November 18, 2006

Mr. George I. Atta, AKP
Group 70 International Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Re: Draft Environmental Impact Statement (DEIS) Response Affidavit

Project: Sea Mountain Five at Punalu'u

TMK#: 9-5-19:11,15,26,30,31,34,35
9-6-01:01,02,05,06,11,12,13
9-6-02:08,37,38,41,45 Portion
Punalu'u, Ka'u District, Island of Hawaii

Dear Mr. Atta, project principals and consultants,

Many of the subjects covered in this Draft EIS on Punalu'u and proposed development for Sea Mountain Five are far from adequate and need to be dealt with more seriously to qualify as a proper document.

Without a breakdown of parcel by parcel description for each individual Tax Map Key included in this DEIS identifying their current then future zone use, their present usages and related conditions, then by spelling out the specific, proposed alteration involved, it becomes very difficult to assess the impact of a project on this scale and magnitude. One example specifically would be the mature tree and the tree stand removal being spelled out and what replacements are being planned. This along with grading and feature changes with any impacts to archaeological and gravesite locations or effects upon adjoining property owners.

The sweeping comprehensive method approach to this DEIS has rendered assessments and evaluations somewhat unclear and muddled, when trying to pinpoint specifics, thus leaving an inadequate incompleteness. Further, to be found throughout the DEIS are numerous troubling assertions that are left to remain vague or in a general way, non-specific in nature, without supporting documentation or foundation of establishing credibility, thus fail to qualify for use as a conclusion for addressing conditions or circumstances that may be critical. These pseudo-types of environmental impact assessment addressing will not do. There is need for much more study, research and variable answers that will need to be forthcoming beyond assumption, assertion and expressed opinions which are so often being used in lieu of hard facts throughout this submitted DEIS document.

Further candid digging will have to be done to satisfy the spirit and intent required for the general provisions of Sub-Chapter 7 in the Environmental Impact Statement Rules; Chapter 200 of Hawaii Administrative Rules. Those official requirements must be followed and fulfilled without sloughing or marginalizing or glossing lightly over. Such practices in the hopes of fulfilling a preplanned agenda becomes a forfeit that does not jive in the real world of real facts and conditions concerning all of the problematic site specific given circumstance that will need to be faced.

To this end, for a more comprehensive complete EIS evaluation, this response and questions are being raised and offered to the DEIS submission document. This is because many questions need to be asked in substance or omission that were neglected or inadequately bypassed. It is our hope through their answers to contribute to what has been framed and stated by addressing and satisfying some of the shortfalls within the various categories covered and compiled for this Sea Mountain Five project Draft Environmental Impact Statement submission.

The growing list of questions raised thus far and concerning infrastructure are:

1. In order to execute the planning of this project comprehensibly, how many numbers of stages are being intended in this proposal, and will it be required to consolidate all the parcels identified and re-subdivided?

2. Do subsequent subdividing processes trigger any zoning or infrastructure requirements that will impact the project now being reviewed in any way?

3. What is to be retained by the corporate entity assuming ownership and what is planned to be sold either before or after build-out?

4. What are the responsibilities that the developers and/or corporate owners intending to retain or try to delegate before the year 2015 and then thereafter?

5. During the short-term (the 10-15-year development period) and then into the distant long-term future (say for the rest of the century), how are restrictive conditions and necessary compliances to be administered, enforced or adjudicated?

6. What is going to be monitored and why?

7. How are problems unforeseen or those of a direct cause and effect nature as a consequence of this project to be handled and managed if there are

negative impacts to the environment or sensitive ecosystems? What contingency plan will be in place for natural or manmade disasters when they occur?

8. How will negative impact on the environment be handled that required costly design and facility changes to this project?

9. Will there be sufficient bonding obtained to cover pollution, contamination and all damages to environment and existing habitat?

10. Will there be liability insurance coverage to adequately cover and protect, which would include the County and State elements that are interactively involved in this project?

11. Are the taxpayers going to be faced with a greater risk liability as a consequence of this project?

12. How will the long-term maintenance management plan of this project effectively be structured?

13. Are there plans proposing a township with or without incorporation having autonomy to managing and overseeing all of the complex elements being generated, or is the County expected to develop the hands-on capabilities to run this resort?

14. Technically and practically, how does one guarantee or achieve infiltration basins that will sustainably operate, while providing more than one-half (1/2) inch per hour and less that two and a half (2-1/2) inch per hour absorption rate capacities based upon the assumption that groundwater depths are greater than ten feet, without the benefit of a completely thorough hydrological report assay identifying areas of shallow water table and locating the presence of subterraneous streams and flows that are either constant, intermittent seasonal, or storm generated? It should be noted that reference to textbook calculation such as using the California Storm Water Quality Association Handbook may hold little relevancy to this proposed project location, a place where major aquifer are discharging subsurface into the tidewaters and coastal breeding habitats of the inlets. A project of this scale, at this location, with the presence of near-surface waters certainly requires extensive hydrology analysis to determine feasibilities of planning and requirement for construction.

15. Do you have a full, complete hydrology report and analysis? Does it relate to Exhibits 1 through 4 attached to the end of Appendix 1?

16. The assumption that was asserted needs to be challenged, that "existing ground water within the project site is assumed to be of good quality because of the test taken by Dr. Steve Dollar in December 2005," at selected higher level wells and a spring near project vicinity. The truer indicator for the

shallow water table found on the project site near the ocean and under golf course, etc would be that of those natural water wells found closer to the ocean, used by Hawaiian inhabitants for generations for their drinking, cooking and bathing. These have become fouled in past recent years, since the golf course was established and/or leaking sewage from the condo units and condemned restaurant have seeped into this pristine and precious water source. The smell and taste is so bad that they are no longer used as before.

17. While the Transportation Research Board procedures and their Highway Capacity Manual 2000 methods for calculations are well and good; here again the traffic impact analysis report uses self-serving, favorable assumptions regarding carrying capacity. There is a high likelihood that assumptions being made will not truly reflect actual impacts. First, the calculations for the occupancy numbers being used may be way light, as well as golf course activity attendance and other facility draws of celebrity entertainers for matches, etc. The number of cars and busses could well be greater. Future population growth on the islands and as a worldwide demographic factor should be taken into this consideration, as well as the projected accelerated rise beyond 2015 into mid-century.

18. Realistically considered, this project will be very growth inducing for the Ka'u district; at a minimum, doubling of population in the next ten years would result. The stimulating catalyst effect could easily cause a tripling of population to occur with infrastructures limiting capacity the only restraint against world marketing, high profile media advertisement and frenzied real estate speculation investment marketeering, Ka'u could become a speculative developer's dream: another Orange County.

19. But we are a little backward here living in an agrarian country context, socially and economically, as a matter of preferred choice in most cases. Where Mamalahoa Highway is the only road through the district that leads to either Kona or Hilo. With so many concerning factors, Mamalahoa's carrying capacity analysis needs to be highly scrutinized. Due to this proposed project, a radical increase of heavy load equipment transportation would be seen with concrete trucks in tandem deliveries passing back by each other on the return, much material supply trucking and related construction activities that will continue incessantly for over a ten year period to service this one project alone is a very major unwanted impact. If this was properly addressed and factored in, Bridge #9, over Ninole Gulch, for safety reasons should have been mentioned. It is a major omission because engineering safety is the qualifying <u>determining</u> factor that would govern carrying capacity criteria in this given situation.

20. Woven in with this should be the traffic analysis that includes the factor of evacuation plans that consider the result situations being proposed for this area. This would be an evacuation carrying capacity that included either Na'alehu and/or Pahala in the route designated to the east or to the west.

21. Bridge #9 over Ninole Gulch was built of wood with timber trusses supporting girder joisting covered with planking that has now been paved on top. It has concrete and stonework foundation stem walls, and concrete and stonework retaining walls at each end for the embankments. This is a well utilized, seen a lot, vintage 1938 bridge of the Federal work project era that survived the 2000 floods that wiped out other bridges in this area of Ka'u. It has some scaffolding for bracing damage that might appear minor and has old patching repairs that looks like shoring, but this bridge definitely needs more remedial work to be done. Some planks do rattle when cars whiz by overhead. There is evidence and signs that large boulders have come catapulting downstream during heavy torrents, causing impact on the structure. Subsequent modifications for golf carts cross under the highway may have been done to fortify the foundations with more concrete, but also covered the weep holes of the original retaining walls and restricted water flow. Definitely, an engineer familiar with these types of bridges and know their serviceability should inspect this bridge over Ninole Gulch with an eye to what additional protection could be given to prevent the destruction that wiped out the other bridges in the 2000 floods. A reduced copy of the original bridge plan and photographs are attached, that should give some idea of its design limit carrying capacity. The guard rails were not shown, but are wood and also low. Because of the height above the gorge bottom, to walk along the highway and over this narrow bridge without shoulders would be quite dangerous and scary in 55 MPH traffic. Crossing the bridge on a bicycle could be hazardous, placing riders in jeopardy. A bridge for pedestrians and bicycles would have to be provided if an increase in population occurs.

22. With all of the presumptive and assumptive assertions fielded throughout the DEIS, that range from self-serving evasions to benign inadequacies which ends up creating a document that is "a violin with a one string bow," trying to play, "*Oh, my God to be!"* These are the flaws preventing the DEIS from effectively getting to the meat of the matters requiring real addressing and assessment. This could have been a good and educational compilation if it had addressed fully all aspects that need to be required of this DEIS. Why engage in such dodges and invasions that only cheapen the work and invalidate, if there are things to be hidden or cannot be properly addressed? Well then, sorry to say that evasive cover does not work as a remedy, as it surely will be challenged. You must clearly show that this proposed project, with all of its ramifications and impacts is appropriately transforming Punalu'u within acceptable cultural, historical, social and environmental manners and ways!

23. Have Kupuna Counsels received review of this concept and asked to approve this proposed project?

24. Have all the Royal Patents Land and Allodial Title Lands been addressed properly by notifying all Final Heirs regarding leasing terms, condition and options within the Ahupua'a that this proposed project are planned for?

25. Have you informed the resident population of Ka'u what impacts they are expected to face?

26. An evaluation of evacuation plan scenarios for this area's various probable natural disasters or caused calamities should be included. These need to address either or both Na'alehu and Pahala, for each type of disaster evacuation route direction plan with the calculated ways for carrying capacity for each plan within the timeframes that would be required.

27. House lot and subdivided parcels, their individual sizes with street access circulation is obscure and not decipherable as graphically rendered, by being camouflaged under tree indications everywhere. This proposal needs to be clearly depicted in order to be comprehended and assessed. All specific elements and not just a concept are required to be shown and explained fully.

28. What surface areas have been covered with houses, residential buildings, and other structures? What is the total amount lost under roof to the site's permeability surface area and then additionally by other surface coverings, such as roadways, sidewalks, driveways, parking areas, and golf cart pathways, etc?

29. What permeability capable areas will yet remain for rain run-off absorption and how are these areas calculated to handle all the amount of roof collected run-off and all the other covered surfaces that are planned?

30. Will the distribution of sewage wastewater that has been treated have its own areas for absorption capacity? If so, which areas, their size and calculated capacity? If not, how is treated wastewater and rainwater from run-offs to be co-mingled and calculated for absorption capacity and what controls will be required?

31. Using the Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency (FEMA) that was revised in 1988 as documentation for the justified rationale for the planning of this proposed project is more than suspect, as it is blatantly inaccurate for the Punalu'u area, and these maps have been found to not to be accurate by the County of Hawaii. (See disclaimer within the County General Plan).

Respectfully,

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Ka'u Preservation Infrastructure Committee