

---

COMMENTS & RESPONSES ON THE  
DRAFT ENVIRONMENTAL IMPACT STATEMENT

---

**‘O‘OMA BEACHSIDE VILLAGE**  
Preliminary Final Environmental Impact Statement

## **12 COMMENTS AND RESPONSES ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**

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

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

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

**‘O‘OMA BEACHSIDE VILLAGE**  
Preliminary Final Environmental Impact Statement

<b><u>AGENCY/INDIVIDUAL</u></b>	<b><u>DRAFT EIS SENT</u></b>	<b><u>COMMENT DATE</u></b>
<u>Department of Parks &amp; Recreation</u>	<u>5-23-08</u>	
<u>Police Department</u>	<u>5-23-08</u>	<u>6-9-08</u>
<u>Department of Environmental Management</u>	<u>5-23-08</u>	<u>6-4-08</u>
<u>Department of Public Works</u>	<u>5-23-08</u>	
<u>Department of Water Supply</u>	<u>5-23-08</u>	<u>6-4-08/8-21-08</u>
<u>Kona Council Office</u>	<u>5-23-08</u>	
<u>Mayor’s Office</u>	<u>5-23-08</u>	<u>9-2-08</u>
<u>Councilmember Bob Jacobson</u>		<u>7-6-08</u>
<b><u>Libraries, Private Companies, Organizations, and Individuals</u></b>		
<u>Kailua-Kona Public Library</u>	<u>5-23-08</u>	
<u>State Main Library</u>	<u>5-23-08</u>	
<u>Regional Libraries</u>	<u>5-23-08</u>	
<u>DBEDT Library</u>	<u>5-23-08</u>	
<u>UH Hamilton Library</u>	<u>5-23-08</u>	
<u>Legislative Reference Bureau</u>	<u>5-23-08</u>	
<u>UH Hilo Library</u>	<u>5-23-08</u>	
<u>Honolulu Advertiser</u>	<u>5-23-08</u>	
<u>Honolulu Star Bulletin</u>	<u>5-23-08</u>	
<u>West Hawaii Today</u>	<u>5-23-08</u>	
<u>Hawaii Tribune Herald</u>	<u>5-23-08</u>	
<u>Hawaii Electric Light Company (HELCo)</u>	<u>5-23-08</u>	
<u>Kona Traffic Safety Committee</u>	<u>5-23-08</u>	
<u>Keāhole Point Association</u>	<u>5-23-08</u>	
<u>Natural Energy Laboratory of Hawai‘i Authority (NELHA)</u>	<u>7-2-08</u>	
<u>PATH – Peoples Advocacy for Trails Hawaii</u>		<u>7-10-08</u>
<u>PATH – Peoples Advocacy for Trails Hawaii</u>		<u>7-10-08</u>
<u>Plan to Protect Kona – Duane Erway</u>		<u>9-5-08</u>
<u>Sierra Club - Janice Palma-Glennie</u>		<u>7-7-08</u>
<u>West Hawaii Explorations Academy</u>		<u>8-20-08</u>
<u>Deborah Chang</u>	<u>5-23-08</u>	<u>7-7-08</u>
<u>Mike Matsukawa</u>	<u>5-23-08</u>	
<u>Hannah Springer</u>	<u>5-23-08</u>	
<u>Mahealani Pai</u>	<u>5-23-08</u>	
<u>Robert Lee</u>	<u>5-23-08</u>	
<u>Reggie Lee</u>	<u>5-23-08</u>	
<u>Rae Kahaialii</u>	<u>5-23-08</u>	
<u>Curtis Muraoka</u>	<u>5-23-08</u>	
<u>Theodore Leaf &amp; Diane Stone</u>	<u>5-23-08</u>	<u>7-7-08</u>
<u>Danny Akaka</u>	<u>5-23-08</u>	
<u>Alizon Atkins</u>		<u>7-7-08</u>
<u>Andrea Alden</u>		<u>7-31-08</u>
<u>Barbara Sterne</u>		<u>6-21-08</u>
<u>Carol Curtis</u>		<u>7-7-08</u>

**‘O‘OMA BEACHSIDE VILLAGE**  
Preliminary Final Environmental Impact Statement

<b><u>AGENCY/INDIVIDUAL</u></b>	<b><u>DRAFT EIS SENT</u></b>	<b><u>COMMENT DATE</u></b>
<u>Carol Fuller</u>		<u>7-6-08</u>
<u>Claire Bajo</u>		<u>8-20-08</u>
<u>Cory Harden</u>		<u>6-19-08</u>
<u>Dan and Marlene Sabo</u>		<u>6-28-08</u>
<u>David Blehert</u>		<u>9-6-08</u>
<u>Debbie Hecht</u>		<u>7-7-08</u>
<u>Deborah Koehn</u>		<u>9-7-08</u>
<u>Deborah Koehn and David Blehert</u>		<u>7-6-08</u>
<u>Derinda Cantrell</u>		<u>9-6-08</u>
<u>Ivor Williams</u>		<u>7-7-08</u>
<u>Jay and Phyllis Hanson</u>		<u>7-6-08</u>
<u>Jean Jaklevick and Scott Wolff (sent same letter twice)</u>		<u>7-7-08</u>
<u>Jeff Sacher</u>		<u>9-6-08</u>
<u>Jing Jing Tsong</u>		<u>6-30-08</u>
<u>Karla Saville</u>		<u>7-7-08</u>
<u>Kerry Alligood</u>		<u>7-5-08</u>
<u>Kitty and Stan Lyons</u>		<u>7-31-08</u>
<u>Matthew Binder</u>		<u>8-4-08</u>
<u>Merry Anne Stone</u>		<u>7-30-08</u>
<u>Rebecca Villegas</u>		<u>7-30-08</u>
<u>Scarlett O'Hara Bill</u>		<u>7-6-08</u>
<u>Tlaloc Tokuda</u>		<u>9-6-08</u>
<u>Tracy Solomon</u>		<u>9-7-08</u>



(This page intentionally left blank.)

LINDA LINGLE  
Governor

JAMES R. AIONA, JR.  
Lieutenant Governor

THEODORE E. LIU  
Director

MARK K. ANDERSON  
Deputy Director



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

ORLANDO "DAN" DAVIDSON  
Executive Officer

SANDRA M. MATSUSHIMA  
Chief Clerk

BERT K. SARUWATARI  
Senior Planner

MICHAEL A. MURPHY  
Planner

FRED A. TALON  
Drafting Technician

August 26, 2008

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

Dear Mr. Schnell:

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

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

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

Mr. Tom Schnell, Senior Associate

August 26, 2008

Page 2

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

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

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

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

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

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

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

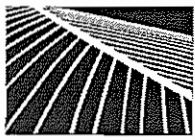
Should you have any questions, please feel free to call me at 587-3822.

Sincerely,



ORLANDO DAVIDSON  
Executive Officer

c: Office of Environmental Quality Control



# PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

## PRINCIPALS

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

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

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

## CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

## ASSOCIATES

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

## HONOLULU OFFICE

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

## HILO OFFICE

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

## WAILUKU OFFICE

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

Dear Mr. Davidson:

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

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

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

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

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

Mr. Dan Davidson

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

December 10, 2008

Page 2 of 3

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

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

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

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

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

and

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

Mr. Dan Davidson

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

December 10, 2008

Page 3 of 3

- c. **Cumulative and Secondary Impacts.** As requested, in Final EIS Section 7.2 (Cumulative and Secondary Impacts) will be revised to include the Kula Nei, Kaloko Makai, and Waikaloa Highlands projects listed in the assessment of cumulative and secondary impacts as shown on the attachment titled, "Cumulative and Secondary Impacts."
  
5. **Cost of the Project.** In response to your request to expand information on the cost the project to include a breakdown of costs by component (onsite and offsite) and by development phase, in the Final EIS, Section 2.4 (Development Timetable and Preliminary Costs) will be revised as shown in the Attachment titled, "Development Timetable and Preliminary Costs." Please note that as explained in response to the first question above, 'O'oma Beachside Village will not be built in discrete phases or increments, therefore, we are not able to provide costs by development phase.

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP  
Senior Associate

Attachments:

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

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

2309.03 LUC

LINDA LINGLE  
GOVERNOR



RUSS K. SAITO  
COMPTROLLER

BARBARA A. ANNIS  
DEPUTY COMPTROLLER

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

(P)1185.8

JUN 27 2008

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

Dear Mr. Schnell:

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

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

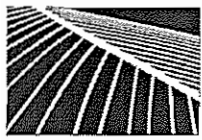
If there are any questions regarding the above, please have your staff call Mr. David DePonte of the Planning Branch at 586-0492.

Sincerely,

ERNEST Y. W. LAU  
Public Works Administrator

DD:vca

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



# PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

## PRINCIPALS

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

## CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

## ASSOCIATES

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

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

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

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

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

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

Dear Mr. Lau:

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

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

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

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

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

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

Sincerely,

PBR HAWAII

Tom Schnell, AICP  
Senior Associate

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

2309.03 DAGS





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

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

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

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

June 27, 2008

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

Attn: Tom Schnell

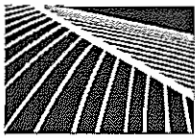
Re: Draft Environmental Impact Statement (DEIS)  
O'oma Beachside Village, North Kona, Hawaii  
Tax Map Key: (3) 7-3-09: 04, 22, and (3) 7-3-09 (portion of State Right-of-Way)

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

Sincerely,

Elizabeth Corbin  
Acting Administrator

c: OEQC  
Dan Davidson, Land Use Commission



# PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

ASSOCIATES

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

HONOLULU OFFICE

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

HILO OFFICE

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

WAILUKU OFFICE

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

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

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

Dear Ms. Corbin:

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

Sincerely,

PBR HAWAII

Tom Schnell, AICP  
Senior Associate

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

2309.03 DBEDT SID



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

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

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

**OFFICE OF PLANNING**

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

Ref. No. P-12176

July 7, 2008

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

Dear Mr. Schnell:

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

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

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

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

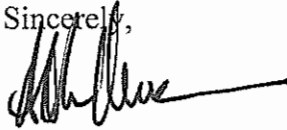
Mr. Tom Schnell  
Page 2  
July 7, 2008

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

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

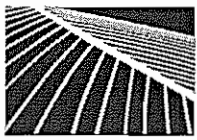
The Office of Planning looks forward to receiving the FEIS with the above issues addressed. If you have any questions, please call Lorene Maki at 587-2888.

Sincerely,

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

Abbey Seth Mayer  
Director

C: LUC



December 10, 2008

**PRINCIPALS**

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

**CHAIRMAN EMERITUS**

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

**ASSOCIATES**

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

**HONOLULU OFFICE**

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

**HILO OFFICE**

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

**WAILUKU OFFICE**

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

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

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

Dear Mr. Mayer:

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

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

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

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

Mr. Abbey Mayer

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

December 10, 2008

Page 2 of 2

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

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

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

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

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

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP  
Senior Associate

Attachments:

Fauna

Aircraft Noise

Leadership in Energy and Environmental Design (LEED)

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



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

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

June 25, 2008

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

Dear Mr. Schnell:

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

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

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

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

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

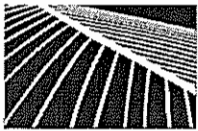
We believe it would be beneficial for the Project's developer to meet with the DOE to further discuss their plans. If you have any questions, please call Heidi Meeker of the Facilities Development Branch at 377-8301.

Sincerely yours,

  
Duane Y. Kashiwai  
Public Works Administrator

DYK:jmb

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



December 10, 2008

**PRINCIPALS**

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

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

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

**CHAIRMAN EMERITUS**

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

Dear Mr. Kashiwai:

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

**ASSOCIATES**

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

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

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

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

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

Sincerely,

PBR HAWAII

Tom Schnell, AICP  
Senior Associate

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

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

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

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



LINDA LINGLE  
GOVERNOR OF HAWAII



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

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

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

July 2, 2008

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

Dear Mr. Schnell:

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

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

Wastewater Branch

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

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

Mr. Schnell  
July 2, 2008  
Page 2

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

### Clean Water Branch

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

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

Mr. Schnell  
July 2, 2008  
Page 3

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

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

#### Safe Drinking Water Branch

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

#### **Public Water Systems**

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

review of the information submitted.

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

Mr. Schnell  
July 2, 2008  
Page 5

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

### **Underground Injection Control (UIC)**

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

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

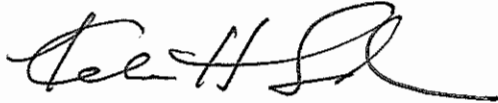
### **General**

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

Mr. Schnell  
July 2, 2008  
Page 6

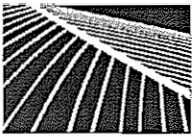
If there are any questions about these comments please contact Jiakai Liu with the Environmental Planning Office at 586-4346.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelvin H. Sunada". The signature is fluid and cursive, with a long horizontal stroke at the end.

KELVIN H. SUNADA, MANAGER  
Environmental Planning Office

c: EPO  
WWB  
CWB  
SDWB  
EH-Hawaii



# PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

## PRINCIPALS

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

## CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

## ASSOCIATES

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

## HONOLULU OFFICE

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

## HILO OFFICE

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

## WAILUKU OFFICE

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

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

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

Dear Mr. Sunada:

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

### Wastewater Branch

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

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

### Clean Water Branch

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

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

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

Kelvin Sunada

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

December 10, 2008

Page 2 of 3

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

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

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

### Safe Drinking Water Branch

#### **Public Water Systems**

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

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

#### **Desalination System**

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

#### **Underground Injection Control (UIC)**

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

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

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



Kelvin Sunada

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

December 10, 2008

Page 3 of 3

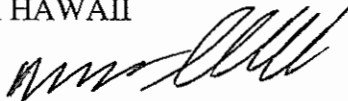
Standard Comments

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP  
Senior Associate

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

LINDA LINGLE  
GOVERNOR OF HAWAII



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



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

7-11-08  
JUL 13 2008  
HONOLULU, HI

July 11, 2008

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

Attention: Mr. Tom Schnell

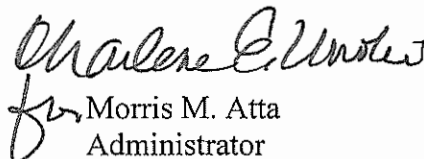
Dear Mr. Schnell:

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

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

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

Sincerely,

  
for Morris M. Atta  
Administrator

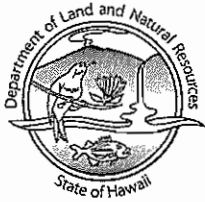
Enclosures

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

LINDA LINGLE  
GOVERNOR OF HAWAII



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



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

2008 JUL 11 A 10:33

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

2008 JUN 16 AM 10:35

DLNR-BOR-H

May 28, 2008

MEMORANDUM

TO:

**DLNR Agencies:**

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

FROM:

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

SUBJECT:

Draft Environmental Impact Statement for 'O'oma Beachside Village

LOCATION:

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

APPLICANT:

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

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

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

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

Attachments

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

Signed: *C. E. Marpley*  
Date: 7/9/08

cc: Central Files

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

11/12/2008 12:26:08 PM

LINDA LENGLE  
GOVERNOR OF HAWAII



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



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

May 28, 2008

MEMORANDUM

- TO: **DLNR Agencies:**
- Div. of Aquatic Resources
  - Div. of Boating & Ocean Recreation
  - Engineering Division *4/15/08*
  - Div. of Forestry & Wildlife
  - Div. of State Parks
  - Commission on Water Resource Management *4/15/08*
  - Office of Conservation & Coastal Lands
  - Land Division – Hawaii District *4/15/08*

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

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

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

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

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

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

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

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

Attachments

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

Signed: *Christina*  
Date: 7/2/08

cc: Central Files

DEPARTMENT OF LAND AND NATURAL RESOURCES  
ENGINEERING DIVISION

L/DMorrisAtta  
Ref.: DEISOoma BeachsideVillage  
Maui.410

COMMENTS

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

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

City and County of Honolulu, Department of Planning and Permitting

( ) Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.

(X) Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.

(X) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.

( ) Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

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

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

Signed: \_\_\_\_\_

ERIC T. HIRANO, CHIEF ENGINEER

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

7/2/08



RECEIVED  
LAND DIVISION

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

2008 JUL -2 AM 10:46 20 11:14

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

May 28, 2008

MEMORANDUM

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

FROM: *[Signature]* Morris M. Atta, Administrator *[Signature]*  
 SUBJECT: Draft Environmental Impact Statement for 'O'oma Beachside Village  
 LOCATION: North Kona, Island of Hawaii; TMK: (3) 7-3-009:004, 022 and  
 (3) 7-3-009; portion of State's Right of Way  
 APPLICANT: PBR Hawaii & Associates, Inc. on behalf of 'O'oma Beachside Village, LLC

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

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

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

Attachments

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

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

cc: Central Files




STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

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

June 30, 2008

MEMORANDUM

TO: Morris M. Atta, Administrator

FROM: Kevin E. Moore, Hawaii District Land Agent 

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

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

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

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

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

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

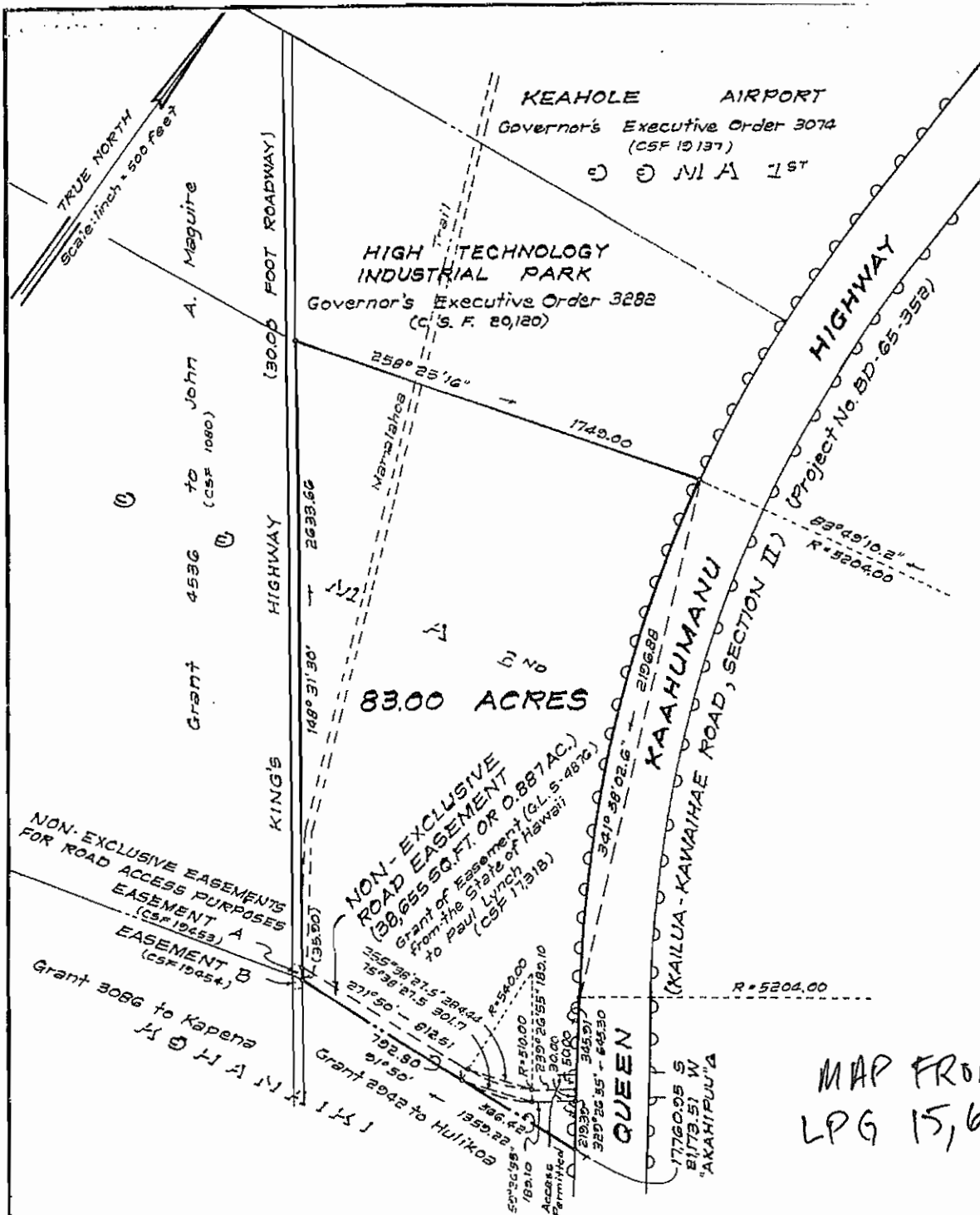
Our specific comments and questions are:

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

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

Please contact me should you have any questions.





MAP FROM  
LPG 15,665

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

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

Denotes access permitted  
 Denotes no vehicle access permitted

TAX MAP 7-3-09: por. 5

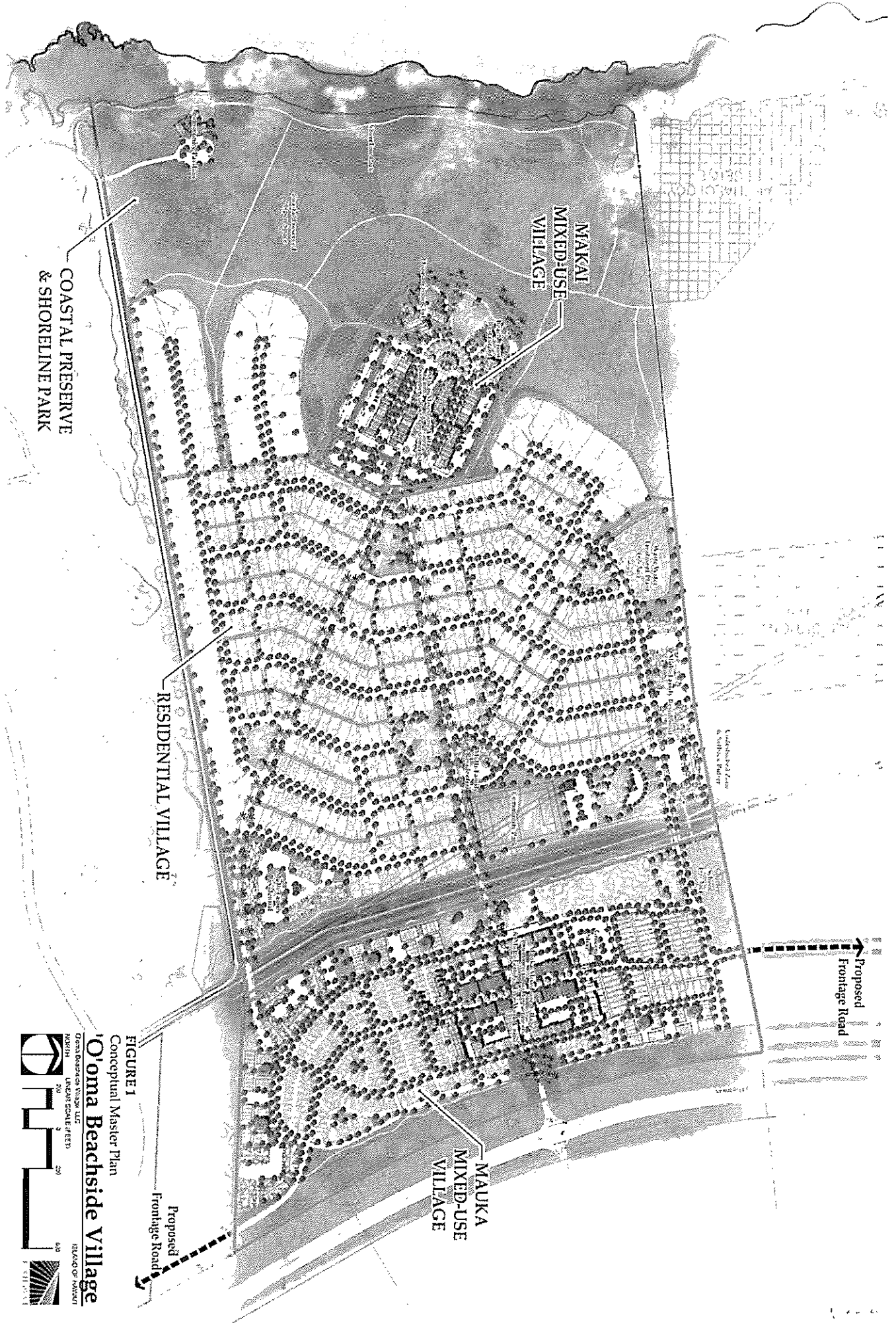
SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

**EXHIBIT "B"**

C. S. F. No. 20,499

STATE OF HAWAII

JMM, Dec. 20, 1981



COASTAL PRESERVE  
& SHORELINE PARK

MAUKAI  
MIXED-USE  
VILLAGE

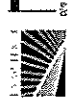
RESIDENTIAL VILLAGE

Proposed  
Frontage Road

MAUKA  
MIXED-USE  
VILLAGE

Proposed  
Frontage Road

**FIGURE 1**  
Conceptual Master Plan  
**O'oma Beachside Village**  
O'OMA BEACHSIDE VILLAGE, LLC  
SOUTH LAKESIDE DRIVE  
208  
209  
408  
411



LINDA LINGLE  
GOVERNOR OF HAWAII



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



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

August 25, 2008

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

Attention: Mr. Tom Schnell

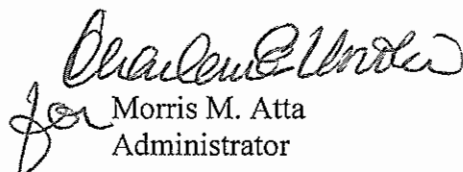
Dear Mr. Schnell:

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

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

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

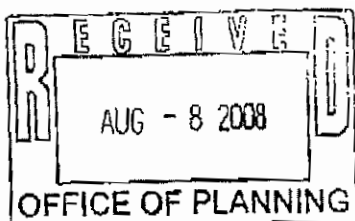
Sincerely,

  
Morris M. Atta  
Administrator

Enclosures

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

LINDA LINGLE  
GOVERNOR OF HAWAII



L-5771



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Office of Conservation and Coastal Lands

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

RECEIVED  
LAND DIVISION  
2008 AUG 22 A 11:49  
LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
RUSSELL Y. TSUJI  
FIRST DEPUTY  
KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RECREATION (INDIGENOUS)  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
MARCOLENE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF:OCCL:MC

Correspondence HA-09-2

MEMORANDUM:

AUG - 6 2008

TO: Abbey Seth Mayer, Director  
DBEDT Office of Planning

FROM: Samuel J. Lemmo, Administrator  
Office of Conservation and Coastal Lands

SUBJECT: Draft Environmental Impact Statement  
Zoning Change

TMKs: (4) 7-3-09:4

A07-774

LOCATION: Proposed 'O'oma Beachside Village, Kaloko, North Kona, Hawai'i

The Office of Conservation and Coastal Lands (OCCL) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed rezoning of the above subject parcel from Conservation to Urban. The parcel is in the Resource and General Subzones of the State Land Use Conservation District.

As the proposed 'O'oma Beachside Village development does not involve identified land uses in the Conservation District as outlined in Hawai'i Administrative Rules (HAR) §13-5, the applicant has petitioned the State Land Use Commission (LUC) to reclassify 181.169 acres of the 217.566-acre parcel, taking them out of the Conservation District.

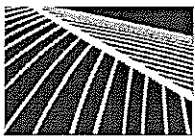
HAR §13-5 states that the objective of the General Subzone is to designate open space where specific conservation uses may not be defined, but where urban use would be premature; and that the objective of the Resource Subzone is to develop, with proper management, areas to ensure sustained use of the natural resources of those areas.

The Resource Subzone encompasses (1) lands necessary for providing future parkland and lands presently used for national, state, county, or private parks; (2) Lands suitable for growing and harvesting of commercial timber or other forest products; and (3) Lands suitable for outdoor recreational uses such as hunting, fishing, hiking, camping, and picnicking.

OCCL would like to see the EIS more fully explain why the applicant feels that these objectives are no longer applicable to the parcel in question.

Please contact Michael Cain at 587-0048 should you have any questions on this matter.

cc: DLNR Chair, Land Division



# PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

## PRINCIPALS

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

## CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

## ASSOCIATES

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

## HONOLULU OFFICE

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

## HILO OFFICE

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

## WAILUKU OFFICE

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

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

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

Dear Mr. Atta:

Thank you for your letters dated July 11, 2008 and August 25, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding the comments received from each Department of Land and Natural Resources division.

### Division of Boating and Ocean Recreation

'O'oma Beachside Village will provide 75 acres of public coastal open space and coastal preserve (18-acres as a public shoreline park, community pavilion, and 57 acres designated as a coastal preserve). The public shoreline park will include free parking and comfort station facilities. Shoreline access will not be inhibited.

We wish to clarify that the "Pine Trees" surf and beach spot is within the neighboring Shores at Kohanaiki property and is not within the 'O'oma Beachside Village property.

### Engineering Division

Thank you for confirming that the project site is located in Flood Insurance Rate Map zones A and X. This information was provided in Section 3.4.1 of the Draft EIS.

No development will occur within a Special Flood Hazard Area.

### Hawaii District Office of the Land Division

1. A copy of the authorization from the State to include the State right-of-way (ROW) and Māmalahoa Trail in the State Land Use Petition and County zoning application is attached.
2. In obtaining the desired District Boundary Amendment from the State Land Use Commission, 'O'oma Beachside Village will not extinguish or interfere with the State's rights in the State ROW, and 'O'oma Beachside Village, LLC will work in cooperation with the State to appropriately integrate the State ROW of Māmalahoa Trail in the development of 'O'oma Beachside Village.

Office of Conservation and Coastal Lands

As discussed in Section 5.1.2 (State Land Use Law) of the Draft EIS, a State Land Use District Boundary Amendment (SLUDBA) is being sought to reclassify approximately 181.169 acres (the Petition Area) of the 'O'oma Beachside Village property from the State Land Use Conservation District to the State Land Use Urban District. This Petition Area includes approximately 179.355 acres of TMK (3) 7-3-009:004 (Parcel 4) and the 1.814-acre portion of the State ROW. Approximately 38.211 acres of Parcel 4 (consisting of the shoreline area and proposed coastal preserve) will remain in the Conservation District, and therefore are not included as part of the Petition Area.

Decision-making criteria to be used in the Land Use Commission's review of petitions for reclassification of district boundaries is found in Section 205-17, Hawaii Revised Statutes (HRS), and Section 15-15-77, Hawaii Administrative Rules (HAR). In addition, standards for determining the Urban district are contained in Section 15-15-18, HAR. The Draft EIS contains an analysis of how 'O'oma Beachside Village conforms to these criteria and standards.

Regarding the State Conservation District, as you point out in your letter, Section 13-5, HAR states that the objective of the Conservation District General Subzone is "to designate open space where specific conservation uses may not be defined, but where urban use would be premature." Reclassification of the Petition Area from the Conservation District to the Urban District would not be premature in this area.

As discussed in Section 5.1.2 (State Land Use Law) of the Draft EIS, the 'O'oma Beachside Village property is surrounded by existing Urban uses. The Petition Area is contiguous with Urban land to the south and east. The portion of the Petition Area contiguous to the Urban District to the east will be planned and developed together as one project.

To the south of the Petition Area is the approximately 470-acre golf course community called The Shores at Kohanaiki, currently under construction, and located within the Urban District.

The NELHA property, directly north of 'O'oma Beachside Village, consists of a mix of commercial, public, quasi-public, and industrial uses. Directly north of NELHA is the Kona International Airport at Keāhole, which is primarily within the Urban District.

In addition, as discussed in the Draft EIS, reclassification of portions of Parcel 4 to urban use is consistent with the County of Hawai'i General Plan Land Use Pattern Allocation Guide (LUPAG) which designates the majority of Parcel 4 as "Urban Expansion" (see Figure 7 in the Draft EIS). "Urban Expansion" allows for a mix of high density, medium density, low density, industrial, industrial-commercial, and/or open designations in areas where new settlements may be desirable. Approximately 38.211 acres of Parcel 4, consisting of the shoreline area and a proposed coastal preserve area, will remain in the Conservation District, which is consistent with the "Open" designation of the LUPAG and is roughly the area designated as within the Conservation District Resource Subzone.

Morris Atta

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

December 10, 2008

Page 3 of 3

Section 13-5 HAR states that the objective of the Resource Subzone is "to develop, with proper management, areas to ensure sustained use of the natural resources of those areas." The Resource subzone encompasses: "(1) lands necessary for providing future parkland and lands presently used for national, state, county, or private parks; (2) lands suitable for growing and harvesting commercial timber or other forest products; and (3) Lands suitable for outdoor recreational uses such as hunting, fishing, hiking, camping, and picnicking." The proposed shoreline park and coastal preserve within the LUPAG Open Space/Conservation District Resource Subzone portion of Parcel 4 are consistent and compatible these designations.

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP  
Senior Associate

Attachment:

Authorization from the State to include the State right-of-way (ROW) and Māmalahoa Trail in the State Land Use Petition and County zoning

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

2309.03 DLNR



**NA ALA HELE**  
Hawai'i Trail & Access System

July 29, 2008

TO: Mr. Tom Schnell, AICP

FROM: Clement Chang Jr, Trails & Access Specialist II *cc*

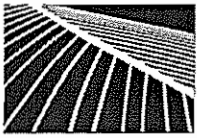
THRU: Irving Kawashima, Trails & Access Specialist V *ik*

SUBJECT: 'O'oma Beachside Village, TMK 7-3-9: 04, 22, Comments on Draft Environmental Impact Statement

Mr. Schnell, per a response regarding a Draft Environmental Impact Statement that was received by our office from someone in the community; it seems as if we did not respond in regard to the said project. Per attached memo dated April 26, 2007, it concludes that all sections called the Mamalahoa Trail be protected and preserved. The State Historic Preservation Office should be involved based upon a criterion that has been attached to other sections of the said trail. The Na Ala Hele Program should be involved throughout this development process and encourages attending one of our Na Ala Hele Advisory Council Meetings regarding this project. A preservation plan would be recommended; and consistency regarding preservation easements, buffers and no build zones attached to the project. Further question may be addressed to Clement Chang at 974-4221.

Cc. Curt Cotrell, Na Ala Hele Program Manager  
Christopher Yuen, County Planning Director  
Morgan Davis, State Historic Preservation  
Aric Arakaki, Ala Kahakai National Historic Trail Superintendent





# PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

## PRINCIPALS

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

## CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

## ASSOCIATES

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

Clement Chang, Jr.  
State of Hawai'i  
Department of Land and Natural Resources  
Division of Forestry and Wildlife, Na Ala Hele  
1151 Punchbowl Street, Room 224  
Honolulu, Hawai'i 96813

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

Dear Mr. Chang:

Thank you for your memo dated July 29, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

As discussed in Section 4.3 (Trails and Access) of the Draft EIS, 'O'oma Beachside Village will protect and preserve the Māmalahoa Trail. A buffer of 50 feet on both sides of the Trail will remain undisturbed. Therefore, the Māmalahoa Trail with the buffer will provide a 110-foot wide open space corridor. This wide open space corridor will be approximately 2,520 feet long and encompass approximately seven acres. There will also be an additional 60-foot building setback on both sides of the buffer.

A copy of the Draft EIS and relevant archaeological reports were distributed to the State Historic Preservation Division (SHPD). The SHPD provided comments on the Draft EIS. An archeological preservation plan will be submitted SHPD for review and approval to the prior to final subdivision approval or commencement of ground altering activities within the project area.

As you recommended, a representative for 'O'oma Beachside Village, LLC attended the August 13 Na Ala Hele Advisory Council Meeting. We have also met with Aric Arakaki of the National Park Service regarding the Ala Kahakai National Historic Trail, and reviewed and commented on the Ala Kahakai National Historic Trail EIS. We will continue to meet with Na Ala Hele regarding the preservation and protection of the Mamalahoa Trail.

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

Sincerely,

PBR HAWAII

Tom Schnell, AICP  
Senior Associate

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

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

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

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

2309.03 DLNR Na Ala Hele

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707

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

Russell Y. Tsuji  
First Deputy

Ken C. Kawahara  
Deputy Director - Water

Aquatic Resources  
Boating and Ocean Recreation  
Bureau of Conveyances  
Commission on Water Resource Management  
Conservation and Coastal Lands  
Conservation and Resources Enforcement  
Engineering  
Forestry and Wildlife  
Historic Preservation  
Kahoowale Island Reserve Commission  
Land  
State Parks

July 13, 2008

Mr. Tom Schnell  
PBR Hawaii  
ASB Tower, Suite 650  
Honolulu, Hawai'i 96749

LOG NO: 2008.2015  
DOC NO: 0807TD04

Archaeology

Dear Mr. Schnell:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Draft Environmental Impact Statement  
‘O‘oma Beachside Village Project (300 acres)  
‘O‘oma 2<sup>nd</sup> Ahupua‘a, North Kona District, Island of Hawai‘i  
TMK: (3) 7-3-09: 04 and 22 (and portion of State Right-of-Way)**

Thank you for submitting a copy the subject DEIS for review and comments. We have recently reviewed the inventory survey update for this project entitled *Archaeological Inventory Survey Update for the ‘O‘oma Beachside Village Project Area [TMK 3-7-3-090:004 and 022], ‘O‘oma 2<sup>nd</sup> Ahupua‘a, North Kona District, Island of Hawai‘i* (R.B. Rechtman, June 2007), which is included as Appendix E if the DEIS. The information found in your discussion of archaeological resources within the DEIS is taken from the Retchman report as well.

This letter addresses the archaeological issues of the project; our culture-history branch is reviewing the Cultural Impact Assessment (Appendix F) and a separate letter will follow regarding that document.

We have a few questions regarding the history of archaeological work within the project area, and the final list of unmitigated sites as identified in the Retchman report and in the DEIS. These are discussed as separate issues below.

**SHPD Review:** on page 47 of the DEIS of the report, an SHPD update regarding TMK parcel 4 is discussed. (September 16, 1998 letter from Don Hibbard to Marilyn Metz, Log No. 22204, Doc No. 9809PM04). According to your document, the letter “concluded that all historic preservation issues, except preservation planning, were complete” (p.47). In the letter, Hibbard states that, “Preservation commitments still need to be executed for historic sites in several areas, but not in this project area. Thus, we conclude that all mitigation in your specific parcel has been conducted.” The specific parcel referred to here is the Natural Energy Laboratory portion of parcel 4 (parcel 23). We have no records of data recovery mitigation work being completed for the balance of parcel 4.

**Preservation Sites:** The Retchman report (p. 87) and your DEIS (p. 49) lists nine sites within the project area that are recommended for preservation. Eight of these sites were previously identified and recommended for preservation; and one site (Site 25932) was newly identified during the fieldwork for Retchman’s report. We concur with the recommended treatment for these sites and the significance assessments. We also request that the status of two additional sites previously recommended for preservation be addressed. These include Site 10181, a coral-paved terrace interpreted as a shrine; and Site 18775, an extensively modified sinkhole. The latter site was located near the southern boundary of the project area and may be within the adjacent property to the south. We request verification of its location.

**Data Recovery Sites:** The Retchman report indicates, by virtue of the 1998 SHPD letter, that all data recovery work was completed within the project area. However, we have no records of data recovery fieldwork being completed at the following five sites recommended for data recovery in 1986: 18774, 18808, 18821, 18822, and 18831. If this fieldwork has not been completed, a data recovery plan will need to be submitted to our office for review and

approval prior to the completion of the field work. One of these sites (18822) is located near preservation site 1913 and may be included within the preservation area.

**Additional Mitigation Documents:** As indicated in on pages 49 and 50 of the DEIS, interim and long term preservation plans will be needed for the preservation sites, in addition to a burial treatment plan for the known burial sites (18773, 25932). These documents, including the long term preservation plan, will need to be accepted by our office prior to final subdivision approval or commencement of ground altering activities within the project area (whichever comes first). In addition, we concur with your recommendation that monitoring of mass grading activities occur. A monitoring plan will need to be submitted to our office for review and approval prior to commencement of ground altering activities. The monitoring plan should minimally include a specific discussion of the circumstances under which monitoring will occur, monitoring and notification procedures, and procedures to be followed in the event of inadvertent discovery of human skeletal remains and non-burial sites.

At this time, we request that you review the information discussed above with your consultant and determine whether revisions are needed in the final EIS. Please contact Theresa Donham (Theresa.K.Donham@hawaii.gov) if you have any questions or concerns regarding this letter.

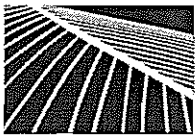
Aloha,



Digitally signed by Nancy A.  
McMahon  
Date: 2008.07.13 16:25:13 -10'00'

Nancy McMahon, Archaeology and Historic Preservation Manager  
State Historic Preservation Division

cc: Office of Environmental Quality Control  
235 South Beretania Street, Suite 703  
Honolulu, Hawaii 96813  
Fax: 586-4186



December 10, 2008

**PRINCIPALS**

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

Nancy McMahan  
State of Hawai'i  
Department of Land and Natural Resources  
State Historic Preservation Division  
601 Kamokila Boulevard, Room 555  
Kapolei, Hawai'i 96707

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

**CHAIRMAN EMERITUS**

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

Dear Ms. McMahan:

**ASSOCIATES**

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

Thank you for your letter dated July 13, 2008 (Log No. 2008.2015; Doc No. 0807TD04) regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

**SHPD Review:** Thank you for the clarification regarding the status of data recovery mitigation work for parcel 4. In response to your clarification, in the Final EIS Section 4.1 (Archaeological and Historic Resources) (page 47 of the Draft EIS) will be revised as follows:

In September of 1998, SHPD prepared an update on the historic preservation status of Parcel 4, and concluded that all historic preservation issues, except preservation planning, were complete. In October of 2002, SHPD prepared another update on the historic preservation status of Parcel 22. This SHPD correspondence likewise indicated that both survey work and data recovery had been acceptably completed and what remained to be done was preservation planning (see Appendix E for SHPD correspondence). In comments on the Draft EIS, SHPD clarified that for Parcel 4 there where five sites for which data recovery fieldwork had not been completed.

~~However,~~ Given the sensitive nature of archaeological resources in the immediate area and recent inadvertent discoveries at neighboring Kohanaiki, 'O'oma Beachside Village, LLC thought it prudent to re-examine the entire Property to assess the current condition of the known preservation sites and to identify any additional sites that may have gone undocumented. In 2007, Rechtman Consulting, LLC completed an intensive re-survey of the Property, identified the known preservation sites, and found one additional site that had not been previously recorded. Appendix E contains the complete updated archaeological survey.

In addition, in the Final EIS Table 3 (on page 49 of the Draft EIS) will be revised as follows to include: 1) the five sites (18774, 18808, 18821, 18822, and 18831) for which data recovery field work had not been completed; 2) sites 10181 and 18775 as you requested in your letter (see the heading "Preservation Sites" below and in your letter); and 3) a newly discovered burial site.

**HONOLULU OFFICE**

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

**HILO OFFICE**

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

**WAILUKU OFFICE**

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

Nancy McMahon

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

December 10, 2008

Page 2 of 3

SIHP No.	Function	Temporal Association	Significance	Treatment
2	Trail	Pre-contact	A, C, D, E	Preservation
1910	Habitation	Pre-contact/Historic	C, D, E	Preservation
1911	Habitation	Pre-contact	D	Preservation
1912	Habitation	Pre-contact	D, E	Preservation
1913*	Heiau	Pre-contact	D, E	Preservation
10155	Habitation	Pre-contact	D	Preservation
<u>10181§</u>	<u>Shrine</u>	<u>Pre-contact</u>	<u>D, E</u>	<u>Preservation</u>
18027*	Habitation	Pre-contact	D, E	Preservation
18773	Burial	Pre-contact	D, E	Preservation
<u>18774§</u>	<u>Habitation</u>	<u>Pre-contact</u>	<u>D</u>	<u>No further work</u>
<u>18775§</u>	<u>Habitation</u>	<u>Pre-contact/Historic</u>	<u>D</u>	<u>Preservation</u>
<u>18808§</u>	<u>Habitation</u>	<u>Pre-contact</u>	<u>D</u>	<u>Preservation</u>
<u>18821§</u>	<u>Habitation</u>	<u>Pre-contact</u>	<u>D</u>	<u>Preservation</u>
<u>18822§</u>	<u>Habitation</u>	<u>Pre-contact</u>	<u>D</u>	<u>Preservation</u>
<u>18831§</u>	<u>Resource Extraction</u>	<u>Modern</u>	<u>Not significant</u>	<u>No further work</u>
25932	Burial	Pre-contact	D, E	Preservation
<u>26678§</u>	<u>Burial</u>	<u>Pre-contact</u>	<u>D, E</u>	<u>Preservation</u>

**Table 3. Archaeological Sites: Significance and Treatment**

\* Portions of both of these sites are included in the archaeological preservation area established on the NELHA property to the north.

§ Significance and treatment for this site should be considered recommendations until SHPD provides concurrence.

**Preservation Sites:** Site 10181 is a coral pavement that has been subject to looting, and this site is now included in the revised report as a preservation site. Site 18775 is a large modified lava blister complex located on the boundary between the current study area and the adjacent Kohanaiki development area. The site is surrounded by a temporary barrier fence, and it appears that its treatment was approved as part of the Kohanaiki project. However this site may be partially within the O'oma Beachside Village property and 'O'oma Beachside Village LLC will adhere to any existing preservation commitments that have apparently already been approved by your office.

In addition to being noted in the revised Table 3 in the Final EIS (see above) the Archaeological Inventory Report has been revised to include the two additional sites (Sites 10181 and 18775).

**Data Recovery Sites:** We acknowledge that there are five sites ((18774, 18808, 18821, 18822, and 18831) on Parcel 4 for which it was mistakenly thought that data recovery fieldwork had been completed. As appropriate, a data recovery plan will be prepared for these sites. In addition, in the Final EIS Table 3 will be revised as detailed above and the revised Archaeological Inventory Report will address these sites and recommend appropriate recommendations for your review.

**Additional Mitigation Documents:** We understand that interim and long-term preservation plans and a burial treatment plan will need to be accepted by your office prior to final subdivision approval or commencement of ground altering activities within the project area. We also understand that a monitoring plan will need to be submitted to your office for review and

Nancy McMahon

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

December 10, 2008

Page 3 of 3

approval prior to commencement of ground altering activities. 'O'oma Beachside Village LLC will comply with the above requirements.

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

Sincerely,

PBR HAWAII

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

Tom Schnell, AICP  
Senior Associate

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

2309.03 SHPD

LINDA LINGLE  
GOVERNOR



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

BRENNON T. MORIOKA  
DIRECTOR

Deputy Directors  
MICHAEL D. FORMBY  
FRANCIS PAUL KEENO  
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:  
DIR 0833  
STP 8.2922

July 7, 2008

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

Dear Mr. Schnell:

Subject: O'oma Beachside Village LLC  
O'oma Beachside Village – Draft EIS  
TMK: (3) 7-3-009:004, 022

The Department of Transportation (DOT) submits the following comments on the proposed subject project presented in the Draft EIS:

1. The project will impact both DOT highway and airport facilities. These impacts should be addressed to the satisfaction of the DOT.
2. Airport Comments:
  - a. The DOT Airports Division does not concur with the noise Draft EIS' study. A meeting with the Airports Division is recommended.
  - b. The flight tracks used to develop the noise contours for the proposed project appear to be from a 1997 study. This study is not representative of the current flight tracks according to radar information received from the Federal Aviation Administration (FAA).
  - c. References made to and use of the number (87,358) of flight operations in 1997 is much lower than the number of operations (144,570) in 2007. The use of current flight operation numbers is necessary.

- d. The Draft EIS' noise study used the FAA Integrated Noise Model (INM), Model 6.1. This has been superseded by INM Version 7.0 (April 2007), which should be used as it significantly improves the previous version.
  - e. The need for and a management and control plan for bird/wildlife attractant and habitation mitigation meeting with the approval of the Airports Division is still applicable.
  - f. The above items must be resolved to DOT's satisfaction and reflected in any avigation easement deemed necessary by the Airports Division.
  - g. The project's compliance with the FAA requirements set forth in Form 7460-1 (Notice of Proposed Construction or Alteration) is acknowledged.
  - h. Access for any parallel (frontage) road to Queen Kaahumanu Highway from the subject project through the adjacent NELHA/HOST complex and into KOA Airport is still being discussed and subject to DOT's approval.
3. Highway Comments:
- a. The project's Traffic Impact Analysis Report (TIAR) is undergoing Highways Division's review and subject to its approval.
  - b. O'oma Beachside Village and Kohanaiki's joint access to Queen Ka'ahumanu Highway and the associated intersection improvements are also a part of the review being done by the Highways Division.
  - c. The impacts of the proposed frontage road paralleling Queen Kaahumanu Highway are additional factors in the Highways Division review.
  - d. The developer/applicant's cooperation and participation in resolving the traffic and roadway concerns is requested and appreciated.



Mr. Tom Schnell  
July 7, 2008  
Page 3

DIR 0833  
STP 8.2922

- e. Changes to the project's land development plan (e.g., form, features, phasing, number of units, roadway design and network, which may create additional traffic impacts, may require a revised TIAR. The revised TIAR should be provided to the Highways Division for its review and approval.

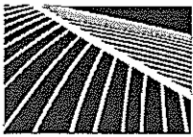
DOT appreciates the opportunity to provide its comments.

Very truly yours,



BRENNON T. MORIOKA, PH.D., P.E.  
Director of Transportation

- c: Department of Business Economic Development & Tourism, Office of Planning  
Department of Health, Office of Environmental Quality Control  
Land Use Commission



# PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

## PRINCIPALS

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

## CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

## ASSOCIATES

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

## HONOLULU OFFICE

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

## HILO OFFICE

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

## WAILUKU OFFICE

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

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

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

Dear Mr. Morioka:

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

1. We acknowledge your statement that the project will impact DOT highway and airport facilities. These impacts are discussed in Sections 4.4 (Roadways and Traffic) and 4.5 (Kona International Airport at Keāhole) of the Draft EIS.
2. Airport Comments:
  - a. All uses within 'O'oma Beachside Village, including homes, the school, and businesses, are located in accord with current Federal Aviation Administration (FAA) and State Department of Transportation (DOT) airport noise compatibility guidelines. We note that the current FAA-approved (14 Code of Federal Regulations (CFR) Part 150) noise contours for the Airport were completed in 1997 and reflect conditions through 2001. We acknowledge that DOT is currently updating the airport noise contours in conjunction with the 14 CFR Part 150 update for the Kona Airport (KOA).

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

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

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

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

- b. We note that the current FAA-approved 14 CFR Part 150 Study for KOA was completed in 1997. The flight tracks contained in the 1997 14 CFR Part 150 Study are the "official" flight tracks for KOA until such a time as the 14 CFR Part 150 Study is updated and approved by the FAA. We acknowledge that DOT is currently updating the 14 CFR Part 150 Study, however this update has not been submitted to, or approved by, the FAA.
  - c. The Draft EIS acoustic study took into account increased flight operations since 1997. References and depiction of the 2001 FAR Part 150 noise contours (from the 1997 14 CFR Part 150 Study) were made in the Draft EIS acoustic study (see Figure 5 of the Draft EIS acoustic study) for full disclosure of the "official" FAR Part 150 noise contours for KOA at the time of the Draft EIS acoustic study (2008). Additional noise contours for 2007/2008 (see Figure 11 of the Draft EIS acoustic study) developed by the 'O'oma acoustical engineer were included in the Draft EIS acoustic study, as were the 2007/2008 DOT draft noise contours (see Figure 12 of the Draft EIS acoustic study). So, both the past "official" aircraft noise contours as well as the current aircraft noise contours were included in the Draft EIS acoustic study.
  - d. Both versions of the FAA Integrated Noise Model (INM) were used to develop the results contained in the Draft EIS acoustic study. As indicated in the second paragraph on Page 25 of the Draft EIS acoustic study, the differences in noise contours over the project site attributable to differences in the INM Versions 6.1 and 7.0 were insignificant, with documentation provided in Tables 9A and 9B on Page 21 of the Draft EIS acoustic study. The measured aircraft noise data collected on the 'O'oma Beachside Village property in March 2007 (see Tables 5 through 8 of the Draft EIS acoustic study) also confirmed the reasonableness of the aircraft noise modeling results and report conclusions.
  - e. In response to your comment, in the Final EIS Section 4.5 (Kona International Airport at Keāhole) will be revised as follows:

Based on DOT concerns that certain landscaping and water features should not become a bird/wildlife attractant or habitation that may result in interference with aircraft flight, landscaping at 'O'oma Beachside Village will include native species presently found on the Property, as well as similar plants already used extensively at the Airport. 'O'oma Beachside Village, LLC will work with DOT engineering staff to comply with airport safety requirements and design any landscaping to discourage the attraction of birds or use as a nesting/breeding ground for other creatures that can cause or create hazards to aircraft flight. A management and control plan for bird/wildlife attractant and habitation mitigation will be submitted to the DOT Airports for approval. Generally, plants with fruit and berries attract birds; therefore, 'O'oma Beachside Village will minimize the use of these types of plantings.
  - f. 'O'oma Beachside Village LLC will comply with all FAA and State DOT airport regulations. As stated in the Draft EIS, Section 4.5 (Kona International Airport at Keāhole): "If necessary, 'O'oma Beachside Village will work with DOT regarding any necessary aviation easement."
  - g. Your comment is noted.
  - h. We acknowledge your comment.
3. Highway Comments:
- a. We understand that the TIAR is undergoing Highways Division's review.

Brennan Morioka

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

December 10, 2008

Page 3 of 3

- b. We acknowledge that 'O'oma Beachside Village and Kohanaiki's joint access to Queen Ka'ahumanu Highway and the associated intersection improvements are also part of the review being done by the Highways Division.
- c. We acknowledge that the impacts of the proposed frontage road paralleling Queen Ka'ahumanu Highway are additional factors in the Highways Division review.
- d. We acknowledge DOT's request and appreciation that 'O'oma Beachside Village, LLC is cooperating and participating in resolving the traffic and roadway concerns.
- e. We acknowledge that changes to 'O'oma Beachside Village's land development plan that could create additional traffic impacts may require a revised TIAR for review and approval by the Highways Division.

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP

Senior Associate

Attachment:

Aircraft Noise

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

2309.03 DOT



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

HRD08/2990C

July 3, 2008

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

**RE: Request for comments on the Environmental Impact Statement for the 'O'oma Beachside Village, North Kona, Hawai'i Island, TMKs: (3) 7-3-09:004 and 022; and (3) 7-3-009: portion of State Right of Way.**

Aloha e Tom Schnell,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter dated May 23, 2008. 'O'oma Beachside Village LLC proposes to develop a 302.38-acre area in North Kona, Hawai'i Island. The project would consist of between 950 to 1,200 homes, which will include multi-family units, mixed-use homes, workforce, gap group and affordable homes and single-family home lots. The project will also include a possible charter school, canoe club, commercial space, coastal preserve, open space, and shoreline park with a community pavilion. The project will require the reclassification of approximately 181.169 acres from the State Land Use Conservation District to the State Land Use Urban District. OHA has reviewed the project and offers the following comments.

**Land use**

As a general rule, OHA disapproves of any land reclassification that would result in the reduction of urban development protections afforded to a property. OHA would only approve of such land reclassifications in special cases in which the increased development is merited. We believe that agricultural lands and their status as such should be preserved, as their purpose fulfills a crucial need of the Native Hawaiian community and the state as a whole, as well as being constitutionally protected. (Hawai'i State Constitution, Article XI, section 3.)

### **State Right of Way**

We request a detailed explanation of why the applicant believes that the portion of the State Right of Way that is not aligned with the Māmalahoa Trail is a mapping error (Section 2.1.2). This information should be provided in an amended Draft Environmental Impact Statement Assessment (EIS).

### **Water**

OHA has concerns that not enough information is provided regarding the project's water source to properly inform the decision-making process. The Draft EIS notes at Section 1.7.8 and Section 7.5 that the source of water for the site is an "unresolved issue." OHA questions how the applicant, state agencies and the broader public can analyze and provide input on a project and its impacts when the source of water for the project remains "unresolved." The Draft EIS does not provide a satisfactory analysis of whether the project will have enough water to support the proposed 950-1,200 homes, commercial buildings and other activities.

The Draft EIS identifies a desalination system as the means to deliver water to the project. However, the document and its Ground Water Quality Assessment offer little description of the desalination system or the impacts this system would have on the environment. The following statement (which is later repeated in the Draft EIS) is the only analysis found in the Ground Water Quality Assessment (Appendix A) that addresses the impact that drawing water from on-site deep wells will have on the basal groundwater source.

Whether or not this feedwater supply is seawater from NELHA or onsite saltwater wells drawing water at depth below the basal lens, provision of this supply will have no impact on the basal groundwater as it moves across the project site and discharges at the shoreline.

This is not enough information to conclude that the desalination system will have no impact on the basal groundwater source. We ask for a more detailed description of desalination system, and whether there is enough groundwater below the basal lens to provide water to support the project. We also look forward to learning more information about the effects of disposing the hypersaline concentrate byproduct from the desalination system into the marine environment, particularly as this byproduct is often much warmer than the surrounding waters. All of this information is pertinent to a Draft EIS, not a Final, because it is necessary for effective review and decision-making.

### **Nearshore Marine Environment**

The Draft EIS states that "the shoreline area is heavily used for recreational purposes, which is not likely to change" (page 42) and that the project will "enhance public access to the coastline" (page 63). An amended Draft EIS should analyze the impact this enhanced public

access will have on the entire nearshore marine environment, including but not limited to fish, coral, turtles and Hawaiian monk seal populations. An amended Draft EIS should also list mitigation measures for these impacts.

Moreover, an amended Draft EIS needs to consider the impacts of, and offer mitigation measures for, increased public access to the anchialine pond that was discovered in 2008. An amended Draft EIS should also present plans that will ensure the protection of any anchialine ponds that are exposed in the future on the project site, particularly in the public shoreline park or the coastal reserve. Public safety should also be considered in these plans.

### **Flora**

We appreciate that landscaping plans will include the use of native plants suitable to the area's environment where appropriate. Landscaping with native plants furthers the traditional Hawaiian concept of mālama 'āina and creates a more Hawaiian sense of place. However, OHA suggests that other native plants that were historically found in the area also be considered in landscaping plans. Such plants as 'ūlei, lama, uhiuhi and ohe are mentioned on page 52 of the Draft EIS as growing in the area in previous times.

### **Cultural resources**

OHA appreciates that the two identified burial sites on the project site will be preserved pursuant to a burial treatment plan prepared in consultation with recognized descendants and the Hawai'i Island Burial Council. We are also pleased that the seven other identified preservation sites will be treated in accordance with a preservation plan that will be approved by the State Historic Preservation Division. We will rest upon the applicant's assurances that should iwi kūpuna or Native Hawaiian cultural or traditional deposits be found during the construction of the project, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

We request that an amended Draft EIS include an analysis of how enhanced public access to the area and the coastline will impact traditional and customary practices, particularly fishing and gathering. Specifically, how will Native Hawaiian gathering and fishing practices be affected by the potentially depleted marine resources of the area that may result from more people accessing the coastline due to the improved public access? An amended Draft EIS should also include mitigation measures for this impact.

### **Traffic**

Construction for the project is anticipated to begin in 2011, with the first homes going up for sale or lease in 2012. However, the first mitigating measure for traffic is not slated to be completed until 2015, and the final traffic mitigating measures are not set to be done until the project is at full build-out in 2029. Therefore, the project's traffic mitigating measures will lag behind and be constantly trying to catch up with the growth of the project and its increased pressure on the region's traffic. An amended Draft EIS should study whether moving up the

deadlines for the Huliko'a Drive and Hina Lani Street improvements to an earlier time would be effective in helping alleviate traffic that would result from the project's construction, commercial and residential activities.

### **Housing**

OHA disagrees with the applicant's method of analyzing the possible number of homes that could be developed in the North Kona/South Kohala region by 2030. OHA believes that when determining the total possible number of homes that will be built in the area by 2030, the applicant must factor in all currently proposed projects for the region, regardless of whether the projects are currently located in the State Land Use Commission Agricultural or Conservation Districts. The applicant's method of not including projects that are in the Agricultural and Conservation Districts results in an incomplete total because it excludes four proposed projects, including the applicant's own project, which is the subject of this very Draft EIS. This should be adjusted in Section 4.10.2, Housing, and Section 7.2, Cumulative and Secondary Impacts.

In addition, OHA requests that an amended Draft EIS contain a breakdown of how many of the project's homes will be gap group, workforce and market housing. An amended Draft EIS should also define the terms "gap group" and "workforce" housing and describe the pricing of these units and with what, if any, State of County regulations they will comply.

### **Schools**

OHA requests that an amended Draft EIS include a description of the method the applicant used to determine that the possible charter school should be allocated three acres in the project site.

### **Alternatives**

An amended Draft EIS should include an analysis of a new alternative that includes more affordable, gap group and workforce housing.

### **Summary**

Many of the requests made above reflect a need for more details and analysis to be provided before any informed review and decision-making can occur. OHA would prefer to see an amended Draft EIS provided for further analysis to the public and appropriate agencies before a Final EIS is produced.

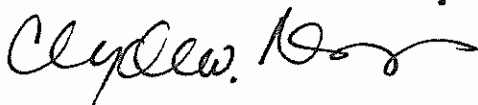
Based on the questions noted above, neither OHA nor other reviewers can conduct an adequate review of the project as proposed. We look forward to receiving further information and consultation prior to any finding being made on this Draft EIS, and we forward this request to the Office of Environmental Quality Control.



Tom Schnell  
July 3, 2008  
Page 5

Thank you for the opportunity to comment. If you have further questions, please contact Sterling Wong (808) 594-0248 or e-mail him at [sterlingw@oha.org](mailto:sterlingw@oha.org).

‘O wau iho nō me ka ‘oia‘i‘o,

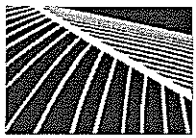


Clyde W. Nāmu‘o  
Administrator

C: OHA Kona CRC Office

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

Dan Davidson  
State of Hawai‘i  
Land Use Commission  
P.O. Box 2359  
Honolulu, HI 96804



# PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

## PRINCIPALS

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

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

## **SUBJECT: ‘O‘OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT**

## CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

## ASSOCIATES

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

Dear Mr. Nāmu‘o:

Thank you for your letter dated July 3, 2008 regarding the ‘O‘oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, ‘O‘oma Beachside Village, LLC, we are responding to your comments.

To begin, throughout your letter it is requested that additional information be provided in an amended Draft EIS. Please note that the Draft EIS and the subsequent Final EIS are, and will be, prepared in conformance with State of Hawai‘i EIS laws (Chapter 343, Hawai‘i Revised Statutes (HRS) and rules (Title 11, Chapter 200, Hawai‘i Administrative Rules (HAR)). The EIS laws and rules provide for the preparation of a Draft EIS, a review process, and the preparation of a Final EIS. Per the EIS rules, the Final EIS will incorporate substantive comments received during the review process, including your comments and our responses to your comments. The accepting authority, the State Land Use Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments.

The organization of the balance of this letter follows the headings of your letter.

### **Land Use**

As discussed in Draft EIS, the mauka portion of the ‘O‘oma Beachside Village property (83 acres) is within the State Urban District. ‘O‘oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the ‘O‘oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the ‘O‘oma Beachside Village property along the shoreline will remain in the State Conservation District. The ‘O‘oma Beachside Village property does not contain land within the State Agricultural District.

The State Land Use Commission (LUC) acts on petitions for boundary amendments. Decision-making criteria used in the LUC’s review of petitions for reclassification of district boundaries is found in Section 205-17, HRS, and Section 15-15-77, HAR. In addition, standards for determining the Urban district are contained in Section 15-15-18, HAR. The Draft EIS contains an analysis of how ‘O‘oma Beachside Village conforms to these criteria and standards.

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

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

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

Clyde Nāmu‘o

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

December 10, 2008

Page 2 of 8

### State Right of Way

Both the State Right of Way (ROW) and Māmalahoa Trail are under the jurisdiction of the State Department of Land and Natural Resources (DLNR). However, while the State ROW runs in alignment with the historic Mamalahoa Trail south of 'O'oma Beachside Village, and within a portion of the 'O'oma Beachside Village property, the Mamalahoa Trail veers mauka, evidencing a usable path. However, the ROW does not veer mauka, but continues in a straight line, where it dead-ends north of the 'O'oma Beachside Village property (see Figure 3 in the Draft EIS). The State ROW serves no practical purpose once it leaves the Mamalahoa Trail alignment. Physical inspection of the property reveals that there is no separate ROW on the ground. DLNR Na Ala Hele recognizes that only one trail can be located physically on the ground today and recommends that the Mamalahoa Trail be protected and preserved.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 2.1.2 (Land Ownership) will be revised as follows:

The State of Hawai‘i is the fee owner of the State ROW, erroneously referred to on survey maps as “King’s Highway,” which is located between Parcels 4 and 22 and extends north-south, paralleling Queen Ka‘ahumanu Highway. At the southern boundary of the Property, the State ROW and the Māmalahoa Trail share the same alignment; however, approximately one-third of the way into the Property, the two separate, with the historic Māmalahoa Trail veering slightly mauka and evidencing a usable path; however and the State ROW does not veer mauka, but continues in a straight line coming to a dead end north of ‘O‘oma Beachside Village (see Figure 3). The State ROW serves no practical purpose once it leaves the Mamalahoa Trail alignment, and it is understood that the portion of the State ROW not aligned with the Māmalahoa Trail is the result of a mapping error. Physical inspection of the property reveals that there is no separate ROW on the ground. Both the State Right of Way (ROW) and Māmalahoa Trail are under the jurisdiction of the State Department of Land and Natural Resources (DLNR). DLNR Na Ala Hele recognizes that only one trail can be located physically on the ground today and recommends that the Mamalahoa Trail be protected and preserved. ‘O‘oma Beachside Village, LLC has obtained State authorization to include the State ROW and the Māmalahoa Trail in its State Land Use petition and County zoning application.

### Water

As discussed in the Draft EIS, ‘O‘oma Beachside Village, LLC’s preferred source for potable water for ‘O‘oma Beachside Village is a desalination plant. If a desalination plant proves unfeasible, ‘O‘oma Beachside Village will explore alternate sources of water including connection to the County of Hawai‘i potable water system, partnership with private water system owners, or utilization of independent wells. In providing a source of potable water for ‘O‘oma Beachside Village, ‘O‘oma Beachside Village, LLC will comply with all laws and regulations. As necessary, ‘O‘oma Beachside Village, LLC will undertake additional research to assess the potential impacts and appropriate mitigation measures of the selected systems.

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

Clyde Nāmu‘o

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

December 10, 2008

Page 3 of 8

extensive analysis, review, and evaluation of potential impacts of any alternative potable water system.

Section 4.9.1 (Water System) of the Draft EIS as well as Appendix H (Civil and Electrical Infrastructure Assessment) provide a description of the proposed desalination system, including the type of system (reverse osmosis), an explanation of the desalination process, and discussion regarding alternatives for storage and distribution of the desalinated water.

We wish to clarify that the source of feedwater for the desalination system is not basal groundwater as erroneously stated in your letter. As stated in the EIS (see Section 3.5.1 (Groundwater Resources) and Section 4.9.1 (Water System): “Two possible sources of feedwater supply considered for desalinization are: 1) the NELHA deep (cold) or shallow (warm) systems; or 2) on-site deep wells that would tap *saline groundwater at a depth beneath the brackish lens* [emphasis added].”

To clarify, brackish water is that body of groundwater overlying more saline water at depth and clearly discernable as a “lens.” The term “brackish” covers a range of salinities from greater than drinking water (salinity of 0.5 parts per thousand (ppt)) to possibly salinity on the order of one-third of seawater (i.e. salinity of 12 ppt or less). In the Draft EIS and in the Groundwater Quality Assessment (Appendix A) the terms “saline groundwater” and “saltwater” are used interchangeably. In the context used, both terms refer to groundwater extracted from beneath the midpoint of the transition zone, meaning a salinity greater than 17.5 ppt and most likely in the range of 25 to 32 ppt under continuous pumping. In this context, the depth it is extracted from is more important than its salinity. The goal is to use water which will not diminish or otherwise impact the supply of brackish water in the overlying basal lens.

We also wish to clarify that both the Draft EIS (see Section 3.5.1 (Groundwater Resources) and the Groundwater Quality Assessment (Appendix A) include more detailed analysis than cited in your letter regarding why it is concluded that the desalination system will not have an impact to groundwater resources. As discussed in greater detail in the Draft EIS (see Section 3.5.1 (Groundwater Resources)) and the Groundwater Quality Assessment (Appendix A), this conclusion is based on analysis of: 1) feedwater supply, desalination, and concentrate disposal; 2) percolation of excess irrigation water; and 3) stormwater collection and disposal.

Regarding your request to learn more information about the effects of disposing the hypersaline concentrate from the desalination system to marine waters, three factors will cause the concentrate to move seaward at depth: 1) injection will be into and join the seaward moving saline groundwater beneath the basal lens; 2) the concentrate will have a greater density than the receiving saline groundwater, meaning there will be no tendency for the concentrate to rise due to density; and 3) lava permeabilities are on the order of 200 times greater in the direction of the flow (i.e. horizontal) than across the flow (i.e., vertical). The concentrate, diluted by mixing into the receiving saline groundwater, will diffusively discharge into the marine environment at a depth comparable to its depth of initial injection (tentatively between 200 and 250 feet). In the marine environment, the concentrate will be rapidly mixed to background levels (in a matter of a few feet) with no impact on the marine environment.

Clyde Nāmu‘o

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

December 10, 2008

Page 4 of 8

To reflect the relevant above information in the Final EIS, Section 3.5.1 (Groundwater Resources) in the Final EIS will be revised as shown in the attachment titled “Groundwater Resources.”

### **Nearshore Marine Environment**

Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS, as well as Marine Environmental Assessment (Appendix B), includes discussion regarding the nearshore marine environment, including reef fish, coral communities, macroinvertebrates, sea turtles, Hawaiian monk seals, and anchialine ponds. As stated in the Draft EIS, the Marine Environmental Assessment concludes that ‘O‘oma Beachside Village does not appear to have the potential to cause adverse impacts to the marine environment. However, in response to your comment for additional information and mitigation measures, in the Final EIS Section 3.5.2 (Nearshore Marine Environment) will be revised as shown in the attachment titled: “Nearshore Marine Environment.”

### **Flora**

As stated in Section 3.6 (Flora) of the EIS: “‘O‘oma Beachside Village will include landscaping appropriate to the setting. Where feasible, new landscaping will include native and indigenous plants and drought tolerant hardy plants and grasses to minimize the need for irrigation.” As noted on page 52 of the Draft EIS, plants such as ‘ūlei (*Osteomeles anthyllidifolia*), ēlama (*Diospyros ferrea*), uhiuhi (*Caesalpinia kavaiensis*), and ohe (*Reynoldsia sandwicensis*), are described in historic accounts of the kula region of ‘O‘oma. The lower kula lands, where the ‘O‘oma Beachside Village property is located, receive less rainfall than the kula lands; therefore, it is unknown whether these plants would grow well within the ‘O‘oma Beachside Village property. However, in response to your comment, Section 3.6 (Flora) in the Final EIS will be revised as follows:

‘O‘oma Beachside Village will include landscaping appropriate to the setting. Where feasible, new landscaping will include native and indigenous plants and drought tolerant hardy plants and grasses to minimize the need for irrigation. Plants such as the pilo (*Capparis 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.

### **Cultural Resources**

In response to your comment, Section 4.2 (Cultural Resources) in the Final EIS will be revised as follows:

While there were no specific ongoing traditional cultural practices identified relative to the land within the proposed ‘O‘oma Beachside Village property, there are potential cultural impacts, both specific and nonspecific, related to coastal and near-shore subsistence and recreational activities, primarily among beachgoers, fisherman, and surfers. Enhanced public access to the area and the coastline of ‘O‘oma Beachside Village is anticipated to also enhance traditional native Hawaiian cultural practices including fishing and gathering. As these activities could be characterized as

Clyde Nāmu‘o

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

December 10, 2008

Page 5 of 8

traditional and customary practices, the locations of these activities could thus be considered traditional cultural properties and as such would be significant under Criterion E. As the proposed project will in no way inhibit coastal access, and as most of the proposed project elements are significantly set back (at least 1,100 feet) from the shoreline, it is envisioned that the protection and preservation of the ‘O‘oma shoreline will be enhanced; and that no traditional and customary practices will be impacted.

Throughout the planning process and preparation of this EIS, ‘O‘oma Beachside Village representatives have consulted with lineal and cultural descendants of the area. ‘O‘oma Beachside Village will continue to seek input from descendants to provide guidance and insight into the use of coastline area including measures to minimize potential adverse impacts to marine resources resulting from an increase in people accessing the shoreline.

In addition Section 3.5.2 (Nearshore Marine Environment) also will be revised to reflect the relevant above information as shown in the attachment titled: “Nearshore Marine Environment.”

### **Traffic**

The Traffic Impact Analysis report, included as Appendix G of the Draft EIS, was prepared in compliance with the concurrency conditions of County of Hawai‘i Ordinance 07-99 which requires analyses for five, 10, and 20 year forecasts. Ordinance 07-99 also requires mitigation of adverse traffic effects before occupancy of a project is permitted. Proposed ‘O‘oma Beachside Village traffic mitigation measures are in accordance with forecasted conditions and ‘O‘oma Beachside Village LLC will comply with all laws and conditions regarding traffic impacts.

With ‘O‘oma Beachside Village construction anticipated to begin as early as 2011, full build-out is not expected to be completed until 2029. As discussed in the Draft EIS (Section 4.4), independent of any mitigation measures proposed specifically for ‘O‘oma Beachside Village, the State Department of Transportation and County of Hawai‘i both have many roadway improvements planned to meet the expected growth in the area, including the widening of Queen Ka‘ahumanu Highway from Henry Street to the airport and the development of an extensive roadway network mauka of the highway.

The State DOT is currently widening Queen Ka‘ahumanu Highway to a four-lane divided highway from Kailua to the Airport. Phase I of the expansion involves widening the highway from Henry Street to Kealakehe Parkway and is currently underway with completion anticipated in 2008. Phase II of the highway widening will be from Kealakehe Parkway to Keāhole Airport Road, with completion expected in 2011.

The new roadway network mauka of the highway would create more mauka-makai roadways between Queen Ka‘ahumanu Highway and Māmalahoa Highway and create more north-south roadways between and parallel to these two existing highways.

In addition, ‘O‘oma Beachside Village will be part of the regional solution to address congestion and improve traffic circulation on Queen Ka‘ahumanu Highway by working cooperatively with the State, County, and adjoining landowners to plan and develop a Frontage Road makai of, and parallel to, Queen Ka‘ahumanu Highway.

Clyde Nāmu‘o

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

December 10, 2008

Page 6 of 8

## Housing

In response to your comment regarding proposed projects in the State Agricultural and Conservation Districts, Section 4.10.2 (Housing) in the Final EIS will be revised as shown on the attachment titled “Housing” and Section 7.2 (Cumulative and Secondary Impacts) will be revised as shown on the attachment titled, “Cumulative and Secondary Impacts.”

Regarding your requests pertaining to gap group, workforce, and market housing pricing, the information already provided the Draft EIS (see Section 4.10.2 (Housing)), which presents various price ranges in terms of the ability of households earning a range of incomes to be able to afford a home, represents the most accurate information that can be provided at this time. ‘O‘oma Beachside Village, LLC will comply with County of Hawai‘i affordable housing requirements and the pricing of such units will be in compliance with applicable State and County regulations.

In response to your request to define the terms “gap group” and “workforce housing,” Section 4.10.2 (Housing) in the Final EIS will be revised as shown on the attachment titled: “Housing.”

## Schools

The school site is intended to be used for a private or charter school, and therefore, the size of the school site is not based on any standard established for public schools.

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

## Alternatives

In response to your comment, in the Final EIS Chapter 6 (Alternatives to the Proposed Action) will be revised to include a new section as follows:

### 6.5 MORE AFFORDABLE, GAP GROUP, AND WORKFORCE HOUSING ALTERNATIVE

Similar to the residential lot subdivision alternative, another alternative could be to develop the Property along the lines of a more conventional subdivision with more affordable, gap group, and workforce housing. The potential benefit of this alternative is that it would address the need for more affordable and moderate-rate housing in West Hawai‘i. This alternative would still require reclassification of a portion of the Property from the current State Conservation District to the State Urban District as well as County residential zoning.

‘O‘oma Beachside Village already responds to the demand for housing in the North Kona/South Kohala area by providing a broad spectrum of housing opportunities. ‘O‘oma Beachside Village’s range of housing will include affordable housing in accordance with the County’s affordable housing requirements) and will also include gap group and workforce housing, defined as homes priced for households earning 150 percent to 220 percent of the median income. This inclusionary design provides for a community with social diversity, a mix of ages, and a range of life experiences. In addition, the market assessment prepared for the current ‘O‘oma Beachside Village master plan concludes that there is demand for all the currently proposed housing price levels within ‘O‘oma Beachside Village.

Clyde Nāmu‘o

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

December 10, 2008

Page 7 of 8

However, different master plans could be designed that could result in the provision of more affordable, gap group, and workforce housing. To subsidize the added cost of additional affordable, gap group, and workforce housing options, it is likely that more market housing would be required, resulting in a higher density project. The amount of neighborhood “village” commercial uses may also need to be reduced to accommodate more residential units, resulting in a more conventional type subdivision.

Depending on the density and design capacity, additional affordable, gap group, and workforce housing may result in a more segregated community (by income) with different environmental impacts. For example, a higher density project that increased the residential unit count from what is currently proposed could keep the same buildable area (a positive benefit) as currently proposed, but result in a community more defined by home price with increased visual impacts (appearance of the site changing from moderate density traditional neighborhood designed community to a higher density development with more stories for the residential buildings and/or smaller lots). A higher density project would also result in increased traffic and infrastructure demands (increased water demand, wastewater generated, and solid waste produced). Implementation of this alternative would result in increased construction-related impacts (such as construction noise, construction equipment exhaust emissions, temporary traffic disruption, fugitive dust and soil erosion).

A higher density project could also be accomplished by reducing open space on the Property from what is currently proposed (currently approximately one-third of the Property is proposed to be open space). This would reduce park, recreation, and preserve areas and could result in decreased quality of life for residents and increased impermeable surfaces and increased runoff. Reducing open space would also not avoid increased traffic and infrastructure demands (increased water demand, wastewater generated, and solid waste produced).

As currently proposed, ‘O‘oma Beachside Village’s inclusionary traditional neighborhood design contributes to a high quality of life. The community will include a broad mix of residential price ranges, commercial and public uses, parks, and open space, a neighborhood school, biking and walking paths, a town center, pedestrian-friendly streets, and public civic spaces. These components combine to form a community that encourages residents to build relationships with each other, rely less on cars for transportation, walk and bicycle more often, enjoy outdoor surroundings, and actively engage in civic life.

As discussed in Section 2.2.1 (Statement of Objectives), the information gathered from community meetings and consultations indicates that ‘O‘oma Beachside Village should include mixed uses, where commercial and residential use come together to create a working sustainable community. As currently proposed, ‘O‘oma Beachside Village offers traditional neighborhood design, with stores and services as an integral part of the community. This design will help to minimize car trips onto Queen Ka‘ahumanu Highway since many establishments providing for residents’ day-to-day needs will be within walking and biking distance. Therefore, unlike a conventional subdivision, ‘O‘oma Beachside Village is designed to be a self-contained, walkable community with an array of services and facilities to enable residents to meet many of their daily needs without using car.

Because the alternative of a higher density project with more affordable, gap group, and workforce housing is contrary to the objectives of ‘O‘oma Beachside Village, this alternative was rejected. In addition, implementation of this alternative could result in increased infrastructure demands (water, wastewater flows, solid waste disposal); 2) traffic impacts; and 3) short-term construction-related impacts (such as construction noise, construction equipment exhaust emissions, temporary traffic disruption, and fugitive dust).



Clyde Nāmu‘o

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

December 10, 2008

Page 8 of 8

### Summary

Regarding your request for an amended Draft EIS, as stated at the beginning of this letter, the Draft EIS and the subsequent Final EIS are, and will be, prepared in conformance with State of Hawai‘i EIS laws (Chapter 343, Hawai‘i Revised Statutes (HRS) and rules (Title 11, Chapter 200, Hawai‘i Administrative Rules (HAR))). The EIS laws and rules provide for the preparation of a Draft EIS, a review process, and the preparation of a Final EIS. Per the EIS rules, the Final EIS will incorporate substantive comments received during the review process, including your comments and our responses to your comments.

With this letter, we have sought to address your stated concerns and we will proceed with preparing a Final EIS incorporating your comments and our responses. The accepting authority, the State Land Use Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP  
Senior Associate

#### Attachments:

- Groundwater Resources
- Nearshore Marine Environment
- Housing
- Cumulative and Secondary Impacts

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



UNIVERSITY  
of HAWAII  
MĀNOA

July 07, 2008  
RE: 0780

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

Dear Mr. Schnell:

Draft Environmental Impact Statement  
O'oma Beachside Village  
Kailua, North Kona, Hawai'i

The proposed O'oma Beachside development will be a mixed-use community in North Kona, situated along the coast makai of Queen Ka'ahumanu Highway. O'oma is expected to provide 950 to 1,200 homes spread out among workforce, "live-work" units, affordable homes, gap group, and single-family home lots. Two mixed-use villages will contain businesses and commercial services within walking distance. O'oma's supporting infrastructure will likely include a water system, wastewater treatment plant, and a charter school site. Approximately one-third of the village will consist of landscaped areas, parks, and preserves. Included among the open space is a fifty-seven acre coastal preserve and an eighteen acre public shoreline park. Development will be restricted to at least 1,100 feet from the shoreline. Positive impacts of the proposed action include the provision of affordable housing near Kailua-Kona, the preservation of a large tract of empty space, and archaeological/cultural resource protection.

This review was conducted with the assistance of Sara Peck, UH Sea Grant; and Ryan Riddle, Environmental Center.

**General Comments**

We were pleased to read of all the energy and water saving features that are being considered for this development. We only hope that they are implemented when the development is completed.

In addition to our general comments, we also have several specific comments.

July 7, 2008

Page 2

### **Open Space (p. 23)**

In the subsection on Community and Neighborhood Parks, the acreage of the centrally located community park is omitted.

### **Leadership in Energy and Environmental Design (LEED) (p. 27)**

The discussion of the LEED's rating system was interesting and instructive. One wonders though if the proposed O'oma Beachside Village will have homes built to LEED standards. We are especially interested in whether this development will follow preliminary LEED Neighborhood Development (LEEDND) standards under consideration by the US Green Building Council (USGBC). It is our understanding that one of the pilot projects being used by the USGBC is a development on Oahu for which PBR is the lead consultant.

### **Hurricane (p. 33)**

There were a number of hurricanes that have come close to the islands besides the two most recent ones that actually made land fall. It would be helpful to include a map of the hurricanes that have been tracked by the National Weather Service and other entities. Such a map is available in the draft environmental impact statement for the Expansion of the Waimanalo Landfill on page p. 5-32. This map was made from data available at the University of Hawaii School of Ocean and Earth Science and Technology.

### **Feedwater Supply, Desalination, and Concentrate Disposal (p. 36)**

Concentrations of salt and other particles in the water are usually stated in part per thousand or ppt (or parts per million or ppm for smaller concentrations). In this section salinity is stated as a percentage. It is difficult to judge the relative amount of salt in the water when expressed as a percentage. It is expressed as parts per thousands on page 16 in Appendix A, the report prepared by Tom Nance Water Resource Engineering.

### **Percolation of Excess Irrigation Water (pp.36-37)**

At the top of page 37, concentrations are reported as micromoles not as microns.

### **Marine Environment (pp. 41-42)**

Since part of this project is on ocean front land, we were wondering if sea level rise was considered in the analysis of the marine environment. Are there any potential impacts to the project if sea level were to rise one or two meters in the next 40 years?

July 7, 2008

Page 3

### **Identified Sites (pp. 48-49)**

It would be useful to include a map in the body of the text with which the reader could associate the location of the archaeological sites with the proposed construction.

### **Trails and Access (pp. 62-63)**

Wording in this section makes it sound as if the Ala Kahakai National Historic Trail is already in existence within the project area. Paragraph four on page 62, and the first paragraph on page 63, lead the reader to this impression. This impression is misleading and contradicts the impression given in the third paragraph of page 63.

### **Potential Impacts and Mitigation Measures (p. 63)**

In regard to public beach access, page 63 reads "The 18 acres along the shoreline designated as a public shoreline park will be an extension of the beach parks planned at The Shores of Kohanaiki and NELHA. The shoreline park will include parking, a comfort station, and a community pavilion." O'oma's Conceptual Master Plan (detailed in Figure 1) seems to indicate that the public parking/beach access point will be via a road just south of O'oma's property line, which then winds south into Shores of Kohanaiki property. Where do you anticipate that this road will terminate - onto the Frontage Road, or Queen Ka'ahumanu?

### **Potential Impacts and Mitigation Measures (pp. 66-70)**

For purposes of clarity, it would be helpful to have a chart detailing the projected levels of service for each of the study intersections. In current form, it is difficult to comparatively analyze the current and future (2015, 2020, 2029) designations and their acceptability. The inclusion of tables would improve the comprehension of the existing text.

On page 67, in the first full paragraph at the top of the page, the Draft EIS states that the O'oma Beachside Village, LLC will work with State and County agencies to pursue regional transit options. Is there any transit now in existence for this area? How likely is it that there will be a regional transit option on this part of the island if one does not now exist?

### **Ka'imianani Drive (p. 67)**

We are not sure of the numbers in this section. As stated in this section, traffic is expected to increase by 1.3 percent from 2015 to 2020 which represents a 4.83 percent annual growth rate during that time period. Wouldn't an annual growth rate of close to 5 percent per year lead to an overall growth rate of greater than 1.3 percent?

July 7, 2008  
Page 4

### **Aircraft Noise (pp. 74-75)**

Figures 18, 19, and 20 estimate widening DNL noise contours with respect to Kona International Airport for the years 2013 and 2030, yet there is no discussion in the text for the reasons. Should we assume that this is solely due to increasing air traffic at the airport? Are there no plans for runway extension or modification in the foreseeable future? What are the existing figures for daily average takeoffs and landings? What are the projected figures for 2013 and 2030?

### **Visual Analysis Figure 21 (between pp. 78-79)**

In A-A and B-B sections, the R.O.W. is titled as "R.O.W. of Mamalahoa Highway." Did you mean R.O.W. of Queen Ka'ahumanu Highway? Additionally, in B-B Section, the undisturbed highway buffer is indicated as +/- 50 ft., while in A-A Section, the buffer is listed as +/- 150. Under the B-B Section scenario, the building setback would not meet the 500-foot setback stated on page 78, "O'oma Beachside Village will not be visible from Queen Ka'ahumanu Highway because of . . . the significant highway right-of-way area and buffer area between the Highway and the first O'oma Beachside Village buildings (over 500 feet)."

### **Desalination Process (p. 80)**

Desalination is a very energy intensive process. The cost of desalination is usually more costly than developing well water. If water is available from the Keahou Aquifer system then why is there a consideration of using desalination?

### **Solid Waste (p. 84)**

Is the figure of 47 years given for the Pu'uuanahulu landfill indicative of current conditions, or is it inclusive of current *and* projected future conditions?

### **Neighborhood Commercial Uses (p. 91)**

What type of commercial and retail uses are envisioned for the O'oma Beachside Villages?

### **Potential Impacts and Mitigation Measures (p. 93)**

What will stop second home buyers from purchasing available units in this development? Since this development is aimed at satisfying demand at the local level, what have the developers put in place to make sure that the units are sold mainly to area residents?

July 7, 2008

Page 5

**Alternatives to the Proposed Action (pp. 182-184)**

In Section 5.2.3 (pp. 168-179), the DEIS details in-depth, O'oma's conformance to the Kona Community Development Plan. In this section, this same information is repeated in great depth. In the interest of brevity, this section could be condensed, and the reader could be referred to Section 5.2.3.

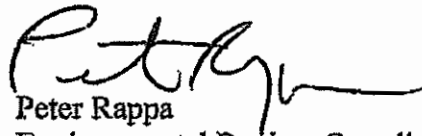
**Appendix A Ground Water Quality Assessment**

On page 15 of Appendix A, it is reported that the estimated potable water consumption will be 0.693 mgd and that the waste water is estimated at 0.479 mgd. This is a difference of more than 0.2 mgd between consumption and waste, why is the difference so great?

On page 16 of Appendix A the nitrogen and phosphate concentrations are given as 300 and 100  $\mu\text{M}$ . How was the mass of potassium and nitrogen derived?

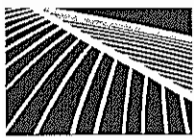
Thank you for the opportunity to review this Draft EIS.

Sincerely,



Peter Rappa  
Environmental Review Coordinator

cc: OEQC  
Dan Davidson, State of Hawai'i LUC  
Sara Peck  
James Moncur, WRRC  
Ryan Riddle



# PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

## PRINCIPALS

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

## CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

## ASSOCIATES

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

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

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

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

Mr. Peter Rappa  
University of Hawai'i  
Environmental Center  
2500 Dole Street, Krauss Annex 19  
Honolulu, Hawai'i 96822

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

Dear Mr. Rappa:

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

### **Open Space (p. 23)**

To correct this oversight, in the Final EIS Section 2.3.4 (Open Space) will be revised as follows:

**Community and Neighborhood Parks** – The centrally located community park of approximately seven acres will include recreational facilities such as a soccer field and restrooms. Smaller, neighborhood pocket parks will be dispersed throughout 'O'oma Beachside Village, and connected by the community trail system. Pedestrian trails and paths will make these green spaces accessible for residents to enjoy, and add a layer of interconnectivity within the community. The neighborhood parks total approximately five acres.

### **Leadership in Energy and Environmental Design (LEED) (p. 27)**

Regarding your question about LEED standards, in the Final EIS Section 2.5 (Environmentally-Responsible Planning and Design) will be revised to include the following statement:

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

Section 2.5.2 (Leadership in Energy and Environmental Design (LEED)) of the Draft EIS discusses the LEED-ND pilot program. We note that the pilot program is no longer accepting projects. To include this information, as well as additional information regarding LEED, in the Final EIS, in the Final EIS Section 2.5.2 (Leadership in Energy and Environmental Design (LEED)) will be revised as shown in the attachment titled: "Leadership in Energy and Environmental Design (LEED)."

Mr. Peter Rappa

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

December 10, 2008

Page 2 of 7

### **Hurricane (p. 33)**

Section 3.4 (Natural Hazards) of the Draft EIS discusses natural hazards, including hurricanes and notes that the occurrence of natural disasters cannot be predicted. Since hurricanes are acknowledged to occur in Hawaii but cannot be predicted, we do not see that including in the EIS a map of hurricanes that have been tracked by the National Weather Service and other entities would be helpful, as this would not provide any information to predict the likelihood of a hurricane impacting 'O'oma Beachside Village in the future.

### **Feedwater Supply, Desalination, and Concentrate Disposal (p. 33)**

To correct this error, in the Final EIS Section 3.5.1 (Groundwater Resources) will be revised as follows:

Through the desalination process approximately 40 to 45 percent of the feedwater will become usable water (potable and non-potable). Approximately 55 to 60 percent of the feedwater would become hypersaline concentrate that will be disposed of in on-site or off-site wells. Two disposal wells would be used, each providing full back up capacity for the other. The wells will deliver the concentrate into the saltwater zone below the basal lens. Tentatively, the wells would be designed to deliver the concentrate to between 200 and 250 feet below sea level. The concentrate would have a salinity of approximately 60 (ppt) percent, which is substantially denser than either open coastal seawater (salinity of 35 ppt percent) or saline groundwater (salinity of 33-35 ppt percent).

### **Percolation of Excess Irrigation Water (p. 36)**

To correct this error, in the Final EIS Section 3.5.1 (Groundwater Resources) will be revised as follows:

**Percolation of Excess Irrigation Water** – 'O'oma Beachside Village will include irrigated landscaped areas. Sources of irrigation water will include the desalinated water and R-1 water recovered from the on-site wastewater treatment plant. The desalinated water would have negligible nutrient levels. The R-1 water would contain nitrogen and phosphorus in concentrations assumed to be 300 and 100  $\mu\text{M}$  (micromoles microns), respectively. It is assumed that approximately 15 percent of irrigation water will percolate downward into the underlying basal lens.

### **Marine Environment (pp. 41-42)**

There should be no significant impact to 'O'oma Beachside Village if sea level were to rise one or two meters in the next 40 years. As shown on the conceptual master plan (Figure 1) and discussed in numerous places throughout the Draft EIS, 'O'oma Beachside Village will be set back at least 1,000 feet from the shoreline. The open space between the shoreline and the built environment includes a 57-acre coastal preserve and an 18-acre public shoreline park. The lowest elevation of any habitable structures within 'O'oma Beachside Village will be at the southwest corner of the Makai Village area, which is at a current elevation of 20 feet mean sea level.

Therefore if sea level were to rise two meters in the next 40 years, the open space between the shoreline and built environment may be reduced, but there would still be a significant distance between the shoreline and the built environment.



Mr. Peter Rappa  
SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT  
STATEMENT  
December 10, 2008  
Page 3 of 7

To reflect the relevant above information in the Final EIS, Section 3.5.2 (Nearshore Marine Environment) in the Final EIS will be revised to include the following:

There should be no significant impact to 'O'oma Beachside Village if sea level were to rise one or two meters in the next 40 years. 'O'oma Beachside Village will be set back at least 1,000 feet from the shoreline. The open space between the shoreline the built environment will include a 57-acre coastal preserve and an 18-acre public shoreline park. The lowest elevation of any habitable structures within 'O'oma Beachside Village will be at the southwest corner of the Makai Village area, which is at a current elevation of 20 feet mean sea level.

Therefore if sea level were to rise two meters in the next 40 years, the open space between the shoreline and built environment may be reduced, but there would still be a significant distance between the shoreline and the built environment and no habitable structures would be impacted.

### **Identified Sites (pp. 48-49)**

The archaeological inventory survey, included as Appendix E of the Draft EIS, includes a map of the identified archaeological sites.

### **Trails and Access (pp. 62-63)**

We regret that you found the information in Section 4.3 (Trails and Access) regarding the Ala Kahakai National Historic Trail System misleading and contradictory. To clarify, in the Final EIS Section 4.3 (Trails and Access) will be revised as follows:

Two trails run through the Property: the historic Māmalahoa Trail and a shoreline trail, which is proposed to be part of the Ala Kahakai National Historic Trail System. Historic trails, such as the Māmalahoa Trail, were, and still remain important features of the cultural landscape. "Ancient" trail construction methods included the making of worn paths on pāhoehoe or 'a'ā lava surfaces, curbstone and coral-cobble lined trails, or cobble stepping stone pavements, and trails across sandy shores and dry rocky soils (Maly & Maly 2003).

The Māmalahoa Trail runs a roughly north-south course through the mauka third of the Property. This historic linear trail extends from Kailua-Kona north about seven miles to the 1801 lava flow near Keāhole Point in Kawaihae. Historical records indicate that the Māmalahoa Trail was constructed through the 'O'oma area in 1847 at the order of Kamehameha III. This trail or government roadway, was built to meet the needs of changing transportation in the Hawaiian Kingdom, and in many places it overlays the older near shore ala loa (ancient foot trail that encircled the island). Up until this point, residents built trails that typically ran mauka to makai (mountain to ocean) in the ahupua'a or village settlement to transfer goods and communicate with family and friends. When ahupua'a increased in numbers, coastal lateral trails were quickly incorporated into the trail system. The Māmalahoa Trail is a straight, curbed, cut and fill path that was built by labor forces conscripted by the island governors to transport food and other goods to the neighboring ahupua'a and the harbor of Kailua-Kona as well as a major route along the west side of the island (Rechtman 2007).

The Ala Kahakai National Historic Trail System was established by an act of the U.S. Congress in 2000, and is managed by the National Park Service. This 175-mile corridor extends from 'Upolu Point on the north tip of the island, along the west coast around Ka Lae and to the eastern boundary of Hawai'i Volcanoes National Park. The designated corridor of the Ala Kahakai National Historic Trail falls within the Property.

Mr. Peter Rappa

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

December 10, 2008

Page 4 of 7

### ***POTENTIAL IMPACTS AND MITIGATION MEASURES***

'O'oma Beachside Village will make the Property more accessible relative to the current limited access. In addition to improved roadways, a secondary circulation system of linked pedestrian/bike trails will provide options for traveling through the community, including accessing the shoreline. The community trail system will connect residential areas to the neighborhood pocket parks, the community park and facilities, the mixed-use villages, and the mauka-makai shoreline access trail.

'O'oma Beachside Village will enhance public access to the coastline. The 18 acres along the shoreline designated as a public shoreline park will be an extension of the beach parks planned at The Shores at Kohanaiki and NELHA. The shoreline park will include parking, a comfort station, and a community pavilion. In addition, the existing shoreline trail ~~Ala Kahakai National Historic Trail corridor is proposed to run~~ within this the public shoreline park area is proposed to become part of the Ala Kahakai National Historic Trail corridor.

### **Potential Impacts and Mitigation Measures (p. 63)**

Because access to Queen Ka'ahumanu Highway is limited by the State Department of Transportation, it is anticipated that the beach access road will connect with the proposed frontage road.

### **Potential Impacts and Mitigation Measures (pp. 66-70)**

The traffic impact analysis report, included as Appendix G of the Draft EIS, includes level of service tables. We do not agree that inclusion of technical traffic engineering details (such as level of service tables) in the body of the EIS text would enhance clarity. The EIS text is written as a summary of the technical reports contained as appendices and is meant to communicate technical engineering concepts in a non-technical way.

The County of Hawaii provides free island-wide bus service on scheduled routes, including in the Kona area.

As discussed throughout the Draft EIS, 'O'oma Beachside Village is consistent and in alignment with the Kona Community Development Plan (Kona CDP) objectives of encouraging Traditional Neighborhood Design (TND) and Transit Oriented Developments (TOD). The Kona CDP seeks to promote transit-oriented and pedestrian-oriented development and to increase transit use to manage traffic congestion. During the Kona CDP meetings, one of the key issues brought up was transportation strategies, which included the implementation of mass transit, multi-modal transportation, and transit-oriented design. 'O'oma Beachside Village has been designed to embody the principles of the Kona CDP and therefore, 'O'oma Beachside Village, LLC is committed to work with State and County agencies to pursue regional transit options and exploring the designation of a transit station within 'O'oma Beachside Village.

**Ka'iminani Drive (p. 67)**

As stated on page 67 of the Draft EIS: "By 2020, traffic is expected to increase by 1.3 percent over the 2015 projections, which represents a 4.83 percent annual growth rate." In other words, between 2015 and 2020, traffic is expected to increase 1.3 percent compared with the 2015 projections; a 1.3 percent increase compared to 2015 projections represents an 4.83 percent annual growth rate for the years between 2015 and 2020.

**Aircraft Noise (pp. 74-75)**

Projections of increases of airport noise for the years 2013 and 2030 were developed using operational forecasts, existing aircraft flight tracks for the existing runway and assumed flight tracks for a proposed new runway. To include this information in the Final EIS, in the Final EIS Section 4.6.2 (Aircraft Noise) will be revised as follows:

Projections of increases of airport noise for the years 2013 and 2030 were developed using operational forecasts, existing aircraft flight tracks for the existing runway and assumed flight tracks for a proposed new runway. Potential noise impacts from additional military operations at the Airport were also investigated. Figure 19 20 shows the 2013 estimated aircraft noise contours over the Property and Figure 20 21 shows the 2030 estimated aircraft noise contours over the Property

The Kona International Airport at Keahole (KOA) Master Plan (<http://www.kona-airport.com/downloads/KOA%20MP%20chpt%205.pdf>) discusses a possible runway extension and a proposed new runway. Figures for existing and projected daily average takeoffs and landings are referenced in the acoustic study provided in the Draft EIS (Appendix H). These factors were taken into consideration in developing the projected airport noise contours in the Draft EIS.

**Visual Analysis Figure 21 (between pp. 78-79)**

In response to your comment, in the Final EIS, Visual Analysis Figure will be revised as shown on the attachment titled "Figure 22."

**Desalination Process (p. 80)**

While the Keauhou Aquifer may have the capacity for additional pumping, this groundwater is not immediately available to the 'O'oma Beachside Village property for various reasons, including a lack of infrastructure to pump the water and transport it to the property. As stated in Section 4.9.1 (Water System) of the Draft EIS a desalination plant is the preferred alternative for water for 'O'oma Beachside Village. Desalination is self-sufficient and environmentally sound, as it will not negatively impact the basal lens or nearshore water quality.

**Solid Waste (p. 84)**

The figure of 47 years is a projection from the County of Hawai'i. The document cited, County of Hawai'i Mayor's Office. 2008. *Public Information - Waste Reduction Proposal* [Brochure], states: "The West Hawaii landfill meets all of the current EPA requirements for landfills, and has an anticipated remaining life of 47 years."

Mr. Peter Rappa

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

December 10, 2008

Page 6 of 7

### **Neighborhood Commercial Uses (p. 91)**

As stated in Section 2.3 ('O'oma Beachside Village Description) of the Draft EIS: "A main objective of planning for the Mauka Mixed-use Village is to provide convenient commercial and business services to support the overall 'O'oma Beachside Village community and thus reduce the number of car trips to Kailua-Kona."

As further explained in Section 4.10.3 (Neighborhood Commercial Uses) of the Draft EIS: "'O'oma Beachside Village Description will be a complete community with neighborhood shops, a small grocery store, restaurants, offices, and other businesses."

### **Potential Impacts and Mitigation Measures (p.93)**

'O'oma Beachside Village will be marketed to local residents; however, it is not legal to discriminate regarding who may be allowed to purchase a property within Hawai'i. Because 'O'oma Beachside Village is not designed as resort, it may not be as desirable to second home buyers seeking a vacation home.

### **Alternatives to the Proposed Action (pp. 182-184)**

We acknowledge your comment; however, because 'O'oma Beachside Village has been designed to embody the principles of the Kona CDP, we find it important to reiterate 'O'oma Beachside Village's conformance with the Kona CDP.

### **Appendix A Ground Water Quality Assessment**

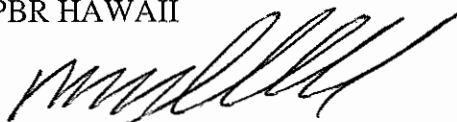
As stated on page 15 of the Ground Water Quality Assessment (Appendix A), estimated average potable water consumption (0.693 MGD) has been adjusted above County design standard rates. This was done to provide a conservative estimate of potable water demand.

As also stated on page 15 of the Ground Water Quality Assessment (Appendix A), the wastewater generation (0.479 MGD) is based on County design standards and the assumption of year-round full occupancy.

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP  
Senior Associate

Mr. Peter Rappa

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

December 10, 2008

Page 7 of 7

Attachments:

Leadership in Energy and Environmental Design (LEED)

Figure 22

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

2309.03 UH E Center



DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, HONOLULU  
BUILDING 223  
FORT SHAFTER, HAWAII 96858-5440

REPLY TO  
ATTENTION OF: CEPOH-EC-T

May 27, 2008

Civil Works Technical Branch

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

Dear Mr. Schnell:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS) for the Ooma Beachside Village, Kaloko, Island of Hawaii (TMK 7-3-9: 4, 22, por. 3). The flood zone designations provided on page 33 of the DEIS is correct.

The DEIS has been forwarded to our Regulatory Branch to determine Department of the Army permit requirements. They will respond to your office under separate cover. Should you require additional information, please call Ms. Jessie Dobinchick of my staff at 438-8876.

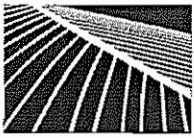
Sincerely,

A handwritten signature in cursive script that reads "James Pennaz".

James Pennaz, P.E.  
Chief, Civil Works Technical Branch

Copies Furnished:  
State Land Use Commission  
PO Box 2359  
Honolulu, Hawaii 96804

Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, Hawaii 96813



**PBR HAWAII**  
& ASSOCIATES, INC.

December 10, 2008

**PRINCIPALS**

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

**CHAIRMAN EMERITUS**

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

**ASSOCIATES**

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

**HONOLULU OFFICE**

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

**HILO OFFICE**

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

**WAILUKU OFFICE**

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

James Pennaz  
Attn: CEPOH-EC-T  
Department of the Army  
U.S. Army Engineering District, Honolulu  
Building 223  
Fort Shafter, Hawai'i 96858-5440

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

Dear Mr. Pennaz:

Thank you for your letter dated May 27, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we acknowledge your confirmation that the flood zone designations provided on page 33 of the Draft EIS are correct.

Thank you for sending the Draft EIS to your Regulatory Branch to determine Department of Army requirements. As of the date of this letter the Regulatory Branch has not responded.

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

Sincerely,

PBR HAWAII

Tom Schnell, AICP  
Senior Associate

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

2309.03 US Army



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122, Box 50088  
Honolulu, Hawaii 96850

In Reply Refer To:  
2008-TA-0222

JUL 11 2008

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

Subject: Draft Environmental Impact Statement for Ooma Beachside Village, North Kona,  
Island of Hawaii

Dear Mr. Schnell:

The U. S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Statement (DEIS) for the Ooma Beachside Village project located north of Kailua-Kona on the island of Hawaii. We received a disk containing the DEIS on May 22, 2008, but at a later date we determined the enclosed disk was blank. We appreciate you extending the comment period until July 11, 2008, to allow us additional time for review and comment. At build-out, this master planned community will have between 950 to 1,250 single-family and multi-family residences, community services and supporting infrastructure. This project will be located on 302 acres of land that is currently undeveloped. The total potable water demand at full build-out is estimated to be 0.694 million gallons per day (Mgd). We have reviewed the project information you provided and pertinent information in our files, including data compiled by the Hawaii Biodiversity and Mapping Program and the Hawaii GAP Program. We recommend you address potential project impacts to the sensitive and listed species and native ecosystems discussed below and include measures to minimize adverse impacts to these resources in your Final Environmental Impact Statement (FEIS).

- Hawaiian hoary bats (*Lasiurus cinereus semotus*) roost in both exotic and native woody vegetation and leave their young unattended in “nursery” trees and shrubs when they forage. If trees or shrubs suitable for bat roosting are cleared during the bat breeding season (April to August) there is a risk that young bats could inadvertently be harmed or killed. Page 44 of the DEIS states “The endangered Hawaiian hoary bat was also not recorded on the evening search using an ultrasound detector.” We recommend more thorough bat surveys be conducted in areas where trees or shrubs will be cleared. Although no bats were detected by ultrasound detector on the evening of the survey, bats could potentially use the site at other times of the year because bats migrate seasonally across the island of Hawaii. In addition, echolocation and radar surveys are a preferred

TAKE PRIDE®  
IN AMERICA 



alternative to ultrasound for bat detection. Please contact our office for descriptions of appropriate bat survey techniques. If bats occur on the property, then we will help you to develop avoidance and minimization measures so that your project will be in compliance with the Endangered Species Act of 1973, as amended. To avoid impacts to the endangered Hawaiian hoary bat, clearing of woody vegetation could be scheduled for September through March, outside the bat breeding season.

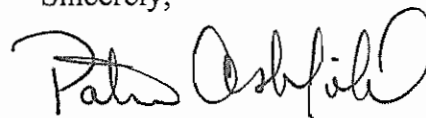
- The endangered Blackburn's sphinx moth (*Manduca blackburni*) has been observed in the vicinity of the proposed project. Adult moths feed on nectar from beach morning glory (*Ipomea pescaprea*), a species documented at the proposed project site and the moth larvae are known to feed on the native plant, pilo (*Capparis sandwichiana*) also documented onsite. In addition, the introduced tree tobacco (*Nicotiana glauca*) is a host plant for the Blackburn sphinx moth and may be growing on the project site. We recommend you survey pilo, beach morning glory, and if present, tree tobacco for the presence of Blackburn sphinx moth. Please contact our office for appropriate survey methodologies.
- At build-out, this proposed project could potentially impact the Keauhou aquifer. The Service is concerned that the long-term demand for water from the Keauhou aquifer system would exceed the aquifer's sustainable yield and result in increased salinity of wetlands, fishponds, anchialine pools, and coastal waters in the Kaloko-Honokahau National Park. Three candidate species for listing, including two shrimp (*Metabetaeus lohena* and *Palaemonella burnsi*), and a damselfly (*Megalagrion xanthomelas*), and the endangered Hawaiian stilt (*Himantopus mexicanus knudseni*) and Hawaiian coot (*Fulica alai*), depend on these aquatic ecosystems and may be adversely impacted by increases in salinity. The Service has identified Kaloko-Honokahau National Park as core wetland in the Draft Revised Recovery Plan for Hawaiian waterbirds (2005). The cumulative impacts of development in the area surrounding the Park is an issue of concern for the Service. The increased demand for water in the area surrounding the Park has the potential to affect listed species and native ecosystems. The Service is in receipt of a letter sent to Mr. Dennis Moresco, of Ooma Beachside Village, LLC, dated July 3, 2008, from Geraldine K. Bell, Superintendent of Kaloko-Honokohau National Historical Park, which addresses the Park's concerns regarding these potential project-related impacts to the Keauhou aquifer. The Service agrees with the concerns and recommendations identified in Superintendent Bell's letter.
- This proposed development will lead to an increase in impervious surfaces and an associated increase in stormwater runoff in the project area. This may lead to an increase in non-point source pollution. These increases in stormwater runoff and non-point source pollution may decrease the water quality of the wetlands, fishponds, anchialine pools, and coastal waters in the vicinity of this proposed project. As stated above, the Service is in receipt of a letter to the developer from National Park Superintendent Geraldine K. Bell, dated July 3, 2008. We concur with Superintendent Bell's concerns and recommendations in regard to stormwater and other non-point source pollution issues including the recommended use of treated wastewater for irrigation and recommended restrictions on the use of termiticides.

- The Service supports your intention to use native plants for landscaping purposes in this proposed project. Hawaii's native ecosystems are being heavily impacted by exotic invasive plants. Whenever possible we recommend using native plants for landscaping purposes. If native plants do not meet your landscaping objectives, we recommend that you choose species that are thought to have a low risk of becoming invasive. The following websites would be good resources to use when choosing landscaping plants: Pacific Island Ecosystems at Risk (<http://www.hear.org/Pier/>), Hawaii-Pacific Weed Risk Assessment ([http://www.botany.hawaii.edu/faculty/daehler/wra/full\\_table.asp](http://www.botany.hawaii.edu/faculty/daehler/wra/full_table.asp)) and Global Compendium of Weeds ([www.hear.org/gcw](http://www.hear.org/gcw)).
- Two anchialine ponds have been identified on the site of the proposed project. The DEIS describes one anchialine pond as "pristine in nature" and the other is described as "senescent". The Service recommends the "pristine" anchialine pond be protected and the "senescent" anchialine pond be restored through vegetation management. Anchialine ponds are unique ecosystem and they are disappearing in the State of Hawaii as housing developments, resorts and roads fill in the ponds. As these ponds become more accessible to the public, exotic fish are often introduced resulting in the eventual degradation of these ecosystems for the native shrimp and insect species. The Service recommends developing a long-term management plan for the anchialine ponds located within proposed project. The Service also recommends installing signage informing the public about these unique and fragile ecosystems.
- Page 42 of the DEIS states "Ooma Beachside Village does not have any likelihood of changing the present situation with respect to [sea] turtles and Hawaiian monk seals. At present, the shoreline area is heavily used for recreational purposes, which is not likely to change. Any additional activity by people using the beach area as a result of the Ooma Beachside Village will not qualitatively change usage of the shoreline by humans and there are there are no physical factors that are likely to result in modification of seal behavior." The Service disagrees with the determination that developing this area to accommodate between 950 to 1,250 residences will not increase human activity along the beach and shoreline area. The FEIS should address the direct and indirect impacts associated with the increase in human activity to listed and sensitive species and habitats in the area and describe measures to avoid and minimize these impacts.
- Page 45 of the DEIS indicates sea turtles and Hawaiian monk (*Monachus schauinslandi*) seals may occasionally "haul out" on beaches within the proposed project. Green sea turtles (*Chelonia mydas*) and the endangered Hawksbill sea turtle (*Eretmochelys imbricate*) nest on beaches from May through September, peaking in June and July. Many factors affect the potential survival of these turtles, including the loss or destruction of nesting and basking beaches, predation, and other human activities. Optimal nesting habitat is a dark beach free of barriers that restrict their movement. We recommend shielding all outdoor lighting within the project area to reduce the impacts of lights to beach habitats within and adjacent to the project site. Effective light shields should be completely opaque, sufficiently large, and positioned so that light from the shielded source does not reach the beach. We recommend you contact National Marine Fisheries Service regarding potential impacts to monk seals as this species is within their jurisdiction.

- To further minimize project impacts to listed species occurring in the project vicinity, we recommend prohibiting free movement of pets, discouraging the feeding of feral cats, predator control, public education to discourage the feeding of feral animals and installation of sturdy animal-proof garbage containers to prevent increases in the populations of house mice, rats, mongoose, and feral cats. These measures should also be incorporated into any Community Rules and Regulations instituted for the Ooma Beachside Villages.
- The proposed project is located on the dry leeward side of the island of Hawaii where wildland fires interdependent with the proposed project may affect listed upland species. The West Hawaii Wildfire Management Organization was formed to support efforts to coordinate development of area firebreaks, a system of fire suppression helicopter dip-sites, and fire prevention materials to minimize impacts of fires associated with increases in the West Hawaii population. We recommend you contact this organization for further information regarding your project and potential wildland fire issues.
- Kookoolau (*Bidens micrantha* ssp. *ctenophylla*), a rare endemic plant, is a candidate species for listing by the Service and is known to occur near the proposed project. Due to variability of precipitation in this area, we recommend additional surveys following prolonged wet periods to ensure this species is not present onsite. If kookoolau is found on the site, our office can assist in determining appropriate avoidance measures.

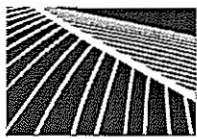
We appreciate the opportunity to participate in the environmental review process for this project. Please contact Dr. Jeff Zimpfer, Fish and Wildlife Biologist, Consultation and Technical Assistance Program (phone: 808-792-9431; fax: 808-792-9581) if you have any questions regarding our comments and recommendations.

Sincerely,



for Patrick Leonard  
Field Supervisor

cc: State of Hawaii Department of Business, Economic Development & Tourism  
Office of Environmental Quality Control  
State of Hawaii Land Use Commission  
National Park Service, Hawaii



December 10, 2008

**PRINCIPALS**

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

**CHAIRMAN EMERITUS**

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

**ASSOCIATES**

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

**HONOLULU OFFICE**

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

**HILO OFFICE**

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

**WAILUKU OFFICE**

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

Mr. Patrick Leonard  
U.S. Fish and Wildlife Service  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122, Box 50088  
Honolulu, Hawai'i 96850

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

Dear Mr. Leonard:

Thank you for your letter dated July 11, 2008 (Reference: 2008-TA-0222) regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. **Hawaiian Hoary Bat.** As described in the Draft EIS and the botanical survey included as Appendix C of the Draft EIS, the vegetation of the upper portion of the property has a simple and fairly uniform structure. The substrate is a mixture of mostly pāhoehoe lava and some 'a'ā lava. Vegetation cover is dominated by scattered bunch grasses, with subdominant low shrubs and herbs. There are a few very widely scattered trees. The coastal area varies in vegetation cover from almost continuous blankets of herbs and grasses to low forests or parkland. It is dominated in biomass by the alien tree heliotrope (*Tournefortia argentea*), with the native naupaka (*Scaevola sericea*) and the aliens Christmas berry (*Schinus terebinthifolius*), noni, kiawe (*Prosopis pallida*), and koa haole (*Leucaena leucocephala*) also common.

This near-coastal and coastal environment does not present a typical habitat suitable for bat roosting. In addition, the built environment of 'O'oma will be set back at least 1,000 feet from the shoreline. This setback area will remain in open space comprised of a 57-acre coastal preserve and an 18-acre public shoreline park. Therefore, the coastal area where the most amounts of existing trees and shrubs occur will not be extensively cleared.

In addition to the 2006 biological survey, which did not record the presence of bats on the Property, bats also were not detected during a previous survey conducted in 2002.

Therefore, with two surveys not recording the presence of bats on the Property, combined with the lack of typical bat habitat, we do not have much evidence that would lead us to conclude that bats inhabit the Property. However, we acknowledge that bats have been seen along the Kona coast, so it is possible that they may occasionally forage on and around the Property. To mitigate any potential impact to bats, the clearing of woody vegetation can be scheduled for September through March, outside bat breeding season. Trees will also be searched for bats before cutting.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.7 (Fauna) will be revised as shown in the Attachment titled, "Fauna."

- 2. Blackburn Sphinx Moth.** Steven Lee Montgomery, Ph.D., conducted an invertebrate survey of the 'O'oma Beachside Village property. The invertebrate survey did not identify any threatened or endangered invertebrate species, including the Blackburn sphinx moth. Neither the moth's solanaceous native host plant, 'aiea (*Nothocestrum* sp.), nor the best alien host, tree tobacco (*Nicotiana glauca*), was observed on the Property. No other solanaceous plants were found. *Capparis sandwichiana*, (maiapilo or pilo<sup>1</sup>) reported to be a nectar plant for adult Blackburn sphinx moths, is known to be on the Property. *Ipomea pes-caprae* subsp. *brasiliensis* (pōhuehue or beach morning glory) also grows on the Property. However, no Blackburn sphinx moths were observed feeding on the blooming flowers of either plant over the course of the invertebrate survey.

The invertebrate survey report will be included as an appendix to the Final EIS. In addition, to reflect the relevant above information in the Final EIS, in the Final EIS Section 4.7 (Fauna) will be revised as shown in the Attachment titled, "Fauna."

- 3. Keauhou Aquifer.** We note your concerns and those of the Kaloko-Honokōhau National Historic Park regarding groundwater withdrawals from the Keauhou Aquifer and perceived impacts to anchialine pools and coastal waters in the Kaloko-Honokōhau National Historic Park. We have responded to the letter dated July 3, 2008, from Geraldine Bell, Superintendent of the Kaloko-Honokōhau National Historic Park and have provided you with a copy.

As discussed in the Draft EIS, 'O'oma Beachside Village, LLC's preferred source for potable water for 'O'oma Beachside Village is a desalination plant. If a desalination plant proves unfeasible, 'O'oma Beachside Village will explore alternate sources of water including connection to the County of Hawai'i potable water system, partnership with private water system owners, or utilization of independent wells. In providing a source of potable water for 'O'oma Beachside Village, 'O'oma Beachside Village, LLC will comply with all laws and regulations. As necessary, 'O'oma Beachside Village, LLC will undertake additional research to assess the potential impacts and appropriate mitigation measures of the selected systems.

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

Regarding candidate and endangered species you note, the one shrimp species (*Metabetaeus lohena*) has been identified in the anchialine pond within the 'O'oma Beachside Village property. However the additional shrimp you note (*Palaemonella burnsi*), as well as the damselfly (*Megalagrion xanthomels*) and Hawaiian stilt (*Himantopus mexicanus knudseni*) were not identified on the Property during the course of the invertebrate and avifaunal and feral mammal surveys.

- 4. Non-point Source Pollution.** We note your concerns and those of the Kaloko-Honokōhau National Historic Park regarding non-point source pollution and perceived impacts to the water quality of the wetlands, fishponds, anchialine pools, and coastal waters in the vicinity of 'O'oma Beachside Village. We have responded to the letter dated July 3, 2008, from Geraldine Bell, Superintendent of the Kaloko-Honokōhau National Historic Park and have provided you with a copy.

The Ground Water Quality Assessment (Appendix A) and the Marine Water Quality Assessment (Appendix B) contained in the Draft EIS conclude that 'O'oma Beachside Village will not have

---

<sup>1</sup> The name *pilo* also is associated with the genus *Hedyotis*. *Hedyotis* is not associated with *Manudca* however.

Mr. Patrick Leonard

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

December 10, 2008

Page 3 of 6

significant impacts to either groundwater or ocean water quality; however, 'O'oma Beachside Village, LLC seeks to come to agreement with the National Park Service on protective conditions concerning protection of water resources (storm and surface water runoff, pollution prevention, ground-water quality monitoring) for the 'O'oma Beachside Village property.

As stated in the Draft EIS, all drainage improvements will be developed in accordance with applicable State of Hawai'i Department of Health (DOH) and County of Hawai'i drainage requirements and standards. In addition, 'O'oma Beachside Village, LLC will comply with all laws and regulations regarding runoff and non-point source pollution. Additional protective conditions concerning protection of water resources may be implemented by agreement with the National Park Service.

To include the proposed additional protective conditions that may be implemented by agreement with the National Park Service, and which are beyond what are required by the State and County, in the Final EIS Section 4.9.3 (Drainage System) will be revised as shown on the attachment titled, "Drainage System" and Section 4.9.2 (Wastewater System) will be revised as shown on the attachment titled, "Wastewater System."

5. We are pleased the U.S. Fish and Wildlife Service supports 'O'oma Beachside Village, LLC's intention to use native plants for landscaping. Thank you for your website recommendations regarding landscaping plants. To include these recommendations within the Final EIS, Section 3.6 (Flora) will be revised to include the following information:

As recommended by the U.S. Fish and Wildlife Service, other plants that could be used for landscaping can be found on the following website resources:

- Pacific Island Ecosystems at Risk (<http://www.hear.org/Pier/>)
- Hawaii-Pacific Weed Risk Assessment ([http://www.botany.hawaii.edu/faculty/daehler/wra/full\\_table.asp](http://www.botany.hawaii.edu/faculty/daehler/wra/full_table.asp))
- Global Compendium of Weeds ([www.hear.org/gcw](http://www.hear.org/gcw))

6. **Anchialine Pond.** Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS discusses anchialine ponds observed on the 'O'oma Beachside Village property. It is noted that in 2008 a single pond was observed near the southern boundary. The pond was populated with numerous native herbivorous red shrimp or opae'ula (*Halocardina rubra*), and was devoid of alien fishes, indicating that the pond is pristine in nature.

It is also noted that during the 1990-92 and 2002 assessments another anchialine pond was identified near the southern boundary but in 2002 the pond appeared to be in a final stage of senescence. Examination of the area in 2008 revealed marshy areas under the canopy of trees, but no exposed water that could be considered a pond matching the description from 1990-92 and 2002.

To include your anchialine pond recommendations within the Final EIS, in the Final EIS Section 3.5.2 (Nearshore Marine Environment) will be revised as shown in the Attachment titled "Nearshore Marine Environment."

7. **Human Activity.** The Draft EIS does not state that human activity will not increase along the beach and shoreline of the 'O'oma Beachside Village property. The statement you quote notes that the *qualitative* use of the shoreline by humans is not likely to change as the result additional human activity.

Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS addresses potential impacts and mitigation measures related to listed and sensitive species and habitats including the anchialine pond on the Property, sea turtles, and Hawaiian monk seals. In particular in Section 3.5.2 (Nearshore Marine Environment) it is noted:



Mr. Patrick Leonard

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

December 10, 2008

Page 4 of 6

The lack of shoreline development as well as establishment of a shoreline park and coastal preserve area will ensure that the marine environment remains unchanged from present conditions. As a result, use of the beaches for haul-out areas by turtles or seals will not be altered from the present situation. Mitigative measures to ensure that there are no effects to turtles or Hawaiian monk seals by human interaction include appropriate signage and establishment of protective buffer zones established by trained personnel from State and/or Federal agencies.

8. **Sea Turtles and Hawaiian Monk Seals.** Regarding your concern about turtle nesting and the optimal nesting habitat of a dark beach free of barriers that restrict turtle movement, the lack of shoreline development and the establishment of a shoreline park and coastal preserve area will ensure existing shoreline nesting conditions are not significantly changed. In addition, adherence with Hawai'i County law regarding lighting (Chapter 14 Article 9, HCC), which requires shielding of all outdoor lights, will ensure cumulative and secondary impacts related to light pollution will not impact the shoreline and beach.

Regarding your concerns about Hawaiian monk seals, we have previously contacted the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA) and we have also reviewed the *Recovery Plan for the Hawaiian Monk Seal* (NOAA 2007) and other pertinent information regarding Hawaiian monk seals.

According to NOAA, fewer than 100 seals have been sighted in the main Hawaiian Islands (MHI). The majority of Hawaiian monk seals live in the Northwest Hawaiian Islands; however, the population size and range seems to be expanding in the MHI. Within the MHI, Hawaiian monk seals tend to distribute themselves in more remote areas where human disturbance is less likely, but a few monk seals are now observed on popular public beaches and some individual seals have become habituated to human presence. According to NOAA, this situation presents management challenges, and it is often difficult to convey to the public that monk seals are sensitive to disturbance, especially when some individual animals seem content to share the beach with many people.

Monk seals are subject to harassment by people and pets. NOAA says that on more than one occasion this has led to swimmers being bitten, seals chased and/or attacked by dogs. In some cases, acclimation and habituation to humans have led to interactions that are harmful to humans and ultimately the seals. Other areas of concern include interactions with recreational fishers, as well as interactions with recreational and commercial boating. A critical threat to monk seals in the MHI is the introduction of disease from domestic, feral, and wild animals. We note your recommendations regarding prohibiting the free movement of pets and measures to limit feral animals.

The growth of monk seal populations in the MHI has brought an increasingly large number of people in contact with monk seals. Closer proximity to seals can be seen as an opportunity to build a constituency for the species. Inevitably, it will also mean an increase in conflict between people and monk seals.

Appropriate protocol if a Hawaiian monk seal is encountered on a beach is to notify NOAA who will check if the animal is injured or entangled, then put tape around the site to keep people from approaching too closely.

Management measures by NOAA to ensure that haul-out beaches in the MHI are available for use by the Hawaiian monk seals include conducting workshops on managing monk seals, hiring monk seal coordinators on different islands to monitor hauled-out seals and prevent sources of human disturbance, establishing volunteer monk seal monitoring groups, and establishing monk seal protection zones around monk seals on recreational beaches.

NOAA notes that an education and outreach program could minimize conflicts between people and monk seals, while increasing the public understanding of monk seal conservation, thus enhancing the recovery potential and conservation of the monk seal. The education and outreach program should focus on both residents and visitors, ensuring the greatest possibility for peaceful coexistence between seals and people.

To reflect the relevant above information in the Final EIS, Section 3.5.2 (Nearshore Marine Environment) will be revised as shown in the Attachment titled "Nearshore Marine Environment."

9. **Pets and Feral Animals.** In response to your comments regarding prohibiting the free movement of pets and measures to limit feral animals, in the Final EIS Section 3.7 (Fauna) will be revised to include your recommendations as shown in the Attachment titled "Fauna."
10. **Wild Land Fires.** Thank you for the information regarding the West Hawaii Wildfire Management Organization. As recommended we have contacted this organization. In response to your concerns about wildfires and to reflect information received from the West Hawaii Wildfire Management Organization, in the Final EIS Section 3.4 (Natural Hazards) will be revised to include the following information:

#### **3.4.6 Wildfires**

Currently the vegetation cover on the property varies from nearly continuous to sparse and is most typically dominated by scattered bunch grasses. Common grasses (such as invasive fountain grass (*Pennisetum setaceum*), which is the most common grass on the Property) can easily carry fire. According to the West Hawaii Wildfire Management Organization (2006), most fires are human-caused and start along roadsides. Queen Ka'ahumanu Highway borders the Property to the east.

#### ***POTENTIAL IMPACTS AND MITIGATION MEASURES***

The occurrence of a natural disaster cannot be predicted, and should one occur, it could pose a risk of life and property within the proposed 'O'oma Beachside Village community. The proposed development, however, will not exacerbate any natural hazard conditions.

To mitigate potential impacts to life and property, caused by a natural disaster, no significant improvements or habitable structures will be built within the 100-year floodplain (Zone A) or the tsunami inundation zone. The only improvements near the shoreline will be park-related as comfort station and community pavilion.

All structures at 'O'oma Beachside Village will be constructed in compliance with requirements of the UBC, appropriate to the Zone 4 Seismic Probability Rating and other County, State, and Federal standards.

The creation of 'O'oma Beachside Village will mitigate the potential for wildfires on the Property through its landscape design and plant palette. In large part, vegetative fuel for fires, such as fountain grass, will be replaced by buildings and landscaping of the community. Landscaping at 'O'oma will include native species less likely to catch fire and non-invasive succulents. Further discussion of plants is provided in Section 3.6 (Flora). Other mitigation measures include the use of lava rock and other non-flammable materials in building and landscaping, and creating a trail system, which can act as a fire break. Within open space, such as the shoreline park and coastal preserve, any grasses and other dry vegetation can be more readily managed and monitored compared to existing conditions. 'O'oma Beachside Village will also contain complete fire prevention measures including access roads in accordance with Uniform Fire Code (UFC) Section 10.207, water supply for fire suppression in accordance with UFC Section 10.301(c), and buildings under construction in compliance with the provisions of UFC Article 87.



Mr. Patrick Leonard

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

December 10, 2008

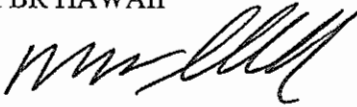
Page 6 of 6

11. Botanical surveys conducted in October 2002 and November and December 2006 did not identify kooloolua (*Bidens micrantha* ssp. *ctenophylla*) on the property. We understand that kooloolua is a candidate species for listing by the USFWS and note that the species seems to have been considered a candidate species since at least 1980. 'O'oma Beachside Village, LLC will comply with all laws regarding endangered species if any are discovered on the Property; however, previous botanical surveys of have not indentified endangered or threatened plant species on the Property.

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP  
Senior Associate

Attachments:

Fauna

Drainage System

Wastewater System

Nearshore Marine Environment

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

2309.03 USFWS

United States Department of Agriculture



Natural Resources Conservation Service  
P.O. Box 50004 Rm. 4-118  
Honolulu, HI 96850  
808-541-2600

---

June 20, 2008

Tom Schnell  
PBR Hawaii  
ABS Tower, Suite 650  
1001 Bishop Street  
Honolulu, Hawaii 96813

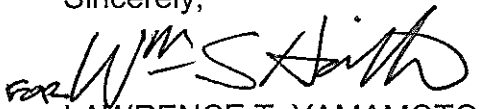
Dear Mr. Schnell,

Thank you for providing the NRCS the opportunity to review the Draft Environmental Impact Statement (DEIS) for the Ooma Beachside Village, Kaloko, North Kona, Hawaii. In review of the project site location it was found that no Prime or Important Farmlands exist or will be impacted at this site. In addition, no hydric soils are located in the project area. Hydric soils identify potential areas of wetlands. If wetlands do exist, any proposed impacts to these wetlands would need to demonstrate compliance with the "Clean Water Act", and may need an Army Corp of Engineers 404 permit.

Please find enclosed an NRCS Soil Survey Map and selected soil reports. The Soil Survey Map identifies all soil map units in the project area. The soil reports provide selected soil properties and interpretations, e.g., Dwellings W/O Basements, soil layers with USDA textures, and engineering classifications. The limitation ratings for the selected uses, e.g., Dwellings W/O Basements are severe. These ratings do not preclude the intended land use, however they do identify potential limitations for the use, which may require corrective measures, increase costs, and/or require continued maintenance.

The NRCS Soil Survey is a general planning tool and does not eliminate the need for an onsite investigation. If you have any questions concerning the soils or interpretations for this project please call, Tony Rolfes, Assistant State Soil Scientist, (808) 541-2600 x129, or email, [Tony.Rolfes@hi.usda.gov](mailto:Tony.Rolfes@hi.usda.gov).

Sincerely,

  
LAWRENCE T. YAMAMOTO  
Director  
Pacific Islands Area

cc: Michael Robotham, Assistant Director for Soil Science and Natural Resource Assessments, USDA-NRCS, Honolulu, HI

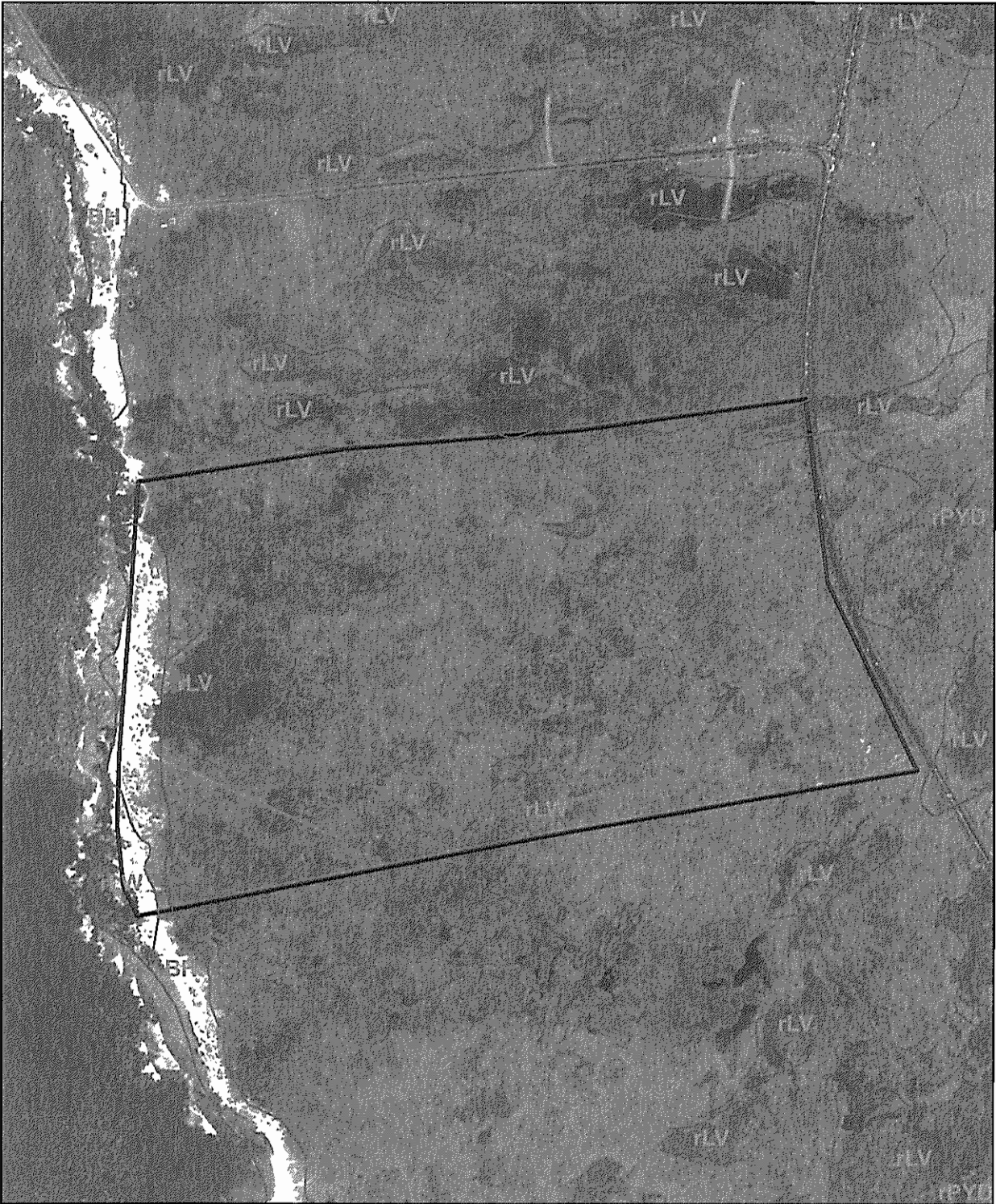
Enclosures:

*Helping People Help the Land*

An Equal Opportunity Provider and Employer

# SOILS MAP

## 'O'oma Beachside Village





0 380 760 1,520 2,280 3,040  
Feet

NRCS  
6/2008



### Legend

-  Soil Map Units
-  Approx. Project Site for 'O'oma Beachside Village

# Map Unit Legend

Island of Hawaii Area, Hawaii

Map symbol	Map unit name
BH	Beaches
rLV	Lava flows, aa
rLW	Lava flows, pahoehoe

## Selected Soil Interpretations

Island of Hawaii Area, Hawaii

[The information in this table indicates the dominant soil condition but does not eliminate the need for onsite investigation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

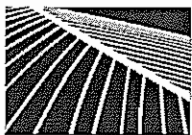
\*This soil interpretation was designed as a "limitation" as opposed to a "suitability". The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation.

Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements (HI) *		ENG - Small Commercial Buildings (HI) *	
		Rating class and limiting features	Value	Rating class and limiting features	Value
<b>BH:</b>					
Beaches	100	Severe Flash flooding > Rare	1.00	Severe Flash flooding > Rare	1.00
<b>rLV:</b>					
Lava flows, aa, Aa	100	Severe Fragments (>3") >50% Slopes > 15%	1.00 1.00	Severe Slopes > 8% Fragments (>3") >50%	1.00 1.00
<b>rLW:</b>					
Lava flows, pahoehoe, Pahoehoe	100	Severe Bedrock (hard) < 20" depth Slopes > 15%	1.00 1.00	Severe Slopes > 8% Bedrock (hard) < 20" depth	1.00 1.00

# Engineering Properties

Island of Hawaii Area, Hawaii

Map symbol and soil name	Depth	USDA texture	Classification		Fragments			Percent passing sieve number--					Liquid limit	Plasticity Index
			Unified	AASHTO	>10 Inches	3-10 Inches	4	10	40	200				
<i>In</i>														
BH:					<i>Pct</i>	<i>Pct</i>						<i>Pct</i>		
Beaches	0-6	Coarse sand	SP, SP-SM	A-1, A-2-4, A-3	0-15	0-10	100	75-100	5-85	0-5	0-14	NP		
	6-60	Coarse sand, Fine sand, Sand	SP, SP-SM	A-1, A-2-4, A-3	0-15	0-10	100	75-100	5-85	0-5	0-14	NP		
TLV:														
Lava flows, aa, Aa	0-60	Extremely stony material	GP	A-1	30-75	30-75	0-20	0-10	0-5	0	0-14	NP		
TLW:														
Lava flows, pahoehoe, Pahoehoe	0-60	Bedrock	---	---	0	0	0	0	0	0	0	NP		



# PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

**PRINCIPALS**

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

Lawrence T. Yamamoto  
U.S. Department of Agriculture  
Natural Resources Conservation Service  
P.O. Box 50004, Rm. 4-118  
Honolulu, Hawai'i 96850

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

**CHAIRMAN EMERITUS**

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

Dear Mr. Yamamoto:

**ASSOCIATES**

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

Thank you for your letter dated June 20, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. We note your statement that no Prime or Important Farmlands exist or will be impacted at the site.
2. We note your statement that no hydric soils are located in the project area.
3. Thank you for providing the NRCS soil survey map and selected soil reports. We note that your data is consistent with the soils discussion provided in Section 3.3.1 of the Draft EIS.

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

Sincerely,

PBR HAWAII

Tom Schnell, AICP  
Senior Associate

**HONOLULU OFFICE**

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

**HILO OFFICE**

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

**WAILUKU OFFICE**

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

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

2309.03 NRCS



## United States Department of the Interior

### NATIONAL PARK SERVICE

Kaloko-Honokohau National Historical Park

73-4786 Kanalani St., Suite 14

Kailua-Kona, HI 96740

IN REPLY REFER TO:

L7621

July 3, 2008

Mr. Dennis Moresco  
Ooma Beachside Village, LLC  
c/o Midland Pacific Homes  
7305 Morro Road, Suite 200  
Atascadero, CA 93422

RE: National Park Service Response to the DEIS,  
O'oma Beachside Village, LLC, North Kona, Hawaii

Dear Mr. Moresco:

Thank you for providing the National Park Service with the opportunity to review and comment on the DEIS for the O'oma Beachside Village, LLC, North Kona, Hawaii, proposed for development by Midland Pacific Homes. The O'oma Beachside Village property is situated less than 1 mile from the Kaloko-Honokohau National Historical Park boundary, and has the potential to affect the natural and cultural resources within the National Park. We have reviewed the DEIS and would like to provide the following comments.

Kaloko-Honokohau National Historical Park (KAHO) was authorized in 1978 by Congress to preserve, interpret, and perpetuate traditional Native Hawaiian activities and culture (Public Law 95-625). Water quality and quantity in the National Park are vital to the integrity of this mission. The National Park contains two large (11 and 15- acre) ancient Hawaiian fishponds with large associated wetlands, more than 140 known anchialine pools, and 596 acres of marine waters. Each of these water bodies is a significant cultural resource, and they also provide habitat for nine federally protected and candidate endangered species. The National Park water resources are fed by, and in the case of the anchialine pools and `Aimakapa Fishpond, are solely dependent upon, ground water inputs. The anchialine pools support three known candidate endangered species. `Aimakapa Fishpond and wetland is a significant foraging and breeding habitat for the endangered Hawaiian stilt and the Hawaiian coot, and is an important habitat for migratory waterfowl. The Park boundaries also encompass 596 acres of class AA marine waters, which include extensive coral reef habitat, and support four federally protected marine species.

The draft Environmental Impact Statement (DEIS) contains a number of statements that are apparently not supported by scientific data or references to published literature, or cannot be verified because of lack of information on methodology in the Appendices. Some studies in the DEIS, upon which conclusions regarding impacts and their significance are based, are inadequate in statistical sampling design and effort, and use methodologies that are inappropriate to establish baseline conditions or to detect the presence of rare species. Application of information gathered in these studies results in conclusions in the DEIS that are unsupported and perhaps invalid.



## A. POTENTIAL IMPACTS TO GROUNDWATER RESOURCES AND NEARSHORE MARINE ENVIRONMENT DUE TO GROUNDWATER WITHDRAWALS

### 1. Potable Water Source and Analysis of Impacts to Groundwater

The total potable water demand for the project at full build-out is estimated to be 0.694 MGD. KAHO responded to environmental consultant PBR Hawaii regarding the EIS preparation notice in a letter dated June 7, 2007. In this letter, the Park noted that the water source for the project had not yet been identified and requested that the DEIS identify the sources and the amounts of potable and non-potable water withdrawals for the proposed project so that impacts to National Park resources could be analyzed. Of primary concern is the uncertainty in the DEIS of the water source for the project and consequent lack of evaluation of the impacts of potential new pumping wells in the Keauhou high-level aquifer in the vicinity of KAHO. The DEIS states that the applicant's preferred water source is saltwater and an on-site desalination plant. However, as noted in several places (Section 1.7.8, Section 3.5, Section 4.9.1, Section 7.5, and Appendix A), the project's water source remains an unresolved issue and the applicant continues to explore alternatives such as a conventional potable well system.

According to Appendix A, the conventional potable well system would involve the construction of one or more new wells in the high-level aquifer, but the analysis of environmental impacts due to groundwater withdrawals in the DEIS is limited to a desalination system as the sole source of water to the project, and the environmental impacts of new wells in the high-level aquifer are never considered. The DEIS therefore fails to consider the impacts to groundwater and the near shore marine environment from one of the project's potential water systems or to identify appropriate mitigation measures.

This is a significant concern to the NPS because groundwater is an essential resource to the fishponds, anchialine pools, wetlands, and coral reefs that define Kaloko-Honokohau National Historical Park. Ground-water withdrawals from the Keauhou high-level aquifer will increasingly capture fresh water that would otherwise recharge the basal aquifer. The NPS has become increasingly involved in the environmental review and planning of development surrounding the National Park to raise awareness about this issue. In a June 7, 2007 letter, the National Park responded to environmental consultant PBR Hawaii regarding the 'O'oma Beachside Village EIS preparation notice, and specifically requested that a detailed quantitative analysis of the cumulative impacts of water withdrawals within the aquifer system be made to identify impacts on National Park water resources.

Since implementation of the preferred alternative may include the development of new wells in the Keauhou high-level aquifer, the NPS again requests that this DEIS evaluate the potential impacts of the groundwater withdraws, and include appropriate mitigation measures. According to the U.S. Geological Survey, there may be no volume of groundwater use that can be truly free of any adverse consequence, especially when time is considered; the direct hydrologic effects will be equal to the volume of water removed, but those effects may require decades to centuries to be manifest (Anderson & Woosley, USGS Circular 1261, 2005). Likewise, if pumping to support 'O'oma Beachside Village will remove 0.694 Mgd from the Keauhou high-level aquifer, then the DEIS should clearly acknowledge that aquifer storage in combination with ground-water discharge to the basal aquifer and the near shore area will decrease by 0.694 Mgd in the vicinity

of the new wells. It is essential that this component of the proposed project be subject to public review.

## 2. Permits Required for New Pumping and/or Injection Wells

Sections 1.7.4 and 5.3 of the DEIS discuss required permits and approvals for the proposed project. These lists should be revised to include (1) Well Construction and Pumping Permits from the Commission on Water Resource Management that will be needed for new wells to supply feedwater for the desalination plant or potable water from the high-level aquifer, and (2) the Underground Injection Control Permits from the Department of Health that will be needed for the injection wells to dispose of the reverse osmosis concentrate from desalination.

## 3. Depth of Production Wells for Desalination Plant

The anticipated depth of the on-site production wells is not clear because of the inconsistent use of the terms 'saline', 'saltwater' and 'brackish' when discussing groundwater quality. For example, Section 3.5 states that on-site deep wells would tap "saline groundwater at a depth beneath the brackish lens" but later states that the desalination feedwater would come from "on-site saltwater wells drawing at a depth below the basal lens." It is therefore not clear if the source of water for the desalination plant will be saline groundwater or saltwater, and the difference in the depth of the wells could be considerable at this location. It might be helpful if the terms brackish, saline, and saltwater were defined in terms of TDS concentration. Regardless, the DEIS should provide a more detailed estimate of the depth of the wells that will provide feedwater to the desalination plant so that the water quality and depth at which groundwater is withdrawn from the basal aquifer is understood.

## 4. Water Quality of the Reverse Osmosis Concentrate

The anticipated salinity of the reverse osmosis concentrate is uncertain from the information presented in the DEIS. Sections 3.5 and 4.9.1 state that the "concentrate would have a salinity of approximately 60%, which is substantially denser than either open coastal seawater (salinity of 35%) or saline groundwater (salinity of 33-35%)."

These statements are inaccurate and conflict with information provided in Appendix A. The average salinity of seawater is 3.5% or 35 ppt. Saline groundwater is typically classified as water with 1.5 – 3.0% salinity or 15 – 30 ppt. These sections should be revised to be consistent with the water quality information provided in Appendix A, which states that the reverse osmosis concentrate would be hypersaline, with a salinity over 1.5 times that of seawater. This information is needed to evaluate potential impacts to the basal aquifer and nearshore resources.

## 5. Number and Depth of the Injection Wells

The anticipated number and depth of on-site injection wells is not clear. Section 3.5.1 states that reverse osmosis concentrate "would be discharged in deep wells at a level deeper than the source feed water" and that on-site wells that "will deliver the concentrate into the saltwater zone below the basal lens." Because the depth at which feedwater will be pumped or the depth to saltwater is not specified in the DEIS, it is not clear what the depth of the injection well will be. The DEIS should be revised to include an approximate number and depth of the injection wells so that

potential impacts to the basal aquifer and nearshore resources can be adequately evaluated. Ideally, the injection well would be completed far below the saltwater interface.

6. Potential Impacts to Groundwater Resources and Nearshore Marine Environment due to the Disposal of Reverse Osmosis Concentrate

The DEIS does not provide sufficient information or analysis to demonstrate that there will be no significant environmental impacts to groundwater or nearshore marine resources due to the disposal of reverse osmosis concentrate. The DEIS states in several places (Section 3.5, Appendix A) that after injection into deep wells the concentrate “will flow seaward without rising into and impacting basal groundwater. Discharge into the marine environment would be offshore at a substantial distance and depth.”

This determination is vague and the data upon which it was made is not included in the DEIS. Analyzing the response of the basal aquifer to the injection of the reverse osmosis concentrate and quantifying the distance from the shore and the depth at which that the concentrate will discharge into the marine environment is a complex variable-density and solute-transport problem. This type of analysis would be further complicated if the depth and number of pumping and injection wells was not known. This determination of no impact was must be supported by scientific information and analysis.

7. Groundwater-Dependent Ecosystems

The DEIS does not address the potential impacts of the proposed project on groundwater-dependent ecosystems, specifically anchialine pools. Anchialine pools contain endemic and native flora and fauna that depend upon brackish groundwater, and the DEIS does not mention the importance of the basal lens to their survival. Groundwater withdrawals in both the high-level and basal aquifer have the potential to decrease water levels and increase salinity in these groundwater dependent ecosystems, as well as the offshore coral reef ecosystem. To effectively manage and protect these resources, the DEIS should describe the ecosystems that depend upon groundwater and should recognize that anchialine pools are areas of ground- and surface-water interaction containing diverse ecological communities, and are sensitive environmental and cultural areas susceptible to groundwater withdrawals.

8. Sustainable Yield of the Keauhou Aquifer System

Section 4.9.1 states that the sustainable yield of the Keauhou aquifer system is estimated to be more than 38 MGD because this number was determined before the discovery of the high-level aquifer. This statement is inconsistent with recent the findings of the Commission on Water Resource Management which is responsible for developing the sustainable yield estimates for all aquifers in Hawaii. The Commission recently proposed reducing the sustainable yield of the aquifer system to 36 MGD in the 2007 Water Resources Protection Plan Update, which was released well after the discovery of the high-level aquifer.

B. DRAINAGE, STORMWATER COLLECTION AND DISPOSAL, NON-POINT SOURCE POLLUTION

In the National Park Service's letter responding to the EIS preparation notice, we specifically requested that the DEIS include an analysis of drainage construction techniques beyond what are required by the county and state, such as filtered drainage systems, to reduce non-point source pollution to the groundwater and marine waters. According to the Environmental Protection Agency's 1993 Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters<sup>5</sup>, one of the objectives of urban runoff management is "protection of ground water resources" (p. 4-5). The EPA Guidance says "infiltration systems [standard drywells, such as those used in West Hawaii] may not be appropriate where ground water requires protection" (p. 4-14).

As the DEIS points out (Section 3.3), the prevailing geologic condition of the O'oma site is highly permeable lava with few accumulated soils. Rain and runoff water carry pollutants quickly to ground water, on to coastal anchialine pools and into the nearshore waters via submarine ground water discharge. Although the Kona Coast is arid, it can and does experience heavy rainfall events. For example, the National Park Service's remote automated weather station located within KAHO has recorded eight rainfall events in the last 3.5 years with greater than 1.5 inches of rainfall in a 24-hour period. The most recent of these events in December 2007 produced 2 inches of rainfall in two hours.

Due to the permeable lava substrate, the proposed project area has no streams or typical surface waters other than anchialine pools, which are essentially exposed ground water. Therefore, ground-water flow may be considered similar to an underground "stream," that is, a conduit for pollutants to surface waters and marine waters at the coast. The submarine ground-water discharge to reef ecosystems along the Kona coast has been documented by Wilkins,<sup>1</sup> the US Geological Survey<sup>2</sup> and the University of Hawaii.<sup>3</sup>

The DEIS is inadequate in that it does not assess impacts of polluted surface-runoff from the proposed project's roadways, houses, and commercial areas (66% of the proposed project-area acreage) to ground water, anchialine pools, the adjacent nearshore marine waters. No mitigation is proposed in the DEIS to protect coastal water resources from adverse impacts associated with polluted runoff. The DEIS states (Section 3.5.1, Section 4.9.3, Appendix A) that "nitrogen and phosphorus levels from developed areas are relatively low, (lower than the underlying groundwater)." This statement is contradicted by the findings regarding nonpoint source pollution in the form of nutrient inputs from developed areas in the Environmental Protection Agency's Nationwide Urban Runoff Program, the Coastal Nonpoint Pollution Control Program jointly administered by the Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration, and the National Water Quality Assessment Program led by the US Geological Survey.

In the Coastal Zone Act Reauthorization Amendments of 1990, Congress recognized the role of nonpoint source pollution in the continuing degradation of many of the nation's coastal waters. According to the EPA, surface-water runoff generated by rainfall and excess irrigation is a significant nationwide problem for ground-water pollution

<sup>1</sup> Wilkins, G.A. 1992. Aquatic Studies in Kaloko-Honokohau National Historical Park, Final Report. 10 p.

<sup>2</sup> Presto, M. K., Storlazzi, C.D., Logan, J.B., and Grossman, E.E. 2007. Submarine groundwater discharge and seasonal trends along the coast of Kaloko-Honokohau National Historic Park, Hawaii, part I; time-series measurements of currents, waves and water properties; November 2005-July 2006: U.S. Geological Survey Open-File Report 2007-1310, 39 p. [<http://pubs.usgs.gov/of/2007/1310/>].

<sup>3</sup> <http://www.soest.hawaii.edu/GG/FACULTY/glenn/>.

(<http://www.epa.gov/owow/nps/qa.html>). The consequences of nonpoint source pollution include increased risk of disease from water recreation, algae blooms, fish kills, destroyed aquatic habitats, and turbid waters<sup>4</sup>. The DEIS also does not acknowledge that roadway and other impermeable surfaces associated with development are exposed to and can introduce petroleum products, metals, pesticides, and other pollutants to ground water. The DEIS claims (Section 4.9.3) that the project “will not have any significant adverse effect on groundwater or coastal marine waters” However, according to the EPA, coastal development without appropriate management measures for protection from nonpoint source pollution poses a significant threat to ground water, aquatic, and marine resources<sup>5</sup>.

In 1998, Hawaii listed 18 impaired water bodies under section 303(d) of the Clean Water Act, one of these was on Hawaii Island. As of 2004 the number of state-listed impaired water bodies had increased to 244, with 28 of these on Hawaii Island and five on the Kona Coast ([http://iaspub.epa.gov/tmdl/state\\_rept.control?p\\_state=HI&p\\_cycle=1998](http://iaspub.epa.gov/tmdl/state_rept.control?p_state=HI&p_cycle=1998); [http://iaspub.epa.gov/tmdl/state\\_rept.control?p\\_state=HI&p\\_cycle=2004](http://iaspub.epa.gov/tmdl/state_rept.control?p_state=HI&p_cycle=2004)). Although the proposed project area is not one of these five sites, clearly even the relatively pristine coastal waters of West Hawaii are at risk from increasing urbanization. The EIS should recognize the potential for impact particularly in the context of proposed and existing neighboring developments.

These issues of protection of West Hawaii’s coastal water resources were exhaustively addressed by the Land Use Commission (LUC) in 2002. In 2001 the National Park Service intervened in a petition by TSA Corporation for a land-use district boundary amendment before the state Land Use Commission. The NPS intervened not to halt the development, but rather to request protective conditions be placed on the development to protect water resources in the National Park from nonpoint source pollution. In its 2002 Findings of Fact Conclusions of Law Decision and Order, the LUC recognized the potential adverse impacts of upslope development and the legal and constitutional obligation to protect and preserve the resources of the Park. The Commission found that “...for all proposed development adjacent to or near a National Park that raises threats of harm to the environment, cultural resources, or human health, precautionary measures should be taken to protect the National Park cultural and natural resources...”<sup>6</sup>

The LUC expressly determined that:

[N]ative Hawaiian rights and natural and cultural resources would be damaged or destroyed by the pollution of groundwater that reaches the National Park from surrounding areas, including [the] proposed development at the Kaloko Industrial Park. Appropriate mitigation measures are, therefore, required under the Hawaii Constitution . . . in order to approve reclassification of the project area.<sup>7</sup>

Following the 2002 Decision and Order on Docket A00-732, the neighboring commercial/industrial developers with petitions before the LUC, Lanihau Partners and McClean Honokohau Properties, came to agreement with the National Park Service on protective

<sup>4</sup> Hawaii’s Implementation Plan for Polluted Runoff Control, 2000.

<sup>5</sup> Environmental Protection Agency. 1993. Guidance specifying management measures for sources of nonpoint pollution in coastal waters. EPA-840-B-92-002. US Environmental Protection Agency Office of Water, Washington DC.

<sup>6</sup> LUC 2002, Docket A00-732 Findings of Fact Conclusions of Law Decision and Order FF ¶165

<sup>7</sup> LUC 2002. Docket A00-732 Findings of Fact Conclusions of Law Decision and Order; Conclusion of Law ¶ 7

conditions to be put in place on redistricting by the LUC. To properly mitigate potential impacts to ground water and coastal waters from this project development, O`oma Beachside Village, LLC should voluntarily adopt those LUC conditions concerning protection of water resources (storm and surface water runoff, pollution prevention, ground-water quality monitoring) for the proposed project area.

Project roadway and parking-lot drainage wells should be made to filter petrochemical pollutants by including oil/water separators or similar pollutant-removal technology in the drainage basin. Such filters must be installed as mitigation because the design specifications of drainage wells in compliance with the Hawaii County Public Works and State Department of Health standards do not inherently incorporate any structure or other design feature to remove petroleum, oil, or any contaminants contained in runoff. Despite the DEIS-stated mitigation to follow County and State standards, the County Codes for drainage wells currently do not address protection of significant environmental resources, but rather solely consider flood control and volume of runoff.<sup>8</sup> The proposed project area is below the Underground Injection Control line. Representatives from the Safe Drinking Water Branch of the Department of Health, Groundwater Protection Control Section, and the County Department of Public Works testified to the LUC that there is no State law or County code currently to ensure that pollutants carried with surface runoff do not get into the environment through groundwater.<sup>9</sup>

In 2002, the Hawaii County Council took the Land Use Commission's Findings, and Decision and Order under consideration and also recognized the need to address nonpoint source pollution. The Council applied the following condition to Ordinance No. 02 114 amending the County Zoning Code for the TSA project:

In order to address and mitigate potential impacts from non-point source pollutants, the applicant shall participate with the County of Hawaii in a pilot storm drain program for roadways within the Kaloko-Honokohau region. This pilot program may potentially include other developments within the County and apply to all other government and private developments. ... The drainage system within road rights-of-way shall include storm drain filtration devices...<sup>10</sup>

The Council also applied the condition to the Lanihau Partners, LLC development in Ordinance 04 110, Section 2 Condition O. In consideration of the above, O`oma Beachside Villages LLC should commit to join this pilot project for roadways within the development and commit to employ best technology pollution filtration devices in parking lots and roadway, or should connect all stormwater drains to their wastewater treatment plant and treat appropriately as mitigation to protect ground water and coastal water resources.

### C. WATER CONSERVATION AND POLLUTION PREVENTION

Section 4.9.1 Water Conservation states that O`oma Beachside Village, LLC is committed to aggressive water conservation strategies. The National Park Service supports these strategies, and in addition the NPS asks that O`oma Beachside Village, LLC provide the new residents with

<sup>8</sup> LUC 2002. LUC Docket A00-732 Findings of Fact Conclusions of Law Decision and Order; FF ¶¶418-421.

<sup>9</sup> LUC Testimony: Emler 7/18/01, p. 73:lines16-22, 8/23/01, p. 116: lines 11-22; Hew 10/3/01, p. 109:lines 11-17

<sup>10</sup> 2002 County of Hawaii Ordinance No. 02 114, Section 2, Condition F



information about controlling non-point source pollution including but not limited to vehicle maintenance and proper disposal of vehicle fluids, the impacts of washing cars on the street, and storm drain stenciling and require strict adherence to these protective measures in its CCRs. However, the DEIS does not discuss the use of appropriate fertilizers and pesticides, and no enforceable controls on approved chemicals and uses by property owners through CCRs or other means were offered as mitigation to protect ground water. Controls on fertilizers and pesticides should be included in the EIS.

The National Park Service strongly supports the protective measures listed in Section 2.5.1 and requests that O`oma Beachside Village, LLC commit to these measures by incorporating them into their proposed conditions of approval for the amended land-use district boundary in the LUC Decision an Order. In particular the National Park Service supports the decision to protect the anchialine pools and other aquatic ecosystems by prohibiting chemical ground treatment for termites on the proposed development. There are numerous highly successful alternative termite control measures that use physical barriers instead of chemical treatment. The University of Hawaii Termite Project has shown that in Hawaii's environment, soil insecticides are unlikely to remain effective over a great many years, and that with proper installation, mechanical barriers should maintain their effectiveness longer than pesticides. Commonly used termiticides, including fipronil and the pyrethroid insecticides (permethrin), which are broad spectrum insecticides, are highly toxic to fish and aquatic invertebrates and can cause adverse effects in receiving aquatic ecosystems. Additionally, fipronil and some of its breakdown compounds may bioaccumulate in fish. It is important to recognize that as pesticides degrade in the environment, other active compounds are formed. These "degradates," particularly in the case of fipronil, are sometimes as toxic as or more toxic than the parent compound, and some are more persistent in the environment. Water quality testing to detect termiticides may not reveal degradates if they are not specifically tested for. These chemicals also may go undetected if they are not tested for at their environmentally relevant concentrations, which can be quite low (e.g., for pyrethroids about 1 nanogram/liter [part per trillion] in water and 1 nanogram/gram [part per billion, dry weight] in sediment). The relatively short residence time of these termiticides also contributes to lack of detection. However, a short residence time does not mean that there is little or no opportunity for toxic effect on organisms.

#### D. WASTEWATER TREATMENT AND IRRIGATION WATER

Section 4.9.2 discusses the proposed wastewater system and recycled use of the effluent. The DEIS does not discuss the nutrient removal capabilities of the proposed membrane bioreactor wastewater treatment system. While the use of recycled water to the R-1 level is the appropriate treatment to reduce viral and bacterial pathogens for irrigation uses around residential areas, the stated level of nutrients contained in the wastewater effluent is a significant concern, particularly so close to ground water supplying anchialine and marine resources. It is unclear why applied fertilizer would be added (Section 3.5.1, page 37 and Section 4.9.3 page 83) since the stated nutrient concentration of the effluent is high, and a typical benefit of irrigating with recycled water is the elimination of need for fertilizer. The stated addition of 300 uM Nitrogen (presumably Total Nitrogen, though this is not clear in the DEIS) from effluent is approximately 2.5 to 3.5 times greater than that reported in high-level aquifer wells and 2 to 4.5 times greater than reported in coastal groundwater monitoring wells (Appendix A). The addition of 100 uM Phosphorus (presumably Total Phosphorus, though this is not clear in the DEIS) is approximately 12.5 to 29 times greater than reported in the in the high-level aquifer wells and 8.3

to 153 times higher than reported in coastal monitoring wells (Appendix A). Therefore, additional nutrient removal technologies should be employed for this coastal development.

Table 2 of Appendix A hints that TN was calculated as the sum of dissolved nitrate plus dissolved ammonia plus total organic nitrogen. This is somewhat non-standard. A more typical way to do it would be to analyze for TN itself; which would be preferable since Hawaii standards are expressed as TN. By doing an analysis for TN itself, a comparison of the rates of TN compared with TDN + TPN as a quality control check could be utilized for a more complete analysis. Not all the TPN is necessarily organic, so adding nitrate, ammonia, and TON is not necessarily an optimal way to estimate TN.

The DEIS states (Section 3.5.1) that “[i]t is assumed that approximately 15 percent of irrigation water will percolate downward into the underlying basal lens.” No scientific data or scientific studies are provided to support this assumption. For the development adjacent to the proposed O’oma Beachside Village, Waimea Water Services estimated that approximately 54% of the irrigation water will infiltrate into the aquifer. (The Water Development Impacts Study for the Shores of Kohanaiki, Figure 6, Waimea Water Services, Inc., 2007). Fifteen percent seems very low compared to what was assumed for the adjacent development.

Additionally, the DEIS states that, if necessary, overflow from the wastewater storage reservoir would be discharged into injection wells. No analysis is made of the potential impacts of injecting nutrient-enriched wastewater in a coastal injection well. Also no mention is made in Sections 1.7.4 and 5.3 of the DEIS for the Underground Injection Control Permit from the Department of Health that will be required for the injection wells to dispose of wastewater effluent.

The DEIS (Section 4.9.2 R-1 Water, and Section 3.5.1) states that storm and irrigation water “percolating into the ground (either pre- or post-development) removal rates of nitrogen and phosphorus will be 80 and 95%, respectively.” This statement is speculative and is based on unvalidated assumptions. The de-nitrification abilities of the project area’s soil type, highly permeable lava with few accumulated soils, has not been determined and the stated removal rate is not supported by scientific data. According to the EPA, even a well-constructed wastewater leach field (soil beds that are optimally constructed to treat effluent) that is comprised of fine-grained soils, i.e. silts and clays, especially those containing organic material, and layered soils is expected to remove no more than 20% nitrogen,<sup>11</sup> so it is unlikely that percolation through unimproved soil such as on the project site will achieve the stated nitrogen removal rate. Similarly, no data are provided in the DEIS regarding phosphorus removal. No scientific study on the sorption, transport, and retention capacity of the project area soils for phosphorus was conducted or provided. It is unlikely that percolation through unimproved soil will realistically remove these stated levels of nutrients.

## E. NEARSHORE MARINE ENVIRONMENT

The DEIS (Section 3.5.2 and Appendix B) states that the data collected by Marine Research Consultants in previous marine water quality and environmental assessments can be used to evaluate changes over time and that the previous studies can serve as a baseline for future

---

<sup>11</sup> United States Environmental Protection Agency. 2002. Onsite Wastewater Treatment Systems Manual.



monitoring. These statements are not supported by the study design. The low number of transects and samples lack the statistical ability (power) to reliably detect changes over time or between sites. Because the transects were not selected randomly, the results are relevant only to the transects themselves and cannot be generalized to the entire study area. The location of Transect 1 was moved from previous surveys, thus comparison over time is no longer possible for this transect. Results from Transect 1 should be clarified and state whether the data collected before the transect was moved were thrown out. According to Appendix B, data collection for this study does not meet the Department of Health criteria of three separate samplings within a 14-day period. Pages 8 and 9 of Appendix B suggest that the water quality parameters that exceed DOH standards represent “natural conditions” because there is currently no development on the O’oma property. However, this statement is contradicted by Appendix A wherein it is noted that nutrient enrichment is occurring. There are numerous developments upslope and in the surrounding watershed that are on septic and cesspool wastewater systems. Inputs from these systems are likely the sources influencing nutrient concentrations along the coast.

## F. CONTEXTUAL ISSUES, CUMULATIVE IMPACTS

The cumulative impact section of the DEIS is inadequate. The tabular listing of proposed developments is not an adequate analysis of the cumulative affects from these developments to environmental resources and existing infrastructure. In addition to proposed developments, analysis of cumulative impacts must also take into consideration *current* developments and land uses. In its 2002 Decision and Order for Docket A00-732, the Land Use Commission stated:

This Commission is acutely aware that continuous development is planned for this coastline. Although each developer might claim that only a “small amount” of pollution will result from their development and that the area’s ecosystem will show “little” effects, these developments and their impacts are cumulative and, absent strong mitigation measures, have the potential to devastate the fragile resources of the coastal and marine aquatic environments of the entire Kona coastal region.

The EIS should be revised to incorporate thorough analyses of cumulative impacts to environmental resources and public infrastructure.

### 1. Cumulative Impacts of Water Withdrawal

The proposed project’s water source remains an unresolved issue and the DEIS states that the applicant continues to explore alternatives such as a conventional potable-well system. No analysis of the cumulative impacts of water withdrawal from the aquifer was conducted. The DEIS does not report the estimated water needs of the surrounding proposed developments in combination with its own needs and does not examine the potential impacts of that amount of withdrawal on ground water supply and ground-water dependent ecosystems. Inland wells withdraw from the same aquifer as the ground water that discharges through the National Park, and potential wells supplying this proposed development would likely be located directly inland of the National Park. The NPS is highly concerned about the impacts of withdrawal to the cultural and natural resources in the Park that are dependent upon ground-water flow. Ground water within the National Park is considered a cultural resource; essential to the ancient Hawaiian fishponds and the pools that define the Park and are central to the National Park’s

planned Cultural Live-in Center (NPS 1994, General Management Plan/EIS). The focus on this singular development obscures that the overall proposed withdrawal of water is considerable. Ultimately, the cumulative impact to the aquifer will be quite significant.

## 2. Cumulative Impacts Contributing to Nonpoint Source Pollution

The DEIS does not analyze the cumulative impacts of nonpoint source pollution to coastal aquatic and nearshore marine resources generated by the rapidly increasing area of impermeable surfaces and individual wastewater systems around and upslope of the proposed project site in the context of other developments, existing and planned, in the area. Appendix A (page 7) acknowledges that nitrate enrichment is occurring between the high-level ground water wells and the basal monitoring wells and cites developed lands as a source. This finding is supported by other studies.<sup>12</sup> However, statements in the DEIS (Section 3.5.1 – Groundwater Resources; Appendix A (Groundwater); Appendix B (Marine Environment and Marine Water Quality); that these increases in nutrients are “within the range of natural variability” of nutrient concentrations in the underlying groundwater ignore the fact that as nutrient inputs increase from additional developments coming online, this range of variation increases upwards accordingly.

Another factor that is not given sufficient discussion is that the existing “high level aquifer wells” are not above human influence and thus cannot be used to argue that high levels of nitrate and other nutrients are coming down the mountain from purely natural areas above human influence.

## G. OTHER RELATED ISSUES

### 1. Traffic and Frontage Road

Figure 17 shows a frontage road inside the National Park boundaries. A frontage road within the National Park lands is not a viable option, since an act of Congress would be required. Figure 17 should be revised to eliminate the frontage road from this section.

### 2. Lighting

The effects of lighting near the shoreline as a result of development and impacts to protected species are not considered. There should be a thorough examination of lighting issues and impacts on birds, endangered species and the shoreline resources.

### 3. Potential Impacts and Proposed Mitigation Measures

The DEIS states that seals and turtles will not be impacted, however, in other sections, there is discussion of the potential for impact. The document contradicts itself (Page 6, Section 1.7.2 ff), where it states the turtles and Monk Seals that “haul out” on occasion, but will not be impacted because the area will be set aside as a shoreline park and coastal preserve. On page 23, it states the shoreline park will have parking, comfort station, a public-use pavilion, and trails from the housing areas will be put in. On page 42 second paragraph it says “the shoreline is heavily used for

---

<sup>12</sup> Hoover, D. and C. Gold. 2005. Assessment of coastal water resources and watershed conditions in Kaloko-Honokohau National Historical Park, Hawaii. 139 p.

recreation”, but throughout the document it talks about enhancing the shoreline with the facilities mentioned on page 23, and it is logical to surmise that with about 1000 new homes, and their residents, use at the coast will increase significantly. On page 45 under Potential Impacts and Mitigation Measures it states “Mitigative measures to ensure that there are no effects to turtles or seals by human interaction include appropriate signage and establishment of protective buffer zones established by trained personnel from the State and/or Federal agencies.” Likewise, the discussion on page 63 indicates that more accessibility to the coastal areas will be an outcome, yet the effects of increased access regarding seals, turtles and sensitive cultural sites are not addressed, nor are the potential mitigation actions.

4. Sustainability and Best Practices Implementation

There is mention of consideration of the use of photovoltaics and integrated building PV systems but only as suggestions of possible implementation. There should be a stronger commitment to sustainability and implementation of best practices.

5. Cultural resources preservation planning and mitigation

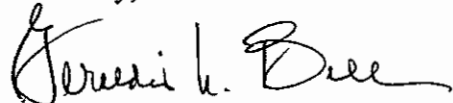
The DEIS acknowledges cultural resources management planning and surveys that have taken place (pp. 47, 50) and identifies that a preservation plan will be completed – that plan should be identified and appended to the final document so that there is an existing framework and SOPs in place.

6. Shoreline management

On page 147, the DEIS does not indicate that an integrated shoreline erosion management plan will be completed in conformance with the State Land Use and Hawaii County General Plan for flooding and other natural hazards. Additionally, the document fails to acknowledge the Ala Kahakai National Historic Trail, that encompasses a 175-mile corridor along the Kona coast, passes through the proposed development.

Thank you for the opportunity to participate in the environmental review process for this proposed project and to provide you with our comments and concerns. If you have any questions on our comments, please contact me at 808-329-6881 x1201.

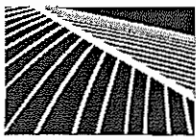
Sincerely,



Geraldine K. Bell  
Superintendent

cc: Office of Environmental Quality Control (OEQC)  
T. Schnell, PBR Hawaii  
County of Hawaii Planning Department  
County of Hawaii Department of Water Supply

County of Hawaii Department of Public Works  
Commission on Water Resources Management  
State Office of Planning  
State of Hawaii Coastal Zone Management Program  
D. Davidson, State of Hawaii Land Use Commission  
U.S. Fish and Wildlife Service  
Department of Health Clean Water Branch  
Department of Health Safe Drinking Water Branch, UIC Program  
NPS Pacific West Regional Office (OAK, SEA, HNL)  
NPS Water Rights Branch  
G. Lind, DOI Solicitor's Office



December 10, 2008

**PRINCIPALS**

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

**CHAIRMAN EMERITUS**

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

**ASSOCIATES**

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

**HONOLULU OFFICE**

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

**HILO OFFICE**

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

**WAILUKU OFFICE**

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

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

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

Dear Ms. Bell:

Thank you for your letter (Reference: L7621) dated July 3, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

With this letter we to respond to your general statement on page one of your letter that says the Draft EIS "contains a number of statements that apparently not supported by scientific data or references to published literature, or cannot be verified because of lack of information on methodology in the Appendices." We assume your concerns in this regard are elucidated in statements and questions in the body of your letter. Hence, to resolve your concerns we provide the responses below. The organization follows the headings and subheadings of your letter; however for clarity we have lettered each specific question or concern with a lowercase letter.

***A. POTENTIAL IMPACTS TO GROUNDWATER RESOURCES AND NEARSHORE  
MARINE ENVIRONMENT DUE TO GROUNDWATER WITHDRAWALS***

***1. Potable Water Source and Analysis of Impacts to Groundwater***

***a. Of primary concern is the uncertainty in the DEIS of the water source for the project and consequent lack of evaluation of the impacts of potential new pumping wells in the Keauhou high-level aquifer in the vicinity of KAHŌ.***

**Response:** As discussed in the Draft EIS, 'O'oma Beachside Village, LLC's preferred source for potable water for 'O'oma Beachside Village is a desalination plant. If a desalination plant proves unfeasible, 'O'oma Beachside Village will explore alternate sources of water including connection to the County of Hawai'i potable water system, partnership with private water system owners, or utilization of independent wells. In providing a source of potable water for 'O'oma Beachside Village, 'O'oma Beachside Village, LLC will comply with all laws and regulations. As necessary, 'O'oma Beachside Village, LLC will undertake additional research to assess the potential impacts and appropriate mitigation measures of the selected systems.

Ms. Geraldine Bell

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

December 10, 2008

Page 2 of 19

As will be discussed in the Final EIS, the desalination plant may be located on-site on the Property, or off-site: 1) at the existing Department of Water Supply (DWS) Keahole Tank site (TMK (3) 7-3-010: 043); 2) on, or in the vicinity of, the land for the future 1.0 million gallon Pāalamanui reservoir site (TMK (3) 7-3-010: portion of 044); 3) on land directly mauka of 'O'oma Beachside Village (TMK (3) 7-3-009: portion of 005); or 4) on other mauka lands mutually agreed upon by DWS and 'O'oma Beachside Village, LLC.

On November 25, 2008, the Water Board of the County of Hawaii adopted Resolution No. 08-08 supporting the development of desalination facilities by private parties such as 'O'oma Beachside Village, LLC, for dedication to the Water Board, provided however, that the DWS and the State Department of Health both approve of the desalination facilities and of the quality of water produced by said facilities and that there is sufficient demand and infrastructure for distribution of the water to operate the facility in an economically responsible manner. The Final EIS will contain the complete resolution.

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

To reflect the relevant above information in the Final EIS, Section 3.5.1 (Groundwater Resources) will be revised as shown in the Attachment titled "Groundwater Resources" and Section 4.9.1 (Water System) will be revised as shown in the Attachment titled "Water System."

## 2. Permits Required for New Pumping and/or Injection Wells

- a. *Sections 1.7.4 and 5.3 of the DEIS discuss required permits and approvals for the proposed project. These lists should be revised to include (1) Well Construction and Pumping Permits for the Commission on Water Resource Management that will be needed for new wells to supply feedwater for the desalination plant or potable water from the high-level aquifer, and (2) the Underground Injection Control Permits from the Department of Health that will be needed for the injection wells to dispose of the reverse osmosis concentrate from desalination.*

**Response:** In response to your comment, in the Final EIS the lists of required permits and approvals contained in Section 1.7.4 and Section 5.3 will be revised to include: 1) Well Construction/Pump Installation permits from the Commission on Water Resource Management for supply wells; and 2) Underground Injection Control permits from the State Department of Health for disposal wells.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 1.7.4 and Section 5.3 (Approvals and Permits) will be revised as shown in the attachment titled "Required Permits and Approvals."

Ms. Geraldine Bell

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

December 10, 2008

Page 3 of 19

3. *Depth of Production Wells for Desalination Plant*

- a. *The anticipated depth of the on-site projection wells is not clear because of the inconsistent use of the terms 'saline', 'saltwater' and 'brackish' when discussing groundwater quality.*

**Response:** The term "brackish" covers a range of salinities from greater than drinking water (salinity of 0.5 PPT) to possibly salinity on the order of one-third of seawater (i.e. salinity of 12 PPT or less). Brackish water is that body of groundwater overlying more saline water at depth and clearly discernable as a "lens."

The terms "saline groundwater" and "saltwater" are used interchangeably. In the context used, both terms refer to groundwater extracted from beneath the midpoint of the transition zone, meaning a salinity greater than 17.5 PPT and most likely in the range of 25 to 32 PPT under continuous pumping. In this context, the depth it is extracted from is more important than its salinity. The goal is to use water which will not diminish or otherwise impact the supply of brackish water in the overlying basal lens.

To reflect the relevant above information in the Final EIS, Section 3.5.1 (Groundwater Resources) will be revised as shown in the Attachment titled "Groundwater Resources."

- b. *Regardless, the DEIS should provide a more detailed estimate of the depth of the wells that will provide feedwater to the desalination plant so that the water quality and depth at which the groundwater is withdrawn from the basal aquifer is understood.*

**Response:** The likely depth that the supply wells would draw from is 60 to 90 feet below sea level. The anticipated feedwater salinity will be 25 PPT or greater.

To reflect the relevant above information in the Final EIS, Section 3.5.1 (Groundwater Resources) will be revised as shown in the Attachment titled "Groundwater Resources."

4. *Water Quality of the Reverse Osmosis Concentrate*

- a. *The anticipated salinity of the reverse osmosis concentrate is uncertain from the information presented in the DEIS.*

**Response:** In the Draft EIS, the percent symbol (%) or parts per hundred was mistakenly used instead of the permille symbol (‰) or parts per thousand. The correct symbol was used in the Ground Water Quality Assessment (Appendix A).

To correct this mistake, in the Final EIS, Section 3.5.1 (Groundwater Resources) will be revised as shown in the Attachment titled "Groundwater Resources" and Section 4.9.1 (Water System) will be revised as shown in the Attachment titled "Water System."

5. *Number and Depth of the Injection Wells*

- a. *The anticipated number and depth of on-site injection wells is not clear...The DEIS should be revised to include an approximate number and depth of the injection wells so that potential impacts to the basal aquifer and nearshore resources can be adequately evaluated.*

Ms. Geraldine Bell

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

December 10, 2008

Page 4 of 19

**Response:** Two wells would be used for the disposal of reverse osmosis concentrate, each providing full back up capacity for the other. Tentatively, the wells would be designed to deliver the reverse osmosis concentrate to between 200 and 250 feet below sea level.

To reflect the above information in the Final EIS, Section 3.5.1 (Groundwater Resources) will be revised as shown in the Attachment titled "Groundwater Resources."

6. *Potential Impacts to Groundwater Resources and Nearshore Marine Environment due to the Disposal of Reverse Osmosis Concentrate*

- a. *The DEIS does not provide sufficient information or analysis to demonstrate that there will be no significant environmental impacts to groundwater or nearshore marine resources due to the disposal of reverse osmosis concentrate. The DEIS states in several places (Section 3.5, Appendix A) that after injection into deep wells the concentrate "will flow seaward without rising into and impacting basal groundwater. Discharge into the marine environment would be offshore at a substantial distance and depth." ¶[This determination is vague and the data upon which it is was made is not in the DEIS...This determination of no impact must be supported by scientific information and analysis.*

**Response:** In response to your comment, we note that in Section 3.5.1 (Groundwater Resources) of the Draft EIS, it is stated:

Owing to the greater density, as well as the horizontal-to-vertical anisotropy of the subsurface lava flows, the concentrate will flow seaward without rising into and impacting basal groundwater. Discharge into the marine environment would be offshore at a substantial distance and depth.

To clarify and elaborate, three factors will cause the concentrate to move seaward at depth: 1) injection will be into and join the seaward moving saline groundwater beneath the basal lens; 2) the concentrate will have a greater density than the receiving saline groundwater, meaning there will be no tendency for the concentrate to rise due to density; and 3) lava permeabilities are on the order of 200 times greater in the direction of the flow (ie. horizontal) than across the flow (ie. vertical).

The concentrate, diluted by mixing into the receiving saline groundwater, will diffusively discharge into the marine environment at a depth comparable to its depth of initial injection (tentatively between 200 and 250 feet). In the marine environment, the concentrate will be rapidly mixed to background levels (in a matter of a few feet) with no impact on the marine environment.

This analysis is provided and supported by our groundwater quality expert (Tom Nance Water Resource Engineering), and our marine water resources expert (Marine Research Consultants). Tom Nance Water Resource Engineering has over 20 years experience in the areas of groundwater and surface water development, hydraulics and water system design, flood control and drainage, and coastal engineering. Marine Research Consultants have over 25 years experience dealing with coral reef ecology, and coastal oceanography in the Pacific, primarily in the Hawaiian and Marianas Islands.

Based on their expertise, both Tom Nance Water Resource Engineering and Marine Research Consultants, conclude that it is not necessary to do modeling to determine the flow of the



Ms. Geraldine Bell

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

December 10, 2008

Page 5 of 19

discharge of the reverse osmosis concentrate and its impact on groundwater or nearshore marine resources.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 3.5.1 (Groundwater Resources) will be revised as shown in the Attachment titled "Groundwater Resources."

## 7. Groundwater-Dependent Ecosystems

- a. *The DEIS does not address the potential impacts of the proposed project on groundwater-dependent ecosystems, specifically anchialine pools. Anchialine pools contain endemic and native flora and fauna that depend upon brackish groundwater, and the DEIS does not mention the importance of the basal lens to their survival. Groundwater withdrawals in both the high-level and basal aquifer have the potential to decrease water levels and increase salinity in these groundwater dependent ecosystems, as well as the offshore coral reef ecosystem. To effectively manage and protect these resources, the DEIS should describe the ecosystems that depend upon groundwater and should recognize that anchialine pools are areas of ground-and surface-water interaction containing diverse ecological communities, and are sensitive environmental and cultural areas susceptible to groundwater withdrawals.*

**Response:** The Draft EIS describes anchialine ponds as "coastal land-locked bodies of water lacking surface connection to the sea, but with measurable salinities and damped tidal fluctuations. They are found in porous substrata such as recent lava or limestone adjacent to the sea." We note that, without groundwater, anchialine ponds would not exist. To include this clarification in the Final EIS, in the Final EIS Section 3.5.2 (Nearshore Marine Environment) will be revised as follows:

**Anchialine Ponds** – Anchialine ponds are coastal land-locked bodies of water lacking surface connection to the sea, but with measurable salinities and damped tidal fluctuations. They are found in porous substrata such as recent lava or limestone adjacent to the sea. Without groundwater, anchialine ponds would not exist.

As reported in the Draft EIS in 2008, a single pond was observed on the 'O'oma property with a floor elevation several meters lower than the surrounding lava fields. The area of exposed water was approximately one square meter. The pond was populated with numerous native herbivorous red shrimp or opae'ula (*Halocardina rubra*), and was devoid of alien fishes, indicating that the pond is pristine in nature. This information is provided in the Draft EIS (see Section 3.5.2, Nearshore Marine Environment and Appendix B, Marine Environmental Assessment/Marine Water Quality Assessment).

The Draft EIS also reports another anchialine pond was identified near the southern boundary in assessment surveys conducted in 1990-92 and 2002. Red shrimp or opae'ula (*Halocardina rubra*) and glass shrimp (*Palaemon debilis*) were abundant in 2002. The three snails common to anchialine ponds (*Assiminea* sp. *Melania* sp. and *Theodoxus cariosa*) were also observed. Alien fish species were not observed in the pond in 2002.

Because of the use of saline groundwater as a source of supply for desalination and disposal to saline groundwater beneath the basal lens, lowering basal water levels and increasing the salinity of basal groundwater will not occur as a result of the development of 'O'oma Beachside Village.

Ms. Geraldine Bell

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

December 10, 2008

Page 6 of 19

Regarding offshore coral reef systems, these systems exist in water of oceanic salinity (which is undiluted by any groundwater input). Hence any change that might result in an increase in salinity of nearshore marine waters would have the potential for positive rather than negative effects to offshore systems. The reality however, that is fully supported by the data provided in the DEIS, is that all groundwater entering the ocean off the 'O'oma site is completely mixed to oceanic salinity by the time it is contact with reef communities. In addition, areas with maximal groundwater discharge to the ocean in semi-enclosed embayments of West Hawai'i, such as Kealakekua Bay also have the most well developed reef systems.

Anchialine pools are decidedly not sensitive to changes in salinity and nutrient concentrations under completely natural conditions. They are adapted to exist under daily oscillations in water quality owing to natural tidal fluctuations, and are not nutrient limited (meaning that the concentration of nutrients is not the factor that controls biomass). The major sensitivity of anchialine pools is the introduction of alien species which disrupt the biotic balance. Hence, the best management is to control the introduction of such species.

8. Sustainable Yield of the Keauhou Aquifer System

- a. *Section 4.9.1 states that the sustainable yield of the keauhou aquifer system is estimated to be more than 38 MGD because this number was determined before the discovery of the high-level aquifer. This statement is inconsistent with the recent findings of the Commission on Water Resource Management which is responsible for developing the sustainable yield estimates for all aquifers in Hawaii. The Commission recently proposed reducing the sustainable yield of the aquifer system to 36 MGD in the 2007 Water Resources Protection Plan Update, which as released well after the discovery of the high-level aquifer.*

**Response:** The Water Resource Protection Plan (2008), recently approved by the Commission on Water Resource Management, states that the 2008 sustainable yield of the Keauhou aquifer is 38 MGD.

B. DRAINAGE, STORMWATER COLLECTION AND DISPOSAL, NON-POINT SOURCE POLLUTION

In general we note that this section of your letter contains: 1) lengthy discussions regarding non-point source pollution; 2) references to EPA guidance measures from a 1993 document that pertains to the United States in general and is not specific to Hawaii or Kona; and 3) citations from various State Land Use Commission and County change in zoning decisions for other projects. While we appreciate your recitation of this information, our responses below address your specific comments regarding what you consider deficiencies of the Draft EIS.

- a. *...we specifically requested that the DEIS include an analysis of drainage construction techniques beyond what are required by the county and state, such as filtered drainage systems, to reduce non-point source pollution to the groundwater and marine waters.*

**Response:** As stated in the Draft EIS, all drainage improvements will be developed in accordance with applicable State of Hawai'i Department of Health (DOH) and County of

Ms. Geraldine Bell

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

December 10, 2008

Page 7 of 19

Hawai'i drainage requirements and standards. In addition, 'O'omaBeachside Village, LLC will comply with all laws and regulations regarding runoff and non-point source pollution.

In response to your request for the EIS to include analysis of drainage construction techniques beyond what are required by the State and County to reduce non-point source pollution, in the Final EIS Section 4.9.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System."

- b. *The DEIS is inadequate in that it does not assess impacts of polluted surface-runoff from the proposed project's roadways, houses, and commercial areas (66% of the proposed project- area acreage) to ground water, anchialine pools, the adjacent nearshore marine waters. No mitigation is proposed in the DEIS to protect coastal water resources from adverse impacts associated with polluted runoff. ¶The DEIS also does not acknowledge that roadway and other impermeable surfaces associated with development are exposed to and can introduce petroleum products, metals, pesticides, and other pollutants to ground water.*

**Response:** The Ground Water Quality Assessment (Appendix A) in the Draft EIS concludes that analysis of storm water percolation indicates insignificant impacts to ground water due to storm water runoff. The Marine Water Quality Assessment (Appendix B) in the Draft EIS concludes that 'O'oma Beachside Village will not have any significant negative effect on ocean water quality. Based on these conclusions, specific impacts are not anticipated; however, as stated in the Draft EIS, drainage mitigation measures include developing all drainage improvements in accordance with applicable DOH and County drainage requirements and standards. In addition, 'O'oma Beachside Village, LLC will comply with all laws and regulations regarding runoff and non-point source pollution.

To further address your concerns regarding non-point source pollution and drainage mitigation measures, in the Final EIS, Section 4.9.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System."

- c. *In 1998, Hawaii listed 18 impaired water bodies under section 303(d) of the Clean Water Act, one of these was on Hawaii Island. As of 2004 the number of state-listed impaired water bodies had increased to 244, with 28 of these on Hawaii Island and five on the Kona Coast ([http://iaspub.epa.gov/tmdl/state\\_rept.control?pstate=HI&p\\_cycle=1998](http://iaspub.epa.gov/tmdl/state_rept.control?pstate=HI&p_cycle=1998); [http://iaspub.epa.gov/tmdl/state\\_rept.control?pstate=HI&p\\_cycle=2004](http://iaspub.epa.gov/tmdl/state_rept.control?pstate=HI&p_cycle=2004)). **Although the proposed project area is not one of these five sites [emphasis added]**, clearly even the relatively pristine coastal waters of West Hawaii are at risk from increasing urbanization. The EIS should recognize the potential for impact particularly in the context of proposed and existing neighboring developments.*

**Response:** The Marine Water Quality Assessment (Appendix B) in the Draft EIS concludes that 'O'oma Beachside Village will not have any significant negative effect on ocean water quality.

As stated in Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS, the Marine Water Quality Assessment (Appendix B) concludes that 'O'oma Beachside Village will not have any significant negative effect on ocean water quality. Changes to the marine environment as a result of 'O'oma Beachside Village will likely be undetectable, with no alteration from the present

Ms. Geraldine Bell

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

December 10, 2008

Page 8 of 19

conditions because of: 1) the park and coastal preserve along the shoreline, resulting in a substantial setback; 2) lack of potential for surface runoff and sediment effects; 3) small projected groundwater subsidies; and 4) the strong mixing characteristics of the nearshore environment.

- d. Following the 2002 Decision and Order on Docket A00-732, the neighboring commercial/industrial developers with petitions before the LUC, Lanihau Partners and McClean Honokohau Properties, came to agreement with the National Park Service on protective conditions to be put in place on redistricting by the LUC. To properly mitigate potential impacts to ground water and coastal waters from this project development, O'oma Beachside Village, LLC should voluntarily adopt those LUC conditions concerning protection of water resources (storm and surface water runoff, pollution prevention, ground-water quality monitoring) for the proposed project area.*

**Response:** While the Ground Water Quality Assessment (Appendix A) and the Marine Water Quality Assessment (Appendix B) contained in the Draft EIS conclude that 'O'oma Beachside Village will not have significant impacts to either groundwater or ocean water quality, 'O'oma Beachside Village, LLC seeks to come to agreement with the National Park Service on protective conditions concerning protection of water resources for the 'O'oma Beachside Village property.

- e. Project roadway and parking-lot drainage wells should be made to filter petrochemical pollutants by including oil/water separators or similar pollutant-removal technology in the drainage basin.*

**Response:** 'O'oma Beachside Village, LLC will design and construct (or require to be constructed), to extent practicable and consistent with applicable laws, landscaped areas, including grassed or vegetative swales, grass filter strips, vegetated open space areas, check dams, or other comparable advanced storm water BMPs, specifically engineered to treat the first flush runoff volume from roadways, and from exposed parking lots designed for more than ten vehicles within the 'O'oma Beachside Village property to remove pollutants. Additionally, 'O'oma Beachside Village, LLC will design and install storm water BMPs for treating the first flush runoff volume to remove suspended solids and oils and greases from storm runoff from 'O'oma Beachside Village roadways and parking lots designed for more than fifty vehicles.

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

- f. O'oma Beachside Villages LLC should commit to join this pilot project [specified in County Ordinance 02-114, Condition F] for roadways within the development and commit to employ best technology pollution filtration devices in parking lots and roadway, or should connect all stormwater drains to their wastewater treatment plant and treat appropriately as mitigation to protect ground water and coastal water resources.*

**Response:** 'O'oma Beachside Village, LLC will seek to participate with the County of Hawai'i in its pilot storm drain program for roadways within the Kaloko-Honokōhau region. This program is specified in County Ordinance 02-114, Condition F which requires: 1) all roadways be constructed to County decidable standards with paved swales and striped on-street parking;

Ms. Geraldine Bell

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

December 10, 2008

Page 9 of 19

and 2) the drainage system within road right-of-ways include storm drainage filtration devices which meet the approval of the Department of Public Works, in consultation with the National Park Service, and the applicable permitting requirements of the Underground Injection Control (UIC) of the Federal Safe Drinking Water Act and the National Pollutant Discharge Elimination System (NPDES) of the Federal Clean Water Act.

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

### C. WATER CONSERVATION AND POLLUTION PREVENTION

- a. *...the NPS asks that O'oma Beachside Village, LLC provide the new residents with information about controlling non-point source pollution including but not limited to vehicle maintenance and proper disposal of vehicle fluids, the impacts of washing cars on the street and storm drain stenciling and require strict adherence to these protective measures in its CCRs. However, the DEIS does not discuss the use of appropriate fertilizers and pesticides, and no enforceable controls on approved chemicals and uses by property owners through CCRs or other means were offered as mitigation to protect ground water. Controls on fertilizers and pesticides should be included in the EIS.*

**Response:** 'O'oma Beachside Village, LLC will develop an Owner's Pollution Prevention Plan (OPP Plan), before constructing 'O'oma Beachside Village, that: 1) addresses environmental stewardship and non-point sources of water pollution that can be generated in residential areas, and 2) provides best management practices for pollution prevention. The OPP Plan will include guidance related to: water conservation, lot and landscape runoff, erosion control, use of fertilizers, use of pesticides, environmentally safe automobile maintenance, and management of household chemicals. The OPP Plan will also include information on the National Park and the nationally significant cultural and natural resources within the National Park.

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

- b. *The National Park Service strongly supports the protective measures listed in Section 2.5.1 and requests that O'oma Beachside Village, LLC commit to these measures by incorporating them into their proposed conditions of approval for the amended land-use district boundary in the LUC Decision an Order.*

**Response:** We are pleased that the National Park Service supports the protective measures listed in Section 2.5.1 of the Draft EIS. In the Final EIS Section 2.5 (Environmentally-Responsible Planning and Design) will be revised to include the following statement:

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

Ms. Geraldine Bell

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

December 10, 2008

Page 10 of 19

**D. WASTEWATER TREATMENT AND IRRIGATION WATER**

- a. Section 4.9.2 discusses the proposed wastewater system and recycled use of the effluent. The DEIS does not discuss the nutrient removal capabilities of the proposed membrane bioreactor wastewater treatment system.*

**Response:** While the Ground Water Quality Assessment (Appendix A) and the Marine Water Quality Assessment (Appendix B) contained in the Draft EIS conclude that 'O'oma Beachside Village will not have significant impacts to either groundwater or ocean water quality, 'O'oma Beachside Village, LLC seeks to come to agreement with the National Park Service on protective conditions to be put in place concerning protection of water resources for the 'O'oma Beachside Village property.

To this end, regarding your concerns related to wastewater treatment, 'O'oma Beachside Village, LLC and/or its successors and assigns will not obtain a certificate of occupancy for a residential lot within 'O'oma Beachside Village until the residential lot to be occupied is connected to one of the following:

1. A public wastewater treatment plant ("WWTP");
2. A private WWTP and effluent disposal system serving 'O'oma Beachside Village (or portion thereof) designed to reduce Total Nitrogen to a concentration of <5 mg/l and Total Phosphorus to a concentration of <2 mg/l (aerobic nitrification processes combined with anoxic/anaerobic sand filters to perform denitrification, or comparable technology); or
3. An Individual Wastewater System ("IWS"), for lots 10,000 square feet or larger, that uses an enhanced treatment (such as Sequential Batch Reactor, CBT, or technology with a comparable nutrient removal efficiency) and an absorption field of import material, featuring adequate percolation rate, such that the IWS and absorption field are designed to reduce Total Nitrogen to a concentration of <5 mg/l and Total Phosphorus to a concentration of <2 mg/l.

Further, effluent disposal for a WWTP within 'O'oma Beachside Village shall be in accordance with applicable laws and will include either:

1. Horizontal absorption system with absorption trenches or beds of sufficient import material (meeting the Hawai'i State Department of Health specifications) featuring adequate percolation rate and constructed in a manner to achieve the level of nutrient removal stated above; or
2. An irrigation system for disposing of effluent within 'O'oma Beachside Village in accordance with applicable laws and Hawai'i State Department of Health requirements; or
3. A combination thereof. Installation is subject to conditions of approval by the Director of the Hawai'i State Department of Health and Chapter 11-62, HAR.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.9.2 (Wastewater System) will be revised as shown on the attachment titled "Wastewater System."

- b. While the use of recycled water to the R-1 level is the appropriate treatment to reduce viral and bacterial pathogens for irrigation uses around residential areas, the stated level of nutrients contained in the wastewater effluent is a significant concern, particularly so close to ground water supplying anchialine and marine resources. It*



Ms. Geraldine Bell

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

December 10, 2008

Page 11 of 19

*is unclear why applied fertilizer would be added (Section 3.5.1, page 37 and Section 4.9.3 page 83) since the stated nutrient concentration of the effluent is high, and a typical benefit of irrigating with recycled water is the elimination of need for fertilizer. The stated addition of 300 uM Nitrogen (presumably Total Nitrogen, though this is not clear in the DEIS) from effluent is approximately 2.5 to 3.5 times greater than that reported in high-level aquifer wells and 2 to 4.5 times greater than reported in coastal groundwater monitoring wells (Appendix A). The addition of 100 uM Phosphorus (presumably Total Phosphorus, though this is not clear in the DEIS) is approximately 12.5 to 29 times greater than reported in the in the high-level aquifer wells and 8.3 to 153 times higher than reported in coastal monitoring wells (Appendix A). Therefore, additional nutrient removal technologies should be employed for this coastal development.*

**Response:** The analysis conducted for the Ground Water Quality Assessment (Appendix A) and reported in the Draft EIS is a very conservative calculation (i.e., an overestimate) of the potential contribution of nutrients to groundwater. For example, the contribution of irrigation return flow ignored the contribution of nutrients in R-1 wastewater and overestimated the impact of irrigation return flow as a result. In other words, the actual nutrient amounts passing below the plant root zone would be less than calculated.

The issue is not the individual concentrations of these inputs to groundwater but the increases that may result in the receiving groundwater. As shown by the analysis, the increases are relatively small and within the normal variability of existing conditions. It should also be noted that the 'O'oma Beachside Village property is at a lateral distance from the National Park; groundwater beneath the 'O'oma Beachside Village property will not move toward, or enter into, basal groundwater beneath the National Park.

While the Ground Water Quality Assessment (Appendix A) and the Marine Water Quality Assessment (Appendix B) contained in the Draft EIS conclude that 'O'oma Beachside Village will not have significant impacts to either groundwater or ocean water quality, 'O'oma Beachside Village, LLC seeks to come to agreement with the National Park Service on protective conditions to be put in place concerning protection of water resources for the 'O'oma Beachside Village property.

Therefore, in response to your suggestion that "additional nutrient removal technologies should be employed for this coastal development," 'O'oma Beachside Village LLC will implement the provisions noted above regarding pollution prevention and wastewater treatment.

- c. *Table 2 of Appendix A hints that TN was calculated as the sum of dissolved nitrate plus dissolved ammonia plus total organic nitrogen. This is somewhat non-standard. A more typical way to do it would be to analyze for TN itself; which would be preferable since Hawaii standards are expressed as TN. By doing an analysis for TN itself, a comparison of the rates of TN compared with TDN + TPN as a quality control check could be utilized for a more complete analysis. Not all the TPN is necessarily organic, so adding nitrate, ammonia, and TON is not necessarily an optimal way to estimate TN.*

**Response:** We are unclear why you think Table 2 "hints" that TN was calculated as the sum of nitrate, ammonia, and dissolved organic nitrogen, but that is not the way TN was calculated. It

Ms. Geraldine Bell

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

December 10, 2008

Page 12 of 19

was calculated by analyzing for TN directly. Dissolved organic nitrogen was then calculated as the amount of TN minus nitrate and ammonia.

- d. *The DEIS states (Section 3.5.1) that “[i]t is assumed that approximately 15 percent of irrigation water will percolate downward into the underlying basal lens.” No scientific data or scientific studies are provided to support this assumption. For the development adjacent to the proposed O’oma Beachside Village, Waimea Water Services estimated that approximately 54% of the irrigation water will infiltrate into the aquifer. (The Water Development Impacts Study for the Shores of Kohanaiki, Figure 6, Waimea Water Services, Inc., 2007). Fifteen percent seems very low compared to what was assumed for the adjacent development.*

**Response:** The assumption of 15 percent of applied irrigation water becoming percolate to the underlying basal lens is entirely consistent with appropriate irrigation practices. If Waimea Water Services estimated that percolation at adjacent Kohanaiki would be 54 percent of the applied irrigation water, they would be assuming an application rate of more than twice the plant's actual evapotranspiration rate. Clearly, Waimea Water Services percolation rate at Kohanaiki is not consistent with a reasonable irrigation application rate.

- e. *Additionally, the DEIS states that if necessary, overflow from the wastewater storage reservoir would be discharged into injection wells. No analysis is made of the potential impacts of injecting nutrient-enriched wastewater in a coastal injection well.*

**Response:** The potential impact of the discharge of excess wastewater effluent is discussed on page 15 of the Groundwater Quality Assessment (Appendix A). The disposal well is a necessary backup facility, but it may never actually be used for that purpose.

- f. *Also no mention is made in Sections 1.7.4 and 5.3 of the DEIS for the Underground Injection Control Permit from the Department of Health that will be required for the injection wells to dispose of wastewater effluent.*

**Response:** In response to your comment, Section 1.7.4 and Section 5.3 (Approvals and Permits) in the Final EIS will be revised as shown in the attachment titled “Required Permits and Approvals.”

- g. *The DEIS (Section 4.9.2 R-1 Water, and Section 3.5.1) states that storm and irrigation water “percolating into the ground (either pre- or post-development) removal rates of nitrogen and phosphorus will be 80 and 95%, respectively.” This statement is speculative and is based on un-validated assumptions. The denitrification abilities of the project area’s soil type, highly permeable lava with few accumulated soils, has not been determined and the stated removal rate is not supported by scientific data. According to the EPA, even a well-constructed wastewater leach field (soil beds that are optimally constructed to treat effluent) that is comprised of fine-grained soils, i.e. silts and clays, especially those containing organic material, and layered soils is expected to remove no more than 20% nitrogen, so it is unlikely that percolation through unimproved soil such as on the project site will achieve the stated nitrogen removal rate. Similarly, no data are provided in the DEIS regarding phosphorus removal. No scientific study on the sorption, transport,*



Ms. Geraldine Bell

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

December 10, 2008

Page 13 of 19

*and retention capacity of the project area soils for phosphorus was conducted or provided. It is unlikely that percolation through unimproved soil will realistically remove these stated levels of nutrients.*

**Response:** The removal rates of nitrogen and phosphorus (80 and 95 percent, respectively) are based on measurements and calculations as to the fate of these nutrients in the disposal of the effluent from the County's Kealakehe WWTP. That effluent is dumped into a sump on the mauka side of Queen Ka'ahumanu Highway. It then percolates about 50 feet to groundwater and then travels to and discharges into the upper end of Honokōhau Harbor. The removal rates used in the 'O'oma calculations are based on measured (and computed) removal rates of the Kealakehe WWTP's effluent discharge.

**E. NEARSHORE MARINE ENVIRONMENT**

- a. The DEIS (Section 3.5.2 and Appendix B) states that the data collected by Marine Research Consultants in previous marine water quality and environmental assessments can be used to evaluate changes over time and that the previous studies can serve as a baseline for future monitoring. These statements are not supported by the study design. The low number of transects and samples lack the statistical ability (power) to reliably detect changes over time or between sites.*

**Response:** Surveys over time were not established *a priori* as a statistically valid sampling plan, but were only utilized as "data of convenience."

- b. Because the transects were not selected randomly, the results are relevant only to the transects themselves and cannot be generalized to the entire study area. The location of Transect 1 was moved from previous surveys, thus comparison over time is no longer possible for this transect. Results from Transect 1 should be clarified and state whether the data collected before the transect was moved were thrown out.*

**Response:** Transect locations are determined by a well-documented method termed "stratified random sampling" which is the accepted method used by many federal agencies (e.g., National Marine Fisheries Service and United States Fish and Wildlife Service) for similar reef analyses.

- c. According to Appendix B, data collection for this study does not meet the Department of Health criteria of three separate samplings within a 14-day period.*

**Response:** Department of Health (DOH) Kona-specific water quality standards specify three samplings within a 14-day period for projects that are stipulated to comply with these standards. The evaluation of impacts to the marine environment in the vicinity of the 'O'oma Beachside Village property was not prepared as part of such a stipulated requirement, and hence was not obligated to comply with all conditions of the DOH standards. If future compliance conditions for the 'O'oma Beachside Village stipulate compliance with DOH standards, all stipulated conditions will be met.

- d. Pages 8 and 9 of Appendix B suggest that the water quality parameters that exceed DOH standards represent "natural conditions" because there is currently no development on the O'oma property. However, this statement is contradicted by Appendix A wherein it is noted that nutrient enrichment is occurring. There are*

Ms. Geraldine Bell

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

December 10, 2008

Page 14 of 19

*numerous developments upslope and in the surrounding watershed that are on septic and cesspool wastewater systems. Inputs from these systems are likely the sources influencing nutrient concentrations along the coast.*

**Response:** As there is presently no development on the 'O'oma Beachside Village property, any water quality parameters that exceed DOH standards can be considered a result of natural conditions. In this context, "natural conditions" refers to the current conditions on the 'O'oma Beachside Village property. This does not contradict the Groundwater Quality Assessment (Appendix A), which notes the current condition of groundwater flowing the beneath 'O'oma Beachside Village property but does not speculate on sources influencing nutrient concentrations. However, mixing plots in the Marine Water Quality Assessment (Appendix B) indicate no excursion of data points above mixing lines, indicating no subsidies above 'O'oma property.

#### **F. CONTEXTUAL ISSUES, CUMULATIVE IMPACTS**

*The cumulative impact section of the DEIS is inadequate. The tabular listing of proposed developments is not an adequate analysis of the cumulative affects from these developments to environmental resources and existing infrastructure. In addition to proposed developments, analysis of cumulative impacts must also take into consideration current developments and land uses. In its 2002 Decision and Order for Docket A00-732, the Land Use Commission stated:*

*This Commission is acutely aware that continuous development is planned for this coastline. Although each developer might claim that only a "small amount" of pollution will result from their development and that the area's ecosystem will show "little" effects, these developments and their impacts are cumulative and, absent strong mitigation measures, have the potential to devastate the fragile resources of the coastal and marine aquatic environments of the entire Kona coastal region.*

*The EIS should be revised to incorporate thorough analyses of cumulative impacts to environmental resources and public infrastructure.*

**Response:** The analysis of existing conditions in the Draft EIS includes consideration of current developments and land uses in the region. Each section of the Draft EIS provides information on existing conditions, which inherently includes the cumulative conditions associated with currently built developments up to the point in time of the Draft EIS (May 2008).

Regarding cumulative impacts to groundwater and marine water, as to which the majority of the comments in your letter pertain, the Ground Water Quality Assessment (Appendix A) and the Marine Water Quality Assessment (Appendix B) contained in the Draft EIS conclude that 'O'oma Beachside Village will not have significant impacts to either groundwater or ocean water quality. Therefore, 'O'oma Beachside Village will not contribute to potential impacts associated with other proposed developments in the region.

'O'oma Beachside Village, LLC seeks agreement with the National Park Service on protective conditions to be put in place regarding the protection of water resources for the 'O'oma Beachside Village property. To this end, we have proposed measures that seek to address your concerns. These measures are similar to measures agreed to by the National Park Service and other developments in the region. Therefore, we seek concurrence that any agreement reached between 'O'oma Beachside Village LLC and the National Park Service will also address National Park Service's concerns regarding cumulative impacts.

Ms. Geraldine Bell

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

December 10, 2008

Page 15 of 19

1. Cumulative Impacts of Water Withdrawal

- a. *The proposed project's water source remains an unresolved issue and the DEIS states that the applicant continues to explore alternatives such as a conventional potable-well system. No analysis of the cumulative impacts of water withdrawal from the aquifer was conducted. The DEIS does not report the estimated water needs of the surrounding proposed developments in combination with its own needs and does not examine the potential impacts of that amount of withdrawal on ground water supply and ground-water dependent ecosystems. Inland wells withdraw from the same aquifer as the ground water that discharges through the National Park, and potential wells supplying this proposed development would likely be located directly inland of the National Park. The NPS is highly concerned about the impacts of withdrawal to the cultural and natural resources in the Park that are dependent upon ground-water flow. Ground water within the National Park is considered a cultural resource; essential to the ancient Hawaiian fishponds and the pools that define the Park and are central to the National Park's planned Cultural Live-in Center (NPS 1994, General Management Plan/EIS). The focus on this singular development obscures that the overall proposed withdrawal of water is considerable. Ultimately, the cumulative impact to the aquifer will be quite significant.*

**Response:** As discussed on page one of this letter and in the Draft EIS, 'O'oma Beachside Village, LLC's preferred source for potable water for 'O'oma Beachside Village is a desalination plant. If a desalination plant proves unfeasible, 'O'oma Beachside Village will explore alternate sources of water including connection to the County of Hawai'i potable water system, partnership with private water system owners, or utilization of independent wells. In providing a source of potable water for 'O'oma Beachside Village, 'O'oma Beachside Village, LLC will comply with all laws and regulations. As necessary, 'O'oma Beachside Village, LLC will undertake additional research to assess the potential impacts and appropriate mitigation measures of the selected systems.

2. Cumulative Impacts Contributing to Nonpoint Source Pollution

- a. *The DEIS does not analyze the cumulative impacts of nonpoint source pollution to coastal aquatic and nearshore marine resources generated by the rapidly increasing area of impermeable surfaces and individual wastewater systems around and upslope of the proposed project site in the context of other developments, existing and planned, in the area.*

**Response:** As discussed previously, the Ground Water Quality Assessment (Appendix A) and the Marine Water Quality Assessment (Appendix B) contained in the Draft EIS conclude that 'O'oma Beachside Village will not have significant impacts to either groundwater or ocean water quality.

'O'oma Beachside Village, LLC seeks agreement with the National Park Service on protective conditions to be put in place regarding the protection of water resources for the 'O'oma Beachside Village property. To this end we have proposed measures that seek to address your concerns. These measures are similar to measures agreed to by the National Park Service and other developments in the region. Therefore, we seek concurrence that any agreement reached between 'O'oma Beachside Village LLC and the National Park Service will also address

Ms. Geraldine Bell

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

December 10, 2008

Page 16 of 19

National Park Service's concerns regarding cumulative impacts contributing to nonpoint source pollution.

- b. Another factor that is not given sufficient discussion is that the existing "high level aquifer wells" are not above human influence and thus cannot be used to argue that high levels of nitrate and other nutrients are coming down the mountain from purely natural areas above human influence.*

**Response:** The Groundwater Quality Assessment (Appendix A) notes the current condition of groundwater flowing the beneath 'O'oma Beachside Village property but does not speculate on sources influencing nutrient concentrations. We note that in a previous comment you state that inputs from upslope septic and cesspool wastewater systems are likely sources influencing nutrient concentrations, but we are unclear from your comment above if this is what you are referring to as "human influence."

#### *G. OTHER RELATED ISSUES*

##### *1. Traffic and Frontage Road*

- a. Figure 17 shows a frontage road inside the National Park boundaries. A frontage road within the National Park lands is not a viable option, since an act of Congress would be required. Figure 17 should be revised to eliminate the frontage road from this section.*

**Response:** In the Final EIS the Figure will be revised to eliminate the frontage road inside the National Park boundaries. The Attachment titled "Figure 18" shows the revised Figure.

##### *2. Lighting*

- a. The effects of lighting near the shoreline as a result of development and impacts to protected species are not considered. There should be a thorough examination of lighting issues and impacts on birds, endangered species and the shoreline resources.*

**Response:** The substantial setback from the shoreline (over 1,000 feet) will provide a buffer against the effects of lighting near the shoreline. All exterior lighting will conform to County of Hawai'i standards, Hawai'i County Code (HCC) Chapter 14, Article 9 Outdoor Lighting. The substantial setback is discussed throughout the Draft EIS. Compliance with HCC) Chapter 14, Article 9 Outdoor Lighting is discussed in Section 7.2 (Cumulative and Secondary Impacts) of the Draft EIS.

##### *3. Potential Impacts and Proposed Mitigation Measures*

- a. The DEIS states that seals and turtles will not be impacted, however, in other sections, there is discussion of the potential for impact. The document contradicts itself (Page 6, Section 1.7.2 ff), where it states the turtles and Monk Seals that "haul out" on occasion, but will not be impacted because the area will be set aside as a shoreline park and coastal preserve. On page 23, it states the shoreline park will have parking, comfort station, a public-use pavilion, and trails from the housing areas will be put in. On page 42 second paragraph it says "the shoreline is heavily*

Ms. Geraldine Bell

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

December 10, 2008

Page 17 of 19

*used for recreation”, but throughout the document it talks about enhancing the shoreline with the facilities mentioned on page 23, and it is logical to surmise that with about 1000 new homes, and their residents, use at the coast will increase significantly. On page 45 under Potential Impacts and Mitigation Measures it states “Mitigative measures to ensure that there are no effects to turtles or seals by human interaction include appropriate signage and establishment of protective buffer zones established by trained personnel from the State and/or Federal agencies.” Likewise, the discussion on page 63 indicates that more accessibility to the coastal areas will be an outcome, yet the effects of increased access regarding seals, turtles and sensitive cultural sites are not addressed, nor are the potential mitigation actions.*

**Response:** 'O'oma Beachside Village will enhance access to the shoreline and this is pointed out in several sections of the EIS as you note. Section 3.5.2 (Nearshore Environment) discusses potential impacts and mitigation measures regarding turtles and Hawaiian monk seals. The mitigation measures included in the Draft EIS are based on consultation with the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS).

We note that established mitigation measures for protecting hauled-out Hawaiian monk seals, which includes cordoning off areas where Hawaiian monk seals have come ashore, have been generally effective in the Main Hawaiian Islands, and this segment of the monk seal population appears to be increasing. It is also noted that per consultation with NOAA, prohibiting dogs from the shoreline area may be of greater significance in limiting behavioral disturbances to Hawaiian monk seals and turtles that “haul out” on occasion.

4. Sustainability and Best Practices Implementation

- a. *There is mention of consideration of the use of photovoltaics and integrated building PV systems but only as suggestions of possible implementation. There should be a stronger commitment to sustainability and implementation of best practices.*

**Response:** As stated previously, in the Final EIS Section 2.5 (Environmentally-Responsible Planning and Design) will be revised to include the following statement:

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

5. Cultural Resources Preservation Planning and Mitigation

- a. *The DEIS acknowledges cultural resources management planning and surveys that have taken place (pp. 47, 50) and identifies that a preservation plan will be completed — that plan should be identified and appended to the final document so that there is an existing framework and SOPs in place.*

**Response:** As stated in Section 4.1 (Archaeological and Historic Resources) of the Draft EIS, 'O'oma Beachside Village, LLC will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. As stated in Section 4.2 (Cultural Resources) of the Draft EIS, as appropriate, preservation plans will be submitted to and approved by the State Historic Preservation Division prior to final subdivision approval. Development

activities will not commence until site protection measures and stewardship aspects of the preservation plans are implemented.

6. Shoreline Management

- a. *On page 147, the DEIS does not indicate that an integrated shoreline erosion management plan will be completed in conformance with the State Land Use and Hawaii County General Plan for flooding and other natural hazards.*

**Response:** On page 147 of the Draft EIS it is indicated that 'O'oma Beachside Village supports the County of Hawai'i General Plan policy to "Develop an integrated shoreline erosion plan that ensures the preservation of sandy beaches and public access to an along the shoreline, and the protection of private and public property from flood hazards and wave damage." Further on page 148 is it noted that "...no habitable structures will be built within the 100-year floodplain (Zone A) or the tsunami inundation zone, and all structures will be constructed in compliance with requirements of the UBC, appropriate to the Zone 4 Seismic Probability Rating, as well as applicable County, State, or Federal standards."

All structures and buildings will be set back more than 1,000 feet from the shoreline, with the exception of the shoreline park facilities, which will be approximately 330 feet from the shoreline, but still outside the shoreline setback area.

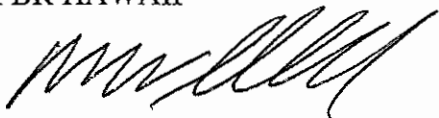
- b. *Additionally, the document fails to acknowledge the Ala Kahakai National Historic Trail, that encompasses a 175-mile corridor along the Kona coast, passes through the proposed development.*

Section 4.3 (Trails and Access) of the Draft EIS acknowledges that the Ala Kahakai National Historic Trail corridor passes through the Property. The Ala Kahakai National Historic Trail is also mentioned in several other sections of the Draft EIS.

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP  
Senior Associate

Attachments:

Required Permits and Approvals  
Groundwater Resources  
Water System  
Drainage System  
Wastewater System  
Figure 18

Ms. Geraldine Bell

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

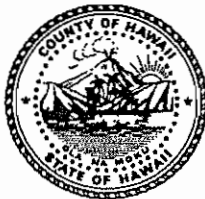
December 10, 2008

Page 19 of 19

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

23093.03 NPS KHNHP

Harry Kim  
Mayor



Lawrence K. Mahuna  
Police Chief

Harry S. Kubojiri  
Deputy Police Chief

## County of Hawaii

### POLICE DEPARTMENT

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

June 9, 2008

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

Dear Mr. Schnell:

SUBJECT: Draft Environmental Impact Statement (DEIS)  
Project: 'O'oma Beachside Village  
Location: North Kona, Island of Hawaii  
Tax Map: (3) 7-3-09: 04, 22 and (3) 7-3-09

This responds to your May 23, 2008 submittal requesting review and comments of your Draft Environmental Impact Statement (DEIS) for the 'O'oma Beachside Village project in North Kona, Hawaii.

Staff has reviewed the above-referenced DEIS and submits the following comments and recommendations:

- Any additional development/project utilizing Queen Kaahumanu Highway as an access will adversely impact traffic conditions throughout Queen Kaahumanu Highway, particularly during peak traffic hours or during an emergency condition.
- Recommend against any further development in this area until such time as the second phase of improvements to Queen Kaahumanu Highway (Kealakehe Parkway to Keahole Airport) has been completed and is open to traffic.
- Recommend secondary frontage road makai of Queen Kaahumanu Highway between Kuakini Highway and Keahole Airport be completed and open to traffic prior to completion of the project.



Mr. Tom Schnell


June 9, 2008

Page 2

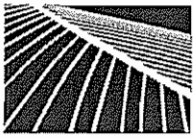
Should you have any further questions or comments, please feel free to contact Captain Chad Basque at 326-4646, extension 249.

Sincerely,

LAWRENCE K. MAHUNA  
POLICE CHIEF

  
HENRY J. TAVARES JR.  
ASSISTANT CHIEF  
AREA II OPERATIONS

CB:dmv



December 10, 2008

**PRINCIPALS**

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

Lawrence K. Mahuna, Police Chief  
Henry J. Tavares, Jr., Assistant Chief  
Area II Operations  
County of Hawai'i  
Police Department  
349 Kapiolani Street  
Hilo, Hawai'i 96720-3998

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

**CHAIRMAN EMERITUS**

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

Dear Chief Mahuna and Assistant Chief Tavares:

**ASSOCIATES**

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

Thank you for your letter dated June 9, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. As discussed in Section 4.4 of the Draft EIS, traffic on Queen Ka'ahumanu Highway is expected to increase even if 'O'oma Beachside Village is not built. The State DOT and County of Hawai'i have many roadway improvements planned to meet the expected growth in the area and distribute north/south traffic off Queen Ka'ahumanu Highway to an expanded roadway network mauka of the highway.

'O'oma Beachside Village will be part of the regional solution to address congestion and improve traffic circulation on Queen Ka'ahumanu Highway by working cooperatively with the State, County, and adjoining landowners to plan and develop its portion of a Frontage Road makai of, and parallel to, Queen Ka'ahumanu Highway.

The widening of Queen Ka'ahumanu Highway, the Frontage Road, and the development of the mauka roadway network would accommodate much of the anticipated growth in the North Kona region. The highway system is expected to operate at acceptable levels of service in the forecast future.

2. 'O'oma Beachside Village is not expected to be entirely built out until 2029, by which time, the second phase of improvements to Queen Ka'ahumanu Highway are expected to be completed.
3. As discussed above, 'O'oma Beachside Village will work cooperatively with the State, County, and adjoining landowners to plan and develop its portion of the Frontage Road makai of, and parallel to, Queen Ka'ahumanu Highway.

**HONOLULU OFFICE**

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

**HILO OFFICE**

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

**WAILUKU OFFICE**

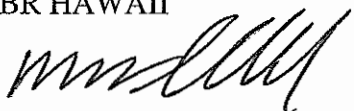
1787 Wili Pa Loop, Suite 4  
Wailuku, Hawai'i 96793-1271  
Tel: (808) 242-2878

Chief Mahuna and Assistant Chief Tavares  
SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT  
STATEMENT  
December 10, 2008  
Page 2 of 2

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

Sincerely,

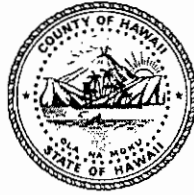
PBR HAWAII

A handwritten signature in black ink, appearing to read 'Tom Schnell', written 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

Harry Kim  
Mayor



Bobby Jean Leithead Todd  
Director

Nelson Ho  
Deputy Director

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

June 4, 2008

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

Subject: Draft Environmental Impact Statement  
`O`oma Beachside Village  
North Kona, Hawai'i  
TMK: 7-3-09:04, 22 and 7-3-09 (por of State ROW)

Dear Mr. Schnell,

We offer the following comments:

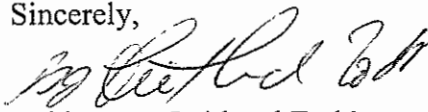
Wastewater Division

- This project is not within the North Kona Improvement District.
- As stated in our March 22, 2007 communication (attached), a private wastewater treatment plant will require dewatering facilities.

If you have any questions or need further clarification, please contact Bert Saito, Wastewater Division Chief, at 808-961-8515.

Thank you for allowing us to offer our comments on this project.

Sincerely,

  
Bobby Jean Leithead Todd  
DIRECTOR

cc: Dora Beck, WWD Chief

enclosure

Harry Kim  
Mayor



Barbara Bell  
Director

Nelson Ho  
Deputy Director

## County of Hawaii

### DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

25 Aupuni Street • Hilo, Hawai'i 96720-4252  
(808) 961-8083 • Fax (808) 961-8086  
[http://co.hawaii.hi.us/director/dir\\_envmng.htm](http://co.hawaii.hi.us/director/dir_envmng.htm)

March 22, 2007

Mr. Harold K. Yee, P.E.  
Program Manager  
Department of Health  
Wastewater Branch  
919 Ala Moana Boulevard, Room 309  
Honolulu, Hawai'i 96814

Subject: **Acceptance of Solids from Private Wastewater Treatment and Collection Systems –  
County of Hawai'i**

Dear Mr. Yee,

As indicated in your discussions with our Technical Services Section, wastewater treatment facilities owned and operated by the County of Hawai'i have been experiencing problems with acceptance of large quantities of septage loads from private facilities due to the high Total Suspended Solid (TSS) and Biological Oxygen Demand (BOD) concentrations of the discharges.

While we understand that it would not be economically feasible to expect small private treatment plants to have facilities for dewatering of solids from their plants, we are requesting the State of Hawai'i Department of Health, Wastewater Branch, require that designs for all new private wastewater treatment works located in the County of Hawai'i, with treatment capacities greater than or equal to 100,000 gallons per day, include sludge dewatering facilities.

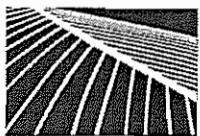
Treatment works would be as defined in Hawai'i Administrative Rules §11-62-03 and would include the associated collection and disposal system, excluding individual wastewater systems. Under this request, treatment works utilizing Septic Tank Effluent Pump (STEP) systems would also be required to be equipped with dewatering facilities for treatment of solids received from the septic tanks utilized as part of the treatment works.

Please provide any comments or questions regarding this request to Ms. Dora Beck, P.E., Technical Services Chief at 808-961-8028 ([dbeck@co.hawaii.hi.us](mailto:dbeck@co.hawaii.hi.us)).

Barbara Bell  
DIRECTOR

cc: Nelson Ho, Deputy Director  
Dora Beck, TSS Chief  
Paul Ochi, Acting WWD Supt.

2/16/4



# PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

**PRINCIPALS**

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

**CHAIRMAN EMERITUS**

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

**ASSOCIATES**

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED<sup>®</sup>AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED<sup>®</sup>AP  
*Associate*

DACHENG DONG, LEED<sup>®</sup>AP  
*Associate*

**HONOLULU OFFICE**

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

**HILO OFFICE**

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

**WAILUKU OFFICE**

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

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

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

Dear Ms. Leithead-Todd:

Thank you for your letter dated June 4, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

**Wastewater Division**

1. We understand 'O'oma Beachside Village is not within the North Kona Improvement District.
2. We understand that a private wastewater treatment plant will require dewatering facilities.

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

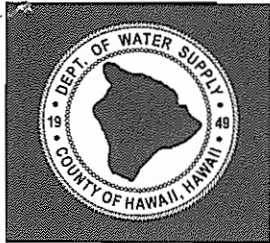
Sincerely,

PBR HAWAII

Tom Schnell, AICP  
Senior Associate

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

2309.03 DEM



**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII**

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

June 4, 2008

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

**DRAFT ENVIRONMENTAL IMPACT STATEMENT  
O'OMA BEACHSIDE VILLAGE  
APPLICANT – O'OMA BEACHSIDE VILLAGE, LLC  
TAX MAP KEY 7-3-009:004, 022 AND 7-3-009 (PORTION OF STATE R-O-W)**

We have reviewed the subject Draft Environmental Impact Statement (DEIS) and have the following comments and conditions.

The Department has no objection to the proposed private water system utilizing desalinated water to provide potable water for the proposed development, with the following conditions:

1. The Department will not be responsible for the operation or maintenance of the water system. The developer shall be required to establish a private water utility to operate and maintain the system.
2. The private water system shall not be interconnected with the Department's water system in any way.
3. The Department will not allow the construction of a private water storage tank at our existing Keahole tank site, as indicated on Page 80 of the DEIS.
4. The Department will provide review and approval of the construction plans for the potable water system for development as they apply to the State of Hawai'i Water System Standards, 2002, as amended. The Department will not review or comment on the design of the desalination system as the Water System Standards do not cover desalination systems.
5. The developer will be required to comply with all rules and regulations of the State of Hawai'i, Department of Land and Natural Resources, Commission on Water Resource Management pertaining to source development. The developer will also be required to comply with all rules and regulations of the State of Hawai'i, Department of Health, pertaining to water quality and safe drinking water.

Please also note that the Department operates a total of 13 wells in the North Kona Water System. Page 78 of the DEIS indicates that there are only four (4) wells serving the North Kona Water System.

*... Water brings progress...*

Mr. Thomas Schnell, PBR Hawaii  
Page 2  
June 4, 2008

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

Sincerely yours,

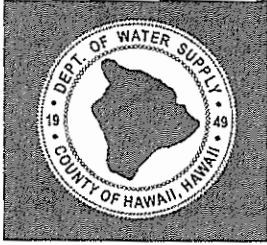
A handwritten signature in black ink, appearing to read 'Milton D. Pavao'. The signature is stylized with a large loop at the top and a long, vertical stroke extending downwards.

Milton D. Pavao, P.E.  
Manager

FM:dfg

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





**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII**

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

August 21, 2008

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

**SUPPLEMENTAL COMMENTS TO  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
REGARDING WATER SOURCE FOR 'O'OMA BEACHSIDE VILLAGE  
'O'OMA, NORTH KONA, HAWAII  
TAX MAP KEY 7-3-009:004**

This is a follow-up and supplement to our previous comments and letter concerning the draft environmental impact statement for the 'O'oma Beachside Village residential development in Kona.

Through this letter, we would like to confirm that the County of Hawai'i, Department of Water Supply is in discussions with the developers of 'O'oma Beachside Village with respect to the options available for the potable water supply for the proposed development.

Our discussions include the prospect of the construction of a saltwater desalination plant for the project, constructed to all applicable Department of Health requirements and all applicable DWS-dedicable standards, with the potential for dedication of the desalination system to the Hawaii County Department of Water Supply.

As noted in our draft Water Use and Development Plan, we recognize the need to look at a variety of options for supplying water to the expanding population in West Hawaii, to include new well sources and the likelihood of desalination in our long-term water supply solutions.

The prospect of the Department of Water Supply working with 'O'oma Beachside Village LLC to provide for the ultimate construction and possible dedication of a desalination system offers the department a significant new opportunity for a water source .

While we understand that 'O'oma Beachside Village will continue to explore all options for development of the water source, we appreciate the discussions we have had thus far and we will continue to work with them on water solutions for the proposed development.

*... Water brings progress...*

Office of Environmental Quality Control  
Page 2  
August 21, 2008

Please contact Mr. Lawrence Beck of our Water Resources and Planning Branch at (808) 961-8070, extension 260, should you have any questions.

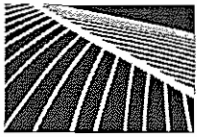
Sincerely yours,

A handwritten signature in black ink, appearing to be 'Milton D. Pavao', written over a large, faint circular stamp or watermark.

Milton D. Pavao, P.E.  
Manager

LEB:dfg

copy: State of Hawai'i Land Use Commission  
✓Mr. Peter T. Young, Ho'okuleana LLC



# PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

## PRINCIPALS

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

## CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

## ASSOCIATES

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

## HONOLULU OFFICE

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

## HILO OFFICE

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

## WAILUKU OFFICE

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

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

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

Dear Mr. Pavao:

Thank you for your letters dated June 4, 2008 and August 21, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

Per your August 21, 2008 letter, we acknowledge that the County of Hawaii Department of Water Supply (DWS) is in discussions with 'O'oma Beachside Village, LLC regarding options available for potable water. Discussions include the prospect of the construction of a saltwater desalination plant, constructed to all applicable State Department of Health requirements and all DWS-dedicable standards, with the potential for dedication to DWS.

We understand that DWS will provide review and approval of construction plans for the potable water system for 'O'oma Beachside Village as they apply to the State of Hawai'i Water System Standards, 2002, as amended; however DWS will not review or comment on the design of a desalination system as the Water System Standards do not cover desalination systems.

'O'oma Beachside Village, LLC will comply with all rules and regulations of the State of Hawai'i, Department of Land and Natural Resources, Commission on Water Resources Management pertaining to source development. 'O'oma Beachside Village, LLC will also comply with all rules and regulations of the State of Hawai'i, Department of Health, pertaining to water quality and safe drinking water.

In the Final EIS Section 4.9.1 (Water System) will be revised to reflect that DWS operates a total of 13 wells in the North Kona Water System, as follows:

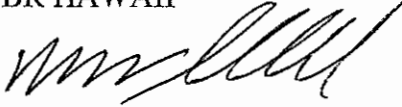
The County of Hawai'i Department of Water Supply (DWS) is the major purveyor for potable water. ~~Four major~~ Thirteen wells serve the North Kona System, running from the Airport south to Kealakekua.

Mr. Milton Pavao  
SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT  
STATEMENT  
December 10, 2008  
Page 2 of 2

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

Sincerely,

PBR HAWAII

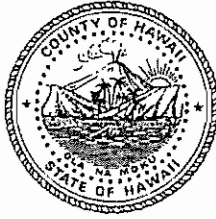
A handwritten signature in black ink, appearing to read 'Tom Schnell', written in a cursive style.

Tom Schnell, AICP  
Senior Associate

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

2309.03 DWS

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

August 21, 2008

PBR Hawai'i

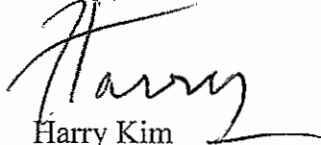
Page 2

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.

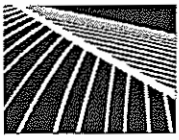
In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

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

THOMAS S. WITTEN, ASLA  
*resident*

STAN DUNCAN, ASLA  
*Executive Vice-President*

USSELL Y. J. CHUNG, FASLA  
*Executive Vice-President*

VINCENT SHIGEKUNI  
*Vice-President*

FRANT T. MURAKAMI, AICP  
*Principal*

CHAIRMAN EMERITUS

FRANK BRANDT, FASLA  
*Chairman Emeritus*

ASSOCIATES

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

EVIN K. NISHIKAWA, ASLA  
*Associate*

IMI MIKAMI YUEN, LEED®AP  
*Associate*

COTT ALIKA ABRIGO  
*Associate*

COTT MURAKAMI, ASLA, LEED®AP  
*Associate*

YACHENG DONG, LEED®AP  
*Associate*

**HONOLULU OFFICE**  
301 Bishop Street  
SB Tower, Suite 650  
Honolulu, Hawai'i 96813-3484  
tel: (808) 521-5631  
fax: (808) 523-1402  
-mail: sysadmin@pbrhawaii.com

**HILO OFFICE**  
31 Aupuni Street  
Hilo Lagoon Center, Suite 310  
Hilo, Hawai'i 96720-1262  
tel: (808) 961-3333  
fax: (808) 961-4989

**HAILUKU OFFICE**  
787 Wili Pa Loop, Suite 4  
Hailuku, Hawai'i 96793-1271  
tel: (808) 242-2878

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

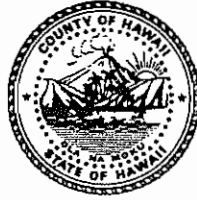
**BOB JACOBSON**

**Councilmember**

*Chair, Environmental Management Committee*

*Vice-Chair, Finance Committee*

*Vice-President Hawai'i State Association of Counties*



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

Mailing Address: 25 Aupuni Street, Suite 200

Phone: (808) 961-8263

Fax: (808) 961-8912

E-Mail: [bjacobson@co.hawaii.hi.us](mailto: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.

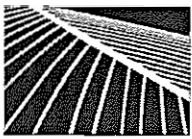
We should not move this protected conservation land out of its deserved protection. There are good reasons that this land was given such protection to begin with.

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 cursive script that reads "Bob Jacobson".





December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

ASSOCIATES

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

HONOLULU OFFICE

1001 Bishop Street  
ASB Tower, Suite 650  
Honolulu, Hawai'i 96813-3184  
Tel: (808) 521-5631  
Fax: (808) 523-1402  
E-mail: sysadmin@pbrhawaii.com

HILO OFFICE

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

WAILUKU OFFICE

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

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

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

Dear Councilmember Jacobson:

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.

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.

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 Report<sup>1</sup> 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.

---

<sup>1</sup> 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.

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.

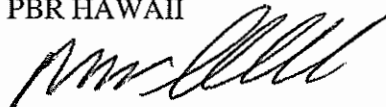
7. *We should not move this protected conservation land out of its deserved protection. There are good reasons that this land was given such protection to begin with. It is important to understand that this is a very special place that can help the residents of Kona to have a better quality of life for 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



## PATH ~ PEOPLES ADVOCACY FOR TRAILS HAWAII

PO Box 62 ♦ KAILUA-KONA, HAWAII 96745 ♦ 808 -329-9718 ♦ sharetheroad@pathhawaii.org

### Board of Directors

Serena Chamberlain  
Bill Sanborn  
Geny L. Roth, R  
Jeannette Vidgen  
Toni Blair  
Rick Merchaiof  
Janet Hlyga Miller  
Michael J. Riehm  
Frank H. Cayre, DDS  
Robert Ward  
Chris Huber  
John Zimmerman  
Jeri McDevitt, MD

### Legal Adviser

Daniel S. Peters

### Executive Director

Laura Dierenfield

### Consultant

Ann C. Peterson

### Mission

To safely connect the people and places on Hawaii Island with pathways and bikeways.

### Serving

the Island of Hawaii since 1986

Web-site:  
[www.pathhawaii.org](http://www.pathhawaii.org)

July 7<sup>th</sup> 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:

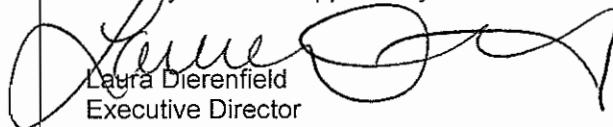
This letter is in regards to the 'O'oma Beachside Village project and recent EIS.

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.

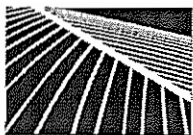
We also urge the parties involved in the effort to establish an MOA on the frontage road (agencies including HDOT, 'O'oma Beachside Village, the National Park, NELHA and Kohanaiki, among others) also include in the MOA a provision for a shared use path as well, a Priority 1 Bike Plan Hawaii project. 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



# PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

## PRINCIPALS

THOMAS S. WITTEN, ASLA  
President

R. STANDUNCAN, ASLA  
Executive Vice-President

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

VINCENT SHIGEKUNI  
Vice-President

GRANT T. MURAKAMI, AICP  
Principal

## CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA  
Chairman Emeritus

## ASSOCIATES

TOM SCHNELL, AICP  
Senior Associate

RAYMOND T. HIGA, ASLA  
Senior Associate

KEVIN K. NISHIKAWA, ASLA  
Associate

KIMI MIKAMI YUEN, LEED®AP  
Associate

SCOTT ALIKA ABRIGO  
Associate

SCOTT MURAKAMI, ASLA, LEED®AP  
Associate

DACHENG DONG, LEED®AP  
Associate

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

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

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

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.

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.*

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  
Kailua-Kona, HI 96740

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.

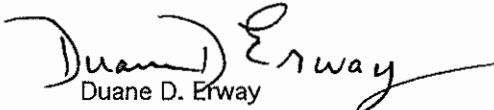
The important mention of pesticides in the main body of the DEIS, is on page 27: "For termite protection, use nontoxic alternatives to pesticides and herbicides ---". While this is very important, it covers only a portion of pesticide use on the property. Pesticides will be used to control insects of 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](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 there way into the groundwater and ocean, just as the fertilizers as indicated in Appendix A and Appendix B.

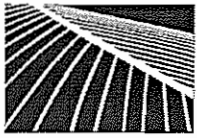
The DIES fails to consider the use of pesticides other than for controlling termites and therefore needs to be rejected.

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

## PRINCIPALS

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

## CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

## ASSOCIATES

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

## HONOLULU OFFICE

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

## HILO OFFICE

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

## WAILUKU OFFICE

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

Duane Erway  
Plan to Protect Kona  
74-5602-A Alapa Street, Suite 725  
Kailua-Kona, Hawai'i 96740

## **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@hawaiiantel.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 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.

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 LUC 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 nutrified 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 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, 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

PBR HAWAII,  
ASB Tower, Suite 650,  
1001 Bishop Street,  
Honolulu, Hawai'i 96813;  
Contact: Tom Schnell; fax# to 1-808-523-1402  
[sysadmin@pbrhawaii.com](mailto:sysadmin@pbrhawaii.com)

Office of Environmental Quality Control,  
235 South Beretania Street, Suite 702,  
Honolulu, Hawai'i 96813;  
fax# to 1-808-586-4186;  
[melkalahiki@aol.com](mailto:melkalahiki@aol.com)  
[r.keakealani2@qte.net](mailto:r.keakealani2@qte.net)

State of Hawai'i Land Use Commission  
P.O. Box 2359,  
Honolulu, Hawaii 96804;  
Contact: Dan Davidson; fax# 1-808-587-3827  
[luc@dbedt.hawaii.gov](mailto:luc@dbedt.hawaii.gov)

O'oma Beachside Village, LLC c/o Midland Pacific Homes,  
7305 Morro Road, Suite 200, Atascadero, California 93422.  
(805) 466-5105  
[PeterYoung@hawaii.rr.com](mailto:PeterYoung@hawaii.rr.com)

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

---

**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 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 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

PBR HAWAII,  
ASB Tower, Suite 650,  
1001 Bishop Street,  
Honolulu, Hawai'i 96813;  
Contact: Tom Schnell; fax# to 1-808-523-1402  
[sysadmin@pbrhawaii.com](mailto:sysadmin@pbrhawaii.com)

Office of Environmental Quality Control,  
235 South Beretania Street, Suite 702,  
Honolulu, Hawai'i 96813;  
fax# to 1-808-586-4186;  
[melkalahiki@aol.com](mailto:melkalahiki@aol.com)  
[r.keakealani2@qte.net](mailto:r.keakealani2@qte.net)

State of Hawai'i Land Use Commission  
P.O. Box 2359,  
Honolulu, Hawaii 96804;  
Contact: Dan Davidson; fax# 1-808-587-3827  
[luc@dbedt.hawaii.gov](mailto:luc@dbedt.hawaii.gov)

O'oma Beachside Village, LLC c/o Midland Pacific Homes,  
7305 Morro Road, Suite 200, Atascadero, California 93422.  
(805) 466-5100  
[PeterYoung@hawaii.rr.com](mailto:PeterYoung@hawaii.rr.com)

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?*

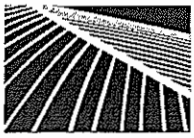
Two days ago I walked O`oma's coastline at sunset. The land is Big Island rocky, the sea is deep, deep blue and rated Class AA -- the best. The views are from the ocean to the top of Hualalai at 9,000 feet. Native sea birds, a "blow" of a whale (even at this late date) thrilled and soothed me. In the 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





December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

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

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

CHAIRMAN EMERITUS

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

ASSOCIATES

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

Dear 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.

**HONOLULU OFFICE**

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

**HILO OFFICE**

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

**WAILUKU OFFICE**

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

Janice Palma-Glennie

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

December 10, 2008

Page 2 of 35

- 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.



Janice Palma-Glennie

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

December 10, 2008

Page 3 of 35

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 descendents, as well as Kona community members.

Janice Palma-Glennie

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

December 10, 2008

Page 4 of 35

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?*

Janice Palma-Glennie

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

December 10, 2008

Page 5 of 35

**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.

Janice Palma-Glennie

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

December 10, 2008

Page 7 of 35

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

Janice Palma-Glennie

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

December 10, 2008

Page 8 of 35

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*

Janice Palma-Glennie

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

December 10, 2008

Page 9 of 35

*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.



Janice Palma-Glennie

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

December 10, 2008

Page 10 of 35

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



Janice Palma-Glennie

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

December 10, 2008

Page 11 of 35

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.

Janice Palma-Glennie

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

December 10, 2008

Page 12 of 35

- 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:

Janice Palma-Glennie

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

December 10, 2008

Page 13 of 35

'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](http://www.botany.hawaii.edu/faculty/dachler/wra/full_table.asp))
- Global Compendium of Weeds ([www.hear.org/gcw](http://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.

Janice Palma-Glennie

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

December 10, 2008

Page 14 of 35

## **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,

Janice Palma-Glennie

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

December 10, 2008

Page 15 of 35

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.

Janice Palma-Glennie

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

December 10, 2008

Page 16 of 35

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 descendants of the area. 'O'oma Beachside Village will continue to seek input from descendants to provide guidance and insight into the use of coastline area including measures to minimize potential adverse impacts to marine resources resulting from an increase in people accessing the shoreline.

- 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

Janice Palma-Glennie

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

December 10, 2008

Page 17 of 35

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?*



Janice Palma-Glennie

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

December 10, 2008

Page 18 of 35

**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.<sup>42</sup>~~

~~<sup>42</sup> 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



Janice Palma-Glennie

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

December 10, 2008

Page 19 of 35

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.

Janice Palma-Glennie

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

December 10, 2008

Page 20 of 35

- 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.

Janice Palma-Glennie

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

December 10, 2008

Page 21 of 35

**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?*

Janice Palma-Glennie

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

December 10, 2008

Page 22 of 35

**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

Janice Palma-Glennie

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

December 10, 2008

Page 23 of 35

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.

Janice Palma-Glennie

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

December 10, 2008

Page 24 of 35

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 Report<sup>1</sup> 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.

---

<sup>1</sup> 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 25 of 35

### ***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



Janice Palma-Glennie

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

December 10, 2008

Page 26 of 35

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 Report<sup>2</sup> 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 Datkowizt, 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*

<sup>2</sup> 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 27 of 35

*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 2<sup>nd</sup> – 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.

Janice Palma-Glennie

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

December 10, 2008

Page 28 of 35

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.*

Janice Palma-Glennie

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

December 10, 2008

Page 29 of 35

**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 Report<sup>3</sup> 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

---

<sup>3</sup> 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 30 of 35

'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")

Janice Palma-Glennie

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

December 10, 2008

Page 31 of 35

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 Report<sup>4</sup> 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.

---

<sup>4</sup> 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 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

December 10, 2008

Page 33 of 35

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

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

December 10, 2008

Page 34 of 35

*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.

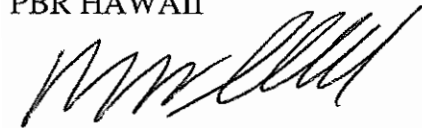
In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

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



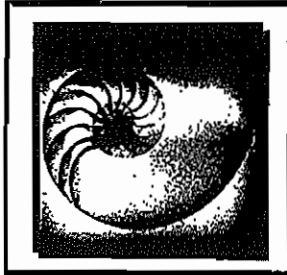
Tom Schnell, AICP  
Senior Associate

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

2309.03 Janice Palma-Glennie



## West Hawai'i Explorations Academy

A Public Charter School

Located near the Natural Energy Laboratory-Hawaii, Keahole-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](mailto: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,

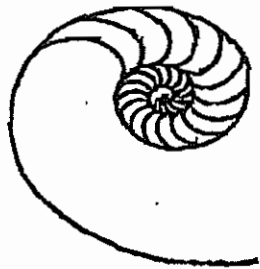
A handwritten signature in black ink, appearing to read "Curtis Muraoka". To the right of the signature, the words "via fax" are written in a similar cursive hand.

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

A Public Charter School located near the Natural Energy Laboratory -Hawaii,  
Keahole Point, 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](mailto:explorations@whea.net)

Domain: [www.whea.net](http://www.whea.net)

## Facsimile Transmission

To: PBR Hawaii

Attn: Tom Schnell

Re: O'oma Beachside Village DEIS Letter of Support

Fax Number: 523-1402

From: West Hawaii Explorations Academy

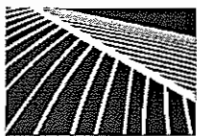
Public Charter School

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

**PRINCIPALS**

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

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

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP  
*Principal*

**CHAIRMAN EMERITUS**

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

**ASSOCIATES**

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED®AP  
*Associate*

SCOTT ALIKA ABRIGO  
*Associate*

SCOTT MURAKAMI, ASLA, LEED®AP  
*Associate*

DACHENG DONG, LEED®AP  
*Associate*

**HONOLULU OFFICE**

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

**HILO OFFICE**

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

**WAILUKU OFFICE**

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

Curtis Muraoka  
West Hawai'i Explorations Academy  
73-4460 Queen Ka'ahumanu Highway #105  
Kailua-Kona, Hawai'i 96740

**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 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 WHEA