

**SEA MOUNTAIN AT PUNALU - DRAFT ENVIRONMENTAL IMPACT STATEMENT
ANNOTATED COMMENTS**

Comt No.	Sect.	Page	Parag.	Comment
1	1.0			<p><u>PROJECT INFORMATION SUMMARY</u></p> <p>Although the body of the document provides more information on some issues presented in the summary, this summary contains statements that are vague and possibly incorrect. As a synopsis of the entire document for those who would not read further, the summary appears misleading in its representation of the project and the potential impacts – both adverse and beneficial – are not definitive. This section does not summarize the project clearly nor does it provide the reader with an orientation for the issues.</p> <p>Some questions are posed in these comments because the summary statements do not always reflect or correlate with project descriptions or impact discussions in other sections.</p>
2		1-5 1-6	Fig 1-3 1-4	The State Land Use Designations and the Land Use Pattern Allocation Guide (LUPAG) need to be explained in the text. What do these designations stand for? If the purpose of the document is to change one of these designations, their significance should be explained. They are not discussed again until Sections 5 or 6.
3	1.3	1-9	2	This is the first mention of a “conceptual land plan”. What is the action that this EIS is analyzing? Is it a conceptual land plan, a development, or a Master Plan?
4	1.4	1-9	4	Why doesn’t this project trigger a Federal EIS? Doesn’t potential impact to a Federally endangered species or constructing in the Coastal Zone establish cause for a Federal as well as State EIS?
5	1.4	1-9	4	The need for preparing this EIS is stated as: potential use of land in the Conservation and Shoreline Setback Area around Ninole Cove. Is development in these areas clear as part of the project description? What do these designations mean and why are they reasons for preparing the document? Does this mean that the project is not consistent with land use plans?
6	1.5.1	1-11	1	Cultural Resources Impact - Beneficial: The statement that resources could remain unknown and inaccessible and therefore project has positive impact in this area appears faulty. First of all, what do you mean by resources? Second, you have identified resources. Those that are archeological and already buried – the project potentially destroys them, you have made no provisions for preserving them and you are possibly destroying them during construction; others resources at the surface are accessible now. Construction of a subdivision around them would destroy the sense of place and would further limit any access.
7	1.5.1	1-11	2	Social Impact - Beneficial: Are you talking about resort/seasonal housing? This generally is not the type of housing that is considered a social benefit. The project does not provide a range of housing prices for a range of incomes. Also, the document does not justify demand for more resort or high-end housing.
8	1.5.1	1-11	3	Economic Impact - Beneficial: While the details of job generation should be discussed in other parts of the document, there should be more than an assertion in the summary about the number of jobs and text should indicate the type of jobs - temporary (construction) and long term. How are jobs calculated? The same question holds for household income – how is this calculated? What does a person-year of employment mean versus the number of jobs? Since employment appears to be a selling point for the project, the distinction could be clear in the Summary and it should definitely appear somewhere in the document that person-year jobs can mean hours of

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				<p>part time work, seasonal work and other patching of hours among several people or positions to equal a person-year.</p> <p>It appears that the benefits are exaggerated in this summary. Economic benefits are stated as “over the life of the project”. Is that construction time and an undisclosed time frame for income from the development of a resort?</p>
9	1.5.1	1-11	4	Recreation Benefits: Existing beach park will “possibly be expanded”. Beach expansion is not in the project description, nor is there a commitment for it, therefore it is not a tangible benefit.
10	1.5.1	1-11	5	Land Use Benefits: How does this project fulfill which goals, objectives and policies stated in which State and County planning documents? This discussion of land use benefits is vague, since the land use designations have not been explained.
11	1.5.2	1-11	7	Cultural Resources Impacts- Adverse: The statement that “access to the site is very important to locals”, implies that an adverse impact of the project is lack of or restricted access. This appears to be an impact disguised in the document.
12	1.5.2	1-12	4	Archeological Resources Impacts - Adverse: This is the first mention of Sea Mountain Master Plan – is this different from conceptual plan and/or project?
13	1.5.2	1-12	8	Topography Impacts - Adverse: This paragraph is a minimization of a vaguely expressed impact. What is grading on a localized scale mean? Document does not prove that drainage patterns will be altered in “minor ways” and if you are mentioning it under this adverse impact category, then are you saying the project has an adverse impact to drainage?
14	1.5.2	1-13	2	Topography Impacts – Adverse: This summary statement is unclear about the level of re-grading that would be done on the site. It appears that almost the entire site would be improved (there is no acreage estimate provided for undeveloped property within the 430 acres) so therefore almost all of the existing topography will be altered.
15	1.5.2	1-13	4	Visual Resource Impacts - Adverse : Redeveloping an existing golf course with standard and native landscaping does not reduce the impact of obstructed viewsheds and reduced open space. The project description does not address height of hotels or other developments and the viewshed issue is not adequately addressed.
16	1.5.2	1-13	6	Adverse - Groundwater Quality Impacts: In this discussion there is an unspoken adverse potential impact to quantity and quality of groundwater, which is more than just an expressed concern about impact of golf course operations. What is the potential impact?
17	1.5.2	1-14	4 Thru 8	<p>Flora and Fauna Impacts - Adverse: The paragraph mentions the Coastal Zone containing more native species than other areas on the site. Are you referring to an official designation of coastal zone and does this designation have some requirements about protection or avoidance of flora and fauna habitat?</p> <p>The biological impact summary also begs the question about some unidentified impacts. For instance, night lighting would also potentially impact the sea turtles nesting on the beach. What is the summary of the impacts?</p>

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18	1.5.2	1-14	9	Adverse - Roadways and Traffic Impacts: Reduced/restricted access to beach is a roadway issue – this is a related impact not discussed.
19	1.5.2	1-15	4	Utilities Impacts - Adverse: Existing HELCO (abbreviation not explained) may be able to serve “initial phases of development” implies phasing that is not identified in the project description. What is in this initial phase? What happens if HELCO needs a facility upgrade; is developer compensating for upgrade? Is this cost paid for by increased costs to existing citizens of the County? Is lack of electrical supply a potential impact?
20	1.5.2	1-15	9	Population and Employment Impacts - Adverse: What is the text not saying about the project that creates adverse impacts to population and employment ? Does population growth in the region indicate a demand for more residential development and would this type of resort development meet the needs of the demographic sector that has grown? Or is the housing demand for resort housing?
21	1.5.2	1-16	1	Population and Employment Impacts - Adverse: Is the argument that you need retail development in the project to avoid increased traffic on the highway an impact? This doesn’t fit here. It appears that the author is making a justification for commercial development as a traffic reduction mechanism. The amount of commercial development would not sufficient to fully meet all the needs of 1500 residential units. The project either generates traffic impacts or it doesn’t.
22	1.5.2	1-16	4	Education Impacts - Adverse: The education setting indicate doesn’t indicate capacity of school system – how is strain to the school system determined?
23	1.5.2	1-16	6	Emergency Services Impacts - Adverse: Neither the summary nor the remainder of the document considers response capacity for tsunami and other disasters listed as adverse impacts.
24	1.5.2	1-16	7	Adverse – Recreational Resources: Limited access to beach is an adverse impact to recreational resources, which is not mentioned.
25	1.5.2	1-16	8	Coastal Water Impacts - Adverse: “There is a concern that fertilization could contaminate subsurface water flow” - this potential impact is not fully stated and it implies that golf course management is the only issue in avoiding impact. The document has not proved that a properly maintained golf course would be sufficient to prevent subsurface water flow into the coastal waters nor does it make clear that other non-golf course sources would not impact groundwater or coastal waters.
26	1.5.2	1-17, 5-82	5	Adjacent Land Impacts - Adverse: The reasoning behind the adverse impacts to adjacent and nearby lands without the project is faulty; it sounds like a series of ungrounded assertions. It is the same rationale that justifies Unavoidable Adverse Long Term Impacts in Chapter 5, section 5.3.5.2. In both these sections, the project is viewed as saving aspects of the existing uses and assumes that these features could not be improved or preserved in another manner. <ul style="list-style-type: none"> - Is maintaining County control of park contingent upon developing this project, or is stating that the park lease could be terminated, some type of threat by the property owner? - Same question regarding the reduction or limitations to public access. - Is the project going to finance maintenance of infrastructure or just finance its construction? The statement about “heading for financial disaster” if critical mass development is not allowed is subjective and non-analytical.

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				<p>- No Project does not necessarily mean no maintenance of infrastructure. Who currently has responsibility?</p>
27	1.6	1-17 to 21		<p>In general, the Proposed Mitigation Measures summary is vague, none of the mitigations are defined and in some cases the text obfuscates the fact that mitigations are needed. See individual comments on mitigations in Section 5.</p>
28	1.10	1-23		<p>For the agencies mentioned Required Permits and Approvals and under resource management on Page 2-9, why would they not be involved in consultation and coordination early in the process if this project proposal has merit? It would appear that to get permits or SMA approval, the developer will need much more detailed information than what is given in this EIS; coordination with these agencies and further development of the project plans could reveal more significant adverse impacts to the environment.</p>
29	2.0			<p><u>PROJECT DESCRIPTION</u></p> <p>The project description is unclear and is not straightforward about the proposed project.</p> <p>Aside from the concern that the document is poorly written and that some aspects of the project description are at best unintentionally hidden in other sections or technical reports, the lack of definition in the project description is of concern as an EIS issue. The lack of a solid description of Sea Mountain at Punalu’u indicates the project is not tangible enough for the potential impacts to be examined. The project description is more of a marketing plan.</p> <p>The vague project description also implies that many of the elements or mitigations promised may not come to fruition. This document does not articulate all aspects of the project it reports and provides little detail and commitment on mitigation actions. Given this lack of information, the decisionmakers could be making approvals on open-ended promises for development of an area the size of an Hawaiian islet (like Moku’ume’ume) and the last undeveloped accessible coastal area in all of the islands.</p> <p>What facilities is Sea Mountain specifically constructing and where specifically are they on the 430 acres? What infrastructure and programs is the project financing or ensuring that serves both the existing community as well as the proposed resort housing? What is the project maintaining? What is it proposing as a project for the short term and a plan for potential future development?</p> <p>Because this project description is faulty, it cannot provide the basis for a solid environmental analysis or a tangible source of information for project approval. It is indefinite as to what the project is that is being committed to by the developer, approved by the County, and analyzed for impacts.</p> <p>Also, is the project a conceptual land use plan, or a proposed development? The terms project and Master Plan are used interchangeably in this section.</p> <p>The elements in what is sometimes referred to as a plan (as in pp 4, pg 2-5: “The Sea Mountain master plan may include areas designated for resort, residential, mixed use, golf and infrastructure”) provides vague descriptions of what conceptually is being approved in this EIS.</p>

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				<p>The components of what is identified as the proposed development are not definitive either. The project appears to be 1) resort with hotel, golf course and some resort-related commercial and 2) infrastructure (based on market demand) for a residential subdivision with lots for sale or lease.</p> <ul style="list-style-type: none"> - It appears that the residential aspect of the project will be mostly built on speculation; the text reads as if the developer is preparing lots for private owners to build their own housing. Does this make the proposed infrastructure improvements, for instance, contingent upon demand and not necessarily provided for if you do not have full buildout? Will they be built as an upgrade for the existing community regardless of the amount of Sea Mountain housing built? - The other aspects of Sea Mountain that are “envisioned”, are barely discussed –either at a physical or program level. They are implied but not committed to. Programs (such as cultural or marine center), infrastructure development and other features used to augment the project concept should be definitive and committed to. This would include financial/long term arrangements for them to be built and maintained, thus making these program elements viable parts of the project. - The impacts in the subsequent sections need to be analyzed assuming full build-out of this vision or plan or it needs to be clear which elements may not be built for whatever reason. Whatever project or project element is actually an opportunity, intention, or goal should be stated as such and it should not be portrayed as solidly part of the project that is under consideration for approval. If the project elements are to be developed only contingent upon a) what is market bearing, b) what other agencies will negotiate (such as affordable housing) or c) whatever caveat other you use, then these elements are only what could be part of the project and are not necessarily the final project. <p>Figure 2-2 of the master plan provides little information about the plan/project that is being developed, neither graphic clarity on the project elements nor their location on the site. Whether Sea Mountain is a plan or a development project, the footprints for all of these land uses are not sized, nor are they located in the context of each other, let alone in the context of land use plans, water bodies, cove/beach area or archeological/cultural features. Housing is measured in square footage but single family units have no lot sizes- what is the full acreage of housing development on the site? Neither graphic nor text discusses how close the development is to the coastal zone. The clusters, enclaves or project areas which are numbered are not delineated, although impacts are calculated in some instances by these areas. Throughout the document, the cluster concept appears critical to the project’s defense that it reduces impact by condensing development that could be spread over much more property, and that these clusters reduce traffic and other impacts. However, these clusters are not defined or described. Overall, there is insufficient information about the full physical development of 430 acres – potentially a subdivision. If permits and permissions for Sea Mountain are being granted by the government, the project needs to be fully and definitively described and analyzed in the EIS</p> <p>In addition, there seems to be project elements which are found in the impacts section and/or the technical analyses but not in the Section 2- Project Description. For instance, affordable housing – both the policy directive and the estimated amount you propose to build is found on page 5-64. The Purpose and Need discussion in Section 3.0 mentions building demolition, cleaning of coastal ponds and other improvements to the site that are not included in the project</p>

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				description. Although the decisionmakers may not consider a scattered project description makes the EIS inadequate, it does imply that the intended project is being obscured.
30	2.1.2	2-5		Land use history: Why was SMA rejected in 1998? Does this project reflect aspects of the previous proposal that was rejected?
31	2.2	2-5, 2-7		<u>Sea Mountain Master Plan and Program Summary (Table 2-1)</u> : This section does not lay out a project description nor is it a plan. The summary table does not describe what the type of structures mean. What is “stacked flat” mean? There are dwelling unit counts but not acreage of these parcels – how can the reader determine how much actual development is taking place within the 430 acres?
32	2.2	2-6	Fig 2-2	Figure 2-2 is the only graphic that shows the project – it is not very clear or definitive. Figure shows full build-out. The “planning areas” – which are unexplained - are also not outlined. It is not apparent to the reader that those number relate to Table 2-1. What is the dotted line close to the water mean? Since the planning areas 1-9 are not defined (and it is difficult to even figure out what those numbers stand for in the text or in the figure) , and no hotel or other development footprints are put into the context of the site, how can the reader match the project to potential impacts?
33	2.2.1	2-7	5	<u>Resort Component</u> : What is the footprint of the 300 unit hotel? How close it it to the beach? What is an eco-hotel and what is environmentally significant/beneficial about it? The eco-hotel is not mentioned again in this document nor is it described. Similarly, what is the Aspen Institute Conference facility mentioned in Appendix E, Surface Water Quality Assessment, page 3-1? Why isn’t it in the project description?
34	2.2.2	2-8	1	<u>Residential Component</u> : The text provides an insufficient description of the 1523 residential units that would cover the most area on the 430 acre site. The location and configuration of the residential enclaves are can only be guessed at based on one graphic (Figure 2-6). What is the plan for residential units? Give an estimated acreage of land use dedicated to residential. Table 2-1 Program Summary does not include an estimated square footage for the types of residential development. The project description on residential units, with three sentences, does not adequately provide the public with information about this potential new subdivision.
35	2.2.2	2-8	2	What is meant by this paragraph on affordable housing? - This paragraph implies – but is not definitive – that housing (temporary or permanent?) may be provided (constructed or purchased by Sea Mountain?) on DHHL property for employees (temporary or long term?) of the Sea Mountain development. Is this affordable housing part of the project? If affordable housing is required or needed to pragmatically establish this resort subdivision then the document should include it as a definitive and developer should definitively include it as a component of the project – planned, funded, and committed to. - What are the affordable and workforce housing requirements are you referring to in the text; is this a policy? If so, identify it and define the requirements and the agency which requires

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				<p>them.</p> <ul style="list-style-type: none"> - The project description does not say but in the technical reports there is an unidentified factor that results in a calculation of 55 affordable housing units needed. How was that number derived? The text is vague about providing the infrastructure needed for these dwelling units to be viable. Also, is this an addition to the proposed residential population that needs to be counted in the impact analysis for services, etc. - What actually does shared infrastructure and/or affordable housing mean—couldn't this be a trailer park with no sewer/water lines? On what site or how much of the DHHL property are you negotiating? Is this a back-door subdivision? - If these affordable units are needed for either construction or longer term workers, then the assertion about this project providing jobs for local residents and the project's serving local demand for housing is not valid. - Isn't DHHL policy a state policy and therefore the development of homes with DHHL land/funds should be clearly identified in this EIS and approved by the State? - Use of DHHL land for affordable housing and for workers implies that the Sea Mountain employees are native Hawaiian and qualify for homestead policies. This assumption may not be accurate and is taking advantage of homestead policies to meet your affordable housing requirements. It would appear that the intricacies of dealing with existing wait lists and other issues involved in developing DHHL properties would make this an unrealistic proposition either as a component of the project or as mitigation for affordable housing needs.
	2.2.3	2-8	3,4, 5	<p><u>Retail-Commercial Component:</u> This section does not provide much information about the commercial component. Table 2-1 lists 73,000 square feet of commercial space. Is there a square footage footprint? Where is it adjacent to the resort? Is there an approximate location for the retail to support the assertion that it will be located to reduce vehicular traffic?</p> <p>The hope for a critical mass of jobs and services for a semi-sustainable community is not justifiable, as well as not a project description. Fifty thousand square feet of commercial, in addition to the 23,000 for restaurant, spa, etc., is not enough commercial to make the subdivision semi-sustainable, particularly if some of that square footage would go towards tourist shops or other amenities that serve the resort population as indicated in the last paragraph of the section. At a minimum you would need a grocery store and other retail for household living, which would also duplicate the commercial in Pahala and Na'ahelu.</p> <p>What kind of commercial or industry would you put in the middle of a subdivision that would serve as a stimulus for new jobs in the region? There is no land allotment or incentive for that type of development. The assertion that the ill-defined retail-commercial component would stimulate new regional jobs is inflated. The number of jobs generated from providing classes, craft sales and recreational opportunities for an isolated 300-room hotel are going to be limited. The information provided in this component does not support the stated project purpose for creating employment.</p>

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36	2.2.4	2-9	1,5	<u>Recreational Amenities</u> : Is the project proponent counting the golf course, tennis space, etc. as open space per County’s land use plans? Manicured, landscaped areas are replacing natural coastal areas - this is not the same kind of open space and should be acknowledged as different from natural and conservation open space; active recreational uses change the character of the area from passive open space.
37	2.2.4	2-9	3	Regarding neighborhood amenities: <ul style="list-style-type: none"> - How do the extant cultural resources fit in with the neighborhood development you describe? Are they part of the open spaces in the enclaves? Are you building mini- parks and housing around heiaus, which would disturb the setting of sacred sites? Also, the project description does not describe enclaves or the open space around them and since the project leaves them undefined and reliant on market driven forces, we can assume such open space amenities are not definitely part of the project to be implemented. - If the amenities are market driven and added at a “later date”, is the paving/grading lot preparation going to be done to sell lots for housing development and leave the mini-parks and other amenities out thus having partially developed barren land without the benefit of landscaping, etc?
38	2.2.4	2-9	4,5,6	Regarding Recreational amenities: <ul style="list-style-type: none"> - Figure 2-2 shows development close to the cove, park area and other natural coastal features. Is state and federal approval necessary and is it being obtained for development in close proximity to the cove? Aren’t there any regulations requiring buffers between development and natural coastal areas? - Why does transfer of the park have to be contingent upon approval of the project? - Expansion of the park is being <u>considered</u>, therefore not part of the project. Please be clear about what you are and are not going to develop. Park expansion, long term maintenance, public access to the beach – the statements in the EIS do not formally make these part of the project being approved and readers are left to assume that they may not occur. - The actions taken to restore and improve the Ninole Cove (which is not indicated on any graphic) should be elaborated upon, since Figure 2-2 shows development extending around it and very close to it. The cove area is rocky and not easily transformed into a park-like development; that would destroy the natural beauty of the area.
39	2.2.5	2-9	8	<u>Resources Management</u> : <p>What is the difference between the existing conservation designation and the special conservation area you are creating? If this question is irrelevant, then it is evident that your discussions about conservation areas are not clear to the reader.</p> <p>What does the sentence mean that says landscape plans will incorporate species in greater numbers to assist in resource enhancement and support of local culture? Landscaped areas cannot replace or support natural habitats or coastal areas and cannot replace natural plants used for cultural purposes.</p> <p>Large mature trees will be preserved – it seems like you could have identified their location and estimated how many. What is the criteria for maximum extent possible for retaining atmosphere</p>

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				and habitat that currently exist? How much of what exists will you build around? If you have a site plan, you have some idea of what existing features you will have to remove or what you can possibly work around.
40	2.2.5	2-9	9	The National Park Service, DLNR, and the National Wildlife Service (US Fish and Wildlife Service?) - these agencies are mentioned for coordination of resource management, isn't some of the project site under their jurisdiction and why would they not be involved now if park development is really part of the project. The fact that you mention the US Fish and Wildlife Service (USFWS) indicates that there are potential impacts to the endangered species, which it seems should be dealt with a part of project approval.
41	2.2.5	2-9	10	Programs to protect the turtles need to be specific and commitments should be made, including funding and implementation plans. The Integrated Natural and Cultural Resource Management Plan is vague and non-committal, as well as the cultural center and advisory committee. The cultural center is not listed as a structure with square footage under the Program Summary Table 2-1. Or is it? What is it and where is it? Based on information in this EIS, resource management is not being proposed as a real component of this project.
42	2.2.6.1	2-10	4,5,6	<u>Roadway</u> : What you plan to do for roadway improvements is not clear. One existing roadway is enough for this development as a collector road? All hotel guests, beach goers, residents, conference attendees will have one road in and out of the development?
43	2.2.6.2	2-10	7	<u>Storm Drainage</u> : This paragraph is not a project description It is counter intuitive that drainage from the project area will not be different from existing conditions, considering the amount of impermeable surface being developed in the project. See comment on storm drainage below.
44	2.2.6.4	2-13	2	<u>Wastewater</u> : What property does the existing 50 gpd treatment facility serve? What is the Underground Injection Control Line? Explain biological nutrient removal. Is this a standard or special process? Since this infrastructure will be used for surrounding communities, and it connects into the existing system, there should be more discussion of the physical plant.
45	2.2.6.5	2-13	3	<u>Solid Waste</u> : Who collects the waste now and where is it disposed. A centralized location for waste disposal sounds like there will be a dump on the 430 acres. Is a physical disposal site part of the project or is recycling, composting etc. procedures for the construction and operation of the development?
46	2.2.6.7	2-14	2,3	<u>Sustainable Development</u> : How is this project not a small lot subdivision spreading over approximately 300 acres (site minus golf course). Why is it sustainable? What is a sustainable design principle and what makes this project self sufficient? Will it have a grocery store, gas station and all the commercial services necessary to avoid going into nearby communities? What is the range of transportation options that minimize use of vehicles? Hotel employees and other workers will not be able to live there and will have to commute.
47	2.3	2-14	4	<u>Development Schedule and Process</u> : The phases of the development should be elaborated upon, or at least what development events would occur within the 10 year timeframe. Also, there should be a description of construction activity – since short term impacts are being analyzed. What actions are being taken that result in noise, air quality and habitat destruction activities? Environmental impacts of construction over a 10 year period means, for instance, there could be years of grading and maintaining best management practices, a decade of disruption to black

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				<p>sand beach patrons, etc.</p> <p>The text implies the developer has identified which aspects of the development will be developed first and which may be determined by market forces later within the decade, so it appears a more detailed timeline could be provided to the reader and decisionmakers.</p>
48	4.0			<p><u>ENVIRONMENTAL SETTING</u></p> <p>The setting, in general, does not provide enough context to examine the impacts of the project. There are numerous instances where the background information is insufficient to assess an impact. For instance: How deep is the groundwater and how much of it currently exists. How can there you assure no impact to groundwater if you don't know how much of the geology lies between the surface and the water table? Where are the streams and coastal ponds? How many children are in the schools that could be impacted and what is the threshold for impact? The setting and biological studies dismiss discussion fauna other than birds and bats and does not provide the whole context for species which use the project site.</p> <p>One primary issue regarding the existing setting for this project: How much open publicly accessible coastal area remains on the island or in the state? If Kau contains the some of the last stretch of publicly accessible coastal property, relatively undeveloped, in all the islands, wouldn't this project have a regional and statewide impact as well as a local one?</p> <p>A development proposal which impacts Hawaiian lands in this context should be more substantial, more informative and more reality-based than the one proposed in this EIS.</p>
	5.0 A thru O			<p><u>PROBABLE IMPACTS AND MITIGATION MEASURES</u> <u>TECHNICAL APPENDICES</u></p>
49	5.0			<p>PROBABLE IMPACTS AND MITIGATION MEASURES</p> <p>In general, impacts are analyzed via zones and areas, which are not included in the project description and are not evident in the few graphics that depict the entire project. For instance, habitat restoration is to be provided in Zone A, Water demands are calculated by areas 1 through 9, etc.. It is not clear what areas are being referred to in this analysis and obfuscates the impact and mitigation discussion. The appendices provide more information some of the time but you have to hunt for it – it is not evident in the EIS.</p> <p>Many mitigations are mixed in with project elements described in the project description. Many are loosely stated, with caveats such as “wherever possible”. It is not identified who enforces the proposed mitigations and who ensures their implementation.</p>
				<p>CULTURAL RESOURCES</p>
50	5.1.1	5-1	3	<p><u>Short Term Cultural Resources:</u> There are no impacts stated but text implies they will occur. This section indicates that the Sea Mountain Master Plan has been designed to preserve resources and plan intensity and location of proposed facilities to presumably avoid resources.</p>
51	5.1.1 App A App F	5-1	4	<p><u>Short Term Cultural Resources Mitigation:</u> The Integrated Natural Cultural Resource Management Plan (INCRIMP) is heavily used as mitigation in the EIS for both cultural and biological impacts. However, it is only mentioned once, in passing, as a mitigation for cultural impacts in Appendix F and is not defined. It is not discussed in at all in the Biological</p>

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				<p>Assessment.</p> <p>Is it correct that an INCRMP is a plan usually initiated by Department of Defense to integrate protection of biological and cultural resources with military installations? All branches of the military are required to get approvals from USFWS (at a minimum) and other regulatory agencies, fund, implement and monitor for success the measures that are identified in the plan. An INCRMP out of the context of military regulatory obligation may be a good model for a plan. But an undefined, unenforceable plan called and INCRMP it is not a mitigation in and of itself.</p> <p>How does this INCRP get enforced? If this project is approved with the commitment of this plan, then approval of this plan implementation must be a stipulation of approval.</p> <p>The Cultural Impact Study and the Archeological Inventory Study do not include all the requirements of Hawai'i Administrative Rules and Act 50 for cultural resource impacts. The text does speak to handling of human remains per requirements. However, the potential impacts, the possible number or location of the burial sites are not elaborated upon in terms of impacts. Some burial sites are identified on golf course property in Appendix A , Archeological Inventory. And cultural sites are located on the 430 acres, but no graphic or text links proposed development with located cultural resources. Therefore, the assumed impact is that all burial grounds and archeological resources will be disturbed by the project.</p> <p>State regulations also require that studies be done and plans be made regarding buffering around and protection of cultural resources, procedures for intrusion of burial sites, etc. Since the some of the mitigations are suggested actions in these reports and are not definitive, they are not yet true mitigations per the regulatory requirements.</p>
52	5.1.1	5-2	4	<p><u>Short Term Cultural Resource Mitigation Measures:</u> “Access to Hokuloa Chapel and adjacent cultural areas will be improved with pathways to the site...” This implies that project development can be put in the context of existing cultural resources and direct impacts can be identified. It also is an example of the fact that your assessment of impacts to cultural resources do not include disruption of their setting or their more natural existing context. It seems as though surrounding an existing resource like the Chapel or the Lanipau Heiau would degrade the historic context and setting under the SHPD or the National Historic Preservation Act.</p>
53	5.2.1 App F	5-23 1	2-4	<p><u>Long Term Cultural Resource Impacts:</u> The cultural center is identified as a probable positive impact. However, it is undefined and uncommitted. The adverse cultural impacts are not discussed but the text provides some vague statements about impacts. Appendix F, Page 1 states: “Based on their <i>mana`o</i>, and that of the archival records and what is on the landscape, it would be almost impossible for this undertaking not to impact a cultural resource or practice of Punalu`u, Wailau and Ninole or access to them, in some regard”. Isn’t this an admittance of an unmitigable impact to culture at Kau?</p> <p>While the cultural resources technical study followed the guidance of Rule 50 in studying and acknowledging the culture in the Cultural Impact Assessment, the EIS does not reflect the impact or significance of constructing a subdivision on land for which people are spiritually connected. The EIS does not reflect the importance of the land for cultural uses, as well as its use for subsistence living in a manner culturally related to pre-contact Hawaii.</p>

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				Although it is difficult to translate this relationship to the land into a technical documentation of impact, the discussion of the cultural center as mitigation and the tourism enterprises (selling crafts, teaching hula, etc.) that could evolve from this project appear to trivialize Hawaiian culture. It is not clear that the mitigation proposed in the EIS meets the letter of the law with regard to cultural impacts but it certainly does not reflect the spirit of the law with regard to honoring, preserving and holding space in the environment for Hawaiian culture and history. Dismissal of cultural impacts in the document tone and text as being fully mitigated by an undefined cultural center is disrespectful and offensive.
54	5.2.1	5-23		<p><u>Long Term Cultural Resource Mitigations:</u> Buffer zones, approval of mitigation plans during design; penalty for lack of compliance during construction; monitor during construction in anticipated burial areas –shouldn’t a proposed Preservation Plan be included in the EIS with some consultation with the SHPD before project approval?</p> <p>A 50-foot buffer was identified as construction mitigation for protecting cultural resources, which implies that the buffer would remain at 50 feet after the project is built. Buffer requirements are not specified in the 343 HRS. A 50 foot buffer surrounding resources is insufficient (at least a 100 foot buffer was recommended by cultural consultants on page 113 of the Cultural Impact Study). The buffer is just one issue related to the cultural resources being surrounded by subdivision development and mini-parks – removing their context and natural setting.</p>
55	App F			<p>The cultural/marine center is not defined at all. In the Air Quality appendix, and perhaps sporadically in other analyses, there is a commercial use identified as community or cultural center at 15,000 square feet. This structure is not outwardly stated in the main body of the EIS as a cultural or marine center nor does it discuss what it would contain. (The Program Summary in Table 2-1 of the Project Description identifies 15,000 square feet for restaurant, spa and other visitor retail services – is this a conflict in the assessment?)</p> <p>The cultural/marine center is a suggestion in the Cultural Impact Study. It does not appear to be a real mitigation or a proposed part of the project since nothing tangible - funding, program, building location, or otherwise - is attributed to it. Please define it and incorporate it as part of the project if it is being claimed as such.</p>
56	App F			Isn’t Kau and the Black Beach area significant in state history as the first point in Hawaii where Europeans landed on the islands (the Plymouth Rock of Hawaii)? Wouldn’t this justify more protection and enhancement of the cultural resources in the area?
57	5.2.2	5-24	11	<u>Long Term Archeological Resources:</u> Doesn’t the State Historic Preservation Division determine the treatment recommendations. Is there criteria for this determination? If the consultant determined the preservation treatment, why was that determined and what does that mean. Why is data recovery program not indicated at this time?
				TOPOGRAPHY
58	5.1.4	5-4	3	The project does not propose any major regrading of the site. Please define regrading. Are you referring to minimal changes in existing elevations on the site. It would seem that development of 430 acres, with roadways, housing lot preparation, etc would require major removal of the

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				<p>surface and grubbing of the property- including the previously developed sites. Which is why “controlled applications” for erosion control and runoff are required for mitigation.</p> <p>Since no information is provided about project construction, the implication of regrading in the worst case is that hundreds of acres will be stripped for construction and reconstruction. Since construction would be done in some kind of phasing, some raw, stripped property or unlandscaped foundations would be left exposed on the portions of the 430 acres over a ten year period. This could appear to results in a short term (ten year) visual impact as well as disruption to the animal species that utilize the existing vegetation.</p>
				WATER QUALITY
59				<p>Identify the waterbody type and class of all potentially affected waterbodies, including those on which proposed project activities would take place and any others that could receive water discharged by the project activity or water flowing down from the proposed site. Although the Biological Assessment indicates that there are no water bodies on the project site that are on the List of Impaired Waters under the Clean Water Act (Section 303d), the document does not provide much examination of aquatic resources, as requested in comment letters. A more thorough examination suggested would include: expected changes in surface permeability, hydrologic response of surface, hydrology of receiving waters, aquatic habitat quality and integrity of aquatic biota.</p> <p>Watershed, as part of the site or affected by the project activities, was dismissed as an issue in the EISPN Responses to Comments. The EIS should provide an examination and evidence to conclude that there will be watershed-related impacts.</p>
60	5.2.7.1	5-32	1,2	<p>Surface Water Quality: The setting discusses creeks and ponds and the Appendices make reference to them. However they are not discussed in terms of affected water quality. Even though the streams on or adjacent to the site do not have special designation, are there requirements for protection of water quality for streams or ponds besides the discharge requirements mentioned?</p> <p>Also the second paragraph discusses areas located downstream of the site being discussed in the next section. What is down stream of the site? The ocean?</p>
61	5.2.7.1	5-34 5-35	7-9 1-3	<p>Treatment Control BMP’s: The document states that all onsite runoff will be directed to the golf course areas. In the setting, Section 4.10.1 it states that runoff currently drains via Ninole Gulch and flow southeasterly via two unnamed intermittent streams into Punalu’u Harbor. It has also been stated that runoff amounts and patterns from the project would not be significantly different from what is existing. With the golf course, it sounds like the existing runoff patterns into the Gulch and Punalu’u Harbor change with the project. The runoff scenario is not clear.</p> <p>The second paragraph on page 5-35 indicates that the proposed infiltration systems may not be feasible for various portions of the project due to site constraints. Is there a rough estimate of the amount or area that could be problematic? The third paragraph on page 5-35 indicates that the golf course is not a sufficient mechanism for protecting infiltration into coastal ponds. Therefore, it appears that the earlier statement in the first paragraph of the section, that all runoff leaving improved areas of the site will be treated, is not true.</p>

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				The project’s reliance on the golf course for filtering pollutants and capturing runoff does not sound sufficient for a project of this magnitude. There is no estimated amount of runoff/filtration capacity summarized for the average reader. Although there is detail in the appendices about the mechanisms in the golf course to protect water quality and accommodate on site flows, the EIS seems to only provide assurances that this issues are addressed; the argument for no water quality impacts is not clear and not convincing to the reader.
62	5.2.7.1	5-35	4 -	Integrated Golf Course Management Plan – it appears as though careful thought was given to the care of the golf course; it is unfortunate that other features of the project have not been so carefully thought out. It remains unclear how ground water or adjacent ponds will not be affected by pesticides and fertilizer – as is the existing pond makai of the golf course has overgrowth due to fertilizer. As is known, the existing golf course has not served well as a vegetative swale and/or buffer strip for adjacent ponds and flows into the ocean. While the proposed golf course will be improved over the existing one, it is not clear that the structure will filter 90% of the pollutants from fertilizer. How is that calculation made? This is an important assertion that is not substantiated.
63		App F		Note the Cultural Impact Study provides more acknowledgement and information about the ponds and streams on the site than the biological assessment or water quality section. In addition to not addressing water quality for the ponds and streams, the EIS does not address the impact to these water bodies as part of the natural ecosystem of the area.
				GROUND WATER QUALITY
64	5.2.7.2	5-38	1-5	<p>Ten percent of applied golf course nitrogen seems low for groundwater infiltration, especially when you have not done testing for the depth of the groundwater (per the Setting section). In general, it seems like the information for the project is insufficient to understand how the relationships between ground water, surface water/runoff and ground permeability interact and result in no impact to water quality.</p> <ol style="list-style-type: none"> 1) The project results in only 30% impermeable surface – which is questionable for the amount of development proposed. Unless otherwise proven, one should assume that much of the existing soils now used for filtration will be covered by development and paving for 1500 dwelling units and a resort complex 2) The groundwater levels are unknown, so it is unclear for the unpaved areas how much permeable earth is present between the surface and the groundwater table to filter polluted water 3) The runoff discussion does not assure that the amount or filtration of flows will all be addressed with the golf course 4) Even 10 percent of the golf course pollutants entering the groundwater would have an affect on the coastal waters and the immediate beach habitat. There is no analysis to support that 90% of the pollutants would be filtered out
65		App J	9	The Marine and Pond Assessment states that “The project may have an impact on groundwater as a result of withdrawal of groundwater from the supply wells for the projects potable uses and landscape irrigation, and percolation of excess landscape irrigation water (particularly from the golf course) to the underlying groundwater.” The assessment goes on to evaluate this potential and determines no impact to groundwater. The EIS does not translate this Assessment well and leaves questions about the potential for groundwater degradation.

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				Filtration of pollutants from this project to groundwater is primarily reliant on the mechanics of golf course development, with structural BMPs for back up. This appears to be somewhat of a risk to the potable water supply. Is this a standardized and reliable method for maintaining water quality in this type of development or is it considered innovative? While the technical reports indicate that ground water impacts should not be significant, no impact is counter-intuitive to a non-technical reader. Is there any other evidence or examples that support the success of the proposed methods for protecting water quality?
66		App E		<p>The Preliminary Water Quality Assessment identifies the permits needed for the project related to water, including:</p> <ul style="list-style-type: none"> - Special Management Area (SMA) permit from the Hawaii County Planning Department for development within a coastal zone; - Stream Channel Alteration Permit from the Hawaii State Water Commission - Section 404 Permit from the United States Army Corp of Engineers (USACOE). <p>Do these permits use the information from this EIS to support their approvals? If so, this EIS does not appear to provide sufficient information for obtaining these permits – with respect to location of water bodies and development plan impacts. If the project proponent intends on obtaining these permits, isn’t more information on the project available or possible to develop for inclusion in these permits applications and therefore in this EIS?</p>
				FLOOD, HURRICANE TSUNAMI, HAZARDS
67	5.2.8	5-39		Flood and Tsunami: For both potential impacts, the EIS sites “elevating structures above base flood elevations.” Does this mean that structures will be elevated from ground level and possibly be built higher than three stories? Or does it mean that they will be positioned out of the areas with the most potential for flooding and tsunami impact.
68		5-40		<p>The discussion of mitigation for hazards such as hurricane has implications for 1) circulation/traffic and 2) public services. Adding this much population in a subdivision with one main road for exit appears does not appear sound in the event of an emergency. The traffic capacity analysis does not assume full occupancy of Sea Mountain but a disaster could occur at a high occupancy time and evacuation could be required with only the Ninole Loop road as an exit.</p> <p>Also, the project should finance and otherwise support public services to accommodate 3600 people (1800 units x 2 people assuming full occupancy of all hotel and housing units) during fire, tsunami or other disaster. Suggested plans are a weak mitigation for a potential population of this size if infrastructure and services are insufficient to accommodate disaster.</p>
				FAUNA
69	5.2.10	5-41	5	<p>Overall, biological studies were scoped to avoid some species potentially affected by the project. Potential impacts to habitat were not fully discussed. The discussion of fauna in the EIS is abbreviated and does not provide any analysis of impacts.</p> <ul style="list-style-type: none"> - Invertebrates were not included in the EIS, although the appendices include an individual report for endangered insects. If the project removes their habitat or not is not clear. The bullets in Mitigation Measures on Page 5-42 make several reference to insect habitat - The project will eliminate the foraging areas and sources of food for the endangered hoary

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				<p>bat.</p> <ul style="list-style-type: none"> - As has been mentioned, the nesting area of the sea turtles is removed from the scope of the EIS, even though the study area for bats includes the beach area where the sea turtle nests. The EIS acknowledges the importance of the turtle in other sections of the EIS and appendix, implies that the project needs to support its protection, but does not acknowledge it's habitat as potentially impacted by the project.
70	5.2.10	5-41	5	<p>In several sections the EIS states that the project does not contain Critical Habitat for any species, including the sea turtle and treats that designation as the only trigger for regulatory concern. All endangered, threatened or rare species are protected under US Fish and Wildlife Service, and many species have recovery plans with goals for recovery. USFWS has a recovery plan for the Green Sea Turtle in the Pacific Islands which includes goals to:</p> <ul style="list-style-type: none"> - Identify and protect primary nesting and foraging areas for the species. - Eliminate adverse effects of development on green turtle nesting and foraging habitats. <p>The EIS avoids the obvious potential impact to the turtle. Project lighting is not discussed as a potential impact to the shoreline nesting habits of the turtle. The potential effects to the turtle from changes in the coastal water quality due to runoff or alteration of the groundwater/ocean water composition are not discussed. There have been numerous studies on the sea turtles at Black Sand beach; the significance of this beach to the biological community is ignored in this document.</p>
71	5.2.10	5-41		<p>Under probable impacts for Fauna, as should be discussed in previous sections, how much of the 430 acres is previously disturbed and if it not “considered good habitat for native land birds”, does that mean that they don’t or can’t exist there? If they do or can then it is conclusionary to think that the project would have little effect on land birds. It is not proven in this EIS that the coastal pond environment will be improved, given degradation to these ponds from the current golf course. The discussion of impacts to fauna plays down the attraction of more visitors to the coastal area. The project is a golf resort adjacent to the beach – increased visitors to the coastal area should be a consideration to impacts to costal land, aviatory and water-oriented animals.</p>
72	5.2.10	5-42		<p>For Flora and Fauna impacts, the EIS again points to the INCRMP as a mitigation to address preservation and restoration of habitat. The INCRMP has no definition; the EIS makes no real commitment to mitigating impacts to wildlife. Even if there was a definition to the INCRMP, there is no commitment to enforcement. The INCRMP as it stands should not be considered viable mitigation in and of itself for project impacts to flora and fauna. Appendix C at least provides more tangible recommendations, such as the project proponent commitment toward funding of coastal preservation.</p>
73	5.2.10	5-42		<p>The short term analysis of impacts to fauna did not discuss the displacement of wildlife while habitats are being grubbed. Since the project description does not assume a time frame for construction, it is likely that construction would go on for many years and that species <u>would</u> be harmed in the short or long term by the presence of more development adjacent to the coastal conservation zone. The document does not adequately address this impact. The INCRMP does not reflect a commitment to the environment once the project is approved.</p>
74	5.2.10	5-42		<p>The third bullet under mitigation measures clearly indicates that you anticipate impacts to the sea turtles; this impact is not analyzed in this document, nor have permissions/consultations with the appropriate agencies (including USFWS) have been conducted. Similarly bullet 10 indicates that you need to “address” compliance with Section 9 and 10 of the Endangered Species Act – if</p>

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				you have to address issues of “take” they should be included as part of project approval, not just prior to construction begins. It is likely that Section 9 or 10 would require extensive additional mitigations to be incorporated in the project.
75		App C		This Biological Assessment and the mitigations refer to Zone A. Is this zone designation similar to subzones identified in state planning law? Or is it a zone established by the biology consultant? Where is Zone A? The Biological Assessment also indicates that zone A should be preserved as coastal area and that the golf course boundaries should be excluded from it. This discussion implies that the golf course extends into the Conservation Zone and that there is no buffer area between project uses and the more naturalized costal area. The appendix acknowledges that this Zone is important for endangered Sea Turtles but the EIS does not.
				ROADWAYS AND TRAFFIC
76	5.2.11.2	5-45		<p>Project generated traffic assumes 70% occupancy by second home buyers with 50% occupancy at any one time- home rented on a seasonal basis. This assumption could be low – what assurance does the public have that it is not? Where does this assumption come from? The project should assume full buildout at 100% occupancy since seasonal could mean everyone is there during the same season. For purposes of measuring traffic and assuring a sufficient roadways system for these 430 acres, it appears that you are undercounting traffic generation. How many residential resort units are in areas 8 and 9 that are unidentified in the EIS. Traffic generation analysis is confusing.</p> <p>In the second paragraph, you make a distinction about affordable housing trip generation. This makes some assumptions about your affordable housing development – that it could be off or on site. Why isn’t this on-site aspect of affordable housing clear in the project description. What other distinctions besides traffic generation are you making about the residents of these types of housing , like with regard to schools, services, etc.</p>
77		5-51		Mitigation measures for unsignalized traffic signals, the project should assume more than 30% occupancy by primary buyers and traffic study should in general consider the additional visitors that will come to the recreation facilities and beach. The developer should fund a new traffic signal and support all needed infrastructure and services if the Kau community will be distrupted in this manner.
				DRAINAGE
78	5.2.12.1	5-52		The statement that the Sea Mountain development will alter drainage in minor ways seems counter-intuitive, as well as the impermeable surface only increasing by 30% for a new subdivision. Is the project going to include drywells, as the Mitigative Measures section only suggests that dry wells are a solution to drainage issues.
79			App	How was 30% impermeable surface for the project determined? How was 10% existing impermeable surface determined? If you include almost 80,000 square feet of development, internal roadways that you don’t identify and housing pads, driveways, etc for 1570 du (since you don’t explain the layout regarding the types of dwelling units for undefined “stacked”, townhouse etc. it must be assumed that a significant amount of square footage would be paved for development and it would have to be more than a three-fold increase in what is existing.

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				WATER SUPPLY
80	5.2.12.2	5-55, 58		The discussion of water demand assumes phasing and occupancy by vague planning areas. Phasing was not discussed in the project description – what is the phasing and when. If the project only is planning to ensure water supply for a phase of the development, who will be providing water at full build out? Table 5-10 is completely unclear and obfuscates estimated water demand. Why is a 25% occupancy rate assumed? Other sections of the document assume a higher partial occupancy rate. In general, the tables are unclear. On page 5-38, Table 5-12 identifies potable water demands – what do the 500 and 305 system numbers stand for? If this is the calculation for potable water, it is unclear as to how it was derived and what the mitigation to “undertake recommended water supply improvements” means. It appears that water will be supplied for a percentage of your land uses, not preparing for full build out.
81	5.2.12.2	5-56	4,5	It has been stated in another section that potable water from existing wells would be used for the golf course. On page 5-56 and 5-60 the document states that wastewater will be used for the golf course. The project use of recycled water is not clear.
82	5.2.12.2	5-56	6	If water from the existing wells is lower quality, why would other wells on the site produce a higher quality of water? The setting indicates that nearby sites were capable of producing higher quality well water but it is a presumption that the project site would correlate with higher quality well sites. Perhaps this question is due to the lack of understanding regarding water sources and well development, but please verify that there is a viable quality water supply for the project.
83	5.2.12.2	5-57	2	Is there a limit to the water source when adding new wells? Isn’t the sources ground water, for which you have provided no ground water table or other detailed information. Table 5-11 provides a water supply summary calculated by demand. Is there 1.720 MDD of water supply? Is there no limit to the water supply? It is difficult to compare measurements identified for the water demand versus the amount of groundwater which flows into the ocean (10-12 mgd along 1 mile of shoreline – the only water supply information provided). The setting only identifies existing wells and reservoirs.
				WASTE WATER DISPOSAL
84		5-56		There is no discussion in the EIS or the tech reports which describe the wastewater treatment facility. Where is it in the context of the development? Does it create odor? Will the upgraded facility entail more land, be visually obtrusive? How will odor, if any, be addressed, if any. How much surrounding existing development and future development besides Sea Mountain would be served by the project’s wastewater treatment facility?
				HOUSING
85	5.2.13.1	5-66		Total construction spending at \$598 million is estimated to be high in Appendix G. It may be as it assumes that the project will result in full build out by 2017, although earlier in the document, it states that you may build lots for sale and much of the housing construction will be market driven. If that underlying assumption is true, as it may be because it is more realistic, your fiscal analysis, construction employment, and other related figures are inflated.

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				POPULATION AND EMPLOYMENT
86	5.2.13.2	5-66	6	<p>Jobs: Appendix G. What is the factor used to calculate jobs, such as full time equivalent job per square footage of commercial, or one hotel job per four hotel rooms, etc.? How did you calculate indirect jobs? Appendix G mentions some type of model used for economic benefits – but does not explain what it is or how the indirect and secondary economic benefits are calculated.</p> <p>Although you are not required to explain the type of jobs you are providing, the quality of jobs is of note because employment is considered in the document as one of the benefits that outweighs potential environmental impacts. It is likely that your commercial and resort uses will provide minimum wage and possibly part time jobs: maids, golf caddies, hotel clerks, store clerks, waiters, etc. While there may be some landscaping, hotel administration jobs which provide some depth or increased salaries, the majority of the 517 jobs will likely be low-paying, dead end, and possibly part time jobs.</p> <p>Given the fact that the project is seeking housing for the construction phase of the project, the implication is that construction workers are not anticipated to be local. In order to assert that the project provides local jobs, it should be clear that construction work in particular may require union membership, a particular skill base or other qualifications that could exclude the population the project purports to provide employment for.</p>
87	5.2.13.3	5-67	3,4	<p>Perhaps the discussion on negative perceptions on tourism should be explained. What are the perceptions and does this project embody them? If this is an issue to be discussed in an EIS, you should provide the full story.</p> <p>Because the native character of Kau and Punalu'u will be altered by a commercialized resort development, the negative perceptions of tourism could be applied to this project. Resort development around sacred sites, tourist-oriented retail, and other sanitized aspects of new development marginalize the inherent physical and cultural aspects of the area.</p>
				PUBLIC AND SOCIAL SERVICE FACILITIES
88	5.2.14.2	5-68	7	<p>The section on police includes concerns about traffic and flooding on the highway. This is another indicator of potential impacts (in this case re:flooding) which are not analyzed in the document. The development makua of the highway is potentially more dense, creating more runoff which would affect highway flooding.</p>
89	5.2.14.2	5-68	9	<p>It is hoped that for fair share contributions to services – schools as well as fire and police- the development would make tangible commitments before project approval. As with most mitigations in this document, no commitment is made and there appears to be no enforcement mechanism.</p>
90	5.2.14.3		1	<p>The emergency services – and/or the police and fire analysis should take into consideration capacity for serving emergency situations such as tsunami, particularly since over 1000 units would be built in a potential tsunami area and the hotel and possibly other units would be built in the tsunami evacuation zone per the General Plan. Similarly, the roadway facilities for an evacuation scenario do not appear sufficient in the event of disaster during a full occupancy period.</p>

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				RECREATIONAL RESOURCES
91	5.2.14.4	5-69		The amount of shoreline is not identified in any of the analyses. What is the delineation of the recreational area and the coastal zone area in the context of the proposed project. How close does project development come to the beach area and are there designated buffer space between development and the natural coastal area.
92	5.2.14.4	5-69, 70		The recreational resources discussion does not include public access to the beach. The project appears to restrict existing public access. The addition of development along the Ninole Loop road will restrict access and, gating or periodic closure of roads accessing the beach have been mentioned as possible outcomes of Sea Mountain Development. In fact, given the additional visitors to the beach generated by the resort, an additional public access roadway should be provided to ensure accessibility.
				COASTAL WATERS
93	5.2.15	5-72	3,4,	The meaning of paragraphs 3, 4 and 5 under Coastal Waters, Probable Impacts, is unclear. What is the actual status of groundwater / ocean water mixing? Paragraph 3 states that within the ponds there was an active uptake of NO ₃ – what is the implication of that and didn't this NO ₃ come from the golf course?
94	5.2.15	5-72	5	<p>To a non-chemist or non-biologist reader, the potential impacts of the golf course to groundwater and coastal ponds are unclear. How was the 10% increase in Nitrogen and 6-15% increase in P to groundwater determined? How do you know they are maximum increases?</p> <p>It would appear, given the degraded coastal ponds, that the base levels are unacceptably high given the existing golf course, so an increase that is relatively low is still a considerable impact. This analysis implies that the development and maintenance practices for the new golf course (as illustrated in your integrated golf course management plan) will not reduce, let alone improve, the existing impacts to coastal ponds. The coastal ponds are degraded and overgrown with algae due to the golf course runoff, fertilizer etc. and the text seems to imply that the additional impacts will remain unmitigated with the new project.</p> <p>“Nearshore marine environment as typical high energy is sufficient to remix input from the land to background levels within a narrow zone close to the shoreline” – what does this mean. It does not appear to be certain that marine waters or underground water near the ocean will not be affected by the leaching of golf course chemicals.</p>
95	5.2.15	5-72	6	Your analysis of turtle growth rate is unclear to a non-biologist. Are you saying that the population is increasing but the growth rate (size) of individual turtles is slowed? Otherwise, what does it mean to have a slowed rate slow but the numbers increase? Lack of nutrients as a cause of slowed growth is speculative. Although long term studies of the turtles may indicate that the population has increased there are also studies that the population has suffered from disease which could be attributed to polluted water. The statement that increased algal growth may benefit turtles sounds weak, particularly as the compounds that stimulate algae would also contain other chemicals which would likely be harmful. The statement also implies that there could be increased algae due to golf course fertilizer entering the shoreline waters.
96	5.2.19	5-76	5	Under probable impacts to conservation lands, the Appendix report with biological studies

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				indicates that some of the golf course development would be within conservation lands. Is this the “outdoor recreational facility” that is mentioned here? Can golf course development be included in a State Land Use District Conservation Area? Also, there seems like there should be some type of space buffer between development and the conservation district. The hotel could be built right at the land designated for conservation and landscaping or other unnatural open space could spill into the areas reserved for more natural and passive open areas. Development at the conservation zone would defeat the intent of the land use designation if not violate it.
97		App L		Erosion is an issue which is not explored in this document but is mentioned as an issue in Appendix L. Could the project, either through inducing more beach use or through additional runoff, create additional erosion of the beach?
				SUMMARY OF PROBABLE IMPACTS
98	5.3.1	5-77	1	<p>This assertions made in the first paragraph of the Interrelationships and Cumulative Impacts section does not make sense. It states that the project will have long term cumulative impacts (like traffic and water demand) by the time the project reaches full development but that the cluster pattern will reduce some impacts and the project will be accompanied by mitigations to address them.</p> <ul style="list-style-type: none"> - If the project includes infrastructure, then obtaining water to meet the project’s demand is not an impact. - The ill-defined cluster development concept has not demonstrated that it mitigates any potential impacts - Many of the mitigative measures are not definitive enough or are non-committal and therefore there is no reason to assume they will address impacts. - The interrelationships within the project elements themselves appear unclear. The project may be developed in stages, and may, due to lack of market forces, result in lot development without housing or community development, or result in insufficient amount of development to trigger the infrastructure, fiscal benefits and services supports promised. Given the tenuous nature of many aspects of this project, there is no evidence that the net cumulative effect will definitively be positive.
99	5.2.19	5-76	5	It is important to the analysis to have a depiction of the project in the context of the Conservation Lands, as well as Coastal Zone areas. It is unclear by the statements made if this project will encroach into the Conservation District. Are the proposed improvements mentioned activities which trigger a Conservation District Use permit? The text states that Sea Mountain Five, LLC does not foresee future construction within Conservation District lands. Is there any aspect of your currently proposed project that would cause you to anticipate development in the District or parts of the project that are contingent upon building into the Conservation District after project approval – such as the golf course?
100	5.3	5-77		Summary of Probable Impacts: The conclusions of this section are not substantiated in this EIS. The project mitigations are not defined and non-committal in the EIS, therefore they may not be implemented to actually mitigate impacts. This section reveals that there are many issues that are not resolved sufficiently to have a viable project for approval (like if there is sufficient water supply). The document in general reads as though the long term vs. short term, benefit vs impact analyses equate to benefits being exaggerated platitudes (such as in Short Term vs Long Term discussion on page 5-80, in paragraph 6) and somewhat unsubstantiated while impacts are minimized or dismissed with vague mitigation.

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101	5.3.1.1	5-77	2	Projects in the Region: The projects identified in this section do not support the notion of a growth trend in the area as indicated in the text. Although some take up considerable amounts of land, they are primarily agricultural subdivisions or infill for the existing HOVE subdivision. These projects do not increase urbanization in Kau at the scale of Sea Mountain and it is arguable that they “synergistically maintain current growth” or “develop a critical mass of people and economic activity”.
102	5.3.2	5-78	3,4	Potential Secondary Effects: This subsection, as well as the others in the Summary of Probable Impacts, provides only cursory assertions. An evaluation of secondary effects would examine the broader range of impacts from, for instance, adding potentially 3000 people (two per household) in this area or increased use of the beach and habitat areas. There are range of secondary effects that could occur from this project, some adverse and some beneficial, which are not evaluated.
103	5.3.6	5-82	2,3	Significance Criteria: The document does not provide sufficient analysis to substantiate the assertions under each of the significance criteria. This criteria is supposed to be applied to the potential impacts – not responded to with opinion such as “we feel the project does not involve an overall substantial degradation of the environment (page 5-84, #7).
104	5.3.6	5-85	1	<p>Significance Criteria: The 13 significance criteria is not applied straightforwardly to the project. An example of justification and weak conclusions regarding the criteria can be seen under criterion #9. However, there are many other assertions made in the significance discussion which could be questioned.</p> <p>Criterion # 9 asks to evaluate if the project substantially affects a rare, threatened or endangered species, or its habitat. In the response, Critical Habitat is used as a criterion, which appears to be saying that if you are not constructing in Critical Habitat, no officially designated habitat is being affected and there is not an impact. That assertion or implication is made throughout the EIS endangered species discussions. Critical Habitat is a designation by the USFWS to identify key habitats for a species but it does not mean that other habitat locations for that species are not also protected under the Endangered Species Act. The definition of “affect” to a species or habitat - for instance the sea turtle – does not mean just construction in the habitat but also mean the potential runoff that could affect water quality, adjacent lighting that affects nesting habits, increased patronage to the beach, etc.</p> <p>The project will remove the small animals that the endangered bats forage. Large trees are only being kept when possible, so the project is not ensuring that the bat habitat will remain with new development.</p>
	6.0			RELATIONSHIP TO EXISTING PLANS AND POLICIES
105	6.2	6-1		<p>US Government Plans and Controls: Is this project only subject to two federal regulations?</p> <ul style="list-style-type: none"> - What about US Army Corps of Engineers controls. A Section 404 permit approval is mentioned in Section 1.10 under Required Approvals and Permits. Does the project affect any “navigable waters of the US” (or its tributaries) that require a Section 404 permit, as was intimated earlier in the document? What does that process entail? Does it not require more specific assessment of what impacts will be imposed on creeks, culverts and other water bodies or conveyances?

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				<ul style="list-style-type: none"> - Aren't all the federal regulations linked in the sense that a Army Corps permit would require coordination with USFWS for endangered species or vice versa? Do these permits also have a component that requires a more specific identification of potential cultural resource impacts under federal regulations? - Do any of the federal controls pre-empt County or State project approvals? In other words, could lack of compliance with federal regulations stop or require significant alteration of the project as proposed?
106	6.2.1	6-1 6-2	1 to 6 1 to 3	<p>Endangered Species Act (ESA): This discussion does not express how the Act is applied to this project; it only reiterates the endangered species discussion from other sections.</p> <p>As mentioned above, the Critical Habitat designation is not the only criterion that triggers ESA. This discussion should include what thresholds trigger ESA and what are the permit requirements - which are mentioned in the beginning of the document and implied in this section. Are there Section 9 or 10 permits required for "take" of the identified species? When does consultation with USFWS occur in the project approval and/or development process? Under ESA, aren't mitigations required for potential impacts to the species and a detailed potential impact assessment required before removal of plants or animal habitats?</p>
107	6.3	6-3	3	<p>Are there other state statutes that the project must comply with, such as the Hawaii Endangered Species Act? What state law does the Stream Channel Alteration Permit requirements fall under? If the stream channel alteration permit includes requirements for the natural areas surrounding streams, or for stream quality, diversion, etc., this EIS does not analyze those type of impacts.</p>
108	6.3.1	6-3	3,4	<p>State Land Use Law, Ch. 205: This section should explain what Urban and Conservation designations mean. Particularly given that this document is not forthcoming with information, how does the reader know that the Urban designation" in general" provides for the project uses. Are there any requirements or restrictions attached to this designation? Similarly, what are the restrictions or requirements placed on land uses in a Conservation Land Use District? Are there required buffers surrounding them? Are there maintenance requirements? Does it mean that there can be no land uses, as implied in the last sentence of this section? What is the definition of a Conservation District and what would trigger requiring an amendment?</p> <p>In the second paragraph, what Master Plan are you referring to (existing or proposed?) and what is the implication amending?</p>
109	6.3.2	6-3	5	<p>Hawaii State Plan: This section contains numerous assertions about meeting State Plan Goals that, based on the inadequacies of the document, are not necessarily accurate or justified. Because the project description is not defined, much of the impact assessments are weak or missing analyses, and the mitigations are non-committal, the claims to meet these goals appear to be unsubstantiated and in some cases, untrue. For instance, under Socio-Cultural Advancement discussion, Page 6-8, it states: "the site plan preserves the significant features identified in the studies". This cannot be true because there is no one-to-one correlation between the generalized site plan and the location of significant features.</p> <p>Given the generalized description of the project and the skewed evaluations of project impacts and benefits, Table 6-1 is meaningless.</p>

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110	6.3.4	6-30	5	Coastal Zone Management: It is arguable that the Sea Mountain project as proposed, given its lack of definition and vague mitigations, can be seen to meet the regulatory requirements of the Coastal Zone Management Program. The project resulting in true protection of natural and cultural resources is not evident from this EIS.
111	6.4.2	6-38	7	Zoning Districts: What do the zoning designations mean? What density per acre or other land use measurement do they represent? This section assumes that the project is in compliance with zoning below the highway belt.
112	6.4.3	6-39	2	Special Management Area Guidelines: Doesn't the SMA include various subzones: Protective, Limited, Resource, General, and Special? What are the subzones in the project area and/or what are the implications of the subzone categories when applied to the proposed project? It would appear that the SMA Use Permit would be granted based on criteria in addition to the policies identified in this section. Do SMA guidelines contain restrictions on use types, intensities, or other parameters?
113	6.4.3	6-40	2	Discussion on EIS supporting CZM analysis: This EIS does not appear to adequately analyzed the effects of the project; the assertion should be justified by thorough analysis and solid mitigation proposals rather than the developer's belief that the positive benefits of the project outweigh the adverse effects.
114	6.4.3	6-40	3	Discussion of impacts CZM seeks to minimize: <i>"3) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management area and the mean high tide line where there is no beach;</i> <i>5) Any development which would adversely affect water quality,... wildlife habitats,..."</i> The project description and site plan are not detailed enough to ensure to a reader that the development would not impose restrictions to public access. Recognizing that limited vehicular access may be a management tool to protect important resources, without more information about roadway or resource management plans, access is not ensured by this project. Neither access to nor protection of streams and coastal ponds are discussed. Mitigations for protecting water quality and wildlife habitats are not certain.
115	8.0	8-1	1	Summary of Unresolved Issues: In addition to the issues mentioned, there are other impact areas which require consultation with other agencies (such as water supply), - these issues are not resolved. There are mitigations for impacts (such as for flora/fauna), that are undisclosed plans. Whether or not the actions proposed in the plans reduce the impact to less than significant is unknown without knowledge of the mitigation. Because the mitigation is inconclusive, resolution to the impact is unresolved.
116	8.6	8-2	2	Beach Crowding – Unresolved Issue: Appendix L provides a thoughtful consideration of the potential impacts to Black Sand Beach. The local community, and groups such as Kau Preservation, should be consulted regarding mitigation development for impacts to the beach. Kau Preservation undertook a detailed monitoring effort to document the impacts of visitors to the beach area and sea turtles.