



July 6, 2008

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

Dear Mr. Schnell:

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

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

Traffic Concerns

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

Affordable Housing

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

Mr. Tom Schnell, PBR HAWAII

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

Poor Choice of Words

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

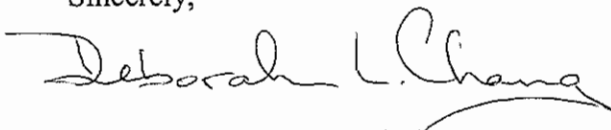
Trails and Access

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

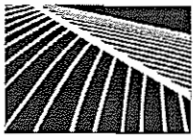
In summary, the proposed project's impacts on population growth and traffic and its limited benefits in affordable housing and offers of enhanced shoreline public access do not justify taking land out of the State Conservation District and putting it into the State Urban District.

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

Sincerely,



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



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

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ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

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Associate

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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

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

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

Dear Ms. Chang:

Thank you for your letter dated July 6, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments. The organization of this letter follows the headings of your letter; however, for clarity we have lettered each specific question or concern with a lowercase letter.

Traffic Concerns

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

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

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

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

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

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

Deborah Chang

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

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

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

Affordable Housing

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

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

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

Poor Choice of Words

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

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

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

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

Trails and Access

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

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

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

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

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

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

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

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

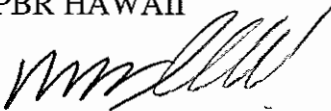
Response: Thank you for bringing this oversight to our attention. In the Final EIS Section 2.3.4 will revised as follows:

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

2309.03 Deborah Chang

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

July 3, 2008

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

Re: O'oma Draft EIS

Dear Mr. Schnell

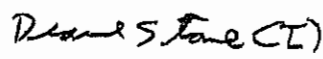
We are in support of the proposed project O'oma Beachside Village in Kailua-Kona, Hawaii.

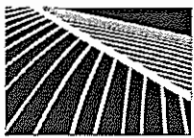
We have read the EIS and understand that O'oma Beachside Village will be a well planned community. The following is a list of the most important aspects of the project.

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

Sincerely,


Dr. Ted Leaf


Diane Stone



PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

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

Dr. Theodore N. Leaf & Diane Stone
P.O. Box 45
Kailua-Kona, Hawai'i 96745

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

Dear Mr. Leaf and Ms. Stone:

Thank you for your fax letter dated July 3, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we thank you for your support.

We wish to clarify that in the design and construction of 'O'oma Beachside Village, 'O'oma Beachside Village, LLC will implement feasible measures to promote energy conservation and environmental stewardship, such as the standards and guidelines promulgated by the U.S. Green Building Council (which is the organization that developed and administers the Leadership in Energy and Environmental Design (LEED) Green Building Rating System), the United States Environmental Protection Agency (EPA) ENERGY STAR Program, or other similar programs; however it has not been determined if buildings within Village 'O'oma Beachside Village will be LEED certified.

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

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

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

2309.03 T Leaf D Stone

JUL 07 2008

FBR HAWAII

ATT: Tom Schnell

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

To whom it may concern:

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

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

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

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

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

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

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

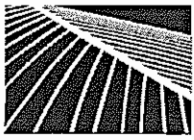
Sincerely,

Mizon Atkins

P.O. Box 1479

Kaau HI

96749



December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

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

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Associate

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

HILO OFFICE
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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

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

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

Dear Mr. Atkins:

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

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

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

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

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

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

Alizon Atkins

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

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

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

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

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

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

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

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

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

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

Alizon Atkins

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

December 10, 2008

Page 3 of 6

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

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

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

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

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

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

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

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

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

Alizon Atkins

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

December 10, 2008

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

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

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

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

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

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

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

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

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

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

Alizon Atkins

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

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

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

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

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

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

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

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

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

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

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

Alizon Atkins

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

December 10, 2008

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

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

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

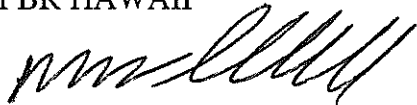
10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

2309.03 Alizon Atkins

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

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

To: sysadmin; palmtree7@hawaiiantel.net

Subject: Ooma II

To Whom It May Concern:

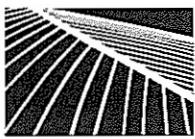
As a ten year citizen of North Kona with two children in the public school systyem and an attorney who has worked very closely with the local community for years at the Legal Aid Society of Hawaii, in Kona, I am writing to request an intelligent, objective, credible and detailed review of the DEIS submitted.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

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

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

Please stop this unnecessary and desructive development.

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



December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
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SCOTT ALIKA ABRIGO
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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

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

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

Dear Ms. Alden:

Thank you for your email dated July 31, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. *...I am writing to request an intelligent, objective, credible and detailed review of the DEIS submitted. It lacks scientific data to support its suppositions and has a patronizing tone.*

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

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

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

Please stop this unnecessary and destructive development.

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

Ms. Andrea Alden

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

December 10, 2008

Page 2 of 2

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

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

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

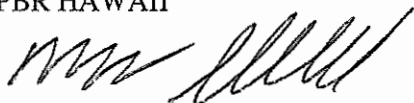
In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

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

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

Dear Mr. Schnell:

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

Mahalo for your serious consideration of this request.

Sincerely,



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

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



December 10, 2008

PRINCIPALS

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President

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Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

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

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

Dear Ms. Sterne:

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

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

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

By way of clarification, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS).

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

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

Barbara C. Sterne

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

December 10, 2008

Page 2 of 2

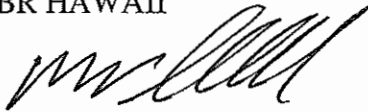
2. *Too much beachfront land on the Big Island has already been removed from conservation status – Please allow Ooma to remain protected, open, natural space.*

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

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

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

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

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

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

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

To whom it may concern:

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

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

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

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

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

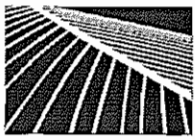
I ask that, when the time comes to make a decision of whether or not to maintain the O`oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.

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

Sincerely,

Carol Curtis
Salt Lake City, Utah

Invite your mail contacts to join your friends list with Windows Live Spaces. It's easy! [Try it!](#)



October 31, 2008

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THOMAS S. WITTEN, ASLA
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HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
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Fax: (808) 961-4989

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Wailuku, Hawai'i 96793-1271
Tel: (808) 242-2878

Carol Curtis
[no mailing address provided]

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

Dear Ms. Curtis:

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

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

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

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

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

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

Carol Curtis

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

12/10/2008

Page 2 of 6

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

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

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

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

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

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

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

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

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

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

Carol Curtis

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

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

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

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

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

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

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

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

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

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

Carol Curtis

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

12/10/2008

Page 4 of 6

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

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

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

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

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

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

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

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

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

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

Carol Curtis

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

12/10/2008

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

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

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

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

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

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

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

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

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

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

Carol Curtis

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

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

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

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

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

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

----- Original Message -----

From: Fuller

To: planning@co.hawaii.hi.us

Sent: Sunday, July 06, 2008 5:16 PM

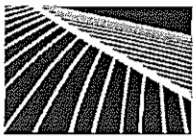
Subject: Ooma

Aloha,

Please **deny** the request from Ooma Beachside properties to upzone from conservation! WE NEED OPEN SPACE in and around KONA!!! NO MORE OVER DEVELOPMENT!!! We are already maxed out! Just look at the roads...can we accomodate any more cars?

Aloha,

Carol Fuller



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

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

VINCENT SHIGEKUNI
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GRANT T. MURAKAMI, AICP
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CHAIRMAN EMERITUS

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ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
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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. Carol Fuller
[no address provided]

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

Dear Ms. Fuller:

Thank you for your email dated July 6, 2008 (addressed to the County of Hawaii Planning Department at planning@county.hi.us) regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). With this letter I seek to clarify that PBR HAWAII is planning consultant for the landowner, 'O'oma Beachside Village, LLC and also respond to your comments.

1. Please deny the request from Ooma Beachside properties to upzone from conservation!

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

By way of clarification, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS).

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

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

Ms. Carol Fuller

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

December 10, 2008

Page 2 of 2

2. *We need open space in and around Kona!!! No more over development !!! We are already maxed out!*

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

3. *Just look at the roads...can we accommodate any more cars?*

Response: The Draft EIS includes discussion on traffic (Section 4.4) and notes that the State Department of Transportation and County of Hawai'i have many roadway improvements planned to meet the expected growth in the area, including the widening of Queen Ka'ahumanu Highway from Henry Street to the airport and the development of an extensive roadway network mauka of the highway. The new roadway network mauka of the highway would create more mauka-makai roadways between Queen Ka'ahumanu Highway and Māmalahoa Highway and create more north-south roadways between and parallel to these two existing highways.

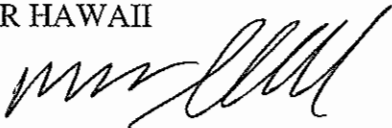
'O'oma Beachside Village will be part of the regional solution to address congestion and improve traffic circulation on Queen Ka'ahumanu Highway by working cooperatively with the State, County, and adjoining landowners to plan and develop its portion of a Frontage Road makai of, and parallel to, Queen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

The widening of Queen Ka'ahumanu Highway, the Frontage Road, and the development of the mauka roadway network will accommodate much of the anticipated growth in the North Kona region.

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

August 20, 2008

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

Re: O'oma Draft EIS

Dear Mr. Schnell

I am writing in support of the proposed project O'oma Beachside Village in Kailua-Kona, Hawaii.

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

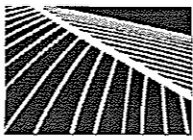
- Consideration and respect for the culture and history of the area - and for Hawaii in general (with respect to the land, water and the people)
- Aesthetically pleasing economically diverse homes for the working middle class – affordable, townhomes and workforce housing – while also providing estate homes for the upper class.
- Work environments near home to minimize commuting outside of the community.
- LEED certified development opportunities, while planning for ample greenspace to expand the opportunity to become fully sustainable in the future.
- Providing usable open space and shoreline parks and access to hiking and biking trails. Creating an aesthetically pleasing environment for locals and newcomers alike to enjoy the natural habitats for the area.
- Keeping ample distance between the shoreline and the homes – so that all can enjoy walking the shoreline without a feeling on encroachment on private property.
- Eco-community atmosphere – being able to live near your business, and also being able to shop in your neighborhood – without the need to jump in your car to commute.

Thank you very much for your time and consideration in support of the proposed project O'oma Beachside Village in Kailua-Kona, Hawaii. If you have any questions, please call me at 808-756-4874 as soon as possible. I'd be happy to assist you in any way.

Sincerely,

Claire K. Bajo, Realtor (S)

CP Kona Realty - Kona Inn Shopping Village
75-5744 Alii Drive, #168, Kailua-Kona, HI 96740
Phone: 808-756-4874 Fax: 808-331-0536
www.clairbajo.com



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
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Associate

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Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA, LEED®AP
Associate

DACHENG DONG, LEED®AP
Associate

Ms. Claire Bajo
75-5744 Ali'i Drive #168
Kailua-Kona, Hawai'i 96740

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

Dear Ms. Bajo:

Thank you for your letter dated August 20, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we thank you for your supportive comments.

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

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

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

2309.03 Claire Bajo

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

Dear Land Use Commission,

Don't sell out O'oma! Please deny the O'oma Beachside Village request to upzone O'ma out of Conservation status.

The owners claim upzoning follows the Kona Community Development Plan. But it doesn't.

And public scoping named O'oma as one of the top five places on Hawai'i Island to be set aside as public, open space.

The community has been fighting to protect O'oma for twenty years. Don't sell out now!

Mahalo,

Cory Harden

PO Box 10265,

Hilo, Hawai'i 96721

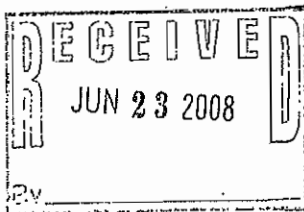
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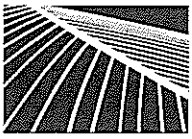
HONOLULU HI 968

19 JUN 2008 PM 3 L



O'oma Beachside Village LLC
c/o Midland Pacific Homes
305 Morro Rd suite 200
Atascadero, California 93422





PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

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

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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

December 10, 2008

Cory Harden
P.O. Box 10265
Hilo, Hawai'i 96721

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

Dear Mr. Harden:

Thank you for your letter postmarked June 19, 2008 addressed to the Land Use Commission regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the petitioner, 'O'oma Beachside Village, LLC, we are responding to your comments. Your letter and this response have been provided to the State Land Use Commission.

1. *Don't sell out O'oma! Please deny the O'oma Beachside Village request to upzone O'oma out of Conservation status.*

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

By way of clarification, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS).

2. *The owners claim upzoning follows the Kona Community Development Plan. But it doesn't.*

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

Because the 'O'oma Beachside Village property is within the County General Plan Urban Expansion area and the Kona CDP Urban Area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation

Cory Harden

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

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District is appropriate and consistent with the desires expressed in the County General Plan and the Kona CDP.

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

3. *And public scoping named O'oma as one of the top five places on Hawai'i Island to be set aside as public, open space. ¶*

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

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

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

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

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

4. *The community has been fighting to protect O'oma for twenty years. Don't sell out now!*

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

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

Cory Harden

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

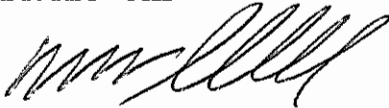
In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate


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

June 22, 2008

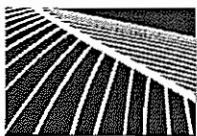
Tom Schnell
PBR Hawaii
ASB Tower
Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell:

I am writing to ask that the state land board deny Ooma Beachside Village's request to upzone Ooma out of conservation status. It must remain protected, open, and natural space. Ooma must stay in its conservation-protected designation for the future of all generations living on the Big Island of Hawaii. It also must fit into the Kona Community Development Plan that has been presented to the County of Hawaii from the residents of Kona.

Mahalo nui loa,

Dan and Marlene Sabo
76-6306 Mahuahua Place
Kailua-Kona, Hawaii 96740
Email – konasabo@hawaii.rr.com

cc: Office of Environmental Control
State of Hawaii Land Use Commission
Ooma Beachside Village



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

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

101 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

Dan and Marlene Sabo
76-6306 Mahuahua Place
Kailua-Kona, Hawai'i 96740

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

Dear Mr. & Mrs. Sabo:

Thank you for your letter dated June 22, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). With this letter I seek to clarify that PBR HAWAII is planning consultant for the landowner, 'O'oma Beachside Village, LLC and also respond to your comments. Your letter and this response have been provided to the State Land Use Commission.

- 1. I am writing to ask that the state land board deny Ooma Beachside Village's request to upzone Ooma out of conservation status. It must remain protected, open, and natural space. Ooma must stay in its conservation-protected designation for the future of all generations living on the Big Island of Hawaii.*

Response: By way of clarification, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS).

At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers. In addition, 'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area. Approximately 38 acres of the coastal open space area will remain in the State Conservation District.

- 2. It also must fit into the Kona Community Development Plan that has been presented to the County of Hawaii from the residents of Kona.*

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

Dan and Marlene Sabo

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

December 10, 2008

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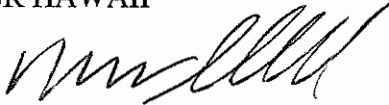
Because the 'O'oma Beachside Village property is within the County General Plan Urban Expansion area and the Kona CDP Urban Area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the desires expressed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

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

2309.03 Dan Marlene Sabo

September 6th, 2008

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

To whom it may concern:

I'm writing to ask that you review the O`oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts. This mega-development will irreparably harm the natural, cultural, and social resources of the area.

The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the near shore pristine Class AA waters and reef. The developers' claims that their plan is in compliance with the yet-to-be-adopted Kona Community Development Plan (KCDP) are patently untrue.

The proposed development should not be built on vanishing coastal Conservation land - an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) **the O`oma plan is developer-generated - in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years**, 3) it changes Conservation-protected land at O`oma - an area the public clearly said should remain protected, and 4) ***O`oma II was voted as one of the Top Five special places in Hawai`i County to be acquired as Public, Open Space.***

Will the proposed project even be built as proposed in the owners' pretty pictures and flashy brochures/CD presentations; or is this just another thinly veiled attempt to move protected conservation land out of its deserved protection?

• Our main concern is that 900 to 1,200 proposed residences plus commercial spaces, construction vehicles, and personal vehicles will negatively impact an already over taxed infrastructure, primarily, the roads. They are already overcrowded in the area. The additional numbers of residences will only add to the current problem.

•The shoreline north of Kailua is blessed with the only white sand beaches on the entire island. Almost all have been taken over as depositories for hotels, and resorts and private golf clubs. O`oma is one of the few remaining untouched areas of white sand and lava that grace the island. It is already a popular access for surfing, picnics, and fishing; all used in a traditional Hawaiian fashion. Any attempt by a developer to claim that their resort will open the beach to easier access and people and still maintain an already pristine beach environment used by locals and tourists alike, is a

joke.

• We are 25 year residents of the Big Island. Our first attraction to the island was its abundant nature and untouched beaches and lava flows. Many visitors still come to the island to experience this raw beauty. The development proposed is just another move in the direction of converting the beauty of the big island to the overcrowding and traffic infested roads of Southern California! Something most visitors and long term residents came here to escape!!

♥ We wholeheartedly wish to see the O`oma II land be maintained as conservation zoning or whatever label is appropriate to maintain the area's current untouched, undeveloped, pristine, and natural status.

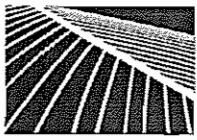
O`oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.

There were serious reasons why this land was put in Conservation protection. I ask that you reject the premises presented in the DEIS and deny any change of designation for O`oma II.

Sincerely,

David Blehert and Family

P.O. Box 678
Honaunau, Hawaii 96726
808-328-8459



December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

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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

David Bleher
P.O. Box 678
Honaunau, Hawai'i 96726

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

Dear Mr. Bleher:

Thank you for your email dated September 6, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

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

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

2. *The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef.*

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

3. *The developer's claims that their plan is in compliance with the yet-to-be adopted Kona Community Development Plan (KCDP) are patently untrue.*

...It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved,

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

David Blehert

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

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

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

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

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

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

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

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

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

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

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

David Blehert

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

December 10, 2008

Page 3 of 7

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

4. ...2) *the O'oma plan is developer-generated - in conflict with what makes a community-based land use plan different from the "non-planning of the last 40 years...*

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

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

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

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

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

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

5. ...3) *it changes Conservation-protected land at O'oma – an area the public clearly said should be protected, and...*

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

David Blehert

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

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The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

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

6. ...4) *O'oma II was voted as one of the Top Five special places in Hawaii to be acquired as Public, Open Space.*

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

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

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

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

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

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

David Bleher

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

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7. *Will the proposed project even be built as proposed in the owner's pretty pictures and flashy brochures/CD presentations; or is this just another thinly veiled attempt to move protected conservation land out of its deserved protection?*

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

8. *Our main concern is that 900 to 1,200 proposed residences plus commercial spaces, construction vehicles, and personal vehicles will negatively impact an already over taxed infrastructure, primarily, the roads. They are already overcrowded in the area. The additional numbers of residences will only add to the current problem.*

Response: The Draft EIS includes specific sections regarding infrastructure and traffic. In particular, the Draft EIS includes discussion on traffic (Section 4.4) and notes that the State Department of Transportation and County of Hawai'i have many roadway improvements planned to meet the expected growth in the area, including the widening of Queen Ka'ahumanu Highway from Henry Street to the airport and the development of an extensive roadway network mauka of the highway. The new roadway network mauka of the highway would create more mauka-makai roadways between Queen Ka'ahumanu Highway and Māmalahoa Highway and create more north-south roadways between and parallel to these two existing highways.

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

The widening of Queen Ka'ahumanu Highway, the Frontage Road, and the development of the mauka roadway network will accommodate much of the anticipated growth in the North Kona region.

9. *The shoreline north of Kailua is blessed with the only white sand beaches on the entire island. Almost all have been taken over as depositories for hotels, and resorts and private golf clubs. O'oma is one of the few remaining untouched areas of white sand and lava that grace the island. It is already a popular access for surfing, picnics, and fishing; all used in a traditional Hawaiian fashion. Any attempt by a developer to claim that their resort will open the beach to easier access and people and still maintain an already pristine beach environment used by locals and tourists alike, is a joke.*

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

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

David Blehert

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

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

10. *We are 25 year residents of the Big Island. Our first attraction to the island was its abundant nature and untouched beaches and lava flows. Many visitors still come to the island to experience this raw beauty. The development proposed is just another move in the direction of converting the beauty of the big island to the overcrowding and traffic infested roads of Southern California! Something most visitors and long term residents came here to escape!!*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers. In addition to the extensive coastal open space noted above, the historic Māmalahoa Trail, which runs through the property in a north-south direction will remain protected and preserved. This trail, along with wide buffers on both sides, will make up a 110-foot wide open space corridor encompassing running the length of the property in a north/south direction. Further, an existing shoreline trail within the public shoreline park area is proposed to become part of the Ala Kahakai National Historic Trail corridor.

11. *We wholeheartedly wish to see the O'oma II land be maintained as conservation zoning or whatever label is appropriate to maintain the area's current untouched, undeveloped, pristine, and natural status.*

Response: By way of clarification, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the coastal open space area will remain in the State Conservation District.

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

Because the 'O'oma Beachside Village property is within the County General Plan Urban Expansion area and the Kona CDP Urban Area, reclassification of the portion of the 'O'oma

Beachside Village property that is within the State Conservation District is appropriate and consistent with the desires expressed in the County General Plan and the Kona CDP.

David Blehert

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12. *O`oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site and is consistent with the Kona CDP and the General Plan. In particular, in conformance with the Kona CDP, 'O'oma Beachside Village strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing. 'O'oma Beachside Village's substantial open space is another distinctive feature that distinguishes it from previous proposals. In addition, 'O'oma Beachside Village's shoreline and coastal preserve area provides for protection of natural, cultural, and historic resources and maintains existing shoreline access.

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

2309.03 David Blehert

From: Debbie Hecht [mailto:hecht.deb@gmail.com]

Sent: Monday, July 07, 2008 9:34 PM

To: sysadmin@pbrhawaii.com; melkalahiki@aol.com; PeterYoung@hawaii.rr.com; r.keakealani2@gte.net

Subject: Comments on O'oma Draft EIS

July 6, 2008

The Office of Environmental Quality and
The State Land Use Commission

Re: O'oma Draft Environmental Impact Statement

Aloha,

I have read the Draft Environmental Impact Statement for the O'oma Development. I find that instead of answering questions, this report raised many more questions for me. Please see the end of each section for additional questions.

Noise and Danger from Aircraft-The airport is 1 mile to the north. There are 3 diagrams of airport noise- starting on page 74 of the DEIS. On page 71, it states that the developer "will work with DOT engineering staff to comply with airport safety requirements and design any landscaping to discourage the attraction of birds or use as a nesting/breeding ground for other creatures that can cause or create hazards to aircraft flight." In other places where airports were expanded close to developments, the government has had to buy out property owners who were adversely affected by noise and in danger from air crashes. The airport has 3,450 acres of land and only one runway. It is probable that the airport will be expanded in the future. There is a new plan for airport expansion that came out recently. People should be able to peacefully enjoy where they live.

- Doe this DEIS consider future airport expansion plans?
- As the population increases, how do we protect property buyers from inevitable airport expansion?
- If the DOT is afraid of birds creating a hazard for planes and want to regulate the landscaping, isn't the airport too close?

Land Use: 181 acres of conservation-zoned property will be rezoned to accommodate 950 to 1200 homes for 2,580 full time residents. I believe that citizens should be able to rely on government rules and regulations. Property owners and developers should be able to rely on zoning designations set by the government. This rezoning request sets a precedent for spot zoning. From Page 179: "The existing Hawaii County zoning for Parcels 4 and the State ROW is Open (O). Open zone applies to areas that contribute to the general welfare, the full enjoyment or economic well -being of open land type use which has been established or is proposed." It is stated that 84% of homes will be used by full-time residents and with an average occupancy rate of 95%, with an average household of 2.7 people. The first draft of the Kona Community Development Plan is now available.

- Is this plan in accordance with the principles proposed by the Kona Community Development plan?
- How will this development be built out, will the infrastructure be in place first?

- Are there building phases?
- What will be built first?
- What will be built next?
- Will the developers depend on the county for Community Facility District Bonds to fund their infrastructure?
- Do these bonds become part of the total amount of bonds that are limited to 15% of the assessed value of properties in Hawaii County?

Park Areas: The 103 acres of open space includes a 50-foot buffer on either side of the Mamalahoa Trail and buffers by the Queen Ka'ahumanu highway totaling 16 acres. There is a 57-acre coastal preserve and an 18-acre public shoreline park, which will be accessed through Kohanaiki. The existing jeep trail used for access will be abandoned. It is also stated that there will be a comfort station and parking. I like the model of Kua Bay, but I think there should have been more bathroom and shower facilities and parking. Now that the facilities are closed for the past months, the community keeps asking: Who is responsible for fixing this property? We need to avoid similar problems at O'oma.

- Who will care for road and trail buffers (16 acres) when the developer sells out?
- Who will control the access to the O'oma shoreline through Kohanaiki?
- Who will be responsible for the shoreline access road?
- Will an unlimited number of people be able to use this shoreline access?
- How many toilets will there be and how much parking?
- How will people access the shoreline for surfing if the jeep trail is closed?

I have a recommendation for parkland management for this and other developments, a Community Stewardship Organization could be created to manage the parks and open space. Association fees levied against each lot could fund this organization. A small staff could be provided office space and equipment space to manage and provide maintenance for the park areas.

Jobs- Where will the workers come from to support this development? The DEIS states, that during construction there will be 380 full time jobs, and eventually 480 direct permanent, full time jobs at the retail and office sites. We have the lowest unemployment in the country; most business owners are constantly looking for good employees.

- Where will the employees come from?
- What will they be paid?
- Where will they live?
- Will they be able to afford on-site housing?

Affordable Housing- The document states that 20% of the residences will be in affordable housing, but it doesn't state how many will be in rental units or units for purchase.

- How large would these units be- 2 bedrooms, 3 bedrooms?
- To reinforce the village concept, would the families that work here be able to afford these homes?
- Would the families that work here have enough bedrooms to accommodate their families?
- Who are the target occupants?
- Would the units be affordable to people earning 150 to 180% of county median income?

Wastewater- There was also a statement about taking the excess solid waste to the Kealakehe Wastewater treatment plant. From a report on the Kealakehe Plant we learned that the plant is overloaded from processing the concentrated solids from the hotels, which bring concentrated waste to the plant. The DEIS states that excess R-1 processed sewage will be held in a 1.2 million gallon reservoir and the overflow will be transferred to standby injection wells.

- Can the Kealakehe sewage plant handle more concentrated solids?
- Where will these injection wells for overflow of R-1 be located?
- Who will monitor these wells?
- How often?

Solid Waste will be taken to the Kealakehe green waste center or the Pu'uuanahulu dump. The DEIS states that the development "is estimated to produce 2,160 to 2,568 tons of solid waste per year" at full build out. On page 155: "After construction, recycling will be encouraged...recycling provisions, such as collection systems and space for bins, MAY be incorporated in to O'oma Beachside Village. " Recycling stations should become part of all Hawaii Island subdivisions; we have one landfill that is failing. It is time that we require new subdivisions to recycle and reuse more of their solid waste.

- How is this plan in accordance with the Kona Community Development Plan?
- What exactly will be proposed for recycling and reduction of garbage?

Alternative energy uses are "to be considered" according to the DEIS but there is no guarantee of use, the document says they will be considered, as will LEED principles. I think it is important to increase the use of alternative types of energy and to use the LEED principles whenever possible. I'm not sure if all utility lines will be buried. Hawaii has the highest utilities in the country.

- How is this plan in accordance with the Kona Community Development Plan?
- How will energy usage for air-conditioning be decreased during hot summer days?
- Will each unit have solar hot water heaters?
- Will utility lines be located underground?

Schools -On Page 96 the DEIS states that the Kealakehe High School is over capacity, the elementary school is at capacity and the intermediate school is close to capacity. The DEIS states the developer intends to donate 3 acres for a charter elementary school. On page 154 it states " O'oma Beachside Village, LLC will contribute to the development, funding and/or construction of school facilities, on a fair-share basis, as determined by and to the satisfaction of the DOE."

- What is the developer's approximate fair share amount for this development?
- How much will be required by the charter school?
- Who will operate the proposed charter school?
- Where will the children go to Intermediate school and high school if these schools are full?

Water- The DEIS states that there is no commitment for potable water and they mention a desalinization plant, with feedwater from the NELHA deepwater system, or obtaining feedwater from on-site wells that have saline water. There was a discussion about using a Membrane bi-reactor wastewater system- (MBR). The DEIS states: "Through the desalinization process approximately 40 to 45 percent of the feedwater will become usable water. Approximately 55 to

60 percent of the feedwater would become hypersaline concentrate that will be disposed of in on-site wells. These wells will deliver the concentrate into the saltwater zone below the basal lens. The concentrate would have a salinity of approximately 60 percent, which is substantially denser than either open coastal seawater or saline groundwater. " The salty discharge of wastewater (estimated at 60 percent s) will be discharged in the ocean.

- How will this affect the fish and corals?
- Are there agreements with NELHA for deep water for feedwater use?
- Where will the on-site wells be located for the hypersaline water injection, after the desalinization process, which is meant to go beneath the basal lens?

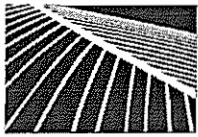
Flood Waters will be handled by swales and drywells. It is stated on page 148 in the discussion part of the chart that no structures will be built in Zone A.

- Who is responsible for upkeep of drywells for floodwaters, after the developer sells out? The County?
- The FIRM maps for Kona need updating, who will do this in order to understand the flood potential of this land?
- Will the developer be submitting a floodplain management plan for this area?

Mahalo for considering these additional questions! Please recommend that this area deserve further study.

Sincerely,

Debbie Hecht
P.O. Box 4148
Kailua-Kona, HI 96745
(808) 989-3222
hecht.deb@gmail.com



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

Debbie Hecht
P.O. Box 4148
Kailua-Kona, Hawai'i 96745

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

Dear Ms. Hecht:

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

Noise and Danger from Aircraft:

- *Doe this DEIS consider future airport expansion plans?*

Response: Yes, projections of increases of airport noise for the years 2013 and 2030 were developed using operational forecasts, existing aircraft flight tracks for the existing runway, and assumed flight tracks for a proposed new runway.

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

- *As the population increases, how do we protect property buyers from inevitable airport expansion?*

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

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

- *If the DOT is afraid of birds creating a hazard for planes and want to regulate the landscaping, isn't the airport too close?*

Response: Designing landscaping to discourage the attraction of birds is a typical precautionary mitigation measure in the vicinity of airports. 'O'oma Beachside Village, LLC will comply with all FAA and State DOT regulations. These issues are discussed in Section 4.5 (Kona International Airport at Keāhole) of the Draft EIS.

Land Use:

- *Is this plan in accordance with the principles proposed by the Kona Community Development plan?*

Response: Yes, 'O'oma Beachside Village is in conformance with the *Kona Community Development Plan* (Kona CDP), which the acting Mayor approved on September 25, 2008. We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

Debbie Hecht

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Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

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

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

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

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

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

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

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

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

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

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

- *How will this development be built out, will the infrastructure be in place first?*

Response: 'O'oma Beachside Village will be in compliance with the County of Hawai'i's Concurrency Ordinance (Ordinance 07-99) which creates concurrency standards for roads and water supply. 'O'oma Beachside Village LLC will also provide necessary wastewater systems and other infrastructure systems necessary to meet the needs of 'O'oma Beachside Village.

- *Are there building phases?*
- *What will be built first?*
- *What will be built next?*

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

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

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

Finally, at the start up of 'O'oma Beachside Village, it will be essential to design, size, and construct major infrastructure systems, such as water and wastewater treatment facilities, with the capacity to serve the entire community. If the proposed reclassification is approved, 'O'oma Beachside Village will include approximately 264 acres within the State Urban district. While this is a sizable area, it is not so large to allow for phasing of major infrastructure systems necessary to provide services to the community. Without assurance that the entire 'O'oma Beachside Village could be built as planned, it would not be feasible for the landowner, 'O'oma Beachside Village LLC, to proceed with all large scale infrastructure improvements needed for the community.

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

- *Will the developers depend on the county for Community Facility District Bonds to fund their infrastructure?*
- *Do these bonds become part of the total amount of bonds that are limited to 15% of the assessed value of properties in Hawaii County?*

Response: 'O'oma Beachside Village, LLC will explore all feasible options for financing 'O'oma Beachside Village, to include without limitation, utilizing the County's procedures for financing of infrastructure through implementation of a Community Facilities District and/or Tax Increment District, pursuant to Hawai'i County Code Chapters 32 and 33, respectively.

Park Areas:

Response: Overall, we acknowledge your concerns about park and shoreline access and appreciate your constructive questioning. 'O'oma Beachside Village, LLC agrees that details regarding public access are

Debbie Hecht

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important and will evaluate positive examples and solutions, such as Kua Bay, when developing any access plan.

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

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

- *Who will care for road and trail buffers (16 acres) when the developer sells out?*

Response: Road and trail buffers may be dedicated to the State or County; however an association of 'O'oma Beachside Village owners will be established and any common areas not dedicated to the State or County will be maintained by the O'oma Beachside Village Owners Association.

- *Who will control the access to the O'oma shoreline through Kohanaiki?*
- *Who will be responsible for the shoreline access road?*

Response: We understand that Kohanaiki Shores, LLC will construct the mauka-makai shoreline public access road for dedication to the County of Hawaii. Therefore, Kohanaiki Shores, LLC will be responsible for the shoreline public access road until it is accepted by the County for dedication.

- *Will an unlimited number of people be able to use this shoreline access?*

Response: 'O'oma Beachside Village, LLC has no intention of limiting the number of people who will be able to use the public shoreline access road.

- *How many toilets will there be and how much parking?*

Response: At this preliminary stage, the number of toilets and amount of parking has not yet been determined; however, 'O'oma Beachside Village, LLC will meet or exceed all State or County requirements.

- *How will people access the shoreline for surfing if the jeep trail is closed?*

Response: People will be able to access the shoreline via the shoreline access road running between the 'O'oma Beachside Village and Kohanaiki properties, which will be improved to County roadway standards. In addition, there will be pathways to the shoreline from within O'oma Beachside Village, and O'oma Beachside Village's public shoreline park will connect with NELHA's shoreline park, allowing access from the north.

Jobs:

- *Where will the employees come from?*
- *What will they be paid?*

Section 4.10.5 (Economy) of the Draft EIS discusses employment and wages. Employment and wages are discussed in terms of "Development Employment" and "Operational Employment" as follows:

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- **Development Employment** – During initial construction up to 2020, 'O'oma Beachside Village is projected to generate approximately 380 full-time equivalent (FTE) jobs per year. During subsequent years of build-out (2021 to 2030), this may subside to approximately 290 FTE development-related jobs per year.

Development-related jobs are expected to generate annual personal earnings of approximately \$21.4 million from 2010 to 2030 and approximately \$17.1 million from 2021 to 2030. This represents an annual income of approximately \$57,000 to \$59,000 per full-time job.

- **Operational Employment** - By full build-out in 2030, the improvements at 'O'oma Beachside Village are expected to have created approximately 480 direct permanent, ongoing FTE new jobs. The great majority of these new jobs would be at the retail and office facilities on-site, while a handful other jobs may be physically located off-site. These direct new jobs would include professional, technical and managerial, as well as entry-level positions.

At build-out, about 200 of the direct new jobs to be generated by 'O'oma Beachside Village are expected to represent net additional employment opportunities within the County. These differ from the new job count noted above in that these are jobs expected to be created by the new on-Island expenditures that O'oma Beachside Village is likely to attract. These new expenditures would come from those persons anticipated to move to the Island because of 'O'oma Beachside Village's housing opportunities. These net additional jobs would be spread throughout the Island, and in all sectors of the local economy. They would reflect the direct, indirect, and induced impacts of the new on-Island spending generated by 'O'oma Beachside Village.

Altogether, by full build-out in 2030, the 200 net additional jobs created as a result of 'O'oma Beachside Village are estimated to generate personal earnings of about \$10.8 million per year, at average annual earnings of about \$54,000 per full-time job.

- *Where will they live?*

Response: 'O'oma Beachside Village will provide employment opportunities for both current residents and new residents. With a build-out period from approximately 2010 to 2030, it is important to note that not all projected jobs will be created immediately or continue indefinitely. However, over the course of build-out and on-going operations 'O'oma Beachside Village will provide jobs at startup and continuing for Hawai'i's projected population growth, including opportunities for residents currently not in the workforce, such as residents who are children now, but will be entering the workforce over the next several years.

- *Will they be able to afford on-site housing?*

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

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

Affordable Housing:

- *How large would these units be- 2 bedrooms, 3 bedrooms?*

Response: The size of the affordable homes has not been determined, however all affordable housing provided will be in accordance with the County's affordable housing requirements.

- *To reinforce the village concept, would the families that work here be able to afford these homes?*

Response: It is anticipated that some people or families that work at 'O'oma Beachside Village would be able to afford homes there. As stated in Section 2.3.3 (Mauka Mixed-Use Village) of the Draft EIS:

A main objective of planning for the Mauka Mixed-use Village is to provide convenient commercial and business services to support the overall 'O'oma Beachside Village community and thus reduce the number of car trips to Kailua-Kona. The mixed-use village provides a good location for affordable and workforce housing, and will reduce the need for some residents to commute outside of the community to get to work.

The mixed-use village concept provides opportunities for local businesses and live-work units within multi-family buildings. Live-work units allow business owners to live and work in the same place and therefore decrease the need for commuting and automobile reliance.

As previously stated, pricing of affordable homes will be in compliance with applicable State and County regulations. 'O'oma Beachside Village's range of housing will also include "gap group" and "workforce housing," defined as homes priced for households earning 150 percent to 220 percent of the median income.

- *Would the families that work here have enough bedrooms to accommodate their families?*

Response: With the Hawai'i County average household size being 2.7 people per household, it is anticipated that 'O'oma Beachside Village homes would have enough bedrooms to accommodate some families that work at 'O'oma Beachside Village.

- *Who are the target occupants?*

Response: 'O'oma Beachside Village will offer a wide range of housing alternatives, focused on the primary resident market, including multi-family homes, "live-work" or mixed-use units, workforce, gap group, and affordable homes, and single-family home lots. This is stated in several places throughout the Draft EIS.

- *Would the units be affordable to people earning 150 to 180% of county median income?*

Response: Yes, as previously stated, households earning 150 percent to 180 percent of the 2007 County median income should be able to purchase a multi-family home at 'O'oma Beachside Village assuming interest rates of six to seven percent and a 20 percent down payment.

Wastewater:

- *Can the Kealakehe sewage plant handle more concentrated solids?*

Response: The private membrane bioreactor (MBR) wastewater treatment system proposed to be built at 'O'oma Beachside Village will handle both solid and liquid treatment. No solids are anticipated to be sent to the County's Kealakehe wastewater treatment plant.

To reflect this in the Final EIS, in the Final EIS Section 4.9.3 (Wastewater System) will be revised to include the following information:

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The MBR system will provide for on-site sludge handling, including a sludge holding tank and a sludge dewatering facility. The dewatering process will produce "cake sludge" that can be disposed of at the Pu'uuanahulu landfill, which accepts sewage sludge.

- *Where will these injection wells for overflow of R-1 be located?*
- *Who will monitor these wells?*
- *How often?*

Response: Regarding injection wells for waste water, in Section 4.9.3 (Wastewater System) of the Draft EIS it is stated: "While non-potable irrigation water demands are expected to utilize all R-1 water produced, *if necessary* [emphasis added], overflow from the storage reservoir would discharge into standby injection wells." Injection wells for overflow R-1 water would be located nearby the wastewater treatment plant (as shown on Draft EIS Figure 1), which is below the Underground Injection Control line, i.e., injection wells will be placed in an area where they may be permitted.

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

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.9.3 (Wastewater System) will be revised as follows:

The recycled water system will include a 1.2 million gallon reservoir for R-1 water storage, water pumps, and R-1 water transmission mains. While non-potable irrigation water demands are expected to utilize all R-1 water produced, if necessary, overflow from the storage reservoir would discharge into standby injection wells. Injection wells for overflow R-1 water would be located nearby the wastewater treatment plant (as shown on Figure 1), which is below the Underground Injection Control (UIC) line, i.e., injection wells will be placed in an area where they may be permitted.

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

Solid Waste:

- *How is this plan in accordance with the Kona Community Development Plan?*
- *What exactly will be proposed for recycling and reduction of garbage?*

Response: Objective PUB-5: Zero Waste of the Kona Community Development Plan (CDP) is to maximize recycling, reuse, and reduction. Policy PUB-5.2 of the Kona CDP states:

Policy PUB-5.2: Solid Waste. Within the Kona Urban Area, to increase the capture of recyclable materials and also to decrease the number of automobile trips, the County shall explore feasible alternatives for residential curbside collection, including source-separated recyclables.

'O'oma Beachside Village is in accordance with the above Objective and Policy. As discussed in Section 4.9.4 (Solid Waste) of the Draft EIS: "Provisions for recycling, such as collection systems and space for bins for recyclables, *will* [emphasis added] be incorporated into 'O'oma Beachside Village. Architects for individual business buildings will be required to provide space for individual dumpsters to separate recyclable materials, such as cardboard, from municipal solid waste." In addition, 'O'oma Beachside Village will work with the County regarding feasible alternatives for residential curbside collection, including source-separated recyclables, including source-separated recyclables.

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To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.9.4 (Solid Waste) will be revised as follows:

At full build-out and occupancy, 'O'oma Beachside Village is estimated to produce approximately 2,160 to 2,568 tons of solid waste per year. Provisions for recycling, such as collection systems and space for bins for recyclables, will be incorporated into 'O'oma Beachside Village. Architects for individual business buildings will be required to provide space for individual dumpsters to separate recyclable materials, such as cardboard, from municipal solid waste. In addition, 'O'oma Beachside Village will work with the County regarding feasible alternatives for residential curbside collection, including source-separated recyclables. Waste that cannot be recycled or incorporated into on-site green waste processing will be disposed of in the Pu'uuanahulu landfill.

These provisions are in accordance with the following Kona CDP objective and policy:

Objective PUB- 5: Zero Waste. To maximize recycling, reuse, and reduction.

Policy PUB-5.2: Solid Waste. Within the Kona Urban Area, to increase the capture of recyclable materials and also to decrease the number of automobile trips, the County shall explore feasible alternatives for residential curbside collection, including source-separated recyclables.

In addition, the sentences you cite on page 155 of the Draft EIS will be revised as follows:

After construction, recycling will be encouraged, as discussed in Section 4.9.4 (Solid Waste). Recycling provisions, such as collection systems and space for bins, ~~may~~ will be incorporated in to 'O'oma Beachside Village. In addition, 'O'oma Beachside Village will work with the County regarding feasible alternatives for residential curbside collection, including source-separated recyclables.

Alternative Energy:

- *How is this plan in accordance with the Kona Community Development Plan?*

Response: The relevant Kona CDP Objective and Policy are as follows:

Objective ENGY-1. To provide a multi-prong framework, including standards, innovations, incentives, and education, to reduce the dependency on imported fossil fuels through energy efficiency and renewable energy generation.

Policy ENGY-1.5: Distributed Energy and Other Innovative Technology Support. Photovoltaic systems are typically used as distributed generation when connected to the electrical grid where they have the potential to sell excess energy back to the grid. This is an emerging technology with challenges for the utility to incorporate such systems into the grid. This policy is aspirational and expresses general support in whatever way possible (e.g., permit coordination, grants) to encourage further development in this endeavor.

'O'oma Beachside Village is in accordance with the above Objective and Policy. As discussed in Section 4.9.5 (Electrical System) of the Draft EIS, all 'O'oma Beachside Village buildings, activities, and grounds will be designed with energy-saving considerations, including net energy metering in building design to allow residents and businesses to lower electricity costs and provide energy back into the system.

- *How will energy usage for air-conditioning be decreased during hot summer days?*

Response: Measures that could help decrease the need for air-conditioning include the following that were discussed in Section 4.9.5 (Electrical System) of the Draft EIS:

- Roof and wall insulation, radiant barriers, and energy efficient windows.
- Installation of light colored roofing.
- Use of landscaping for shading of buildings.
- Use of landscaping for dust control and to minimize heat gain.
- Exceeding Model Energy Code requirements.

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- *Will each unit have solar hot water heaters?*

Response: Solar water heating systems will be used as required under Section 196-6.5, Hawai'i Revised Statutes.

- *Will utility lines be located underground?*

Response: As stated in Section 4.9.5 (Electrical System) of the Draft EIS, "Within 'O'oma Beachside Village, electrical systems are expected to be underground."

To reflect the relevant above information in the Final EIS, Section 4.9.5 (Electrical System) in the Final EIS will be revised as follows:

In compliance with Chapter 344 (State Environmental Policy) and Chapter 226 (Hawai'i State Planning Act), HRS, all 'O'oma Beachside Village buildings, activities, and grounds will be designed with energy-saving considerations. Energy-efficient design practices and technologies will be specifically addressed in the design phase of 'O'oma Beachside Village. Buildings will also comply with the County of Hawai'i Energy Code (Hawai'i County Code, Section 5, Article 2). In addition, solar water heaters will be used as required under Section 196-6.5, HRS.

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

To reduce energy consumption, 'O'oma Beachside Village, LLC will consider implementing elements of the United States Environmental Protection Agency (EPA) ENERGY STAR Program including effective insulation, high performance windows, tight construction, efficient cooling equipment, and energy efficient lighting and appliances. 'O'oma Beachside Village will also strive to incorporate energy conservation strategies such as use of solar power or photovoltaic systems and will consider possibilities for net energy metering in building design to allow residents and businesses to lower electricity costs and provide energy back into the system.

Energy conservation measures will be implemented where possible in the design of 'O'oma Beachside Village. Energy-saving technologies to be considered for incorporation include:

- Solar energy for water heating.
- Use of photovoltaic systems, fuel cells, and other renewable energy sources.
- Maximum use of day lighting.
- Installation of high efficiency compact fluorescent lighting.
- Roof and wall insulation, radiant barriers, and energy efficient windows.
- Installation of light colored roofing.
- Use of landscaping for shading of buildings.
- Use of landscaping for dust control and to minimize heat gain.
- Exceeding Model Energy Code requirements.
- Use of solar parking lot lighting.
- Installation of a "district cooling" system that utilizes cold sea water as a chilling agent for air conditioning systems. NELHA currently utilizes such technology, which requires less maintenance than compressor systems, resulting in energy cost savings, fresh water conservation, and fuel conservation needed for electricity production.

These measures are in accordance with the following Kona CDP objective and policy:

Objective ENGY-1. To provide a multi-prong framework, including standards, innovations, incentives, and education, to reduce the dependency on imported fossil fuels through energy efficiency and renewable energy generation.

Policy ENGY-1.5: Distributed Energy and Other Innovative Technology Support. Photovoltaic systems are typically used as distributed generation when connected to the electrical grid where they have the potential to sell excess energy back to the grid. This is an emerging technology with challenges for the utility to incorporate such systems into the grid. This policy is aspirational and expresses general support in whatever way possible (e.g., permit coordination, grants) to encourage further development in this endeavor.

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Schools:

- *What is the developer's approximate fair share amount for this development?*
- *How much will be required by the charter school?*
- *Who will operate the proposed charter school?*
- *Where will the children go to Intermediate school and high school if these schools are full?*

Response: Representatives from 'O'oma Beachside Village have had several meetings with the State Department of Education (DOE). Currently, 'O'oma Beachside Village, LLC is working with DOE on an agreement to address the means by which 'O'oma Beachside Village will fulfill its obligations with respect to school impact fees. Obligations with respect to school impact fees would encompass potential impacts of 'O'oma Beachside Village regarding public elementary, intermediate, and high schools.

Regarding the proposed charter school, representatives from 'O'oma Beachside Village have had preliminary discussions with West Hawaii Explorations Academy, a public charter school; however, at this time it has not been determined if West Hawaii Explorations Academy would operate the proposed charter school.

Water:

- *How will this affect the fish and corals?*

Response: The 'O'oma Beachside Village groundwater (Tom Nance Water Resource Engineering (TNWRE) and marine water quality (Marine Research Consultants (MRC)) experts conclude that hypersaline concentrate from the desalination process will be rapidly mixed into the ocean (in a matter of a few feet) with no impact on the marine environment.

To include this conclusion in the Final EIS, Section 3.5.1 (Groundwater Resources) and Section 4.9.1 (Water System) in the Final EIS will be revised as follows:

Owing to the greater density, as well as the horizontal-to-vertical anisotropy of the subsurface lava flows, the concentrate will flow seaward without rising into and impacting basal groundwater. Discharge into the marine environment would be offshore at a substantial distance and depth. Three factors will cause the concentrate to move seaward at depth: 1) injection will be into and join the seaward moving saline groundwater beneath the basal lens; 2) the concentrate will have a greater density than the receiving saline groundwater, meaning there will be no tendency for the concentrate to rise due to density; and 3) lava permeabilities are on the order of 200 times greater in the direction of the flow (ie. horizontal) than across the flow (ie. vertical) (TNWRE 2008).

The concentrate, diluted by mixing into the receiving saline groundwater, will diffusively discharge into the marine environment at a depth comparable to its depth of initial injection (tentatively between 200 and 250 feet). In the marine environment, the concentrate will be rapidly mixed to background levels (in a matter of a few feet) with no impact on the marine environment (TNWRE 2008; MRC 2008).

- *Are there agreements with NELHA for deep water for feedwater use?*

Response: The possibility of using NEHLA deep water has been discussed with NELHA but there is no agreement at this time.

- *Where will the on-site wells be located for the hypersaline water injection, after the desalination process, which is meant to go beneath the basal lens?*

Response: The location of the reverse osmosis concentrate injection wells has not been determined at this time. However, any injection well that may be required will be in compliance with HAR Chapter 11-23, Underground Injection Control.

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Flood Waters:

- *Who is responsible for upkeep of drywells for floodwaters, after the developer sells out? The County?*

Response: An association of 'O'oma Beachside Village owners will be established. Among the responsibilities of the association will be the maintenance all common elements, including drywells.

- *The FIRM maps for Kona need updating, who will do this in order to understand the flood potential of this land?*

Response: FIRM maps are prepared by the Federal Emergency Management Agency (FEMA), National Flood Insurance Program.

- *Will the developer be submitting a floodplain management plan for this area?*

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

Attachment:

Aircraft Noise
Figure 11
Development Timetable and Preliminary Costs

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

2309.03 Debbie Hecht

September 6, 2008

TO WHOM IT MAY CONCERN

I am writing to express my opposition to the proposed development of O'oma II Beachside Village on the Kona coast of the Big Island of Hawaii.

I am in full support of this land remaining zoned conservation and not developed in any way.

In reviewing the Deis statement and being a 25 year resident of the Big Island it is clear that the environment, roads, schools, cultural aspects, hospitals, ocean, shoreline, and a cherished family and community recreation area will be heavily impacted by this development. It is irresponsible to put more strain on an already strained infrastructure and coastline environment, especially for outside profit and development. Land such as O'oma has been zoned conservation and voted one of the top five special places in Hawaii County to be acquired as Public lands and open space. O'oma II cannot possibly fit with the Kona Community development plan as claimed because it is not yet approved.

The lack of trust in the developer that arises when one observes flyers that are being circulated depicting the development this land as if it is already approved and underway only serves to set the groundwork for more distrust as to their motives and actual outcome.

We need to look first and foremost to the needs of the community and those who live here, not the vision of outsider. This land has already been through land use debate and the community asked that it be placed in conservation. That should be enough to be able to know that the people of West Hawaii want this land to remain in conservation.

When reading the proposal for the development it sounds like they are trying desperately to stretch the truth every step of the way in order to be convincing that this is something good for the community when in truth it is only for the financial gain of the developers. It is more of the same manipulation that has taken place all over the Islands for personal gain.

Lies and un-kept promises are the norm in Hawaii with most developers especially when costal areas are concerned.

At some point we need to wake up to this truth and stand up for keeping Hawaii beautiful.

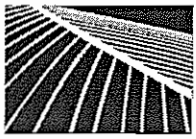
The data on the proposal regarding road use of the Highway are unrealistic considering that this development alone could dump more than a thousand cars per day (conservatively) on to an already strained thoroughfare.

There is no need to create a recreational area when it is already a recreational area or "Foster a Hawaiian sense of place" when it already has a Hawaiian sense of place. The documents have much lip service touting addressing false needs of a community that does not want or need O'oma II Beachside village.... again for what end? More traffic on our roads with no regards to local impact, more strain on our hospitals, water supply (even if they desalinate it is still more people drawing from other water based infrastructure in the community), police, fire department, schools etc.

Thank you,

Deborah Koehn

P.O. Box 678
Honaunau, Hawaii 96726
808-328-8459



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

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

Deborah Koehn
P.O. Box 678
Honaunau, Hawaii 96726

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

Dear Ms. Koehn:

Thank you for your email dated September 6, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

- 1. In reviewing the Deis statement and being a 25 year resident of the Big Island it is clear that the environment, roads, schools, cultural aspects, hospitals, ocean, shoreline, and a cherished family and community recreation area will be heavily impacted by this development. It is irresponsible to put more strain on an already strained infrastructure and coastline environment, especially for outside profit and development.*

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

- 2. Land such as O'oma has been zoned conservation and voted one of the top five special places in Hawaii County to be acquired as Public lands and open space.*

Response: To clarify, the mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the coastal open space area will remain in the State Conservation District.

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

- Protection of natural, cultural, and historic resources
- Open space protection
- Subsistence fishing and shoreline gathering

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

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- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses at no cost to the County. 'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

3. *O'oma II cannot possibly fit with the Kona Community development plan as claimed because it is not yet approved.*

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

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

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

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

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

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

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

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

The Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities. The current LUPAG designation for the 'O'oma Beachside Village property is "Urban Expansion" (see Draft EIS Figure 7). Kona CDP Policy LU-1.4 states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon." Therefore, the proposed development of 'O'oma Beachside Village is consistent with the Kona CDP and the County of Hawaii General Plan.

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

4. *The lack of trust in the developer that arises when one observes flyers that are being circulated depicting the development this land as if it is already approved and underway only serves to set the groundwork for more distrust as to their motives and actual outcome. We need to look first and foremost to the needs of the community and those who live here, not the vision of outsider. This land has already been through land use debate and the community asked that it be placed in conservation. That should be enough to be able to know that the people of West Hawaii want this land to remain in conservation.*

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

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

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

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve. Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

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

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

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

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

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

5. *When reading the proposal for the development it sounds like they are trying desperately to stretch the truth every step of the way in order to be convincing that this is something good for the community when in truth it is only for the financial gain of the developers. It is more of the same manipulation that has taken place all over the Islands for personal gain. Lies and un-kept promises are the norm in Hawaii with most developers especially when costal areas are concerned. At some point we need to wake up to this truth and stand up for keeping Hawaii beautiful.*

Response: The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). In creating 'O'oma Beachside Village 'O'oma Beachside Village, LLC, will follow all Federal, State, and County laws, rules, and requirements.

6. *The data on the proposal regarding road use of the Highway are unrealistic considering that this development alone could dump more than a thousand cars per day (conservatively) on to an already strained thoroughfare.*

Response: The Traffic Impact Analysis Report (TIAR), included as Appendix G of the Draft EIS, analyzed traffic conditions using standard traffic engineering methods; this included standardized trip-generation rates for vehicles entering and exiting the property. The mitigation measures proposed are also based on standard traffic engineering methods and the results of the TIAR.

In addition, the TIAR was prepared in compliance with the concurrency conditions of County of Hawai'i Ordinance 07-99 which requires analyses for five, 10, and 20 year forecasts. Ordinance 07-99 also requires mitigation of adverse traffic effects before occupancy of a project is permitted. Proposed 'O'oma Beachside Village traffic mitigation measures are in

Deborah Koehn

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

December 10, 2008

Page 5 of 5

accordance with forecasted conditions and 'O'oma Beachside Village, LLC will comply with all laws and conditions regarding traffic impacts.

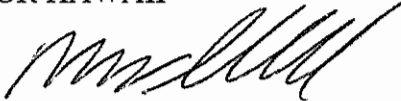
7. *There is no need to create a recreational area when it is already a recreational area or "Foster a Hawaiian sense of place" when it already has a Hawaiian sense of place. The documents have much lip service touting addressing false needs of a community that does not want or need O'oma II Beachside village.... again for what end? More traffic on our roads with no regards to local impact, more strain on our hospitals, water supply (even if they desalinate it is still more people drawing from other water based infrastructure in the community), police, fire department, schools etc.*

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

From: info@yogaadventure [mailto:info@yogaadventure.com]
Sent: Sunday, July 06, 2008 5:14 PM
To: luc@dbedt.hawaii.gov
Cc: PeterYoung@hawaii.rr.com
Subject: O:OMA

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

To whom it may concern:

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

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

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

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

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

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

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

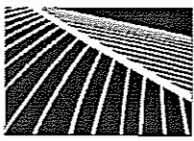
Sincerely,

Deborah Koehn

David Blehert

41 Ho`okena Beach Road
Honaunau, Hawaii 96726

808 328-8459



December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
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CHAIRMAN EMERITUS

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ASSOCIATES

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
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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

Deborah Koehn & David Bleher
41 Ho'okena Beach Road
Honaunau, Hawai'i 96726

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

Dear Ms. Koehn and Mr. Bleher:

Thank you for your fax letter received July 6, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

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

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

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

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

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

Deborah Koehn & David Blehert

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

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

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

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

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

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

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

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

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

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

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

Deborah Koehn & David Blehert

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

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

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

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

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

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

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

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

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

Deborah Koehn & David Blehert

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

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

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

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Deborah Koehn & David Blehert

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

December 10, 2008

Page 6 of 6

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

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

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

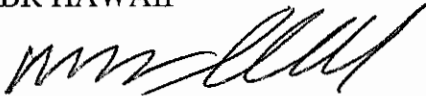
10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

From: Derinda Cantrell [mailto:derinda_inhilo@hotmail.com]

Sent: Saturday, September 06, 2008 1:08 PM

To: sysadmin@pbrhawaii.com; melkalahiki@aol.com; r.keakealani2@gte.net; luc@dbedt.hawaii.gov; peteryoung@hawaii.rr.com

Subject:

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

To whom it may concern:

I'm writing to ask that you review the O`oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts. This mega-development will irreparably harm the natural, cultural, and social resources of the area.

The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef. The developers' claims that their plan is in compliance with the yet-to-be-adopted Kona Community Development Plan (KCDP) are patently untrue.

The proposed development should not be built on vanishing coastal Conservation land - an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) **the O`oma plan is developer-generated - in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years**, 3) it changes Conservation-protected land at O`oma - an area the public clearly said should remain protected, and 4) ***O`oma II was voted as one of the Top Five special places in Hawai`i County to be acquired as Public, Open Space.***

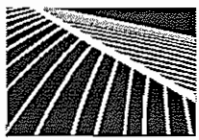
Will the proposed project even be built as proposed in the owners' pretty pictures and flashy brochures/CD presentations; or is this just another thinly-veiled attempt to move protected conservation land out of its deserved protection?

O`oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.

There were serious reasons why this land was put in Conservation protection. I ask that you reject the premises presented in the DEIS and deny any change of designation for O`oma II.

Sincerely,

Derinda Cantrell
PO Box 479
Holualoa, HI 96725



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
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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

Derinda Cantrell
PO Box 479
Holualoa, HI 96725

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

Dear Ms. Cantrell:

Thank you for your email sent September 6, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

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

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

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

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Derinda Cantrell

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

December 10, 2008

Page 2 of 6

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

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

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

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

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

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

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

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

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

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

Derinda Cantrell

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

December 10, 2008

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

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

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

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

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

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

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

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

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

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

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

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

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

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

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

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

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

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

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

Derinda Cantrell

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

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

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

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

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

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

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

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

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

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

Derinda Cantrell

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

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

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

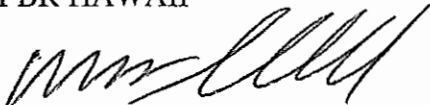
10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

2309.03 Derinda Cantrell

Dr Ivor Williams
PO Box 556 Holualoa
Hawaii 96740
ivor@hawaii.edu
808 987 4154

July 7, 2008

PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawai'i 96813
Contact: Tom Schnell
Fax: 523-1402

**Comment on the Draft Environmental Impact Statement Marine Assessment, O'oma
Beachside Village, Kona, Hawaii**
<http://oomavillage.com/assets/pdf/Appendix%20B%20Marine%20Assessment.pdf>

I have a PhD in marine ecology and have worked as a coral reef ecologist and biostatistician for around the last ten years. I currently work for the University of Hawaii Cooperative Fishery Research Unit, and my services are contracted by Hawaii Division of Aquatic Resources. However, the following comments represent my personal opinion.

The following comments refer to the "Assessment of marine water chemistry O'oma Beachside Village" prepared by marine research consultants (url above).

There are a number of substantial and significant problems with the water quality monitoring program as described, and particularly with the way that statistical results are interpreted, including:

- (1) Report consistently interprets 95% confidence intervals overlapping a comparison value (e.g. assumed upslope nutrient concentration) as evidence of no difference. This is a basic error of interpretation and as it places the burden of proof on showing that there are changes, gives an incentive to undersample.

For example (bottom of page 6): 'The average concentration of NO₃ in the four [upslope] potable wells is 77 µM. The upper and lower confidence intervals of the Y-intercepts of the concentrations of NO₃ versus salinity for the three transects are 86-99 µM (Transect 1), 74-114 µM (Transect 2), 76-98 µM (Transect 3). Hence only on transect 1 is there a subsidy of NO₃ in the nearshore ocean relative to what would be predicted from mixing of natural groundwater and open coastal water.'

It is simply wrong to treat the absence of a statistically significant difference (for transects 2 and 3) as if it were proof of no difference. In fact, given how close the low bound of the confidence intervals for transects 2 and 3 are to being above the upslope comparison value of 77 μM , the strong likelihood is that both would be higher than assumed input groundwater levels at something like a 90% confidence level. Put simply, the chance that NO_3 concentrations are not elevated is considerably below 5% for transect 1, and below 10% for transects 2 and 3. Clearly therefore, by far the most plausible interpretation would be that NO_3 concentrations are elevated.

The reason why this is such a problem is that, by (i) setting a high bar of proof (i.e. 95% certainty) and (ii) assuming all non significant differences are evidence of no-difference, the statistical approach used is very strongly biased towards concluding that there are no differences even when the strong likelihood is that there are differences, but just that the sampling program is inadequate to detect them.

Statistical power, i.e. the ability to detect particular levels of change, is heavily dependent on the amount of sampling replication – the more replication (and the better quality sampling program) the greater the statistical power there is to detect change. Therefore weak sampling programs with limited replication are less able to detect statistically meaningful change than high quality sampling programs – and so setting the burden of proof as is now (on proving that there is a difference) gives a strong incentive to perform relatively weak sampling efforts (so that results are rarely clear cut enough to be statistically different at a high level of proof).

A vastly preferable and clearly better approach would be to determine limits of acceptable change (e.g. in NO_3 levels) and require that the burden of proof of the sampling program is on showing that changes, if any, are within those acceptable limits.

(1) Interpretation of temporal changes clearly demonstrates inadequacy of sampling based on single days (as in 2000 and 2006).

The report uses data from 1999-2, 2002 and 2007 to conclude that ‘there was no pattern of progressively increasing or decreasing input of materials to the nearshore ocean over the 14 year interval’ (page 14).

However, the data presented do show significant differences between sampling periods – specifically (from Table 3) – NO_3 concentrations were clearly higher in 1990-2 than in either 2002 or 2006, and NO_3 concentrations in 2002 were clearly statistically significantly lower than in 1990-2 or 2006. It is true that this is not evidence of a ‘progressively increasing or decreasing input’, but it also casts severe doubt on the validity of the approach. If the results are meaningful then the report would have to be interpreted as showing that there was a significant real decrease in NO_3 between 1990-2 and 2002, and then a subsequent real increase from 2002 to 2006 – in other words very substantial change occurring over relatively short time periods in spite of much change in land use over this time period.

Far more likely is that substantial differences between single sampling days in 2002 and 2006 and the baseline 1990-2 values show that single days of sampling do not meaningfully represent nutrient values over more meaningful time-frames.

Notably, 1990-2 salinities were very low relative to other sampling periods (Table A2) which are presumably indicative of heavy rain right preceding some or all of the sampling points in 1990-2. 2002 samples, by contrast, even very close to the shoreline were almost pure seawater (Table A3), which suggests that there was very little groundwater flow at that time, likely due to little rain in the preceding period. The results given show that calculated nutrient slopes and intercepts were highest in 1990-2 (presumed to be after heavy rain) and lowest in 2002 (presumably following a dry spell). Those results would be consistent with heavy rain causing more nutrients to get into groundwater and nearshore marine water than would otherwise be the case, which hardly seems implausible.

In summary, the simplest interpretation of difference among sampling days is that estimated nutrient slopes and intercepts can vary substantially and significantly between single days, and therefore that sampling on a single day is nearly totally useless in terms of deriving meaningful assessments of underlying trends. A related issue is that single day sampling would make it relatively easy to game the system by sampling baselines immediately after heavy rainfall and taking possible post-impact samples after dry periods. Far better would be to require multiple sampling days including after periods of heavy rainfall so that more meaningful water quality parameters could be derived.

Thanks you for the opportunity to comment on the EIS for the proposed project.

Sincerely,

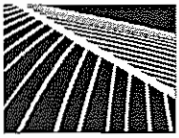


Ivor D Williams

Copies to:

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

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



December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
resident

STAN DUNCAN, ASLA
Executive Vice-President

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

WINSTON SHIGEKUNI
Vice-President

BRANT T. MURAKAMI, AICP
Principal

CHAIRMAN EMERITUS

FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

DOM 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

ACHENG 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
e-mail: sysadmin@pbrhawaii.com

HILO OFFICE

91 Aupuni Street
Hilo Lagoon Center, Suite 310
Hilo, Hawai'i 96720-4262
tel: (808) 961-3333
fax: (808) 961-4989

HAILUKU OFFICE

787 Wili Pi Loop, Suite 4
Hailuku, Hawai'i 96793-1271
tel: (808) 242-2878

Ivor Williams
P.O. Box 556
Holuualoa, Hawai'i 97640

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

Dear Dr. Williams:

Thank you for your fax letter dated July 7, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, with this letter we respond to your comments. Because of the technical nature of your comments, Steven Dollar, Ph.D., our marine water quality consultant, prepared the responses below.

1. *Report consistently interprets 95% confidence intervals overlapping a comparison value (e.g. assumed upslope nutrient concentration) as evidence of no difference. This is a basic error of interpretation and as it places the burden of proof on showing that there are changes, gives an incentive to undersample.*

Response: The criticism of using only the 95 percent confidence level to evaluate the magnitude of nutrient subsidies relative to a conservative mixing line is not valid for a variety of reasons. First, the 95 percent confidence level is the "standard" of all statistical tests, and is used in virtually every study dealing with statistical probability. As stated in the O'oma Beachside Village Assessment of Marine Water Chemistry report (Appendix B of the Draft EIS), the 95 percent confidence level criteria are used in the State of Hawai'i Department of Health (DOH) water quality standards specific for West Hawai'i. As such, these statistics are replicated in the 'O'oma Beachside Village study. Hence, as this is the standard recognized by the State Department of Health (DOH), there is no reason to change analytical methods.

Based on the criteria set forth by the DOH for West Hawai'i, the analysis in the report indicating that only Transect 1 demonstrates a subsidy relative to natural background groundwater is correct. However, your statement that at a confidence level of 90 percent would result in non-overlap with the conservative mixing line is not accurate. At a lower level of significance (i.e., 90 percent), the range of the confidence limits would be greater, and not smaller than at 95 percent. Hence, the overlap with the mixing line would be even larger for Transects 2 and 3, resulting in exactly the same conclusions as were indicated for the 95 percent limit.

For your argument to hold any validity, you would have to argue for a higher confidence limit (i.e., 99 percent) to make the confidence band narrow enough to not encompass the mixing line. Even if such a difference were demonstrated, it would make no difference in the overall results of the study, which already acknowledges that Transect 1 exhibits nutrient subsidies relative to background conditions. Should Transects 2 and/or 3 show the same trend, there would be no difference in the conclusions of the report. Hence, all of the arguments in this item are irrelevant.

In addition, in the last sentence of Item 1, the reviewer states that "A vastly preferable and clearly better approach would be to determine limits of acceptable change..." This is exactly what the DOH has done by establishing the specific criteria for West Hawai'i based on scaling nutrient concentrations of salinity. As this is the methodological approach used in the report, the comment has been addressed.

Ivor Williams

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

December 10, 2008

Page 2 of 2

2. *Interpretation of temporal changes clearly demonstrates inadequacy of sampling based on single days (as in 2000 and 2006).*

Response: We disagree with your argument that "single days" of sampling are somehow inadequate for useful analyses. The utilization of past data sets was conducted because the data was available, and provided the only possible means of looking at a historical perspective of change. These data were not designed as continual time-course monitoring programs; if such data was available it would have been utilized. There is no mention in the report at all of any interpretation of these data other than to state that "there have not been consistent increases or decreases in input of the nutrients to the ocean over the course of the three increments of monitoring." As you agree that this statement is true, all other comments to this result are of no consequence.

Further, your discussion of the time course evaluation also demonstrates lack of understanding of the basic concepts of the hydrologic processes of West Hawai'i. The implication that the lower salinity in samples collected in 1992 is a result of heavy rainfall is not valid. First, your letter provides no data to indicate that heavy rainfall occurred near the time-frame of the 1992 sampling. In addition, it has been stated by Tom Nance Water Resources Engineering (Appendix A of the Draft EIS) that regardless of the intensity of rainfall in the 'O'oma area, all rain will percolate to groundwater and not reach the ocean as surface flow. As rain water is substantially lower than groundwater in nutrient concentration, if the 1992 sampling took place during a period of high rainfall which effectively diluted groundwater with rainwater, then the absolute value of the slope, and the Y-intercept of the nutrient vs. salinity mixing line would be lower, not higher than either the conservative mixing line or the lines prescribed by the data from the two other samplings. However, as acknowledged by the review and shown in Table 3 of the report, the absolute value of the slope and the Y-intercept of the 1992 data are higher than the other sampling dates. Hence, the statements of the reviewer regarding the effects of rainfall on nutrient mixing are completely backward, and hence invalid.

Rather than rainfall, the differences in salinity are the result of sampling at various stages of the tide which results in variable mixing between groundwater and ocean water. As stated above, this concept is the reason that the DOH has adopted special compliance conditions for West Hawai'i based on mixing rather than concentration.

Thank you for your comments. Your letter and this response will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

From: pHyllis [mailto:pHyllisHanson@hawaii.rr.com]
Sent: Sunday, July 06, 2008 4:34 PM
To: melkalahiki@aol.com; r.keakealani2@gte.net; luc@dbedt.hawaii.gov
Cc: PeterYoung@hawaii.rr.com
Subject: Protect Kona from O'OMA, PLEASE
Importance: High

To whom it may concern:

Please be very critical about this O`oma Beachside Village proposal. Be careful, very careful about the potential impacts on the resources (cultural, natural, as well as social.)

There seems to be little or no evidence given to show that precious groundwater and the pristine Class AA waters and reef will be protected - nor evidence to claims that there is compliance with the upcoming Kona Community Development Plan (KCDP).

We need to protect our vanishing coastal conservation land . How can this plan fit the KCDP when the KCDP hasn't yet been finished and accepted? O`oma II has previously been chosen to be in the top five special places to be acquired as public, open-space after a very long, public process conducted by Hawai`I County. Many, many people have signed petitions to stop this development .

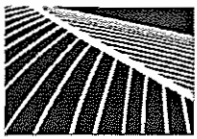
The community has clearly stated that it does not want private development on that coastal land.

When the time comes to decide whether or not to maintain the O`oma's Conservation protection, may you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.

Please deny any change of designation for O`oma II and reject the premises presented in the DEIS.

Mahalo...

Jay and Phyllis Hanson
78-7230 Puupele Road
Kailua-Kona, HI
808-322-7951



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

Jay and Phyllis Hanson
78-7230 Pu'upele Road
Kailua-Kona, Hawai'i

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

Dear Mr. & Mrs. Hanson:

Thank you for your email dated July 6, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

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

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

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

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

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

Jay and Phyllis Hanson

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

12/10/2008

Page 2 of 6

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

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

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

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

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

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

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

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

Jay and Phyllis Hanson

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

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

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

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

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

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

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

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

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

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

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

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

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

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

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

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

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

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

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

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

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Jay and Phyllis Hanson

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

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

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

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

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

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

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

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

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

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

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

Jay and Phyllis Hanson

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

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Page 6 of 6

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

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

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

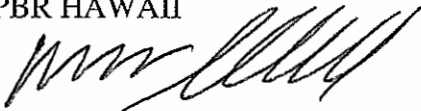
10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

2309.03 Jay Phyllis Hanson

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

To whom it may concern:

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

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

In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when

- 1) that document has yet to be approved,
- 2) their plan is developer-generated & in complete conflict with the purpose of a community-derived land use plan,
- 3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and
- 4) that O`oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai`I County to determine which areas should be acquired for long-term protection. The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?

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

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

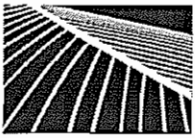
I ask that, when the time comes to make a decision of whether or not to maintain the O`oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.

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

Sincerely,

Jean Jaklevick and Scott Wolff

Volcano, Hawaii



December 10, 2008

PRINCIPALS

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

Jean Jaklevick & Scott Wolff
[no mailing address provided]

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

Dear Ms. Jaklevick and Mr. Wolff:

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

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

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

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

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

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

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Jean Jaklevick & Scott Wolff

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

December 10, 2008

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

From: "Jeff Sacher" <jsacher@kona.net>
Date: September 6, 2008 5:03:50 PM HST
To: "Jeff Sacher" <jsacher@kona.net>
Subject: Draft Environmental Statement for O`oma II

Aloha,

Please review the O`oma Beachside Village proposal and Draft EIS closely. I fear this development will irreparably harm the natural, cultural, and social resources of the area.

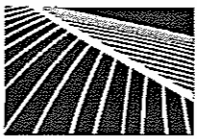
Little scientific evidence is given in this DEIS for the assumptions it presents. I'm especially concerned about protecting precious groundwater and the nearshore Class AA waters and reef. This is not in keeping with the Kona Community Development Plan.

We have far too many coastal areas that have been taken away from local families. In addition, the development cannot say that it's in keeping with the Kona CDP because the document has yet to be approved; the O`oma plan is in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years; it changes Conservation-protected land at O`oma - an area the public clearly said should remain protected; and O`oma II was voted as one of the Top Five special places in Hawai`i County to be acquired as Public, Open Space.

O`oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.

This land was put in Conservation protection for very good reasons. Please reject the premises presented in the DEIS and do not change the designation for O`oma II.

Sincerely,
Jeff Sacher
Kawaihae, Big Island



December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
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W. FRANK BRANDT, FASLA
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ASSOCIATES

TOM SCHNELL, AICP
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Associate

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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

Jeff Sacher
[no mailing address provided]

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

Dear Mr. Sacher:

Thank you for your email dated September 6, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

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

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

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

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

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

Jeff Sacher

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

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

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

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

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

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

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

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

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

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

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

Jeff Sacher

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

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

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

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

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

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

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

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

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

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

Jeff Sacher

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

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

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

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

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

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

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

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

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

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

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

Jeff Sacher

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

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

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

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

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

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

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

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

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

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

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

Jeff Sacher

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

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

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

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


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

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

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

Sincerely,

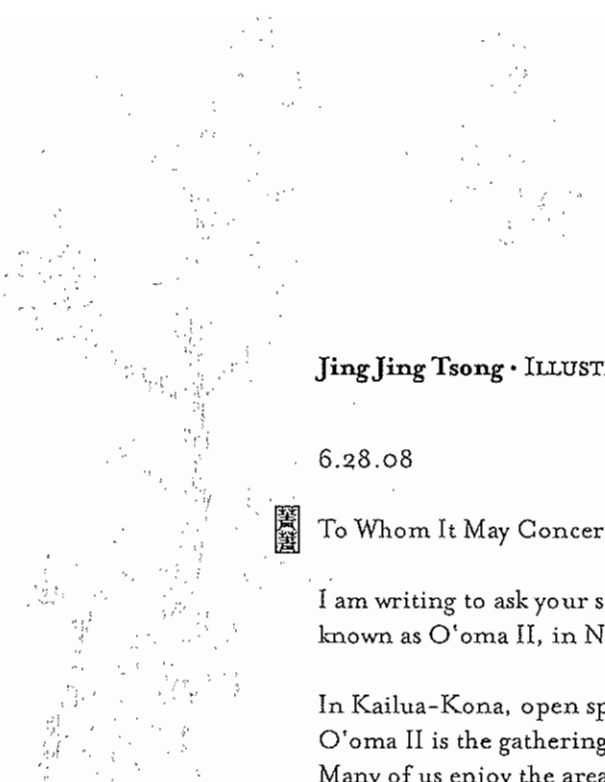
PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

2309.03 Jeff Sacher



Jing Jing Tsong • ILLUSTRATION

6.28.08



To Whom It May Concern,

I am writing to ask your support to protect and expand the open, coastal area known as O'oma II, in North Kona.

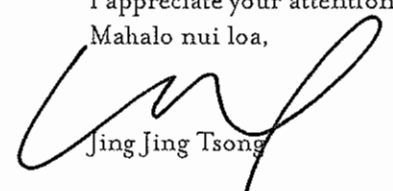
In Kailua-Kona, open space which can be easily accessed by the community is rare. O'oma II is the gathering place for many families, surfers, divers and fishermen. Many of us enjoy the area on a daily basis! To anyone who spends time there, the strong sense of community is immediate and embraces everyone. Aunties and uncles watch out for everyone's kids, picnics are shared, there's always someone singing and playing the ukulele. This scene takes place from sunrise to sunset. O'oma II is literally our community "living room".

O'oma II the only place in Kailua-Kona where the view of Hualalai rising majestically against the sky is not obscured by development. This view has value as a beautiful scene for visitors to enjoy. This view also has value as a symbol of how easily and quickly tradition and culture can be lost. In my research, the goddess Kahoupokane is the goddess of Hualalai, yet we know little of her beyond her name.

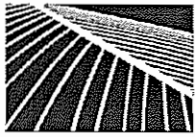
For visitors to the west side, O'oma II as open space is more of a unique experience than O'oma II as a development. For businesses who have committed to NELHA, O'oma II as open space ensures the pristine marine conditions which are invaluable to their investments. For the community, designating O'oma II as protected open space ensures a place where traditional Hawaiian ideas of ohana and malama ke aina, ke kai are passed down in familiar activities such as family gatherings and outdoor activities.

Hawaii can not afford to develop O'oma II. The environmental, community and economic benefits to preseving O'oma II as Open, Public Space are invaluable.

I appreciate your attention to this important matter and thank you for your time.
Mahalo nui loa,



Jing Jing Tsong



PBR HAWAII

& ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
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VINCENT SHIGEKUNI
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SCOTT ALIKA ABRIGO
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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

Jing Jing Tsong
73-4325 Lihilihi Place
Kailua-Kona, Hawai'i 96740

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

Dear Ms. Tsong:

Thank you for your letter dated June 28, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. *I am writing to ask your support to protect and expand the open, coastal area known as O'oma II, in North Kona.*

In Kailua-Kona, open space which can be easily accessed by the community is rare. O'oma II is the gathering place for many families, surfers, divers and fishermen. Many of us enjoy the area on a daily basis! To anyone who spends time there, the strong sense of community is immediate and embraces everyone. Aunties and uncles watch out for everyone's kids, picnics are shared, there's always someone singing and playing the ukulele. This scene takes place from sunrise to sunset. O'oma II is literally our community "living room."

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

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

2. *O'oma II the only place in Kailua-Kona where the view of Hualalai rising majestically against the sky is not obscured by development. This view has value as a beautiful scene for visitors to enjoy. This view also has value as a symbol of how easily and quickly tradition and culture can be lost. In my research, the goddess Kahoupokane is the goddess of Hualalai, yet we know little of her beyond her name.*

Response: Section 4.8 (Visual Resources) of the Draft EIS discusses visual resources. This section: 1) acknowledges that the creation of 'O'oma Beachside Village will change the visual appearance of the property from vacant land to a built environment; 2) confirms that 'O'oma Beachside Village will conform to all County ordinances regarding building heights, mass, and setbacks; and 3) reports that 'O'oma Beachside Village will have no impact on views of Hualalai from Queen Ka'ahumanu Highway. It should also be noted that the mass and summit of Hualalai will still be visible from the property.

Jing Jing Tsong

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

December 10, 2008

Page 2 of 2

3. *For visitors to the west side, O'oma II as open space is more of a unique experience than O'oma II as a development. For businesses who have committed to NELHA, O'oma II as open space ensures the pristine marine conditions which are invaluable to their investments. For the community, designating O'oma II as protected open space ensures a place where traditional Hawaiian ideas of ohana and malama ke aina, ke kai are passed down in familiar activities such as family gatherings and outdoor activities.*

Response: As stated above, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers. 'O'oma Beachside Village's coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area. 'O'oma Beachside Village's shoreline and coastal preserve area provides for protection of natural, cultural, and historic resources and maintains existing shoreline access.

Regarding marine conditions, Section 3.5 of the Draft EIS discusses Groundwater Resources and the Nearshore Marine Environment. In addition and specific studies prepared for the Draft EIS (Ground Water Quality Assessment (Appendix A); Marine Water Quality Assessment (Appendix B)) conclude that 'O'oma Beachside Village will not have significant impacts to either groundwater or ocean water quality.

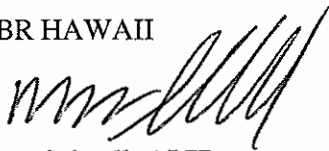
4. *Hawaii can not afford to develop O'oma II. The environmental, community and economic benefits to preserving O'oma II as Open, Public Space are invaluable.*

Response: 'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers. 'O'oma Beachside Village's shoreline and coastal preserve area provides for protection of natural, cultural, and historic resources and maintains existing shoreline access.

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

From: karla ke [mailto:saltywahine@yahoo.com]

Sent: Monday, July 07, 2008 6:11 AM

To: PeterYoung@hawaii.rr.com; loc@dbedt.hawaii.gov; melkalahiki@aol.com; k.keakealani@gte.net

Subject: o'oma

To whom it may concern:

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

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

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

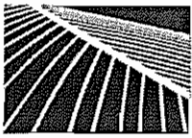
O`oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.

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

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

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

Sincerely,
Karla Saville



December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
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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

Karla Seville
[no mailing address provided]

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

Dear Ms. Seville:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

2309.03 Karla Seville

July 4, 2008

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

To whom it may concern:

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

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

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

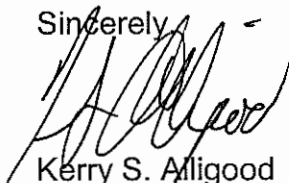
O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.

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

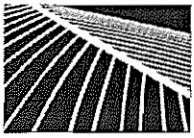
I ask that when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see good reason that this land was given such protection to begin with.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry S. Alligood". The signature is stylized and cursive.

Kerry S. Alligood



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 SCHNEILL, AICP
 Senior Associate

RAYMOND T. HIGA, ASLA
 Senior Associate

KEVIN K. NISHIKAWA, ASLA
 Associate

KIMI MIKAMI YUEN, LEED®AP
 Associate

SCOTT ALIKA ABRIGO
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 Associate

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Kerry Alligood
 [no mailing address provided]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Kerry Alligood

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

12/10/2008

Page 6 of 6

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

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

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

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

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

2309.03 Kerry Alligood

From: Kitty Lyons [mailto:heartsspeak.kitty@gmail.com]
Sent: Thursday, July 31, 2008 6:28 AM
To: sysadmin@pbrhawaii.com; melkalahiki@aol.com; PeterYoung@hawaii.rr.com
Subject: kohanaiki

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

To whom it may concern:

I'm writing to ask that you review the O`oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts. This mega-development will irreparably harm the natural, cultural, and social resources of the area.

The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef. The developers' claims that their plan is in compliance with the yet-to-be-adopted Kona Community Development Plan (KCDP) are patently untrue.

The proposed development should not be built on vanishing coastal Conservation land — an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) the O`oma plan is developer-generated — in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years, 3) it changes Conservation-protected land at O`oma — an area the public clearly said should remain protected, and 4) O`oma II was voted as one of the Top Five special places in Hawai`i County to be acquired as Public, **Open Space**. (critical for this community and posterity!)

Will the proposed project even be built as proposed in the owners' pretty pictures and flashy brochures/CD presentations; or is this just another thinly-veiled attempt to move protected conservation land out of its deserved protection?

O`oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.

There were serious reasons why this land was put in Conservation protection. I ask that you reject the premises presented in the DEIS and deny any change of designation for O`oma II.

Sincerely,
Stan and Kitty Lyons
86-381 Kaohe Mauka Place
Captain Cook, HI. 97604

--

Let Your Heartsspeak . . .

Peace

Kitty Lyons

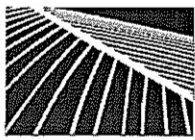
Heartsspeak Card Co. Mission:

Warm greetings to you

Sweet peace, hope, inspiration

Pure soul-drenched love.

(808) 989-4583



December 10, 2008

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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

Stan and Kitty Lyons
86-381 Kaohe Mauka Place
Captain Cook, Hawai'i 97604

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

Dear Mr. and Mrs. Lyons:

Thank you for your email dated July 31, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

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

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

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

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

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

Stan and Kitty Lyons

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

December 10, 2008

Page 2 of 6

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

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

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

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

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

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

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

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

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

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

Stan and Kitty Lyons

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

December 10, 2008

Page 3 of 6

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

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

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

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

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

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

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

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

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

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

December 10, 2008

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

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

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

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

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

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

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

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

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

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

Stan and Kitty Lyons

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

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

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

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

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

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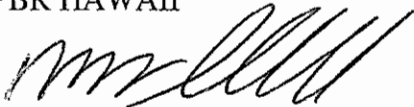
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Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State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

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Sincerely,

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Tom Schnell, AICP
Senior Associate

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

From: Matt Binder [mailto:mattbinder@earthlink.net]

Sent: Monday, August 04, 2008 6:38 PM

To: PeterYoung@hawaii.rr.com

Subject: O'oma

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

To whom it may concern:

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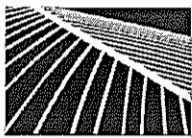
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Matthew Binder
81-901 Nape St.
Kealahou, HI 96750



December 10, 2008

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Matthew Binder
81-901 Nape Street
Kealakekua, Hawai'i 96750

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

Dear Mr. Binder:

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CHAIRMAN EMERITUS

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Chairman Emeritus

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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

Matthew Binder

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

December 10, 2008

Page 2 of 6

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

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

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

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

Matthew Binder

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

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

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

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

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

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

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

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

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

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

Matthew Binder

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

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

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

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

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

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

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

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

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

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

Matthew Binder

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

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

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

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

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

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

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

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

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

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

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

Matthew Binder

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

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

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

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

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

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

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

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

From: Merry Anne [mailto:buykona2004@hawaii.rr.com]
Sent: Wednesday, July 30, 2008 6:23 PM
To: Merry Anne
Subject: O'OMA...not now and not here..... Peter Young you know better.

Peter Young you should be the one to explain how sensitive this property is for KONA.... YOU were from the Big Island, you know how we feel. You were with Land Use and now you are working for the developer....sweet justice....Do you even live on The Big Island? Hawaii?

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

The concerned citizens of KONA have been asking for your logic and responsible decisions regarding this huge proposal. I'm writing to ask that you review the O`oma Beachside Village proposal and DEIS with Kona today. As you know we are unable to get adequate roads to take care of the development that is already approved. It is not the time for KONA to have to deal with all the infrastructures inadequacies that the project will create. This mega-development will irreparably harm the natural, cultural, and social resources of the area. This is one of our vary special areas of Kona that must be honored.

The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef. The developers' claims that their plan is in compliance with the yet-to-be-adopted Kona Community Development Plan (KCDP) are patently untrue. The developers in Kona will tell anybody anything that they want to hear, regardless of the truth.

The proposed development should not be built on vanishing coastal Conservation land — an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) the O`oma plan is developer-generated — in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years, 3) it changes Conservation-protected land at O`oma — an area the public clearly said should remain protected, and 4) *O`oma II was voted as one of the Top Five special places in Hawai'i County to be acquired as Public, Open Space.*

Will the proposed project even be built as proposed in the owners' pretty pictures and flashy brochures/CD presentations; or is this just another thinly-veiled attempt to move protected conservation land out of its deserved protection? Keep this as it is. This is not the time, protect our precious few special oceansides.

O`oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.

There were serious reasons why this land was put in Conservation protection. I ask that you deny any change of designation for O`oma II and reject the premises presented in the DEIS.

Sincerely,

Merry Anne Stone
77-159 Kai Poi Place
Kailua-Kona, Hi. 96740

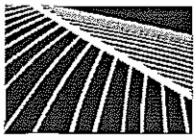


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December 10, 2008

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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

Merry Anne Stone
77-159 Kai Poi Place
Kailua-Kona, Hawai'i 96740

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

Dear Ms. Stone:

Thank you for your email dated August 4, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. *The concerned citizens of KONA have been asking for your logic and responsible decisions regarding this huge proposal. I'm writing to ask that you review the O'oma Beachside Village proposal and DEIS with Kona today. As you know we are unable to get adequate roads to take care of the development that is already approved. It is not the time for KONA to have to deal with all the infrastructures inadequacies that the project will create. This mega-development will irreparably harm the natural, cultural, and social resources of the area. This is one of our vary special areas of Kona that must be honored.*

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

2. *The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef.*

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

3. *The developers' claims that their plan is in compliance with the yet-to-be adopted Kona Community Development Plan (KCDP) are patently untrue. The developers in Kona will tell anybody anything that they want to hear, regardless of the truth.*

Merry Anne Stone

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

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The proposed development should not be built on vanishing coastal Conservation land — an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved.

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

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, Ooma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Merry Anne Stone

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Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

4. *2) the O'oma plan is developer-generated — in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years,*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

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In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendents, as well as Kona community members.

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5. *3) it changes Conservation-protected land at O`oma — an area the public clearly said should remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. *4) O`oma II was voted as one of the Top Five special places in Hawai'i County to be acquired as Public, Open Space.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

Merry Anne Stone

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

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- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

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7. *Will the proposed project even be built as proposed in the owners' pretty pictures and flashy brochures/CD presentations; or is this just another thinly-veiled attempt to move protected conservation land out of its deserved protection? Keep this as it is. This is not the time, protect our precious few special oceansides.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

8. *O'oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9. *There were serious reasons why this land was put in Conservation protection. I ask that you deny any change of designation for O'oma II and reject the premises presented in the DEIS.*

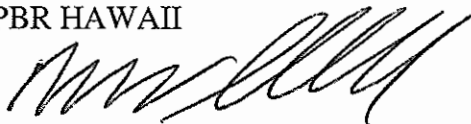
Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Merry Anne Stone
SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT
December 10, 2008
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Thank you for reviewing the Draft EIS. Your comments will be included in the Final EIS.

Sincerely,

PBR HAWAII

A handwritten signature in black ink, appearing to read 'Tom Schnell', written over the printed name.

Tom Schnell, AICP
Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

2309.03 Merry Anne Stone

July 30, 2008

Tom Schnell
PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawai'i 96813

Re: Draft Environmental Statement (DEIS) for O'oma II proposed O'oma Beachside Village development

To whom it may concern:

I'm writing to ask that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts. This mega-development will irreparably harm the natural, cultural, and social resources of the area.

The DEIS is seriously flawed. Little scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef. The developers' claims that their plan is in compliance with the yet-to-be-adopted Kona Community Development Plan (KCDP) are patently untrue.

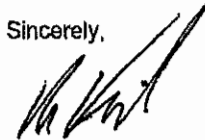
The proposed development should not be built on vanishing coastal Conservation land — an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) **the O'oma plan is developer-generated — in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years**, 3) it changes Conservation-protected land at O'oma — an area the public clearly said should remain protected, and 4) **O'oma II was voted as one of the Top Five special places in Hawai'i County to be acquired as Public, Open Space.**

Will the proposed project even be built as proposed in the owners' pretty pictures and flashy brochures/CD presentations; or is this just another thinly-veiled attempt to move protected conservation land out of its deserved protection?

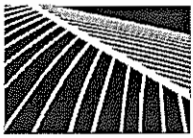
O'oma II has been the flashpoint of two major land use battles, both fought by the community who said they did not want private development on that coastal land. This land should be, once and for all, protected in perpetuity.

There were serious reasons why this land was put in Conservation protection. I ask that you reject the premises presented in the DEIS and deny any change of designation for O'oma II.

Sincerely,



Rebecca Villegas
77-6639 Waiua Rd.
Kailua-Kona, HI 96740
808-960-2805



December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. J. CHUNG, FASLA
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GRANT T. MURAKAMI, AICP
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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

Rebecca Villegas
77-6639 Waiua Road
Kailua-Kona, Hawai'i 96740

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL
IMPACT STATEMENT**

Dear Ms. Villegas:

Thank you for your fax sent August 4, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. *I'm asking that you review the O'oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is not possible to respond more specifically.

2. *The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef...*

Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *...as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP). ¶In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved...*

Rebecca Villegas

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

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Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, 'O'oma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

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In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

4. *2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan...*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

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5. *3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. *4) that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

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SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

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- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

7. *The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?*

Response: Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens who have shared their insights, and whose input has been incorporated into the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, in preparing the Draft EIS, 'O'oma Beachside Village LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

In addition, note Mayor Harry Kim's comments quoted above (#4) from dated a letter dated September 2, 2008 commenting on 'O'oma Beachside Village's planning and community involvement process.

8. *O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Rebecca Villegas
SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT
STATEMENT
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Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9. *And, indeed, the proposed project may not even be built as it is the norm for speculators like O'oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

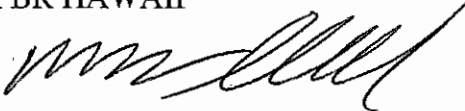
10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

From: Scarlett Bill [mailto:scarlettofgemfire@yahoo.com]

Sent: Sunday, July 06, 2008 7:20 PM

To: melkalahiki@aol.com; r.keakealani2@gte.net; luc@dbedt.hawaii.gov; PeterYoung@hawaii.rr.com

Subject: Re: <http://oomavillage.com/documents/>

Dear diplomats of grace, polish and protocol:
HELP PROTECT O`OMA II* FROM DEVELOPMENT

*O`oma II is 300 acres of coastal, open space between NELHA and Kohanaiki "Pine Trees" running from the sea mauka to Queen Ka`ahumanu Highway. This Conservation protected land has been under threat by private developers two other times since the mid-1980s. The land and its resources are under threat again by a development that is neither wanted nor needed by the Kona community and which clearly presents many threats to the natural, cultural and social resources of the region (see attached brochure for color renderings of the proposed "Marina del Rey of Kona").

Kona wants its Conservation-protected land to stay that way!

I'm asking that you review the O`oma Beachside Village proposal and DEIS with great skepticism. The document is big on fantasy and small on facts, especially regarding this huge development's potential impacts on the natural, cultural, and social resources of the area.

The DEIS is seriously flawed, the greatest reason being that no scientific evidence is given for the assumptions it presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP).

In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) their plan is developer-generated — in complete conflict with the purpose of a community-derived land use plan, 3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and 4) that O`oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai`i County to determine which areas should be acquired for long-term protection. The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?

O`oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.

And, indeed, the proposed project may not even be built as it is the norm for speculators like O`oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.

I ask that, when the time comes to make a decision of whether or not to maintain the O`oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.

Mahalo for denying any change of designation for O`oma II and for a rejection of the premises presented in the DEIS.

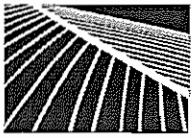
Respectfully submitted in honor of a Hawaiian island intact with flora and fauna, the i'o and the pu'eo - according to the Geneva Convention of the United Nations - liken only to Madagascar off the coast of Africa,

Scarlett O'Hara Bill (Mrs.)

73-4820 Anini Street

Mailing address: Post Office Box 5429

Kailua-Kona, Hawai'i 96745



December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

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HONOLULU OFFICE
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawai'i 96813-3484
Tel: (808) 521-5631
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Scarlett O'Hara Bill
P.O. Box 5429
Kailua-Kona, Hawai'i 96745

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL
IMPACT STATEMENT**

Dear Mrs. Bill:

Thank you for your email received July 6, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

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Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "small on facts," it is not possible to respond more specifically.

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Response: The Draft EIS includes both a groundwater quality assessment and a marine environment assessment (Appendix A "Assessment of the Potential Impact on Water Resources of the Proposed 'O'oma Beachside Village in North Kona, Hawai'i"; and Appendix B "Marine Environmental Assessment, 'O'oma Beachside Village, North Kona, Hawai'i"). The specialists who prepared these studies are acknowledged experts in their fields and highly respected. Their reports rely on scientific evidence.

3. *...as well as claims that it is in compliance with a yet-to-be-adopted Kona Community Development Plan (KCDP). ¶In fact, the proposed development should not be built on vanishing coastal Conservation land, and this proposal is in direct conflict with the KCDP and the concept of designated Growth Opportunity Areas/TODs. The biggest slap in the face to the community is for this development company to claim that their plan fits with the KCDP when 1) that document has yet to be approved...*

Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

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In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

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In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

5. *3) changes Conservation-protected lands which the public clearly showed in countless scoping meetings (including the KCDP) that they wanted to remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

6. *4) that O'oma II was chosen to be in the Top Five special places to be acquired as Public, Open Space after a years-long, continuing public scoping process conducted by Hawai'i County to determine which areas should be acquired for long-term protection.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

- Protection of natural, cultural, and historic resources
- Open space protection

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

7. *The developers say they've met with the community to discuss their plans. What community? The hundreds and maybe thousands of people who have signed a petition to stop their development or the hundreds in the public scoping processes that said they wanted this land to remain in Conservation protection?*

Response: Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens who have shared their insights, and whose input has been incorporated into the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, in preparing the Draft EIS, 'O'oma Beachside Village LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

In addition, note Mayor Harry Kim's comments quoted above (#4) from dated a letter dated September 2, 2008 commenting on 'O'oma Beachside Village's planning and community involvement process.

8. *O'oma II has been the flashpoint of two major land use battles, both won by the community who said they did not want private development on that coastal land.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona CDP and the General Plan.

In particular, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Scarlett O'Hara Bill

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

12/10/2008

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Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

9. *And, indeed, the proposed project may not even be built as it is the norm for speculators like O'oma II's owners to use pretty pictures and thin proposals to move protected conservation land out of its deserved protection.*

Response: 'O'oma Beachside Village, LLC intends to build 'O'oma Beachside Village.

10. *I ask that, when the time comes to make a decision of whether or not to maintain the O'oma's Conservation protection, that you look into the past and into your hearts to see that there was good reason that this land was given such protection to begin with.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

From: Tlaloc Tokuda <tlalocct@hotmail.com>
Date: September 6, 2008 7:27:27 PM HST
To: O'oma Beachside Village <peteryoung@hawaii.rr.com>
Subject: DEIS for O`oma II

Re: Draft Environmental Statement (DEIS) for O`oma II proposed O`oma Beachside Village development

To whom it may concern:

I'm am very concerned over the O`oma Beachside Village proposal and its DEIS which it totally defective and inconsistant. I would appreciate it if you would investigate their illusionary claims.

The assumptions the DEIS presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef has little scientific evidence to back up its many claims.

What is so worrying about the site is that the people of Hawaii and Kona had to battle to keep in out of developers hands twice since the mid 1980's. Now we have a new battle on our hands. What we the politicians to do is to earmark it as conservation land for perpetuity.

The proposed development should not be built on vanishing coastal Conservation land - an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved, 2) the O`oma plan is developer-generated - in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years, 3) it changes Conservation-protected land at O`oma - an area the public clearly said should remain protected, and 4) O`oma II was voted as one of the Top Five special places in Hawai`i County to be acquired as Public, Open Space.

There were serious reasons why this land was put in Conservation protection. I ask that you reject the premises presented in the DEIS and deny any change of designation for O`oma II.

Sincerely,
Tlaloc Tokuda
73-4599A Kukuki St.,
Kailua Kona, HI 96740



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

Tlaloc Tokuda
73-4599A Kukuku Street
Kailua-Kona Hawai'i 96740

**SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL
IMPACT STATEMENT**

Dear Mr. Tokuda:

Thank you for your email dated September 6, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. *I'm am very concerned over the O'oma Beachside Village proposal and its DEIS which it totally defective and inconsistent [sic]. I would appreciate it if you would investigate their illusionary claims.*

Response: The Draft EIS examines natural, cultural, and social resources and contains reports and studies conducted by specialists who are experts in their field. The Draft EIS has been prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200, Hawai'i Administrative Rules). Because your comment is not specific about what is "defective and inconsistent," it is not possible to respond more specifically.

2. *The assumptions the DIES presents, particularly in relation to protecting precious groundwater and the nearshore pristine Class AA waters and reef has little scientific evidence to back up its many claims.*

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. *What is worrying about the site is that the people of Hawaii and Kona had to battle to keep in out [sic] of developers hands twice since the mid 1980's. Now we have a new battle on our hands. What we [want] the politicians to do is to earmark it as conservation land for perpetuity.*

Response: 'O'oma Beachside Village is significantly different than all previous proposals for the site. In addition, 'O'oma Beachside Village is consistent with the Kona Community Development Plan (Kona CDP) and the County of Hawai'i General Plan (General Plan).

Tlaloc Tokuda

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

December 10, 2008

Page 2 of 5

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.

4. *The proposed development should not be built on vanishing coastal Conservation land — an area that lies outside the KCDP's chosen designated Growth Opportunity Areas/TODs. It is ludicrous to claim that their plan fits with the KCDP when 1) that document has yet to be approved,*

Response: On September 25, 2008, the acting Mayor approved the Kona Community Development Plan (Kona CDP). We note that the approved Kona CDP is substantially the same as the May 2007 Draft Kona CDP.

At the time the Draft EIS was prepared (May 2007), the Kona CDP was in draft form. This is noted in the Draft EIS. By May 2007, the Draft Kona CDP had been discussed in numerous community meetings and the Steering Committee had unanimously voted to recommend approval of the Draft Kona CDP. Therefore, the Draft Kona CDP had received much community input and its policies were well-known and discussed in the community. As such, discussion of the Draft Kona CDP in the Draft EIS was warranted and necessary. Section 5.2.3 of the Draft EIS provides a point-by-point discussion of how 'O'oma Beachside Village is in alignment with the Draft Kona CDP.

We note that the Kona CDP calls for both Transit-Oriented Developments (TODs) and Traditional Neighborhood Developments (TNDs). The Kona CDP specifically describes Transit-Oriented Developments and Traditional Neighborhood Developments:

Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs). Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed-use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile).

In compliance with the Kona CDP, Ooma Beachside Village has been designed as a TND with compact mixed-use villages containing higher density village cores within a five-minute walking radius from residential areas.

In the same policy (Policy LU-2.1), the Draft Kona CDP goes on to explain:

The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.

Tlaloc Tokuda

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

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'O'oma Beachside Village has been designed consistent with the principles of TNDs and is situated on the secondary transit route within the Kona Urban Area as designated on the Draft Kona CDP. The Draft Kona CDP provides a process to allow TNDs within the Kona Urban Area.

In addition, the *County of Hawai'i General Plan* designates the area proposed for 'O'oma Beachside Village as "Urban Expansion," (see Land Use Pattern Allocation Guide (LUPAG) map), and the Kona CDP is designed to translate the broad goals and policies of the *County of Hawai'i General Plan* into specific actions and priorities.

Overall, the Kona CDP strives to counteract typical exclusionary resort area trends by emphasizing public access to resources, livable villages instead of single-use sprawl, and inclusionary affordable housing.

In compliance with the Kona CDP, 'O'oma Beachside Village is a diverse coastal residential community that is walkable, interconnected, environmentally-conscious, and contains two mixed-use villages and diverse housing options.

Unlike any development on the entire Kona coast, 'O'oma Beachside Village invites the community, not just to a nominal space at the outer edge of the area, but all the way through the community to a makai village and a significant coastal open space preserve.

5. 2) *the O'oma plan is developer-generated — in conflict with what makes a community-based land use plan different from the "non-planning" of the last 40 years,*

Response: In a letter dated September 2, 2008 commenting on 'O'oma Beachside Village, Mayor Harry Kim made the following statements:

The willingness from the onset of 'O'oma to work with the County and the community in the development of this property was truly admirable and totally appreciated. I can honestly say that this developer has worked with the community to make sure the proposal is consistent with what is included in the Kona CDP. It was from 'O'oma that came forth the pledge to this community that the coastal area of 'O'oma's property will be developed in complete harmony and agreement that the ocean and its beaches belong to the people. It was 'O'oma that said publicly from the onset that the design will be in harmony with the neighbors of Kohanaiki, that the setback will far exceed any requirements, and that access and open space will be a chief focus of its coastal planning. It was 'O'oma that pledged the setback of 1,200 to 1,700 feet and a shoreline park.

In the commitment of the development of the 'O'oma property, perhaps the most appealing was the strong statement that it will truly reflect a place that people will feel welcome to enter. This will be because of the development of a people's place: a place where people live, play, work, and just visit.

In summary, the County has looked for developers who truly reflected an attitude of wanting to build something compatible with the community. I truly believe 'O'oma committed to that goal and has confirmed to work toward achieving that goal in the development of this property. The work is still in progress as this is written, and in every step of the way they have kept us informed as they continue to strive to achieve a development that will truly be a complement to the island rather than an infringement.

Since May 2005, 'O'oma Beachside Village, LLC representatives have engaged in dialogue with over 500 citizens, who have shared their input and insights to design elements of 'O'oma Beachside Village. This input helped shape the 'O'oma Beachside Village plan contained in the Draft EIS.

In addition, while preparing the Draft EIS, 'O'oma Beachside Village, LLC representatives consulted extensively with agencies and community members; Chapter 8 of the Draft EIS provides a list of those meetings and participants. The list includes State and County agencies, representatives from private organizations, 'O'oma descendants, as well as Kona community members.

6. 3) *it changes Conservation-protected land at O'oma — an area the public clearly said should remain protected, and...*

Response: 'O'oma Beachside Village is consistent with the Kona CDP and the *County of Hawai'i General Plan* (General Plan). The 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP. In addition, the General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see LUPAG map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..."

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

Because the 'O'oma Beachside Village property is within the Kona CDP Urban Area and the County General Plan Urban Expansion area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the community desires expressed in the Kona CDP and the County General Plan.

7. 4) *O'oma II was voted as one of the Top Five special places in Hawai'i County to be acquired as Public, Open Space.*

Response: At no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers.

'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

The Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (Commission) selected 'O'oma II as fifth on their prioritized list for land acquisition. The Commission's 2007 Annual Report¹ notes that "anticipated uses" at 'O'oma II include:

¹ Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (2007). "2007 Annual Report to the Mayor: December 28, 2007."

Tlaloc Tokuda

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

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- Protection of natural, cultural, and historic resources
- Open space protection
- Subsistence fishing and shoreline gathering
- Recreational activities (surfing, hiking, picnicking, camping)
- Maintain existing shoreline access

'O'oma Beachside Village's shoreline and coastal preserve area provide for all of the above anticipated uses. With a setback of at least 1,100 feet from the shoreline, 'O'oma Beachside Village's expansive coastal open space will connect with neighboring shoreline parks and provide the public a continuous public shoreline access and recreation area. 'O'oma Beachside Village will in no way inhibit coastal access; the protection and preservation of the 'O'oma shoreline will be enhanced; and no traditional and customary practices will be impacted.

8. *There were serious reasons why this land was put in Conservation protection. I ask that you reject the premises presented in the DEIS and deny any change of designation for O'oma II.*

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

Thank you for reviewing the Draft EIS. Your comments will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP

2309.03 Tlaloc Tokuda

September 7, 2007

Mr. Dennis Moresco
c/o State Land Use Commission
P O Box 2359
Honolulu HI 96804-2359

Mr. Tom Schnell
c/o PBR Hawaii
1001 Bishop St, ASB Tower, Ste 650
Honolulu HI 96813

Re: Draft environmental impact statement (DEIS)

Welina mai Mr. Moresco and Mr. Schnell,

I am writing as a life-long citizen of Kona, an Executive Committee member of the Kona Kai Ea Surfrider Chapter, a Sustainability Consultant, and as a kama'aina in regard to the proposed O'oma development and its DEIS.

I would like to focus on specific items mentioned in the DEIS and point out their discrepancies (DEIS issues bolded, comments follow).

Reclassification of approximately 181.169 acres from the State Land Use Conservation District to the State Land Use Urban District.

I am very concerned about this land use reclassification because it conflicts with the Hawaii County Planning Department's promise, "We have no plans to reclassify any conservation lands to another land use"-Chris Yuen, Planning Director, 9/28/09, US Coral Reef Task Force.

This was an answer to the EPA region 9 Director's question regarding Kona's plan to consider its current General Plan urban expansion area designations, surface and sub-surface water runoff, recently listed impaired waters within 2 miles of O'oma and decrease in historic groundwater/aquifer levels.

Please address these five symptoms of our poor planning history and present poor response to our existing communities' immediate needs. This is a stronger, better educated, larger and more motivated community which now understands that any additional coastal development will cause irreparable harm to our nearshore marine waters, a constitutionally-protected resource.

The vision for O'oma Beachside Village is that of a sustainable community, one that does not deplete resources, but that works in harmony with nature.

It is vital to our communities future for outside private interests to understand our culture and lifestyle. Unfortunately, this proposed development does not reflect this understanding.

If the interested parties understood the indigenous lifestyle, they would see our current community believes maintaining O'oma in its present natural state is the only sustainable development option. It provides its community with the ample, essential resources from the ocean and onshore watershed.

Makai O'oma serves the highest purpose by being open, undeveloped conservation land. Local consultants and off-island interests convince themselves that have our community's best interests in mind, but the profit-motive clouds their judgment to such a degree that it no longer represents the majority of our community's interests. To think otherwise, is to ignore the "real world". Even conservative economic pundits admit that greed and under-regulation of the "free market" has caused the current national and global economic crisis. This same model applies equally to our community's current experience with development and our deteriorating public trust resources

The results of groundwater and marine water analysis reports conclude that O'oma Beachside Village is not anticipated to impact groundwater, marine waters, or ocean biology. This conclusion is based on analysis of potential impacts of O'oma Beachside Village's proposed water, wastewater, irrigation (including fertilizer, herbicide, pesticide, and termiticide applications), and drainage systems.

Recently, there has been a comprehensive analysis of a great deal of data collected over many years along the leeward coast of the Big Island. For instance, the results of a study by the University of Hilo Marine Sciences Department now support our concerns about the slow but sure deterioration of our coastal and marine resources. This report states, "conditions in West Hawaii may be developing for extreme environmental degradation...".

The EPA also recently listed the waters off Honokahau harbor and Pawai Bay (located just three miles from O'oma and also downhill of the same watershed) as "impaired". Our coastal waters have been Class AA pristine, the nation's highest standard of marine water quality. The state Supreme Court has now ruled that both the county and the state governments have an affirmative duty to protect this standard.

Please be on notice that the community is now organizing to ensure that our state and local governments upholds this duty and standard.

One community group which has recently been formed is the Kona Kai Ea Surfrider Chapter, a new and strongly-supported group with Hawaiian culture,

marine science, land use management, watershed management, policy and sustainable development expertise.

Kona Kai Ea is partnering with other existing local groups and individuals with a parallel purpose-to protect and conserve our ocean and its irreplaceable resources. Plans are being made and community members are being organized to create multiple monitoring plans and to review all available and relevant water quality data. Kona Kai Ea will be hosting a community beach clean-up at nearby Kohanaiki on September 13th to kick-off our campaigns and have already begun disseminating information to our concerned community about the health of the coastline and its "proposed" future.

As our community gathers for the protection of our children's futures and the healthy future of all life, it is our hope that you will listen. We hope you will find our actions to be louder than the words contained within the O'oma Beachside Villages DEIS.

Mahalo for your time, understanding and acceptance of these comments,


Tracy Solomon

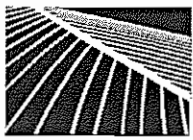
Sustainability Consultant, Tracy Solomon LLC

Sustainability Coordinator, Kona Brewing Company

Executive Committee member, Kona Kai Ea Surfrider Chapter

tracy@konabrewingco.com

 please consider the environment before printing this email



PBR HAWAII & ASSOCIATES, INC.

December 10, 2008

PRINCIPALS

THOMAS S. WITTEN, ASLA
President

R. STANDUNCAN, ASLA
Executive Vice-President

RUSSELL Y. I. CHUNG, FASLA
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ASSOCIATES

TOM SCHNELL, AICP
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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

Tracy Solomon
c/o Kona Brewing Company
75-5629 Kuakini Highway
Kailua Kona, Hawaii 96740

SUBJECT: 'O'OMA BEACHSIDE VILLAGE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Ms. Solomon:

Thank you for your email letter received September 7, 2008 regarding the 'O'oma Beachside Village Draft Environmental Impact Statement (EIS). As the planning consultant for the landowner, 'O'oma Beachside Village, LLC, we are responding to your comments.

1. *I am very concerned about this land use reclassification because it conflicts with the Hawaii County Planning Department's promise, "We have no plans to reclassify any conservation lands to another land use"-Chris Yuen, Planning Director, 9/28/09 [sic], US Coral Reef Task Force.*

This was an answer to the EPA region 9 Director's question regarding Kona's plan to consider its current General Plan urban expansion area designations, surface and sub-surface water runoff, recently listed impaired waters within 2 miles of O'oma and decrease in historic groundwater/aquifer levels.

Please address these five symptoms of our poor planning history and present poor response to our existing communities' immediate needs. This is a stronger, better educated, larger and more motivated community which now understands that any additional coastal development will cause irreparable harm to our nearshore marine waters, a constitutionally-protected resource.

Response: We note that the State Land Use Commission is the decision making body with the authority to approve the reclassification of the approximately 181 acres of the 'O'oma Beachside Village from the State Land Use Conservation District to State Land Use Urban District.

The mauka portion of the 'O'oma Beachside Village property (83 acres) is already within the State Urban District (and zoned for Industrial uses). 'O'oma Beachside Village, LLC is seeking a State Land Use District Boundary Amendment to reclassify approximately 181 acres of the makai portion of the 'O'oma Beachside Village property from the State Conservation District to the State Urban District (as shown in Figure 10 of the Draft EIS). Approximately 38 acres of the shoreline area and proposed coastal preserve area will remain in the State Conservation District.

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'O'oma Beachside Village is consistent with the *County of Hawai'i General Plan* (General Plan) and the *Kona Community Development Plan* (Kona CDP). The General Plan designates the 'O'oma Beachside Village property as "Urban Expansion" (see Land Use Pattern Allocation Guide (LUPAG) map). Policy LU-1.4 of the Kona CDP states that the "current LUPAG accommodates the vision and needs for the Kona CDP area planning horizon..." In addition, the 'O'oma Beachside Village property is within the Kona Urban Area designated under the Kona CDP.

Because the 'O'oma Beachside Village property is within the County General Plan Urban Expansion area and the Kona CDP Urban Area, reclassification of the portion of the 'O'oma Beachside Village property that is within the State Conservation District is appropriate and consistent with the desires expressed in the and the County General Plan and the Kona CDP.

Regarding your concerns about surface and subsurface water runoff, Section 3.5 of the Draft EIS discusses groundwater resources and the nearshore marine environment. The Ground Water Quality Assessment (Appendix A) in the Draft EIS concludes that analysis of storm water percolation indicates insignificant impacts to ground water due to storm water runoff. The Marine Water Quality Assessment (Appendix B) in the Draft EIS concludes that 'O'oma Beachside Village will not have any significant negative effect on ocean water quality. Based on these conclusions, specific impacts are not anticipated; however, as stated in the Draft EIS, drainage mitigation measures include developing all drainage improvements in accordance with applicable State Department of Health and County drainage requirements and standards. In addition, 'O'oma Beachside Village, LLC will comply with all laws and regulations regarding runoff and non-point source pollution.

Regarding your concern about recently listed impaired waters within two miles of 'O'oma, in Section 3.5 of the Draft EIS it is stated that the nearshore waters off the 'O'oma Beachside Village property are classified as "AA" by the State Department of Health. As stated above, the Marine Water Quality Assessment (Appendix B) in the Draft EIS concludes that 'O'oma Beachside Village will not have any significant negative effect on ocean water quality. Therefore, 'O'oma Beachside Village is not expected to have any significant negative effect on ocean water quality, neither directly offshore or within two miles.

Regarding your concern about groundwater/aquifer levels, as discussed in the Draft EIS, 'O'oma Beachside Village, LLC's preferred source for potable water for 'O'oma Beachside Village is a desalination plant. The desalination water system will have no impact on potable and brackish groundwater or nearshore waters.

2. *It is vital to our communities [sic] future for outside private interests to understand our culture and lifestyle. Unfortunately, this proposed development does not reflect this understanding.*

If the interested parties understood the indigenous lifestyle, they would see our current community believes maintaining O'oma in its present natural state is the only sustainable development option. It provides its community with the ample, essential resources from the ocean and onshore watershed.

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Makai O'oma serves the highest purpose by being open, undeveloped conservation land. Local consultants and off-island interests convince themselves that have our community's best interests in mind, but the profit-motive clouds their judgment to such a degree that it no longer represents the majority of our community's interests. To think otherwise, is to ignore the "real world". Even conservative economic pundits admit that greed and under-regulation of the "free market" has caused the current national and global economic crisis. This same model applies equally to our community's current experience with development and our deteriorating public trust resources

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.

Further, in addition to regular meetings with Hui O Na Kupuna, a group of recognized Native Hawaiian descendents from the Kekaha region of North Kona, a Citizen Advisory Group has been formed and meetings held to discuss 'O'oma Beachside Village.

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Regarding your concerns about open space, at no cost to the County or the public, approximately one-third of 'O'oma Beachside Village will be open space in the form of parks, preserves, and landscape buffers. 'O'oma Beachside Village's coastal setback of at least 1,100 feet from the shoreline is unprecedented for coastal development in Hawai'i. This coastal open space includes a 57-acre coastal preserve and an 18-acre public shoreline park. The shoreline park will connect to neighboring shoreline parks at the Shores of Kohanaiki (to the south) and the Natural Energy Laboratory of Hawai'i (NELHA) (to the north) to form a continuous public shoreline recreation area.

3. *Recently, there has been a comprehensive analysis of a great deal of data collected over many years along the leeward coast of the Big Island. For instance, the results of a study by the University of Hilo Marine Sciences Department now support our concerns about the slow but sure deterioration of our coastal and marine resources. This report states, "conditions in West Hawaii may be developing for extreme environmental degradation..."*

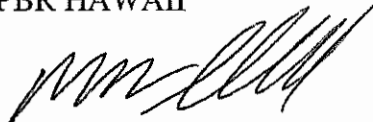
The EPA also recently listed the waters off Honokohau harbor and Pawai Bay (located just three miles from O'oma and also downhill of the same watershed) as "impaired". Our coastal waters have been Class AA pristine, the nation's highest standard of marine water quality. The state Supreme Court has now ruled that both the county and the state governments have an affirmative duty to protect this standard.

Response: In Section 3.5 of the Draft EIS it is stated that the nearshore waters off the O'oma Beachside Village property are classified as "AA" by the State Department of Health. As stated above, the Marine Water Quality Assessment (Appendix B) in the Draft EIS concludes that 'O'oma Beachside Village will not have any significant negative effect on ocean water quality. Therefore, 'O'oma Beachside Village is not expected to have any significant negative effect on ocean water quality, neither directly offshore or within in the vicinity, including waters off Honokōhau Harbor and Pawai Bay.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Dan Davidson, State Land Use Commission
Office of Environmental Quality Control
Dennis Moresco, 'O'oma Beachside Village, LLC
Steven S.C. Lim, Carlsmith Ball LLP