

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

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)
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)
_____)

**KO OLINA DEVELOPMENT, LLC'S BOAT LAUNCH RAMP SUPPLEMENT
TO ITS FOURTEENTH STATUS REPORT FILED ON MARCH 15, 2013**

KO OLINA DEVELOPMENT, LLC ("KOD") hereby submits this Supplement to its Fourteenth Status Report filed herein on March 15, 2013 to the State Land Use Commission ("Commission") pursuant to the Commission's request for a follow up hearing on the status of the boat ramp matter.

I. INTRODUCTION

KOD has filed all of the required permit applications, which are able to be filed, on or ahead of schedule. While KOD has control over when it submits the required permit applications it is clearly outside of KOD's control as to the time it takes for the permitting authority to review, process and grant permits. KOD has actively and persistently pursued the boat launch ramp project at all times. It goes without saying

that delays in the project would result in financial hardships for KOD in terms of rising construction and consultant fees and costs. Cost projections for the boat launch ramp keep rising the longer KOD has to wait. KOD has absolutely no motivation for pushing this project back as prolonging 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.

On February 6, 2013, the U.S. Army Corps of Engineers ("Army Corps") approved KOD's Department of Army Permit ("DOAP") and authorized the new boat ramp and loading docks project at Ko Olina Marina subject to conditions. (See Exhibit "A"). Unfortunately, the permitting process for the DOAP has exceeded our original timeframe estimates for review and approval of the permit for the Boat Ramp project.

Background:

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, KOD 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 instructed KOD to proceed on its proposed plans for the boat ramp and

trailer parking lot in the marina and orally requested that KOD submit a quarterly written status report on KOD's progress on relocating the boat launch ramp in the marina.

KOD's First Status Report was filed with the Commission on December 4, 2009. KOD's Second Status Report was filed on March 15, 2010. KOD's Third Status Report was filed on June 14, 2010. KOD's Fourth Status Report was filed on September 13, 2010. KOD's Fifth Status report was filed on December 28, 2010. KOD's Sixth Status report was filed on March 10, 2011. KOD's Seventh Status report was filed on June 3, 2011. KOD's Eighth Status report was filed on August 31, 2011. KOD's Ninth quarterly status report was filed on December 6, 2011. KOD's tenth quarterly status report was filed on March 9, 2012. KOD's Eleventh quarterly status report was filed on June 13, 2012. KOD's Twelfth quarterly status report was filed on September 9, 2012. KOD's Thirteenth quarterly status report was filed on December 14, 2012. KOD's Supplemental to its Thirteenth quarterly status report was filed on January 17, 2013. KOD attended a "Status/Update Report-Boat Launch Ramp" hearing before the Commission and provided an oral status and update of the boat launch ramp on January 24, 2013. KOD filed its Fourteenth quarterly status report on March 15, 2013.

KOD hereby submits its supplement to its fourteenth status report filed herein on March 15, 2013 in regards to the status of the boat launch ramp in the marina pursuant to the D&O as set forth above.

II. BOAT LAUNCH RAMP IN THE MARINA STATUS

While KOD 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. 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.

At this time KOD and its consultants have completed the following items on the proposed project schedule:

1. Design. 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.
2. Permitting.
 - i. Addressed and completed Shoreline Management Area ("SMA") issues with DPP.
 - ii. Addressed and completed Coastal Zone Management Program ("CZM") SMA and Conservation District Use Permit ("CDUP") issues and concerns with DPP and DLNR respectively to address concerns raised by CZM planner and OP.

iii. Conditional Use Permit (“CUP”) finalized and submitted the 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.

iv. Section 401 Water Quality Certification (“WQC”) finalized and submitted the Section 401 WQC application with the State of Hawai`i, Department of Health pursuant to Army Corps instructions and on May 31, 2012, the State of Hawai`i, Department of Health issued a Section 401 WQC for the Boat Launch Ramp and Trailer Parking at Ko Olina Resort and Marina.

B. Department of Army Permit.

KOD timely submitted the Department of Army Permit (“DOAP”), a requirement for the Boat Ramp project, to the Army Corps on September 24, 2010. While KOD has control over when they submit the required permit applications it is clearly outside of their control as to the time it takes for the permitting authority to review, process and grant permits. 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. As the DOAP process had exceeded our initial timeframe expectations and 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 REQUEST 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. 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. NOAA's December 12, 2012 response indicated the requirement for an evaluation of the Essential Fish Habitats ("EFH") for the boat launch ramp project and SHPD indicated the requirement for Petitioner to provide an archaeological inventory survey ("AIS"), subsurface testing and monitoring of the boat launch ramp project area. Petitioner, as previously represented, has already retained two well respected consultants, AECOS,

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.

Inc. and Hal Hammett of Cultural Surveys Hawaii Inc. ("CSH") to respectively address the respective issues raised in this matter.

On February 6, 2013, the Army Corps approved Petitioner's DOAP and authorized the new boat ramp and loading docks project at Ko Olina Marina subject to multiple special conditions. Most of the special conditions are somewhat standard special conditions; however, two (2) special conditions in the DOAP require further follow up by KOD prior to actual construction of the boat ramp.

i. NOAA Special Conditions:

The DOAP contained multiple NOAA special conditions such as providing Best Management Practices Plan ("BMPP") for construction, Endangered Species Act monitoring and hydroacoustic monitoring. However, NOAA's special conditions as to the EFH require further follow up at this time. The EFH special condition states:

4. For Essential Fish Habitat (EFH) administered by Habitat Conservation Division (HCD), NOAA Fisheries, you must ensure the following conditions:

a. The contractor that is responsible for executing BMPs should be held responsible for the monitoring and successful implementation of BMPs to avoid impacts to the EFH. Construction should be halted if BMPs are not working effectively and only commence once BMPs have been adjusted to successfully avoid impacts to the marine environment. The monitoring results should be shared with the USACE once construction is completed. NMFS should be notified if BMPs were not successfully implemented to avoid impacts to EFH.

b. Conserve and restore soil quality with controls that affect soil's ability to regulate water flow, and act as an environmental filter (e.g., permeability, water holding capacity, nutrient availability, organic matter content, and biological activity) with use of low-impact equipment when practicable and avoidance of heavy equipment in water.

c. Increase landscape buffers to provide protection against the cumulative effects of small, but unavoidable, sediment and pollutant discharges associated with upland improvement runoff. The full range of buffer practices (e.g., filter strips, grassed waterways with vegetative filters, and vegetative barriers) should be systematically deployed, protected and managed across the project landscape.

d. Incorporate other Low Impact Development (LID) approaches where practicable. Information on LID can be found at: <http://water.epa.gov/polwaste/green/index.cfm>.

On February 21, 2013, KOD, with AECOS' assistance, submitted a response letter with proposals to the Army Corps to address NOAA's EFH and BMPP concerns during the construction of the boat launch ramp project. The KOD response letter also sought clarification from NOAA to confirm if the project site at Ko Olina Marina is designated as an EFH or not. At this time we are waiting for a response from the Army Corps/NOAA regarding our response letter. KOD will continue to follow up and work with the Army Corps/NOAA.

ii. SHPD Special Conditions:

In regards to SHPD special conditions the DOAP contained the following:

6. You must ensure that the work on uplands (parking lot and access routes) implements measures recommended by the State Historic Preservation Division, Department of Land & Natural Resources.

SHPD recommended the follow relevant measures:

We request archaeological monitoring in TMK: (1) 9-1-057:019 to address the potential of inadvertent finds (including human remains) within the marina area and **an archaeological inventory survey of TMK: (1) 9-1-057:024** to determine if surface and/or subsurface historic properties are present within the project area and, if so, to determine an appropriate course of mitigation for those properties. We request that the applicant submit an inventory survey report for the project area within parcel 024 for review and approval; the report should include all information as specified in HAR §13-276-5. Upon review of the survey report, we

will be able to determine whether monitoring is warranted in Parcel 024 as well as Parcel 019.

(See Exhibit "B")

Regarding SHPD's special condition, CSH has completed its background review, analysis and written section of their report to SHPD and has completed its site investigation of the Ko Olina Marina. CSH is currently finalizing its Archaeological Assessment Report to submit to the Army Corps/SHPD within the next couple of weeks. The CSH report, as hoped for, will indicate to SHPD that there is a "no findings" and that no subsurface assessment is needed for the project site. However, it is understood that SHPD will have final determination as to whether a subsurface assessment on the project site is required or not. KOD will submit its response to the Army Corps/SHPD and continue to cooperate with SHPD regarding any follow up that is required going forward.

[The remainder of this page is intentionally left blank.]

III. CONCLUSION

KOD will continue to work diligently with the Army Corps regarding the comments and recommendations from NOAA and SHPD as well as with DPP regarding the Boat Ramp project. KOD is committed to and is making every effort to comply with the Declaratory D&O to provide a boat launch ramp within the marina as soon as they are able to design, permit and construct the boat launch ramp.

Dated: Honolulu, Hawai'i April 8, 2013.

OF COUNSEL:
MATSUBARA – KOTAKE
A Law Corporation



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



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

February 6, 2013

REPLY TO
ATTENTION OF:

Regulatory Branch

File No. POH-2010-00202

Ralph Harris
Vice President & Resort Asset Manager
Ko Olina Ocean Marina, LLC
1100 Alakea Street, 25th Floor
Honolulu, HI 96813

NOTICE OF VERIFICATION

Nationwide Permit No. 28 (Modifications of Existing Marinas)(Section 10 Only)

Nationwide Permit No. 36 (Boat Ramps)(Section 404 and Section 10)

Department of the Army File No. POH-2010-00202

**Ko Olina Marina New Boat Ramp and Replace Loading Docks Project
In and Above Ocean Waters at TMK 191057019 (21.32968°N/ -158.1166°W),
Ko Olina Marina, Kalaheo, Oahu Island, Hawaii**

Dear Mr. Harris:

This letter verifies the project 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 five existing concrete piles, and removing about 40 lineal feet of existing shoreline revetment boulder and rip-rap. After construction of the new boat ramp, four replacement octagonal concrete piles will be pre-drilled and driven for constructing two new replacement loading docks, one four-foot wide and the other five-foot 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, access road, and a 30-space truck and boat trailer parking lot (Enclosure 1).

The Corps has determined that the proposed work can be authorized under Nationwide Permit No. 28 (Modifications of Existing Marinas)(Section 10 Only) and Nationwide Permit No. 36 (Boat Ramps)(Section 404 and Section 10). The work must be conducted in accordance with the Corps' NWP authority at 33 CFR Part 330; Appendix A, the February 21, 2012 Notice of Issuance of Nationwide Permits (77 FR 10275), Paragraphs B.28 (Modifications of Existing Marinas) and B.36 (Boat Ramps), Paragraph C (General Conditions); and the Honolulu Engineer District Regional General Conditions for Nationwide Permits (approved March 19, 2012)(references previously provided your office).

The Office of Coastal Zone Management issued their verification of consistency determination of the proposed activity under NWPs 28 and 36 on December 3, 2012. The Clean Water Branch, Hawaii Department of Health, issued their Section 401 Water Quality Certification No. WQC0798 for the construction of the new boat ramp on May 31, 2012.

EXHIBIT "A"

The following SPECIAL CONDITIONS shall apply to the work to be performed.

SPECIAL CONDITIONS:

1a. You must 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) Agency/contractor performing work with the name of a point of contact, address and telephone number.

(4) If vessels are involved, names, call signs and radio frequencies they guard, on VHF-FM.

(5) Hours of operation of the project, i.e. 0800 - 1700, Mon - Fri, 24 hours a day.

(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. signs, lights.

(8) The information should be sent to:

Commander (dpw)
Fourteenth Coast Guard District
Prince Kuhio Federal Building
300 Ala Moana Boulevard
Honolulu, Hawaii 96850-4982

or e-mail: D14LNM@uscg.mil or Phone:808-535-3409

1b. You must, upon completion of the authorized work, provide notice to the U.S. Coast Guard, Aids-To-Navigation Office.

2. You must submit your Construction Contractor's 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 construction contractor's representative for all in-water activities. The 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 impact, the designated construction contractor's representative must document the environmental harm with photographs and written descriptions. The BMPP must also acknowledge and implement measures stipulated through consultation with NOAA Fisheries

SPECIAL CONDITIONS (cont):

and must be consistent with the entire suite of corrected BMP measures identified in the revised Engineering Assessment submitted September 10, 2010:

3. For protected marine species administered by Protected Resources Division (PRD), NOAA Fisheries, (Hawksbill sea turtles (*Eretmochelys imbricata*), Green sea turtles (*Chelonia mydas*), and Hawaiian monk seals (*Monachus schauinslandi*)), you must implement the following BMPs:

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 the above 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 marine ESA-listed species is within 50 yards (46 meters) of the authorized work and may only begin or resume after the animal(s) has voluntarily departed the area. The stand-off distance shall be increased to 100 yards (92 meters) during pile-driving activities.

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

g. Deployment of a floating boom with full water column silt curtain shall be used to prevent debris from entering the aquatic habitat

h. Turbidity measurements outside of the deployed silt curtain shall be documented for the entire duration of in-water construction activities. If the turbidity increases 1 NTU or greater above the ambient background level, in-water work shall cease until turbidity returns to background levels. The location of turbidity monitoring stations and measurement records shall be submitted to the Regulatory POC at the end of each work week.

i. The Construction Contractor POC must inform all on-site project personnel of the status of any marine ESA-listed species potentially present in the project area and the protections afforded to those species under Federal laws. Your Construction Contractor POC must

SPECIAL CONDITIONS (cont):

ensure that protocols to avoid the potential for contact with or harassment of ESA-listed species of record are followed during all periods of in-water work.

j. If: 1) a take occurs; 2) new information reveals effects of the action have affected listed species in a manner or to an extent not previously evaluated; 3) if the action is subsequently modified and causes effects to listed species in a manner or to an extent not previously considered or evaluated; or 4) a new species is listed or critical habitat is designated that may be affected by the authorized work, you must immediately notify the Regulatory POC.

k. For the duration of the authorized work, your Construction Contractor POC must maintain records of observation of ESA-listed species in the authorized work area. Upon completion of the authorized work, the construction contractor's representative must submit the observation records to this office.

l. You must ensure that the Construction Contractor POC and all on-site project personnel are informed of these conditions and the obligations thereby imposed.

4. For Essential Fish Habitat (EFH) administered by Habitat Conservation Division (HCD), NOAA Fisheries, you must ensure the following conditions:

a. The contractor that is responsible for executing BMPs should be held responsible for the monitoring and successful implementation of BMPs to avoid impacts to the EFH. Construction should be halted if BMPs are not working effectively and only commence once BMPs have been adjusted to successfully avoid impacts to the marine environment. The monitoring results should be shared with the USACE once construction is completed. NMFS should be notified if BMPs were not successfully implemented to avoid impacts to EFH.

b. Conserve and restore soil quality with controls that affect soil's ability to regulate water flow, and act as an environmental filter (e.g., permeability, water holding capacity, nutrient availability, organic matter content, and biological activity) with use of low-impact equipment when practicable and avoidance of heavy equipment in water.

c. Increase landscape buffers to provide protection against the cumulative effects of small, but unavoidable, sediment and pollutant discharges associated with upland improvement runoff. The full range of buffer practices (e.g., filter strips, grassed waterways with vegetative filters, and vegetative barriers) should be systematically deployed, protected and managed across the project landscape.

d. Incorporate other Low Impact Development (LID) approaches where practicable. Information on LID can be found at: <http://water.epa.gov/polwaste/green/index.cfm>.

5. The Acoustic Monitoring Plan for Piling Installation (AMPPI) must be submitted to, and approved by POC Regulatory before in-water activities begin. The AMPPI will ensure that the following objectives and information requirements will be addressed:

SPECIAL CONDITIONS (cont):

a. Objectives:

To establish ambient noise levels, three full 24 hour days of background noise monitoring are required prior to beginning pile driving activities.

Monitoring is required whenever there is pile driving activity.

Three hydrophones will be deployed during pile driving activities, at 5 meters from the pile, 50 meters from the pile, and 92 meters from the pile, on a radial alignment that has a clear line of sight to the activity. These hydrophones will be placed at mid-water depth on nylon lines.

Signal analyses will be conducted as post-processing.

b. Reporting Requirements:

A draft report including data collected and summarized from all monitoring locations will be submitted within 60 days of the completion of hydroacoustic monitoring. The results of the hydroacoustic monitoring will summarize the frequency spectrum, ranges and means including standard deviation/error for peak and RMS SPL's, single-strike and cumulative SEL with and without the attenuation system, an estimation of the number of strikes that exceeded the cumulative SEL threshold and an estimation of the distance at which the peak and cumulative SEL values reach the respective thresholds and the distance at which the RMS values reach the relevant marine mammal thresholds and background sound levels in graphical form and include summary statistics and time histories of impact sound values for each pile or representative set of pile locations.

The draft report will include a preliminary evaluation of the 50 meter and 92 meter standoff distances for measuring sound levels relative to the 120 dB isopleth. The report shall also include:

1. Number, size and type of piles installed and monitored.
2. The impact hammer energy rating used to drive the piles and a description of the make and model of the hammer.
3. A description of the sound monitoring equipment.
4. The distance between hydrophones and pile.
5. The depth of the hydrophones and depth of water at hydrophone locations.
6. The distance from the pile to the water's edge.
7. The depth of water in which the pile was driven.
8. The depth into the substrate that the pile was driven.

SPECIAL CONDITIONS (cont):

9. The physical characteristics of the bottom substrate into which the piles were driven.

10. The total number of strikes to drive each pile and for all piles driven during a 24-hour period.

11. The background sound pressure level reported as the 50% CDF.

12. A description and record of any observable fish, marine mammal or bird behavior in the immediate area and, if possible, correlation to underwater sound levels occurring at that time.

A final report will be prepared and submitted within 30 days following receipt of comments on the draft report.

6. You must ensure that the work on uplands (parking lot and access routes) implements measures recommended by the State Historic Preservation Division, Department of Land & Natural Resources.

7. Any submittal to the Corps required by these Special Conditions must be in writing and must prominently display the reference number POH-2010-00202. Such notice or submittal may be given by U.S. mail addressed to the following: U.S. Army Corps of Engineers, Honolulu District, Building 230, Fort Shafter, Hawai'i 96858-5440, Attn: Chief, Regulatory Branch; by e-mail to Farley.K.Watanabe@usace.army.mil; or by facsimile to (808) 835-4305.

Upon completion of final in water activities and NLT than thirty (30) days after, please sign and return the enclosed compliance certification sheets and Special Conditions documentation records for our administrative records (Enclosure 2).

You may now begin the work. This authorization will expire at midnight, **March 18, 2015**. All nationwide permits expire on March 18, 2017. It is incumbent upon you to remain informed of changes to the nationwide permits. If the Corps modifies, reissues, or revokes any nationwide permit at an earlier date, we will issue a public notice announcing the changes. To receive e-mail notification of the availability of public notices, please follow the instructions provided at http://www.poh.usace.army.mil/index.asp#Public_Notice_Mailing_List_Registration.

Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP (March 18, 2017) to complete the activity under the present terms and conditions of this nationwide permit.

In addition to the General and Regional Conditions, you are advised of the following:

a. This authorization does not relieve you of any need to obtain other Federal, State or local authorizations required by law.

b. This authorization does not grant any property rights or exclusive privileges.

c. This authorization does not authorize any injury to the property or rights of others, nor any interference with any existing or proposed Federal projects.

Thank you for your consideration of the aquatic environment of Kalaeloa and conducting a project which avoids and minimizes adverse impacts to its biological, chemical and physical values. Please notify Mr. Farley Watanabe at 835-4305, or facsimile at 835-4126, or Farley.K.Watanabe@usace.army.mil if you have additional questions.

Sincerely,



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

Copy Furnished (w/o encl 2):

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 <darryl.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

Rocky Kaluhiwa (Oahu), Aha Moku Advisory Committee via e-mail at
<rockyfromheeia@aol.com>

PROPOSED BOAT LAUNCHING RAMP AND TRAILER PARKING - SITE PLAN

A
SP-1
SCALE 1" = 300'

EXHIBIT NO. 2

SP - 1
DATE: 7/18
SHEET: AS SHOWN
DRAWN: RMA/AC

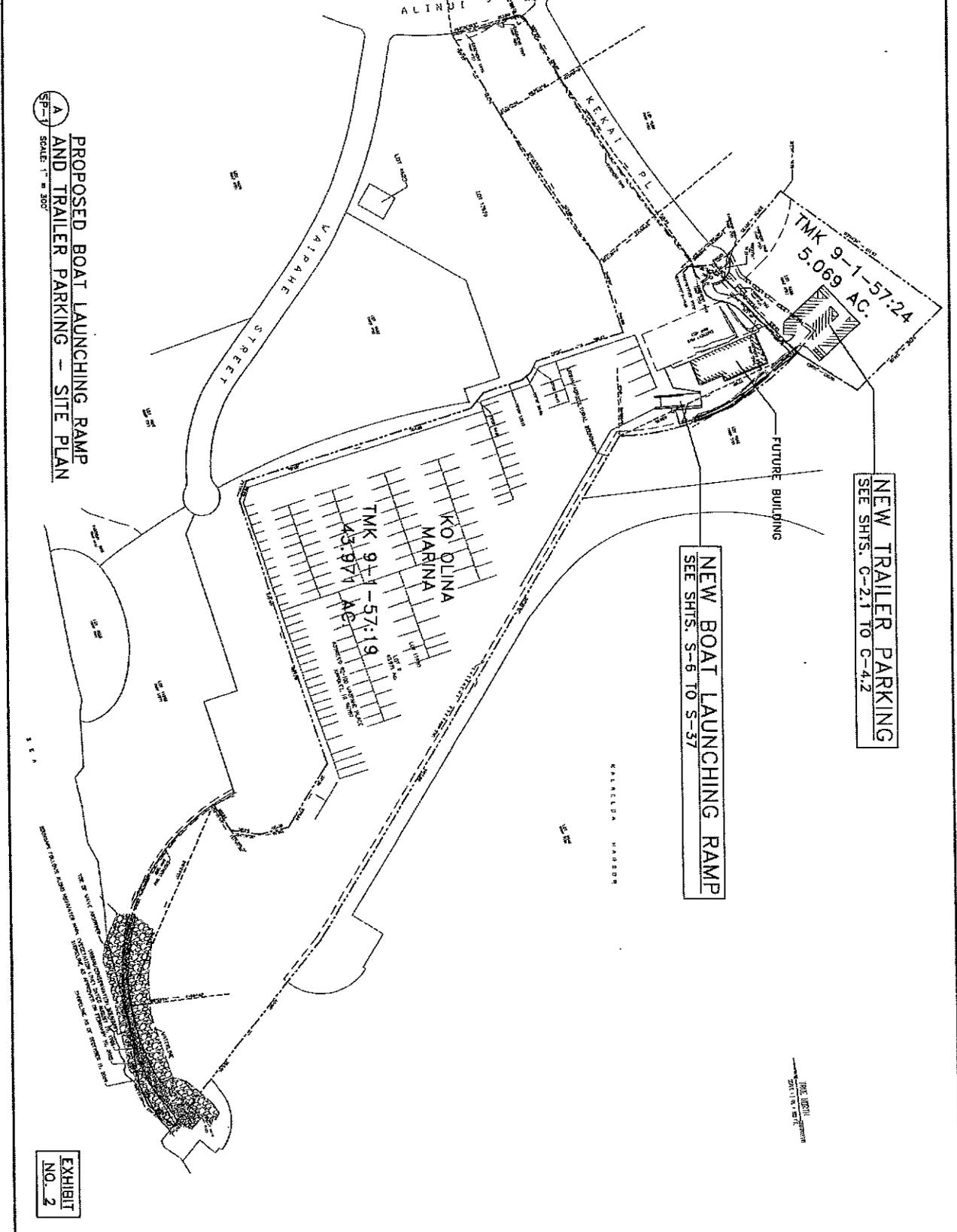
PROPOSED BOAT LAUNCHING RAMP AND TRAILER PARKING - SITE PLAN

BOAT LAUNCH RAMP & TRAILER PARKING at KO OLINA RESORT & MARINA OAHU, HAWAII

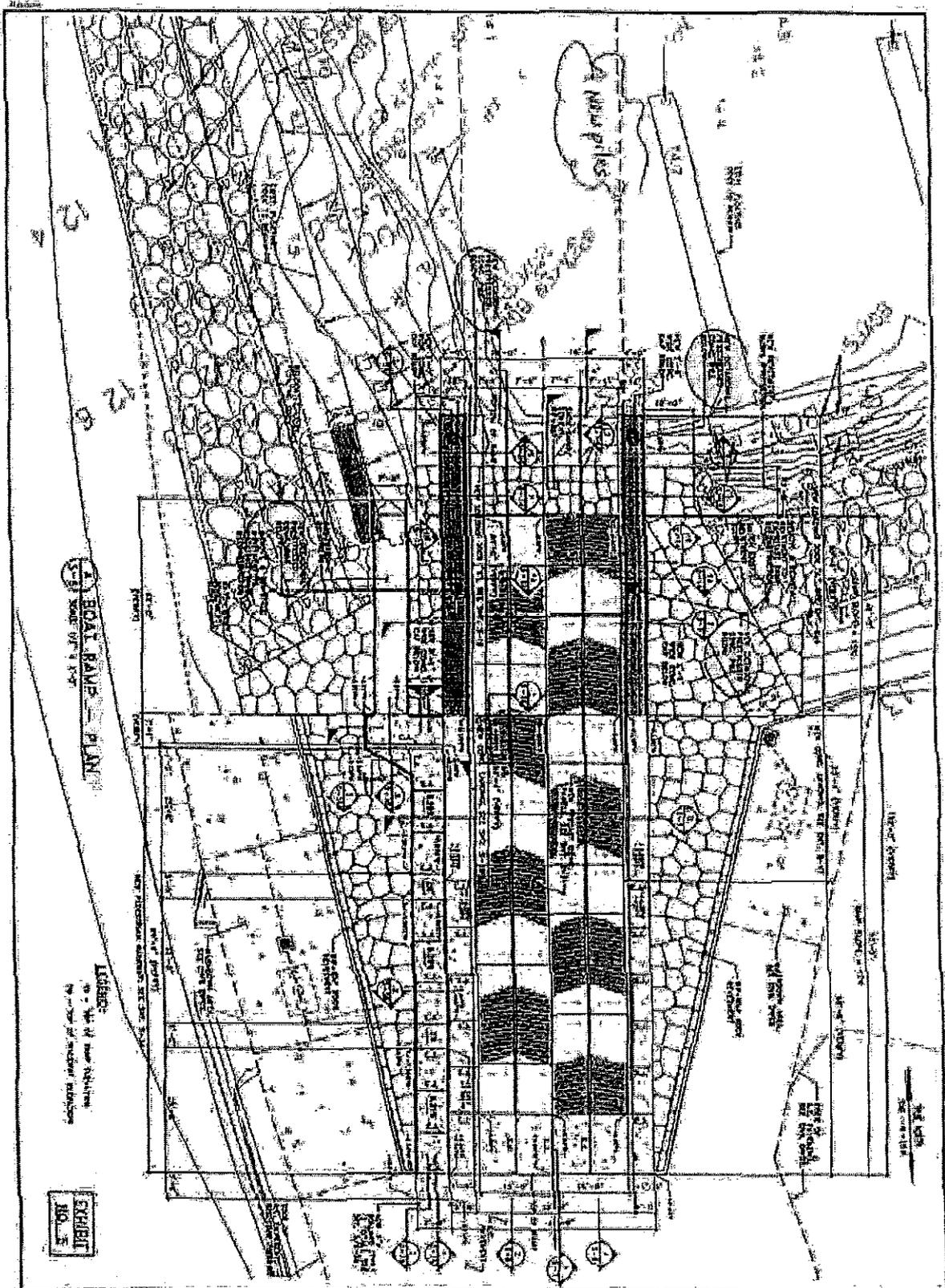


THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND IN CONNECTION WITH THE PROJECT THAT IS IDENTIFIED HEREIN. I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF HAWAII. DATE: 07/18/18

THIS SHEET GOVERNMENT PRINTING OFFICE: 2010 O-510-001. HAWAIIAN ENGINEERING SOCIETY, INC. 2011 KALANOA DRIVE, SUITE 200, HONOLULU, HI 96815



POH-2010-00202, Ko Olina Marina
Construct New Boat Ramp & Replace Loading Docks Project



1 BOAT LAUNCH RAMP PLAN

Legend:
 to a top of new structure
 to a top of existing structure

EXHIBIT NO. 5

S-6

DATE: 1/15/68
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

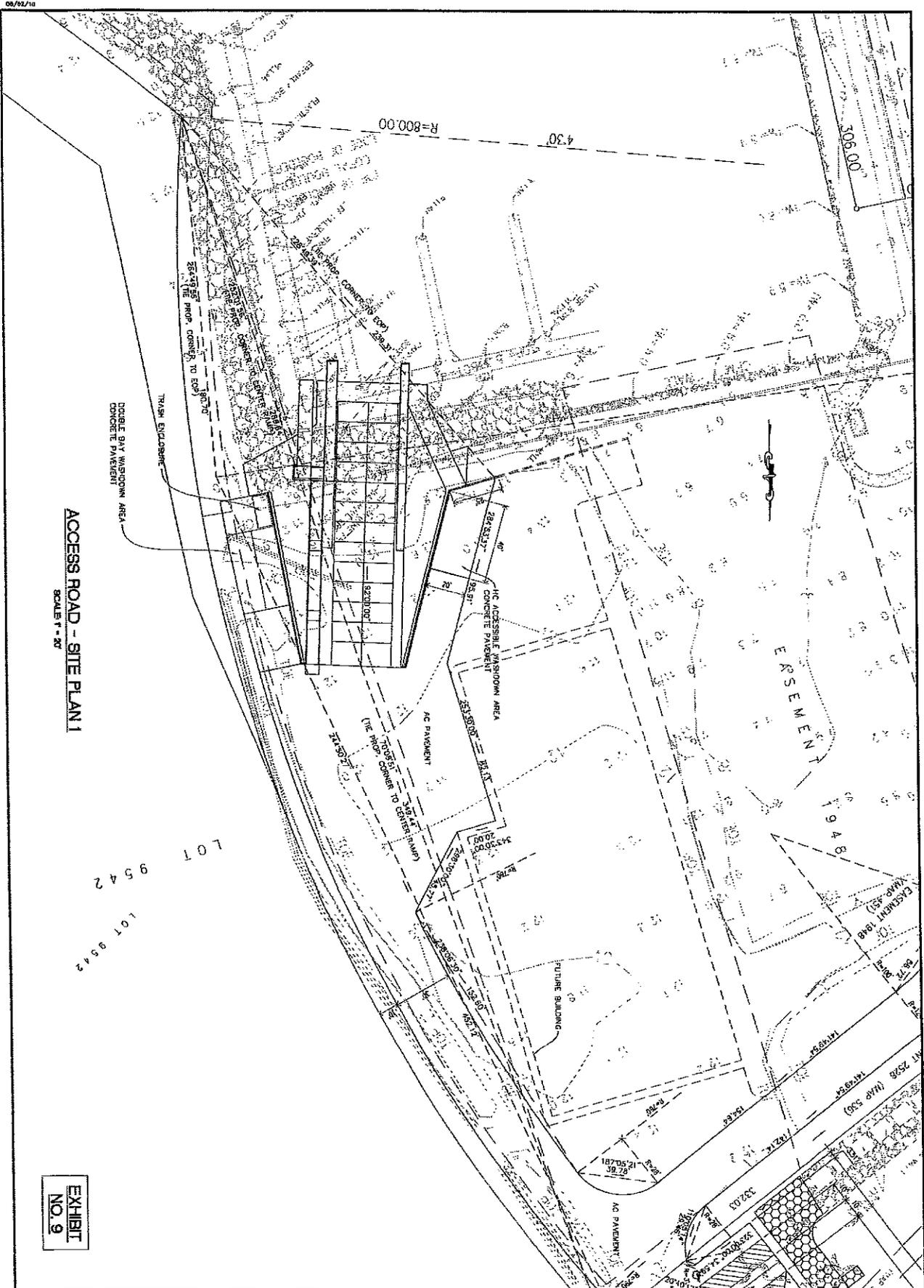
BOAT LAUNCH RAMP PLAN

BOAT LAUNCH RAMP &
 TRAILER PARKING
 AT KO OLINA RESORT & MARINA
 OAHU, HAWAII



STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 DIVISION OF ZONING AND PLANNING

NO.	DATE	REVISION



ACCESS ROAD - SITE PLAN 1
SCALE 1" = 20'

EXHIBIT NO. 9

Date: 09/10/10
 Scale: AS SHOWN
 Drawn: CTD
 Checked: [Blank]
 Title: **C-3.1**
 of [Blank] Sheets

ACCESS ROAD - SITE PLAN 1

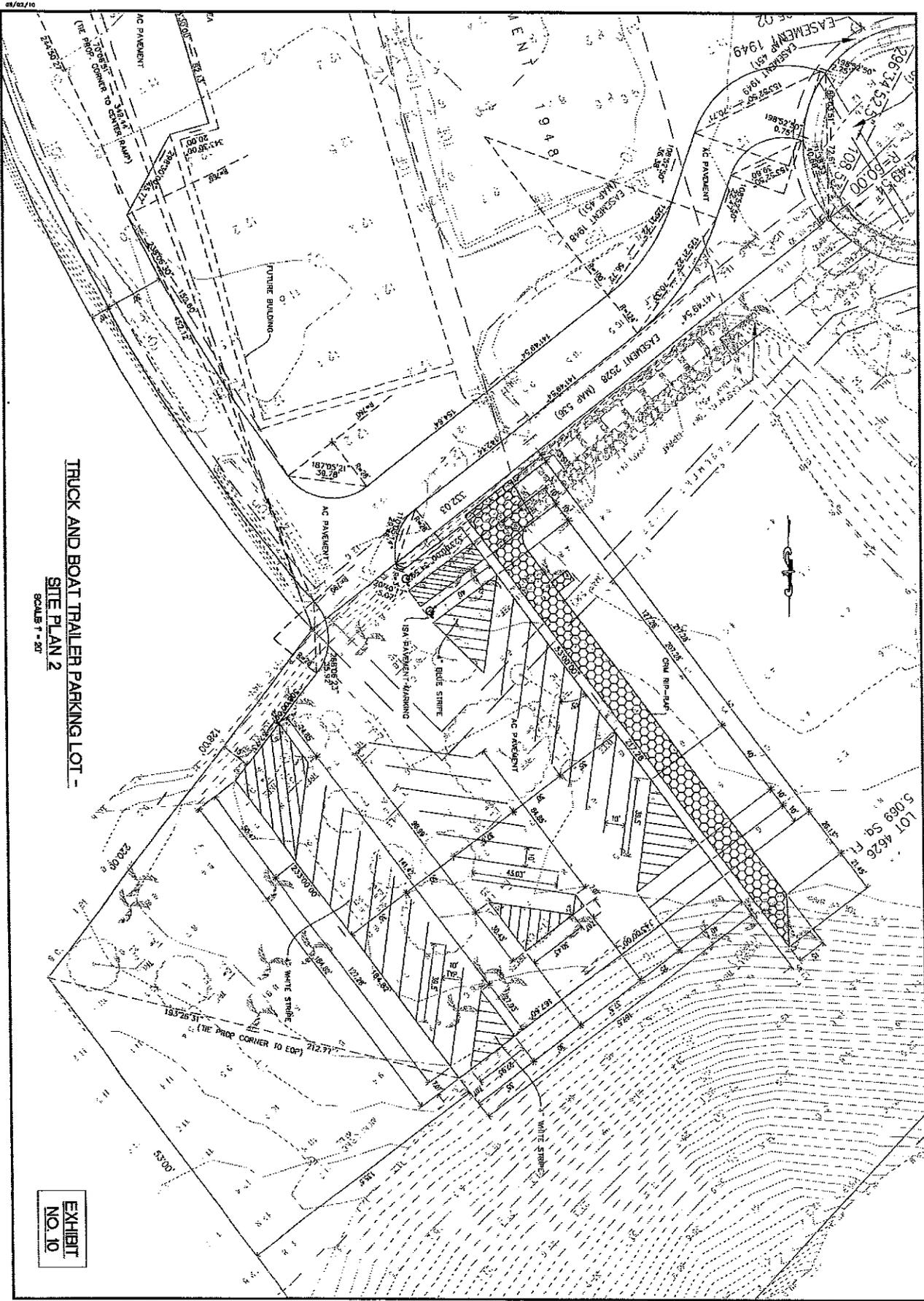
BOAT LAUNCH RAMP & TRAILER PARKING
 at KO OLINA RESORT & MARINA
 OAHU, HAWAII



THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONTROL AND I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF HAWAII.

NO.	REVISIONS

POH-2010-00202, Ko Olina Marina
 Construct New Boat Ramp & Replace Loading Docks Project



**TRUCK AND BOAT TRAILER PARKING LOT -
SITE PLAN 2**
SCALE 1" = 20'

**EXHIBIT
NO. 10**

C-32 <small>OF 32 SHEETS</small>	Date: 09/10/19 Scale: AS SHOWN Drawing: C19	TRUCK AND BOAT TRAILER PARKING LOT - SITE PLAN 2	BOAT LAUNCH RAMP & TRAILER PARKING at KO OLINA RESORT & MARINA OAHU, HAWAII		<small>ALL RIGHTS RESERVED BY THE ENGINEER</small> <small>THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF HAWAII.</small>	REVISIONS NO. DATE DESCRIPTION
	SHEET NO.	TOTAL SHEETS	PROJECT NO.	DRAWING NO.	SCALE	DATE

POH-2010-00202, Ko Olina Marina
Construct New Boat Ramp & Replace Loading Docks Project

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**HISTORIC PRESERVATION DIVISION
DEPARTMENT OF LAND AND NATURAL RESOURCES**

601 Kamokila Boulevard, Suite 555
Kapolei, HI 96806

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

December 6, 2012

Mr. Farley K. Watanabe
Regulatory Branch (CEPOH-EC-R/Watanabe)
U.S. Army Corps of Engineers, Honolulu District, Bldg. 230
Fort Shafter, Hawaii 96858
Farley.K.Watanabe@usace.army.mil

LOG NO: 2012.3466
DOC. NO: 1212SL10
Archaeology

Dear Mr. Watanabe:

**SUBJECT: Chapter 6E-42 and National Historic Preservation Act (NHPA) Section 106 Review –
Nationwide Permits and Agency Coordination Notice and Request for Expedited Review
POH-2010-00202, Construct New Boat Ramp and Replace Loading Docks Project
Ko Olina Marina, Oahu Island, Hawaii
Honouliuli Ahupua'a, 'Ewa District, Island of O'ahu
TMK: (1) 9-1-057:019 and 024**

Thank you for the opportunity to review this submittal titled *Nationwide Permits and Agency Coordination Notice and Request for Expedited Review POH-2010-00202, Construct New Boat Ramp and Replace Loading Docks Project Ko Olina Marina, Oahu Island, Hawaii*. We received this submittal in our Kapolei office on December 3, 2012. Ko Olina Ocean Marina, LLC proposes to construct a new boat ramp within the 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 of precast concrete slabs which will require relocating 110 feet of existing shoreline revetment and rip-rap. After construction of the new boat ramp, five replacement concrete piles will be pre-drilled and driven for constructing two new 60-foot long replacement loading docks, one four feet wide and the other five feet wide; and a replacement rock revetment. The boat ramps, loading docks, and revetment are located in TMK: (1) 9-1-057:019. Additional work 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 upland improvements, including the parking lot are located in TMK: (1) 9-1-057:024.

Ko Olina Marina is a man-made basin created by excavation behind the shore which later was connected to the ocean by a dredged channel serving as a deep draft harbor. The permit indicates that U.S. Army Corps of Engineers (Corps) has determined that (1) the proposed work to be authorized by the Nationwide Permit will have no effect to any property listed on the State and National Registers of Historic Places and (2) that all work will occur on an original substrate (exposed limestone reef) that has been removed by prior activities and overlain and landscaped with imported soil and vegetation and is therefore unlikely to contact intact primary sedimentary and cultural deposits. In addition, the Nationwide Permit ensures the protection of inadvertent discoveries of cultural remains and human burials. The Corps also has determined that 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.

Our records indicate that historic properties, including human burials, were identified during archaeological studies conducted within the marina prior to construction of the marina, channel, and deep draft harbor (e.g., Davis 2000). An archaeological inventory survey of 124 acres conducted adjacent to the proposed upland improvements identified 19 surface historic properties (e.g., habitation, agricultural, burial, ranching, and military features). Of these 13 were previously identified and 6 were newly identified; all were assessed as eligible for the Hawaii State Register. This study (Hoffman et al. 2005) involved TMK: (1) 9-1-014:033 and (1) 9-1-015:020. Of these, TMK: (1) 9-1-014:033 abuts west side of TMK: (1) 9-1-057:024 which includes the proposed parking lot, while TMK: (1) 9-1-015:020 surrounds the parking lot parcel on three sides.

EXHIBIT "B"

Mr. Watanabe
December 6, 2012
Page 2

In addition, our records indicate that no archaeological inventory survey has been conducted in TMK: (1) 9-1-057:024, the upland portion of the proposed project area. Our review indicates this area remains undeveloped. Based on these findings, SHPD determines that potential exists for the presence of subsurface historic properties within TMK: (1) 9-1-057:024. Therefore, we cannot concur with the "no effect" determination at this time.

We request archaeological monitoring in TMK: (1) 9-1-057:019 to address the potential of inadvertent finds (including human remains) within the marina area and **an archaeological inventory survey of TMK: (1) 9-1-057:024** to determine if surface and/or subsurface historic properties are present within the project area and, if so, to determine an appropriate course of mitigation for those properties. We request that the applicant submit an inventory survey report for the project area within parcel 024 for review and approval; the report should include all information as specified in HAR §13-276-5. Upon review of the survey report, we will be able to determine whether monitoring is warranted in Parcel 024 as well as Parcel 019.

Please contact Susan A. Lebo at (808) 692-8019 or Susan.A.Lebo@hawaii.gov if you have any questions regarding this letter.

Aloha,

A handwritten signature in black ink, appearing to read 'Theresa K. Donham', with a horizontal line extending to the right from the end of the signature.

Theresa K. Donham
Deputy State Historic Preservation Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

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)	
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)	
_____)	

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 April 8, 2013:

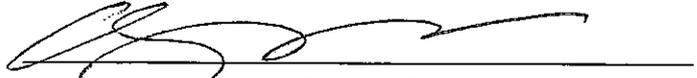
JESSE SOUKI, Director
Office of Planning, State of Hawai'i
235 South Beretania Street, 6th Floor
Honolulu, Hawai'i 96813

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

Dated: Honolulu, Hawai'i April 8, 2013.

OF COUNSEL:
MATSUBARA – KOTAKE
A Law Corporation



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