village draft EIS provides extensive description of the process and language resulting in the draft Kona Community Development Plan. A detailed account of the extensive community-based process undertaken to gather public input into the drafting of the KCDP is included. As described, during the "Mapping the Future " Workshop, attended by about 350 people, people were invited to designate on maps where they believe the most appropriate locations for future growth in Kona should be directed. It can not be overly stressed that all the designated Growth Opportunity Areas selected by the participants were located mauka of Queen Kaahumanu Highway, and there were no designations indicating that future growth should occur in the vicinity of the property which is the subject of this draft EIS. This preference serves as the foundation for future planned urban growth included in the Kona CDP. Therefore, the proposed O'oma Village development is not consistent with the draft Kona CDP.*

Response: We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed to be consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see the General Plan's Land Use Pattern Allocation Guide (LUPAG) map or Figure 7 in the Draft EIS), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

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In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

- c. *In addition, the draft EIS stresses that it is consistent with the Kona CDP in that it will provide a Traditional Neighborhood Design/ Transportation Oriented Design development. For O'oma Beachside Village to be consistent with the Kona CDP, the master plan for the project would have to be designed through a community-based charrette process that would utilize the Kona CDP Village Design Guidelines that are based on the Form-based SmartCode design standards.*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

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In addition to regular meetings with Hui O Na Kupuna, a group of recognized Native Hawaiian descendents from the Kekaha region of North Kona, an 'O'oma Beachside Village Citizen Advisory Group has been formed and meetings are held to discuss the 'O'oma Beachside Village.

- d. Commercial and "village" activities are not planned for, needed or wanted at O`oma, since there are TODs to be located (rightly so) on the mauka side of Queen Ka`ahumanu Highway (as per the KCDP). A huge development will increase traffic -- not decrease it -- and is at odds with the developments which will be supported -- not pretending to be supported -- by the KCDP.*

Response: Section 4.10.3 (Neighborhood Commercial Uses) of the Draft EIS and the Market Assessment for 'O'oma Beachside Village (Appendix K of the Draft EIS) discuss the demand for commercial uses within 'O'oma Beachside Village. As stated in the Draft EIS, even if all commercial projects in the region are developed in full, it is estimated that the region could support an additional 2.07 million square feet of commercial space by 2030. A total of approximately 200,000 square feet of commercial space is proposed within 'O'oma Beachside Village. Therefore, there is adequate demand for the proposed commercial uses within 'O'oma Beachside Village.

Section 4.4 of the Draft EIS and the Traffic Impact Analysis Report (Appendix G of the Draft EIS) discuss traffic impacts. The TIAR 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.

The Draft EIS discusses that that the State Department of Transportation (DOT) and County of Hawai'i 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 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.

'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 its portion of the 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 will accommodate much of the anticipated growth in the North Kona region.

- e. In one example of being consistent with the KCDP, it's claimed that the O`oma development will be more neighborly in the way homes are situated -- windows open, happy faces all around; but how many windows will be open in this development adjacent to a fast-growing airport and military pilot training site?*

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Response: 'O'oma Beachside Village will comply with all Federal Aviation Administration (FAA) and State DOT airport noise compatibility guidelines in effect at the time of building permit approval for any 'O'oma Beachside Village structure.

f. The draft EIS mentions "bakeries" and it must be asked: bakeries are having trouble making it on Hawai'i Island now. Though it sounds romantic, where, once again, does the developer get information or give guarantees that any of the businesses they cite as potentially viable in their plan could/would ever be successful on their property?

Response: In the Draft EIS, bakeries are mentioned in the context of examples of commercial uses. In Section 2.3.2 (Mauka Mixed-Use Village) it is stated: "Examples of commercial uses include general stores, restaurants, bakeries, professional offices, drugstores, and other neighborhood-serving uses." Section 4.10.3 (Neighborhood Commercial Uses) of the Draft EIS and the Market Assessment for 'O'oma Beachside Village (Appendix K of the Draft EIS) discuss the demand for commercial uses within 'O'oma Beachside Village. Bakeries are only an example of the type of neighborhood business that may choose to locate within 'O'oma Beachside Village.

g. O'oma Beachside Village LLC has shamelessly presented information from the Kona Community Development Plan (KCDP) as if it was their own. This unethical farce is as galling as it is absurd. As a member of the Kona Community Development Plan Steering committee, I was also involved in the process from its inception as a member of the public to the vote on its current draft

Response: As discussed in Section 5.2.3 (Kona Community Development Plan) and Chapter 6 (Alternatives to the Proposed Action) of the Draft EIS, '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. In the Draft EIS, the Kona CDP Guiding Principles are listed and numbered, followed by brief paragraphs stating how the 'O'oma Beachside Village is in conformance with each Principle. We find this is a clear comparison of how 'O'oma Beachside Village is in conformance with the Kona CDP. Below are the Guiding Principles (in bold), brief paragraphs stating how 'O'oma Beachside Village is in conformance with each Principle, and additional information regarding how 'O'oma Beachside Village is in conformance with the Kona CDP.

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, 'O'oma Beachside Village, LLC is committed to build its portion of 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 the proposed regional frontage road makai of Queen Ka'ahumanu Highway and is committed to investigating designation of a transit stop on-site.

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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.

'O'oma Beachside Village is consistent and in alignment with the Kona CDP focus of seeking Traditional Neighborhood Design (TND) and Transit Oriented Developments (TOD). 'O'oma Beachside Village is a diverse coastal residential community, designed to be walkable, interconnected, environmentally-conscious, with two mixed-use villages and diverse housing options. It is situated on the Kona CDP makai secondary transit route and is committed to investigating designation of a transit stop within the community.

'O'oma Beachside Village's community is characterized by three distinct areas: the Residential Village, the Mauka Mixed-use Village, and the Makai Mixed-use Village. In addition to the residential and mixed-use villages, approximately 34 percent of the Property will be designated as open space in the form of parks, preserves, and landscape buffers.

In total, there will be 950 to 1,200 homes, which will include multi-family units, "live-work" or mixed-use units, workforce, gap group, and affordable homes, and single-family home lots. With the exception of the shoreline park facilities, the entire 'O'oma Beachside Village community will be located outside of the shoreline setback and coastal preserves area, with a shoreline setback of more than 1,000 feet.

Non-vehicular, or pedestrian/bike circulation, is given high priority; community streets will be designed for lower vehicle speeds, with appropriately narrow lanes, sidewalks, and street trees. A second circulation system of linked pedestrian/bike trails will provide another option for traveling through the community. The community trail system will connect residential areas to

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the neighborhood pocket parks, the community park and facilities, the mixed-use villages, and the mauka-makai shoreline access trail.

- h. From the community perspective (and from a lack of information cited within this document to the contrary), there is no public call or need for changing this Conservation-protected land, especially by the hundreds -- if not thousands -- of stakeholders who took part in the two-years long KCDP process.*

Response: By way of clarification, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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).

'O'oma Beachside Village is consistent with the *County of Hawai'i General Plan* (General Plan) and the Kona Community Development Plan (Kona CDP). The General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see Land Use Pattern Allocation Guide (LUPAG) map or Figure 7 in the Draft EIS). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..." In addition, the 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP.

Because the 'O'oma Beachside Village property is within the County General Plan Urban Expansion area and the Kona CDP Urban Area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the desires expressed in the County General Plan and the Kona CDP.

(1.7.2) SUMMARY OF POTENTIAL IMPACTS AND PROPOSED MITIGATION MEASURES

- a. The proposed development's impacts are continually and irrationally minimized with no substantiation within the draft EIS*

Response: We note that Section 1.7.2 (of which you seem to cite with this comment) is part of the Executive Summary. Full discussions on specific chapters and sections are provided in the body of the Draft EIS following the Executive Summary.

The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules).

EXCLUSIVE USE OF THE COASTAL AREA

- a. An exclusive-use "leisure club" is planned on the property. Besides increasing the use of the shoreline (i.e., surfing, paddling, socializing, etc), this will separate a community accustomed to being able to access this shoreline without membership or divisions between the "haves" and "have nots". If there's anything the Kona community has shown that it doesn't want (besides*

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exclusive development at the shoreline) is exclusive use of the shoreline. Hawai'i is traditionally a place where all people can use and access the shoreline. Ideas like exclusive "members-only" clubs are not Hawaiian-style and create a class system which is antithetical to traditional use of the shoreline regardless of economic ability or status.

Response: The proposed Canoe Club is a social club with a restaurant and amenities planned to be located within the Makai Mixed-use Village. The Canoe Club is not located in the coastal area and membership in the club does not affect use in the coastal area. Membership will be available to residents within 'O'oma Beachside Village, as well as the broader community.

Although the Canoe Club will be a membership club, it will not provide "exclusive" use of the shoreline to its members as you assert. The 'O'oma shoreline will remain open and accessible to the public.

We note that membership social/leisure clubs are prevalent elsewhere in Hawai'i. Examples include the Outrigger Canoe Club, the Elks Club, yacht clubs, and various golf course clubs.

- b. *As with the "club", what other areas within the development will be for residents/members only? It appears that the 70-85 "estate lots" on the periphery has "coastal preserve/open space" around these homes that is planned to be off-limits to due to "archeological" and other sensitive sites. Is this a way to create exclusivity for upscale homeowners whose residences just "happen" to be located near them?*

Response: The purpose of the coastal preserve area is to provide a deep setback from the shoreline (at least 1,000 feet) and protect archaeological sites. As discussed in Section 2.3.4 (Open Space): "The coastal preserve contains known archaeological and cultural sites, including burials. Therefore, to protect the integrity of these sites, the coastal preserve will remain generally undisturbed and development will be prohibited, with the exception of trails between the community and the shoreline."

WATER ISSUES INCLUDING, BUT NOT LIMITED TO, GROUNDWATER, NEARSHORE MARINE ENVIRONMENT, DRAINAGE, DRINKING WATER, WASTEWATER DISPOSAL/TREATMENT

- a. *(Sec. 2.2) DEIS says the development won't deplete resources, yet a source for drinking water is just one of the many environmental/natural resource issues left unaddressed in the DEIS. Evidence is flimsy and devoid of facts and circumvents the serious potential impacts which this development will have upon groundwater and nearshore waters and every living system between and beyond it.*

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.

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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) 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.

The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Water Quality Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

- b. *Sec. 4.9.2 discusses the problems associated with wastewater treatment, yet no definite ways to address that issue are given.*

Response: Section 4.9.2 (Wastewater System) of the Draft EIS discusses that an on-site wastewater treatment plant is the preferred alternative for processing 'O'oma Beachside Village wastewater; however, 'O'oma Beachside Village, LLC is continuing to explore connection to the County wastewater system as an alternative for wastewater disposal. It is then further explained that if connection to the County wastewater system cannot be achieved in a timely manner, 'O'oma Beachside Village, LLC intends to move forward with plans to provide a private wastewater treatment facility within 'O'oma Beachside Village.

- c. *How can we be certain resources won't be depleted if their use isn't fully addressed? And how will these issues be addressed in definite terms?*

Response: 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.

- d. *This project will significantly degrade water quality -- and for this reason alone the LUC should maintain the conservation district designation.*

Response: 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. The Ground

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Water Quality Assessment includes analysis of storm water percolation due to storm water runoff. The Ground Water Quality Assessment and Marine Water Quality Assessment rely on scientific evidence.

- e. *Solid waste (4.9.4) is a huge issue for the entire island, though the draft EIS uses a prediction for the life of the Pu'uanahulu landfill that does not take into account the need for Hilo to find a place for its overflowing rubbish; and the political wrangling that is currently taking place to figure out a solution for this dire problem is ignored.*

Response: The estimate of the remaining life of Pu'uanahulu landfill (47 years) provided in the Draft EIS is from the County of Hawaii (County of Hawai'i Mayor's Office. 2008. *Public Information - Waste Reduction Proposal*).

- f. *3.4.1 A 100-year flood zone does exist within the property. What are the potential affects of flooding on this area if it's developed and how will it affect the use and quality of natural resources on- and nearshore?*

Response: As discussed in Section 3.4.1 (Flooding) of the Draft EIS, a majority of the property is located outside of the 500-year flood plain, in an area of minimal flooding (Zone X). Only a small portion of the property, along the shoreline where no habitable structures will be built, is located within the 100-year flood plain (Zone A), as shown in Figure 14 of the Draft EIS.

- g. *The National Park's comments regarding statements that no negligible impact will be seen on waters within the Kaloko-Honokohau National Park should be addressed and fully answered.*

Response: Ms Geraldine Bell of the US Department of the Interior, National Park Service, Kaloko-Honokōhau National Historic Park provided a comment letter on the Draft EIS dated July 3, 2007. We have responded to Ms. Bell's comments. Ms. Bell's comment letter and our response will be included in the Final EIS.

- h. *How will desalinated water be disposed of and will it be nutrified for use on landscapes or other uses?*

Response: As stated in Section 3.5.1 (Groundwater Resources) of the Draft EIS:

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 wells.

The potable water produced through the desalination process will be used as normal potable water (e.g., drinking, washing, etc). The hypersaline concentrate will be disposed of in wells. The Ground Water Quality Assessment (Appendix A) concludes there will be no impact to basal groundwater due to disposal of hypersaline concentrate in wells. The Marine Water Quality Assessment (Appendix B) concludes that hypersaline concentrate disposed of in on-site wells will be rapidly mixed into the ocean (in a matter of a few feet) with no impact on the marine environment.

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- i. *Additionally, studies show that pharmaceutical chemicals whose origin is human (through human waste) is becoming a significant hazard in many areas, even in treated water. How will this be dealt with?*

Response: 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.

- j. *(2.1.3, 3.5.2,...) Some anchialine ponds are assumed to be in "senescence" on the property. However, what is this senescence caused by, though it's assumed it's caused by "natural causes"? Could it be the withdrawal of water for upslope development that's depleting the quantities of water? What affects will development on the property have on those ponds and other brackish water that is currently close to the ground's surface?*

Response: As stated in Section 3.5.2 (Nearshore Marine Environment) and the Marine Water Quality Assessment (Appendix B): "Documentation of the life history of anchialine ponds in Hawai'i has shown that such infilling is part of the natural progression of these ponds."

Both 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.

- k. *In a place where very little runoff occurs relative to other wetter, places, what will increased water from residential, commercial and landscape use have on corals and other nearshore organisms? How will this affect nearshore subsistence fishing and gathering?*

Response: As discussed in Section 3.5.2 (Nearshore Marine Environment) and the Marine Water Quality Assessment (Appendix B), '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 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.

FLORA

- a. *Native plant species would be used "where feasible" (Sec. 3.6,3.5.1). What would limit their use? Aesthetics, water use, viability? ...*

Response: As discussed in Section 3.6 (Flora) of the Draft EIS, "'O'oma Beachside Village will include landscaping appropriate to the setting...native species are adapted to the local environmental conditions and would require less water and little, if any, soil."

To supplement this information in the Final EIS, Section 3.6 (Flora) will be revised as follows:

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'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 sandwichiana*), 'a'ali'i (*Dodonaea viscosa*), naupaka (*Scaevola sericea*) and 'ilima (*Sida fallax*), and naio (*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.

As recommended by the U.S. Fish and Wildlife Service, other plants that may 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/dachler/wra/full_table.asp)
- Global Compendium of Weeds (www.hear.org/gcw)

- b. *Homeowners are not required to use native species, nor to restrict use of toxic pesticides or herbicides, nor to limit water use. Since a significant part of the development will be turned over to individual private owners, what guarantees are there of native plant use, or good groundwater and nearshore water quality throughout this project? When such a short list is given as to what plant material currently exists on the property, what guarantee is there that future landscaping will be so limited as claimed in Sec. 3.6?*

Response: Specific to your concerns regarding pesticides, in the Final EIS Section 4.9.3 (Drainage System) will be revised as follows to specify that 'O'oma Beachside Village, LLC (or the 'O'oma Beachside Village Association) 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: 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 shall include information on the National Park and the nationally significant cultural and natural resources within the National Park.

Regarding your concerns about landscaping, in the Final EIS Section 3.6 (Flora) will be revised as follows to state that Conditions, Covenants and Restrictions (CC&Rs) can be developed to specify use of native and drought-tolerant plants appropriate to a coastal environment:

'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 sandwichiana*), 'a'ali'i (*Dodonaea viscosa*), naupaka (*Scaevola sericea*) and 'ilima (*Sida fallax*), and naio (*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.

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FAUNA

- a. *Section 3.7 In a discussion of impact on endangered species like honu, what is considered the "shoreline"? At what distance from the shoreline is the danger to sea life nil or "insignificant" and what does that mean? In this case, will 1000' setback insure that sea turtles won't be harmed by toxic runoff, increased population, noise, lighting, etc? Fifty feet?*

It was claimed that no sea turtles were seen during the survey done for the draft EIS. How long was this survey done, as honu are seen regularly by shoreline visitors? How much time will be spent in the preparation of the final EIS to determine what species are, in fact, using this area and/or potentially threatened by its increased use?

(3.5.2) Since Hawaiian monk seals have been observed "hauling out" on this shoreline, what impacts will increased urban development have when this occurs (since monk seals were not observed during the "survey" process)?

Response: As discussed in Section 3.5.2 (Nearshore Marine Environment) and the Marine Environmental Assessment (Appendix B), 'O'oma Beachside Village does not appear to have the potential to cause adverse impacts to the marine environment and does not have any likelihood of changing the present situation with respect to turtles and Hawaiian monk seals. The absence of plans to modify the shoreline or nearshore environment eliminates the potential for direct alteration of ecosystems. It can be concluded that as long as reasonable steps are taken in construction practices, there should be no adverse impacts to the marine environment.

- b. *How complete will cave/lava tube studies be before development would proceed?*

Response: 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."

- c. *Light pollution and its affect on marine life (i.e., sea turtles, manta rays, etc). needs to be addressed.*

Response: 'O'oma Beachside Village will adhere with Hawai'i County law regarding lighting (Chapter 14 Article 9, Hawai'i County Code), which requires shielding of all outdoor lights.

ARCHEOLOGICAL AND CULTURAL RESOURCES, TRAILS, ACCESS

- a. *If a second study revealed a yet-undiscovered archeological site (4.1.2), how many more studies are necessary to insure that critical sites aren't overlooked or destroyed? Or will they be discovered (and possibly destroyed) during bulldozing of the property as what occurred [sic] at Kohanaiki and Hokulia?*

Response: As discussed in Section 4.1 (Archaeological and Historic Resources) of the Draft EIS, numerous archaeological studies have been conducted on the 'O'oma Beachside Village property. Between 1985 and 2002, the property (in part and in whole) has been subject to intensive archaeological study, including inventory survey and data recovery (Barrera 1985,

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1989, 1992; Cordy 1985, 1986; Donham 1987; Rechtman 2002). 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. Appendix E of the Draft EIS contains the complete updated archaeological survey.

As also discussed 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. 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 State Historic Preservation Division will be contacted for appropriate mitigation, if necessary.

- b. *Should such historically significant land be taken out of Conservation protection in order to fulfill the financial fantasies of a well-heeled development company - particularly at a time when the information needed to assess the cultural value of the property is not available? Or would it be more judicious to leave this land in its present natural, Conservation-protected status so that, when the meaning of the name and other important cultural/historical discoveries are made, it will not be too late to protect the cultural value that might come with that rediscovery?*

Again, section 4.2 is thin on cultural information. This is not surprising since no proper public scoping process was done regarding this development proposal, and "survey" time must have been short. Just because other cultural/archeological information and heritage has been lost due to development that should not have occurred elsewhere, should two wrongs try to make a right at O'oma II -- one of the last intact, protected, conservation areas on the North Kona coast?¶ What further efforts will be made to insure that the history of this area is more than suppositions (4.2.4) and is satisfyingly complete, especially to those who grew up and/or care greatly and honor the history of the area? Will a complete CIS (Cultural Impact Study) be done?

Response: Appendix F of the Draft EIS contains a complete Cultural Impact Assessment study. The study was prepared by Robert B. Rechtman, Ph.D, and Kepa Maly pursuant to HRS Chapter 343, and in accordance with the Office of Environmental Quality Control's "Guidelines for Assessing Cultural Impact."

Throughout the planning process and preparation of the EIS, 'O'oma Beachside Village representatives have consulted with lineal and cultural descendents of the area (see Chapter 8 Consultation of the Draft EIS. 'O'oma Beachside Village will continue to seek input from descendents 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. Descendents have already expressed an interest in assisting with preservation and restoration of the anchialine pond, preservation of archaeological sites, preservation of 'opae'ula (red brine shrimp), as well as reintroduction of lauhala (pandanus) and makaloa (a native reed) to the Property thereby restoring some of the traditional cultural practices to the area including fishing and lauhala weaving.

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To include the relevant above information in the Final EIS, 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 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 1,000 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 descendents of the area. 'O'oma Beachside Village will continue to seek input from descendents 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.

- c. *What commitment would be made to connecting mauka-makai trails at O'oma II (4.2.5) with upslope trails across the Queen Ka'ahumanu Highway for public, traditional and modern use?*

Response: 'O'oma Beachside Village will include a circulation system of linked pedestrian/bike trails. 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, LLC representatives have corresponded with Na Ala Hele personnel and attended a Na Ala Hele Advisory Council Meeting. 'O'oma Beachside Village, LLC representatives have also met with National Park Service regarding the Ala Kahakai National Historic Trail, and reviewed and commented on the Ala Kahakai National Historic Trail EIS. 'O'oma Beachside Village, LLC representatives will continue to meet with Na Ala Hele and the National Park Service regarding partnership opportunities to incorporate 'O'oma Beachside Village trails with other trail systems.

- d. *This DEIS does not even mention camping. Is public overnight camping planned, or would it be supported in the O'oma II proposal?*

What kind of access to trails and "preserves" would be guaranteed (2.2.5)? Would hours of public access to the shoreline be limited, as they are now, or would the public be able to access their shoreline 24 hours a day as is true throughout the island chain outside of Hawai'i Island? Who will determine where the trails go, where the public can and cannot go, hours of access, etc. in all areas of the development (including the "public park")?

Response: It is expected that public access to the 'O'oma Beachside Village shoreline park will be similar to the conditions specified by the County of Hawai'i Planning Commission in the Special Management Area Use Permit for Kohanaiki, the property adjoining to the south. Under

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the Special Management Area Use Permit for Kohanaiki, public access to the public park area shall be allowed from 5:30 am to 9:00 pm; and camping and access for night fishing shall be available through a permit system.

Regarding the location of trails, 'O'oma Beachside Village will include a circulation system of linked pedestrian/bike trails. 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.

VIEWPLANES

- a. *Viewplanes aren't considered important enough by the developer to be given their own category, yet the mauka-makai views here and elsewhere in Hawai'i are significant, including aesthetically, culturally, and economically.*

The undeveloped parcel of land at O'oma II offers visitors and residents a majestic viewplane. We are able to see the ocean and wild landscape. This feeling will be lost -- as it has along too much of this coastline already. Development here will adversely affect the view in a significant manner.

Response: Section 4.8 (Visual Resources) of the Draft EIS discusses visual resources. This section: 1) acknowledges that the creation of 'O'oma Beachside Village will change the visual appearance of the property from vacant land to a built environment; 2) notes that in the vicinity of the property along Queen Ka'ahumanu Highway, most of the coastline is not visible; therefore, 'O'oma Beachside Village will not significantly impact views of the coastline from the highway; 3) confirms that 'O'oma Beachside Village will conform to all County ordinances regarding building heights, mass, and setbacks; and 4) reports that 'O'oma Beachside Village will have no impact on views of Hualālai from Queen Ka'ahumanu Highway. It should also be noted that the mass and summit of Hualālai will still be visible from the property.

- b. *Are there fishing koa at O'oma II as reported by local fishermen in the area and will they be protected as critical to fishing success? What is a "distinguishing landmark" by today's standards?*

Response: As discussed 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.

The term "distinguishing landmark" means a feature or characteristic that shows that one thing is different from another. In Section 4.8 (Visual Resources) of the Draft EIS it is stated: "There are few *distinguishing landmarks* [emphasis added] on the Property that can be detected over a distance of 100 yards or more, other than an occasional tree or shrub."

- c. *The Keahole to Kona Development plan is cited for determination as to whether this area is part of a critical viewplane. Why not the KCDP? Why not a more current survey that takes into account the increased population and development that has occurred in the area since 1991?*

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Response: The Kona CDP does not address or provide a critical viewplane or corridor map. In the Final EIS, Section 4.8 (Visual Resources) will be revised to delete the reference to the *Keahole to Kailua Development Plan* as follows:

~~The Property is not included within significant view corridors for North Kona.¹²~~

~~¹² As shown in Figure 1.5 of the *Keāhole to Kailua Development Plan* (1991).~~

- d. *What will be the highest building or berm that will be created per the present development proposal, and how will that affect coastal views from north, south and mauka of the property, even beyond the Queen Ka'ahumanu Highway? Will the "visual buffer to the highway" be a large berm like at Kohanaiki which was slipped through the community process and has angered so many residents? Will this "buffer to the highway" also be a way to give coastal views to more residences on the property as well as obscure the treasured mauka views which are being stolen time and again by wily development companies?*

Response: Section 4.8 (Visual Resources) of the Draft EIS discusses visual resources. This section: 1) acknowledges that the creation of 'O'oma Beachside Village will change the visual appearance of the property from vacant land to a built environment; 2) notes that in the vicinity of the property along Queen Ka'ahumanu Highway, most of the coastline is not visible; therefore, 'O'oma Beachside Village will not significantly impact views of the coastline from the highway; 3) confirms that 'O'oma Beachside Village will conform to all County ordinances regarding building heights, mass, and setbacks; and 4) reports that 'O'oma Beachside Village will have no impact on views of Hualālai from Queen Ka'ahumanu Highway. It should also be noted that the mass and summit of Hualālai will still be visible from the property. Figure 21 of the Draft EIS provides visual analysis showing typical current views from the highway, and proposed views from the highway with 'O'oma Beachside Village. Figure 21 also provides approximate building heights of two to three stories.

LIGHT POLLUTION

- a. *How will light pollution from the new urban environment affect current uses, surrounding existing and planned development (including NELHA), and natural resources on and offshore?*

Response: 'O'oma Beachside Village will adhere with Hawai'i County law regarding lighting (Chapter 14 Article 9, Hawaii County Code), which requires shielding of all outdoor lights.

TRAFFIC

- a. *Since projected traffic increases are made assuming that a significant portion of residents will work on site at O'oma, how will those numbers change if those promises aren't fulfilled?*

Response: The Traffic Impact Assessment Report (TIAR) does not assume a significant portion of residents will work on site. As stated on page 70 of the Draft EIS: "The TIAR analyzed traffic conditions using standard traffic engineering methods; ..." This included standardized trip-generation rates for vehicles entering and exiting the property. The mitigation measures proposed are also based on standard traffic engineering methods and the results of the TIAR.

As explained on page 70 of the Draft EIS, the traditional neighborhood design of 'O'oma Beachside Village is expected to reduce overall traffic impact, but any traffic reduction from the

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design is not quantifiable or predictable using standard traffic engineering methods. In other words, any potential traffic reductions due to the 'O'oma Beachside Village design are not accounted for in the TIAR and proposed mitigation measures are not minimized to take into account any less traffic compared to a standard, conventional development. Therefore, the TIAR represents a conservative analysis of the expected traffic conditions. We regret this was not clear in the Draft EIS.

To clarify this, in the Final EIS Section 4.4 (Roadways and Traffic) will be revised as follows.

The TIAR analyzed traffic conditions using standard traffic engineering methods; however, the traditional neighborhood design of 'O'oma Beachside Village is expected to reduce overall traffic impact. Many of these potential positive impacts of the 'O'oma Beachside Village design are not quantifiable or predictable using standard traffic engineering methods. Due to the walkability of 'O'oma Beachside Village's traditional town plan, many trips may be captured on-site, rather than become external trips. Since standard traffic engineering trip-generation rates (from the Institute of Transportation Engineers) are based on data collected in suburbs where automobiles are essential for every trip, these rates may underestimate the number of trips that will remain on-site in a walkable community such as 'O'oma Beachside Village, which in turn may overestimate the number of trips that will travel the regional roadway network, primarily Queen Ka'ahumanu Highway. In other words, any potential traffic reductions due to the 'O'oma Beachside Village design are not accounted for in the TIAR and proposed mitigation measures are not minimized to take into account any less traffic compared to a standard, conventional development. Therefore, the TIAR represents a conservative analysis of the expected traffic conditions.

- b. More immigration to the region for temporary construction work will mean more families to further burden already insufficient infrastructure including schools, roads, police, fire, etc., whether it is for the short- or long-term. Traffic in the O`oma area is near gridlock many hours of the day, particularly during tourist season. Though a widened highway will lessen that traffic for approximately 8 miles for a few years, sometime in the future, the development already approved along that route -- not counting O`oma's proposal -- will negate those improvements quickly as it has elsewhere in West Hawai`i.*

The Draft EIS discusses that that the State Department of Transportation and County of Hawai'i 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 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.

'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 the 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 will accommodate much of the anticipated growth in the North Kona region.

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- c. *How might dangers from noise, airplane crashes and pollution impact the nearby residential development, since it most certainly will exist?*

Increased military use of the airport was not mentioned in this document. The short- and long-term impacts and viability of the proposed residential and commercial tenants seem inextricably tied to this, as well as being an airport concern.

Response: As stated in Section 4.5 (Kona International Airport at Keāhole) of the Draft EIS: “‘O’oma Beachside Village and the Airport operations are not expected to negatively impact each other. If necessary, ‘O’oma Beachside Village will work with DOT regarding any necessary aviation easement.”

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 as detailed in the Acoustic Study provided as Appendix H of the Draft EIS.

‘O’oma Beachside Village will comply with all Federal Aviation Administration (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, Section 4.6.2 (Aircraft Noise) will be revised as shown in the Attachment titled: “Aircraft Noise.”

AIR QUALITY/NOISE

- a. *Air quality will, of course, be affected in the long term by an increase of motor vehicles and other trappings of an urban development. Pesticide and other chemical use soars in these types of developments, spreading to both air and water. And no **noise** increase, as claimed in the draft EIS? O’oma II’s consultants and owners must have lived their lives miles from any neighbors if they believe that increased population does not mean increased noise. What about automobiles, air conditioning, lawn mowers, blowers, loud music, children, barking dogs...? Those can be more than just “normal” to many people, especially when added to the noise of airplanes which is already a large feature in the proposal area. What will be done to insure that residences and commercial enterprises will peacefully co-exist? How much control over private activities will there be compared to other neighborhoods and subdivisions in the region since mixed use defies the desire homeowners to have “privacy” and do what they see fit on their property?*

Response: Section 4.6 (Noise) of the Draft EIS: 1) describes the existing and future noise environment in the environs of ‘O’oma Beachside Village; and 2) provides recommendations for minimizing noise impacts. Appendix H of the Draft EIS contains a complete acoustic study.

Section 4.7 (Air Quality) of the Draft EIS: 1) describes existing air quality in the area; 2) assesses the potential short- and long-term direct and indirect air quality impacts that could result from ‘O’oma Beachside Village; 3) recommends measures to mitigate possible impacts where possible and appropriate. Appendix I of the Draft EIS contains a complete air quality study.

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WASTEWATER

- b. Not shown or known how wastewater will be handled (2.3.6).*

Response: Section 4.9.2 (Wastewater System) of the Draft EIS discusses that an on-site wastewater treatment plant is the preferred alternative for processing 'O'oma Beachside Village wastewater; however, 'O'oma Beachside Village, LLC is continuing to explore connection to the County wastewater system as an alternative for wastewater disposal. It is then further explained that if connection to the County wastewater system cannot be achieved in a timely manner, 'O'oma Beachside Village, LLC intends to move forward with plans to provide a private wastewater treatment facility within 'O'oma Beachside Village. Appendix J of the Draft EIS contains a full Civil Infrastructure Report, which discusses the proposed 'O'oma Beachside Village wastewater system in more detail.

HOUSING

- a. Since the draft EIS places so much emphasis on providing these housing opportunities for local residents, the draft must spell out the number and range 60% to 180% of affordable and workforce housing, in relation to Kona's Average Mean Income (AMI).*

High end, exclusive (protected by a "preserve" area), luxury housing (which is what a huge area of O`oma II looks slated to become) is a niche overly filled on the kona coast (including at 500 new luxury residences moving at next door Kohanaiki) and is not needed nor wanted by local residents.

Response: Located makai of Queen Ka'ahumanu Highway—an area with many resort developments—'O'oma Beachside Village is unique in that it will offer a wide range of housing alternatives, focused on the primary resident market.

As stated in Section 4.10.2 (Housing) of the Draft EIS: "'O'oma Beachside Village's range of housing will include affordable housing in accordance with the County's affordable housing requirements (currently 20 percent of the number of units under Hawai'i County Code, Chapter 11). The pricing of such units will be in compliance with applicable State and County regulations."

'O'oma Beachside Village's range of housing will also include "gap group" and "workforce housing," defined as homes priced for households earning 150 percent to 220 percent of the median income. Based on projected sales prices, households earning 150 percent to 180 percent of the 2007 County median income should be able to purchase a condominium home at 'O'oma Beachside Village assuming interest rates of six to seven percent and a 20 percent down payment. Households earning between 200 to 220 percent of the 2007 County median income (assuming similar interest rates and down payment amounts), should be able to purchase a single family home at 'O'oma Beachside Village. "Move-up" households, or others with more than 20 percent available for a down payment, would be able to purchase any of the homes at lower income ranges than those noted above.

SITE WORK

- a. (sec. 3.2) Grading and bulldozing: "Will attempt...to the extent practicable". what does this mean? Financially, physically practicable? In whose eyes and to what standards?*

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Response: All ground-altering activity will be conducted in accordance with Chapter 10 of the Hawai'i County Code, relating to erosion and sedimentation control.

CAMPING

a. *Is camping planned?*

Response: It is expected that public access to the 'O'oma Beachside Village shoreline park will be similar to the conditions specified by the County of Hawai'i Planning Commission in the Special Management Area Use Permit for Kohanaiki, the property adjoining to the south. Under the Special Management Area Use Permit for Kohanaiki, camping and access for night fishing shall be available through a permit system.

TIMING

a. *(Sec. 2.4) Because costs are dependent upon timetable, it remains unclear if the development company will be able to provide the amenities promised if the timetable cannot be adhered to.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

SOCIAL IMPACTS (4.10)/EDUCATIONAL OPPORTUNITY/ECONOMIC STRENGTH

a. *How can the owners of O`oma II provide any better for the community, its social fabric, and its economic visitor base than what is provided through its existing protected, natural condition?*

Response: 'O'oma Beachside Village differs substantially from the major coastal resort destinations makai of Queen Ka'ahumanu Highway by providing diverse housing opportunities within a beachside setting, rather than an economically stratified, primarily second home, resort residential development. 'O'oma Beachside Village will provide a broad range of residential opportunities, which are not currently not available along the coastline.

Objectives of 'O'oma Beachside Village include: 1) providing homes near workplaces, thereby increasing quality of life through decreasing commuting; and 2) creating a complete and vibrant community of mixed uses, such as homes, retail-commercial spaces, recreation areas, and open space.

'O'oma Beachside Village is consistent with the Kona CDP and the General Plan. In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

As discussed in Section 4.10 of the Draft EIS, 'O'oma Beachside Village will respond to the demand for housing for the growing population in the North Kona and South Kohala areas as well as provide opportunities for existing Hawai'i residents wishing to relocate to West Hawai'i.

As discussed in Section 4.10.5 (Economy) O'oma Beachside Village will provide employment opportunities for both current residents and new residents. Over the course of build-out and on-going operations 'O'oma Beachside Village will provide jobs at startup and continuing for Hawai'i's projected population growth, including opportunities for residents currently not in the

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workforce, such as residents who are children now, but will be entering the workforce over the next several years.

'O'oma Beachside Village will provide opportunities for people currently living in other parts of the island to move to homes closer to jobs in West Hawai'i. This is seen as a positive impact as it will decrease commuting to and from West Hawai'i, lessen traffic congestion, reduce stress, reduce gasoline consumption, lessen pollution, allow more family and recreation time, and improve overall quality of life for not only 'O'oma Beachside Village residents, but for Hawai'i residents in general.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

2.5 ENVIRONMENTALLY- RESPONSIBLE PLANNING AND DESIGN

- a. *Although the draft EIS devotes considerable space to reviewing Environmentally Responsible Planning programs and procedures, such as those serving to save energy, incorporate LEED Standards, or desalinate water, no real commitment or guarantee has been made that the design, construction and/or operation of the O'oma Beachside Village will adhere to any such outcomes. Instead, all outcomes are prefaced with statements such as "where appropriate....", "will consider...." where feasible..."*

Response: In response to your comment, in the Final EIS Section 2.5 (Environmentally-Responsible Planning and Design) will be revised to include the following:

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.

COMMUNITY VISION VS DEVELOPER VISION

- a. *If O'oma can be acquired through bond, matching funds, the 2% open space fund and other means, shouldn't the community have the opportunity to have a meaningful chunk of open space in perpetuity-- not just an 18-acre scrap leftover in trade for nature-destroying development on that property?¶ Why would the public -- old or young -- want to trade hundreds of acres of natural open space which they've used and enjoyed for generations for a tiny patch of ground whose inherent natural integrity would be undermined by the tradeoff of so many acres of urban development?*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,000 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

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The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection
- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of more than 1,000 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

- b. It's inferred that O'oma's owners held "community meetings." (Sec. 2.2.1) This is a gross overstatement. And the plan was not designed from their ideas up, but was presented to them. Their names are listed, but their support of the plan is not, nor should it be. ¶A resolution is currently being prepared to be introduced at the County level for acquiring O'oma for the public as open space as well as keeping the land in Conservation protection.*

Response: Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

In addition to regular meetings with Hui O Na Kupuna, a group of recognized Native Hawaiian descendents from the Kekaha region of North Kona, an 'O'oma Beachside Village Citizen Advisory Group has been formed and meetings are held to discuss the 'O'oma Beachside Village.

As of the date of this letter, we are not aware of any resolutions before the County Council regarding the County's acquisition of the 'O'oma Beachside Village property for use as public open space.

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

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CUMULATIVE IMPACTS

- a. *Correction to draft EIS on Kohanaiki public park: The public park at Kohanaiki will not have a commercial beach facility/snack bar.*

Response: The information regarding development plans for the Shores at Kohanaiki came from a news article in *West Hawaii Today* ("Kohanaiki deal revealed," 09/11/03). However, in response to your comment, in the Final EIS Section 2.1.1 (Location and Surrounding Uses) will be revised as follows:

Bordering the proposed 'O'oma Beachside Village to the south is a luxury residential golf-course community called The Shores at Kohanaiki. This development, under construction since September 2005, will include 500 homes. There will be a golf course and clubhouse, tennis courts, and workout facilities. A proposed shoreline park will include parking, an 8,000-square foot beach facility ~~with snack bar~~, restrooms, and showers.

VESTED RIGHTS

- a. *The only vested rights that O'oma Beachside Village, LLC has to use their coastal land is per Conservation-designated guidelines. The assumption that landowners have a right to upzone or otherwise change protective status of their land to turn a profit is false and not based on legal fact. In fact, this very agency denied a change of classification for this property in 1986, with two following denials made to reclassify this property. Why, and how do those reasons overlap with the reasons to deny this development proposal as well? What characteristics put this land in conservation protection to begin with and demand its continued protection and what promises could be valuable enough to change that?*

Response: Section 205-4, HRS, provides that: "Any department or agency of the State, any department or agency of the county in which the land is situated, or any person with a property interest in the land sought to be reclassified, may petition the land use commission for a change in the boundary of a district."

As discussed in Section 5.1.2 (State Land Use Law) of the Draft EIS, 'O'oma Beachside Village LLC is seeking a State Land Use District Boundary Amendment (SLUDBA) 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

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, 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.

CHOSEN IN THE TOP 5 PLACES TO BE ACQUIRED AS PUBLIC, OPEN SPACE

- a. *O'oma II is in the top 5 places to be protected and acquired as Open, Public Space by Hawai'i County's Open Space Commission.*

At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is

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unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report² notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection
- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

-
- a. *Though I flew to Oahu last year to testify as representative for the Sierra Club regarding preparation of the DEIS for O'oma Beachside Village's proposal (previously called North Kona Village), neither Sierra Club nor the other community groups and/or individual community members who also testified (in person or in writing) was notified of the DEIS's completion, nor did their testimony appear in that document. Groups and individuals omitted includes, but is not limited to, the following: Rep. Josh Green, Plan to Protect, Tom Carey, Tim Carey, Jeffrey Sacher, Anne Goodie, Keli Campbell, Susan Decker, Sue Dursin, Rebecca Villegas, Miles Mulcahy, Jane Bockus, Grace Horowitz, Debbie Datkowitz, Dianne Zink, Douglas Blake, Alastair Glennie, David Kimo Frankel, Broderson Ohana.*

Response: The Environmental Impact Statement Preparation Notice (EISPN) was prepared, published, and distributed in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules) and the procedures of the Office of Environmental Quality Control (OEQC). The Draft EIS was prepared, published, and distributed and in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules).

- b. *We ask that theirs and other testimony received by the State LUC be included in the Final EIS. Whatever the reasons for not including the testimony of those individuals and groups (including*

² Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

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not having sent copies of testimony to all of the necessary entities), democratic process would be best served if agencies and/or individuals involved in the permitting and decision-making process are as informed as possible in order that they may have better insight into the broader impact which their potential decision might have.

Response: Per your request, the Final EIS will include the testimony received by the Land Use Commission in regard to the April 13, 2007, Land Use Commission hearing (Docket Number A07-774). The purpose of this hearing was to determine whether:

- 1) The Land Use Commission is the appropriate accepting authority pursuant to Chapter 343, HRS for the reclassification of approximately 181.169 acres of land currently in the Conservation District to the Urban District for master planned residential, commercial, public and private recreation, open space, park, and coastal preserve uses at Ooma 2nd – Kaloko, North Kona, Hawaii; and
- 2) The proposed action may have a “significant effect” to warrant the preparation of an Environmental Impact Statement pursuant to Chapter 343, HRS.

Please note that at the April 13, 2007, Land Use Commission hearing the Land Use Commission did determine that it was the appropriate accepting authority pursuant to Chapter 343, HRS and that the proposed action may have a “significant impact” to warrant the preparation of an Environmental Impact Statement pursuant to Chapter 343, HRS.

- c. Every place in this document which leaves science hanging and supposition in its place should be re-evaluated and thoroughly covered in any future discussion/EIS of this proposal. The Kaloko/Honokohau National Park comments will, no doubt, address these most critical and pervasive water-related issues. Our group feels strongly that no change of land use designation should even be considered, especially when evidence as flimsy and devoid of facts is used to circumvent the serious potential impacts which this development will have upon groundwater and nearshore waters and every living system between and beyond it.*

Response: We acknowledge your opinion.

Ms Geraldine Bell of the US Department of the Interior, National Park Service, Kaloko-Honokōhau National Historic Park provided a comment letter on the Draft EIS dated July 3, 2007. We have responded to Ms. Bell's comments. Ms. Bell's comment letter and our response will be included in the Final EIS.

The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules).

The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A “Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i” and Appendix B “Marine Water Quality Assessment, 'O'oma Beachside Village, North Kona, Hawai'i”). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

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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. The Ground Water Quality Assessment includes analysis of storm water percolation due to storm water runoff. The Ground Water Quality Assessment and Marine Water Quality Assessment rely on scientific evidence.

- d. *In contrast to what is inferred by the draft EIS, Conservation land (whether inside or outside of the County's Urban Expansion Area) can and should continue to remain protected so that it can fulfill its critical niche far into the future. All that is necessary for this public mandate to be fulfilled is for State representatives to honor the wishes of the Kona community by insuring that the legal protection of O`oma II --- an area determined to be of such critical value that it was placed in Conservation classification -- be maintained so that O`oma II will remain natural and, overall, unchanged by the negative forces which mankind will otherwise wreak upon it.*

Response: We acknowledge your opinion.

PS

1) Citizens petitions containing hundreds of signatures will be sent ASAP regarding the proposed change from Conservation protection of O`oma II. (Technical difficulties prevented their being on time with this testimony.) With very little effort and/or time being spent on collecting those signatures, it's clear that the public is more interested in protecting their coastal resources than having a dense, urban development located on coastal lands.

Response: We acknowledge your comment.

2) Please include the past testimony by the Sierra Club to the LUC as current for the DEIS comments

Response: The Final EIS will include past testimony by the Sierra Club to the LUC in regard to the April 13, 2007, Land Use Commission hearing (Docket Number A07-774).

Our responses to concerns expressed in past testimony by the Sierra Club to the LUC in regard to the April 13, 2007, Land Use Commission hearing (Docket Number A07-774) are provided below.

1) It's a no-brainer that owner/speculator North Kona Village LLC should need to do an EIS for their near 300-acre project, especially when prime, coastal land is poised to have its guts torn out for speculative, private development.

Response: 'O'oma Beachside Village, LLC (formerly North Kona Village LLC) has prepared a Draft EIS 'O'oma Beachside Village. The Draft EIS and the subsequent Final EIS are, and will be, prepared in conformance with State of Hawai'i EIS laws (Chapter 343, HRS) and rules (Title 11, Chapter 200, HAR).

2) Open coastline on Hawai'i Island is vanishing. If you've lived on Oahu, Kauai, Maui -- even Lanai and Molokai -- long enough, you know what it's like to have popular, fragile, open, coastal space wrenched away from the public domain.

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Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report³ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection
- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

Policy LU-1.4 states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon", so the KCDP does not prohibit development of this makai Urban Expansion area.

3) O`oma is appropriately designated as Conservation land. No other other designation could better serve the public interest, nor make more sense for this coastal property.

Response: By way of clarification, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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). 'O'oma Beachside Village is consistent with the *County of Hawai'i General Plan* (General Plan) and the Kona Community Development Plan (Kona CDP). The General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see Land Use Pattern Allocation Guide (LUPAG) map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..." In addition, the

³ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

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'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP.

Because the 'O'oma Beachside Village property is within the County General Plan Urban Expansion area and the Kona CDP Urban Area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the desires expressed in the County General Plan and the Kona CDP.

- a. *The environmental resources of O`oma deserve the highest degree of protection and would be heavily compromised by any change from conservation. People on Oahu know that overdevelopment and overuse of natural resources can wreak havoc on the environment, cost taxpayers untold millions of dollars both directly and indirectly, and, in many cases, wreak environmental damage that can never be meaningfully fixed, no less paid for "after the fact". Coastal development, especially on the makai side of Queen Ka`ahumanu Highway in Kona, will contribute to the destruction of the water quality, viewplane, cultural relevance, recreational value... in fact, any semblance of "hawaiian-ness" left in Kona, just as it has in many places on Oahu.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules).

- b. *What the Kona community clearly DOES NOT NEED is more coastal development, unaffordable housing and/or commercial activity -- especially on coastal land.*

Response: We acknowledge your opinion.

*4) This developer will tout the benefit of providing more jobs. **But creating more jobs is the last thing that Kona needs.** The region is at full employment with employees being flown in from off-island and even the Mainland to fill existing jobs, especially in construction. More jobs mean a more rapidly-increasing population that Kona has been unable to absorb healthfully. More traffic on already overburdened roads, more crowding in already crowded schools, more lack of affordable housing, more diminished and compromised natural resources, more development like what North Kona Village LLC proposes will cause more of what's already killing Kona.*

Response: We acknowledge your opinion. The Draft EIS contains sections examining employment, traffic, schools, housing, and natural resources.

*5) **Class AA waters like the the kind off the O`oma coast are but a distant memory for Oahu residents.** Such clean water is a resource to be treasured and judiciously used. What claim can this developer make regarding protected water quality that is not, in fact, an impossible pretense? Absolutely nothing can balance the loss of water quality which this proposed project would bring. If you need more information on this, I strongly suggest that you check out a recent, in-depth, University of Hawai'i study related to the severe degradation of water quality caused by existing Kona development.*

Response: We acknowledge your opinion. The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i")

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and Appendix B "Marine Water Quality Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

6) O`oma was chosen as one of the top five places to be acquired by the County as public, open space. Rising to this place high above 200 other treasured locales, O`oma's change to a mostly private, urban domain would seem more than ironic to the minions of residents who gave their input to its dire importance. And when those hundreds of residents expressed their desire to protect O`oma, they didn't say "please save us just a tiny strip on the shoreline." The manini "public park" proposed by North Kona Village nothing that the developer wouldn't be required to provide. The miserly acreage being offered as community shoreline park, compared to the entire 300 acres being considered for North Kona Village's economic windfall, is meaningless compared to the huge public loss. Though their PR makes it sound like they're providing some grand benefit, North Kona Village could never hope to get through the Hawai'i County mayor's door, no less the County Council's and the general public's without offering at least this minimal shoreline strip for public use. Only protecting and acquiring the majority of the O`oma II parcel would give the public a reasonable slice of what's left of Kona's coastal pie and meet their demands that what's left of coastal, conservation land in Kona be protected in its natural condition.

Response: We acknowledge your opinion. At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report⁴ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection
- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

⁴ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

Janice Palma-Glennie

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

December 10, 2008

Page 32 of 35

7) it is not a "takings" for the LUC to decide that this land maintain its Conservation status. In fact, it's more appropriate to consider it a taking from the community! North Kona Village purchased the land knowing that it was highly protected, conservation space. By buying it for speculative purposes, they gambled that they would be given a "green light" for their plans, even though there is not, nor should there be, any guarantee that this will be so. As the destructive affects of overdevelopment have been witnessed all over Hawai'i, it seems far more logical that decision-makers like yourselves would take great pains to protect what little is left of protected conservation land, especially in so fragile a coastal area as O'oma and perhaps allow the landowners to build a private residence on a fraction of it while making sure that the rest of it is preserved "as is".

Response: We acknowledge your opinion. Section 205-4, HRS, provides that: "Any department or agency of the State, any department or agency of the county in which the land is situated, or any person with a property interest in the land sought to be reclassified, may petition the land use commission for a change in the boundary of a district."

As discussed in Section 5.1.2 (State Land Use Law) of the Draft EIS, 'O'oma Beachside Village LLC is seeking a State Land Use District Boundary Amendment (SLUDBA) 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.

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, 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.

8) It makes economic sense to keep this land in protected, Conservation status. It's hard to tally all the businesses in Kona that depend upon the natural environment being in good health. But those I can list just off the top of my head are diving, whale watching, fishing, gathering makes economic sense to protect the ocean quality (diving, whale watching, swimming, surfing, fishing, gathering).

In the late 1980s and early '90s, the business folks at the Natural Energy Lab (NELHA) fought alongside the community to protect O'oma from development. Their reasons were long-term, scientific and economic. As short-term gain and a more corporate mentality have taken hold of this State-funded project area, the vision of a clean coastline and coastal waters has been increasingly ignored by some of NELHA's management, despite the long-term sensibility of it. When businesses that rely upon supposedly "pristine" ocean water have to purify dirty sea water instead, millions of dollars in profits might not be pouring in to those businesses like they are today.

Response: We acknowledge your opinion. 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

Janice Palma-Glennie

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

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In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9) Surfing is an exponentially popular activity, yet safe, clean water and uncrowded surf breaks are diminishing throughout a State where surfing was the sport of the ali'i. Increasing growth and popularity of this sport has slammed West Hawai'i's coastline. The surf breaks that front O'oma beg protection from harmful runoff, exclusive use, and other abuses of private development. In fact, one of the groups leading the fighting to protect O'oma in the late '80s and early '90s was a group of adult and keiki surfers whose main goal was to protect this and the next door Kohanaiki area from environmental and cultural degradation.

Response: We acknowledge your opinion. The Draft EIS contains sections examining drainage, water quality, and cultural impacts.

11) Cultural and archeological resources on this property must be acknowledged and protected. It's not enough that the federally acknowledged importance of the Ala Kahakki Trail and other potentially significant cultural resources be protected within a private development. They must living and/or scrupulously protected, depending upon their nature.

Response: We note that your testimony did not have a #10. The Draft EIS contains sections examining archaeology, cultural impacts, and trails, including the historic Māmalahoa Trail the Ala Kahakai National Historic Trail System.

12) Of huge significance is the fact that this plan ignores the drumbeat reverberating from West Hawai'i asking that no rezoning and subdivision be allowed until island infrastructure catches up with what is already approved and being built. It's clear from the recently passed moratorium resolution as well as an upcoming ordinance that Kona residents have had more than enough of horrific traffic jams and other infrastructure deficits which have been shoved down their throats by thoughtless, developer-generated growth. Endless upzoning and subdivision of land needs to stop here in this room today if any glimmer of hope exists of catching up with already approved and current development.

Response: We acknowledge your opinion. 'O'oma Beachside Village will be in compliance with the County of Hawai'i's Concurrency Ordinance (Ordinance 07-99) which creates concurrency standards for roads and water supply. 'O'oma Beachside Village LLC will also provide necessary wastewater systems and other infrastructure systems necessary to meet the needs of 'O'oma Beachside Village. The Draft EIS contains sections examining traffic, water, wastewater, and other infrastructure needs.

13) Kona is in the process of creating a Community Development Plan (CDP). I've read literally thousands of comments by community members and other stakeholders who took part in scoping meetings for a year and a half. In those statements, one of the ones most frequently repeated was that open, coastal space should be protected -- not developed. I'm a member of the CDP Steering committee, though I do not speak for that group today. Having taken part in the CDP process for over a year, I understand ever more strongly that residents want their coastlines and conservation lands protected; and

Janice Palma-Glennie

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they want a regional plan to guide future development. They expect to maintain a quality of life that looks sweet in the Kona sunset and which provides the host culture of the island -- the essence of island life -- a place to regain and hold its power and spirit of aloha. The CDP process, as well as a legally-binding CDP, should be honored by government and business leaders alike. With no respect for that process, developers come in droves with PR that claims Hawaiian names for their own. Meanwhile, they have little or no care for what happens to the land and people of the place they consider a mere economic commodity.

Response: We acknowledge your opinion. On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

11) There is no need for so-called modern "improvements" at O`oma. Any further private control and development of O`oma will only result in the loss of its current long-term positive affects on the Kona community. Residents can easily access O`oma (except that its hours of access have been limited by the landowners). Heading down a sandy beach road and rocky trails, adults and children play, fish, dive, jog, hike, bike, picnic and muse without paved roads marring their experience or luxury houses looming over their special place.

Response: We note that your testimony re-started to #11 again. The Draft EIS discusses trails and access. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

12) Coastal O`oma has been the flash point of two monumental community land use victories in the last two decades. Why do we have to keep doing this? Why aren't leaders listening to those thousands of voices which, unlike fickle NELHA, have remained steadfast for twenty years?

Two days ago I walked O`oma's coastline at sunset. The land is Big Island rocky, the sea is deep, deep blue and rated Class AA -- the best. The views are from the ocean to the top of Hualalai at 9,000 feet. Native sea birds, a "blow" of a whale (even at this late date) thrilled and soothed me. In the decades I've walked this land, I've learned that some of the native plants there cure, some can kill. I've watched keiki become adults, become mothers and fathers -- their legacy of a stable life strongly connected to the days and nights (as camping was allowed for so long and no longer allowed by presnet landowners) that they spent here with their families and friends playing, talking story, fishing...all under Kona's sunny and starry sky.

Any development proposed for O`oma deserves the highest degree of scrutiny possible by State, County and community agencies. Keeping this land in its current Conservation land use designation would stop this fighting once and for all.

Response: We acknowledge your opinion. 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

Janice Palma-Glennie

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

December 10, 2008

Page 35 of 35

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

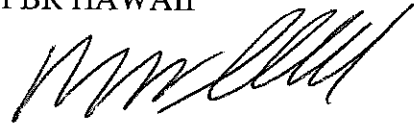
In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

Thank you for reviewing the Draft EIS. Your letter, and your pre-EISPN publication testimony to the LUC, will be included in the Final EIS.

Sincerely,

PBR HAWAII

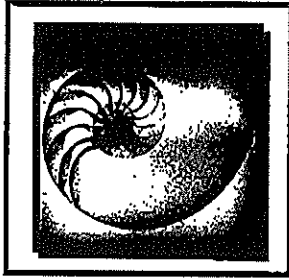


Tom Schnell, AICP
Senior Associate

Attachments:

Fauna
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



West Hawai'i Explorations Academy

A Public Charter School

Located near the Natural Energy Laboratory-Hawaii, Kohala-Kona, Island of Hawaii

73-4460 Queen Ka'ahumanu Hwy #105, Kailua-Kona, HI 96740

Phone: (808)327-4751 Facsimile: (808)327-4750. Email: explorations@whea.net

August 19, 2008

PBR HAWAII

American Savings Bank Tower, Suite 650
1001 Bishop Street
Honolulu, Hawai'i 96813
Attn: Tom Schnell, Via Facsimile: 523-1402

In Re: Draft Environmental Impact Statement (DEIS) O'oma Beachside Village

To Whom It May Concern:

I am writing in support of the proposed O'oma Beachside Village in North Kona, Island of Hawai'i. The elements contained in the DEIS appear to be well researched and conceptualized. As a person familiar with Kona in general and this area in particular, I believe this development creates a new standard by which other developments on the Kona/Kohala Coast may be judged. Mr. Moresco and his team have taken to heart the recommendations of the Kona Community Development Plan, and have aligned well with those community wishes.

I am particularly interested and heartened by his inclusion of a Public Charter School site, as opposed to the generally established practice of paying money into the general fund of the State Department of Education. The direct establishment of a PCS to serve the O'oma area is greatly preferable and much more meaningful than simply sending remuneration to Honolulu.

Finally, the ideas of the "live/work" community, large shoreline setbacks, and common space between houses are also considerably beneficial elements. As stated previously, I believe such elements should become a standard expectation for future Hawaii developments to emulate.

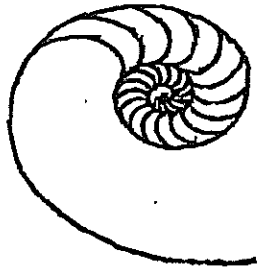
Sincerely,

Curtis Muraoka, Co-Director
West Hawaii Explorations Academy Public Charter School

cc:

Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawai'i 96813, Facsimile: 586-4186

State of Hawai'i
Land Use Commission
P.O. Box 2359
Honolulu, Hawaii 96804
Attn: Dan Davidson, Executive Officer, Facsimile: 587-3827



West Hawai'i Explorations Academy

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Email: explorations@whea.net

Domain: www.whea.net

Facsimile Transmission

To: PBR Hawaii

Attn: Tom Schnell

Re: O'oma Beachside Village DEIS Letter of Support

Fax Number: 523-1402

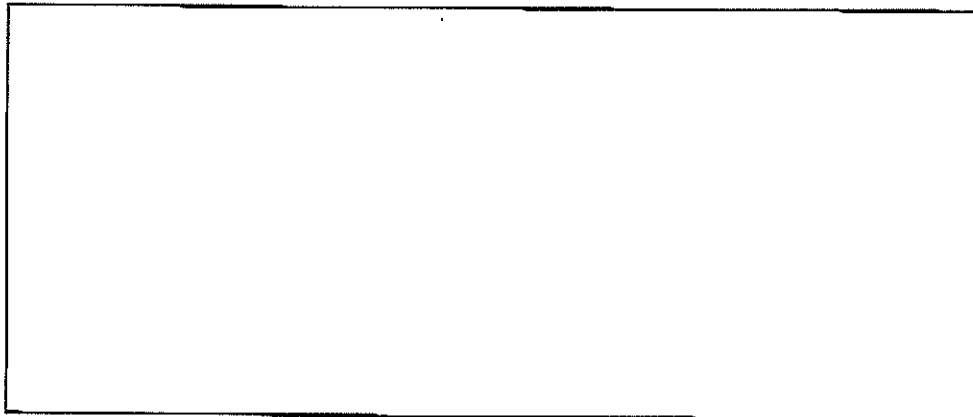
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Public Charter School

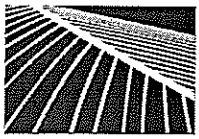
If indicated, please reply to:

Our phone: (808) 327-4751 Our fax: (808) 327-4750

Number of pages (including this cover page): 2

NOTE:





PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

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

Dear Mr. Muraoka:

Thank you for your fax letter dated August 19, 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 thank you for your support.

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

Sincerely,

PBR HAWAII

Tom Schuell, 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 WHEA



July 6, 2008

Mr. Tom Schnell, AICP
PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Hon., HI 96813

Dear Mr. Schnell:

SUBJECT: Comments on Draft Environmental Impact Statement for
'O'oma Beachside Village
TMKs: (3) 7-3-09:04, 22 and (3) 7-3-09 (por.)

In my opinion, the Draft Environmental Impact Statement (DEIS) fails to demonstrate the need for this proposed "mixed use shoreline community" in North Kona. It does not show how reclassifying 181 acres of State Conservation Land into the State Urban District will be in the island's best interests. The proposed project will likely exacerbate Kona's and South Kohala's traffic woes. Nor does it offer significant traffic mitigation measures or affordable housing benefits.

Traffic Concerns

Traffic congestion and inadequate roadway infrastructure plagues North Kona district. The draft Kona Community Development Plan (CDP) intends to require that adequate infrastructure be provided "concurrent" to new development. No assurances or commitments are made in the DEIS that would assure concurrency. Instead, the DEIS asks that we have faith that anticipated increases in traffic due to 'O'oma Beachside Village (OBV) will eventually be accommodated by (1) ongoing and anticipated governmental road projects in the vicinity, and (2) the tendency of the project's residents to stay on the property, preferring to do their shopping and recreating close to home. The DEIS goes further to suggest that the traffic impacts of their "walkable community" on Queen Ka'ahumanu Hwy. may be overestimated because of the potential for OBV residents to remain on-site (p. 70). Why would people in a resort community spend most of their time in one place? The shopping and entertainment offerings on-site would need to be extensive and competitive with those on the "outside." This is speculation, not mitigation.

Affordable Housing

Relating to the need for this project, it is true that affordable housing is needed closer to the centers of employment in N. Kona and S. Kohala districts. Employment in those districts is primarily in the service industry at lower wage levels. Will OBV's affordable housing be affordable for this target group? OBV's contribution to the island's need for affordable housing

Mr. Tom Schnell, PBR HAWAII
July 6, 2008
Page 2

should not be overestimated. Using the higher estimate of 1,200 new homes provided at OBV (p. 90), 20% is required to be affordable, which translates to 240 homes/units. Will the affordable "homes" be condominium units or actual homes?

Poor Choice of Words

In the "Overview" on p. vii, the DEIS describes the area located makai of Queen Ka'ahumanu Highway as "often reserved for resort development." The implication is that no matter what other ideas people may have, lands makai of Queen Ka'ahumanu Hwy. will inevitably be developed into resorts. Such statements only serve to reinforce the impression that the "fix is in."

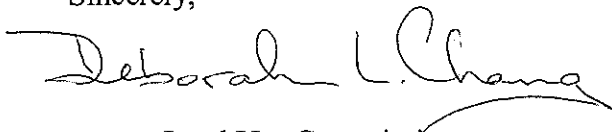
Trails and Access

The DEIS commits to a public coastal park and facilities, pavilion, archaeological and cultural preserve, and good buffers on either side of the preserved, state-owned Māmalahoa Trail. This would definitely enhance public access to the coastline, but the "devil is in the details." The DEIS states on p. 63 that the subject property will be made "more accessible relative to the current limited access." Considering the current accessibility, it would not be difficult to "enhance" public access there. A wide variety of public access arrangements exist in resort communities along Hawai'i Island's west coast. There are several examples of what not to do: i.e., gated communities with beach passes that are often unavailable because the number of required public parking spaces are insufficient; gated communities which prohibit public entry with bicycles; public beach parking with no accessible provisions for Americans with Disabilities; beach parking that closes before sunset or at sunset; meager restroom facilities that are an unreasonable distance from the beach and parking areas, etc. If this project is approved, the applicants should be required to enter into a public access agreement that is reviewed and approved by the County of Hawai'i Planning Dept., the Statewide Trail and Access System known as Nā Ala Hele, and the Ala Kahakai National Historic Trail. The plan to protect the Māmalahoa Trail, including buffer treatments, should also be subject to Nā Ala Hele review and approval. (Perhaps this is an oversight but p. 23 seems to be lacking the number of acres that are planned for the centrally located community park.)

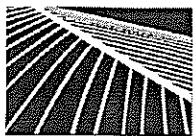
In summary, the proposed project's impacts on population growth and traffic and its limited benefits in affordable housing and offers of enhanced shoreline public access do not justify taking land out of the State Conservation District and putting it into the State Urban District.

Mahalo for providing me with a CD of the DEIS. It greatly facilitated my ability to review the document.

Sincerely,



c: Land Use Commission
OEQC
Planning Department
Nā Ala Hele
Ala Kahakai National Historic Trail



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

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Deborah Chang
P.O. Box 202
Pa'auilo, Hawai'i 96776-0202

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

Dear Ms. Chang:

Thank you for your letter dated July 6, 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; however, for clarity we have lettered each specific question or concern with a lowercase letter.

Traffic Concerns

a. *No assurances or commitments are made in the DEIS that would assure concurrency.*

Response: 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.

b. *Why would people in a resort community spend most of their time in one place? The shopping and entertainment offerings on-site would need to be extensive and competitive with those on the "outside." This is speculation, not mitigation.*

Response: 'O'oma Beachside Village is not a resort community; it will be a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

The Traffic Impact Assessment Report (TIAR) does not assume that residents will spend all their time onsite. As stated on page 70 of the Draft EIS: "The TIAR analyzed traffic conditions using standard traffic engineering methods; ..." This included standardized trip-generation rates for vehicles entering and exiting the property. The mitigation measures proposed are also based on standard traffic engineering methods and the results of the TIAR.

As explained on page 70 of the Draft EIS, the traditional neighborhood design of 'O'oma Beachside Village is expected to reduce overall traffic impact, but any traffic reduction from the design is not quantifiable or predictable using standard traffic engineering

Deborah Chang

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

December 10, 2008

Page 2 of 4

methods. In other words, any potential traffic reductions due to the 'O'oma Beachside Village design are not accounted for in the TIAR and proposed mitigation measures are not minimized to take into account any less traffic compared to a standard, conventional development. Therefore the TIAR represents a conservative analysis of the expected traffic conditions. We regret this was not clear in the Draft EIS.

To clarify this, in the Final EIS Section 4.4 (Roadways and Traffic) will be revised as follows:

The TIAR analyzed traffic conditions using standard traffic engineering methods; however, the traditional neighborhood design of 'O'oma Beachside Village is expected to reduce overall traffic impact. Many of these potential positive impacts of the 'O'oma Beachside Village design are not quantifiable or predictable using standard traffic engineering methods. Due to the walkability of 'O'oma Beachside Village's traditional town plan, many trips may be captured on-site, rather than become external trips. Since standard traffic engineering trip-generation rates (from the Institute of Transportation Engineers) are based on data collected in suburbs where automobiles are essential for every trip, these rates may underestimate the number of trips that will remain on-site in a walkable community such as 'O'oma Beachside Village, which in turn may overestimate the number of trips that will travel the regional roadway network, primarily Queen Ka'ahumanu Highway. In other words, any potential traffic reductions due to the 'O'oma Beachside Village design are not accounted for in the TIAR and proposed mitigation measures are not minimized to take into account any less traffic compared to a standard, conventional development. Therefore, the TIAR represents a conservative analysis of the expected traffic conditions.

Affordable Housing

- a. *Will OBV's affordable housing be affordable for this target group?...Will the affordable "homes" be condominium units or actual homes?*

Response: As stated in Section 4.10.2 (Housing) of the Draft EIS: "'O'oma Beachside Village's range of housing will include affordable housing in accordance with the County's affordable housing requirements (currently 20 percent of the number of units under Hawai'i County Code, Chapter 11). The pricing of such units will be in compliance with applicable State and County regulations." At this time it is expected that the affordable homes will be condominiums.

'O'oma Beachside Village's range of housing will also include "gap group" and "workforce housing," defined as homes priced for households earning 150 percent to 220 percent of the median income. Based on projected sales prices, households earning 150 percent to 180 percent of the 2007 County median income should be able to purchase a condominium home at 'O'oma Beachside Village assuming interest rates of six to seven percent and a 20 percent down payment. Households earning between 200 to 220 percent of the 2007 County median income (assuming similar interest rates and down payment amounts), should be able to purchase a single family home at 'O'oma Beachside Village. "Move-up" households, or others with more than 20 percent available for a down payment, would be able to purchase any of the homes at lower income ranges than those noted above.

Poor Choice of Words

- a. *In the "Overview" on p. vii, the DEIS describes the area located makai of Queen Ka'ahumanu Highway as "often reserved for resort development." The implication is that no matter what other ideas people may have, lands makai of Queen Ka'ahumanu Hwy. will inevitably be developed into resorts. Such statements only serve to reinforce the impression that the "fix is in."*

Deborah Chang

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

December 10, 2008

Page 3 of 4

Response: We regret that the sentence in the Overview section of the Draft EIS was not clear. What was meant is that the area located makai of Queen Ka'ahumanu Highway has many resort properties and that 'O'oma Beachside Village is unique in that it will offer an alternative to resort development makai of Queen Ka'ahumanu Highway.

To clarify this, in the Final EIS this sentence will be revised as follows:

Located makai of Queen Ka'ahumanu Highway—an area ~~often reserved for~~ with many resort developments—'O'oma Beachside Village ~~will~~ is unique in that it will offer a wide range of housing alternatives, focused on the primary resident market.

Trails and Access

- a. *A wide variety of public access arrangements exist on resort communities along Hawai'i Island's west coast. There are several examples of what not to do: i.e, gated communities with beach passes that are often unavailable because of the number of required public parking spaces are insufficient; gated communities which prohibit entry with bicycles; public beach parking with no accessible provisions for Americans with Disabilities; beach parking that closes before or after sunset; meager restroom facilities that are an unreasonable distance from the beach and parking areas, etc.*

Response: 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced, and no traditional and customary practices will be impacted. 'O'oma Beachside Village's setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. The expansive coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park that will connect with neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

Thank you for the examples of what not to do regarding public access. 'O'oma Beachside Village, LLC agrees that details regarding public access are important and will take your suggestions under advisement when developing any access plan.

- b. *If this project is approved, the applicants should be required to enter into a public access agreement that is reviewed and approved by the County of Hawai'i Planning Dept., the Statewide Trail and Access System known as Nā Ala Hele, and the Ala Kahakai national Historic Trail. The plan to protect the Māmalahoa Trail, including buffer treatments, should also be subject to Nā Ala Hele review and approval.*

Response: Section 4.3 (Trails and Access) of the Draft EIS discusses trails and access issues, including the Ala Kahakai National Historic Trail System and plans to protect the Māmalahoa Trail.

Deborah Chang

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

December 10, 2008

Page 4 of 4

'O'oma Beachside Village, LLC representatives have corresponded with Na Ala Hele personnel and attended a Na Ala Hele Advisory Council Meeting. 'O'oma Beachside Village, LLC representatives have also met with National Park Service regarding the Ala Kahakai National Historic Trail, and reviewed and commented on the Ala Kahakai National Historic Trail EIS. 'O'oma Beachside Village, LLC representatives will continue to meet with Na Ala Hele and the National Park Service regarding partnership opportunities to incorporate 'O'oma Beachside Village trails with other trail systems.

c. Perhaps this is an oversight but p. 23 seems to be lacking the number of acres that are planned for the centrally located community park.

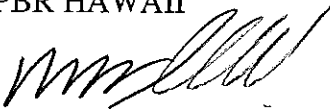
Response: Thank you for bringing this oversight to our attention. In the Final EIS Section 2.3.4 will revised as follows:

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.

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 Deborah Chang

**DR. THEODORE N. LEAF
DIANE STONE
P.O. BOX 45
KAILUA-KONA, HAWAII 96745
(808) 326-1953
ted@hawaiiantel.net**

July 3, 2008

Tom Schnell
PBR Hawaii
American Savings Bank Tower, Suite 650
1001 Bishop Street
Honolulu, Hawai'i 96813
Fax: 523-1402

Re: O'oma Draft EIS

Dear Mr. Schnell

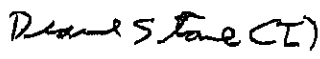
We are in support of the proposed project O'oma Beachside Village in Kailua-Kona, Hawaii.

We have read the EIS and understand that O'oma Beachside Village will be a well planned community. The following is a list of the most important aspects of the project.

- with shoreline set backs between 1,100 and 1,700 feet, this will be a first, and its about time a developer saw the importance of protecting the coast line
- homes that will be affordable single family homes and town homes, as well as workforce live-work units for people to live near their place of work, the way it used to be in Hawai'i
- a 100 (acres out of 300) will be usable open space and parks, with a public shoreline park, hiking and biking trails
- O'oma will be LEED certified applying many of the green and sustainable practices. To include: its own salt water desalination and aggressive ground water conservation system
- Everything about O'oma is concurrent with the Kona Community Development Plan
- Consideration and respect for the cultural and history

Sincerely,


Dr. Ted Leaf


Diane Stone



PBR HAWAII
& ASSOCIATES, INC.

December 10, 2008

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P.O. Box 45
Kailua-Kona, Hawai'i 96745

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

Dear Mr. Leaf and Ms. Stone:

Thank you for your fax 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 thank you for your support.

We wish to clarify that 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 (which is the organization that developed and administers the Leadership in Energy and Environmental Design (LEED) Green Building Rating System), the United States Environmental Protection Agency (EPA) ENERGY STAR Program, or other similar programs; however it has not been determined if buildings within Village 'O'oma Beachside Village will be LEED certified.

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 T Leaf D Stone

RECEIVED

JUL 07 2000

PBR HAWAII

ATT: Tom Schnell

Re: Draft Environmental Statement (DEIS) for O'oma II proposed O'oma Beachside Village development

To whom it may concern:

I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.

The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP).

In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan, 3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and 4) that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection. The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?

O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.

And, indeed, the proposed project may not even be built as it is the norm for speculators like O'oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.

I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.

Mahalo for denying any change of designation for O'oma II and for a rejection of the premises presented in the DEIS.

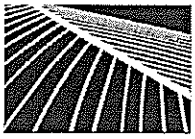
Sincerely,

Mizon Atkins

P.O. Box 1479

Kaau HI

96749



December 10, 2008

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Alizon Atkins
P.O. Box 1479
Keaau, Hawai'i 96749

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

Dear Mr. Atkins:

Thank you for your fax letter received 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. *I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is not possible to respond more specifically.

2. *The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef...*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *...as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP). ¶In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved...*

Alizon Atkins

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

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Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

Alizon Atkins

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

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Page 3 of 6

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

4. *2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan...*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

Alizon Atkins

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

December 10, 2008

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5. *3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. *4) that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

Alizon Atkins

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

December 10, 2008

Page 5 of 6

- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

7. *The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?*

Response: Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens who have shared their insights, and whose input has been incorporated into the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, in preparing the Draft EIS, 'O'oma Beachside Village LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

In addition, note Mayor Harry Kim's comments quoted above (#4) from dated a letter dated September 2, 2008 commenting on 'O'oma Beachside Village's planning and community involvement process.

8. *O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Alizon Atkins

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

December 10, 2008

Page 6 of 6

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9. *And, indeed, the proposed project may not even be built as it is the norm for speculators like O'oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

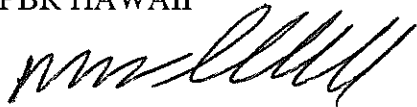
10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments 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

From: westpeak@aol.com [mailto:westpeak@aol.com]

Sent: Thursday, July 31, 2008 9:47 AM

To: sysadmin; palmtree7@hawaiiantel.net

Subject: Ooma II

To Whom It May Concern:

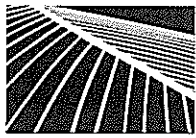
As a ten year citizen of North Kona with two children in the public school systyem and an attorney who has worked very closely with the local community for years at the Legal Aid Society of Hawaii, in Kona, I am writing to request an intelligent, objective, credible and detailed review of the DEIS submitted. It lacks scientific data to support its suppositions and has a patronizing tone.

This community is desperately in need of a government that listens to its needs. The people who live here need improvements that affect their quality of life - here - not development that caters to the developers and part-time residents. This community needs places for children to grow. It needs to protect the little open space that will be left once the developments that have already been improved are completed. It needs significant multi-use parks and maintenance of the parks we already have, (most faciltities in public parks are disgraceful) it needs repairs to local schools and playgrounds, it needs beautification and improvement of existing roads. This Ooma mega-development is certainly not what it needs or wants.

When will this utter lack of effective, progressive planning end?

Please stop this unnecessary and desructive development.

Andrea Alden
75-317 E. Kakalina Pl.
Kailua-Kona HI 97640



December 10, 2008

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Andrea Alden
75-317 E. Kakalina Place
Kailua-Kona, Hawai'i 97640

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

Dear Ms. Alden:

Thank you for your email dated July 31, 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. *...I am writing to request an intelligent, objective, credible and detailed review of the DEIS submitted. It lacks scientific data to support its suppositions and has a patronizing tone.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The specialists who prepared these studies are acknowledged experts in their fields and highly respected. As appropriate (such as for the Water Resources Assessment and the Marine Environmental Assessment) these specialists' reports rely on scientific evidence. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules).

2. *This community is desperately in need of a government that listens to its needs. The people who live here need improvements that affect their quality of life - here - not development that caters to the developers and part-time residents. This community needs places for children to grow. It needs to protect the little open space that will be left once the developments that have already been improved are completed. It needs significant multi-use parks and maintenance of the parks we already have, (most facilities [sic] in public parks are disgraceful) it needs repairs to local schools and playgrounds, it needs beautification and improvement of existing roads. This Ooma mega-development is certainly not what it needs or wants.*

When will this utter lack of effective, progressive planning end?

Please stop this unnecessary and destructive development.

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers. 'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

Ms. Andrea Alden

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

December 10, 2008

Page 2 of 2

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

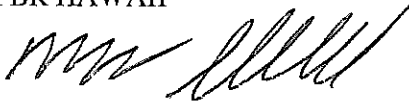
In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

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

PO Box 44571
Kamuela, HI 96743
808/882-1513
bcsterne@att.net
June 21, 2008

Tom Schnell
PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, HI 96813

Dear Mr. Schnell:

I am writing you with regard to Ooma Beachside Village's request to rezone Ooma out of conservation status. I strongly encourage you to deny this request. Too much beachfront land on the Big Island has already been removed from conservation status – Please allow Ooma to remain protected, open, natural space.

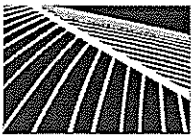
Mahalo for your serious consideration of this request.

Sincerely,



Barbara C. Sterne
(Mrs. Robert H. Sterne)

Cc: Office of Environmental Quality Control
State of Hawaii Land Use Commission (Dan Davidson)
Ooma Beachside Village LLC



PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
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Tel: (808) 242-2878

Barbara C. Sterne
P.O. Box 44571
Kamuela, Hawai'i 96743

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

Dear Ms. Sterne:

Thank you for your fax letter dated June 21, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). With this letter I seek to clarify that PBR HAWAII is planning consultant for the landowner, 'O'oma Beachside Village, LLC and also respond to your comments.

1. *I am writing you with regard to Ooma Beachside Village's request to rezone Ooma out of conservation status. I strongly encourage you to deny this request.*

Response: The State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village property from the State Land Use Conservation District to State Land Use Urban District. Your letter and this response have been provided to the State Land Use Commission.

By way of clarification, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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).

'O'oma Beachside Village is consistent with the *County of Hawai'i General Plan* (General Plan) and the Kona Community Development Plan (Kona CDP). The General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see Land Use Pattern Allocation Guide (LUPAG) map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..." In addition, the 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP.

Because the 'O'oma Beachside Village property is within the County General Plan Urban Expansion area and the Kona CDP Urban Area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the desires expressed in the County General Plan and the Kona CDP.

Barbara C. Sterne

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

December 10, 2008

Page 2 of 2

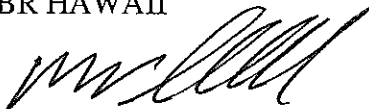
2. *Too much beachfront land on the Big Island has already been removed from conservation status
– Please allow Ooma to remain protected, open, natural space.*

Response: 'O'oma Beachside Village's setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. The expansive coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park that will connect with neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area. Approximately 38 acres of the coastal open space area will remain in the State Conservation District.

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 Barbara Sterne

From: Carol Curtis [carolcurtis@hotmail.com]
Sent: Monday, July 07, 2008 8:37 AM
To: melkalahiki@aol.com; r.keakealani2@gte.net; luc@dbedt.hawaii.gov;
peteryoung@hawaii.rr.com
Subject: O'oma Beachside Village Deveopment

PBR HAWAII,
ASB Tower, Suite 650,
1001 Bishop Street,
Honolulu, Hawai'i 96813

Office of Environmental Quality Control,
235 South Beretania Street, Suite 702,
Honolulu, Hawai'i 96813

State of Hawai'i Land Use Commission
P.O. Box 2359,
Honolulu, Hawaii 96804;
Contact: Dan Davidson;

O'oma Beachside Village, LLC c/o Midland Pacific Homes,
7305 Morro Road, Suite 200, Atascadero, California 93422.

Re: Draft Environmental Statement (DEIS) for O`oma II proposed O`oma Beachside Village development

To whom it may concern:

I'm asking that you review the O`oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.

The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP).

In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan, 3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and 4) that O`oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection. The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?

O`oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.

And, indeed, the proposed project may not even be built as it is the norm for speculators like O`oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.

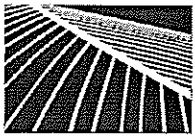
I ask that, when the time comes to make a decision of whether or not to maintain the O`oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.

Mahalo for denying any change of designation for O`oma II and for a rejection of the premises presented in the DEIS.

Sincerely,

Carol Curtis
Salt Lake City, Utah

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October 31, 2008

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Carol Curtis
 [no mailing address provided]

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

Dear Ms. Curtis:

Thank you for your fax letter received 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. *I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is not possible to respond more specifically.

2. *The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef...*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *...as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP). ¶In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved...*

Carol Curtis

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

12/10/2008

Page 2 of 6

Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

Carol Curtis

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

12/10/2008

Page 3 of 6

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

4. *2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan...*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

Carol Curtis

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

12/10/2008

Page 4 of 6

5. *3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. *4) that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

Carol Curtis

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

12/10/2008

Page 5 of 6

- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

7. *The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?*

Response: Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens who have shared their insights, and whose input has been incorporated into the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, in preparing the Draft EIS, 'O'oma Beachside Village LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

In addition, note Mayor Harry Kim's comments quoted above (#4) from dated a letter dated September 2, 2008 commenting on 'O'oma Beachside Village's planning and community involvement process.

8. *O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Carol Curtis
SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT
12/10/2008
Page 6 of 6

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9. *And, indeed, the proposed project may not even be built as it is the norm for speculators like O'oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments 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

----- Original Message -----

From: Fuller

To: planning@co.hawaii.hi.us

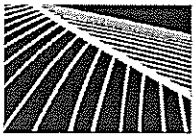
Sent: Sunday, July 06, 2008 5:16 PM

Subject: Ooma

Aloha,

Please **deny** the request from Ooma Beachside properties to upzone from conservation! WE NEED OPEN SPACE in and around KONA!!! NO MORE OVER DEVELOPMENT!!! We are already maxed out! Just look at the roads...can we accomodate any more cars?

Aloha,
Carol Fuller



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

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Fax: (808) 961-4989

WAILUKU OFFICE

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Wailuku, Hawaii 96793-1271
Tel: (808) 242-2878

Ms. Carol Fuller
[no address provided]

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

Dear Ms. Fuller:

Thank you for your email dated July 6, 2008 (addressed to the County of Hawaii Planning Department at planning@county.hi.us) regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). With this letter I seek to clarify that PBR HAWAII is planning consultant for the landowner, 'O'oma Beachside Village, LLC and also respond to your comments.

1. Please deny the request from Ooma Beachside properties to upzone from conservation!

Response: The State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village property from the State Land Use Conservation District to State Land Use Urban District. A copy of your email and this response have been provided to the State Land Use Commission.

By way of clarification, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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).

'O'oma Beachside Village is consistent with the *County of Hawai'i General Plan* (General Plan) and the Kona Community Development Plan (Kona CDP). The General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see Land Use Pattern Allocation Guide (LUPAG) map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..." In addition, the 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP.

Because the 'O'oma Beachside Village property is within the County General Plan Urban Expansion area and the Kona CDP Urban Area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the desires expressed in the and the County General Plan and the Kona CDP.

Ms. Carol Fuller

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

December 10, 2008

Page 2 of 2

2. *We need open space in and around Kona!!! No more over development !!! We are already maxed out!*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers. In addition, 'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

3. *Just look at the roads...can we accommodate any more cars?*

Response: The Draft EIS includes discussion on traffic (Section 4.4) and notes that the State Department of Transportation and County of Hawai'i 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 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.

'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 will accommodate much of the anticipated growth in the North Kona region.

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

August 20, 2008

Tom Schnell
PBR Hawaii
American Savings Bank Tower, Suite 650
1001 Bishop Street
Honolulu, Hawai'i 96813
Fax: 523-1402

Re: O'oma Draft EIS

Dear Mr. Schnell

I am writing in support of the proposed project O'oma Beachside Village in Kailua-Kona, Hawaii.

I've read the EIS and understand that O'oma Beachside Village will be a well planned community. The following is a list of the most important aspects of the project.

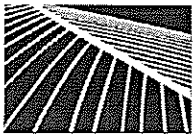
- Consideration and respect for the culture and history of the area - and for Hawaii in general (with respect to the land, water and the people)
- Aesthetically pleasing economically diverse homes for the working middle class – affordable, townhomes and workforce housing – while also providing estate homes for the upper class.
- Work environments near home to minimize commuting outside of the community.
- LEED certified development opportunities, while planning for ample greenspace to expand the opportunity to become fully sustainable in the future.
- Providing usable open space and shoreline parks and access to hiking and biking trails. Creating an aesthetically pleasing environment for locals and newcomers alike to enjoy the natural habitats for the area.
- Keeping ample distance between the shoreline and the homes – so that all can enjoy walking the shoreline without a feeling on encroachment on private property.
- Eco-community atmosphere – being able to live near your business, and also being able to shop in your neighborhood – without the need to jump in your car to commute.

Thank you very much for your time and consideration in support of the proposed project O'oma Beachside Village in Kailua-Kona, Hawaii. If you have any questions, please call me at 808-756-4874 as soon as possible. I'd be happy to assist you in any way.

Sincerely,

Claire K. Bajo, Realtor (S)

CP Kona Realty - Kona Inn Shopping Village
75-5744 Alii Drive, #168, Kailua-Kona, HI 96740
Phone: 808-756-4874 Fax: 808-331-0536
www.claircbajo.com



PBR HAWAII
& ASSOCIATES, INC.

December 10, 2008

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DACHENG DONG, LEED®AP
Associate

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Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Ms. Claire Bajo
75-5744 Ali'i Drive #168
Kailua-Kona, Hawai'i 96740

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

Dear Ms. Bajo:

Thank you for your letter dated August 20, 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 thank you for your supportive 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 Claire Bajo

Dear Land Use Commission,

Don't sell out O'oma! Please deny the O'oma Beachside Village request to upzone O'oma out of Conservation status.

The owners claim upzoning follows the Kona Community Development Plan. But it doesn't.

And public scoping named O'oma as one of the top five places on Hawai'i Island to be set aside as public, open space.

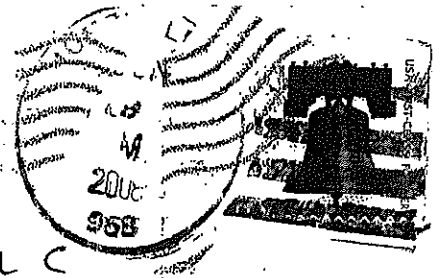
The community has been fighting to protect O'oma for twenty years. Don't sell out now!

Mahalo,
Gory Harden
PO Box 10265,
Hilo, Hawai'i 96721

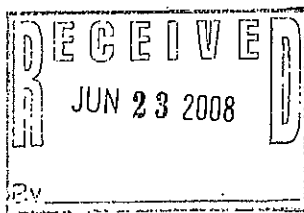
Box 10265
Hilo, HI 96721

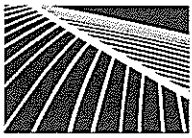
HONOLULU HAWAII 968

19 JUN 2008 PM 3 L



O'oma Beachside Village LLC
c/o Midland Pacific Homes
305 Morro Rd suite 200
Atascadero, California 93422





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1787 Wili Pa Loop, Suite 4
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Tel: (808) 242-2878

December 10, 2008

Cory Harden
P.O. Box 10265
Hilo, Hawai'i 96721

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

Dear Mr. Harden:

Thank you for your letter postmarked June 19, 2008 addressed to the Land Use Commission 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. Your letter and this response have been provided to the State Land Use Commission.

1. *Don't sell out O'oma! Please deny the O'oma Beachside Village request to upzone O'oma out of Conservation status.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

By way of clarification, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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).

2. *The owners claim upzoning follows the Kona Community Development Plan. But it doesn't.*

Response: 'O'oma Beachside Village is consistent with the *County of Hawai'i General Plan* (General Plan) and the Kona Community Development Plan (Kona CDP). The General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see Land Use Pattern Allocation Guide (LUPAG) map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..." In addition, the 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP.

Because the 'O'oma Beachside Village property is within the County General Plan Urban Expansion area and the Kona CDP Urban Area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation

Cory Harden

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

December 10, 2008

Page 2 of 3

District is appropriate and consistent with the desires expressed in the County General Plan and the Kona CDP.

On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

3. *And public scoping named O'oma as one of the top five places on Hawai'i Island to be set aside as public, open space.* ¶

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. The expansive coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park that will connect with neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area. Approximately 38 acres of the coastal open space area will remain in the State Conservation District.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection
- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

4. *The community has been fighting to protect O'oma for twenty years. Don't sell out now!*

'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

Cory Harden

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

December 10, 2008

Page 3 of 3

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

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


June 22, 2008

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

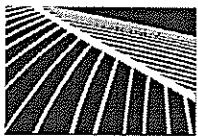
Dear Mr. Schnell:

I am writing to ask that the state land board deny Ooma Beachside Village's request to upzone Ooma out of conservation status. It must remain protected, open, and natural space. Ooma must stay in its conservation-protected designation for the future of all generations living on the Big Island of Hawaii. It also must fit into the Kona Community Development Plan that has been presented to the County of Hawaii from the residents of Kona.

Mahalo nui loa,


Dan and Marlene Sabo
76-6306 Mahuahua Place
Kailua-Kona, Hawaii 96740
Email – konasabo@hawaii.rr.com

cc: Office of Environmental Control
State of Hawaii Land Use Commission
Ooma Beachside Village



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

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Dan and Marlene Sabo
76-6306 Mahuahua Place
Kailua-Kona, Hawai'i 96740

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

Dear Mr. & Mrs. Sabo:

Thank you for your letter dated June 22, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). With this letter I seek to clarify that PBR HAWAII is planning consultant for the landowner, 'O'oma Beachside Village, LLC and also respond to your comments. Your letter and this response have been provided to the State Land Use Commission.

- 1. I am writing to ask that the state land board deny Ooma Beachside Village's request to upzone Ooma out of conservation status. It must remain protected, open, and natural space. Ooma must stay in its conservation-protected designation for the future of all generations living on the Big Island of Hawaii.*

Response: By way of clarification, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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).

At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers. In addition, 'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area. Approximately 38 acres of the coastal open space area will remain in the State Conservation District.

- 2. It also must fit into the Kona Community Development Plan that has been presented to the County of Hawaii from the residents of Kona.*

Response: 'O'oma Beachside Village is consistent with the *County of Hawai'i General Plan* (General Plan) and the *Kona Community Development Plan* (Kona CDP). The General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see Land Use Pattern Allocation Guide (LUPAG) map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..." In addition, the 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP.

Dan and Marlene Sabo

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

December 10, 2008

Page 2 of 2

Because the 'O'oma Beachside Village property is within the County General Plan Urban Expansion area and the Kona CDP Urban Area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the desires expressed in the and the County General Plan and the Kona CDP.

On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

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 Dan Marlene Sabo

September 6th, 2008

Re: Draft Environmental Statement (DEIS) for O`oma II proposed O`oma Beachside Village development

To whom it may concern:

I'm writing to ask that you review the O`oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts. This mega-development will irreparably harm the natural, cultural, and social resources of the area.

The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the near shore pristine Class AA waters and reef. The developers' claims that their plan is in compliance with the yet-to-be-adopted Kona Community Development Plan (KCDP) are patently untrue.

The proposed development should not be built on vanishing coastal Conservation land - an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) **the O`oma plan is developer-generated - in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years**, 3) it changes Conservation-protected land at O`oma - an area the public clearly said should remain protected, and 4) ***O`oma II was voted as one of the Top Five special places in Hawai`i County to be acquired as Public, Open Space.***

Will the proposed project even be built as proposed in the owners' pretty pictures and flashy brochures/CD presentations; or is this just another thinly veiled attempt to move protected conservation land out of its deserved protection?

• Our main concern is that 900 to 1,200 proposed residences plus commercial spaces, construction vehicles, and personal vehicles will negatively impact an already over taxed infrastructure, primarily, the roads. They are already overcrowded in the area. The additional numbers of residences will only add to the current problem.

•The shoreline north of Kailua is blessed with the only white sand beaches on the entire island. Almost all have been taken over as depositories for hotels, and resorts and private golf clubs. O`oma is one of the few remaining untouched areas of white sand and lava that grace the island. It is already a popular access for surfing, picnics, and fishing; all used in a traditional Hawaiian fashion. Any attempt by a developer to claim that their resort will open the beach to easier access and people and still maintain an already pristine beach environment used by locals and tourists alike, is a

joke.

• We are 25 year residents of the Big Island. Our first attraction to the island was its abundant nature and untouched beaches and lava flows. Many visitors still come to the island to experience this raw beauty. The development proposed is just another move in the direction of converting the beauty of the big island to the overcrowding and traffic infested roads of Southern California! Something most visitors and long term residents came here to escape!!

♥ We wholeheartedly wish to see the O`oma II land be maintained as conservation zoning or whatever label is appropriate to maintain the area's current untouched, undeveloped, pristine, and natural status.

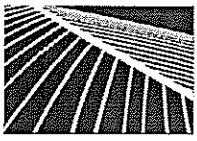
O`oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.

There were serious reasons why this land was put in Conservation protection. I ask that you reject the premises presented in the DEIS and deny any change of designation for O`oma II.

Sincerely,

David Blehert and Family

P.O. Box 678
Honaunau, Hawaii 96726
808-328-8459



December 10, 2008

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David Bleher
P.O. Box 678
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**SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL
IMPACT STATEMENT**

Dear Mr. Bleher:

Thank you for your email dated September 6, 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. *I'm writing to ask that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is difficult to respond more specifically.

2. *The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef.*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *The developer's claims that their plan is in compliance with the yet-to-be adopted Kona Community Development Plan (KCDP) are patently untrue.*

...It is ludicrous to claim that their plan fits with the KCDP when I) that document has yet to be approved,

Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

David Blehert

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At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

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Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

4. ...2) *the O'oma plan is developer-generated - in conflict with what makes a community-based land use plan different from the "non-planning of the last 40 years...*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement."

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

5. ...3) *it changes Conservation-protected land at O'oma – an area the public clearly said should be protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

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The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. ...4) *O'oma II was voted as one of the Top Five special places in Hawaii to be acquired as Public, Open Space.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection
- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

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7. *Will the proposed project even be built as proposed in the owner's pretty pictures and flashy brochures/CD presentations; or is this just another thinly veiled attempt to move protected conservation land out of its deserved protection?*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

8. *Our main concern is that 900 to 1,200 proposed residences plus commercial spaces, construction vehicles, and personal vehicles will negatively impact an already over taxed infrastructure, primarily, the roads. They are already overcrowded in the area. The additional numbers of residences will only add to the current problem.*

Response: The Draft EIS includes specific sections regarding infrastructure and traffic. In particular, the Draft EIS includes discussion on traffic (Section 4.4) and notes that the State Department of Transportation and County of Hawai'i 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 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.

'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 will accommodate much of the anticipated growth in the North Kona region.

9. *The shoreline north of Kailua is blessed with the only white sand beaches on the entire island. Almost all have been taken over as depositories for hotels, and resorts and private golf clubs. O'oma is one of the few remaining untouched areas of white sand and lava that grace the island. It is already a popular access for surfing, picnics, and fishing; all used in a traditional Hawaiian fashion. Any attempt by a developer to claim that their resort will open the beach to easier access and people and still maintain an already pristine beach environment used by locals and tourists alike, is a joke.*

Response: 'O'oma Beachside Village is not a resort development; it will be a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and will contain two mixed-use villages and diverse housing options.

'O'oma Beachside Village's setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. The expansive coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park that will connect with neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

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Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

10. *We are 25 year residents of the Big Island. Our first attraction to the island was its abundant nature and untouched beaches and lava flows. Many visitors still come to the island to experience this raw beauty. The development proposed is just another move in the direction of converting the beauty of the big island to the overcrowding and traffic infested roads of Southern California! Something most visitors and long term residents came here to escape!!*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers. In addition to the extensive coastal open space noted above, the historic Māmalahoa Trail, which runs through the property in a north-south direction will remain protected and preserved. This trail, along with wide buffers on both sides, will make up a 110-foot wide open space corridor encompassing running the length of the property in a north/south direction. Further, an existing shoreline trail within the public shoreline park area is proposed to become part of the Ala Kahakai National Historic Trail corridor.

11. *We wholeheartedly wish to see the O'oma II land be maintained as conservation zoning or whatever label is appropriate to maintain the area's current untouched, undeveloped, pristine, and natural status.*

Response: By way of clarification, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 coastal open space area will remain in the State Conservation District.

'O'oma Beachside Village is consistent with the *County of Hawai'i General Plan* (General Plan) and the Kona Community Development Plan (Kona CDP). The General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see Land Use Pattern Allocation Guide (LUPAG) map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..." In addition, the 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP.

Because the 'O'oma Beachside Village property is within the County General Plan Urban Expansion area and the Kona CDP Urban Area, reclassification of the portion of the 'O'oma

Beachside Village property that is within the State Conservation District is appropriate and consistent with the desires expressed in the County General Plan and the Kona CDP.

David Blehert

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12. *O'oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site and is consistent with the Kona CDP and the General Plan. In particular, in conformance with the Kona CDP, 'O'oma Beachside Village strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing. 'O'oma Beachside Village's substantial open space is another distinctive feature that distinguishes it from previous proposals. In addition, 'O'oma Beachside Village's shoreline and coastal preserve area provides for protection of natural, cultural, and historic resources and maintains existing shoreline access.

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 David Blehert

From: Debbie Hecht [mailto:hecht.deb@gmail.com]
Sent: Monday, July 07, 2008 9:34 PM
To: sysadmin@pbrhawaii.com; melkalahiki@aol.com; PeterYoung@hawaii.rr.com; r.keakealani2@gte.net
Subject: Comments on O'oma Draft EIS

July 6, 2008

The Office of Environmental Quality and
The State Land Use Commission

Re: O'oma Draft Environmental Impact Statement

Aloha,

I have read the Draft Environmental Impact Statement for the O'oma Development. I find that instead of answering questions, this report raised many more questions for me. Please see the end of each section for additional questions.

Noise and Danger from Aircraft-The airport is 1 mile to the north. There are 3 diagrams of airport noise- starting on page 74 of the DEIS. On page 71, it states that the developer "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." In other places where airports were expanded close to developments, the government has had to buy out property owners who were adversely affected by noise and in danger from air crashes. The airport has 3,450 acres of land and only one runway. It is probable that the airport will be expanded in the future. There is a new plan for airport expansion that came out recently. People should be able to peacefully enjoy where they live.

- Does this DEIS consider future airport expansion plans?
- As the population increases, how do we protect property buyers from inevitable airport expansion?
- If the DOT is afraid of birds creating a hazard for planes and want to regulate the landscaping, isn't the airport too close?

Land Use: 181 acres of conservation-zoned property will be rezoned to accommodate 950 to 1200 homes for 2,580 full time residents. I believe that citizens should be able to rely on government rules and regulations. Property owners and developers should be able to rely on zoning designations set by the government. This rezoning request sets a precedent for spot zoning. From Page 179: "The existing Hawaii County zoning for Parcels 4 and the State ROW is Open (O). Open zone applies to areas that contribute to the general welfare, the full enjoyment or economic well-being of open land type use which has been established or is proposed." It is stated that 84% of homes will be used by full-time residents and with an average occupancy rate of 95%, with an average household of 2.7 people. The first draft of the Kona Community Development Plan is now available.

- Is this plan in accordance with the principles proposed by the Kona Community Development plan?
- How will this development be built out, will the infrastructure be in place first?

- Are there building phases?
- What will be built first?
- What will be built next?
- Will the developers depend on the county for Community Facility District Bonds to fund their infrastructure?
- Do these bonds become part of the total amount of bonds that are limited to 15% of the assessed value of properties in Hawaii County?

Park Areas: The 103 acres of open space includes a 50-foot buffer on either side of the Mamalahoa Trail and buffers by the Queen Ka'ahumanu highway totaling 16 acres. There is a 57-acre coastal preserve and an 18-acre public shoreline park, which will be accessed through Kohanaiki. The existing jeep trail used for access will be abandoned. It is also stated that there will be a comfort station and parking. I like the model of Kua Bay, but I think there should have been more bathroom and shower facilities and parking. Now that the facilities are closed for the past months, the community keeps asking: Who is responsible for fixing this property? We need to avoid similar problems at O'oma.

- Who will care for road and trail buffers (16 acres) when the developer sells out?
- Who will control the access to the O'oma shoreline through Kohanaiki?
- Who will be responsible for the shoreline access road?
- Will an unlimited number of people be able to use this shoreline access?
- How many toilets will there be and how much parking?
- How will people access the shoreline for surfing if the jeep trail is closed?

I have a recommendation for parkland management for this and other developments, a Community Stewardship Organization could be created to manage the parks and open space. Association fees levied against each lot could fund this organization. A small staff could be provided office space and equipment space to manage and provide maintenance for the park areas.

Jobs- Where will the workers come from to support this development? The DEIS states, that during construction there will be 380 full time jobs, and eventually 480 direct permanent, full time jobs at the retail and office sites. We have the lowest unemployment in the country; most business owners are constantly looking for good employees.

- Where will the employees come from?
- What will they be paid?
- Where will they live?
- Will they be able to afford on-site housing?

Affordable Housing- The document states that 20% of the residences will be in affordable housing, but it doesn't state how many will be in rental units or units for purchase.

- How large would these units be- 2 bedrooms, 3 bedrooms?
- To reinforce the village concept, would the families that work here be able to afford these homes?
- Would the families that work here have enough bedrooms to accommodate their families?
- Who are the target occupants?
- Would the units be affordable to people earning 150 to 180% of county median income?

Wastewater- There was also a statement about taking the excess solid waste to the Kealakehe Wastewater treatment plant. From a report on the Kealakehe Plant we learned that the plant is overloaded from processing the concentrated solids from the hotels, which bring concentrated waste to the plant. The DEIS states that excess R-1 processed sewage will be held in a 1.2 million gallon reservoir and the overflow will be transferred to standby injection wells.

- Can the Kealakehe sewage plant handle more concentrated solids?
- Where will these injection wells for overflow of R-1 be located?
- Who will monitor these wells?
- How often?

Solid Waste will be taken to the Kealakehe green waste center or the Pu'uana'hulu dump. The DEIS states that the development "is estimated to produce 2,160 to 2,568 tons of solid waste per year" at full build out. On page 155: "After construction, recycling will be encouraged...recycling provisions, such as collection systems and space for bins, MAY be incorporated in to O'oma Beachside Village. " Recycling stations should become part of all Hawaii Island subdivisions; we have one landfill that is failing. It is time that we require new subdivisions to recycle and reuse more of their solid waste.

- How is this plan in accordance with the Kona Community Development Plan?
- What exactly will be proposed for recycling and reduction of garbage?

Alternative energy uses are "to be considered" according to the DEIS but there is no guarantee of use, the document says they will be considered, as will LEED principles. I think it is important to increase the use of alternative types of energy and to use the LEED principles whenever possible. I'm not sure if all utility lines will be buried. Hawaii has the highest utilities in the country.

- How is this plan in accordance with the Kona Community Development Plan?
- How will energy usage for air-conditioning be decreased during hot summer days?
- Will each unit have solar hot water heaters?
- Will utility lines be located underground?

Schools -On Page 96 the DEIS states that the Kealakehe High School is over capacity, the elementary school is at capacity and the intermediate school is close to capacity. The DEIS states the developer intends to donate 3 acres for a charter elementary school. On page 154 it states " O'oma Beachside Village, LLC will 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 DOE."

- What is the developer's approximate fair share amount for this development?
- How much will be required by the charter school?
- Who will operate the proposed charter school?
- Where will the children go to Intermediate school and high school if these schools are full?

Water- The DEIS states that there is no commitment for potable water and they mention a desalinization plant, with feedwater from the NELHA deepwater system, or obtaining feedwater from on-site wells that have saline water. There was a discussion about using a Membrane bi-reactor wastewater system- (MBR). The DEIS states: "Through the desalinization process approximately 40 to 45 percent of the feedwater will become usable water. Approximately 55 to

60 percent of the feedwater would become hypersaline concentrate that will be disposed of in on-site wells. These wells will deliver the concentrate into the saltwater zone below the basal lens. The concentrate would have a salinity of approximately 60 percent, which is substantially denser than either open coastal seawater or saline groundwater. " The salty discharge of wastewater (estimated at 60 percent s) will be discharged in the ocean.

- How will this affect the fish and corals?
- Are there agreements with NELHA for deep water for feedwater use?
- Where will the on-site wells be located for the hypersaline water injection, after the desalinization process, which is meant to go beneath the basal lens?

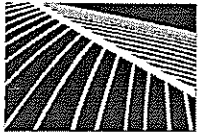
Flood Waters will be handled by swales and drywells. It is stated on page 148 in the discussion part of the chart that no structures will be built in Zone A.

- Who is responsible for upkeep of drywells for floodwaters, after the developer sells out? The County?
- The FIRM maps for Kona need updating, who will do this in order to understand the flood potential of this land?
- Will the developer be submitting a floodplain management plan for this area?

Mahalo for considering these additional questions! Please recommend that this area deserve further study.

Sincerely,

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

Dear Ms. Hecht:

Thank you for your email 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.

Noise and Danger from Aircraft:

- *Doe this DEIS consider future airport expansion plans?*

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

- *As the population increases, how do we protect property buyers from inevitable airport expansion?*

Response: 'O'oma Beachside Village will comply with all Federal Aviation Administration (FAA) and State Department of Transportation (DOT) airport noise compatibility guidelines in effect at the time of building permit approval for any 'O'oma Beachside Village structure.

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

- *If the DOT is afraid of birds creating a hazard for planes and want to regulate the landscaping, isn't the airport too close?*

Response: Designing landscaping to discourage the attraction of birds is a typical precautionary mitigation measure in the vicinity of airports. 'O'oma Beachside Village, LLC will comply with all FAA and State DOT regulations. These issues are discussed in Section 4.5 (Kona International Airport at Keāhole) of the Draft EIS.

Land Use:

- *Is this plan in accordance with the principles proposed by the Kona Community Development plan?*

Response: Yes, 'O'oma Beachside Village is in conformance with the *Kona Community Development Plan* (Kona CDP), which the acting Mayor approved on September 25, 2008. We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

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Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Figure 7 of the Draft EIS: County of Hawai'i General Plan map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

- *How will this development be built out, will the infrastructure be in place first?*

Response: 'O'oma Beachside Village will be in compliance with the County of Hawai'i's Concurrency Ordinance (Ordinance 07-99) which creates concurrency standards for roads and water supply. 'O'oma Beachside Village LLC will also provide necessary wastewater systems and other infrastructure systems necessary to meet the needs of 'O'oma Beachside Village.

- *Are there building phases?*
- *What will be built first?*
- *What will be built next?*

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Response: '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 (including the proposed Frontage Road) 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 community park may be built. It will also be necessary to build roadways and infrastructure connecting the Makai Village and Mauka Village areas through 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, '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 community.

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".

- *Will the developers depend on the county for Community Facility District Bonds to fund their infrastructure?*
- *Do these bonds become part of the total amount of bonds that are limited to 15% of the assessed value of properties in Hawaii County?*

Response: 'O'oma Beachside Village, LLC will explore all feasible options for financing 'O'oma Beachside Village, to include without limitation, utilizing the County's procedures for financing of infrastructure through implementation of a Community Facilities District and/or Tax Increment District, pursuant to Hawai'i County Code Chapters 32 and 33, respectively.

Park Areas:

Response: Overall, we acknowledge your concerns about park and shoreline access and appreciate your constructive questioning. 'O'oma Beachside Village, LLC agrees that details regarding public access are

important and will evaluate positive examples and solutions, such as Kua Bay, when developing any access plan.

'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced, and no traditional and customary practices will be impacted. 'O'oma Beachside Village's setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. The expansive coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park that will connect with neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

- *Who will care for road and trail buffers (16 acres) when the developer sells out?*

Response: Road and trail buffers may be dedicated to the State or County; however an association of 'O'oma Beachside Village owners will be established and any common areas not dedicated to the State or County will be maintained by the O'oma Beachside Village Owners Association.

- *Who will control the access to the O'oma shoreline through Kohanaiki?*
- *Who will be responsible for the shoreline access road?*

Response: We understand that Kohanaiki Shores, LLC will construct the mauka-makai shoreline public access road for dedication to the County of Hawaii. Therefore, Kohanaiki Shores, LLC will be responsible for the shoreline public access road until it is accepted by the County for dedication.

- *Will an unlimited number of people be able to use this shoreline access?*

Response: 'O'oma Beachside Village, LLC has no intention of limiting the number of people who will be able to use the public shoreline access road.

- *How many toilets will there be and how much parking?*

Response: At this preliminary stage, the number of toilets and amount of parking has not yet been determined; however, 'O'oma Beachside Village, LLC will meet or exceed all State or County requirements.

- *How will people access the shoreline for surfing if the jeep trail is closed?*

Response: People will be able to access the shoreline via the shoreline access road running between the 'O'oma Beachside Village and Kohanaiki properties, which will be improved to County roadway standards. In addition, there will be pathways to the shoreline from within O'oma Beachside Village, and O'oma Beachside Village's public shoreline park will connect with NELHA's shoreline park, allowing access from the north.

Jobs:

- *Where will the employees come from?*
- *What will they be paid?*

Section 4.10.5 (Economy) of the Draft EIS discusses employment and wages. Employment and wages are discussed in terms of "Development Employment" and "Operational Employment" as follows:

- **Development Employment** – During initial construction up to 2020, 'O'oma Beachside Village is projected to generate approximately 380 full-time equivalent (FTE) jobs per year. During subsequent years of build-out (2021 to 2030), this may subside to approximately 290 FTE development-related jobs per year.

Development-related jobs are expected to generate annual personal earnings of approximately \$21.4 million from 2010 to 2030 and approximately \$17.1 million from 2021 to 2030. This represents an annual income of approximately \$57,000 to \$59,000 per full-time job.

- **Operational Employment** - By full build-out in 2030, the improvements at 'O'oma Beachside Village are expected to have created approximately 480 direct permanent, ongoing FTE new jobs. The great majority of these new jobs would be at the retail and office facilities on-site, while a handful other jobs may be physically located off-site. These direct new jobs would include professional, technical and managerial, as well as entry-level positions.

At build-out, about 200 of the direct new jobs to be generated by 'O'oma Beachside Village are expected to represent net additional employment opportunities within the County. These differ from the new job count noted above in that these are jobs expected to be created by the new on-Island expenditures that O'oma Beachside Village is likely to attract. These new expenditures would come from those persons anticipated to move to the Island because of 'O'oma Beachside Village's housing opportunities. These net additional jobs would be spread throughout the Island, and in all sectors of the local economy. They would reflect the direct, indirect, and induced impacts of the new on-Island spending generated by 'O'oma Beachside Village.

Altogether, by full build-out in 2030, the 200 net additional jobs created as a result of 'O'oma Beachside Village are estimated to generate personal earnings of about \$10.8 million per year, at average annual earnings of about \$54,000 per full-time job.

- *Where will they live?*

Response: 'O'oma Beachside Village will provide employment opportunities for both current residents and new residents. With a build-out period from approximately 2010 to 2030, it is important to note that not all projected jobs will be created immediately or continue indefinitely. However, over the course of build-out and on-going operations 'O'oma Beachside Village will provide jobs at startup and continuing for Hawai'i's projected population growth, including opportunities for residents currently not in the workforce, such as residents who are children now, but will be entering the workforce over the next several years.

- *Will they be able to afford on-site housing?*

As stated in Section 4.10.2 (Housing) of the Draft EIS: "'O'oma Beachside Village's range of housing will include affordable housing in accordance with the County's affordable housing requirements (currently 20 percent of the number of units under Hawai'i County Code, Chapter 11). The pricing of such units will be in compliance with applicable State and County regulations."

'O'oma Beachside Village's range of housing will also include "gap group" and "workforce housing," defined as homes priced for households earning 150 percent to 220 percent of the median income. Based on projected sales prices, households earning 150 percent to 180 percent of the 2007 County median income should be able to purchase a multi-family home at 'O'oma Beachside Village assuming interest rates of six to seven percent and a 20 percent down payment. Households earning between 200 to 220 percent of the 2007 County median income (assuming similar interest rates and down payment amounts), should be able to purchase a single family home at 'O'oma Beachside Village. "Move-up" households, or others with more than 20 percent available for a down payment, would be able to purchase any of the homes at lower income ranges than those noted above.

Affordable Housing:

- *How large would these units be- 2 bedrooms, 3 bedrooms?*

Response: The size of the affordable homes has not been determined, however all affordable housing provided will be in accordance with the County's affordable housing requirements.

- *To reinforce the village concept, would the families that work here be able to afford these homes?*

Response: It is anticipated that some people or families that work at 'O'oma Beachside Village would be able to afford homes there. As stated in Section 2.3.3 (Mauka Mixed-Use Village) 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. The mixed-use village provides a good location for affordable and workforce housing, and will reduce the need for some residents to commute outside of the community to get to work.

The mixed-use village concept provides opportunities for local businesses and live-work units within multi-family buildings. Live-work units allow business owners to live and work in the same place and therefore decrease the need for commuting and automobile reliance.

As previously stated, pricing of affordable homes will be in compliance with applicable State and County regulations. 'O'oma Beachside Village's range of housing will also include "gap group" and "workforce housing," defined as homes priced for households earning 150 percent to 220 percent of the median income.

- *Would the families that work here have enough bedrooms to accommodate their families?*

Response: With the Hawai'i County average household size being 2.7 people per household, it is anticipated that 'O'oma Beachside Village homes would have enough bedrooms to accommodate some families that work at 'O'oma Beachside Village.

- *Who are the target occupants?*

Response: '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. This is stated in several places throughout the Draft EIS.

- *Would the units be affordable to people earning 150 to 180% of county median income?*

Response: Yes, as previously stated, households earning 150 percent to 180 percent of the 2007 County median income should be able to purchase a multi-family home at 'O'oma Beachside Village assuming interest rates of six to seven percent and a 20 percent down payment.

Wastewater:

- *Can the Kealakehe sewage plant handle more concentrated solids?*

Response: The private membrane bioreactor (MBR) wastewater treatment system proposed to be built at 'O'oma Beachside Village will handle both solid and liquid treatment. No solids are anticipated to be sent to the County's Kealakehe wastewater treatment plant.

To reflect this in the Final EIS, in the Final EIS Section 4.9.3 (Wastewater System) will be revised to include the following information:

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The MBR system will provide for on-site sludge handling, including a sludge holding tank and a sludge dewatering facility. The dewatering process will produce "cake sludge" that can be disposed of at the Pu'uuanahulu landfill, which accepts sewage sludge.

- *Where will these injection wells for overflow of R-1 be located?*
- *Who will monitor these wells?*
- *How often?*

Response: Regarding injection wells for waste water, in Section 4.9.3 (Wastewater System) of the Draft EIS it is stated: "While non-potable irrigation water demands are expected to utilize all R-1 water produced, *if necessary* [emphasis added], overflow from the storage reservoir would discharge into standby injection wells." Injection wells for overflow R-1 water would be located nearby the wastewater treatment plant (as shown on Draft EIS Figure 1), which is below the Underground Injection Control line, i.e., injection wells will be placed in an area where they may be permitted.

Wastewater system design, construction, and operation will be in accordance with County standards and all wastewater plans will conform to applicable provisions of Hawaii Administrative Rules (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.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.9.3 (Wastewater System) will be revised as follows:

The recycled water system will include a 1.2 million gallon reservoir for R-1 water storage, water pumps, and R-1 water transmission mains. While non-potable irrigation water demands are expected to utilize all R-1 water produced, if necessary, overflow from the storage reservoir would discharge into standby injection wells. Injection wells for overflow R-1 water would be located nearby the wastewater treatment plant (as shown on Figure 1), which is below the Underground Injection Control (UIC) line, i.e., injection wells will be placed in an area where they may be permitted.

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.

Solid Waste:

- *How is this plan in accordance with the Kona Community Development Plan?*
- *What exactly will be proposed for recycling and reduction of garbage?*

Response: Objective PUB-5: Zero Waste of the Kona Community Development Plan (CDP) is to maximize recycling, reuse, and reduction. Policy PUB-5.2 of the Kona CDP states:

Policy PUB-5.2: Solid Waste. Within the Kona Urban Area, to increase the capture of recyclable materials and also to decrease the number of automobile trips, the County shall explore feasible alternatives for residential curbside collection, including source-separated recyclables.

'O'oma Beachside Village is in accordance with the above Objective and Policy. As discussed in Section 4.9.4 (Solid Waste) of the Draft EIS: "Provisions for recycling, such as collection systems and space for bins for recyclables, *will* [emphasis added] be incorporated into 'O'oma Beachside Village. Architects for individual business buildings will be required to provide space for individual dumpsters to separate recyclable materials, such as cardboard, from municipal solid waste." In addition, 'O'oma Beachside Village will work with the County regarding feasible alternatives for residential curbside collection, including source-separated recyclables, including source-separated recyclables.

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To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.9.4 (Solid Waste) will be revised as follows:

At full build-out and occupancy, 'O'oma Beachside Village is estimated to produce approximately 2,160 to 2,568 tons of solid waste per year. Provisions for recycling, such as collection systems and space for bins for recyclables, will be incorporated into 'O'oma Beachside Village. Architects for individual business buildings will be required to provide space for individual dumpsters to separate recyclable materials, such as cardboard, from municipal solid waste. In addition, 'O'oma Beachside Village will work with the County regarding feasible alternatives for residential curbside collection, including source-separated recyclables. Waste that cannot be recycled or incorporated into on-site green waste processing will be disposed of in the Pu'uuanahulu landfill.

These provisions are in accordance with the following Kona CDP objective and policy:

Objective PUB- 5: Zero Waste. To maximize recycling, reuse, and reduction.

Policy PUB-5.2: Solid Waste. Within the Kona Urban Area, to increase the capture of recyclable materials and also to decrease the number of automobile trips, the County shall explore feasible alternatives for residential curbside collection, including source-separated recyclables.

In addition, the sentences you cite on page 155 of the Draft EIS will be revised as follows:

After construction, recycling will be encouraged, as discussed in Section 4.9.4 (Solid Waste). Recycling provisions, such as collection systems and space for bins, ~~may will~~ be incorporated in to 'O'oma Beachside Village. In addition, 'O'oma Beachside Village will work with the County regarding feasible alternatives for residential curbside collection, including source-separated recyclables.

Alternative Energy:

- *How is this plan in accordance with the Kona Community Development Plan?*

Response: The relevant Kona CDP Objective and Policy are as follows:

Objective ENGY-1. To provide a multi-prong framework, including standards, innovations, incentives, and education, to reduce the dependency on imported fossil fuels through energy efficiency and renewable energy generation.

Policy ENGY-1.5: Distributed Energy and Other Innovative Technology Support. Photovoltaic systems are typically used as distributed generation when connected to the electrical grid where they have the potential to sell excess energy back to the grid. This is an emerging technology with challenges for the utility to incorporate such systems into the grid. This policy is aspirational and expresses general support in whatever way possible (e.g., permit coordination, grants) to encourage further development in this endeavor.

'O'oma Beachside Village is in accordance with the above Objective and Policy. As discussed in Section 4.9.5 (Electrical System) of the Draft EIS, all 'O'oma Beachside Village buildings, activities, and grounds will be designed with energy-saving considerations, including net energy metering in building design to allow residents and businesses to lower electricity costs and provide energy back into the system.

- *How will energy usage for air-conditioning be decreased during hot summer days?*

Response: Measures that could help decrease the need for air-conditioning include the following that were discussed in Section 4.9.5 (Electrical System) of the Draft EIS:

- Roof and wall insulation, radiant barriers, and energy efficient windows.
- Installation of light colored roofing.
- Use of landscaping for shading of buildings.
- Use of landscaping for dust control and to minimize heat gain.
- Exceeding Model Energy Code requirements.

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- *Will each unit have solar hot water heaters?*

Response: Solar water heating systems will be used as required under Section 196-6.5, Hawai'i Revised Statutes.

- *Will utility lines be located underground?*

Response: As stated in Section 4.9.5 (Electrical System) of the Draft EIS, "Within 'O'oma Beachside Village, electrical systems are expected to be underground."

To reflect the relevant above information in the Final EIS, Section 4.9.5 (Electrical System) in the Final EIS will be revised as follows:

In compliance with Chapter 344 (State Environmental Policy) and Chapter 226 (Hawai'i State Planning Act), HRS, all 'O'oma Beachside Village buildings, activities, and grounds will be designed with energy-saving considerations. Energy-efficient design practices and technologies will be specifically addressed in the design phase of 'O'oma Beachside Village. Buildings will also comply with the County of Hawai'i Energy Code (Hawai'i County Code, Section 5, Article 2). In addition, solar water heaters will be used as required under Section 196-6.5, HRS.

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

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 also strive to incorporate energy conservation strategies such as use of solar power or photovoltaic systems and will 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.

Energy conservation measures will be implemented where possible in the design of 'O'oma Beachside Village. Energy-saving technologies to be considered for incorporation include:

- Solar energy for water heating.
- Use of photovoltaic systems, fuel cells, and other renewable energy sources.
- Maximum use of day lighting.
- Installation of high efficiency compact fluorescent lighting.
- Roof and wall insulation, radiant barriers, and energy efficient windows.
- Installation of light colored roofing.
- Use of landscaping for shading of buildings.
- Use of landscaping for dust control and to minimize heat gain.
- Exceeding Model Energy Code requirements.
- Use of solar parking lot lighting.
- Installation of a "district cooling" system that utilizes cold sea water as a chilling agent for air conditioning systems. NELHA currently utilizes such technology, which requires less maintenance than compressor systems, resulting in energy cost savings, fresh water conservation, and fuel conservation needed for electricity production.

These measures are in accordance with the following Kona CDP objective and policy:

Objective ENGY-1. To provide a multi-prong framework, including standards, innovations, incentives, and education, to reduce the dependency on imported fossil fuels through energy efficiency and renewable energy generation.

Policy ENGY-1.5: Distributed Energy and Other Innovative Technology Support. Photovoltaic systems are typically used as distributed generation when connected to the electrical grid where they have the potential to sell excess energy back to the grid. This is an emerging technology with challenges for the utility to incorporate such systems into the grid. This policy is aspirational and expresses general support in whatever way possible (e.g., permit coordination, grants) to encourage further development in this endeavor.

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Schools:

- *What is the developer's approximate fair share amount for this development?*
- *How much will be required by the charter school?*
- *Who will operate the proposed charter school?*
- *Where will the children go to Intermediate school and high school if these schools are full?*

Response: Representatives from 'O'oma Beachside Village have had several meetings with the State Department of Education (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. Obligations with respect to school impact fees would encompass potential impacts of 'O'oma Beachside Village regarding public elementary, intermediate, and high schools.

Regarding the proposed charter school, representatives from 'O'oma Beachside Village have had preliminary discussions with West Hawaii Explorations Academy, a public charter school; however, at this time it has not been determined if West Hawaii Explorations Academy would operate the proposed charter school.

Water:

- *How will this affect the fish and corals?*

Response: The 'O'oma Beachside Village groundwater (Tom Nance Water Resource Engineering (TNWRE) and marine water quality (Marine Research Consultants (MRC)) experts conclude that hypersaline concentrate from the desalination process will be rapidly mixed into the ocean (in a matter of a few feet) with no impact on the marine environment.

To include this conclusion in the Final EIS, Section 3.5.1 (Groundwater Resources) and Section 4.9.1 (Water System) in the Final EIS will be revised as follows:

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. 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) (TNWRE 2008).

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 (TNWRE 2008; MRC 2008).

- *Are there agreements with NELHA for deep water for feedwater use?*

Response: The possibility of using NEHLA deep water has been discussed with NELHA but there is no agreement at this time.

- *Where will the on-site wells be located for the hypersaline water injection, after the desalination process, which is meant to go beneath the basal lens?*

Response: The location of the reverse osmosis concentrate injection wells has not been determined at this time. However, any injection well that may be required will be in compliance with HAR Chapter 11-23, Underground Injection Control.

Flood Waters:

- *Who is responsible for upkeep of drywells for floodwaters, after the developer sells out? The County?*

Response: An association of 'O'oma Beachside Village owners will be established. Among the responsibilities of the association will be the maintenance all common elements, including drywells.

- *The FIRM maps for Kona need updating, who will do this in order to understand the flood potential of this land?*

Response: FIRM maps are prepared by the Federal Emergency Management Agency (FEMA), National Flood Insurance Program.

- *Will the developer be submitting a floodplain management plan for this area?*

Response: As discussed in Section 3.4.1 (Flooding) of the Draft EIS, a majority of the Property is located outside of the 500-year flood plain, in an area of minimal flooding (Zone X). Only a small portion of the Property, along the shoreline where no habitable structures will be built, is located within the 100-year flood plain (Zone A), as shown in Figure 14 of the Draft EIS. Therefore, there are no plans to submit a floodplain management plan.

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
Figure 11
Development Timetable and Preliminary Costs

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

September 6, 2008
TO WHOM IT MAY CONCERN

I am writing to express my opposition to the proposed development of O'oma II Beachside Village on the Kona coast of the Big Island of Hawaii.

I am in full support of this land remaining zoned conservation and not developed in any way.

In reviewing the Deis statement and being a 25 year resident of the Big Island it is clear that the environment, roads, schools, cultural aspects, hospitals, ocean, shoreline, and a cherished family and community recreation area will be heavily impacted by this development. It is irresponsible to put more strain on an already strained infrastructure and coastline environment, especially for outside profit and development. Land such as O'oma has been zoned conservation and voted one of the top five special places in Hawaii County to be acquired as Public lands and open space. O'oma II cannot possibly fit with the Kona Community development plan as claimed because it is not yet approved.

The lack of trust in the developer that arises when one observes flyers that are being circulated depicting the development this land as if it is already approved and underway only serves to set the groundwork for more distrust as to their motives and actual outcome.

We need to look first and foremost to the needs of the community and those who live here, not the vision of outsider. This land has already been through land use debate and the community asked that it be placed in conservation. That should be enough to be able to know that the people of West Hawaii want this land to remain in conservation.

When reading the proposal for the development it sounds like they are trying desperately to stretch the truth every step of the way in order to be convincing that this is something good for the community when in truth it is only for the financial gain of the developers. It is more of the same manipulation that has taken place all over the Islands for personal gain.

Lies and un-kept promises are the norm in Hawaii with most developers especially when coastal areas are concerned.

At some point we need to wake up to this truth and stand up for keeping Hawaii beautiful.

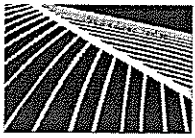
The data on the proposal regarding road use of the Highway are unrealistic considering that this development alone could dump more than a thousand cars per day (conservatively) on to an already strained thoroughfare.

There is no need to create a recreational area when it is already a recreational area or "Foster a Hawaiian sense of place" when it already has a Hawaiian sense of place. The documents have much lip service touting addressing false needs of a community that does not want or need O'oma II Beachside village.... again for what end? More traffic on our roads with no regards to local impact, more strain on our hospitals, water supply (even if they desalinate it is still more people drawing from other water based infrastructure in the community), police, fire department, schools etc.

Thank you,

Deborah Koehn

P.O. Box 678
Honaunau, Hawaii 96726
808-328-8459



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

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

Dear Ms. Koehn:

Thank you for your email dated September 6, 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. In reviewing the Deis statement and being a 25 year resident of the Big Island it is clear that the environment, roads, schools, cultural aspects, hospitals, ocean, shoreline, and a cherished family and community recreation area will be heavily impacted by this development. It is irresponsible to put more strain on an already strained infrastructure and coastline environment, especially for outside profit and development.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules).

- 2. Land such as O'oma has been zoned conservation and voted one of the top five special places in Hawaii County to be acquired as Public lands and open space.*

Response: To clarify, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 coastal open space area will remain in the State Conservation District.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection
- Subsistence fishing and shoreline gathering

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

Deborah Koehn

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

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- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses at no cost to the County. 'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

3. *O'oma II cannot possibly fit with the Kona Community development plan as claimed because it is not yet approved.*

Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP, which was discussed in the Draft EIS.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

Deborah Koehn

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

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'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

The Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities. The current LUPAG designation for the 'O'oma Beachside Village property is "Urban Expansion" (see Draft EIS Figure 7). Kona CDP Policy LU-1.4 states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon." Therefore, the proposed development of 'O'oma Beachside Village is consistent with the Kona CDP and the County of Hawaii General Plan.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

4. *The lack of trust in the developer that arises when one observes flyers that are being circulated depicting the development this land as if it is already approved and underway only serves to set the groundwork for more distrust as to their motives and actual outcome. We need to look first and foremost to the needs of the community and those who live here, not the vision of outsiders. This land has already been through land use debate and the community asked that it be placed in conservation. That should be enough to be able to know that the people of West Hawaii want this land to remain in conservation.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

Deborah Koehn

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

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In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

5. *When reading the proposal for the development it sounds like they are trying desperately to stretch the truth every step of the way in order to be convincing that this is something good for the community when in truth it is only for the financial gain of the developers. It is more of the same manipulation that has taken place all over the Islands for personal gain. Lies and un-kept promises are the norm in Hawaii with most developers especially when costal areas are concerned. At some point we need to wake up to this truth and stand up for keeping Hawaii beautiful.*

Response: The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). In creating 'O'oma Beachside Village 'O'oma Beachside Village, LLC, will follow all Federal, State, and County laws, rules, and requirements.

6. *The data on the proposal regarding road use of the Highway are unrealistic considering that this development alone could dump more than a thousand cars per day (conservatively) on to an already strained thoroughfare.*

Response: The Traffic Impact Analysis Report (TIAR), included as Appendix G of the Draft EIS, analyzed traffic conditions using standard traffic engineering methods; this included standardized trip-generation rates for vehicles entering and exiting the property. The mitigation measures proposed are also based on standard traffic engineering methods and the results of the TIAR.

In addition, the TIAR 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

Deborah Koehn
SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT
December 10, 2008
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accordance with forecasted conditions and 'O'oma Beachside Village, LLC will comply with all laws and conditions regarding traffic impacts.

7. *There is no need to create a recreational area when it is already a recreational area or "Foster a Hawaiian sense of place" when it already has a Hawaiian sense of place. The documents have much lip service touting addressing false needs of a community that does not want or need O'oma II Beachside village.... again for what end? More traffic on our roads with no regards to local impact, more strain on our hospitals, water supply (even if they desalinate it is still more people drawing from other water based infrastructure in the community), police, fire department, schools etc.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules).

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

From: info@yogaadventure [mailto:info@yogaadventure.com]
Sent: Sunday, July 06, 2008 5:14 PM
To: luc@dbedt.hawaii.gov
Cc: PeterYoung@hawaii.rr.com
Subject: O:OMA

Re: Draft Environmental Statement (DEIS) for O`oma II proposed O`oma Beachside Village development

To whom it may concern:

I'm asking that you review the O`oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.

The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP).

In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan, 3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and 4) that O`oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai`I County to determine which areas should be acquired for long-term protection. The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?

O`oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.

And, indeed, the proposed project may not even be built as it is the norm for speculators like O`oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.

I ask that, when the time comes to make a decision of whether or not to maintain the O`oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.

Mahalo for denying any change of designation for O'oma II and for a rejection of the premises presented in the DEIS.

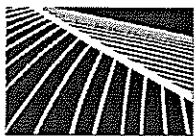
Sincerely,

Deborah Koehn

David Blehert

41 Ho'okena Beach Road
Honaunau, Hawaii 96726

808 328-8459



December 10, 2008

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

Dear Ms. Koehn and Mr. Blehert:

Thank you for your fax letter received July 6, 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. *I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is not possible to respond more specifically.

2. *The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef...*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *...as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP). ¶In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved...*

Deborah Koehn & David Blehert

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

December 10, 2008

Page 2 of 6

Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

Deborah Koehn & David Blehert

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

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In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

4. 2) *their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan...*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

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5. *3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. *4) that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

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- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

7. *The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?*

Response: Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens who have shared their insights, and whose input has been incorporated into the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, in preparing the Draft EIS, 'O'oma Beachside Village LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

In addition, note Mayor Harry Kim's comments quoted above (#4) from dated a letter dated September 2, 2008 commenting on 'O'oma Beachside Village's planning and community involvement process.

8. *O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

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Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9. *And, indeed, the proposed project may not even be built as it is the norm for speculators like O'oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

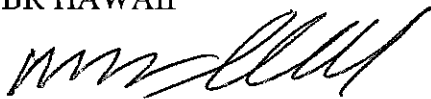
10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments 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

From: Derinda Cantrell [mailto:derinda_inhilo@hotmail.com]

Sent: Saturday, September 06, 2008 1:08 PM

To: sysadmin@pbrhawaii.com; melkalahiki@aol.com; r.keakealani2@gte.net; luc@dbedt.hawaii.gov; peteryoung@hawaii.rr.com

Subject:

Re: Draft Environmental Statement (DEIS) for O`oma II proposed O`oma Beachside Village development

To whom it may concern:

I'm writing to ask that you review the O`oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts. This mega-development will irreparably harm the natural, cultural, and social resources of the area.

The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef. The developers' claims that their plan is in compliance with the yet-to-be-adopted Kona Community Development Plan (KCDP) are patently untrue.

The proposed development should not be built on vanishing coastal Conservation land - an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) **the O`oma plan is developer-generated - in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years**, 3) it changes Conservation-protected land at O`oma - an area the public clearly said should remain protected, and 4) **O`oma II was voted as one of the Top Five special places in Hawai`i County to be acquired as Public, Open Space.**

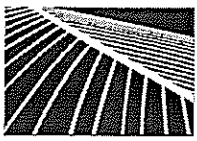
Will the proposed project even be built as proposed in the owners' pretty pictures and flashy brochures/CD presentations; or is this just another thinly-veiled attempt to move protected conservation land out of its deserved protection?

O`oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.

There were serious reasons why this land was put in Conservation protection. I ask that you reject the premises presented in the DEIS and deny any change of designation for O`oma II.

Sincerely,

Derinda Cantrell
PO Box 479
Holualoa, HI 96725



December 10, 2008

PRINCIPALS

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 President

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 Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
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VINCENT SHIGEKUNI
 Vice-President

GRANT T. MURAKAMI, AICP
 Principal

Derinda Cantrell
 PO Box 479
 Holualoa, HI 96725

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

Dear Ms. Cantrell:

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA
 Chairman Emeritus

Thank you for your email sent September 6, 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.

ASSOCIATES

TOM SCHNEIL, 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

1. *I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is not possible to respond more specifically.

2. *The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef...*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *...as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP). ¶In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved...*

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 Tel: (808) 242-2878

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

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Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

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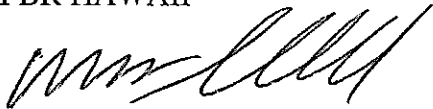
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Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments 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

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July 7, 2008

PBR HAWAII
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1001 Bishop Street
Honolulu, Hawai'i 96813
Contact: Tom Schnell
Fax: 523-1402

Comment on the Draft Environmental Impact Statement Marine Assessment, O'oma Beachside Village, Kona, Hawaii
<http://oomavillage.com/assets/pdf/Appendix%20B%20Marine%20Assessment.pdf>

I have a PhD in marine ecology and have worked as a coral reef ecologist and biostatistician for around the last ten years. I currently work for the University of Hawaii Cooperative Fishery Research Unit, and my services are contracted by Hawaii Division of Aquatic Resources. However, the following comments represent my personal opinion.

The following comments refer to the "Assessment of marine water chemistry O'oma Beachside Village" prepared by marine research consultants (url above).

There are a number of substantial and significant problems with the water quality monitoring program as described, and particularly with the way that statistical results are interpreted, including:

- (1) Report consistently interprets 95% confidence intervals overlapping a comparison value (e.g. assumed upslope nutrient concentration) as evidence of no difference. This is a basic error of interpretation and as it places the burden of proof on showing that there are changes, gives an incentive to undersample.

For example (bottom of page 6): 'The average concentration of NO₃ in the four [upslope] potable wells is 77 μM. The upper and lower confidence intervals of the Y-intercepts of the concentrations of NO₃ versus salinity for the three transects are 86-99 μM (Transect 1), 74-114 μM (Transect 2), 76-98 μM (Transect 3). Hence only on transect 1 is there a subsidy of NO₃ in the nearshore ocean relative to what would be predicted from mixing of natural groundwater and open coastal water.'

It is simply wrong to treat the absence of a statistically significant difference (for transects 2 and 3) as if it were proof of no difference. In fact, given how close the low bound of the confidence intervals for transects 2 and 3 are to being above the upslope comparison value of 77 μM , the strong likelihood is that both would be higher than assumed input groundwater levels at something like a 90% confidence level. Put simply, the chance that NO_3 concentrations are not elevated is considerably below 5% for transect 1, and below 10% for transects 2 and 3. Clearly therefore, by far the most plausible interpretation would be that NO_3 concentrations are elevated.

The reason why this is such a problem is that, by (i) setting a high bar of proof (i.e. 95% certainty) and (ii) assuming all non significant differences are evidence of no-difference, the statistical approach used is very strongly biased towards concluding that there are no differences even when the strong likelihood is that there are differences, but just that the sampling program is inadequate to detect them.

Statistical power, i.e. the ability to detect particular levels of change, is heavily dependent on the amount of sampling replication – the more replication (and the better quality sampling program) the greater the statistical power there is to detect change. Therefore weak sampling programs with limited replication are less able to detect statistically meaningful change than high quality sampling programs – and so setting the burden of proof as is now (on proving that there is a difference) gives a strong incentive to perform relatively weak sampling efforts (so that results are rarely clear cut enough to be statistically different at a high level of proof).

A vastly preferable and clearly better approach would be to determine limits of acceptable change (e.g. in NO_3 levels) and require that the burden of proof of the sampling program is on showing that changes, if any, are within those acceptable limits.

(1) Interpretation of temporal changes clearly demonstrates inadequacy of sampling based on single days (as in 2000 and 2006).

The report uses data from 1999-2, 2002 and 2007 to conclude that ‘there was no pattern of progressively increasing or decreasing input of materials to the nearshore ocean over the 14 year interval’ (page 14).

However, the data presented do show significant differences between sampling periods – specifically (from Table 3) – NO_3 concentrations were clearly higher in 1990-2 than in either 2002 or 2006, and NO_3 concentrations in 2002 were clearly statistically significantly lower than in 1990-2 or 2006. It is true that this is not evidence of a ‘progressively increasing or decreasing input’, but it also casts severe doubt on the validity of the approach. If the results are meaningful then the report would have to be interpreted as showing that there was a significant real decrease in NO_3 between 1990-2 and 2002, and then a subsequent real increase from 2002 to 2006 – in other words very substantial change occurring over relatively short time periods in spite of much change in land use over this time period.

Far more likely is that substantial differences between single sampling days in 2002 and 2006 and the baseline 1990-2 values show that single days of sampling do not meaningfully represent nutrient values over more meaningful time-frames.

Notably, 1990-2 salinities were very low relative to other sampling periods (Table A2) which are presumably indicative of heavy rain right preceding some or all of the sampling points in 1990-2. 2002 samples, by contrast, even very close to the shoreline were almost pure seawater (Table A3), which suggests that there was very little groundwater flow at that time, likely due to little rain in the preceding period. The results given show that calculated nutrient slopes and intercepts were highest in 1990-2 (presumed to be after heavy rain) and lowest in 2002 (presumably following a dry spell). Those results would be consistent with heavy rain causing more nutrients to get into groundwater and nearshore marine water than would otherwise be the case, which hardly seems implausible.

In summary, the simplest interpretation of difference among sampling days is that estimated nutrient slopes and intercepts can vary substantially and significantly between single days, and therefore that sampling on a single day is nearly totally useless in terms of deriving meaningful assessments of underlying trends. A related issue is that single day sampling would make it relatively easy to game the system by sampling baselines immediately after heavy rainfall and taking possible post-impact samples after dry periods. Far better would be to require multiple sampling days including after periods of heavy rainfall so that more meaningful water quality parameters could be derived.

Thanks you for the opportunity to comment on the EIS for the proposed project.

Sincerely,

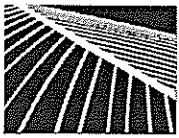


Ivor D Williams

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Fax: 586-4186

State of Hawai'i
Land Use Commission
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PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

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

Dear Dr. Williams:

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, with this letter we respond to your comments. Because of the technical nature of your comments, Steven Dollar, Ph.D., our marine water quality consultant, prepared the responses below.

- 1. Report consistently interprets 95% confidence intervals overlapping a comparison value (e.g. assumed upslope nutrient concentration) as evidence of no difference. This is a basic error of interpretation and as it places the burden of proof on showing that there are changes, gives an incentive to undersample.*

Response: The criticism of using only the 95 percent confidence level to evaluate the magnitude of nutrient subsidies relative to a conservative mixing line is not valid for a variety of reasons. First, the 95 percent confidence level is the "standard" of all statistical tests, and is used in virtually every study dealing with statistical probability. As stated in the O'oma Beachside Village Assessment of Marine Water Chemistry report (Appendix B of the Draft EIS), the 95 percent confidence level criteria are used in the State of Hawai'i Department of Health (DOH) water quality standards specific for West Hawai'i. As such, these statistics are replicated in the 'O'oma Beachside Village study. Hence, as this is the standard recognized by the State Department of Health (DOH), there is no reason to change analytical methods.

Based on the criteria set forth by the DOH for West Hawai'i, the analysis in the report indicating that only Transect 1 demonstrates a subsidy relative to natural background groundwater is correct. However, your statement that at a confidence level of 90 percent would result in non-overlap with the conservative mixing line is not accurate. At a lower level of significance (i.e., 90 percent), the range of the confidence limits would be greater, and not smaller than at 95 percent. Hence, the overlap with the mixing line would be even larger for Transects 2 and 3, resulting in exactly the same conclusions as were indicated for the 95 percent limit.

For your argument to hold any validity, you would have to argue for a higher confidence limit (i.e., 99 percent) to make the confidence band narrow enough to not encompass the mixing line. Even if such a difference were demonstrated, it would make no difference in the overall results of the study, which already acknowledges that Transect 1 exhibits nutrient subsidies relative to background conditions. Should Transects 2 and/or 3 show the same trend, there would be no difference in the conclusions of the report. Hence, all of the arguments in this item are irrelevant.

In addition, in the last sentence of Item 1, the reviewer states that "A vastly preferable and clearly better approach would be to determine limits of acceptable change...." This is exactly what the DOH has done by establishing the specific criteria for West Hawai'i based on scaling nutrient concentrations of salinity. As this is the methodological approach used in the report, the comment has been addressed.

Ivor Williams

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

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2. *Interpretation of temporal changes clearly demonstrates inadequacy of sampling based on single days (as in 2000 and 2006).*

Response: We disagree with your argument that "single days" of sampling are somehow inadequate for useful analyses. The utilization of past data sets was conducted because the data was available, and provided the only possible means of looking at a historical perspective of change. These data were not designed as continual time-course monitoring programs; if such data was available it would have been utilized. There is no mention in the report at all of any interpretation of these data other than to state that "there have not been consistent increases or decreases in input of the nutrients to the ocean over the course of the three increments of monitoring." As you agree that this statement is true, all other comments to this result are of no consequence.

Further, your discussion of the time course evaluation also demonstrates lack of understanding of the basic concepts of the hydrologic processes of West Hawai'i. The implication that the lower salinity in samples collected in 1992 is a result of heavy rainfall is not valid. First, your letter provides no data to indicate that heavy rainfall occurred near the time-frame of the 1992 sampling. In addition, it has been stated by Tom Nance Water Resources Engineering (Appendix A of the Draft EIS) that regardless of the intensity of rainfall in the 'O'oma area, all rain will percolate to groundwater and not reach the ocean as surface flow. As rain water is substantially lower than groundwater in nutrient concentration, if the 1992 sampling took place during a period of high rainfall which effectively diluted groundwater with rainwater, then the absolute value of the slope, and the Y-intercept of the nutrient vs. salinity mixing line would be lower, not higher than either the conservative mixing line or the lines prescribed by the data from the two other samplings. However, as acknowledged by the review and shown in Table 3 of the report, the absolute value of the slope and the Y-intercept of the 1992 data are higher than the other sampling dates. Hence, the statements of the reviewer regarding the effects of rainfall on nutrient mixing are completely backward, and hence invalid.

Rather than rainfall, the differences in salinity are the result of sampling at various stages of the tide which results in variable mixing between groundwater and ocean water. As stated above, this concept is the reason that the DOH has adopted special compliance conditions for West Hawai'i based on mixing rather than concentration.

Thank you for your comments. Your letter and this response 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
Tom Schnell, PBR HAWAII

From: pHyllis [mailto:pHyllisHanson@hawaii.rr.com]
Sent: Sunday, July 06, 2008 4:34 PM
To: melkalahiki@aol.com; r.keakealani2@gte.net; luc@dbedt.hawaii.gov
Cc: PeterYoung@hawaii.rr.com
Subject: Protect Kona from O'OMA, PLEASE
Importance: High

To whom it may concern:

Please be very critical about this O`oma Beachside Village proposal. Be careful, very careful about the potential impacts on the resources (cultural, natural, as well as social.)

There seems to be little or no evidence given to show that precious groundwater and the pristine Class AA waters and reef will be protected - nor evidence to claims that there is compliance with the upcoming Kona Community Development Plan (KCDP).

We need to protect our vanishing coastal conservation land . How can this plan fit the KCDP when the KCDP hasn't yet been finished and accepted? O`oma II has previously been chosen to be in the top five special places to be acquired as public, open-space after a very long, public process conducted by Hawai`I County. Many, many people have signed petitions to stop this development .

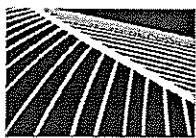
The community has clearly stated that it does not want private development on that coastal land.

When the time comes to decide whether or not to maintain the O`oma's Conservation protection, may you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.

Please deny any change of designation for O`oma II and reject the premises presented in the DEIS.

Mahalo...

Jay and Phyllis Hanson
78-7230 Puupele Road
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808-322-7951



December 10, 2008

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

Dear Mr. & Mrs. Hanson:

Thank you for your email dated July 6, 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. *I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is not possible to respond more specifically.

2. *The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef...*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *...as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP). ¶In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved...*

Jay and Phyllis Hanson

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

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Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

Jay and Phyllis Hanson

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

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In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

4. *2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan...*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

5. 3) *changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. 4) *that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

Jay and Phyllis Hanson

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

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- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

7. *The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?*

Response: Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens who have shared their insights, and whose input has been incorporated into the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, in preparing the Draft EIS, 'O'oma Beachside Village LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

In addition, note Mayor Harry Kim's comments quoted above (#4) from dated a letter dated September 2, 2008 commenting on 'O'oma Beachside Village's planning and community involvement process.

8. *O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Jay and Phyllis Hanson
SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT
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Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9. *And, indeed, the proposed project may not even be built as it is the norm for speculators like O'oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

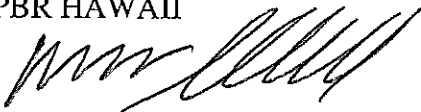
10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments 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

Re: Draft Environmental Statement (DEIS) for O`oma II
proposed O`oma
Beachside Village development

To whom it may concern:

I'm asking that you review the O`oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.

The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP).

In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when

- 1) that document has yet to be approved,
- 2) their plan is developer-generated & in complete conflict with the purpose of a community-derived land use plan,
- 3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and
- 4) that O`oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai`i County to determine which areas should be acquired for long-term protection. The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?

O`oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.

And, indeed, the proposed project may not even be built as it is the norm for speculators like O`oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.

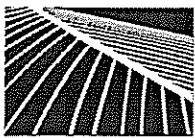
I ask that, when the time comes to make a decision of whether or not to maintain the O`oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.

Mahalo for denying any change of designation for O`oma II and for a rejection of the premises presented in the DEIS.

Sincerely,

Jean Jaklevick and Scott Wolff

Volcano, Hawaii



December 10, 2008

PRINCIPALS

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Executive Vice-President

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Jean Jaklevick & Scott Wolff
[no mailing address provided]

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

Dear Ms. Jaklevick and Mr. Wolff:

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.

1. *I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is not possible to respond more specifically.

2. *The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef...*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *...as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP). ¶In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved...*

Jean Jaklevick & Scott Wolff

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

December 10, 2008

Page 2 of 6

Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

Jean Jaklevick & Scott Wolff

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

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In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

4. *2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan...*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

5. 3) *changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. 4) *that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

7. *The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?*

Response: Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens who have shared their insights, and whose input has been incorporated into the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, in preparing the Draft EIS, 'O'oma Beachside Village LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

In addition, note Mayor Harry Kim's comments quoted above (#4) from dated a letter dated September 2, 2008 commenting on 'O'oma Beachside Village's planning and community involvement process.

8. *O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Jean Jaklevick & Scott Wolff

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

December 10, 2008

Page 6 of 6

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9. *And, indeed, the proposed project may not even be built as it is the norm for speculators like O'oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments 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

From: "Jeff Sacher" <jsacher@kona.net>
Date: September 6, 2008 5:03:50 PM HST
To: "Jeff Sacher" <jsacher@kona.net>
Subject: Draft Environmental Statement for O`oma II

Aloha,

Please review the O`oma Beachside Village proposal and Draft EIS closely. I fear this development will irreparably harm the natural, cultural, and social resources of the area.

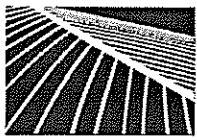
Little scientific evidence is given in this DEIS for the assumptions it presents. I'm especially concerned about protecting precious groundwater and the nearshore Class AA waters and reef. This is not in keeping with the Kona Community Development Plan.

We have far too many coastal areas that have been taken away from local families. In addition, the development cannot say that it's in keeping with the Kona CDP because the document has yet to be approved; the O`oma plan is in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years; it changes Conservation-protected land at O`oma - an area the public clearly said should remain protected; and O`oma II was voted as one of the Top Five special places in Hawai`i County to be acquired as Public, Open Space.

O`oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.

This land was put in Conservation protection for very good reasons. Please reject the premises presented in the DEIS and do not change the designation for O`oma II.

Sincerely,
Jeff Sacher
Kawaihae, Big Island



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
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Executive Vice-President

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Jeff Sacher
[no mailing address provided]

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

Dear Mr. Sacher:

Thank you for your email dated September 6, 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.

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Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is not possible to respond more specifically.

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Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

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Jeff Sacher

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

December 10, 2008

Page 2 of 6

Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

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Jeff Sacher

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

December 10, 2008

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Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

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Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

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Jeff Sacher

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

December 10, 2008

Page 4 of 6

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Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

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Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. *4) that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

Jeff Sacher

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

December 10, 2008

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- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

7. *The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?*

Response: Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens who have shared their insights, and whose input has been incorporated into the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, in preparing the Draft EIS, 'O'oma Beachside Village LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

In addition, note Mayor Harry Kim's comments quoted above (#4) from dated a letter dated September 2, 2008 commenting on 'O'oma Beachside Village's planning and community involvement process.

8. *O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Jeff Sacher

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

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Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9. *And, indeed, the proposed project may not even be built as it is the norm for speculators like O'oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

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

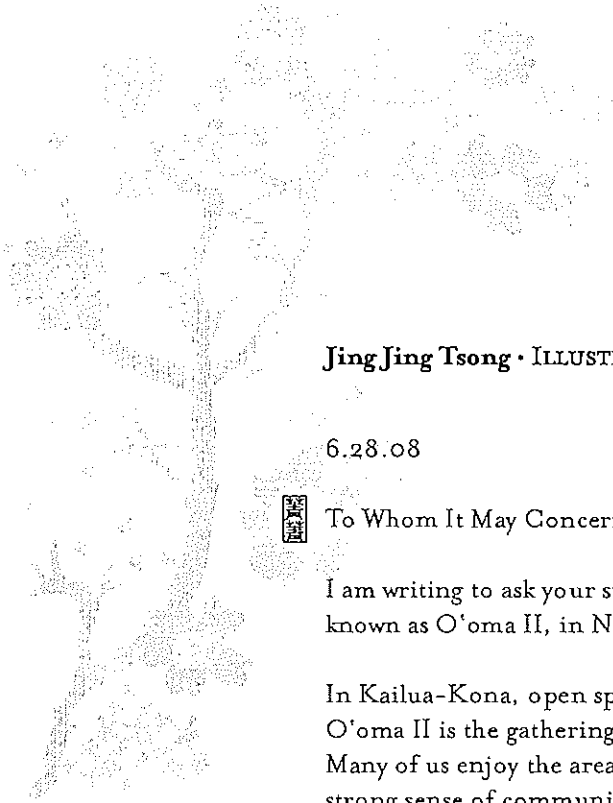
Sincerely,

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



Jing Jing Tsong • ILLUSTRATION

6.28.08



To Whom It May Concern,

I am writing to ask your support to protect and expand the open, coastal area known as O'oma II, in North Kona.

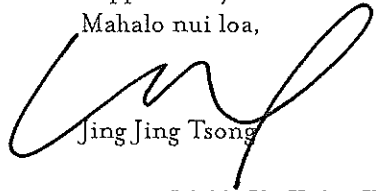
In Kailua-Kona, open space which can be easily accessed by the community is rare. O'oma II is the gathering place for many families, surfers, divers and fishermen. Many of us enjoy the area on a daily basis! To anyone who spends time there, the strong sense of community is immediate and embraces everyone. Aunties and uncles watch out for everyone's kids, picnics are shared, there's always someone singing and playing the ukulele. This scene takes place from sunrise to sunset. O'oma II is literally our community "living room".

O'oma II the only place in Kailua-Kona where the view of Hualalai rising majestically against the sky is not obscured by development. This view has value as a beautiful scene for visitors to enjoy. This view also has value as a symbol of how easily and quickly tradition and culture can be lost. In my research, the goddess Kahoupokane is the goddess of Hualalai, yet we know little of her beyond her name.

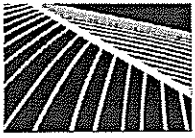
For visitors to the west side, O'oma II as open space is more of a unique experience than O'oma II as a development. For businesses who have committed to NELHA, O'oma II as open space ensures the pristine marine conditions which are invaluable to their investments. For the community, designating O'oma II as protected open space ensures a place where traditional Hawaiian ideas of ohana and malama ke aina, ke kai are passed down in familiar activities such as family gatherings and outdoor activities.

Hawaii can not afford to develop O'oma II. The environmental, community and economic benefits to preseving O'oma II as Open, Public Space are invaluable.

I appreciate your attention to this important matter and thank you for your time.
Mahalo nui loa,



Jing Jing Tsong



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

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RUSSELL Y. J. CHUNG, FASLA
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Jing Jing Tsong
73-4325 Lihilihi Place
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SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Ms. Tsong:

Thank you for your letter dated June 28, 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. *I am writing to ask your support to protect and expand the open, coastal area known as O'oma II, in North Kona.*

In Kailua-Kona, open space which can be easily accessed by the community is rare. O'oma II is the gathering place for many families, surfers, divers and fishermen. Many of us enjoy the area on a daily basis! To anyone who spends time there, the strong sense of community is immediate and embraces everyone. Aunties and uncles watch out for everyone's kids, picnics are shared, there's always someone singing and playing the ukulele. This scene takes place from sunrise to sunset. O'oma II is literally our community "living room."

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

2. *O'oma II the only place in Kailua-Kona where the view of Hualalai rising majestically against the sky is not obscured by development. This view has value as a beautiful scene for visitors to enjoy. This view also has value as a symbol of how easily and quickly tradition and culture can be lost. In my research, the goddess Kahoupokane is the goddess of Hualalai, yet we know little of her beyond her name.*

Response: Section 4.8 (Visual Resources) of the Draft EIS discusses visual resources. This section: 1) acknowledges that the creation of 'O'oma Beachside Village will change the visual appearance of the property from vacant land to a built environment; 2) confirms that 'O'oma Beachside Village will conform to all County ordinances regarding building heights, mass, and setbacks; and 3) reports that 'O'oma Beachside Village will have no impact on views of Hualalai from Queen Ka'ahumanu Highway. It should also be noted that the mass and summit of Hualalai will still be visible from the property.

Jing Jing Tsong

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

December 10, 2008

Page 2 of 2

- 3. For visitors to the west side, O'oma II as open space is more of a unique experience than O'oma II as a development. For businesses who have committed to NELHA, O'oma II as open space ensures the pristine marine conditions which are invaluable to their investments. For the community, designating O'oma II as protected open space ensures a place where traditional Hawaiian ideas of ohana and malama ke aina, ke kai are passed down in familiar activities such as family gatherings and outdoor activities.*

Response: As stated above, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers. 'O'oma Beachside Village's coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area. 'O'oma Beachside Village's shoreline and coastal preserve area provides for protection of natural, cultural, and historic resources and maintains existing shoreline access.

Regarding marine conditions, Section 3.5 of the Draft EIS discusses Groundwater Resources and the Nearshore Marine Environment. In addition and specific studies prepared for the Draft EIS (Ground Water Quality Assessment (Appendix A); Marine Water Quality Assessment (Appendix B)) conclude that 'O'oma Beachside Village will not have significant impacts to either groundwater or ocean water quality.

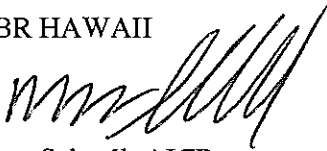
- 4. Hawaii can not afford to develop O'oma II. The environmental, community and economic benefits to preserving O'oma II as Open, Public Space are invaluable.*

Response: 'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers. 'O'oma Beachside Village's shoreline and coastal preserve area provides for protection of natural, cultural, and historic resources and maintains existing shoreline access.

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 Jing Tsong

From: karla ke [mailto:saltywahine@yahoo.com]

Sent: Monday, July 07, 2008 6:11 AM

To: PeterYoung@hawaii.rr.com; loc@dbedt.hawaii.gov; melkalahiki@aol.com; k.keakealani@gte.net

Subject: o'oma

To whom it may concern:

I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.

The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP).

In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan, 3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and 4) that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection. The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?

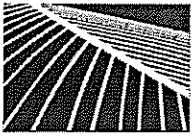
O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.

And, indeed, the proposed project may not even be built as it is the norm for speculators like O'oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.

I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.

Mahalo for denying any change of designation for O'oma II and for a rejection of the premises presented in the DEIS.

Sincerely,
Karla Saville



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

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Karla Seville
[no mailing address provided]

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

Dear Ms. Seville:

Thank you for your email sent 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. *I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is not possible to respond more specifically.

2. *The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef...*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *...as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP). ¶In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved...*

Karla Seville

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

December 10, 2008

Page 2 of 6

Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

Karla Seville

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

December 10, 2008

Page 3 of 6

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

4. *2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan...*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

Karla Seville

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

December 10, 2008

Page 4 of 6

5. *3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. *4) that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

Karla Seville

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

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Response: Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens who have shared their insights, and whose input has been incorporated into the 'O'oma Beachside Village plan contained in the Draft EIS.

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Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Karla Seville

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

December 10, 2008

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Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9. *And, indeed, the proposed project may not even be built as it is the norm for speculators like O'oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments 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 Karla Seville

July 4, 2008

Re: Draft Environmental Impact Statement (DEIS) for O'oma II Beachside Village development

To whom it may concern:

I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.

The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the near shore pristine waters and reef as well as claims that it is in compliance with a yet-to-be adopted Kona Community Development Plan (KCDP).

In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to this community is for this development company to claim their plan fits with the KCDP when 1) that document has yet to be approved, 2) their plan is developer generated and is in complete conflict with the purpose of a community derived land use plan, 3) changes Conservation protected lands which the public clearly showed in countless scoping meetings, including the KDCP, that they wanted it to remain protected, and 4) that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years long continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long term protection. The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection.

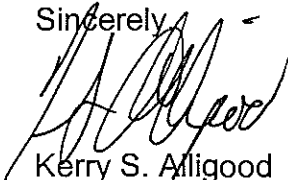
O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.

The proposed project may not even be built as it is not unusual for speculators like O'oma II's owners to use pretty pictures and renderings and thin proposals to move protected conservation land out of its deserved protection.

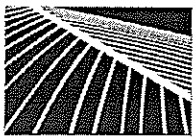
I ask that when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see good reason that this land was given such protection to begin with.

Mahalo for denying any changes of designation for O'oma II and for a rejection of the premises presented in the DEIS.

Sincerely,



Kerry S. Alligood



PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

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Kerry Alligood
[no mailing address provided]

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

Dear Ms. Alligood:

Thank you for your letter dated July 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.

1. *I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is not possible to respond more specifically.

2. *The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef...*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *...as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP). In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved...*

Kerry Alligood

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

12/10/2008

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Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

Kerry Alligood

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

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In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

4. *2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan...*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

5. *3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. *4) that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

Kerry Alligood

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

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- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

7. *The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?*

Response: Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens who have shared their insights, and whose input has been incorporated into the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, in preparing the Draft EIS, 'O'oma Beachside Village LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

In addition, note Mayor Harry Kim's comments quoted above (#4) from dated a letter dated September 2, 2008 commenting on 'O'oma Beachside Village's planning and community involvement process.

8. *O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Kerry Alligood
SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT
12/10/2008
Page 6 of 6

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9. *And, indeed, the proposed project may not even be built as it is the norm for speculators like O'oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments 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

From: Kitty Lyons [mailto:heartspeak.kitty@gmail.com]
Sent: Thursday, July 31, 2008 6:28 AM
To: sysadmin@pbrhawaii.com; melkalahiki@aol.com; PeterYoung@hawaii.rr.com
Subject: kohanaiki

Re: Draft Environmental Statement (DEIS) for O`oma II proposed O`oma Beachside Village development

To whom it may concern:

I'm writing to ask that you review the O`oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts. This mega-development will irreparably harm the natural, cultural, and social resources of the area.

The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef. The developers' claims that their plan is in compliance with the yet-to-be-adopted Kona Community Development Plan (KCDP) are patently untrue.

The proposed development should not be built on vanishing coastal Conservation land — an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) the O`oma plan is developer-generated — in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years, 3) it changes Conservation-protected land at O`oma — an area the public clearly said should remain protected, and 4) O`oma II was voted as one of the Top Five special places in Hawai`i County to be acquired as Public, **Open Space**. (critical for this community and posterity!)

Will the proposed project even be built as proposed in the owners' pretty pictures and flashy brochures/CD presentations; or is this just another thinly-veiled attempt to move protected conservation land out of its deserved protection?

O`oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.

There were serious reasons why this land was put in Conservation protection. I ask that you reject the premises presented in the DEIS and deny any change of designation for O`oma II.

Sincerely,
Stan and Kitty Lyons
86-381 Kaohe Mauka Place
Captain Cook, HI. 97604

--

Let Your Heartspeak . . .

Peace

Kitty Lyons

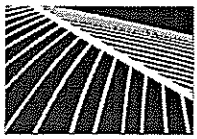
Heartspeak Card Co. Mission:

Warm greetings to you

Sweet peace, hope, inspiration

Pure soul-drenched love.

(808) 989-4583



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

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Stan and Kitty Lyons
86-381 Kaohe Mauka Place
Captain Cook, Hawai'i 97604

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

Dear Mr. and Mrs. Lyons:

Thank you for your email dated July 31, 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. *I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.*

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Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *...as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP). ¶In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved...*

Stan and Kitty Lyons

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

December 10, 2008

Page 2 of 6

Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

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Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

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'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

Stan and Kitty Lyons

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

December 10, 2008

Page 3 of 6

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Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

4. *2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan...*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

Stan and Kitty Lyons

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

December 10, 2008

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5. *3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. *4) that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

Stan and Kitty Lyons

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

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- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

7. *The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?*

Response: Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens who have shared their insights, and whose input has been incorporated into the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, in preparing the Draft EIS, 'O'oma Beachside Village LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

In addition, note Mayor Harry Kim's comments quoted above (#4) from dated a letter dated September 2, 2008 commenting on 'O'oma Beachside Village's planning and community involvement process.

8. *O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Stan and Kitty Lyons

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

December 10, 2008

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Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9. *And, indeed, the proposed project may not even be built as it is the norm for speculators like O'oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

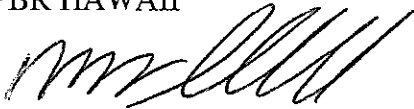
10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments 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

From: Matt Binder [mailto:mattbinder@earthlink.net]

Sent: Monday, August 04, 2008 6:38 PM

To: PeterYoung@hawaii.rr.com

Subject: O'oma

Re: Draft Environmental Statement (DEIS) for O'oma II proposed O'oma Beachside Village development

To whom it may concern:

I'm writing to ask that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts. This mega-development will irreparably harm the natural, cultural, and social resources of the area.

The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef. The developers' claims that their plan is in compliance with the yet-to-be-adopted Kona Community Development Plan (KCDP) are patently untrue.

The proposed development should not be built on vanishing coastal Conservation land — an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) the O'oma plan is developer-generated — in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years, 3) it changes Conservation-protected land at O'oma — an area the public clearly said should remain protected, and 4) *O'oma II was voted as one of the Top Five special places in Hawai'i County to be acquired as Public, Open Space.*

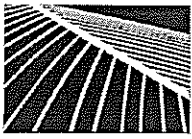
Will the proposed project even be built as proposed in the owners' pretty pictures and flashy brochures/CD presentations; or is this just another thinly-veiled attempt to move protected conservation land out of its deserved protection?

O'oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.

There were serious reasons why this land was put in Conservation protection. I ask that you reject the premises presented in the DEIS and deny any change of designation for O'oma II.

Sincerely,

Matthew Binder
81-901 Nape St.
Kealahou, HI 96750



December 10, 2008

PRINCIPALS

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President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
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W. FRANK BRANDT, FASLA
Chairman Emeritus

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RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED®AP
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Fax: (808) 961-4989

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

Matthew Binder
81-901 Nape Street
Kealahou, Hawai'i 96750

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

Dear Mr. Binder:

Thank you for your email dated August 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.

1. *I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is not possible to respond more specifically.

2. *The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef...*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *...as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP). ¶In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved...*

Matthew Binder

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

December 10, 2008

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Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

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In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

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In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

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

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Thank you for reviewing the Draft EIS. Your comments 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

From: Merry Anne [mailto:buykona2004@hawaii.rr.com]
Sent: Wednesday, July 30, 2008 6:23 PM
To: Merry Anne
Subject: O'OMA...not now and not here..... Peter Young you know better.

Peter Young you should be the one to explain how sensitive this property is for KONA.... YOU were from the Big Island, you know how we feel. You were with Land Use and now you are working for the developer....sweet justice....Do you even live on The Big Island? Hawaii?

Re: Draft Environmental Statement (DEIS) for O`oma II proposed O`oma Beachside Village development

The concerned citizens of KONA have been asking for your logic and responsible decisions regarding this huge proposal. I'm writing to ask that you review the O`oma Beachside Village proposal and DEIS with Kona today. As you know we are unable to get adequate roads to take care of the development that is already approved. It is not the time for KONA to have to deal with all the infrastructures inadequacies that the project will create. This mega-development will irreparably harm the natural, cultural, and social resources of the area. This is one of our very special areas of Kona that must be honored.

The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef. The developers' claims that their plan is in compliance with the yet-to-be-adopted Kona Community Development Plan (KCDP) are patently untrue. The developers in Kona will tell anybody anything that they want to hear, regardless of the truth.

The proposed development should not be built on vanishing coastal Conservation land — an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) the O`oma plan is developer-generated — in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years, 3) it changes Conservation-protected land at O`oma — an area the public clearly said should remain protected, and 4) *O`oma II was voted as one of the Top Five special places in Hawai'i County to be acquired as Public, Open Space.*

Will the proposed project even be built as proposed in the owners' pretty pictures and flashy brochures/CD presentations; or is this just another thinly-veiled attempt to move protected conservation land out of its deserved protection? Keep this as it is. This is not the time, protect our precious few special oceansides.

O`oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.

There were serious reasons why this land was put in Conservation protection. I ask that you deny any change of designation for O`oma II and reject the premises presented in the DEIS.

Sincerely,

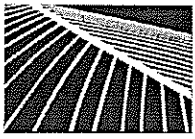
Merry Anne Stone
77-159 Kai Poi Place
Kailua-Kona, Hi. 96740



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<http://www.KonaRentalsOnTheOcean.com>



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Merry Anne Stone
77-159 Kai Poi Place
Kailua-Kona, Hawai'i 96740

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

Dear Ms. Stone:

Thank you for your email dated August 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.

1. *The concerned citizens of KONA have been asking for your logic and responsible decisions regarding this huge proposal. I'm writing to ask that you review the O'oma Beachside Village proposal and DEIS with Kona today. As you know we are unable to get adequate roads to take care of the development that is already approved. It is not the time for KONA to have to deal with all the infrastructures inadequacies that the project will create. This mega-development will irreparably harm the natural, cultural, and social resources of the area. This is one of our vary special areas of Kona that must be honored.*

Response: The Draft EIS includes specific sections regarding traffic and infrastructure and examines natural, cultural, and social resources. It also contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules).

2. *The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef.*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *The developers' claims that their plan is in compliance with the yet-to-be adopted Kona Community Development Plan (KCDP) are patently untrue. The developers in Kona will tell anybody anything that they want to hear, regardless of the truth.*

Merry Anne Stone

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

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The proposed development should not be built on vanishing coastal Conservation land — an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved.

Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, Ooma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

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Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

4. *2) the O'oma plan is developer-generated — in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years,*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

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5. *3) it changes Conservation-protected land at O`oma — an area the public clearly said should remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. *4) O`oma II was voted as one of the Top Five special places in Hawai'i County to be acquired as Public, Open Space.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

Merry Anne Stone

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

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- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

7. *Will the proposed project even be built as proposed in the owners' pretty pictures and flashy brochures/CD presentations; or is this just another thinly-veiled attempt to move protected conservation land out of its deserved protection? Keep this as it is. This is not the time, protect our precious few special oceansides.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

8. *O'oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9. *There were serious reasons why this land was put in Conservation protection. I ask that you deny any change of designation for O'oma II and reject the premises presented in the DEIS.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

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STATEMENT
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Thank you for reviewing the Draft EIS. Your comments 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 Merry Anne Stone

July 30, 2008

Tom Schnell
PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawai'i 96813

Re: Draft Environmental Statement (DEIS) for O'oma II proposed O'oma Beachside Village development

To whom it may concern:

I'm writing to ask that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts. This mega-development will irreparably harm the natural, cultural, and social resources of the area.

The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef. The developers' claims that their plan is in compliance with the yet-to-be-adopted Kona Community Development Plan (KCDP) are patently untrue.

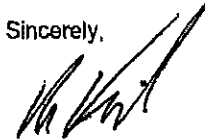
The proposed development should not be built on vanishing coastal Conservation land — an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) **the O'oma plan is developer-generated — in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years**, 3) it changes Conservation-protected land at O'oma — an area the public clearly said should remain protected, and 4) **O'oma II was voted as one of the Top Five special places in Hawai'i County to be acquired as Public, Open Space.**

Will the proposed project even be built as proposed in the owners' pretty pictures and flashy brochures/CD presentations; or is this just another thinly-veiled attempt to move protected conservation land out of its deserved protection?

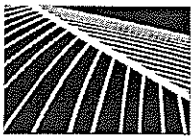
O'oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.

There were serious reasons why this land was put in Conservation protection. I ask that you reject the premises presented in the DEIS and deny any change of designation for O'oma II.

Sincerely,



Rebecca Villegas
77-6639 Waiua Rd.
Kailua-Kona, HI 96740
808-960-2805



December 10, 2008

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77-6639 Walua Road
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IMPACT STATEMENT**

Dear Ms. Villegas:

Thank you for your fax sent August 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.

1. *I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is not possible to respond more specifically.

2. *The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef...*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *...as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP). ¶In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved...*

Rebecca Villegas

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Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

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Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

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Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

4. *2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan...*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

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In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

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5. 3) *changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

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Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. 4) *that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

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- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

7. *The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?*

Response: Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens who have shared their insights, and whose input has been incorporated into the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, in preparing the Draft EIS, 'O'oma Beachside Village LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

In addition, note Mayor Harry Kim's comments quoted above (#4) from dated a letter dated September 2, 2008 commenting on 'O'oma Beachside Village's planning and community involvement process.

8. *O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Rebecca Villegas

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

December 10, 2008

Page 6 of 6

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9. *And, indeed, the proposed project may not even be built as it is the norm for speculators like O'oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

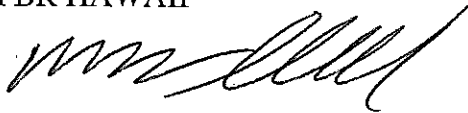
10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments 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

From: Scarlett Bill [mailto:scarlettofemfire@yahoo.com]

Sent: Sunday, July 06, 2008 7:20 PM

To: melkalahiki@aol.com; r.keakealani2@gte.net; luc@dbedt.hawaii.gov; PeterYoung@hawaii.rr.com

Subject: Re: <http://oomavillage.com/documents/>

Dear diplomats of grace, polish and protocol:
HELP PROTECT O`OMA II* FROM DEVELOPMENT

*O`oma II is 300 acres of coastal, open space between NELHA and Kohanaiki "Pine Trees" running from the sea mauka to Queen Ka`ahumanu Highway. This Conservation protected land has been under threat by private developers two other times since the mid-1980s. The land and its resources are under threat again by a development that is neither wanted nor needed by the Kona community and which clearly presents many threats to the natural, cultural and social resources of the region (see attached brochure for color renderings of the proposed "Marina del Rey of Kona").

Kona wants its Conservation-protected land to stay that way!

I'm asking that you review the O`oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.

The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP).

In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan, 3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and 4) that O`oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection. The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?

O`oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.

And, indeed, the proposed project may not even be built as it is the norm for speculators like O`oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.

I ask that, when the time comes to make a decision of whether or not to maintain the O`oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.

Mahalo for denying any change of designation for O`oma II and for a rejection of the premises presented in the DEIS.

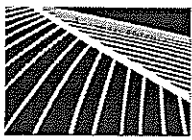
Respectfully submitted in honor of a Hawaiian island intact with flora and fauna, the i'o and the pu'eo - according to the Geneva Convention of the United Nations - liken only to Madagascar off the coast of Africa,

Scarlett O'Hara Bill (Mrs.)

73-4820 Anini Street

Mailing address: Post Office Box 5429

Kailua-Kona, Hawai'i 96745



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

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Scarlett O'Hara Bill
P.O. Box 5429
Kailua-Kona, Hawai'i 96745

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

Dear Mrs. Bill:

Thank you for your email received July 6, 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. *I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is not possible to respond more specifically.

2. *The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef...*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *...as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP). ¶In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved...*

Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

4. *2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan...*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

5. 3) *changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. 4) *that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

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In addition, note Mayor Harry Kim's comments quoted above (#4) from dated a letter dated September 2, 2008 commenting on 'O'oma Beachside Village's planning and community involvement process.

8. *O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

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Scarlett O'Hara Bill

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

12/10/2008

Page 6 of 6

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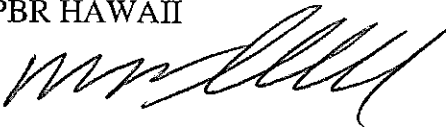
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Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments 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

From: Tlaloc Tokuda <tlalocct@hotmail.com>
Date: September 6, 2008 7:27:27 PM HST
To: O'oma Beachside Village <peteryoung@hawaii.rr.com>
Subject: DEIS for O`oma II

Re: Draft Environmental Statement (DEIS) for O`oma II proposed O`oma Beachside Village development

To whom it may concern:

I'm am very concerned over the O`oma Beachside Village proposal and its DEIS which it totally defective and inconsistant. I would appreciate it if you would investigate their illusionary claims.

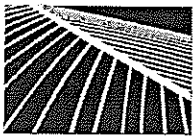
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What is so worrying about the site is that the people of Hawaii and Kona had to battle to keep in out of developers hands twice since the mid 1980's. Now we have a new battle on our hands. What we the politicians to do is to earmark it as conservation land for perpetuity.

The proposed development should not be built on vanishing coastal Conservation land - an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) the O`oma plan is developer-generated - in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years, 3) it changes Conservation-protected land at O`oma - an area the public clearly said should remain protected, and 4) O`oma II was voted as one of the Top Five special places in Hawai'i County to be acquired as Public, Open Space.

There were serious reasons why this land was put in Conservation protection. I ask that you reject the premises presented in the DEIS and deny any change of designation for O`oma II.

Sincerely,
Tlaloc Tokuda
73-4599A Kukuki St.,
Kailua Kona, HI 96740



PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

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Tlaloc Tokuda
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Kailua-Kona Hawai'i 96740

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

Dear Mr. Tokuda:

Thank you for your email dated September 6, 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.

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Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "defective and inconsistent," it is not possible to respond more specifically.

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Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona Community Development Plan (Kona CDP) and the County of Hawai'i General Plan (General Plan).

Tlaloc Tokuda

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

December 10, 2008

Page 2 of 5

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In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

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Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, Ooma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

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'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

5. 2) *the O'oma plan is developer-generated — in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years,*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

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In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

6. *3) it changes Conservation-protected land at O`oma — an area the public clearly said should remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

7. *4) O`oma II was voted as one of the Top Five special places in Hawai`i County to be acquired as Public, Open Space.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

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- Protection of natural, cultural, and historic resources
- Open space protection
- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

8. *There were serious reasons why this land was put in Conservation protection. I ask that you reject the premises presented in the DEIS and deny any change of designation for O'oma II.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments 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 Tlaloc Tokuda

September 7, 2007

Mr. Dennis Moresco
c/o State Land Use Commission
P O Box 2359
Honolulu HI 96804-2359

Mr. Tom Schnell
c/o PBR Hawaii
1001 Bishop St, ASB Tower, Ste 650
Honolulu HI 96813

Re: Draft environmental impact statement (DEIS)

Welina mai Mr. Moresco and Mr. Schnell,

I am writing as a life-long citizen of Kona, an Executive Committee member of the Kona Kai Ea Surfrider Chapter, a Sustainability Consultant, and as a kama'aina in regard to the proposed O'oma development and its DEIS.

I would like to focus on specific items mentioned in the DEIS and point out their discrepancies (DEIS issues bolded, comments follow).

Reclassification of approximately 181.169 acres from the State Land Use Conservation District to the State Land Use Urban District.

I am very concerned about this land use reclassification because it conflicts with the Hawaii County Planning Department's promise, "We have no plans to reclassify any conservation lands to another land use"-Chris Yuen, Planning Director, 9/28/09, US Coral Reef Task Force.

This was an answer to the EPA region 9 Director's question regarding Kona's plan to consider its current General Plan urban expansion area designations, surface and sub-surface water runoff, recently listed impaired waters within 2 miles of O'oma and decrease in historic groundwater/aquifer levels.

Please address these five symptoms of our poor planning history and present poor response to our existing communities' immediate needs. This is a stronger, better educated, larger and more motivated community which now understands that any additional coastal development will cause irreparable harm to our nearshore marine waters, a constitutionally-protected resource.

The vision for O'oma Beachside Village is that of a sustainable community, one that does not deplete resources, but that works in harmony with nature.

It is vital to our communities future for outside private interests to understand our culture and lifestyle. Unfortunately, this proposed development does not reflect this understanding.

If the interested parties understood the indigenous lifestyle, they would see our current community believes maintaining O'oma in its present natural state is the only sustainable development option. It provides its community with the ample, essential resources from the ocean and onshore watershed.

Makai O'oma serves the highest purpose by being open, undeveloped conservation land. Local consultants and off-island interests convince themselves that have our community's best interests in mind, but the profit-motive clouds their judgment to such a degree that it no longer represents the majority of our community's interests. To think otherwise, is to ignore the "real world". Even conservative economic pundits admit that greed and under-regulation of the "free market" has caused the current national and global economic crisis. This same model applies equally to our community's current experience with development and our deteriorating public trust resources

The results of groundwater and marine water analysis reports conclude that O'oma Beachside Village is not anticipated to impact groundwater, marine waters, or ocean biology. This conclusion is based on analysis of potential impacts of O'oma Beachside Village's proposed water, wastewater, irrigation (including fertilizer, herbicide, pesticide, and termicide applications), and drainage systems.

Recently, there has been a comprehensive analysis of a great deal of data collected over many years along the leeward coast of the Big Island. For instance, the results of a study by the University of Hilo Marine Sciences Department now support our concerns about the slow but sure deterioration of our coastal and marine resources. This report states, "conditions in West Hawaii may be developing for extreme environmental degradation...".

The EPA also recently listed the waters off Honokahau harbor and Pawai Bay (located just three miles from O'oma and also downhill of the same watershed) as "impaired". Our coastal waters have been Class AA pristine, the nation's highest standard of marine water quality. The state Supreme Court has now ruled that both the county and the state governments have an affirmative duty to protect this standard.

Please be on notice that the community is now organizing to ensure that our state and local governments upholds this duty and standard.

One community group which has recently been formed is the Kona Kai Ea Surfrider Chapter, a new and strongly-supported group with Hawaiian culture,

marine science, land use management, watershed management, policy and sustainable development expertise.

Kona Kai Ea is partnering with other existing local groups and individuals with a parallel purpose-to protect and conserve our ocean and its irreplaceable resources. Plans are being made and community members are being organized to create multiple monitoring plans and to review all available and relevant water quality data. Kona Kai Ea will be hosting a community beach clean-up at nearby Kohanaiki on September 13th to kick-off our campaigns and have already begun disseminating information to our concerned community about the health of the coastline and its "proposed" future.

As our community gathers for the protection of our children's futures and the healthy future of all life, it is our hope that you will listen. We hope you will find our actions to be louder than the words contained within the O'oma Beachside Villages DEIS.

Mahalo for your time, understanding and acceptance of these comments,


Tracy Solomon

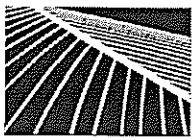
Sustainability Consultant, Tracy Solomon LLC

Sustainability Coordinator, Kona Brewing Company

Executive Committee member, Kona Kai Ea Surfrider Chapter

tracy@konabrewingco.com

 please consider the environment before printing this email



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

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Executive Vice-President

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

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

Dear Ms. Solomon:

Thank you for your email letter received September 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. *I am very concerned about this land use reclassification because it conflicts with the Hawaii County Planning Department's promise, "We have no plans to reclassify any conservation lands to another land use"-Chris Yuen, Planning Director, 9/28/09 [sic], US Coral Reef Task Force.*

This was an answer to the EPA region 9 Director's question regarding Kona's plan to consider its current General Plan urban expansion area designations, surface and sub-surface water runoff, recently listed impaired waters within 2 miles of O'oma and decrease in historic groundwater/aquifer levels.

Please address these five symptoms of our poor planning history and present poor response to our existing communities' immediate needs. This is a stronger, better educated, larger and more motivated community which now understands that any additional coastal development will cause irreparable harm to our nearshore marine waters, a constitutionally-protected resource.

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). '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 shoreline area and proposed coastal preserve area will remain in the State Conservation District.

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

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'O'oma Beachside Village is consistent with the *County of Hawai'i General Plan* (General Plan) and the *Kona Community Development Plan* (Kona CDP). The General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see Land Use Pattern Allocation Guide (LUPAG) map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon...." In addition, the 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP.

Because the 'O'oma Beachside Village property is within the County General Plan Urban Expansion area and the Kona CDP Urban Area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the desires expressed in the and the County General Plan and the Kona CDP.

Regarding your concerns about surface and subsurface water runoff, Section 3.5 of the Draft EIS discusses groundwater resources and the nearshore marine environment. 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 State Department of Health 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.

Regarding your concern about recently listed impaired waters within two miles of 'O'oma, in Section 3.5 of the Draft EIS it is stated that the nearshore waters off the O'oma Beachside Village property are classified as "AA" by the State Department of Health. As stated above, 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. Therefore, 'O'oma Beachside Village is not expected to have any significant negative effect on ocean water quality, neither directly offshore or within two miles.

Regarding your concern about groundwater/aquifer levels, 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. The desalination water system will have no impact on potable and brackish groundwater or nearshore waters.

2. *It is vital to our communities [sic] future for outside private interests to understand our culture and lifestyle. Unfortunately, this proposed development does not reflect this understanding.*

If the interested parties understood the indigenous lifestyle, they would see our current community believes maintaining O'oma in its present natural state is the only sustainable development option. It provides its community with the ample, essential resources from the ocean and onshore watershed.

Tracy Solomon

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In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

Further, in addition to regular meetings with Hui O Na Kupuna, a group of recognized Native Hawaiian descendents from the Kekaha region of North Kona, a Citizen Advisory Group has been formed and meetings held to discuss 'O'oma Beachside Village.

Tracy Solomon

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

December 10, 2008

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Regarding your concerns about open space, at no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers. 'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

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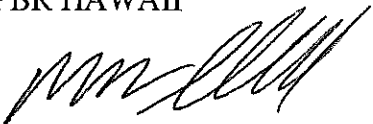
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Response: In Section 3.5 of the Draft EIS it is stated that the nearshore waters off the O'oma Beachside Village property are classified as "AA" by the State Department of Health. As stated above, the Marine Water Quality Assessment (Appendix B) in the Draft EIS concludes that 'O'oma Beachside Village will not have any significant negative effect on ocean water quality. Therefore, 'O'oma Beachside Village is not expected to have any significant negative effect on ocean water quality, neither directly offshore or within in the vicinity, including waters off Honokōhau Harbor and Pawai Bay.

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
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