BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of)	Docket No. DR08-36		
)			
KO OLINA DEVELOPMENT, LLC)	KO OLINA DEVELOPMENT,	LLC	
)			
To Amend The Agricultural Land Use)			
District Boundary into the Urban Land)		20	22
Use District for approximately 642 acres)		N	
At Honouliuli, Ewa, Oahu, Tax Map)		5	n m m
Keys: 9-1-14: Portion of Parcel 2; 9-1-15:)			-9 <u>-</u> 2
3, 6, 7, 10, Portion of Parcel 4; 9-2-03: 3,)		Ъ	ŢŢ
7, Portion of 2)			WAN SS
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KO OLINA DEVELOPMENT, LLC'S BOAT LAUNCH RAMP THIRTEENTH STATUS REPORT

EXHIBITS "1" - "3"

<u>AND</u>

CERTIFICATE OF SERVICE

OF COUNSEL: MATSUBARA – KOTAKE A Law Corporation

BENJAMIN M. MATSUBARA, #993-0 CURTIS T. TABATA, #5607-0 WYETH M. MATSUBARA, #6935-0 888 Mililani Street, Eighth Floor Honolulu, Hawai`i 96813 Telephone: 526-9566

Attorneys for Petitioner KO OLINA DEVELOPMENT, LLC

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7, Portion of 2)

Docket No. DR08-36

KO OLINA DEVELOPMENT, LLC

KO OLINA DEVELOPMENT, LLC'S BOAT LAUNCH RAMP TWELFTH STATUS REPORT

KO OLINA DEVELOPMENT, LLC ("Petitioner") submits this boat launch ramp Status Report to the State Land Use Commission ("Commission") pursuant to the Commission's request at its August 28, 2009 status report hearing in the abovereferenced docket.

I. INTRODUCTION

On August 28, 2009, the Commission held its meeting at Leiopapa A Kamehameha, Conference Room 405, 235 South Beretania Street, Honolulu, Hawai`i, for a continued status report on Docket No. DR08-36 Ko Olina Development Company pursuant to Condition 4 of the Findings of Fact, Conclusions of Law, and Decision and Order filed November 19, 2008, ("Declaratory D&O") in the matter of the petition for a Declaratory Order in the above-referenced docket.

At the conclusion of the August 28, 2009 status report presentation the Commission orally requested that Petitioner submit a quarterly written status report on Petitioners progress on relocating the boat launch ramp in the marina. Petitioner's First Status Report was filed with the Commission on December 4, 2009. Petitioner's Second Status Report was filed on March 15, 2010. Petitioner's Third Status Report was filed on June 14, 2010. Petitioner's Fourth Status Report was filed on September 13, 2010. Petitioner's Fifth Status report was filed on December 28, 2010. Petitioner's Sixth Status report was filed on March 10, 2011. Petitioner's Seventh Status report was filed on June 3, 2011. Petitioner's Eighth Status report was filed on August 31, 2011. Petitioner's Ninth quarterly status report was filed on December 6, 2011. Petitioner's tenth quarterly status report was filed on March 9, 2012. Petitioner's Eleventh quarterly status report was filed on June 13, 2012. Petitioner's Twelfth quarterly status report was filed on September 9, 2012. Petitioner hereby provides its Thirteenth quarterly status report to the Commission.

II. <u>STATUS</u>

While Petitioner is currently in compliance with the obligations within their control regarding the Boat Ramp project schedule submitted to the Commission on July 13, 2009, delays in the permitting process will push back the final completion date of the

boat launch ramp. (See Exhibit "1" - Comparison Project Schedule attached hereto). As stated in Petitioner's October 19, 2012 letter in regards to community concerns, Petitioner is firmly committed to constructing and completing the boat launch ramp in the marina as soon as possible. Furthermore, any assumption that Petitioner is not working diligently, or has not kept in contact with the permitting authorities is incorrect. On October 11, 2012, Petitioner received a letter from a member of the boating public regarding concerns over Petitioner's boat launch ramp project. Petitioner provided a detailed response letter to address the questions and issues raised in the letter to the member of the boating public and to the Commission. A copy of the October 11, 2012 letter and the October 19, 2012 letter are attached hereto as Exhibit "2".

Petitioner has filed all permit applications, which were able to be filed, on or ahead of schedule. Petitioner has also continued to monitor and follow up on the progress with the permitting authorities as much as possible in an effort to finalize the permitting process. Petitioner has already expended a significant amount of time and capital in this process in the hope that the progression of the boat launch ramp project moves forward as quickly as possible. It is clearly understood that the permitting process is unpredictable and Petitioner had provided the best time estimates for obtaining the required permits. While Petitioner has control over when we submit the required permit applications it is clearly outside of our control as to the time it takes for the permitting authority to review, process and grant permits.

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Generally, Petitioner's consultants have finalized the boat launch ramp design based upon the soil borings, soil investigations, topographic survey and bathymetric survey on the ramp area, boat launch area, parking lot and drainage area.

The preliminary master plan continues to be revised and refined to address the results of the soil investigations, various surveys, specific site characteristics, as well as to accommodate where feasible public and boater comments.

As noted in Petitioner's Sixth quarterly report, consultants finalized and submitted the Conditional Use Permit ("CUP") application for the Boat Ramp project to the City Department of Planning and Permitting ("DPP") in February ahead of schedule. On May 16, 2011, DPP approved the CUP for the boat ramp project.

Petitioners timely submitted the Department of Army Permit ("DOAP"), a requirement for the Boat Ramp project, to the Army Corps. On May 31, 2012, the State of Hawai'i, Department of Health issued a Section 401 Water Quality Certification for the Boat Launch Ramp and Trailer Parking at Ko Olina Resort and Marina. The Army Corps is still conducting its review of the DOAP. Despite numerous follow up contact by Petitioner's consultant the completion of the DOAP has exceeded our timeframe estimate for review and approval of the permit for the Boat Ramp project. However, in an effort to expedite matters, Petitioner, as stated in our Twelfth status report, submitted its building permit applications for construction of the Boat Launch Ramp ahead of time to DPP¹ on November 7, 2012. Although DPP will not issue its final approval of the building permits until the DOAP permit is issued, Petitioner feels that submittals for the building permits to DPP at this time will help optimize the project schedule going forward.

On November 30, 2012, the Army Corps sent out a, "NATIONAWIDE PERMITS AGENCY COORDINATION NOTICE And REQEST FOR EXPEDITIED REVIEW" ("Notice") with a response deadline by December 7, 2012 to over 14 Federal, State and City departments regarding Petitioner's boat launch ramp project. (See Exhibit "3"). As of December 14, 2012, only the National Oceanic and Atmospheric Administration ("NOAA") and the Historic Preservation Division, Department of Land and Natural Resources ("SHPD") responded to the Army Corps Notice with comments and follow up. Petitioner will continue to follow-up with the Army Corps regarding the comments and recommendations from NOAA and SHPD.

Petitioner will continue to work diligently with the Army Corps and DPP regarding the Boat Ramp project.

¹ Normal process would be to wait until all comments are provided by the permitting authority before building permit applications are submitted to DPP. Petitioner in good faith is assuming the risk of having to make further adjustments to the building permit application if required by the Army Corp at a later date. However, after consultations with the DPP, Petitioner feels it to be prudent to submit the building permit at this time.

III. <u>CONCLUSION</u>

While our response letter and current status report provides a considerable amount of information regarding the status of the boat launch ramp project, Petitioner also intends to file a supplemental report to address any issues and concerns and to provide further information on the status of the boat launch ramp project in January. While we believe that our prior reports have provided sufficient information on the status of the development of the boat ramp, if you still deem one necessary, we will be prepared to attend any hearing for the Commission to address this matter.

Dated: Honolulu, Hawai'i December 14, 2012

OF COUNSEL: MATSUBARA – KOTAKE A Law Corporation

BENJAMÍN M. MATSUBARA CURTIS T. TABATA WYETH M. MATSUBARA Attorneys for Petitioner KO OLINA DEVELOPMENT, LLC

"Original Proposed Project Schedule"

07/10/2009 Boat Ramp Proposed Project Schedule Time (Mos.) 7 2 3 4 37 38 39 40 41 . 33 Task Description 15 18 17 28 27 34 10 .. 10 10 28 30 5.0 49 20 92 23 74 25 1 Design 2 Topo, Soils 2.5 3 Design/Roview 10.0 4 Permitting 5 DOAP Prep 2.0 12.0 Process 6 7 WQC Prep 2.0 12.0 8_____8 Procesa 9 CZM Prep 2.0 Process 6.0 10 ____ 11 CUP Prep 2.0 12 Process 2.5 13 Building Permit 6.0 14 Construction 3.0 15 Bid/Negotiate 16 Construction 9.0 17 Operations Commance

Boat Ramp

"Actual Timeline to Present"

Actual Timeline of Project Schedule

Task Description	Status	Time (Mos.)	2009 Sep	Oct 2	Nov	Dec	2010 Jan	Feb	Mar 7	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2011 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2012 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
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Note. Permitting in two stages

1 In water

2 Driveway/Parking (NPDES)



42	4
	41
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Updated 12/12/12

EXHIBIT "1"

WYETH M. MATSUBARA, ESQ. 888 MILILANI STREET, 8TH FLOOR HONOLULU, HAWAII 96813

ATTORNEY FOR KO OLINA DEVELOPMENT, LLC



WARREN VON ARNSWALDT 92-755 PALAILAI STREET KAPOLEI, HAWAII 96707 Phone: 554-4833 OCTOBER 11, 2012

Mr Matsubara,

I am writing to you with displeasure in the matter of how the completion of the Ko Olina Boat Ramp is being conducted. I have read all of your Quarterly reports, as required under Docket No. DR08-36, and find them repetitious in many instances. You refer to everything being on schedule, however I find deficiencies in your reports, and possibly some non-interest in some of the pending permits needed.

First of all, according to the schedule submitted by you, dated July 10, 2009, the Water Quality Certificate was supposed to be <u>prepared</u> and <u>completed</u> by <u>July of 2011</u>, however the certificate was not issued until <u>May 31, 2012</u>. What happened in the interim, what problems arose, and why was it not mentioned in your quarterly reports? -

Secondly, and the worst of all, is the DOAP permit. You submitted the application September 24, 2010, and no concern has been shown by you for two years, as to what the delay might be. Have you ever inquired with Corps Of Engineers as to what the delay is? After reading your September 2012 Quarterly Report, <u>I did.</u>

<u>On September 19, 2012,</u> I contacted Corps of Engineers and found that the permit (POH-2010-00202) was being handled by Farley Watanabe, I contacted him, and asked what the delay was, and he stated to me that he was not holding up the permit, and that he was waiting for NOAA-Protected Resources decision on what the effect of pile-driving would do to the endangered species. I asked him who he was consulting with at NOAA, and he gave the name of Don Hubner. I immediately called Don Hubner, and he related that he didn't know what I was talking about, as he has not had any information on the Ko Olina Boat Ramp come across his desk. Invariably, and needless to say Watanabe would not answer any of my calls since then, but I was able to get an answer from Alecia Van Atta-NOAA-Asst Regional Administrator-Protected Resources, who related that they had received copies of the permit application on <u>September</u> <u>21, 2012</u>, so they are going to "front load" the process as the Corps works to get them a consultation request. As the applicant for the DOAP, perhaps you can get in touch with Farley Watanabe-Project Manager (Phone: 835-4305) and find out what is happening at this point.

Another point that I want to bring up, is your plans and design for the Ramp area, which should be set at this time. You mention public and boaters comments, however I have not seen anything in this matter of letting boaters make comments. Possibly the only people that you are referring to are only those that live in Ko Olina. <u>I would like to see the</u> design and make comments to it.

Because of all these complications, and failures of follow-ups on your part, I have requested that there be another hearing at the Land Use Commission, and that meeting is <u>tentatively</u> scheduled for Thursday, January 24, 2013, and Friday, January 25, 2013. As there are new commissioners on the board, new heads at the Office of Planning, and a new Deputy Attorney General, this will also get them up to speed as to what this matter is all about.

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Warren E. M. Von Arnswaldt



BENJAMIN M. MATSUBARA MERVYN M. KOTAKE CURTIS T. TABATA WYETH M. MATSUBARA KOJI KATO

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Attorneys At Law A Law Corporation CHARLES R. KENDALL BUILDING 888 MILILANI STREET, EIGHTH FLOOR HONOLULU, HAWAII 96813 E-MAIL: <u>wmatsubara@m-klawyets.com</u> TELEPHONE (808) 526-9566

FACSIMILE (808) 538-3840

October 19, 2012

Mr. Warren E. M. Von Arnswaldt 92-755 Palailai Street Kapolei, Hawai`i 96707

Re: Ko Olina Boat Launch Ramp

Dear Mr. Von Arnswaldt,

We are in receipt of your correspondence dated October 11, 2012 regarding the Ko Olina Boat Launch Ramp and wish to address and clarify your assessment of the situation.

I would like to make it absolutely clear that Ko Olina Development, LLC ("KOD") is firmly committed to constructing and completing the boat launch ramp in the marina as soon as possible. Any assumption that KOD is not working diligently, or has not kept in contact with the permitting authorities is incorrect. KOD has already expended a significant amount of time and capital in this process in the hope that the progression of the boat launch ramp project moves forward as quickly as possible. Please understand that the permitting process is unpredictable and we provided the best time estimates for obtaining the required permits. While we have control over when we submit the required permit applications it is clearly outside of our control as to the time it takes for the permitting authority to review, process and grant permits.

KOD has filed all of the required permit applications, which are able to be filed, on or ahead of schedule. KOD has also continued to monitor and touch base with the permitting authorities as much as possible in an effort to finalize the permit process. It remains our intent and objective to substantially complete the boat launch ramp as scheduled. It goes without saying that delays in the project would result in financial hardships for KOD in terms of rising construction and consultant fees. In 2009, the projected costs for constructing the boat launch ramp in the Ko Olina Marina were over \$1 million dollars just for the single ramp design. You may also recall that, although not required, KOD committed to providing a double boat launch ramp based upon your and other boaters' requests. KOD's decision to provide a double boat launch ramp resulted in a significant increase to previously projected construction costs, something KOD was willing and committed to do for the boaters and boating community. Cost Prolonging projections for the boat launch ramp keep rising the longer KOD has to wait. construction is clearly not in the best interest of KOD as cost projections will keep rising the longer KOD waits. Again, KOD is undoubtedly committed to moving forward as quickly as possible.

Mr. Warren E. M. Von Arnswaldt October 19, 2012 Page Two (2)

I. Background

I will present a brief background to provide some perspective and demonstrate the efforts that KOD has undertaken to ensure that the boat launch ramp permitting and construction project would proceed as efficiently and smoothly as possible.

KOD did not want the boat launch ramp project delayed by any concerns about the design of the boat launch ramp from any of the regulating authorities. There was a lot of feedback, testimony, and comments provided to KOD from the permitting authorities during the LUC hearings in regards to the boat ramp design and construction aspects. KOD retained a well respected consultant with extensive experience and knowledge in marina and boat launch ramp design and construction. The consultant also had extensive experience with the Department of the Army Permit ("DOAP") application process and dealing with the U.S. Army Corps of Engineers. KOD, as you recall from our prior submittals to the LUC, also researched and inquired with other consultants and contacts, including the Department of Land and Natural Resources, Division of Boating and Ocean Recreation ("DLNR"), for their recommendations for qualified consultants for the construction of a boat ramp in a marina in an effort to progress through the permitting and review process as efficiently as possible.

KOD, after doing its research, retained Arnold T. Okubo of Arnold T. Okubo and Associates based on his extensive experience in waterway projects, which include work in harbors, waterfront wharf, pier and dock structures and the repair and design of boat ramps in Hawai'i. Mr. Okubo has over 43 years of engineering experience, is a Master SCUBA diver, is familiar with the NAVFAC design manuals for Waterfront Structures and has provided his expertise in doing work for the State of Hawai'i Department of Transportation (Harbors Division), DLNR (Division of Boating and Ocean Recreation), the U.S. Navy and the U.S. Army Corps of Engineers, among others. Mr. Okubo has provided his professional expertise and services for over 31 harbor, marina, pier, dock and boat ramp projects in the State of Hawai'i, including the authoring of 15 DOAP applications to the U.S. Army Corps of Engineers in the past seven years alone.

Mr. Okubo was retained by KOD so KOD would be able to ensure construction of a well designed boat ramp in as timely a manner as possible based upon his years of experience and credibility in dealing with the State and Federal permitting authorities. KOD, clearly, hired the best boat launch ramp design and construction consultant for this project.

Mr. Warren E. M. Von Arnswaldt October 19, 2012 Page Three (3)

II. Issues Raised in October 11, 2012 Letter

I will address the concerns raised in your letter dated October 11, 2012 below:

1. Water Quality Certificate

You reference in your letter that the "Water Quality Certificate was supposed to be prepared and completed by July 2011, however, the certificate was not issued until May 31, 2012."

As stated above, our July 10, 2009 Boat Ramp Proposed Project Schedule provided our best estimates of when we would be able to submit the various required permit applications and when we estimated the permitting authority would be able to complete their review and approve the permit. We clearly have no control over the permitting agency in how timely they are able to complete their review and processing of our permit applications. The Section 401 Water Quality Certification ("WQC") was prepared and timely submitted in September 2010 to the State of Hawai'i, Department of Health, Clean Water Branch ("DOH") due to concerns over the water quality caused by construction in the waterway of the Marina. Our consultant, who has prior experience with the WQC process, dealt with the DOH contact during the permit review process and addressed any and all concerns by DOH. No problems arose during the DOH review process. The DOH's review and WQC approval process took until May 31, 2012 to be completed. You can understand the sensitive nature of the permitting process and how KOD must strike a balance in how often our consultant should follow up with the permitting authority on the status of our permit application. The last thing we want to do is upset the permitting authority that is in charge of approving our permit application. KOD hired Mr. Okubo, a well experienced consultant, to obtain the permits for the boat launch ramp and to deal with the permitting authority during the review process. Mr. Okubo has diligently followed up when necessary with the DOH based upon his past professional experience and we have relied upon Mr. Okubo in these regards.

2. Department of the Army Permit ("DOAP")

Again, any statement that KOD has not followed up with the permitting authorities is mistaken and completely without merit. Our consultant has regularly, and as persistently as reasonably possible, followed up with the Department of Army Corps district engineer in regards as to the status of KOD's DOAP application. As stated above, Mr. Okubo has years of experience with DOAP applications and dealing with the U.S. Army Corps of Engineers during the application process. At no time has KOD ever failed to follow up with the U.S. Army Corps Mr. Warren E. M. Von Arnswaldt October 19, 2012 Page Four (4)

of Engineers in an effort to finalize the approval of the DOAP for the Ko Olina boat launch ramp. The longer KOD has to wait, the more KOD will incur increased costs to the project. While KOD does not desire any delays in this process, they also understand the unpredictable permitting processes and procedures as developers.

The U.S. Army Corps of Engineers has a well established DOAP application process and procedure. Part of the DOAP application process requires that the U.S. Army Corps of Engineers sends out a "letter of permission agency coordination" request to over 12 Federal, State and City departments for review and comment. The U.S. Army Corps of Engineers' established protocol is to take the lead and be the point of contact for any and all comments and concerns from the various Federal, State and City agencies in regards to the DOAP application. The U.S. Army Corps of Engineers', lead and point of contact, then facilitates the various comments from the various agencies and will follow up with entity submitting the DOAP application. This well established U.S. Army Corps of Engineers procedure and protocol helps to organize and facilitate addressing any concerns from the various agencies. KOD has followed this U.S. Army Corps of Engineers procedure and protocol in dealing only with the assigned point of contact to address any and all concerns.

Again, one can understand and appreciate the sensitive nature when dealing with permitting authorities and following their protocols. KOD chose to cooperatively work with the U.S. Army Corps of Engineers and provided all requested information in the hope of obtaining the permit approval as soon as possible. Again, KOD is still hopeful that we will obtain the approval of the DOAP and substantially complete the boat launch ramp as scheduled.

As noted in your letter, our twelfth status report states that the completion of the DOAP has exceeded our timeframe estimate for review and approval of the permit for the Boat Ramp project. The twelfth status report goes on to state that, "However, in an effort to expedite matters, Petitioner is preparing and planning on submitting its building permit applications for construction of the Boat Launch Ramp ahead of time to DPP. Although DPP will not issue its final approval of the building permits until the DOAP permit is issued, Petitioner feels that the submittals for the building permits to DPP at this time will help optimize the project schedule going forward."

Please understand that submitting the building permit applications to DPP before getting final approval of the DOAP is not an insignificant matter. KOD has been diligently working with both DPP and the U.S. Army Corps of Engineers in an effort to try and proceed as efficiently as possible under the circumstances. KOD, in good faith, is assuming the risk of having to make further adjustments to the building permit application if required by the Army Corp at a later date. However, KOD has been meeting with DPP and after consultations with the Mr. Warren E. M. Von Arnswaldt October 19, 2012 Page Five (5)

DDP, KOD feels it to be prudent to submit the building permit at this time. Again, this is just another example of how motivated KOD has been and reacted during this lengthy and onerous process. Any accusations that KOD did nothing about any delays or showed "non-interest" are clearly unfounded and KOD's actions have clearly shown otherwise.

3. Public and Boater Comments

The placement and retrofitting of a boat launch ramp into an existing and fully operational Marina was no small feat for KOD. Our prior status reports and public hearings in front of the LUC highlighted the facts that KOD conducted a very thorough and detailed process to find potential locations in the marina to construct the boat launch ramp. Maps, plans and drawings of the marina were reviewed to determine potential ramp locations that would fit within the existing or planned and permitted developments already established in the resort's Master Plan. KOD also needed to review survey maps to determine the existing infrastructure locations in order to determine potential ramp locations. KOD's work and dedication to the boat launch ramp project was clearly evident to at least one boater who stated during his public testimony to the LUC on May 15, 2009 that, "[o]n May 7, 2009 I attended a meeting hosted by Ko Olina Development. A conceptual plan for the public small boat ramp was presented at the meeting. It was evident that Ko Olina Development dedicated a lot of thought and resources in developing that conceptual plan."

As you recall, you were also invited and attended KOD's public outreach presentation and discussion meeting regarding the boat launch ramp Marina assessment, ramp location assessment, timeline and boat launch ramp conceptual plans. Also in attendance that day were the following:

1.	Creighton Chang	Boater
2.	Rodney Ajifu	Boater
3.	Brian Halsey	Boater
4.	Ron Tam	Boater
5.	Ed Watamura	Boater
6.	Roy Morioka	Boater
7.	Robert Mito	Boater
8.	Warren Von Arnswaldt	Boater
9.	Abbey Mayer, Director	OP
10.	Abe Mitsuda	OP
11.	Scott Derrickson	OP
12.	Ken Williams	KOD
13.	Mike Nelson	KOD

Mr. Warren E. M. Von Arnswaldt October 19, 2012 Page Six (6)

A healthy and open discussion took place between KOD, the boaters and the State Office of Planning in review of the conceptual plans at the outreach and comment meeting. Two clear issues stood out from that outreach meeting: 1) the proposed project schedule timing being too long; and 2) the conceptual plans for a single boat launch ramp. There was a clear concern that the timing of the ramp was too long and that the boaters wanted a double wide boat launch ramp. KOD, as stated many times before, has no control over the permitting process and could only promise to move as efficiently as possible on things within their control.

What may seem as a simple request to design and provide for a double wide boat launch ramp may be somewhat deceiving. Initially, the location of the proposed boat launch ramp did not allow for a double wide boat launch ramp to be constructed due to the existing plans and already planned structures in the back of the Marina. KOD, in good faith, reevaluated a double wide boat launch ramp design based upon the comments from the boaters even though there was no requirement for KOD to do so. The redesigning of a boat launch ramp to provide for a double ramp in the back of the Marina was no small feat. First, the existing and already planned commercial Marina Mauka Support Building design was adjusted and modified to allow for a double wide boat launch ramp access. Additional costs and expenses were incurred to redesign an already planned building and submit new plans to DPP for approval. The proposed costs to design and construct a double boat launch ramp also significantly increased in comparison to the construction of a single boat launch ramp.

KOD, as you know, made the decision and committed to design and construct a double wide boat launch ramp despite the increase in costs, time, redesign of plans and further reprocessing of permits with DPP. KOD has already completed, submitted and had the Conditional Use Permit approved by DPP for the redesign of plans in an effort to ensure, as best as possible, that the boat launch ramp project proceeds in a timely manner. It would seem to defy logic that KOD would expend all these costs and time to plan, design and provide a double wide boat launch ramp and yet sit on other permits.

Once KOD's plans and designs have final permitting approvals we would be more than willing to review your comments. You can imagine the difficulty in discussing plans and designs that may be altered due to comments from the regulating authority. KOD feels that our initial public outreach meeting was positive and beneficial to discuss the issues and concerns. As stated in our status report KOD will accommodate the public and boaters concerns where feasible.

Please also keep in mind that KOD hired a professional expert in boat launch ramp design and construction field with over 43 years of experience to ensure the ramp would be designed and constructed the right way from the beginning. Mr. Okubo's reputation among State and Federal regulators is beyond reproach and he was specifically sought after for this purpose. Mr. Warren E. M. Von Arnswaldt October 19, 2012 Page Seven (7)

The Ko Olina Marina is recognized as a world class Marina; the last thing KOD would endorse is the construction of a sub-par boat launch ramp. Mr. Okubo knows how to design and build boat ramps and knows how to do it well.

We hope this information addresses your concerns and reassures you that KOD's efforts and investments in time and costs to date have been substantial and diligent and that KOD is actively pursuing this matter. We hope you can also appreciate the sensitive and practical issues KOD faces in dealing with any permitting authority and that in no way equates to KOD having no interest in this matter. As always, I welcome you to contact me at any time to discuss any issues or concerns you may have regarding this project. In fact, just last week a fellow boater called me twice to discuss some issues and concerns that he had regarding the boat launch ramp and we had a very productive and open discussion on the issues.

Very truly yours,

MATSUBARA – KOTAKE

Wyeth M. Matsubara



DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT FORT SHAFTER, HAWAII 96858-5440

REPLY TO ATTENTION OF:

November 30, 2012

NATIONWIDE PERMITS AGENCY COORDINATION NOTICE And REQUEST FOR EXPEDITED REVIEW

Patrice Ashfield, Ecological Services, U.S. Fish and Wildlife Service via e-mail at<pifwo_esa@fws.gov> Dr. Danielle Jayewardene, NOAA Fisheries, Habitat Conservation via e-mail at

<EFHESAconsult@noaa.gov>

Patrick Opay, NOAA, Fisheries, Protected Resources via e-mail at <EFHESAconsult@noaa.gov>

Dr. Wendy Wiltse, U.S.E.P.A., Region IX, Honolulu Branch via e-mail at

John Nakagawa, Office of Planning, CZM Program via e-mail at<JNakagaw@dbedt.hawaii.gov>

Darryl Lum, Chief, Clean Water Branch, State DOH via e-mail at </arryl.lum@doh.hawaii.gov>

William J. Aila, Jr., Chairman and State Historic Preservation Officer, DLNR, State of Hawaii, P.O. Box 621, Honolulu, HI 96809

Theresa Donham, Deputy State Historic Preservation Officer via e-mail at <DLNR.Intake.SHPD@hawaii.gov>

Susan Lebo, Oahu Archaeologist, State Historic Preservation Division via e-mail at <Susan.A.Lebo@hawaii.gov>

Sam Lemmo, Administrator, OCCL, DLNR via e-mail at <Sam.J.Lemmo@hawaii.gov>

Kamana'opono M. Crabbe, Ph.D., CEO, Office of Hawaiian Affairs, 711 Kapiolani Blvd. #500, Honolulu. HI 96813

Davis Yogi, Harbors Administrator, Harbors Division, Department of Transportation, State of Hawaii, 79 S. Nimitz Highway, Honolulu, HI 96813

David K. Tanoue, Director, Department of Planning & Permitting, 650 South King Street, 2nd Floor Honolulu, HI 96813

Po'o Hui Malama I Na Kupuna O Hawaii Nei, c/o Edward Ayau, P. O. Box 365, Ho'olehua, HI 96729 Leimana DaMate, Aha Kiole Advisory Committee vie e-mail at <<u>Leimana@fastnethi.com</u>>

Charles Kapua (Oahu), Aha Kiole Advisory Committee via e-mail at <kapuahonolulu@aol.com>

Dear Reviewers:

Response Deadline: December 7, 2012

*NOTE – If no response is received by the U.S. Army Corps of Engineers, Honolulu District ("this office" or "the Corps") by the requested response deadline above, this office will assume that your agency or organization has no comments on the proposed project.

Reference: POH-2010-00202, Construct New Boat Ramp and Replace Loading Docks Project, Ko Olina Marina, Oahu Island, Hawaii

Applicant: Ko Olina Ocean Marina, LLC

Agent: Arnold T. Okubo & Associates, Inc.

Location: In and Above Ocean Waters at TMK 191057019 (21.32968°N/ - -158.1166°W), Ko Olina Marina, Oahu Island, Hawaii

Permit Types: Nationwide Permit No. 36 (Boat Ramps) and Nationwide Permit No. 28 (Modifications of Existing Marinas)

Permit Authorities: Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act

Project Description: The applicant proposes to construct a new boat ramp within the Ko Olina Marina to comply with an administrative order issued by the State Land Use Commission. The primary activity consists of constructing a two-lane boat ramp 32 feet wide and 132 feet long consisting of precast concrete slabs which will require relocating 110 feet of existing floating docks, removing 5 existing concrete piles, and removing about 40 lineal feet of existing shoreline revetment boulder and rip-rap. After construction of the new boat ramp, five replacement octagonal concrete piles will be pre-drilled and driven for constructing two new replacement loading docks, one four-feet wide and the other five-feet wide and each 60 feet long, and a replacement rock revetment. Work associated with this project includes upland improvements for an ADA access ramp, a boat wash down facility, water, telephone, cable and sewer line utilities, and a 30-space truck and boat trailer parking lot

The proposed work which will occur in an area excavated from a previous upland limestone shoreline is described and shown at Enclosure 1.

Blasting methods are prohibited.

Work is expected to last twelve months, including one week of in-water pile cutting, and two weeks of pile pre-drilling and pile driving. The purpose of the project is to ensure the installation of a public recreational ramp and ensure public safety and access for the affected community.

CZM Consistency: The Office of Coastal Zone Management issued their conditional CZM concurrence of consistency for activities under NWP #36 and #28 on March 16, 2012. A copy of this letter will be provided to their office and the proposed project shall be subject to their subsequent comment.

Section 401 Water Quality Certification (WQC): WQC0798 was issued on May 31, 2012 for NWP#36 and discharges of fill associated with construction of the new boat ramp. Verification of DA NWP#28 permit for the removal of docks and pilings to accommodate the new boat ramp followed by construction of replacement docks and pilings will not require an individual Section 401 Water Quality Certification, or waiver, from the Clean Water Branch, State Department of Health.

Endangered Species Act, Section 7: The Corps has assessed potential impacts to Federallylisted and proposed species that may be present in the project area. The project action area is considered to be 50 yards seaward of the proposed new ramp and loading docks location. No inwater work vehicles are proposed to be deployed, as the project is to be accessed from shore. The action area also includes the potential extent of any plumes that may result from inadvertent discharges of wastes, fuels, and lubricants from project-related machinery, equipment and supplies. Below are the species that occur or have potential to occur within the project area and the Corps' determination of effect:

Hawksbill sea turtles (*Eretmochelys imbricata*) endangered, no effect. Green sea turtles (*Chelonia mydas*), threatened, not likely to adversely effect. Hawaiian monk seals (*Monachus schauinslandi*) endangered, not likely to adversely effect.

This project considered 4 stressors which have the potential to impact ESA-listed species: direct impact, disturbance from human activities and equipment operation, exposure to construction wastes and discharges, and exposure to elevated noise levels. The effects of this project with regards to marine protected species will be evaluated in consultation with Protected Resources Division (PRD), NOAA Fisheries. The following initial measures accepted by the applicant will be stipulated as Special Conditions to these NWPs, if verified:

1. The Permittee must submit a Site-Specific Best Management Practices Plan (BMPP) to this office before in-water activities begin. The BMPP must include the name and contact information of your designated construction contractor's representative for all in-water activities. The designated construction contractor's representative must ensure that daily visual inspection of the work site and its environs are conducted to verify that the authorized work does not result in uncontrolled adverse environmental impacts and that where environmental harm occurs, it is minimized to the maximum extent practicable. If a visual inspection reveals any uncontrolled adverse environmental harm with photographs and written descriptions. The BMPP must include the following measures stipulated by the Pac-SLOPES programmatic consultation:

a. Mechanized equipment and construction materials must be clean, uncontaminated, and free of deleterious substances, including toxic chemicals and clay-coated material;

b. An Oil Spill Response Plan (OSRP) must be in place for landside areas which are associated with the work. The OSRP must detail procedures for managing the accidental release of petroleum products to the aquatic environment during work. No contamination of the marine environment may result from the permitted activities. No petroleum products, trash, or other debris may enter marine waters. When such material is found within the operating area, the designated construction contractor's representative must collect and dispose of the material at an approved upland disposal site;

c. The designated construction contractor's representative must survey the authorized work area for species that have been determined to be endangered or threatened under section 4 of the Endangered Species Act (ESA-listed species) prior to the start of work each day, and periodically during the day, including prior to resumption of work following any break of more than one half hour.

d. All in-water work must be postponed or halted when any ESA-listed species is within 50 yards of the authorized work and may only begin or resume after the animal(s) has voluntarily departed the area.

e. On-site project personnel may not attempt to feed, touch, or otherwise intentionally interact with any ESA-protected species.

The Corps has preliminarily determined that the proposed activity will not likely adverse affect the above marine-protected threatened and/or endangered species. Notice for this determination is hereby provided to NOAA NMFS PRD for their review, comment and concurrence.

Informal Sec. 7, ESA consultation with Coastal Conservation Division, US FWS will be required to ensure that this project will Not Likely Adversely Affect the following protected species:

Newell's shearwater (*Puffinus auricularis newelli*) Hawaiian petrel (*Pterodroma phaeopygia sandwichensis*

There is no designated or proposed critical habitat for the above ESA-listed species within, or adjacent to, the project action area. Therefore this proposed project will have **No Effect** on designated critical habitat and proposed critical habitat.

Essential Fish Habitat (EFH): The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act of 1996 (MSFCMA) (16 U.S.C. 1855 (b)) and associated federal regulations found at 50 CFR Part 600 Subpart K. The Honolulu District area of responsibility includes EFH for species managed under Fishery Management Plans.

National Historic Preservation Act, Section 106: The Corps has determined that the proposed work to be authorized by NWPs will have No Effect to any property listed on the State and National Registers of Historic Places. The Corps has determined that the single and complete project, including uplands, would occur on an original substrate (exposed limestone reef) that has been removed by prior activities and overlain and landscaped with imported soil and vegetation that is unlikely to contain intact, original sedimentary and cultural deposits. A general condition of the NWPs ensures the protection of inadvertent discoveries of cultural remains and human burials.

The Corps has therefore further determined that the issuance of DA NWP#3 and NWP#28 for the proposed project will have No Impact on known traditional cultural properties and requests comments from designated Native Hawaiian Organizations and Individuals regarding this determination.

Please submit any comments you may have within seven days of the date of this letter. If no response is received within the seven-day period, I will conclude that you have no comments. Please cite reference number POH-2010-00202 in your comments which may be mailed to: Regulatory Branch (CEPOH-EC-R/Watanabe); U.S. Army Corps of Engineers, Honolulu District; Building 230; Fort Shafter, HI 96858. Alternatively, comments may be faxed to (808) 835-4126 or via e-mail to: Farley.K.Watanabe@usace.army.mil with the file number in the subject title. Should you have questions, please call Mr. Farley Watanabe at 835-4305 or by e-mail address above.

Sincerely,

George P. Young, P.E. Chief, Regulatory Branch

Enclosure

Enclosure No. 1

Application

for

Department of the Army Permit

MEMORANDUM FOR RECORD

SUBJECT: POH-2010-00202, Review of Application for Verification Under NWP #36 (Boat Ramps), Proposed Construct New Boat Ramp Project, Ko Olina Resort, Oahu Island

1. Department of Army (DA) permit application for Constructing a New Boat Ramp at Ko Olina Marina, Oahu, Hawaii and submitted by Arnold Okubo & Associates, Inc. acting as AGENT for Ko Olina Ocean Marina, LLC was determined complete on August 15, 2011. The proposed new boat ramp meets the NWP criteria for verification under NWP#36 (Boat Ramps) except that the conditions for a 20-foot width and 50 cubic yards fill volume in Waters of the U.S. for a boat ramp are exceeded. The width of the proposed new ramp is 42 feet wide and about 87 cubic yards fill volume. The District Engineer, or his designated authority, can waive the width and volume restrictions allowed under this NWP following his determination that adverse effects on the aquatic environment and other factors of the public interest will be minimal.

- 2. The following conditions exist at the location of the proposed new boat ramp: the project is located entirely within a portion of private marina constructed from karstic limestone uplands;
 - there is no designated critical habitat or essential fish habitat in the marina;
 - there are no hard coral communities present;
 - there are no adjacent or contiguous wetlands to the boat ramp and appurtenant improvements; there has been no record that adverse interactions with protected marine and waterbird species have occurred or have jeopardized their continued existence, or have resulted in the destruction or adverse modification of critical habitat adjacent to Traditional Navigable Waters (TNW) outside the marina;
 - there are no known historic or traditional cultural properties listed on the Hawaii or National Registers of Historic Places that will be affected by the work.

3. The proposed project is not inconsistent with public interest factors regarding the protection of wetlands, fish and wildlife resources, water quality, historic, cultural, scenic and recreational values, development within the territorial sea and floodplain, property ownership, activities affecting the coastal zone, and the Hawaiian Humpback Whale National Marine Sanctuary. When constructed, the boat ramp will not convert navigable waters into a use inconsistent with its current use.

3. I have determined that potential impacts to the aquatic environment and public interest as a result of the proposed work would not be adverse or exceed the minimum threshold of impacts to the aquatic environment stipulated by general and regional conditions for NWP # 36. Further, in the processing of this application Special Conditions to avoid and minimize impacts to the aquatic environment will be added as site-specific best management construction practices.

4. Therefore, this Memorandum will serve as a waiver of the width and volume parameters for this application, POH-2010-00202, for a new boat ramp at Ko Olina Marina and authorize its review for verification under NWP #36.

GEORGE P. YOUNG, P.E. Chief, Regulatory Branch

22 August 2011 Date

For and on behalf of Douglas B. Guttormsen Lieutenant Colonel District Engineer



NEW LOADING DOCK	+6.3 +4.00' (MLLW +3.20' (MSL)-	, NEW CONC LANDING)
15%		
-8.0 [°]		

Enclosure No. 2

Engineering Assessment Report

Enclosure No. 2

KO OLINA OCEAN MARINA, LLC Ko Olina Boat Ramp Ko Olina Marina Oahu, Hawaii TMK: 9-1-57:19 and 9-1-57:24

ENGINEERING ASSESSMENT REPORT

I. **PROJECT:**

Ko Olina Ocean Marina, LLC proposes to construct a boat ramp within the Ko Olina Marina, in accordance with an order issued by the State Land Use Commission, requiring that Ko Olina Resort build a boat launch ramp, open to the public, within the marina.

The proposed project includes the following construction:

- Relocating 110 feet of existing floating docks.
- Removal of 5 existing concrete piles.
- Removal and relocation of existing utilities (water, telephone, cable, sewer and electrical).
- A two-lane boat ramp, 32 feet wide and 132 feet long.
- Removal of 80 l.f. of existing revetment boulders and rip-rap.
- Inland earth excavation for boat ramp.
- Pre drill and pile drive five octagonal pre-stressed concrete piles.
- Two loading docks, one four feet wide and the other five feet wide designed to accommodate ADA boaters. Each dock will be 60'-0" long with a concrete landing 33'-4" long.
- Rock rip-rap revetment.
- ADA access ramp.
- Boat wash down facility.
- Landside improvements.
- Access road 30 feet wide and 500 feet long.
- Truck and Boat Trailer parking lot with 30 parking spaces.

II. EXISTING ENVIRONMENT:

The Ko Olina Resort & Marina is a master-planned, active family resort community on 642 acres along the western shores of Oahu. Ko Olina (Place of Joy) has sweeping ocean and mountain views as well as 1.5 miles of white sandy beaches. Resort plans include a mix of single-family homes, townhouses & villas, an 18-hole Ted Robinson-designed golf course and award-winning golf shop, the JW Marriott Ihilani Resort & Spa, Marriott's Ko Olina Beach Club, the Ko Olina Beach Villas Resort, the Oceanside Ko Olina Wedding Chapel and the 44-acre Ko Olina Marina. The first mixed-use Disney Resort broke ground in Fall 2008.

The Ko Olina Resort & Marina is located 17 miles from Honolulu International Airport and just over a half-hour's drive from shopping, dinning, museums, nightlife and endless cultural activities.

The 44-acre Marina features 330 boat slips with state-of the-art Bellingham Marine concrete floating docks, and a fuel dock to provide gasoline, diesel and pump-out services. Boaters who lease slips also have access to electricity, water, telephone, cable television hook ups, high-speed internet, laundry and restroom facilities, barbeque and picnic areas and a gated entry to the marina.

III. DESCRIPTION OF WORK

The construction area of the proposed boat launch ramp will encompass 0.459 acres and will be located in the deepest mauka corner of the existing marina.

The work will include the following:

- A. Site Preparation
- * Mobilization & Demobilization
- * Install Temporary Barricades
- * Mobilization & Demobilization of pile driving rig
- Relocate two existing concrete floating docks.
- Remove five existing concrete piles.
- Remove and relocate existing utilities (water, telephone, cable, sewer and electrical).
- Install full depth double silt curtains.
- Install landside silt fences.
- Remove, haul and dispose of existing revetment boulders and rip-rap, and landside earth excavation for the boat ramp 4,230 c.y.
- B. Boat Ramp will be 32 feet wide and 132 long. The elevation at the bottom of the ramp will be -6.80 ft (MSL) and the top of the ramp will be +9.64ft. Approximately 40'-0" of the boat ramp will be submerged.
- Install geotexile filter fabric material.
- Lay 6" thick filter rock gravel 100 c.y.
- Install galvanized pipe leveling frame.
- Install 3,600 s.f. of pre-cast concrete panels 7 ¹/₂" thick, 10'-0" x 7'-4" sections, bi-sected by a 4" wide gutter. The slabs will be grooved with a chevron pattern.
- Grout under ramp slab 67 c.y.
- Cast-in-place concrete slab 500 s.f.
- Sack sand/cement rip-rap at ramp slab end 57 c.y.
- Rock rip-rap revetment 365 c.y.
- C. Two Loading Docks, one 4'-0" wide and 60'-0" long, and the other 5'-0" wide and 60'-0" long to accommodate ADA boaters.
- Pile drive four 16 1/2" octagonal pre-stressed concrete piles into predrilled holes for loading docks – 188 l.f.
- Pile drive one 16 ¹/₂" octagonal pre-stressed concrete pile into pre-drilled holes for floating dock 40 l.f.
- Cast-in-place four concrete pile caps.
- Loading Dock "A" (4'-0" wide and 60'-0" long) 240 s.f.
- Loading Dock "A" concrete stoop 135 s.f.
- Loading Dock "B" (5'-0" wide and 60'-0" long) 300 s.f.
- Loading Dock "B" concrete stoop 170 s.f.

- The fiberglass grating decking shall be installed on an aluminum framed structure for the loading docks.
- The heavy duty utility fender bumpers shall be mounted on a horizontal Trimax fender system.
- Rock rip-rap under loading dock 39 c.y.
- Concrete abutment at landing 31 c.y.
- D. ADA Ramp
- ADA pedestrian walkway, 7'-0'' wide and 92'-0'' long.
- Stainless steel railing with guardrails & handrails.
- Concrete work 13 c.y.
- E. Landside Improvements
- Accesss road 30 feet wide and 500 feet long.
- Truck and Boat Trailer Parking Lot, 167.5 feet x 177 feet with 30 parking spaces, including two ADA parking spaces.
- F. Water Quality Monitoring

IV. ENVIRONMENTAL CONCERNS

- The Contractor is required to submit a site-specific Best Management Practice Plan (BMPP) to the U.S. Army Engineer District, Honolulu for review and approval, prior to start of construction.
- The use of floating full depth double silt curtains to enclose the work area, is to ensure that the marina waters are kept safe from pollution.
- Appropriate temporary structural shoring supports or floating work platforms shall be used to prevent debris from falling into the water.
- All debris from the removal process shall be disposed of at an approved disposal site and shall be removed and not be stockpiled at the marina site.
- The Contractor shall construct temporary berms, dikes, dams, sediment basins and silt fences and the use of other control devices or means necessary to control erosion.
- The Contractor shall develop and implement an appropriate removal, hauling, dewatering and disposal plan during the landside earth excavation to minimize the silt and other contaminants entering the marina waters.
- The Contractor shall ensure that an Oil Spill Response Plan is in place which shall detail procedures for managing the accidental release of petroleum products to the aquatic environment during construction in accordance with the site-specific project BMPP.
- The Contractor shall install an oil/water separator.
- A water quality monitoring testing program for marina water quality control will be implemented in accordance with the construction design plans and specifications.
- Water quality test methods shall comply with 40 CFR Part 136 and Section 11-54-10 of the State Water Quality Standards.
- Noise shall be kept within acceptable levels at all times in conformance with Title II, Administration Rules, Chapter 43, Community Noise Control for Oahu, State Department of Health, Public Health Regulations.
- To ensure that there is no harm to green sea turtles which may enter the marina and approach the construction area; the Contractor shall monitor the construction area for turtles daily and shall stop work if turtles are in the immediate vicinity.
- No adverse impact to any historical or cultural feature is expected, since the project is in a developed marina area and no new land area is involved.
- The Contractor shall notify a representative of the National Marine Fisheries Service (Mr. Alan Everson: 808-973-2935, ext. 212) at least 72 hours before construction is scheduled to begin.
- The Contractor shall provide notification to Ms. Krista Graham, Protected Resources Division, NMFS, PIRO at 808-944-2238 or e-mail at <u>Krista.Gaham@noaa.gov</u> at least 72 hours before construction is scheduled to begin.
- The Contractor shall provide the following information to the U.S. Coast Guard, Aids-To-Navigation Office, at least 30 days prior to the start of construction:
 - 1. Project start date.
 - 2. Project completion date.
 - 3. Contractor performing work with the name of a point of contact, address and telephone number.
 - 4. Hours construction activities for the project, i.e. 0800 1700 hrs, Monday through Friday.
 - 5. If vessels are involved, names, call signs and radio frequencies on VHF-FM.
 - 6. Any special request of maritime public, i.e. reduction of speed, wide berth.
 - 7. General scope of project and how it will affect the maritime public, i.e. degree of encroachment of navigable waters and how obstructions will be marked i.e. sign, lights.
 - 8. The information shall be sent to: Commander
 Fourteenth Coast Guard District
 Prince Kuhio Federal Building
 300 Ala Moana Boulevard, Room 9-216
 Honolulu, Hawaii 96850-4982
 Phone: (808) 541-2315

VI. ESTIMATED PROJECT COSTS:

The total estimated construction cost of the project is approximately \$2,170,000. The boat ramp is estimated to cost \$1,300,000 and the access road and truck and boat trailer parking lot \$870,000. The work is estimated to be completed within nine months.

VII. PERMITS AND CLEARANCE:

The following agencies will be contacted for permits and clearances:

- U.S. Army Engineer District Honolulu.
- Office of Conservation and Coastal Lands, Department of Land and Natural Resources.
- Coastal Zone Management Program, State Planning Office.
- Clean Water Branch, Department of Health.
- Department of Planning & Permitting, City & County of Honolulu.
- U.S. National Marine Fisheries Service.

Submitted by

Amole D Data

Arnold T Okubo, P.E. Project Engineer Arnold T Okubo & Associates, Inc.

Prepared by[.] Manuel Emiliano, Jr., P.E. Arnold T Okubo & Associates, Inc.

1

Exhibits to Engineering Assessment

Ko Olina Boat Ramp Ko Olina Marina Oahu, Hawaii TMK: 9-1-57:19 and 9-1-57:24

Exhibit No. Description

No. 1	Overall View of Ko Olina R	esort
110.1		

- No. 2 Site Plan of Marina and Proposed Boat Ramp Plan
- No. 3 Erosion Control Plan
- No. 4 Existing and Removal Work Plan
- No. 5 Boat Ramp Plan
- No. 6 Boat Ramp Section
- No. 7 New Loading Dock "A" Elevation
- No. 8 New Loading Dock "B" Elevation
- No. 9 Access Road Site Plan 1
- No. 10 Truck and Boat Trailer Parking Lot Site Plan 2

Ko Olina Boat Ramp

File No. POH-2010-00202, NWP #36 (Boat Ramp)

Pile Driving Questionnaire

Pile Driving Activities

Is the piling to be installed intended to replace any existing piling? \Box Yes \boxtimes No If yes, describe the existing piling to be removed and replaced (number, size, material and treatment of existing piling. Note: WSDOT standard specs do not allow use of treated wood):

N/A

If no, describe the new structure.

Boat Launching Ramp Loading Dock (60'-0" length x 5'-0" wide) and Loading Dock (60'-0" length x 4'-0" wide) will be of aluminum frame with fiberglass decking and plastic lumber sides for fendering system.

How will piles be removed? Vibratory extractor Direct pull Clam shell dredge Other					
Will containment structures be used to minimize turbidity: Xes No Describe method:					
Double full depth silt curtain will be used to contain turbidity.					
General area/habitat where piling will be installed: Upland Freshwater Marine Estuarine Other Describe:					
To be installed in an existing small boat marina.					
Will piling be installed in-water: Xes INO If yes, describe:					
16 $\frac{1}{2}$ " diameter octagonal prestressed precast concrete piles to be installed in (9'-0" water depth) pre-drilled full depth to pile tip elevation holes and driven to an embedment depth of elev40.00 pile tip elevation into pre-drilled holes.					

Depth of water piles will be installed in: 6'-0" to 9'-0" depth.

Number of piling to be installed (since number of piles is normally a guess-add a 10% contingency):

4 piles to an elevation of -40.00 pile tip elevation

Provide the dimensions of the new piling (diameter, taper, length):

16 1/2" diameter octagonal prestressed precast concrete piles

Indicate the mate Metal	rial the new piling	will be constructed	of: Concrete	Other
Indicate the type	of metal, wood, or	other materials (i.e	. steel, Douglas f	ïr):
N/A				
Will the piling be If yes, describe th	e treated to promote ne treatment:	e preservation:	Yes 🛛 No	
N/A				
Describe the subs	strate where the new	w piling will be inst	talled:	
Hard coral materi	al. Piles will be ins	talled in pre-drilled	holes.	
Does the installat	tion site contain co	ntaminated sedimer	nts: 🗌 Yes	🛛 No
Is it subject to a c	eleanup action (MT	CA or CERCLA):	Yes Xes	No
Define the depth mudline bottom a	n the new piling r i t -9.00 elev.).	nust be driven to:	Installed to -40	0.00 elevation (water
Approximate dur	ation for installatio	on of each piling:		
Half day for drivin	ng in pre-drilled hol	es.		
Total duration of	pile installation:			
2 weeks includes	pre-drilling of hole	and pile driving.		
Number of piles of	driven per day:			
Two (2) piles to b	e installed in pre-di	rilled holes.		
Number of days/l	hours required for	pile installation:		
2 days (including	set-up, pre-drilling	, driving, etc.)		
Will pile driving If no, define the h	activities occur du nours pile driving a	ring daylight hours	only: 🛛 Yes	🗌 No
N/A				
If work occurs at	night, describe any	y lighting that will b	be required:	
N/A – No night wo	ork.			

When will pile driving occur (time of year, tidal cycle):

February 2013, high tide or low tide.

Type of pile driv	ver to be used:	☐ Vibratory	🛛 Impact	Both	
Describe [the pil	le driver (mounte	ed on a truck	or a barge) and	anticipated noi	se levels]

Pile driver and pre-drilling equipment to be mounted on a barge. Piles will be installed in predrilled holes to full pile tip depth. Anticipated noise level during pile installation would be approximately 85dB noise level. Hydraulic hammer will be used for it has less impact noise level.

If an impact hammer is used what type is anticipated (drop, diesel, or hydraulic hammer):

Hydraulic hammer will be used to install piles in pre-drilled holes to pile tip elevation.

If vibratory pile driver is used, will proofing with an impact hammer be required: \Box Yes \boxtimes No

Removal and Disposal of Existing Piling

If applicable, please describe the removal and disposal of any existing piling:

Existing 5 each 16 $\frac{1}{2}$ " octagonal prestressed precast concrete piles will be removed from the existing floating dock. Concrete piles will be disposed at an upland recycle concrete site.

Installation of New Piling

Describe the installation of new piling:

The 4 each new prestressed concrete piles will be installed in pre-drilled to full depth pile tip elevation holes and driven with a hydraulic hammer to its pile tip -40.00. Plastic pile cushions 10" thick will separate the hydraulic pile hammer from the concrete pile top. Anticipated noise level would be approximately 85dB.

Structure	Depth (of water)	Piles/structures Removed	Piles/structures installed	Duration of driving (per pile)
		(# piles/type)	(# piles, type, and size)	
Loading Dock "A"	9'-0"		2 ea 16 ½" diameter octagonal prestressed precast concrete pile	½ day
Loading Dock "B"	9'-0"		2 ea – 16 ½" diameter octagonal prestressed precast concrete pile	½ day
Floating Dock	14'-0"	5 ea. – 16 ½" diameter octagonal prestressed precast concrete pile		
Totals →		5 ea.	4 ea.	2 days

Exhibit No. 1 – Overall View of Ko Olina Resort and Marina





















Enclosure No. 3

Photographs

Ko Olina Boat Ramp Ko Olina Marina Oahu, Hawaii TMK: 9-1-57:19 and 9-1-57:24

Ko Olina Marina – Gangway Entrance to the Marina



Ko Olina Marina – Site of the Proposed Boat Ramp



Ko Olina Marina – Site of the Proposed Boat Ramp, Landside Excavation Site



Ko Olina Marina – Concrete Piles to be Removed, Utility Lines and Floating Docks to be Relocated



Ko Olina Marina – Site of Proposed Access Road



Ko Olina Marina – Rock Revetment to be Removed



Enclosure No. 4

Best Management Practice Plan

BEST MANAGEMENT PRACTICE PLAN KO OLINA BOAT RAMP KO OLINA MARINA OAHU, HAWAII TMK: 9-1-57:19 and 9-1-57:24

- 1. The Contractor shall submit a site-specific Best Management Practice Plan (BMPP) to the U.S. Army Engineer District, Honolulu for review and approval, prior to start of construction.
- 2. All permits and clearances shall be obtained prior to the start of any construction activities. The Contractor and his sub-contractors shall ensure that all construction work complies with all permit conditions and commitments made with environmental agencies.
- 3. The Contractor and his sub-contractors shall comply with all the Best Management Practice Plan (BMPP) requirements contained in the Construction Design Plans and Specifications for the Ko Olina Marina project.
- 4. The Contractor shall designate a single individual to be responsible for all environmental monitoring and reporting. The individual's name and contact telephone and facsimile numbers will be provided to the Honolulu District Regulatory Branch prior to the initiation of in-water construction activities and will transmit appropriate information to the U.S. Army Corps of Engineers.
- 5. The Contractor shall ensure daily visual inspection of the construction site and its environs by the designated individual, or his representative, to verify that the permitted activities do not result in uncontrolled adverse environmental impacts and that where environmental harm occurs, is minimized to the maximum extent practicable in accordance with the approved measures of the Best Management Practice Plan (BMPP). Visual inspections will be documented with photographs and written descriptions, if necessary. Particular diligence must be taken to document increases in turbidity outside of deployed silt containment devices and structures. Weekly reports shall be submitted to the Honolulu District Branch throughout the construction period.
- 6. The Contractor shall ensure that an Oil Spill Response Plan is in place which shall detail procedures for managing the accidental release of petroleum products to the aquatic environment during construction in accordance with the site-specific project BMPP. No contamination of the marine environment shall result from the permitted activities. Particular care in accordance with the site-specific BMPP must be taken to ensure that no petroleum products, trash or other debris enter

near-shore and open ocean waters. When such material is found within the project area, the Contractor, or designated construction agent, shall collect and dispose of this material at an approved upland disposal site.

- 7. In the event that a turbidity plume and/or floating hydrocarbon (oil, gas) products are observed outside of the silt containment devices and structures, the Contractor or his designated individual will be responsible for directing that in-water work be halted so that appropriate corrective measures are taken in accordance with the BMPP. The Honolulu District Regulatory Branch shall be notified as soon as practicable, and the activity causing the plume will be modified by containment. The responsible individual will document the event and the measures taken to correct the plume, and will report the incident (with photographs) to the Regulatory Branch as soon as practicable. Work may continue only after the plume is no longer visible.
- 8. The Contractor shall provide full water depth double silt containment curtains to fully enclose work areas during the removal of debris in the water, and during the new construction work for the boat ramp. The double silt containment devices shall be in-place and approved by the Engineer before conducting any of this type of work, and such facilities shall remain in place until removal is authorized by the Engineer.
- 9. Appropriate temporary structural shoring supports of floating work platforms shall be used to prevent debris from falling into the water.
- 10. The Contractor shall construct temporary berms, dikes, dams, sediment basins and silt fences and the use of temporary mulches, mats, and gravel blankets as necessary to control erosion.
- 11. The Contractor, for the duration of the contract, shall maintain all excavations, embankments, haul roads, permanent access roads, plant sites, waste disposal areas, borrow areas, and all other work areas within or without the project limits free from dust which would cause a hazard to the work, or the operations of other contractors, or to person or property.
- 12. The Contractor shall develop and implement an appropriate removal, hauling, dewatering and disposal plan during the landside earth excavation to minimize silt and other contaminants entering the marina waters.
- 13. The Contractor shall provide a berm or dike around critical areas as necessary to prevent leachate discharge to the surrounding area. Berms shall be lined with 30 mils thick (minimum) polyethylene sheeting and covered with 10 mils thick polyethylene sheeting.
- 14. Noise shall be kept within acceptable levels at all times in conformance with Title II, Administration rules, Chapter 43, Community Noise Control for Oahu, State

Department of Health, Public Health Regulations. The contractor shall obtain and pay for a community noise permit from the State Department of Health when the construction equipment or other devices emit noise at levels exceeding the allowable limits.

- 15. In the event that floating hydrocarbon (oil, gas) products are observed outside of the silt containment devices and structures, the Contractor designated individual will be responsible for directing that over water work be halted so that appropriate corrective measures are taken in accordance with the BMPP.
- 16. The Contractor shall develop and implement an Ambient Water Quality Monitoring Assessment Program, which shall include prior-to construction, during-construction and post-construction monitoring for the entire project, in accordance with the construction design plans and specifications.
- 17. Water quality test methods shall comply with 40 CFR Part 136 and Section 11-54-10 of the Sate Water Quality Standards.
- 18. The Contractor shall develop and implement a protocol and construction operations measure for the avoidance, removal and protection of green sea turtles that may enter the marina and approach the construction area. To ensure that there is no harm to green sea turtles, the Contractor shall monitor the construction area for turtles daily and shall stop work if turtles are in the immediate vicinity.
- 19. Noise shall be kept within acceptable levels at all times in conformance with Title II, Administration Rules, Chapter 43, Community Noise control for Oahu, State Department of Health, Public Health Regulations.
- 20. No adverse impact to any historical or cultural feature is expected, since the project is in a developed area and now new land area is involved.
- 21. The Contractor shall notify a representative of the National Marine Fisheries Service (Mr. Alan Everson: 808-973-2935, ext. 212) at least 72 hours before construction is scheduled to begin.
- 22. The Contractor shall provide notification to Ms. Krista Graham, Protected Resources Division, NMFS, PIRO at 808-944-2238 or e-mail at <u>Krist.Gaham@noaa.gov</u> at least 72 hours before construction is scheduled to begin.

- 23. The Contractor shall provide the following information to the U.S. Coast Guard, Aids-To-Navigation Office, at least 30 days prior to the start of construction:
 - a. Project start date.
 - b. Project completion date.
 - c. Name of the Contractor performing the work with the name of a point of contact, address and telephone number.
 - d. Hours of construction activities for the project, i.e. 0800-1700 hrs, Monday through Friday.
 - e. If vessels are involved, names, call signs and radio frequencies on VHF-FM.
 - f. Any special request of maritime public, i.e. reduction of speed, wide berth.
 - g. General scope of project and how it will affect the maritime public, i.e. degree of encroachment of navigable waters and how obstructions will be marked i.e. signs, lights.
 - h. The information shall be sent to: Commander
 Fourteenth Coast Guard District
 Prince Kuhio Federal Building
 300 Ala Moana Boulevard, Room 9-216
 Honolulu, Hawaii 96850-4982
 Phone: (808) 541-2315

Enclosure No. 5

Marine Biological Survey

for

Ko Olina Marina Improvements

Oahu, Hawaii

AECOS No. 1242

Marine biological survey for Ko Olina Marina improvements, Oʻahu, Hawaiʻi



Prepared by:

AECOS, Inc. 45-939 Kamehameha Hwy, Suite 104 Kāne'ohe, Hawai'i 96744-3221

September 22, 2010

Marine biological survey for Ko Olina Marina improvements, Oʻahu, Hawaiʻi¹

September 22, 2010

AECOS No. 1242

Katie Laing and Stacey Kilarski *AECOS*, Inc. 45-939 Kamehameha Hwy, Suite 104 Kāne'ohe, Hawai'i 96744 Phone: (808) 234-7770 Fax: (808) 234-7775 Email: aecos@aecos.com

Introduction

In August 2010, *AECOS*, Inc. biologists conducted a marine biological survey of the inner most reaches of Ko Olina Marina, O'ahu, Hawai'i (Fig. 1). The Ko Olina Marina boat ramp (Project) includes removal of pilings and boulder revetment at the eastern extent of the Marina. *AECOS*, Inc. was contracted to assess aquatic resources in the Project area. The purpose of this survey and report is to identify any sensitive biological resources in and around the proposed Project that may be impacted by a boat ramp installation. This report includes results from a marine biological survey in the Project area.

Project Description

The Ko Olina Marina is a man-made basin created by excavation behind the shore and later connected to the ocean by a dredged channel serving an adjacent deep draft harbor. The Ko Olina Marina is a 44-ac (17.8-ha) marina operated by Ko Olina Resort and Marina and is located on the southwest coast of the Island of O'ahu, Hawai'i (Fig. 1). The Marina shares a deep draft entrance channel with Kalaeloa Barbers Point Harbor, a commercial harbor operated by Department of Transportation, Harbors Division (Fig. 2). Ko Olina Marina has 330 full-service slips and is unusual in the state with the ability to accommodate vessels up to 200 ft (61 m) in length and up to 13 ft (4 m) in draft. Docks are prefabricated modular floating concrete structures.

¹ Report prepared for Arnold T. Okubo and Associates, for use in project permitting. This document will become part of the public record for the project.



Figure 1. Project location at Ko Olina on the Island of O'ahu.

The Project consists of the following in-water activities: removal of 5 concrete piles, removal of approximately 40 linear ft (12 m) of limestone boulder revetment, relocation of existing floating dock segments and a finger pier to other locations within the marina, installment of four precast concrete piles and associated elevated catwalk, inland earth excavation, and installation of precast concrete slabs for the boat ramp. The ramp will be 32 ft (10 m) wide and 132 ft (40 m) long, with a 15% grade; approximately 50 ft (15 m) will be submerged (Arnold Okubo, pers. comm.). Water depth at the outer end of the concrete ramp will be approximately 14 ft (4 m).

Methods

On August 16, 2010, *AECOS* biologists conducted a biological reconnaissance survey of marine resources at the proposed Project site (Fig. 2). Biologists snorkeled the marine waters in the project area and assessed the relative abundance of species present in the area. The survey included the potential direct impact area including limestone boulders to be removed, concrete piles, and harbor floor within the ramp footprint.



Figure 2. Satellite image of Ko Olina Marina and Kalaeloa Barbers Point Harbor.

The survey also covered adjacent indirect impact areas including floating docks, harbor floor, and boulder revetment. Marine algae, fishes, and macroinvertebrates were identified in the field. A listing of species of macroalgae (*limu*) and marine animals observed is presented as Appendix A.

Results

The direct impact area includes three concrete piles located between the existing floating dock and boulder revetment (Fig. 3), two concrete floating dock piles associated with the floating dock sections to be relocated, a portion of limestone boulder revetment, and the harbor bottom where the ramp will extend into marina waters.



Figure 3. View of the Project area from a portion of the dock (foreground, right) to be relocated within the marina.

Underwater visibility during the survey was poor, with less than 3 ft (1 m) horizontal visibility at the surface and even less near the harbor bottom. The project area is located at the far end of the harbor, over 0.6 mi (1 km) from the open ocean, in an area of restricted water flow. A series of ten large pipes channel storm water runoff underground from a grass field area located approximately 90 ft (27 m) northeast of the proposed boat ramp, a site proposed for the boat ramp parking.

The harbor bottom consists of reddish-brown silt. In general, the marine biota observed in the present survey has been reported by surveys in adjacent Kalaeloa Barbers Point Harbor (*AECOS*, 1989; *AECOS* Consultants, 2000) and is of much reduced diversity than that reported from nearshore waters off Ko Olina Resort and Kalaeloa Barbers Point Harbor (*AECOS*, 1985, 1991, 1992a, 1992b, 1993, and 1994).

Silt covers much of the biofouling community of the floating docks and piles. Pile fouling is limited to a barnacle (*Amphibalanus amphitrite*) in the intertidal. The upper subtidal (sublittoral zone) portions of the piles host an encrusting bryozoan (*Schizoporella errata*) and a red alga (*Neosiphonia* sp.); lower portions are heavily colonized by a red coralline alga (*Mesophyllum mesomorphum*; Fig. 4).



Figure 4. Sublittoral biofouling community on concrete piles to be removed.

Limestone boulders of the revetment have a layer of silt and almost no epibenthic growth. Black purse shell (*Isognomon californicum*) is rare, small mangrove blenny (*Omobranchus obliquus*) and grapsid crabs find shelter amongst the boulders.

The submerged concrete surfaces of the floating docks are fully covered by a biofouling assemblage (Fig. 5), which consists of algae (*Acanthophora spicifera*, *Ulva fasciata*, *Neosiphonia* sp., *Gracilaria* sp.) and sparse growths of various sponges, ascidians (*Botryllus* sp.), mollusks (*Isognoma perna*, *Ostrea sandvicensis*, *Siphonaria normalis*, *Spondylus violacescens*), and annelids (*Sabellastarte spectabilis*, *Chaetopterus* sp., *Salmacina dysteri*). Juvenile rockboring urchin (*Echinometra mathaei*) is common in this assemblage. The slipper shell (*Crepidula aculeata*) is also common near the waterline as is a grapsid crab. Solitary tunicates are mostly uncommon except for the black sea squirt (*Phallusia nigra*). The Mangrove blenny (*Omobranchus rotundiceps*) finds shelter amongst the growth.





Few fishes occur here and most that do are juveniles or new recruits including the sergeant (*Abudefduf* sp.), striped belly puffer (*Arothron hispidus*), barracuda (*Sphyraena barracuda*), and unidentified jacks (Carangidae). Adult spotted boxfish (*Ostracion meleagris*) is present in the general area. *Papio (Caranx melampygus*) cutting through schools of *nehu (Encrasicholina purpurea*), and striped mullet (*Mugil cephelus*) are conspicuous throughout the harbor.

An unusual observation was numerous pelagic water striders (*Halobates sericeus*) gliding about at the water's surface. The water strider is the only true marine insect and spends its entire life on the open ocean, unless blown inshore.

The following protected species may occur within the Marina or nearby waters, but were not observed in the survey of the project area: hermatypic corals, black-lipped pearl oyster (*Pinctada margaritifera*), green sea turtle (Chelonia mydas), hawksbill sea turtle (*Eretmochelys imbricata*), and Hawaiian monk seal (*Monachus schauinslandi*).
Discussion

Direct Impacts

Despite brief periods of impaired water quality associated with the removal of existing piles and boulder revetment and the driving of new piles, the proposed project should have little effect on the marine environment. Boat ramp construction will occur on land, which will reduce the risk of concrete and construction-related material spills into the marina waters. The dock will be located in an area of silt bottom with minimal marine life. The marine biota currently growing on the five concrete piles and boulder revetment to be removed is limited to algae, mollusks, and non-native sponges and bryozoans that are commonly introduced to harbor environments in the Hawaiian Islands via boat hulls or in vessel ballast and bilge water. No sensitive biological resources occur in the proposed project area. The relocation of the existing floating dock sections and a finger pier will not result in any direct impacts, as the docks will not be removed from the water.

Indirect Impacts

Marine life occurring in the indirect impact area (floating docks and surrounding waters) is limited to algae, sponges, cryptic invertebrates, and few fishes. During boat ramp and concrete pile installation, indirect impacts to the surrounding waters could include construction runoff and suspension of fine sediments into the water column. Construction best management practices (BMPs) must be implemented to avoid runoff and inputs of chemicals and sediments into the harbor. Additionally, deployment of silt curtains should be in place to minimize the spread of disturbed bottom sediment.

No species listed under the Endangered Species Act (USFWS, 2009) were encountered during the marine survey. However, the waters offshore of Ko Olina Marina are within the Hawaiian Islands Humpback Whale National Marine Sanctuary. The Project within Ko Olina Marina will not directly affect humpback whales, nor will sound generated from pile-driving be substantial enough to cause an acoustic disturbance to protected turtle and marine mammal species in nearby or offshore waters.

Conclusions

Direct impacts on the marine environment from the proposed project will be minor. Excavation of the proposed boat ramp may cause a temporary increase in turbidity, but this can be minimized by the use of silt curtains, which should be effective in the quiet waters of the inner marina. Losses of marine epibenthic flora and fauna resulting from the removal of pilings and boulder revetment will be small and recovery of this assemblage will occur rapidly. No significant impacts are anticipated with the proposed project.

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PHYLUM, CLASS, ORDER, FAMILY				
Genus species	Common name	Abundance	Status	Location
	ALGAE			
CHLOROPHYTA				
Ulva fasciata		U	Ind.	1,3
Boodlea composita		0	Ind.	1
RHODOPHYTA				
<i>Reticulocaulis</i> sp.		R	Ind.	1
Coelothrix irregularis		0	Ind.	1
Asparagopsis taxiformis		R	Ind.	1
Mesophyllum mesomorphum		А		1,3
Hydrolithon rheinboldi		0	Ind.	1
Spyridia filamentosa		0	Ind.	
Nesosiphonia sp.		А	Ind.	1
Acanthopora spicifera		А	Nat.	1
<i>Gracilaria</i> sp.		С	Nat.	1
РНАЕОРНУТА				
Dictyota sandvicensis		U	End.	1
Chnoospora minima		U	Ind.	1
	INVERTEBRATES			
PORIFERA,	Sponges			
DEMOSPONGIAE,				
DYSIDEIDAE				
Dysidea cf. avara	acquisitive sponge	С		1
HAPLOSCLERIDA		_		
<i>Sigmadocia</i> sp.	blue sigmadocia	0		1
POECILOSCLERIDA,				
MYCALIDAE	1 1	0	NT .	4
<i>Mycale</i> sp.	red mycale	0	Nat.	1
ANNELIDA, PULYCHAETA				
SADELLIDAE Saballastarta spostabilis	foothor ductor worm	C	Ind	1
CHAFTOPTFRIDAF	ieauiei uustei wolill	L	mu.	T
Chaetonterus sn	narchment worm	C	Ind	1
SERPIILIDAE	parennene worm	U U	mu.	1
Salmacina dysteri	sea frost	0	Ind.	1, 3

Appendix A. Inventory of aquatic biota observed in waters of the proposed boat ramp project at Ko Olina Marina, Oʻahu on August 16, 2010.

PHYLUM, CLASS, ORDER,	
FAMILY	

Genus species	Common name	Abundance	Status	Location
BRYOZOA, SERTELLIDAE				
Reteporelling denticulata	lace bryozoans	R	Ind.	1.3
VESICULARIDAE				_,_
Zoobotrvon verticillatum				1.3
Amathia distans	white bushy bryozoan	0	Nat.	1
SCHIZOPORELLIDAE	<i>y y</i>	-		_
Schizoporella errata	erratic brvozoan	А	Nat.	1.3
MOLLUSCA, GASTROPODA,	, , , , , , , , , , , , , , , , , , ,			, -
SIPHONARIIDAE				
Siphonaria normalis	false <i>'opihi</i> ,	С	Nat.	1,3
L	'opihi-'awa			,
CALYPTRAEIDAE	- F			
Crepidula aculeata	slipper shell	А	Nat.	1
BIVALVIA,	11			
ISOGNOMONIDAE				
Isognomon perna	brown purse shell	0	Ind.	1,2
Isognomon californicum	black purse shell	R	Ind.	2
OSTREIDAE	1			
Ostrea sandvicensis	Hawaiian ovster	С	Ind.	1,2
SPONDYLIDAE	5			,
Spondylus violacescens	cliff ovster,	А	Nat.	2
i y	'okupe			
CRUSTACEA, CIRRIPEDIA,	L			
BALANIDAE				
Amphibalanus amphitrite	Amphitrite's rock	А	Nat.	1,2,3
r r	barnacle			
ARTHROPODA,				
MALACOSTRACA,				
DECOPODA				
GRAPSIDAE				
Percnon planissimum	flat rock crab, <i>pāpā</i>	0	Ind.	1,2,3
Grapsus tenuicrustatus	thin-shelled rock	0	Ind.	1,2,3
	crab, 'a'ama			
PYCNOGONIDAE	·			
unid.	sea spider	R	Ind.	1
AMPHIPODA				
unid.	amphipod	R	Ind.	1
INSECTA, HEMIPTERA,				
HETEROPTERA, GERRIDAE				
Halobates sericeus	ocean water strider	U	Ind.	1,2,3
ECHINODERMATA,				•
ECHINOMETRIDAE				
Echinometra mathaei	rock boring urchin,	٨	Ind	1
	'ina kea	А	ma.	1
Eabinomatra ablanca	oblong boring	0	Ind	1
встпотел а обютуа	urchin, <i>'ina</i>	U	ma.	1

PHYLUM, CLASS, ORDER, FAMILY

Genus species	Common name	Abundance	Status	Location
CHORDATA, TUNICATA				
STYELIDAE				
<i>Botryllus</i> sp.	ladder tunicate	С	Nat.	1
ASCIDIIDAE		0	. .	
Phallusia nigra	black sea squirt	0	Ind.	1
Ascidea sydneiensis	squirt	0	Ind.	1
	FISHES			
CHORDATA,				
ACTINOPTERYGII ENGRAULIDAE				
Encrasicholina purpurea	Hawaiian anchovy, <i>nehu</i>	0	Ind.	1
TETRAODONTIDAE				
Arothron hispidus	stripebelly puffer, <i>'o'opu hue</i> or <i>kēkē</i>	U	Nat.	1
Arothron meleagris	spotted puffer, 'o'opu hue or kēkē	U	Nat.	2
APOGONIDAE				
Foa brachygramma	bay cardinalfish	R	End.	3
POMACENTRIDAE		2		
Abudefduf sp.	sergeant, mamo	С	Ind.	1
MUGILIDAE				
Mugil cephalus	striped mullet, 'ama'ama or 'anae	0	Nat.	1
CICHLIDAE				
Sarotherodon melanotheron GOBIIDAE	blackchin tilapia	U	Nat.	2
Unid.	goby	R	Ind.	1,2
BLENNIIDAE		5	N	
Omobranchus obliquus	mangrove blenny, pāoʻo	R	Nat.	1
OSTRACIIDAE		5	. .	4.0.0
Ostracion meleagris CARANGIDAE	spotted boxfish, pahu	R	Ind.	1,2,3
unid. juvenile	jack	R	Ind.	1,2,3
Caranx melampygus	bluefin trevally, <i>'ōmilu</i>	R	Ind.	1,2,3
SPHYRAENIDAE		•-		4.6.5
Sphyraena barracuda	great barracuda, <i>kākū</i>	U	Ind.	1,2,3

KEY TO SYMBOLS USED: Abundance categories: R – Rare – only one or two individuals observed.

U – Uncommon – several to a dozen individuals observed.

0 – Occasional – seen irregularly in small numbers.

C – Common -observed everywhere, although generally not in large numbers.

A – Abundant – observed in large numbers and widely distributed.

Status categories:

End. - Endemic - species found only in Hawaii

Ind. – Indigenous – species found in Hawaii and elsewhere

Nat. – Naturalized – species were introduced to Hawaii intentionally, or accidentally.

Location codes:

1 – Floating docks to be relocated

2 - Limestone boulder revetment to be removed

3 - Piles to be removed

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of)) KO OLINA DEVELOPMENT, LLC)) To Amend The Agricultural Land Use) District Boundary into the Urban Land) Use District for approximately 642 acres) At Honouliuli, Ewa, Oahu, Tax Map) Keys: 9-1-14: Portion of Parcel 2; 9-1-15:) 3, 6, 7, 10, Portion of Parcel 4; 9-2-03: 3,) 7, Portion of 2

Docket No. DR08-36

KO OLINA DEVELOPMENT, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a file-marked copy of the foregoing document was duly served upon the parties listed below VIA HAND DELIVERY on

December ____, 2012:

JESSE SOUKI, Director Office of Planning, State of Hawai`i 235 South Beretania Street, 6th Floor Honolulu, Hawai`i 96813

BRYAN C. YEE, ESQ. Deputy Attorney General Department of the Attorney General 425 Queen Street Honolulu, Hawai'i 96813

Attorney for THE OFFICE OF PLANNING

December 14, 2012

Dated: Honolulu, Hawai`i _

OF COUNSEL: MATSUBARA – KOTAKE A Law Corporation

BENJAMIN M. MATSUBARA CURTIS T. TABATA WYETH M. MATSUBARA Attorneys for Petitioner KO OLINA DEVELOPMENT, LLC