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RE: COMMENTS ON DRAFT EIS FOR SEA MOUNTAIN AT PUNALU'U

Summary

The Draft Environmental Impact Statement for the Proposed Punalu'u project at Sea Mountain is rife with unsubstantiated assumptions in several areas.

The Draft EIS was obviously thrown together quickly, was not edited thoroughly and fails to answer critical questions. Questions that will have a direct impact on the district of Ka'u for evermore.

We feel that it is a travesty when a developer with immense resources at hand, makes a mockery of the EIS process as mandated in HRS 343, glossing over critical elements of its proposed development with convenient explanations that have no nexus to any actual research or fact.

IMPACTS TO BURIALS AND HAWAIIAN CULTURAL SITES

The Cultural Impact Study performed in conjunction with the EIS is fairly complete and local kupuna were interviewed extensively regarding cultural resources in the area. Although the preservation of known cultural sites is somewhat adequately addressed the treatment of burials and commitments to preservation are not.

The survey concludes that there has been much damage to cultural resources, including burials, by previous owner C.Brewer, during construction of the original golf course.

“Many of the burials have been desecrated, removed to unknown places with no means of care for them; and many other burials located within the project area may potentially be disturbed as most of them are unmarked.” (p. 115 CIS)

The study goes on to site, *“In the traditional Hawaiian culture burial practices included secrecy, the concept of “make pau”- to bury where you die, such as in a home or on travels in caves, lava tubes, under mounds of rock, in a sand dune, or under platforms of hale or heiau; as well as in a hole to replace a tree that was cut for a heiau. Predicting exactly where burials are could be difficult. Therefore developers and crews should always be mindful of the possibility of burials.”*

The report concludes that the possibility of unearthing “inadvertent” burial is very high. We agree.

If the developer is truly concerned with the community and preservation of the culture they should commit to preservation in place for all burials no matter where or when found.

Protect Keopuka Ohana will not accept any less than a 100% preservation commitment in relation to burials, known or unknown.

Without that commitment the Draft EIS is culturally deficient.

As well, HRS Chapter 6E provides for a process of input and consultation and stewardship regarding burials and proposed Burial Treatment Plans.

The developer should not assume that the establishment of a “Burial Task Force” would in any way preempt that process.

Attempts to co-opt the proper consultation process are common in these situations with the developer attempting to hand pick the folks they wish to consult with as they have in establishing their “Community Advisory Council”.

When it comes to burials this politicalization of the process won’t fly.

Specific Comments

Response to assumptions outlined in section 5.0 *Probable Impacts and Mitigation Measures*.

5.1.1 Cultural Resources

“Significant effort was made to identify cultural historic and archeological resources throughout Sea Mountain in order to plan intensity and location of proposed facilities. The Sea Mountain Master Plan has been designed to preserve these resources to the extent possible.”

This phrase “to the extent possible” is used often in the DEIS.

100% preservation is possible and no less will be acceptable. These guys want their development, they want to be accepted in the community, they should commit to the highest levels of protection possible. Given the considerable resources available to the developer and the enormous potential profit to the developer and his investors “to the extent possible” should be at the top of the bar.

The proposed Integrated Natural Resource Management Plan must be implemented pre-construction and before any grubbing or grading permits are issued.

The proposed Burial Treatment Plan must provide for preservation in place for all burials whether found before or during construction, be approved and in place before construction begins.

Statements that the developer will continue to “allow” access to cultural sites for traditional practices show a lack of knowledge of the law on the part of the developer that could lead to problems in the future.

Access to cultural sites for purposes of traditional practice is mandated by law and members of Protect Keopuka Ohana, who are cultural and lineal descendants of these lands, reserve the right to access these sites at will without notice at any time.

5.1.7 Water Quality

“In compliance with county and NPDES permit conditions mitigation measures presented below will be effective in minimizing erosion and silt run off”

These are Class AA waters. No run off can occur under the law. Zero discharge is the standard and the public demands compliance.

No more than 25 acres should be allowed to be grubbed at any time. Each section must be stabilized before moving on to the next area.

5.1.8 Flood, Hurricane, Tsunami, Lava Flow, Earthquake and Wildfire Hazards

Considering the discussion of local hazards one would have to wonder how the developer and subsequent property owners could even get insurance. The area is susceptible to and has a history of hurricanes, tsunamis, lava flows, earthquakes, wildfires, and is being built in a flood zone.

The County, given their historic avoidance of liability at all costs philosophy, is going to approve siting of thousands of residents in an area with this much potential for property damage and loss of life?

5.1.13 Socio-economic Conditions

5.1.13.1 Population and Employment

This section is totally deficient. There is no discussion of the fact that this project will bring thousands of workers to the area during the construction period. Workers who will have to travel from afar, if no housing is available, contributing to the already bad traffic conditions on Hawaii Island. This section states that all the impacts will be positive ones. *“The project expects to support over 3,800 person years of construction employment over the life of the project.”*

“Construction activity will also generate indirect and induced employment opportunities and multiplier effects.”

Right, the project may create a “boom” to the Ka’u economy without any up front provision for the increased pressure on schools, fire and police, and the local small hospital during the construction build out period.

5.1.14 Public and Social Service Facilities

5.1.14.1 Education

Probable Impacts

The DEIS states, *“the residents of Sea Mountain may include families with school aged children which will generate a need for new school facilities. However during construction there will be no short term impacts on the need for new school facilities.”*

This statement is totally deficient. What about the hundreds of construction workers and their families and all the associated economic development during the construction period that the developer touted in the previous section? The impact on schools will be enormous.

5.1.14.3 Medical and Emergency Services

The same ‘blinders on’ approach is made here when the DEIS states that *“during the construction phase impacts on existing medical services are not anticipated.”*

The fact is that short-term impact will be enormous and the short-term impact comes immediately as the project, which is massive, ramps up.

In fact the short-term impact considerably outweighs the long-term impact of the residents themselves that typically will move to the area over a long period of time. The construction phase brings its impact all at once.

5.2 Potential Long Term Impacts

5.2.1 Cultural Resources

Probable impacts

Instead of discussing the irreversible impact this project will have on cultural resources the DEIS talks about the wonderful ‘cultural center’ they will provide future generations in lieu of an actual ‘cultural landscape’ that will have been substantially destroyed to make way for luxury homes and golf and amenities for people from far off places who can afford it. No discussion is made of the actual impacts however in the next discussion

on mitigation, mitigative measures related to those actual impacts on the cultural landscape are discussed.

Members of the so-called Cultural Advisory Committee are not divulged in the DEIS. The information in general lacks integrity and is incomplete.

5.2.11.2 Project Generated Traffic

Again no provision for trip generation and distribution related to the construction phase of the project that will go forward for ten years!

Figures are given for a built out project. This is meaningless given the enormous figure that would be generated from a through analysis of the construction phase alone. Once again the DEIS fails to address the impact of the construction phase of the proposed project.

5.2.12.6 Housing Probable Impacts

The DEIS states flat out that *“the long term impacts on housing are positive.”* Nothing could be further from the truth. The impact of 1,523 new homes for the wealthy without any provision for affordable housing will create irreversible demographic change to the district of Ka‘u. This project alone will double the population in the area, causing property values to skyrocket, displacing generations of local families.

Workforce housing has been required by the resort rezoning yet “exact location of the housing is yet to be determined”. It is our contention that workforce housing be sighted and commenced at the same time construction begins at the resort development site.

PKO submits that the developer be required to build affordable units, truly affordable units on a one-to-one basis, thereby providing 1,523 new affordable homes in the Ka‘u district.

Another approach would be to include housing that could be afforded by various income groups within the project itself thereby enhancing community economic diversity and growing a healthy Ka‘u instead of just a bunch of luxury second homes for the very wealthy. That market is presently saturated and you would be hard pressed to believe that more of the same is “needed”.

5.2.13.1 Population and Employment

The DEIS discusses population growth in Ka‘u. They site a 58% increase in population. No discussion is made of the fact that the influx population has the highest level of families surviving on incomes below federal poverty level standards, that a lot of that population increase is due to an influx of the poor who have been displaced from Kona due to development and rising rents and home values in Kona. The Sea Mountain project will serve to further marginalize these populations that have literally run out of places to go. The Sea Mountain development will serve to increase tensions between the “haves” an the “have nots” causing further social deterioration, increased drug abuse, child and

family abuse, and similar social manifestations that occur with increased familial economic pressure and displacement.

Impacts on schools, social service facilities, police and fire and medical facilities are complexly glossed over and not addressed.

In section 5.2.14.3 the DEIS claims “the majority of homeowners at Sea Mountain are not expected to use the Ka‘u hospital for primary medical care.” What?

Construction period impact is again not taken into account in this section.

In closing we would like the developer to consider, “What is the social value of your project to the community?”

In this year of 2006 with all the problems we have here in Hawaii and in the world of general we think it’s a shame that people with the kind of economic power the developer possesses can’t bring themselves to come up with something genuine that could make them money while actually enhancing and contributing to society.

The DEIS for the Sea Mountain project at Punalu‘u falls well short.

Sincerely,

Jack Kelly
Vice-President
Protect Keopuka Ohana