

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 |) | |
| _____ |) | |

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LAND USE COMMISSION
STATE OF HAWAII

**KO OLINA DEVELOPMENT, LLC'S BOAT LAUNCH RAMP SUPPLEMENT
TO ITS THIRTEENTH STATUS REPORT FILED ON DECEMBER 14, 2012**

EXHIBITS "1" - "8"

AND

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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**KO OLINA DEVELOPMENT, LLC'S BOAT LAUNCH RAMP SUPPLEMENT
TO ITS THIRTEENTH STATUS REPORT FILED ON DECEMBER 14, 2012**

KO OLINA DEVELOPMENT, LLC ("KOD") hereby submits this Supplement to its Thirteenth Status Report filed herein on December 14, 2012 to the State Land Use Commission ("Commission") pursuant to the Commission's request for a hearing on the status of the boat ramp matter.

I. INTRODUCTION

The main objective of this supplemental report is to make it absolutely clear that KOD is firmly committed to constructing and completing the boat launch ramp in the marina as soon as possible. KOD wants to make clear that 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. 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. Unfortunately, the permitting process for the Department of Army Permit ("DOAP") has exceeded our original timeframe estimates for review and approval of the permit for the Boat Ramp project.

Background:

On October 2, 2008, the Commission held its meeting at Leiopapa A Kamehameha, Conference Room 405, 235 South Beretania Street, Honolulu, Hawai'i, for a continued hearing and action meeting on Docket No. DR08-36 Ko Olina Development Company to consider Ko Olina Development's petition for declaratory order filed on March 24, 2008. The Commission, having heard and examined the testimony, evidence and arguments presented during the hearings, met to discuss and vote on the proposed findings of fact, conclusions of law and decision and order and respective responses filed by the KOD and the State Office of Planning ("OP").

The D&O states in relevant part:

1. This Commission finds and declares that Petitioner is not in substantial compliance with the representations in the Decision and Order and the Amended Decision and Order because there is no boat launch ramp in the Ko Olina Marina. The installation of the proposed improvements to the existing Kalaeloa Ramp does not constitute substantial compliance with the representations made to this Commission because the ramp is not in the marina.

2. Petitioner must construct a boat launch ramp inside the Ko Olina Marina that is open to the public to be in substantial compliance with the representations in the Decision and Order and Amended Decision and Order.

3. Petitioner shall appear before this Commission within six months from the date of this Findings Of Facts, Conclusions Of Law, And Decision And Order providing (i) a schedule and timeline describing any public outreach efforts it has made or will make in regard to the boat launch ramp in the marina; (ii) the proposed location of the ramp inside the Marina; (iii) the regulatory permitting and construction requirements for the ramp; and (iv) a schedule and timeline for the opening of the ramp to the public.

4. Petitioner shall file a written report describing the items listed in paragraph 3 above not less than 30 days before the Commission hearing.

The Commission moved to accept the amended D&O which passed by a 5-0 vote.

On April 14, 2009, KOD filed its status report pursuant to Condition No. 4 of the D&O along with four exhibits, two of which were Exhibit "C" the proposed locations of the boat launch ramp and trailer parking and Exhibit "D" the project schedule estimate.

The Commission held a status hearing on the boat ramp matter on May 15, 2009.

On July 6, 2009, KOD, pursuant to a request from the Commission, filed a table and Exhibits A – E with information on the boat ramp permitting requirements and processing timeframes for the construction of the boat launch ramp including applicable provision detailing permitting requirements and projected timeframes for processing individual permits.

On July 10, 2009, OP filed its response to KOD's permitting requirements and processing timeframe in concurrence that the "permits identified are all necessary and appear comprehensive" and that the "estimated timeframes for permits appears to be reasonable and accurate."

On July 13, 2009, KOD, filed its updated boat ramp proposed project schedule with the permitting process details as Exhibit "G."

The Commission held further status hearings on the boat ramp matter on July 16, 2009 and August 28, 2009 on the boat ramp matter.

At the August 28, 2009 meeting, Commissioner Normand "Chip" Lezy provided comments regarding the concerns being raised of the timeframe for the new boat ramp in the marina and stated:

Thank you, Chair. I'd just like to make a few comments. I was not present at the last status conference. But much like Director Mayer after the fact I heard some information about questions that arose during the course of the status conference. And I shared the same kind of surprise that the director had because of the basis for the concerns and comments that were raised.

Before I get into those things specifically I would like to just raise one issue because I think it's, it's endemic not to this particular docket matter but to the matters before the Commission in general. That has to do with my concerns as a Commission we have begun to fall into the trap, I think, of micromanagement in the matters that [are] in front of us I don't think that's the purpose of this Commission. I don't think that we're doing the work of the state and the people of Hawai'i by devoting time to micromanagement of matters that have come before us. I think we should make decisions and stand by those decisions. And I don't think that within that purview we should be deciding what manini things needs to be done to execute on those decisions.

That said, going back to the surprise that I had, and I may be reiterating some of the points that have been made, but I think they bear reiteration. We issued -- we made the decision to allow the Petitioner to pursue a Petition for declaratory order. We then issued a declaratory order based on the Petitioner's arguments and agreements.

The question before us right now is looking at what they're telling us, are they in substantial compliance with the order? I for one can say, again, as the director had mentioned, that when I sat through the proceedings on the declaratory order, the things that stood out in my mind first and foremost were the fact that we were being told that if a new boat ramp had to be constructed, and it had to be constructed within the marina, that it was going to take a large amount of time to get the proper permitting in particular from the Army Corps of Engineers in order to do this because of the fact that we were dealing with construction because it would be in water or touching water.

And I remember specifically the consultants saying it would take at least three years to get this permitting done. And I remember when we voted on the order during the deliberations, because I knew the folks that were pushing -- the fishing community that were pushing to have the boat

ramp put back into the marina were pleased that they were being granted this.

I said specifically on the record, "Be careful what you wish for." And the reason being I think it was very clear at that point that it was going to be a number of years before there would be a functioning boat ramp.

And I think that that detail was obviously lost on the folks who are raising concerns now about whether there has been substantial compliance by the Petitioner with the order. I think it's worth pointing out, as Commissioner Devens I think just graciously admitted, is there has been no rebuttal to the information that's been offered by the Petitioner about the timeline to get this work done.

It is, as they said, the opinion of the consultants who previously provided the state with information on this issue that it is going to take this amount of time to do this. And nobody has said any differently.

When we talk, I think, going back to this issue of micromanagement in the context of whether there's been substantial compliance here, when we talk about should there be some sort of interim solution, should there be a requirement that the Petitioner open up the old ramp?

Again, to me it becomes an issue of is it our job to delve into these kinds of micromanagement types of issues when we didn't impose any such condition in our original order?

There has been no information offered in response to things that were raised during the course of that hearing that touched on facts concerning the danger of having a ramp in that location and the difficulties caused by having a ramp in that location. I think this all funnels down to an issue that has come up in the last couple of hearings we had, particularly the hearing that we had yesterday in Kona. That has to do with the integrity of the process before the Commission.

And where we issue an order and we impose very specific obligations on a Petitioner, then I think it is only fair to the Petitioner and to the process that we follow those obligations.

* * *

I don't think that there's been anything to indicate other than compliance. And I would just urge the Commission as we go forward in this matter and other matters to look carefully at what is taken up and the kinds of comments that are made during the course of the hearings before us. Thank you.

(Emphasis added).

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 Petitioner submit a quarterly written status report on Petitioner's 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.

On October 15, 2012, counsel for KOD received a correspondence from the Commission dated October 12, 2012, with an attached e-mail from Mr. Warren Von Arnswaldt regarding the lack of progress in developing the boat ramp at Ko Olina and the scheduling of a hearing in order to obtain further information on the status of this matter and to ascertain the status of adherence to other conditions in the Commission's decision and order. (See Exhibit "1" – Letter from the LUC to KOD's Counsel with attachment from Mr. Warren Von Arnswaldt dated October 12, 2012).

On October 19, 2012, KOD replied to the Commission to address the concerns raised in the Commission's October 12, 2012 letter and attached its response letter to Mr. Von Arnswaldt which provided information on the subject matter and addressed questions raised by the interested parties. (See Exhibit "2" – KOD's Response with attachments to the LUC dated October 19, 2012).

Petitioner's Thirteenth quarterly status report was filed on December 14, 2012.

Petitioner hereby submits its supplement to its thirteenth status report filed herein on December 14, 2012 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 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 "3" - Comparison Project Schedule attached hereto).

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. KOD, although not required, committed to providing a double boat launch ramp based upon the 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 projections for the boat launch ramp keep rising the longer KOD has to wait. 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.

A. KOD's Commitment To Construction of Boat Ramp.

KOD committed to constructing a boat ramp in the marina from the very start by retaining the most qualified consultant to deal with the boat ramp permitting process in

the State of Hawai'i. The following is 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 DOAP application process and dealing with the U.S. Army Corps of Engineers ("Army Corps"). KOD, as you recall from our prior submittals to the Commission, 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 Ko Olina 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 Naval Facilities Engineering Command ("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 Army Corps, 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 Army Corps in the past seven years alone. The Army Corps has a well established DOAP application process and procedure. Part of the DOAP application process requires that the Army Corps sends out a "letter of permission agency coordination" request to over 12 Federal, State and City departments for review and comment. Mr. Okubo is also familiar with the Army Corps' established protocol which 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 Army Corps', 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 Army Corps procedure and protocol helps to organize and facilitate addressing any concerns from the various agencies. KOD has followed this Army Corps procedure and protocol in dealing only with the assigned point of contact to address any and all concerns.

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.

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. The Army Corps is still conducting its review of the DOAP. It is clearly understood that the permitting process is unpredictable and KOD had provided the best time estimates for obtaining the required permits. 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. Again, one can understand and appreciate the sensitive nature when dealing with permitting authorities and following their protocols. KOD also understands and accepts the tremendous workload of the Army Corps and the numerous projects they must oversee. KOD chose to cooperatively work with the Army Corps, continually followed up and provided all requested information in the hope of obtaining the permit

approval as soon as possible. KOD has attached as Exhibit "4", 39 emails between Mr. Okubo, Department of Health and the Army Corps concerning follow-up on the DOAP review, requests for status and responses in regards to the DOAP matter. Besides the attached e-mails, Mr. Okubo made numerous follow-up phone calls to the Army Corps in regards to the status of the Boat Ramp. A review of the emails between Mr. Okubo and the Army Corps will confirm that any assumption that KOD is not working diligently, or has not kept in contact with the permitting authorities is incorrect. In fact, a review of the emails indicates that on or about a June 28, 2011 email the Army Corps was "confident" that the permit would be issued by 09/01/11 after Mr. Okubo sought a status update from the Army Corps because KOD needed to file its building permits with DPP by September 2011. It is also significant to note that the double wide ramp proposal by KOD required a written waiver from the Army Corps District Engineer because it exceeded the 20-foot width criteria (See Exhibit "4"; E-mail from Mr. Okubo dated 10/07/10).

i. Current Status of DOAP

On November 30, 2012, the Army Corps sent out a, "NATIONWIDE PERMITS AGENCY COORDINATION NOTICE And REQUEST FOR EXPEDITED 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 "5"). As of December 12, 2012, only the National Oceanic and Atmospheric Administration

("NOAA") (See Exhibit "6" – Letter to Army Corps from NOAA) and the State Historic Preservation Division, Department of Land and Natural Resources ("SHPD") (See Exhibit "7" – Letter to Army Corps from SHPD dated December 6, 2012) responded to the Army Corps Notice with comments and follow-up. However, NOAA's December 12, 2012 response indicated a requirement for an evaluation of the Essential Fish Habitats ("EFH"). The recent NOAA requirement for an evaluation of an EFH is contrary to our understanding from the Army Corps August 22, 2011 "Memorandum For Record" which served as a confirmation that KOD's DOAP application was complete and provided a waiver of the width and volume parameters for the Ko Olina boat ramp and stated that "there is no designated critical habitat or essential fish habitat in the marina" (emphasis added.) (See Exhibit "8" – Memorandum For Record).

KOD will continue to follow-up with the Army Corps regarding the comments and recommendations from NOAA and SHPD and has retained two well respected consultants, AECOS, Inc. and Hal Hammett of Cultural Surveys Hawaii Inc. to respectively address the issues raised in this matter.

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

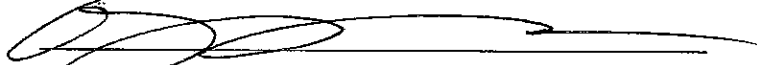
¹ The timing of this response from NOAA was unexpected as the Army Corps was in consultation from 2011 as indicated that it was "still in consultation with USFWS and NOAA" in an email to Mr. Okubo on November 18, 2011. (See Exhibit "4").

III. CONCLUSION

KOD is committed to and has made 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. KOD takes any community concerns regarding the boat launch ramp project seriously. KOD's efforts and investments in time and costs to date have been substantial and diligent and that KOD is actively pursuing this matter. Petitioner's believes that they have been in compliance with the requirements of the Declaratory D&O and will continue to do so.

Dated: Honolulu, Hawai'i January 17, 2013.

OF COUNSEL:
MATSUBARA - KOTAKE
A Law Corporation


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

NEIL ABERCROMBIE
Governor

BRIAN SCHATZ
Lieutenant Governor

RICHARD LIM
Director



LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

DANIEL ORODENKER
Executive Officer
Planner

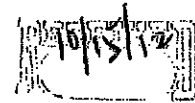
SCOTT A.K. DERRICKSON AICP
Planner

RILEY K. HAKODA
Chief Clerk

FRED A. TALON
Drafting Technician

October 12, 2012

Ben Matsubara, Esq.
Wyeth Matsubara, Esq.
Charles R. Kendall Building
888 Mililani Street, Eighth Floor
Honolulu, Hawaii 96813



Re: Ko Olina Boat Ramp (DR08-36) Community Correspondence

Dear Mr. Matsubara;

Attached is an e-mail letter from Mr. Warren Von Arnsewaldt regarding the lack of progress in developing the boat ramp at Ko Olina.

The Commission has recently been made aware that the community is concerned that development of the boat ramp has been significantly delayed. This is a matter of concern for the Commission as well. While there may be legitimate reasons for a delay, we have an obligation to ensure that all interested parties are fully informed.

In order to obtain further information on the status of this matter and to ascertain the status of adherence to other conditions in the Commission's decision and order we will be scheduling a hearing in late January to hear from you and the community with regard to this matter.

Very Truly Yours;

A handwritten signature in black ink, appearing to read "Daniel E. Orodenerker".

Daniel E. Orodenerker
Executive Director

Aloha Scott,

Subject: Ko Olina Public Boat Ramp Ref: DR08-36

I am finally making some headway in finding out what is the delay in the Ko Olina Boat Ramp. Per Ko Olina Development, they submitted a form for permit (DOAP) to Corp of Engineers on September of 2010. Ko Olina left it at that, and for all I know, did not inquire as to what the delay was, and made no mention of it in their Quarterly Reports until their twelfth report on September 12, 2012. Now after two years we are at the point where it is very unlikely that the boat ramp will be opened, as promised.

On Wednesday, 19 September 2012, I was finally able to get in touch with Farley Watanabe, the project manager for Corp of Engineers, (Phone: 835-4305) in reference to this long awaited permit (File No. POH-2010-00202) He related that he had received the request form in September of 2010, and when asked why the approval has been held up for so long, He related that NOAA-Regulatory Resources is still looking at what the effect of pile-driving will do to the endangered species and critical habitat. The Aulani Hotel was built in less time than it is taking to build a boat ramp-and talk about pile-driving. In response, he said that he is consulting with Don Hubner-Marine Biologist at NOAA, (Phone: 944-2233). I called Hubner directly after speaking to Watanabe. Hubner related that he did not know what I was talking about, and he knows nothing about the Ko Olina Boat Ramp Project. Related that he would get in touch with Watanabe to find out what is going on.

I tried to get in contact with Watanabe this date, Friday, September 21, 2012, but with no response. I contacted Hubner, and he related that he got in touch with Watanabe yesterday, September 20, 2012, and asked him what was going on, as he doesn't know what he was referring, and Watanabe told him that he was sending out the necessary information to him. Not knowing what information is being forwarded, he does not know when his report will be finalized. So apparently Corp of Engineers (Watanabe) has been sitting on this permit for the past two years, with no real explanation. Could Ko Olina done something about this delay?-possibly if they kept on top of it. I am still waiting for Watanabe's explanation of his untruthful statements, and what reasons there are for this delay.

For these fore-mentioned reasons, that in the hearings for this case, we wanted Ko Olina to reopen the old ramp. That would have made them more accountable for the project, as they said they had plans for the old ramp parking area. I hope that LUC will have another hearing on this matter to explain some of Ko Olina's responses in their Quarterly Reports, and perhaps denying them any new plans submitted for their development until the ramp is completed.

Please keep me advised as to any planned hearing on this matter. Another hearing would also inform new Commissioners as to the scope of Ko Olina's noncompliance.

Mahalo,

Warren Von Arnswaldt

warvonarn@aol.com

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

MATSUBARA • KOTAKE

Attorneys At Law
A Law Corporation
CHARLES R. KENDALL BUILDING
888 MILILANI STREET, EIGHTH FLOOR
HONOLULU, HAWAII 96813
E-MAIL: wmatsubara@m-klawyers.com

TELEPHONE
(808) 526-9566

FACSIMILE
(808) 538-3840

October 19, 2012

HAND DELIVERY

Mr. Daniel E. Orodener, Executive Officer
Land Use Commission, State of Hawai'i
235 South Beretania Street, Suite 406
Honolulu, Hawai'i 96813

Re: Ko Olina Boat Ramp; LUC Docket No. DR08-36; Community Correspondence

Dear Mr. Orodener:

This letter is in regards to your October 12, 2012 correspondence concerning the above-referenced matter. We appreciate you providing us with information regarding community concerns on our boat launch ramp project as we take such matters seriously. We also received a letter from the same member of the public in regards to various questions and concerns on the project and we have provided to that member of the public a detailed response to address the questions and concerns raised in the letter. The main objective of our response letter was 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. We wanted to make clear that any assumption that KOD is not working diligently, or has not kept in contact with the permitting authorities is incorrect. Copies of the letter from the member of the public and our response are attached for your convince.

Our response letter, as you will note, provides a considerable amount of information and addresses the questions raised by the interested parties. We also intend to file a supplemental report to address the letter and to provide further information on the status of the boat launch ramp project in January, a condition in which we have consistently complied. 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 in January for the Commission to address this matter.

If you have any questions as to the above, please contact me.

Very truly yours,

MATSUBARA - KOTAKE

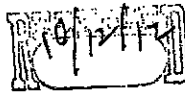


Wyeth M. Matsubara

Enclosures

EXHIBIT " 2 "

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 prepared and completed by July of 2011, however the certificate was not issued until May 31, 2012. 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, I did.

On September 19, 2012, 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 September 21, 2012, 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. I would like to see the 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 tentatively 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.

Warren E. M. Von Arnswaldt

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

MATSUBARA • KOTAKE

Attorneys At Law
A Law Corporation
CHARLES R. KENDALL BUILDING
888 MILILANI STREET, EIGHTH FLOOR
HONOLULU, HAWAII 96813
E-MAIL: wmatsubara@m-klawyers.com

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 projections for the boat launch ramp keep rising the longer KOD has to wait. 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.

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.

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

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

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Wyeth M. Matsubara

Combined E-mails List to Farley Watanabe from Arnold Okubo and to Arnold Okubo from Farley Watanabe (39 total)

****Under the assumption original email and reply were made on the same date**

2010

- 09/24/10 Informing Farley that DA permit application was submitted to his office this morning with all the information in the boat ramp.
- 10/07/10 Response to 10/07/10 email with "Okay. Thank you for the update.". Checking on status on DA permit. Asked for any update on waiver. Informing Farley owner asked for status with COE because they must report to LUC with status.
- **10/07/10** Informing Arnold that the agency coordination letter will go out after he gets a written waiver.
- 12/07/10 Checking on status of Ko Olina Boat Ramp DA permit application. Asked for any update on project review for waiver. Telling F. Watanabe owner has asked him to keep in touch with COE as they must report to LUC with status.
- **12/07/10** Telling Arnold that agency coordination letter will go out after he gets written waiver and that the proposed projects exceeds the 50 cy fill and 20 foot width criteria.

2011

- 01/03/11 Checking on status of Ko Olina boat ramp submittal. Asking Farley on whether they need to apply for a 401 WQC with DOH, CWB.
- **01/03/11** Responding to 01/03/11 e-mail with a "Yes" regarding applying for a Sec 401 WQC and to reference Corps file POH-2010-00202 and NWP#36.
- **01/12/11** Informing Arnold to send PDFs.
- 01/12/11 Informing Farley that on 01/11/11 Section 401 WQC Letter and Application for Boat Ramp & Trailer Parking were submitted to DOH, CWB. And later sent PDFs to Farley.
- 03/08/11 Checking on status of Ko Olina Marina and Resort New Boat Ramp Project, DA Permit File No. POH-20100-00202.
- **03/08/11** Informing Arnold that District Engineer has not signed waiver yet for the area and dredging volume exceptions under NWP#36.

- 03/09/11 Keeping Farley up-to-date on Section 401 WQC. Have not received written acknowledgment on application submitted on 01/11/11. Should know within 30 days.
- 03/11/11 Informing Farley that date applying for C&C building permit was wrong. The correct timeline is 09/15/11 is when application will be submitted. Attached proposed project schedule.
- 05/10/11 Checking on the update of the waiver for the area and dredging volume. Informing Farley owner wants an update on project status on permitting so it can be included in LUC status report.
- 06/28/11 Asking on status of COE review for the project and issuance of waiver. Ko Olina wants to try and be on schedule for 09/01/11 building permit submittal. Wants a timeline on COE review so adjustments may be made to start and completion date. Need to file updated status report with LUC.
- 06/28/11 CWB, DOH will starting processing upon issuance of the agency coordination letter. Confident NWP will issue by 09/01/11. Asked why can't submit to C&C building by 09/01/11 (concerns expiration will not be the same?). When agency coordination letter goes out, C&C agencies will receive a copy.
- 06/29/11 Thanking F. Watanabe for update. Asked about C&C Permitting process: applying for C&C building permit, routing to different agencies and the different agencies will not sign off on building permit without COE blessing and meeting their requirements.
- 09/01/11 Checking on current status on DOA permit. Asked for any update on project. Last time they talked was 07/29/11 and mentioned that permit was with COE legal counsel for review. Telling F. Watanabe owner has asked for status as they must report to LUC with status.
- 09/01/11 Thanking F. Watanabe for T/C of 09/01/11. He understands that COE District Engineer authorized waiver for boat ramp project for the amount of dredging exceeding 50 cy and can go ahead with the project using the Nation Wide Permit process. Various letters will be issued to the affected agencies and it will take approximately 60 days for the various agencies notification, review, comments and issuance of DA permit. After issuance of DA permit and addressing DOH, CWB requirements, Ko Olina will apply for building permits with DPP.
- 09/01/11 Attached approved size waiver. Waiver includes ramp dimensions. Timeline does not include Clean Water Branch WQC's timeline to certify Sec. 401 WQC. Need to submit a WQC application directly to CWB. Corps will issue a provisional permit subject to the effective date of the WQC. In-water work cannot begin until WQC is received by Corps.

11/18/11 Checking on status of Ko Olina Boat Ramp DA Permit Application and update on conditional status when permit may be okay with special conditions attached. Informed Farley still working on Section 401 WQC application.

11/18/11 Still in consultation with USFWS and NOAA. Asked to be kept apprised of DOH issues on the 401 WQC action.

2012

03/20/12 Checking on status of DA permit application.

03/30/12 Informing Farley that he received a call from Jia Ping of DOH, CWB regarding Section 401 WQC application and DOH is going to publish public notice and needs DOA to issue a letter to confirm official jurisdiction determination. Also informs Farley that publication will be on 04/12/12 and would like the letter before 04/06/12. Letter should be addressed to Ralph Harris.

04/05/12 Farley sending the written size waiver determination letter for the new replacement Ko Olina Boat Ramp. Corps intends to verify under NWP#36 and the authorities. The waiver provides approved JD for DA permit will be required for project. Verification under NWP #28 is intended to be issued for the work. All work to take place under NWP#28.

04/17/12 E-Mail to Randy Fujiki from Arnold Okubo, cc: Ralph Harris and Jiaping Fouse re: DOH Clean Water Branch Section 401 Water Quality Certification Public Notice.

04/17/12 E-Mail to Arnold Okubo from Arnold Okubo, cc: Ralph Harris, Randy Fujiki and Jiaping Fouse re: DOH Clean Water Branch Section 401 Water Quality Certification Public Notice (instructions to place legal notice in newspaper).

06/13/12 Checking on status of Ko Olina Boat Ramp's Corps permit application. Asked when the DA permit will allow project to start to proceed with construction. Informed F. Watanabe that DOH WQC Section 401 was approved with conditions by DOH and attached letter.

06/18/12 Needs Arnold to submit a noise/acoustic assessment for pile-driving segment. Attached samples to guide where numbers are.

**06/18/12 Telling Arnold of 3d way of providing info.

06/25/12 Attached is the completed "Pile Driving Questionnaire" for the project.

09/28/12 Informed Farley he tried to call and got message number was not in service.

- 11/08/12 Checking on status of the DA permit for the Ko Olina Boat ramp project. Asking any idea when permit may be issued or is it still NOAA review. Boaters want to know when construction will start and status.
- 11/27/12 Asking for informational status on DA permit. Boaters pressuring Ko Olina to start construction. Have applied and submitted plans to DPP on 11/07/12 hoping that by the time DPP issues building permit DA permit letter will be issued too. DPP will not issue building permit without DA permit letter.
- 11/30/12 To Reviewers: Attached DA permit application for a new boat ramp and replacement infrastructure. Expedited review of one week is requested.
- 11/30/12 Thanking Farley for expediting the DOAP agencies coordination review. Attached communications that Ko Olina has done with Mr. Von Arnswaldt and his contact information.
- 12/01/12 Thanking Farley again for expediting the DOAP agencies coordination review and providing coordination letter to Warren to respond to or share with interested parties.
- 12/10/12 Checking on status of the DOA permit. Telling F. Watanabe owner needs to give status to LUC.
- 12/12/12 Response to 12/10/12 e-mail. F. Watanabe informing Arnold that DOA Nationwide Permit applications are in evaluation. Expedited agency responses are attached and Ko Olina's responses to their comments and recommendations are needed.

E-mail to Farley Watanabe and Arnold Okubo from Donald Hubner (NOAA) (1 total)

- 12/03/12 Initial questions and comments from NOAA.

Ryan Tagomori

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Friday, September 24, 2010 9:15 AM
To: Farley K. Watanabe
Subject: Proposed Ko Olina Boat Ramp DA Permit

Farley,

We will deliver the Department of Army Permit application to your office this morning together with all the information on the boat ramp project.

Please let Manny Emiliano or myself know if you need any other informations or have any questions.

Our telephone number is (808)671-5184.

Aloha and Mahalo,
Arnold Okubo

Arnold T. Okubo & Associates, Inc.
Consulting Structural Engineers
94-529 Ukee Street, Suite 107
Waipahu, Hawaii 96797
Tel no. (808)671-5184
Fax no. (808)671-5187
e-mail: okuboa004@hawaii.rr.com

Ryan Tagomori

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Thursday, October 07, 2010 4:34 PM
To: Watanabe, Farley K POH
Subject: Re: Preliminary Evaluation

Farley,
Okay.
Thank you for the update.
Aloha and Mahalo,
Arnold Okubo

Watanabe, Farley K POH wrote:

> Arnold: the agency coordination ltr will go out after I get a written
waiver
> from our District Engineer/CO for the NWP#36 for boat ramps. The
> proposed design exceeds the 50 CY fill and 20-foot width criteria.
>
> Farley K. Watanabe, Archaeologist
> Regulatory Branch (CEPOH-EC-R)
> U.S. Army Engineer District Honolulu
> ph: 808-438-7701
>
>
>
>

Ryan Tagomori

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Tuesday, December 07, 2010 8:20 AM
To: Watanabe, Farley K POH
Subject: Re: Preliminary Evaluation

Farley,

Just checking on the review of the Ko Olina Boat Ramp DA permit application. Any update on the project review for the waiver for the District Engineer. The boat ramp owner had ask me to touch base with the COE so that they could report to the State Land Use Commission on the status of the project on the permitting process for the various agencies.

Have a Happy Holiday and thank you for your help.

Aloha and Mahalo,
Arnold Okubo

Watanabe, Farley K POH wrote:

> Arnold: the agency coordination ltr will go out after I get a written waiver
> from our District Engineer/CO for the NWP#36 for boat ramps. The
> proposed design exceeds the 50 CY fill and 20-foot width criteria.
>
> Farley K. Watanabe, Archaeologist
> Regulatory Branch (CEPOH-EC-R)
> U.S. Army Engineer District Honolulu
> ph: 808-438-7701
>
>
>
>

Ryan Tagomori

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Monday, January 03, 2011 10:07 AM
To: Farley K. Watanabe
Subject: [Fwd: Re: Preliminary Evaluation]
Attachments: Re: Preliminary Evaluation (1.08 KB)

Farley,
Happy New Year 2011.
I know that you were on vacation during the month of December 2010.
Just checking on the status of the Ko Olina Boat Ramp submittal.
Also, do we need to apply for a 401 Water Quality Certification with the State of Hawaii
Dept. of Health, Clean Water Branch?
Please let me know.
Thank You.
Arnold Okubo

Ryan Tagomori

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Wednesday, January 12, 2011 10:52 AM
To: Watanabe, Farley K POH
Subject: Re: [Fwd: Re: Preliminary Evaluation] (UNCLASSIFIED)
Attachments: Ko Olina Boat Ramp - 01.12.2011 - CWB-WQC Letter & Application.pdf; Ko Olina Boat Ramp - 01.12.2011 - Copy of ATO Transmittal Sent to DOH-CWB.pdf

Farley,

Please see attached.

Attached is a PDF copy of the Section 401 Water Quality Certification (WQC) Letter and Application for the Boat Ramp & Trailer Parking at Ko Olina Resort and Marina.

Also, FYI... attached is a copy of our firms transmittal that was enclosed in the packet that was delivered to the DOH-CWB.

Should there be any questions, you may contact Arnold at 671-5184.

Thank you,
Rhona Acoba-Iwata
Arnold T. Okubo & Associates, Inc.

Watanabe, Farley K POH wrote:
Classification: UNCLASSIFIED
Caveats: FOUO

Arnold: by all means, send me a *.pdf copy...
TIA,

Farley K. Watanabe, Archaeologist
Regulatory Branch (CEPOH-EC-R)
U.S. Army Engineer District Honolulu
ph: 808-438-7701

-----Original Message-----
From: Arnold T. Okubo [<mailto:okuboa004@hawaii.rr.com>]
Sent: Wednesday, January 12, 2011 7:58 AM
To: Watanabe, Farley K POH
Subject: Re: [Fwd: Re: Preliminary Evaluation] (UNCLASSIFIED)

Farley,

Subject: Ko Olina Resort and Marina Boat Launching Ramp and Trailer Parking:

DA Permit File No. POH-2010-00202

We submitted on January 11, 2011, to the State of Hawaii, Dept. of Health, Clean Water Branch, the Section 401 Water Quality Certification permit application together with the filing fee for the Ko Olina Boat Ramp project.

Would you like a copy of the submitted application for your information?
We could e-mail it to you. Please let me know.

Thank you,
Arnold Okubo

Watanabe, Farley K POH wrote:

Classification: UNCLASSIFIED
Caveats: FOUO

Happy New Year Arnold: yes, you will need to apply for a Sec. 401
WQC...make sure you reference the Corps file POH-2010-00202 and NWP#36

(Boat Ramps)...

Farley K. Watanabe, Archaeologist
Regulatory Branch (CEPOH-EC-R)
U.S. Army Engineer District Honolulu
ph: 808-438-7701

-----Original Message-----

From: Arnold T. Okubo [<mailto:okuboa004@hawaii.rr.com>]
Sent: Monday, January 03, 2011 10:07 AM
To: Watanabe, Farley K POH
Subject: [Fwd: Re: Preliminary Evaluation]

Farley,
Happy New Year 2011.
I know that you were on vacation during the month of December 2010.
Just checking on the status of the Ko Olina Boat Ramp submittal.
Also, do we need to apply for a 401 Water Quality Certification with
the State of Hawaii Dept. of Health, Clean Water Branch?
Please let me know.
Thank You.
Arnold Okubo

Classification: UNCLASSIFIED
Caveats: FOUO

Classification: UNCLASSIFIED
Caveats: FOUO



Arnold T. Okubo and Associates, Inc.
CONSULTING STRUCTURAL ENGINEERS

Doc. 2010-220

January 11, 2011

Mr. Alec Wong, P.E., Chief
State of Hawaii
Clean Water Branch
Department of Health
919 Ala Moana Blvd., Room 301
Honolulu, Hawaii 96814-4920

Subject: Section 401 Water Quality Certification (WQC) Application
for Boat Launch Ramp & Trailer Parking
at Ko Olina Resort and Marina
Oahu, Hawaii
DA NWP No.: 36 (Boat Ramp); U.S. Army District File No.: POH-2010-00202

Dear Mr. Wong,

Submitted for your review is the Section 401 Water Quality Certification (WQC) Application for the above Boat Launch Ramp and Trailer Parking project.

Together with this application, we are submitting the related documents listed under Item 13 including the Project Plans, Specifications, Engineering Assessment Report, and Department of the Army Permit Application. A check for the filing fee is also enclosed.

This project to construct a boat ramp within the Ko Olina Marina was directed by an order issued by the State Land Use Commission and requiring that Ko Olina Marina build a boat launch ramp open to the public within the Marina.

Our contact person at the U.S. Army Corps of Engineers is Mr. Farley K. Watanabe, who is reviewing the DA Permit Application (Nationwide Permit No.: 36 (Boat Ramp); U.S. Army District File No.: POH-2010-00202). Should you have any questions regarding the DA Permit, please call Mr. Farley K. Watanabe at (808) 438-7701.

Should you have any questions or need additional information, please call me at 671-5184. We appreciate the assistance given to us by you and your staff. Thank you.

Sincerely,

Arnold T. Okubo, P.E.

Enclosed: COE Letter, 9/24/2010
Section 401 WQC Application w/ enclosure File Fee.

CC: Ralph F. Harris - Ko Olina Ocean Marina, LLC

94-529 Ukee St., Suite 107

Waipahu, HI 96797

Telephone: (808) 671-5184



State of Hawaii
Department of Health
Clean Water Branch

CWB USE ONLY
WQC No.: _____ Engineer: _____
Date Received: _____

CWB-WQC Application

Information Required for the Section 401 Water Quality Certification (WQC)

Before completing this form, read the Guidelines for CWB-WQC Application.

- * If mail is not received at the street address, provide the mailing address(es) in Item 14, Additional Information.

1. Owner Information (see Guidelines for CWB-WQC Application - Note 1)

Legal Name: Ko Olina Ocean Marina, LLC

Street Address *: 1100 Alakea Street, 25th Floor

City, State and Zip+4 Code: Honolulu, Hawaii 96813

Contact Person & Title: Ralph F. Harris, Vice President & Resort Asset Manager

Phone No.: (808) 391-0791 / 791-2192

Fax No.: (808) 673-7670

2. General Contractor Information (see Guidelines for CWB-WQC Application - Note 2)

Name: Information to be submitted after contract to be awarded.

Street Address *: _____

City, State and Zip+4 Code: _____

Contact Person & Position Title: _____

Phone No.: () _____

Fax No.: () _____

3. Emergency Contact Information (see Guidelines for CWB-WQC Application - Note 3)

a. Company/Organization Name: Information to be submitted after contract to be awarded.

Contact Person & Title: _____

Phone No.: () _____

Phone No.: () _____

b. Company/Organization Name: Ko Olina Ocean Marina, LLC

Contact Person & Title: Ralph F. Harris, Vice President & Resort Asset Manager

Phone No.: (808) 391-0791 / 791-2192

Phone No.: (808) 673-7670

4. Project Site Information (see Guidelines for CWB-WQC Application - Note 4)

Project Name: Boat Launch Ramp and Trailer Parking at Ko Olina Resort and Marina, Oahu, Hawaii

Government Project/Job No. (as applicable): Not Applicable.

Street Address: Ko Olina Marina, Ko Olina, Oahu

City, State and Zip+4 Code: Kapolei, Hawaii 96707

Contact Person & Title: Ralph F. Harris, Vice President and Resort Asset Manager

Phone No.: (808) 391-0791 / 791-2192 Fax No.: (808) 673-7670

Island: Kapolei, Oahu, Hawaii

| Tax Map Key Number(s) | | | |
|-----------------------|---------|------|----------------------|
| Zone | Section | Plat | Parcel(s) |
| 9 | 1 | 57 | 19 (Boat Ramp) |
| 9 | 1 | 57 | 24 (Trailer Parking) |

5. Associated Permits or Licenses (see Guidelines for CWB-WQC Application - Note 5)

Provide the type(s), status, corresponding file number(s), and legal authorization(s) of any existing or pending permits or licenses:

a. Department of the Army (DA) Permit or License: Nationwide Permit No.: 36 (Boat Ramp); U.S. Army District File No.: POH-2010-00202

b. Section 402 NPDES Permit: NPDES Permit to be filed. (No dewatering will be required for this project.)

c. RCRA Permit (Hazardous Wastes): N.A.

d. Facility on SARA 313 List (identify SARA 313 chemicals on site):
N.A.

e. Other (Specify): CDU approved; and CZM approval - pending.

6. Receiving State Water Information (see Guidelines for CWB-WQC Application - Note 6)

a. Name: Ko Olina Marina

Classification: (check the appropriate space(s))

Inland: Class 1 _____ Class 2 _____ Estuary _____

Marine: Class AA _____ Class A X Embayment _____

Describe the associated existing uses at the "discharge" location(s):

The small boat marina is used by recreational boaters and fisherman to moor their boats.

The public will use the boat ramp for launching of trailer-mounted boats.

b. Name: _____

Classification: (check the appropriate space(s))

Inland: Class 1 _____ Class 2 _____ Estuary _____

Marine: Class AA _____ Class A _____ Embayment _____

Describe the associated existing uses at the "discharge" location(s):

The use of the location is to moor boats using the floating dock slips.

7. Project Description (see Guidelines for CWB-WQC Application - Note 7)

a. Project Site Coordinates

Latitude: 21 ° 19 ' 46.86 " N

Longitude: 158 ° 07 ' 0.0 " W

Latitude: ° ' " N

Longitude: ° ' " W

b. Describe the overall project scope and activities

The project is to construct a boat launching ramp within the Ko Olina Marina, in accordance with an order issued by the State Land Use Commission. The boat ramp will be open to the public.

The proposed project includes the following:

- A two lane boat ramp, 32 feet wide and 132 feet long, two (2) loading docks, boat wash down area with oil/water separator, and trailer parking area.
- See Engineering Assessment Report

c. Describe the "discharge" activity and the purpose of the proposed discharge activity

- Rip-Rap rock revetment to protect the shoreline embankment from erosion.
- Precast concrete panel for the boat ramp slab.
- 4 ea. - 16 1/2" octagonal precast concrete piles to support the loading docks at the boat ramp.
- 1 ea. - 16 1/2" octagonal precast concrete pile to secure the floating dock segment.
- Sack sand/cement rip-rap at end of precast concrete ramp for erosion protection.
- Basaltic gravel bedding for precast concrete ramp base.
- Tremie concrete and concrete grout for ramp and loading dock.

d. List all "discharge" activities that the owner is seeking coverage for under this WQC application

The discharge activities to be covered under this permit are:

1. Installation of rip-rap rock slope protection.
2. Installation of 16 1/2" precast concrete piles to support the loading docks and floating dock.
3. Installation of the boat ramp precast panel and crush rock base support under the panel and concrete grouting of the panel underside.
4. Sack sand/cement rip-rap at the boat ramp end concrete panel to protect the end from erosion.
5. Temporary structures such as shoring materials to support the boat ramp construction, water

tight forms, silt curtains, floating working platforms.

6. Installation of tremie concrete for the loading dock and walkway abutments.

e. Specify physical, chemical, biological, thermal, and any other pertinent characteristic of the "discharge" activity

The discharge activity involves the installation of precast concrete piles. Also, the installation of cleaned rip-rap rock (basaltic) protection for slope embankment protection, precast concrete slab, cleaned crush basaltic rock gravel and concrete grout and tremie concrete.

The materials to be discharged will have no deleterious impact on the marina waters as concrete, rocks, and gravel are commonly used in water projects as it impacts no chemical, biological, and thermal effects. The use of silt curtains will ensure that sediments are contained and controlled without spreading out to the adjacent marina waters. The shoring materials to support the boat ramp construction will be of temporary duration. The materials for shoring and water tight forms (wood or steel) will be clean and impact no chemical, biological, and thermal change to the marina waters. The silt curtain will be of non-pollutant materials. Reinforcing bars will be epoxy coated material to be encapsulated in concrete.

8. Description of the Existing Environment and Potential Environmental Effects from the Construction Activities (see Guidelines for CWB-WQC Application - Note 8)

a. Describe the Existing Physical Environment and Potential Physical Environmental Effects

The existing area of the proposed boat launching ramp is located at the farthest mauka corner of the existing marina. The boat ramp construction will need to be excavated upland to construct the ramp that goes into the marina waters. The existing rock rip-rap revetment at the corner will be removed for the ramp construction.

The boat launching ramp will provide an access to the public to launch their boat for recreational boating and fishing. The boat ramp slab will be of precast concrete slab on grade.

The ramp embankment will be protected from erosion by rip-rap rock revetment protection. The slope protection will be similar to the existing rip-rap rock protection that is already in the marina.

After construction of the boat ramp, there will be minimal physical environmental effect for the ramp slab will be underwater and will be visible and the rock rip-rap will protect the embankment slope from erosion. The basaltic rip-rap rock revetment and concrete will have no effect to the existing physical environment of the waters.

b. Describe the Existing Chemical Environment and Potential Chemical Environmental Effects

The marina is open to the open ocean and its existing chemical environment is typical of ocean waters and all its related components. No change is anticipated upon completion, for the materials to be used are already similar to materials present for the marina construction. The materials are benign in nature and no lasting chemical change in the environment is to be expected. Basaltic rock for the rip-rap and concrete will not effect the existing chemical environment. Rocks and concrete are already present in the existing chemical environment of the marina.

c. Describe the Existing Biological Environment and Potential Biological Environmental Effects

The existing biological environment includes few fishes that occur in the area and most that do occur are juveniles or new recruits including the sergeant, striped belly puffer, barracuda and jacks. Also, spotted boxfish, nehu, and striped mullet occurs throughout the marina.

The area where the boat ramp construction will occur in the water will be located in an area of silt bottom with minimal marine life at the bottom. Direct impacts on the marine environment from the proposed boat ramp will be minor.

d. Describe the Existing Uses and Its Potential Effects

The existing uses are mainly recreational boaters and fisherman who dock their boats at the existing floating docks.

The potential effects of the proposed boat launch ramp will allow the general public to launch their boats at the marina.

9. Project Schedule (see Guidelines for CWB-WQC Application - Note 9)

a. Provide the estimated date or dates on which the activity will begin and end:

Construction is expected to start June 2012. The project will start after notice to proceed is given and be completed in 9 months approximately February 2013.

b. Provide the date or dates that the discharge(s) will take place:

Work on the project is anticipated to begin June 2012. Discharge anticipated to begin October 2012 and end February 2013. Updated schedule will be furnished upon submission by the contractor of his construction schedule.

10. Site-Specific Best Management Practices (BMP) Plan (see Guidelines for CWB-WQC Application - Note 10)

The BMPs Plan shall, at a minimum, include the following:

a. Maps are attached Yes No

b. Site Characterization

The area is a 44 – acre boat marina with 330 boat slips. The marina was created by excavating the hard dense coral material down to elevation -16.00 MSL. A trailer boat parking area will be constructed inland about 350 feet from the boat ramp. The boat slips are concrete floating dock secured by precast concrete piles. The marina bottom is of hard dense coral material with some silt covering the coral bottom.

c. Construction Sequence and Duration

This will be furnished upon submission by the contractor before any work can be started.

Planning schedule will be furnished including: excavation on land side, ramp construction, pile driving, rock revetment slope protection, loading dock construction and trailer parking area.

d. Construction Method

To be determined by the contractor and submitted as part of his BMP plan.

This will be furnished upon submission by the contractor before any work can be started.

The construction method for various work will be described in the BMP plan.

e. Characteristics of the discharge and potential pollutants associated with the proposed construction activity

| Source | Composition | Quantity | Duration |
|------------------------|---------------------|------------|-----------|
| Precast Concrete Piles | Reinforced Concrete | 11.50 c.y. | Permanent |
| Shoring Materials | Clean Wood or Steel | Variable | Temporary |

| Source | Composition | Quantity | Duration |
|--------------------------|---------------------|----------|-----------|
| Form Work for Abutments | Clean Wood or Steel | Variable | Temporary |
| Precast Concrete Slab | Reinforced Concrete | 22 c.y. | Permanent |
| Rock Rip-Rap | Basaltic Rock | 91 c.y. | Permanent |
| Sack Sand/Cement Rip-Rap | Concrete Sand | 65 c.y. | Permanent |
| Crush Rock Gravel | Basaltic Rock | 60 c.y. | Permanent |
| Tremie Concrete | Reinforced Concrete | 12 c.y. | Permanent |
| Tremie Grout | Concrete Grout | 18 c.y. | Permanent |

f. Characteristics of the dredged/excavated material

| Source | Composition | Quantity | Duration |
|-----------------|------------------------------------|------------|-----------|
| Hard Bottom | Coral | 21 c.y. | Permanent |
| Land Excavation | Silty Gravel with Sand and Cobbles | 1,360 c.y. | Permanent |
| Land Excavation | Coral | 2,960 c.y. | Permanent |
| | | | |
| | | | |
| | | | |
| | | | |

g. Proposed control measures and/or treatment

Silt fence will be installed prior to grading and excavation work at the inland area. Also, other erosion control measures.

To be submitted by the contractor after award of contract and will be included in the contractor's BMP Plan.

11. Applicable Monitoring and Assessment Plan (see Guidelines for CWB-WQC Application - Note 11)

The Applicable Monitoring and Assessment Plan shall, at a minimum, include the following:

a. Description of the methods and means being used or proposed to monitor the quality and characteristics of the discharge

To be submitted by the contractor after award of contract and shall be in compliance with the project specifications as a part of his BMP plan. A pre-construction, during-construction, and

post-construction monitoring plan will be conducted. Monitoring shall be carried out in compliance with the guidelines for the Section 401 Water Quality Certification. At least 4 monitoring stations will be established to pre-determine construction baseline levels, monitoring construction activities, and assess post-construction results.

Details will be furnished by the contractor before any work can be started covering all aspects of the monitoring procedures. Also, the project specifications describe the contractor's requirement for the monitoring and reporting. Samples will be taken three (3) times per week.

b. Description of the methods and means being used to monitor/maintain all pollutant control measures

This information will be included in the contractor's BMP plan and will describe the methods that will be used to monitor/maintain all pollutant control measures.

c. Reporting requirements

This is described in the project specifications Section 01570 - Water Quality Monitoring.

Pre - Construction: Three (3) times per week for two (2) weeks

During - Construction: Three (3) times per week

Post - Construction: Three (3) times per week for four (4) weeks

Each report shall compare results with water quality standards and the baseline data to assess the water quality.

d. A narrative of how the monitoring results will be used to demonstrate whether or not the project construction activity was in compliance with the applicable State water quality standards

The monitoring results will indicate the efficiency of the control methods of the contractor (use of silt curtains). The baseline measurements will be compared with the results obtained during the work. Should measurements from the monitoring efforts show adverse results, the work shall be stopped and corrective measures taken. This section will be elaborated upon by the contractor in his BMP plan.

12. Mitigation/Compensation Plan (see Guidelines for CWB-WQC Application - Note 12)

N.A.

13. Supporting Documents (see Guidelines for CWB-WQC Application - Note 13)

List and submit applicable maps, plans, specifications, copies of associated permits or licenses, federal applications, Environmental Assessments or Environmental Impact Statements, as applicable, etc.

| <u>Document Title</u> | <u>Document Date</u> |
|-------------------------------------------------------|----------------------|
| a. Project Plans | 9/2010 |
| b. Project Specifications | 9/2010 |
| c. Army Application for Permit | 9/24/2010 |
| d. Conservation District Use | Pending |
| e. CZM | Pending |
| f. Engineering Assessment Report w/ Drawings & Photos | 9/2010 |
| g. | |
| h. | |
| i. | |

14. Additional Information (see Guidelines for CWB-WQC Application - Note 14)

None

15. Statement of Choice of Publication (see Guidelines for CWB-WQC Application - Note 15)

Check One:

Public Notice of Proposed Action

Public Notice of Public Hearing

Not Applicable. The applicant is seeking WQC coverage under authorization of WQC File No. _____ for a DA permit authorization under the following (provide applicable information):

DA NWP No. 36 (Boat Ramp), Filed Reference No.: POH-2010-00202

DA GP No. _____

DA PGP No. _____

16. Authorization of Representative (see Guidelines for CWB-WQC Application - Note 16)

Check one and complete the appropriate space(s). Alteration of this item will result in the invalidation of the authorization statement(s).

- a. This statement authorizes the named individual or any individual occupying the named position of the company/organization listed below to act as our representative to process the required Section 401 WQC Application to discharge to navigable waters from the subject project. The Owner hereby agrees to comply with and be responsible for all Section 401 WQC conditions.

Company/Organization Name: Arnold T. Okubo & Associates, Inc.

Street Address ☯: 94-529 Ukee Street, Ste. 107

City, State and Zip Code+4: Waipahu, Hawaii 96797

Authorized Person & Title: Arnold T. Okubo, P.E.

Phone No.: (808) 671-5184

Fax No.: (808) 671-5187

- b. This statement authorizes the named individual or any individual occupying the named position of the company/organization listed below to act as our representative to process the required Section 401 WQC Application to discharge to navigable waters from the subject project. Our representative is further authorized to fulfill all conditions of the Section 401 WQC. The Owner hereby agrees to comply with and be responsible for all Section 401 WQC conditions.

Company/Organization Name: _____

Street Address ☼: _____

City, State and Zip Code+4: _____

Authorized Person & Title: _____

Phone No.: () _____ Fax No.: () _____

- c. This statement authorizes the named individual or any individual occupying the named position of the company/organization listed below to act as our representative to fulfill all conditions of the Section 401 WQC for the subject project. The Owner hereby agrees to comply with and be responsible for all Section 401 WQC Conditions.

Company/Organization Name: _____

Street Address ☼: _____

City, State and Zip Code+4: _____

Authorized Person & Title: _____

Phone No.: () _____ Fax No.: () _____

- d. A separate statement is attached. Yes _____ No X

17. Certification (see Guidelines for CWB-WQC Application - Note 17)

Alteration of this item will result in the invalidation of this application. **The person certifying this CWB-WQC Application must meet one of the following descriptions and be employed by the owner listed in Item 1.**

I certify that for a municipal agency, I am a principal executive officer or ranking elected official.

I certify that for a state agency, I am a principal executive officer or ranking elected official.

I certify that for a federal or other non-federal public agency, I am a principal executive officer or ranking elected official.

I certify that for a federal agency, I am the chief executive officer of the agency, or I am the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

I certify that I am a general partner for a partnership.

I certify that I am the proprietor for a sole proprietorship.

I certify that for a corporation or association, I am the President, Vice President, Secretary, or Treasurer of the corporation or association and in charge of a principal business function, or I perform similar policy or decision making functions for the corporation or association:

I certify that for a corporation, I am the Manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), and authority to sign documents has been assigned or delegated to me in accordance with corporate procedures.

I certify that for a trust, I am a trustee.

In accordance with the State of Hawaii, Department of Health, Water Quality Standards, there is reasonable assurance that the proposed activity will be conducted in such a manner which will not violate the basic water quality criteria applicable to all waters and the specific water quality criteria applicable to the class of navigable waters where the proposed "discharge" would take place.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:  Date: 1/11/11

Printed Name & Title: Ralph F. Harris, Vice President & Resort Asset Manager

Company/Organization Name: Ko Olina Ocean Marina, LLC

Phone No.: (808) 391-0791 / 791-2192 Fax No.: (808) 673-7670

CWB-WQC Application Checklist

If any item is listed as "no," attach a sheet with the reason for its exclusion from the Section 401 WQC Application submittal.

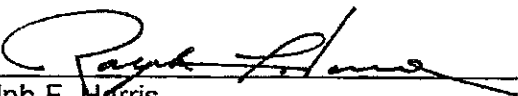
| Item Number | Description | Is item addressed? (yes/no) |
|-------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 1. | Owner Information | Yes |
| 2. | General Contractor Information | No |
| 3. | Emergency Contact Information | No |
| 4. | Project Site Information | Yes |
| 5. | Associated Permits or Licenses | Yes |
| 6. | Receiving State Water Information..... | Yes |
| 7. | Project Description | Yes |
| 8. | Description of the Existing Environment and Potential Environmental Effects from the Construction Activities | Yes |
| 9. | Project Schedule | No |
| 10. | Site-Specific BMPs Plan..... | No |
| 11. | Applicable Monitoring and Assessment Plan | No |
| 12. | Mitigation/Compensation Plan..... | Yes |
| 13. | Supporting Documents | Yes |
| 14. | Additional Information..... | Yes |
| 15. | Statement of Choice of Publication | Yes |
| 16. | Authorization of Representative | Yes |
| 17. | Certification..... | Yes |
| 18. | Filing Fee (\$1000.00) is attached | Yes |
| 19. | Number of copies with supporting documents submitted | |
| | a. One (1) copy for projects on Oahu with owner's original signature | Yes |
| | b. Two (2) copies for projects on islands other than Oahu (one with owner's original signature) | |

ATTACHMENT TO APPLICATION CHECKLIST
CWB-WQC

The reason for the "No" in the following items shown on the checklist:

Items: 2, 3, 9, 10 and 11

is that the contract for the Boat Launch Ramp project has not been officially awarded to the contractor. The contractor who is awarded the contract will be required to provide the information as needed for Section 401, Water Quality Certification. This, then, will be forwarded to the Clean Water Branch for review, revision if required, and acceptance.


Date: 6/11/11
Ralph F. Narris
Vice President and Resort Asset Manager
Ko Olina Ocean Marina, LLC

Arnold T. Okubo & Associates, Inc.
Consulting Engineers
94-529 Ukee Street, Suite 107
Waipahu, Hawaii 96797
Phone: (808) 671-5184

TRANSMITTAL LETTER-----

DATE: Jan 11, 2011

TO: State of Hawaii
Dept. of Health
Clean Water Branch
919 Ala Moana Blvd, Rm 301
Honolulu, HI 96814-4920

ATTN: Alec Wong, Chief Engineer

SUBJECT: Section 401 Water Quality Certification
Application for Koolina Boat Launching Ramp & Trail Boat Docking
PROJECT NO.: _____

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings
- Prints
- Plans
- Samples
- Specifications
- Copy of letter
- Change order
- Other _____

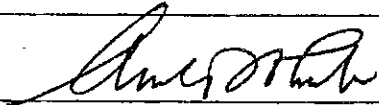
| COPIES | DATE | NO. | DESCRIPTION |
|----------------|------|-----|-------------------------------------------------------------|
| 1 - (original) | | | Section 401 CWB-WQC application |
| 1 - | | | plans |
| 1 - | | | specifications |
| 1 - | | | Dept. of the Army Permit File No. PSH-2010-00202 |
| 1 - | | | soils investigation Report |
| 1 - | | | Engineering Assessment Report |
| 1 - | | | Marine Biological Survey |
| 1 - | | | Filing Fee \$1000 - check # 7453 payable to State of Hawaii |

THESE ARE TRANSMITTED as checked below:

- For your approval
- For your use
- As requested
- For review and comment
- Return _____ corrected prints
- Other CWB-WQC application for review
- Approved as submitted
- Approved as noted
- Returned for corrections
- Resubmit _____ copies for approval

REMARKS _____

COPY TO _____

SIGNED: 

If enclosures are not as noted, kindly notify us at once. Arnold T. Okubo, P.E.

Ryan Tagomori

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Tuesday, March 08, 2011 12:11 PM
To: Farley K. Watanabe
Subject: [Fwd: Re: [Fwd: Re: Preliminary Evaluation] (UNCLASSIFIED)]
Attachments: Re: [Fwd: Re: Preliminary Evaluation] (UNCLASSIFIED) (212 KB)

Farley,
Just checking on the status of the Ko Olina Marina and Resort New Boat Ramp Project, DA Permit File No. POH-20100-00202.
Hopefully everything so far is going okay with the COE and the various agencies.
Could you please let me know if there are any issues that we may assist you.
Thank you.
Aloha, .
Arnold Okubo

Ryan Tagomori

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Wednesday, March 09, 2011 11:00 AM
To: Watanabe, Farley K POH; Ralph Harris; Bill Blaisdell
Subject: Re: [Fwd: Re: [Fwd: Re: Preliminary Evaluation] (UNCLASSIFIED)]

Farley,
Okay.
Thank you for the update.

Just to keep you updated on the Section 401 WQC. We have not yet received a written acknowledgement from the State of Hawaii Dept. of Health, Clean Water Branch on the submitted application (dated January 11, 2011) for the Section 401 Water quality Certification to the Clean Water Branch. DOH should let us know within 30 days after application submittal if the application information is complete or DOH would need more information.

Aloha,
Arnold Okubo

Watanabe, Farley K POH wrote:

> Classification: UNCLASSIFIED
> Caveats: FOUO
>
> Good morning Arnold: the District Engineer hasn't signed the waiver
> yet
for
> the area and dredge volume exceptions under NWP#36...
>
> Farley K. Watanabe, Archaeologist
> Regulatory Branch (CEPOH-EC-R)
> U.S. Army Engineer District Honolulu
> ph: 808-438-7701
>
>
> -----Original Message-----
> From: Arnold T. Okubo [mailto:okuboa004@hawaii.rr.com]
> Sent: Tuesday, March 08, 2011 12:11 PM
> To: Watanabe, Farley K POH
> Subject: [Fwd: Re: [Fwd: Re: Preliminary Evaluation] (UNCLASSIFIED)]
>
> Farley,
> Just checking on the status of the Ko Olina Marina and Resort New Boat
Ramp
> Project, DA Permit File No. POH-20100-00202.
> Hopefully everything so far is going okay with the COE and the various
> agencies.
> Could you please let me know if there are any issues that we may
> assist
you.
> Thank you.
> Aloha, .
> Arnold Okubo

> Classification: UNCLASSIFIED
> Caveats: FOUO
>
>
>
>

Ryan Tagomori

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Friday, March 11, 2011 8:19 AM
To: Watanabe, Farley K POH
Subject: Re: [Fwd: Re: [Fwd: Re: Preliminary Evaluation] (UNCLASSIFIED)]

Farley,

Sorry, but the date I had told you that our office would be applying for the City and County building permit was not correct, The correct timeline date we are anticipating on our project schedule is Sept 15, . 2011 to submit to the City and County of Honolulu Planning and Permitting and hopefully we can get the C & C permit by March 2012. Hopefully, this will be enough time for the DA Permitting process.

For your information the Proposed Project Schedule is as follows:

| | |
|---------------------------------|--------------------------------------------------------------------------------------------------------------|
| Sept. 15, 2010 to Sept.15, 2011 | Apply and approval for DA Permit and DOH Section 401 WQC |
| Sept. 15, 2011 to Mar. 15, 2012 | Apply for and receive building permit with the City and County of Honolulu, Dept. of Planning and Permitting |
| Mar. 15, 2015 to June 15, 2012 | Bid out and award contract for boat ramp |
| June 15, 2012 to Mar. 15, 2013 | Start and complete construction work |

Thank you for keeping me inform of the DA Permit for this project.
Aloha,
Arnold Okubo

:

Watanabe, Farley K POH wrote:

> Classification: UNCLASSIFIED
> Caveats: FOUO
>
> Good morning Arnold: the District Engineer hasn't signed the waiver
> yet
for
> the area and dredge volume exceptions under NWP#36...
>
> Farley K. Watanabe, Archaeologist
> Regulatory Branch (CEPOH-EC-R)
> U.S. Army Engineer District Honolulu
> ph: 808-438-7701
>
>
> -----Original Message-----
> From: Arnold T. Okubo [<mailto:okuboa004@hawaii.rr.com>]
> Sent: Tuesday, March 08, 2011 12:11 PM
> To: Watanabe, Farley K POH
> Subject: [Fwd: Re: [Fwd: Re: Preliminary Evaluation] (UNCLASSIFIED)]
>
> Farley,
> Just checking on the status of the Ko Olina Marina and Resort New Boat Ramp

> Project, DA Permit File No. POH-20100-00202.
> Hopefully everything so far is going okay with the COE and the various
> agencies.
> Could you please let me know if there are any issues that we may
> assist
you.
> Thank you.
> Aloha, .
> Arnold Okubo
>
>
>
> Classification: UNCLASSIFIED
> Caveats: FOUO
>
>
>
>

Ryan Tagomori

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Tuesday, May 10, 2011 10:33 AM
To: Watanabe, Farley K POH
Subject: Re: [Fwd: Re: [Fwd: Re: Preliminary Evaluation] (UNCLASSIFIED)]

Farley,
Just checking on the update of the waiver for the area and dredge volume by the District Engineer. Any word yet? Please let me know.
Ko Olina Marina had ask me for the update on the project status on the permitting for they need to submit a quarterly status report to the State Land Use Commission.
on the progress of the new boat ramp.
Thank you.
Arnold Okubo

Watanabe, Farley K POH wrote:
> Classification: UNCLASSIFIED.
> Caveats: FOUO
>
> Good morning Arnold: the District Engineer hasn't signed the waiver yet
for
> the area and dredge volume exceptions under NWP#36...
>
> Farley K. Watanabe, Archaeologist
> Regulatory Branch (CEPOH-EC-R)
> U.S. Army Engineer District Honolulu
> ph: 808-438-7701
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> -----Original Message-----
> From: Arnold T. Okubo [mailto:okuboa004@hawaii.rr.com]
> Sent: Tuesday, March 08, 2011 12:11 PM
> To: Watanabe, Farley K POH
> Subject: [Fwd: Re: [Fwd: Re: Preliminary Evaluation] (UNCLASSIFIED)]
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> Hopefully everything so far is going okay with the COE and the various
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> Could you please let me know if there are any issues that we may assist
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> Thank you.
> Aloha, .
> Arnold Okubo
>
>
>
> Classification: UNCLASSIFIED
> Caveats: FOUO

Subject: RE: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP #36(Boat Ramp)
(UNCLASSIFIED)

From: "Watanabe, Farley K POH" <Farley.K.Watanabe@usace.army.mil>

Date: Tue, 28 Jun 2011 19:20:27 -1000

To: "Arnold T. Okubo" <okuboa004@hawaii.rr.com>

Classification: UNCLASSIFIED

Caveats: FOUO

Arnold: CWB, DOH will start processing when we issue the agency coordination letter. I am confident that the NWP will be issued by Sep 1, 2011. Why can't you submit a C&C building before Sep 1, 2011 (or are you concerned that the expiration date on either permit won't be the same)?? At any rate, when our agency coordination ltr goes out, C&C agencies receive a copy...

Farley K. Watanabe, Archaeologist
Regulatory Branch (CEPOH-EC-R)
U.S. Army Engineer District Honolulu
ph: 808-438-7701

-----Original Message-----

From: Arnold T. Okubo [mailto:okuboa004@hawaii.rr.com]

Sent: Tuesday, June 28, 2011 4:27 PM

To: Watanabe, Farley K POH

Subject: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP #36(Boat Ramp)

Farley,

Any update on the status of the COE review for the project? Has the COE District Engineer issue a waiver for the boat ramp project?
Could you please let me know what stage of review the project is at.
The owner is trying to see if the project will be on schedule for building permit submittal on September 1, 2011. I would like to let them know the time line of the COE review for the project so that they may be able to adjust and revise their start and completion date for the project. Ko Olina need to report the updated status to the Land Use Commission on a quarterly basis.

DOH Clean Water Branch:

I had telephoned the Clean Water Branch (Dept. of Health, State of Hawaii) on May 23, 2011 with regards to the review status of the Section 401 Water Quality Certification(WQC) Application for the boat ramp project .
The Section 401 Application was submitted to DOH on January 11, 2011..
Mrs. Jiaping Fouse (telephone: 808-586-4309) of the Clean Water Branch inform me that the Clean Water Branch would need a letter from the U.S. Army Corps of Engineers to determine who has jurisdiction on the project and for DOH to continue the review of the Section 401 WQC Application.
The Department of Health, Clean Water Branch reference file no for this project is DOH File No. 0000798.
Could you write them a letter on who has jurisdiction on the project.

Thank you for your help.

Aloha and Mahalo,
Arnold Okubo, P.E.
Arnold T. Okubo & Associates, Inc.
Consulting Structural Engineers
Tel: (808) 671-5184

Classification: UNCLASSIFIED

Caveats: FOUO

Ryan Tagomori

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Wednesday, June 29, 2011 7:00 AM
To: Watanabe, Farley K POH
Subject: Re: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP #36(Boat Ramp)
(UNCLASSIFIED)

Farley,
Thank you very much for the update.
I really appreciate you help.

Regarding the C & C building permit process.
When applying for the C & C building permit, we would need to route the building permit to different agencies such as DLNR, C & C Planning, Dept. of Health, etc. and the different agencies will not sign off on the building permit unless we have the COE blessing and meet their requirements.

Again, I really appreciate your help.
Thank you.

Arnold Okubo

Watanabe, Farley K POH wrote:

> Classification: UNCLASSIFIED
> Caveats: FOUO
>
> Arnold: CWB, DOH will start processing when we issue the agency
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> expiration date on either permit won't be the same)?? At any rate,
> when
our
> agency coordination ltr goes out, C&C agencies receive a copy...
>
> Farley K. Watanabe, Archaeologist
> Regulatory Branch (CEPOH-EC-R)
> U.S. Army Engineer District Honolulu
> ph: 808-438-7701
>
>
> -----Original Message-----
> From: Arnold T. Okubo [mailto:okuboa004@hawaii.rr.com]
> Sent: Tuesday, June 28, 2011 4:27 PM
> To: Watanabe, Farley K POH
> Subject: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP
> #36(Boat
> Ramp)
>
> Farley,
> Any update on the status of the COE review for the project? Has the

> COE District Engineer issue a waiver for the boat ramp project?
> Could you please let me know what stage of review the project is at.
> The owner is trying to see if the project will be on schedule for
> building permit submittal on September 1, 2011. I would like to let
> them know the time line of the COE review for the project so that
> they may be able to adjust and revise their start and completion date
> for the project. Ko

Olina

> need to report the updated status to the Land Use Commission on a
> quarterly basis.

>

> DOH Clean Water Branch:

> I had telephoned the Clean Water Branch (Dept. of Health, State of
> Hawaii) on May 23, 2011 with regards to the review status of the
> Section

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inform

> me that the Clean Water Branch would need a letter from the U.S. Army
Corps

> of Engineers to determine who has jurisdiction on the project and for
> DOH

to

> continue the review of the Section 401 WQC Application.

> The Department of Health, Clean Water Branch reference file no for
> this project is DOH File No. 0000798.

> Could you write them a letter on who has jurisdiction on the project.

>

> Thank you for your help.

>

> Aloha and Mahalo,

> Arnold Okubo, P.E.

> Arnold T. Okubo & Associates, Inc.

> Consulting Structural Engineers

> Tel: (808)671-5184

>

>

> Classification: UNCLASSIFIED

> Caveats: FOUO

>

>

>

>

>

Ryan Tagomori

From: Watanabe, Farley K POH [Farley.K.Watanabe@usace.army.mil]
Sent: Thursday, September 01, 2011 5:23 PM
To: Arnold T. Okubo
Cc: Bill Blaisdell; Ralph Harris; Craig Y. Oyadomari; Ken Williams
Subject: RE: [Fwd: Re: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP #36(Boat Ramp) (UNCLASSIFIED)]
Attachments: POH-2010-00202ApprovedSizeWaiver.pdf

Classification: UNCLASSIFIED
Caveats: FOUO

Arnold: the approved waiver also includes the ramp dimensions. Our timeline does not include the application for the Clean Water Branch's WQC timeline to certify their Sec. 401 WQC. You will still need to submit a WQC application for processing directly to CWB. To clarify, when the Corps has all its concurrences in hand except for the CWB's WQC, we will issue a PROVISIONAL permit subject to the effective date of the WQC. Which simply means that in-water work cannot begin until the WQC is received by us.

Farley K. Watanabe, Archaeologist
Regulatory Branch (CEPOH-EC-R)
U.S. Army Engineer District Honolulu
ph: 808-438-7701

-----Original Message-----

From: Arnold T. Okubo [mailto:okuboa004@hawaii.rr.com]
Sent: Thursday, September 01, 2011 3:52 PM
To: Arnold T. Okubo
Cc: Bill Blaisdell; Ralph Harris; Craig Y. Oyadomari; Ken Williams; Watanabe, Farley K POH
Subject: Re: [Fwd: Re: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP #36(Boat Ramp) (UNCLASSIFIED)]

Farley,

Thank you for discussing with me per our telephone conversation on Sept. 1, 2011 on the status on the

Ko Olina Boat Ramp, Dept of the Army Permit.

I understand that the COE District Engineer has just authorized a waiver for the boat ramp project for the amount of dredging exceeding 50 cy and the project can go ahead using the Nation Wide Permit process.

You mentioned that your department will send out letters of notification for the project to various affected agencies and it will take approximately a maximum of sixty days for the various agencies notification, review, comments and the issuance of the DA Permit with special conditions per your requirements After the issuance of the DA Permit and addressing the Dept of Health Clean Water Branch requirements, we will then apply for the City and County of Honolulu Dept. of Planning Permitting building permit.

Please call me if you need any further informations or have any questions on the project. Thank you for your help.

Aloha and Mahalo,
Arnold Okubo

Arnold T. Okubo wrote:

> Farley,
> Just checking in with you regarding the current status of the Dept.
> of the Army Permit.
> Any update status on the Ko Olina Boat Ramp project?
> The last time I had talk to you on July 29, 2011 you mentioned that
> the permit was at the COE legal counsel's office for their review.
>
> Could you please let me know so that I could let the boat ramp project
> owner(Ko Olina Marina and Ocean Marina,LLC) its permit status. They
> would need to report(every quarter) to the State of Hawaii Land Use
> Commission on the status on the project and it construction schedule.
> If the schedule need to be revise they need to inform the LUC.
> Thank you for your help with the project.

>
> Aloha and Mahalo,.
> Arnold Oubo

>
>
>
>
> Arnold T. Okubo wrote:

>> Bill and Ralph,
>>
>> Attached is an update on the Corps of Engineers permit status.
>> We would like to apply for a C & C building permit as schedule for
>> Sept. 1, 2011.
>>
>> Could you please ask Craig Oyadomari to work on completing the civil
>> plans.

>>
>> Thank you,
>>
>> Arnold Okubo

>>
>>
>> -----
>> ---
>>

>> Subject:
>> Re: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP #36(Boat
>> Ramp) (UNCLASSIFIED)
>> From:
>> "Arnold T. Okubo" <okuboa004@hawaii.rr.com>
>> Date:
>> Wed, 29 Jun 2011 06:59:46 -1000
>> To:
>> "Watanabe, Farley K POH" <Farley.K.Watanabe@usace.army.mil>
>>
>> To:
>> "Watanabe, Farley K POH" <Farley.K.Watanabe@usace.army.mil>
>>

>> Farley,
>> Thank you very much for the update.
>> I really appreciate you help.
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>> When applying for the C & C building permit, we would need to route
>> the building permit to different agencies such as DLNR, C & C
>> Planning, Dept. of Health, etc. and the different agencies will not
>> sign off on the building permit unless we have the COE blessing and
>> meet their requirements.
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>> Again, I really appreciate your help.
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>>> Classification: UNCLASSIFIED
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>>> any rate, when our agency coordination ltr goes out, C&C agencies
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>>> Farley K. Watanabe, Archaeologist
>>> Regulatory Branch (CEPOH-EC-R)
>>> U.S. Army Engineer District Honolulu
>>> ph: 808-438-7701
>>>
>>>
>>> -----Original Message-----
>>> From: Arnold T. Okubo [mailto:okuboa004@hawaii.rr.com] Sent:
>>> Tuesday, June 28, 2011 4:27 PM
>>> To: Watanabe, Farley K POH
>>> Subject: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP
>>> #36(Boat
>>> Ramp)
>>>
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>>> The owner is trying to see if the project will be on schedule for
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>>> Ko Olina
>>> need to report the updated status to the Land Use Commission on a
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>>> DOH Clean Water Branch:
>>> I had telephoned the Clean Water Branch (Dept. of Health, State of
>>> Hawaii) on May 23, 2011 with regards to the review status of the
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>>> boat ramp project .
>>> The Section 401 Application was submitted to DOH on January 11, 2011..
>>> Mrs. Jiaping Fouse(telephone: 808-586-4309) of the Clean Water
>>> Branch inform me that the Clean Water Branch would need a letter
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>>> Army Corps
>>> of Engineers to determine who has jurisdiction on the project and
>>> for DOH to continue the review of the Section 401 WQC Application.
>>> The Department of Health, Clean Water Branch reference file no for
>>> this project is DOH File No. 0000798.
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>>> Thank you for your help.
>>>
>>> Aloha and Mahalo,
>>> Arnold Okubo, P.E.
>>> Arnold T. Okubo & Associates, Inc.
>>> Consulting Structural Engineers
>>> Tel: (808)671-5184
>>>
>>>
>>> Classification: UNCLASSIFIED
>>> Caveats: FOUO
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>

Classification: UNCLASSIFIED
Caveats: FOUO

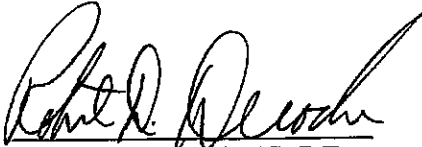
August 22, 2011

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

| | | |
|-----|------|-----------|
| NO. | DATE | REVISIONS |
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THIS SITE PLAN IS THE PROPERTY OF THE ENGINEER AND ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER AND ARCHITECT.

DATE: 11/11/10
 DRAWN BY: JAS. SHIMIZU
 CHECKED BY: JAS. SHIMIZU
 PROJECT NO.: 10-001

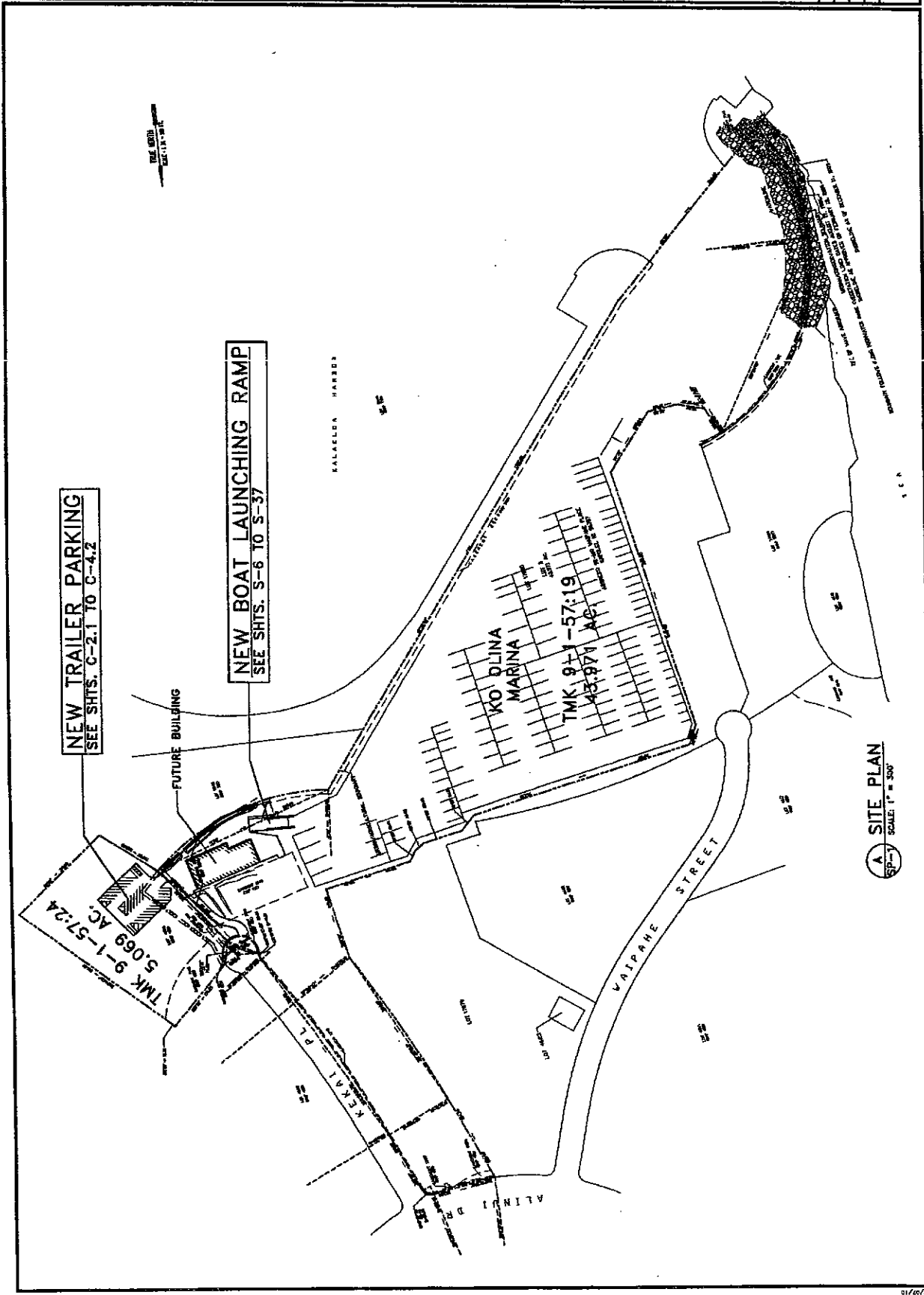


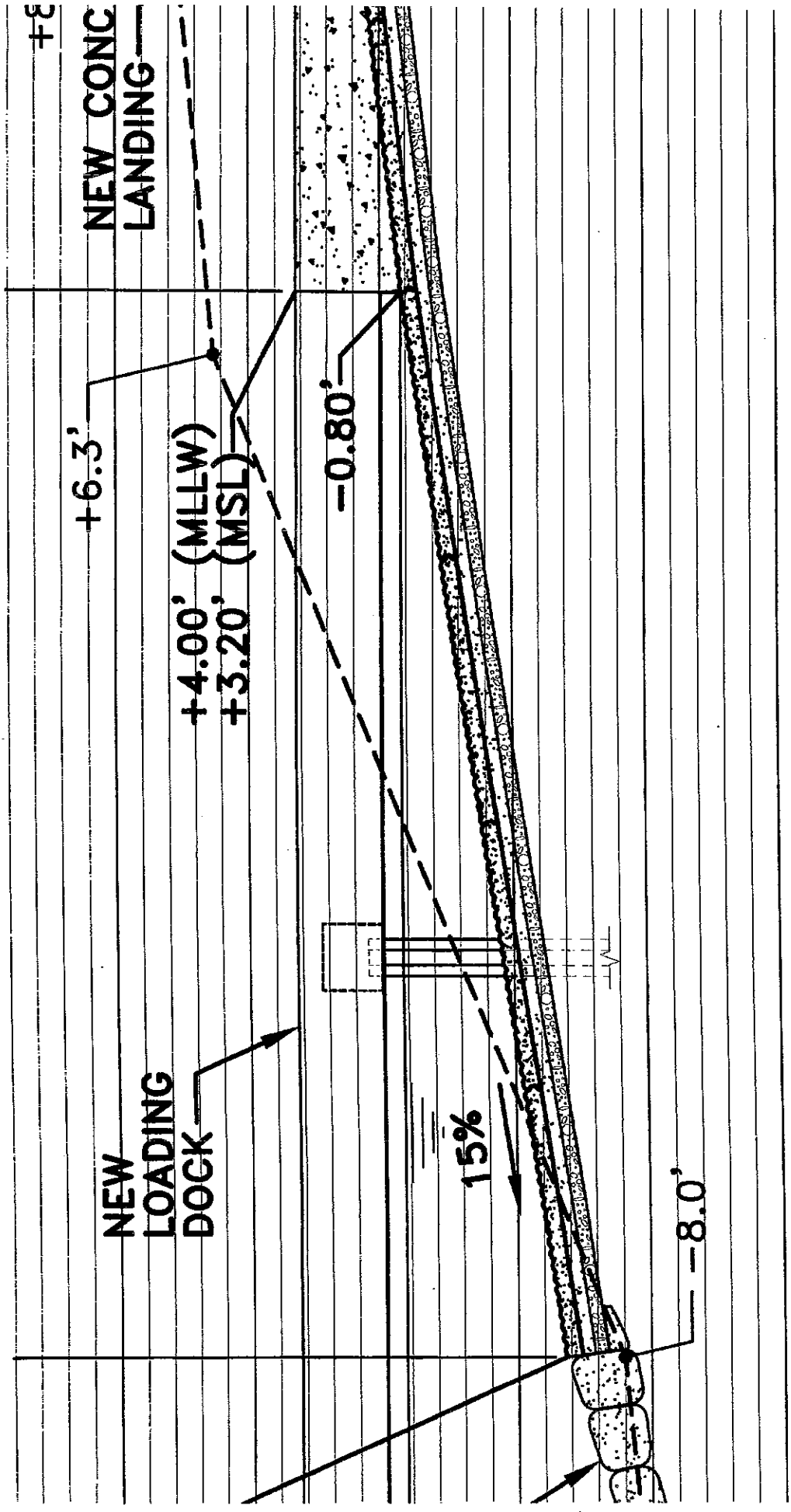
BOAT LAUNCH RAMP & TRAILER PARKING AT KO OLINA RESORT & MARINA OAHU, HAWAII

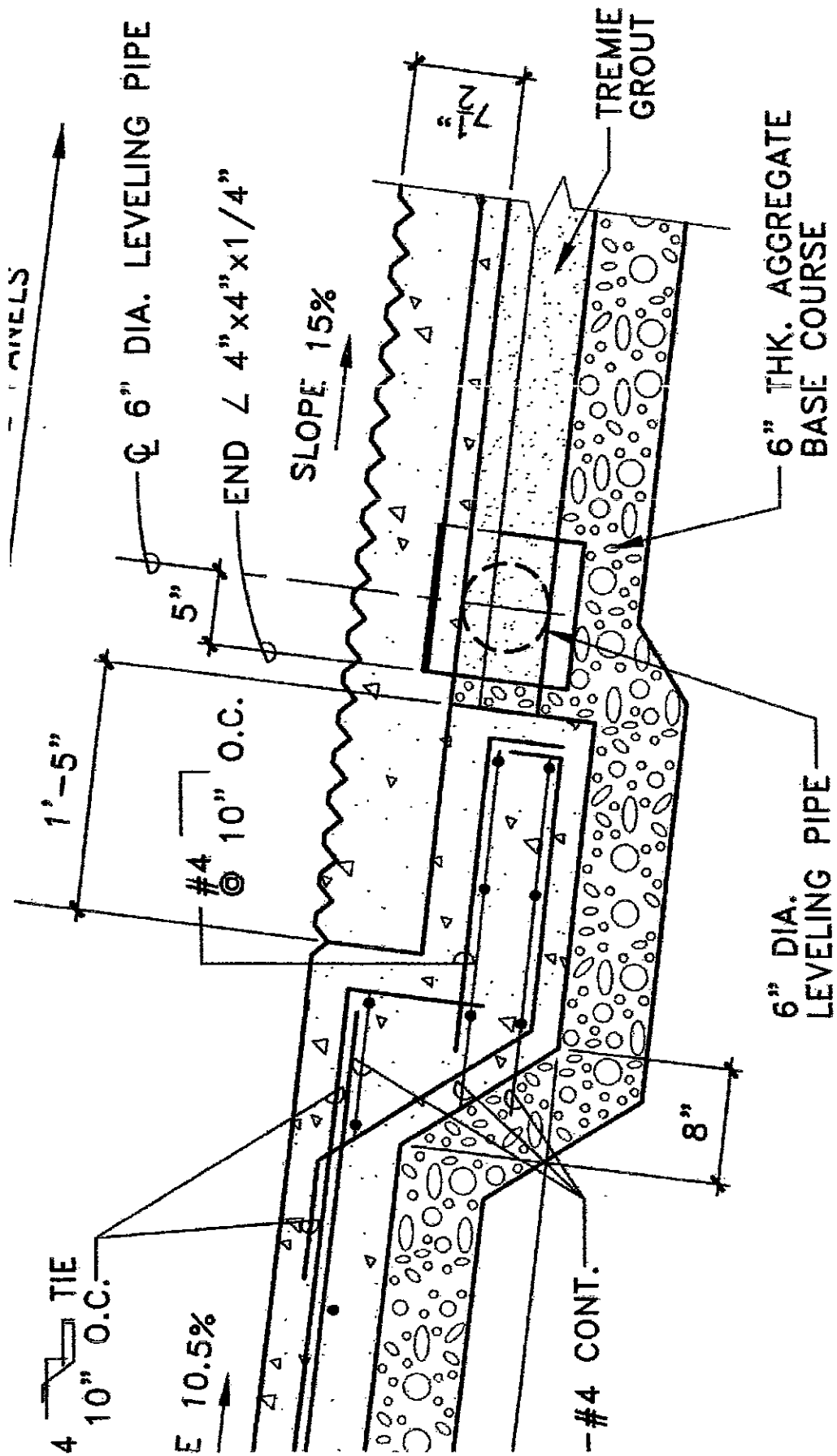
SITE PLAN

DATE: 11/10
 DRAWN BY: JAS. SHIMIZU
 CHECKED BY: JAS. SHIMIZU
 PROJECT NO.: 10-001

SP-1
 J. SHIMIZU







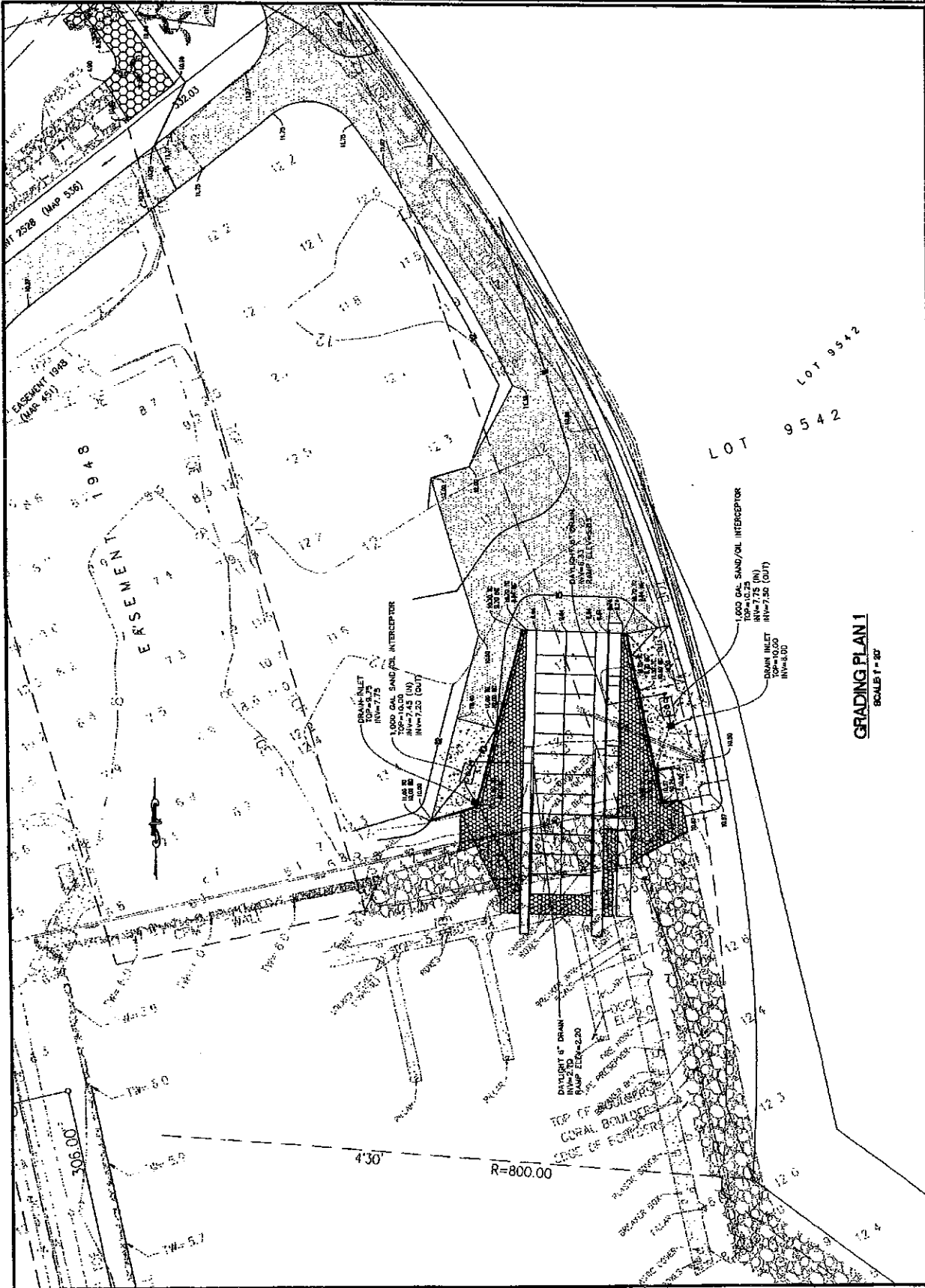
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REVISIONS

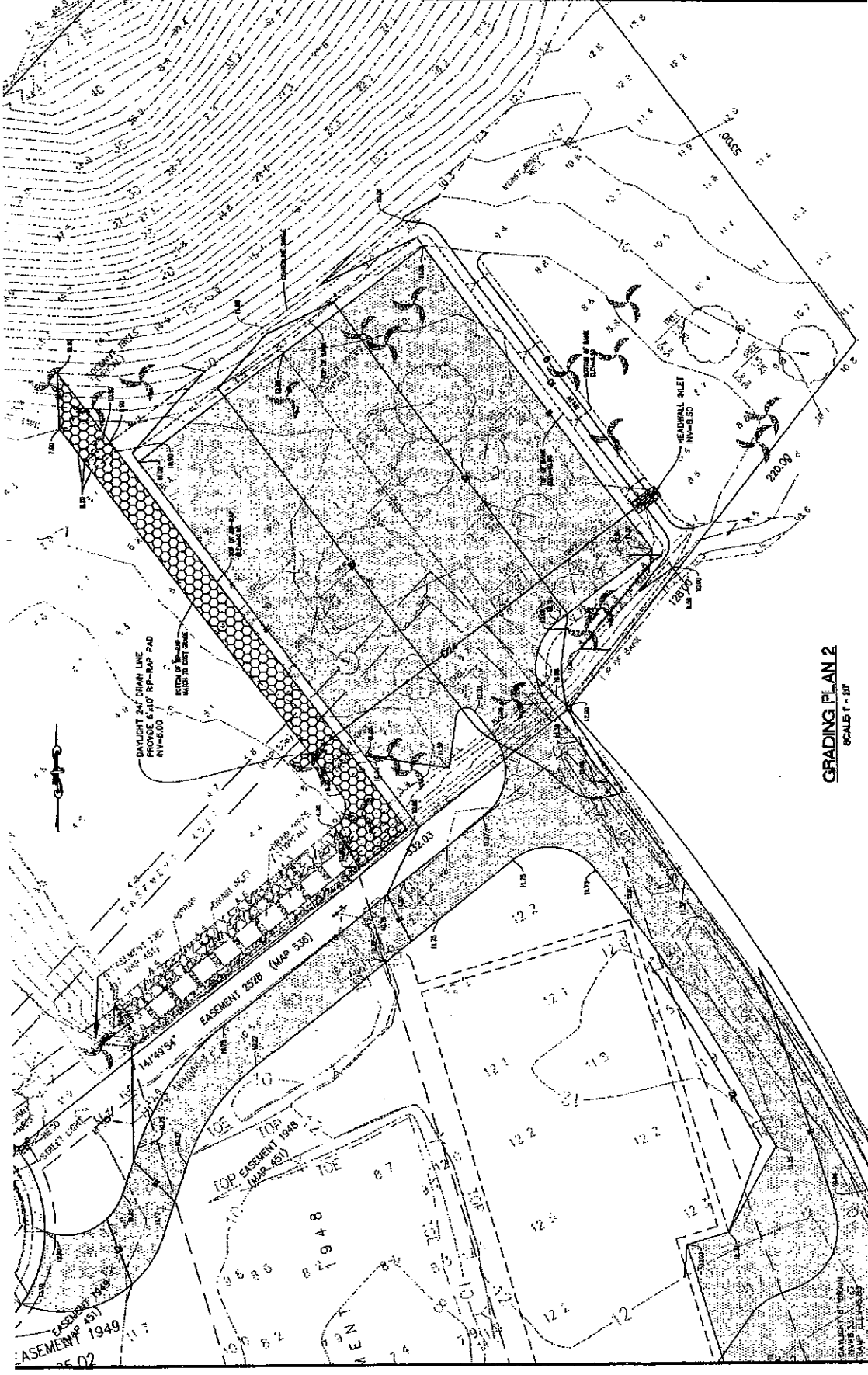
BOAT LAUNCH RAMP & TRAILER PARKING & MARINA
 OAHU, HAWAII
 OF KO OLINA RESORT & MARINA

GRADING PLAN 1

Date: 08/16/10
 Scale: AS SHOWN
 Drawn: CTO
 Title: C-21
 Sheet: 2 OF 20 Sheets



GRADING PLAN 1
 SCALE 1" = 40'



GRADING PLAN 2
SCALE 1" = 50'

Subject: RE: [Fwd: Re: [Fwd: Re: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP #36(Boat Ramp) (UNCLASSIFIED)

From: "Watanabe, Farley K POH" <Farley.K.Watanabe@usace.army.mil>

Date: Fri, 18 Nov 2011 20:04:36 +0000

To: "Arnold T. Okubo" <okuboa004@hawaii.rr.com>, Bill Blaisdell <bill.blaisdell@koolina.com>, Randy Fujiki <rfujiki@theresortgroup.com>, Ken Williams <ken@koolina.com>, Ralph Harris <ralph.harris@koolina.com>

Classification: UNCLASSIFIED
Caveats: FOUO

Arnold: still in consultation w/ USFWS and NOAA...keep me apprised of DOH issues on the 401 WQC action.

Thanks,

Farley K. Watanabe, Archaeologist
Regulatory Branch (CEPOH-EC-R)
U.S. Army Engineer District Honolulu
ph: 808-438-7701

-----Original Message-----

From: Arnold T. Okubo [mailto:okuboa004@hawaii.rr.com]

Sent: Friday, November 18, 2011 7:42 AM

To: Watanabe, Farley K POH; Bill Blaisdell; Randy Fujiki; Ken Williams; Ralph Harris

Subject: [Fwd: Re: [Fwd: Re: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP #36(Boat Ramp) (UNCLASSIFIED)]

Farley,
Just checking with you on the status of the Ko Olina Boat Ramp DA Permit Application. Any update on the conditional status when permit maybe okay with special conditions attached. We are still working with DOH on the Section 401 WQC Application. Please let me know.
Thank you.
Arnold Okubo

Classification: UNCLASSIFIED
Caveats: FOUO

Wyeth Matsubara

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Tuesday, March 20, 2012 12:04 PM
To: Watanabe, Farley K POH
Cc: Bill Blaisdell; Randy Fujiki; Ken Williams; Ralph Harris
Subject: Re: [Fwd: Re: [Fwd: Re: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP #36(Boat Ramp) (UNCLASSIFIED)]

Farley,
Ko Olina Ocean Marina, LLC has ask me to touch base with you on the status of the Ko Olina Boat Ramp DA Permit Application?
Any information on the status?
Could you please let me know.
Thank you very much.
Aloha,
Arnold Okubo

Watanabe, Farley K POH wrote:
> Classification: UNCLASSIFIED
> Caveats: FOUO
>
> Arnold: still in consultation w/ USFWS and NOAA...keep me apprised of DOH issues on the 401 WQC action.
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> Sent: Friday, November 18, 2011 7:42 AM
> To: Watanabe, Farley K POH; Bill Blaisdell; Randy Fujiki; Ken Williams; Ralph Harris
> Subject: [Fwd: Re: [Fwd: Re: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP #36(Boat Ramp) (UNCLASSIFIED)]
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> Thank you.
> Arnold Okubo
>
>
> Classification: UNCLASSIFIED

> Caveats: FOUO

>

>

>

>

Ryan Tagomori

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Friday, March 30, 2012 12:30 PM
To: Farley K. Watanabe; Randy Fujiki; Ralph Harris; Ken Williams
Subject: [Fwd: Re: [Fwd: Re: [Fwd: Re: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP #36(Boat Ramp) (UNCLASSIFIED)]
Attachments: Re: [Fwd: Re: [Fwd: Re: Ko Olina Boat Ramp Project- File NO. POH-2010-00... (1.65 KB)

Farley,

Subject: Dept. of the Army Permit, File No. POH-2010-00202
Ko Olina Boat Ramp, Kapolei, Haw

I had just received a telephone call this morning from Ms. Jia Ping Fouse of Dept of Health, Clean Water Branch (telephone no. 586-4309)

in regards to the Section 401 Water Quality Certification application.

DOH is in the process to publish the public notice, but they would need a letter from the U.S. Army Engineer District, Regulatory Branch, Mr. George P. Young, P.E., Chief, Regulatory Branch to confirm the official jurisdiction determination that the Ko Olina Boat Ramp Project would be under the NWP 36(Boat Ramp).

DOH has schedule to publish the public notice announcement on April 12, 2012.

They had ask me if your agency could send a letter out to be received by the end of next week April 6, 2012. We would then need to contact the Honolulu Star-Advertiser by April 9, 2012 to have the DOH notice to be published on April 12, 2012.

The jurisdiction letter should be sent and address to the below:

Mr. Ralph F. Harris, Vice President & Resort Asset Manager
Ko Olina Ocean Marina, LLC
1100 Alakea Street, 25th Floor
Honolulu, Hawaii 96813
Tel: (808)628-0597

Your assistance would be sincerely appreciated.
Please call me if you have any questions.
As always, thank you for your help.

Aloha,
Arnold Okubo

Ryan Tagomori

-----Original Message-----

From: Watanabe, Farley K POH [mailto:Farley.K.Watanabe@usace.army.mil]
Sent: Thursday, April 05, 2012 3:52 PM
To: jiaping.fouse@hawaii.gov
Cc: Arnold T. Okubo; Randy.Fujiki@koolina.com; Ralph Harris; Ken Williams
Subject: RE: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP #36(Boat Ramp)
(UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Good afternoon Ms. Fouse: attached is a written size waiver determination for the new Replacement Ko Olina Boat Ramp which the Corps intends to verify under NWP#36 (Boat Ramps) and the authorities of Sec. 10, Rivers & Harbors Act and Sec. 404, CWA. This waiver determination provides an approved JD that a Department of Army (DA) permit will be required for this Ko Olina Ocean Marina, LLC project. An accompanying verification of NWP #28 (Modifications of Existing Marinas) is also intended to be issued for the appurtenant work of relocating an existing floating dock, removing 5 pilings, install 5 replacement pilings and 2 new loading docks. All the work under NWP#28 will take place in, and over Sec. 10 waters, and will not result in discharges subject to Sec. 404, CWA.

Pls contact me if you require additional information.

TIA,

Farley K. Watanabe, Archaeologist
Regulatory Branch (CEPOH-EC-R)
U.S. Army Engineer District Honolulu
ph: 808-438-7701

-----Original Message-----

From: Arnold T. Okubo [mailto:okuboa004@hawaii.rr.com]
Sent: Friday, March 30, 2012 12:30 PM
To: Watanabe, Farley K POH; Randy Fujiki; Ralph Harris; Ken Williams
Subject: [Fwd: Re: [Fwd: Re: [Fwd: Re: Ko Olina Boat Ramp Project- File NO. POH-2010-00202, NWP #36(Boat Ramp) (UNCLASSIFIED)]

Farley,

Subject: Dept. of the Army Permit, File No. POH-2010-00202
Ko Olina Boat Ramp, Kapolei, Haw

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in regards to the Section 401 Water Quality Certification application. DOH is in the process to publish the public notice, but they would need a letter from the U.S. Army Engineer District, Regulatory Branch, Mr. George P. Young, P.E., Chief, Regulatory Branch to confirm the official jurisdiction determination that the Ko Olina Boat Ramp Project would be under the NWP 36(Boat Ramp). DOH has schedule to publish the public notice announcement on April 12, 2012.

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Your assistance would be sincerely appreciated.
Please call me if you have any questions.
As always, thank you for your help.

Aloha,
Arnold Okubo

Attachment Classification: UNCLASSIFIED
Attachment Caveats: NONE

Classification: UNCLASSIFIED
Caveats: FOUO

Ryan Tagomori

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Wednesday, June 13, 2012 6:26 AM
To: Farley K. Watanabe
Subject: [Fwd: Ko Olina Boat Ramp]
Attachments: Ko Olina Boat Ramp (234 KB)

Farley,

For your information.

Attached is the DOH WQC Section 401 letter with conditions for approving the Ko Olinaboat ramp construction.

Thank you.

Arnold Okubo

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
EMDCWS

WQC798.FNL.12

May 31, 2012

Mr. Ralph F. Harris
Vice President and Resort Asset Manager
Ko Olina Ocean Marina, LLC
1100 Alakea Street, 25th Floor
Honolulu, Hawaii 96813

Dear Mr. Harris:

**Subject: Section 401 Water Quality Certification (WQC) for
Boat Launch Ramp and Trailer Parking at Ko Olina Resort and Marina
Kapolei, Island of Oahu, Hawaii
File No. WQC0798/Army File No. POH-2011-00202**

In accordance with the provisions of the Clean Water Act, as amended (33 U.S.C. §1251 et seq.; the "CWA"); Hawaii Revised Statutes (HRS), Chapters 91, 92, and 342D; Part 121 of Title 40, Code of Federal Regulations (CFR); and Hawaii Administrative Rules (HAR), Chapter 11-54; the Department of Health (DOH) has reviewed your revised Section 401 WQC Application and appurtenant data relevant to water quality considerations for the subject proposed construction activities. The discharge activities associated with the construction of the subject project will be authorized under the U.S. Department of the Army (DA), Nationwide Permit (NWP) No. 36 (Boat Ramp), File No. POH-2010-00202, under the CWA, Section 404 and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). The processing of this Section 401 WQC Application is based on the requirements contained in the CWA, Section 401; HRS, Chapters 91, 92, and 342D; 40 CFR Part 121; and HAR, Chapter 11-54.

The following is the information of the owner:

Owner:

Ko Olina Ocean Marina, LLC
1100 Alakea Street, 25th Floor
Honolulu, Hawaii 96813

Contact: Mr. Ralph F. Harris, Vice President and Resort Asset Manager
Ph.: (808) 391-0791
Fax: (808) 673-7670

Mr. Ralph F. Harris
May 31, 2012
Page 2

WQC798.FNL.12

The Director of Health (Director) attests to the following statements based on the information contained in the November 28, 2011 revised Section 401 WQC Application package:

1. The Director has either:
 - a. Examined the Application submitted by the owner and its duly authorized representative and bases its certification upon an evaluation of the information contained in such application which is relevant to water quality considerations; or
 - b. Examined other information furnished by the owner and its duly authorized representative sufficient to permit the statement described in Item No. 2. below.
2. When all requirements and conditions contained in this Section 401 WQC are fully complied with, there is a reasonable assurance that the discharges resulting from the proposed construction activities will be conducted in a manner which will not violate the applicable Water Quality Standards (WQS) and will comply with the applicable provisions of CWA, Sections 301, 302, 303, 306, and 307.
3. The following requirements are deemed necessary and shall constitute part of the Section 401 WQC conditions.

This Section 401 WQC:

- a. Shall become effective when the Ko Olina Ocean Marina, LLC submits the information below to the Clean Water Branch (CWB) for review and comment **within one (1) year of the issuance date of this Section 401 WQC**. Failure to submit the required information within one (1) year of the issuance date of this Section 401 WQC shall render this Section 401 WQC invalid:

All questions/concerns that the DOH may have must be answered to the satisfaction of the CWB and you must receive written acceptance of your submittal prior to the start of construction.

- i. General contractor information, including the Contractor's legal name, address, contact person's name and position, telephone and fax numbers, and e-mail address.
- ii. Contractor's emergency contact information, including the contact person's name, position, telephone and fax numbers, and e-mail address.

Mr. Ralph F. Harris
May 31, 2012
Page 3

WQC798.FNL.12

- iii. An updated construction schedule.
 - iv. A copy of the Final Applicable Monitoring and Assessment Program (hereafter the "AMAP") based on the "draft final" AMAP submitted with the November 28, 2011 revised Section 401 WQC Application.
- b. Shall expire at midnight on **May 30, 2014**, or until the applicable WQS are revised or modified, or the mandatory requirements in implementing the Total Maximum Daily Load (TMDL) Implementation Plan for Ko Olina Marina is established by the DOH and approved by the U.S. Environmental Protection Agency (EPA) or when the project construction is completed, whichever is earliest. If the applicable State WQS is revised or modified before the 2-year period and the discharge activity complies with the revisions or modifications, or the discharge activity complies with the TMDL implementation requirements established by the DOH and approved by the EPA, this Section 401 WQC shall continue to be valid until **May 30, 2014**.

The Director, upon receipt of the written request from Ko Olina Ocean Marina, LLC, may administratively extend the expiration date of this Section 401 WQC only when the written request can demonstrate to the Director that the project is in fact under construction and there are no significant changes to the project scope and the changes will not, either individually or cumulatively, cause adverse impact to the receiving water quality. The request shall be accompanied with appropriate color photographs (including the date/time and narrative description) demonstrating that the project is in fact under physical construction and the purpose of extending the expiration date is to allow the contractor to complete the project construction.

- c. May be revoked when any of the following is identified:
 - i. Ko Olina Ocean Marina, LLC shall comply with all applicable new WQS as adopted by the DOH. In any case where:
 - (A) WQS applicable to the waters into which the activity may discharge are subsequently established before the activity is completed; or
 - (B) The Director determines that the activity is violating the new WQS.

The CWB will notify Ko Olina Ocean Marina, LLC of the violation. Ko Olina Ocean Marina, LLC shall cease the violation within 180 calendar days of the date of the notice. If Ko Olina Ocean Marina, LLC fails within 180 calendar days of the date of the notice to cease the violation, the Director may revoke this certification; and

Mr. Ralph F. Harris
May 31, 2012
Page 4

WQC798.FNL.12

- ii. The Director determines that the discharge(s) from the activity is violating the existing State WQS or any condition specified in this letter.

The Director will notify Ko Olina Ocean Marina, LLC of the violation. Ko Olina Ocean Marina, LLC shall cease the violation within seven (7) calendar days of the date of the notice. If Ko Olina Ocean Marina, LLC fails within seven (7) calendar days of the date of the notice to cease the violation, the Director may revoke this certification.

These actions shall not preclude the DOH from taking appropriate enforcement action authorized by law.

Written notification by the Director under this section is complete upon mailing or sending a facsimile transmission of the document or actual receipt of the document by Ko Olina Ocean Marina, LLC.

4. Ko Olina Ocean Marina, LLC shall:
 - a. Notify the CWB via e-mail cleanwaterbranch@doh.hawaii.gov of the following:
 - i. The commencement date within seven (7) calendar days before start of construction activities.
 - ii. The completion date within 14 calendar days after the completion of the proposed construction activities (including the disturbed area restoration activities).

All communication, including but not limited to the e-mail, with the CWB shall indicate **File No. WQC0798** and the certification statement below.

- b. Comply and shall require the contractors to comply with the Best Management Practices (BMPs) Plan contained in the revised Section 401 WQC Application, dated November 28, 2011. This BMPs Plan represents the minimum BMP measures required to be implemented in the construction of the subject project. The general contractor may furnish additional BMP measures as deemed necessary.

All questions/concerns that DOH may have regarding additional BMP measures must be answered to the satisfaction of the CWB prior to the start of construction.

- c. Properly conduct or contract with a qualified laboratory/environmental consultant to conduct the "Applicable Monitoring and Assessment Program" (AMAP) contained in the revised Section 401 WQC Application, dated November 28, 2011.

Mr. Ralph F. Harris
May 31, 2012
Page 5

WQC798.FNL.12

Test methods promulgated in 40 CFR Part 136 effective on July 1, 2001, and when applicable, the chemical methodology for inland water analyses (HAR, Section 11 54-10) shall be used. The detection limits of the test methods used shall be equal to or lower than the applicable WQS as specified in HAR, Chapter 11-54. For situations where the applicable WQS is below the detection limits of the available test methods, the test method which has the detection limit closest to the applicable WQS shall be used. If a test method has not been promulgated for a particular parameter, the applicant may submit an application through the Director for approval of an alternate test procedure by following 40 CFR §136.4.

The Director may, at the Director's own discretion or upon written request from Ko Olina Ocean Marina, LLC and on a case-by-case basis, require Ko Olina Ocean Marina, LLC to modify the monitoring frequency(ies) or change the sampling locations and/or parameter, as appropriate. If a written request is submitted for the reduction of monitoring frequency(ies), it shall be accompanied by an assessment of monitoring results which shall clearly demonstrate that the project construction activity related discharge has fully complied with the applicable WQS.

Color photographs shall be taken before, during and after completion of the proposed construction activities. Copies of the color photographs taken should note the date and time the photos were taken. Photographs taken before the project construction shall be submitted to the CWB prior to the commencement of the project construction. Photographs taken after the construction shall be submitted to the CWB within two (2) weeks after the completion of the construction project.

Field measurement results as well as the turbidity laboratory analytical results and color photographs taken during the construction period shall be submitted to the CWB, before the closing of the next business day the field samples and photographs were taken, via e mail in excel and pdf format to cleanwaterbranch@doh.hawaii.gov. All communication, including but not be limited to the e-mail with the CWB shall include **File No. WQC0798** and the certification statement below.

- d. Ensure that all "discharges" associated with the proposed construction activities are conducted in a manner that will comply with "Basic Water Quality Criteria Applicable to All Waters" as specified in HAR, Section 11-54-4.
- e. Ensure that all material(s) placed or to be placed in State waters are free of waste metal products, organic materials, debris and any pollutants at toxic or potentially hazardous concentrations to aquatic life as specified in HAR, Section 11-54-4(b).

Mr. Ralph F. Harris
May 31, 2012
Page 6

WQC798.FNL.12

- f. Ensure that the permitted activity will not result in non-compliance or violations to the applicable State WQS. Although temporary increases in turbidity level is expected, any visible floating debris, oil, grease, scum, other floating materials, or objectionable color, or turbidity plume, detected outside the silt fences confined/isolated areas constitutes a violation of HAR, Subsection 11-54-4(a) requirements:

Ko Olina Ocean Marina, LLC shall immediately cease the portion of the construction work if water quality monitoring or daily inspection or observation result(s) indicates that non-compliance to HAR, Section 11-54-4(a) or Section 11-54-4(b), will occur or is occurring. The construction activity shall not resume until adequate measures are implemented and appropriate corrective actions are taken and concurred with by the DOH.

Ko Olina Ocean Marina, LLC shall not hold the DOH responsible for any damages or costs incurred due to the temporary cessation of the construction operations.

These actions shall not preclude the DOH from taking enforcement action authorized by law.

- g. Immediately report any spill(s) or other contamination(s) that occurs at the project to the CWB via telephone number (808) 586-4309 or through e-mail to: cleanwaterbranch@doh.hawaii.gov.
- h. Ensure that:
- i. Erosion and Sediment Control Measures are in place and functional before earth moving operations begin.
 - ii. Temporary soil stabilization will be applied on areas that will remain unfinished for more than 30 calendar days.
 - iii. Permanent soil stabilization will be applied as soon as practicable after final grading.
 - iv. During construction monitoring reports shall include a drawing showing the location of the upstream, downstream, and impact station sampling locations; the coordinates of the sampling locations; the tide direction; the weather conditions at time of sampling; the weather conditions the day before; and photos showing sampling occurring during in-water work.
 - v. Loading and off-loading of dredged spoils shall not result in a discharge to State waters.

Mr. Ralph F. Harris
May 31, 2012
Page 7

WQC798.FNL.12

Ko Olina Ocean Marina, LLC shall maintain and shall also ensure that the contractor(s) will maintain, at the construction site or in the nearby field office, a record that these requirements have been fully complied with.

- i. Ensure that all temporarily constructed structures, including the silt containment device(s) and/or soil erosion control structures, are properly removed immediately after the completion of the construction work and when the affected water body has returned to its pre-construction condition or better, as demonstrated by the monitoring results, including the color photographs.
 - j. Not discharge construction site dewatering effluent, hydrotesting effluent, concrete truck wash water, and any other types of effluent without first obtaining the required National Pollutant Discharge Elimination System permit from the DOH.
 - k. Not allow any concrete truck wash water to be disposed by percolation into the ground.
 - l. Maintain, or require the contractor(s) and the subcontractor(s), if any, to maintain, a copy of the Section 401 WQC Application packages and this letter at the construction site or in the nearby field office. Ensure that all areas impacted, either directly or indirectly, by the project construction activities are fully restored.
 - m. Work shall be discontinued during storm events or during flood condition.
 - n. Clearing and grubbing shall be held to the minimum, if any.
5. Ko Olina Ocean Marina, LLC shall review and update the effectiveness and adequacy of the AMAP and the BMPs Plan. Ko Olina Ocean Marina, LLC shall modify the AMAP, BMPs Plan, and/or environmental protection measures upon request or when instructed by the Director.
- Any change(s) to the AMAP, BMPs Plan, or correction(s)/modification(s) to information already on file with the DOH shall be submitted to the CWB, for review and comment, as such change(s), correction(s) or modification(s) arise. Ko Olina Ocean Marina, LLC shall properly address all comment(s) and/or concern(s) to the Director's satisfaction before such change(s), correction(s) or modification(s) become effective.
6. By applying for and accepting this Section 401 WQC, Ko Olina Ocean Marina, LLC agrees that the DOH may conduct routine inspection of the construction site, taking color photographs, and to sample any discharges or effluent in accordance with HRS, Section 342D-8.

Mr. Ralph F. Harris
May 31, 2012
Page 8

WQC798.FNL.12

7. Construction debris, vegetation and/or dredged material removed from the construction site shall be disposed of at the upland State or County approved sites. A Solid Waste Disclosure Form for Construction Sites shall be completed and returned to the DOH, Solid and Hazardous Waste Branch, Solid Waste Section. The form can be downloaded at:
<http://www.hawaii.gov/health/environmental/waste/sw/pdf/swdiscformnov2008.pdf>. No construction material or construction activity related materials shall be stockpiled, stored or placed in State waters (including Wetland) or in ways that will disturb or adversely impact the aquatic environment.
8. Runoff or return flow, if any, from the excavated/dredged material dewatering process or from the upland stockpiling site(s) shall be contained on land and not be allowed to enter or reenter State waters.
9. Ko Olina Ocean Marina, LLC shall comply with all new State WQS adopted by the DOH after the effective date of this letter.
10. The DOH reserves the right of taking appropriate enforcement action authorized by law against any non-compliance of conditions contained in this letter.
11. Ko Olina Ocean Marina, LLC is hereby informed that effective as the date of this Section 401 WQC, Mr. Arnold T. Okubo of Arnold T. Okubo & Associates, Inc. is no longer recognized as the duly authorized representative. Mr. Ralph F. Harris of Ko Olina Ocean Marina, LLC shall submit all information/documents for compliance with the WQC conditions.

Please include **File No. WQC0798** and the following certification statement in all future correspondence with the DOH for the subject project:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Mr. Ralph F. Harris
May 31, 2012
Page 9

WQC798.FNL.12

If you have any questions, please contact Ms. Jamie Tanimoto of the Enforcement Section or Ms. Jiaping Fouse of the Engineering Section, CWB, at 586-4309.

Sincerely,



STUART YAMADA, P.E., CHIEF
Environmental Management Division

JF:np

- c: PICO, EPA, Region 9 [via fax 541-2712 only]
- Regulatory Branch, HED, COE [via fax 438-4060 only]
- CZM Program, Office of Planning, DBEDT [via fax 587-2899 only]
- Mr. Ralph F. Harris, Ko Olina Ocean Marina, LLC [via fax 673-7670]
- Mr. Arnold T. Okubo, Arnold T. Okubo & Associates, Inc. [via fax 671-5187 only]

Ryan Tagomori

Subject: FW: Ko Olina Boat Ramp (UNCLASSIFIED)
Attachments: Keehi Underwater Noise Plan 8-27-08.doc; Turbidity Testing and Sound Monitoring Plan.pdf

-----Original Message-----

From: Watanabe, Farley K POH [<mailto:Farley.K.Watanabe@usace.army.mil>]
Sent: Monday, June 18, 2012 5:36 PM
To: Arnold T. Okubo
Subject: RE: Ko Olina Boat Ramp (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Arnold: I need you to submit a noise/acoustic assessment for the pile-driving segment. I've enclosed samples to guide you where the numbers are.

Farley K. Watanabe, Archaeologist
Regulatory Branch (CEPOH-EC-R)
U.S. Army Engineer District Honolulu
ph: 808-835-4305

-----Original Message-----

From: Arnold T. Okubo [<mailto:okuboa004@hawaii.rr.com>]
Sent: Wednesday, June 13, 2012 6:22 AM
To: Randy Fujiki
Cc: Ralph Harris; Ken Williams; Craig Y. Oyadomari; Wyeth Matsubara; Watanabe, Farley K POH
Subject: Re: Ko Olina Boat Ramp

Farley,
Just checking to find out the status of the Ko Olina Boat Ramp's Dept. of Army Permit application.
Any idea when the DA Permit may allow the project to start to proceed with the construction.
The DOH WQC Section 401 has been approved with conditions by the DOH.
Please let me know.

Thank you.
Arnold Okubo

KEEHI LAGOON PILEDIVING UNDERWATER NOISE EVALUATION

Underwater Noise Thresholds

Noise criteria are not yet available for green sea turtles, the species of interest for the Keehi site. Studies suggest that sea turtles are less acoustically sensitive than marine mammals. Thus, use of the marine mammal acoustic thresholds would be conservative for turtles. Those limits are:

- Permanent Threshold Shift (Injury) 180 dB_{rms} re: 1μPa
- Temporary Threshold Shift (Behavior Modification) 160 dB_{rms} re: 1μPa

Based on a proposed behavioral harassment threshold of 166 dB_{rms} re: 1μPa for sea turtles (D.M. Hubner, NMFS/PIRO/PRD, personal communication 2008), the underwater noise abatement goal will be no exposure of sea turtles to sound levels above 166 dB_{rms} re: 1μPa.

Project Conditions

A single-acting marine diesel hammer will drive 58 20-inch octagonal precast prestressed concrete piles to a typical depth of 40 to 55 feet below the sea floor. Plywood pile cushions 10" thick will separate the pile hammer from the concrete pile top.

Boring logs for the site indicate that the seaward part of the site is underlain by about 50 to more than 80 feet of unconsolidated silty sand over coral gravels and hard coral. The project specifications require piles to be driven to refusal into the underlying coral rubble or coral ledge.

Pilediving will start with low energy while the pile tips are in the upper soft sediments. Hammer stroke (energy) will be increased with time and depth as the pile tips penetrate down to the denser layers. Refusal will be confirmed with less than 10 hammer blows. At refusal, the pile will be embedded at least 40 feet and the hammer will have been running for several minutes at low to moderate energy.

Case History

There is no established predictive model for computing underwater noise generated by pilediving. Research done since about 1999 suggests that pilediving with very large marine hammers on large-diameter pipe piles can cause fish mortality. Smaller piles, smaller hammers, concrete piles instead of steel, and unconsolidated sediment bottom material all correlate to lower underwater sound levels. In the absence of a predictive analysis, case histories serve as a useful indicator of expected noise for the Keehi project.

James A. Reyff presented acoustic data for several recently done pilediving projects (2005). A project similar to Keehi, where .66 m concrete pilings were driven by a diesel hammer, the unattenuated noise level was measured at 176 dB_{rms} re: 1μPa at 10 m from the source. He also indicated that propagation loss ranged between 3 and 7 dB per doubling of distance. Whereas 7 dB loss occurs for spherical spreading in deep homogenous water, 3 dB loss is typical for the cylindrical spreading expected in shallow waters such as Keehi Lagoon.

Underwater Noise Attenuation

We assume that sound levels from pile driving at Keehi will be similar to the sound levels described above. This opinion is substantiated by similarities in the bottom type, hammer type and energy, pile type, and pile size.

On that basis, we assume an underwater sound level of approximately 176 dB_{rms} re: 1μPa at 10 m. Assuming an attenuation of 3 dB per distance doubling, we compute a noise level of 167 dB_{rms} re: 1μPa at 80 m. We suggest a 100 m exclusion zone as a safe and convenient distance considering the potential for variations in our assumed attenuation rate.

Protected Species Protection Plan

The noise control plan for piledriving at the Keehi project relies entirely on avoidance because the piles are relatively small, as is the pile hammer, and the bottom type is not prone to generating high piledriving noise. The plan includes:

1. Monitor the area within the 100 m exclusion zone for 30 minutes prior to piledriving for the presence of green sea turtles or other protected marine species.
2. Initiate piledriving activity with a "soft start", using low-energy at first to warn away any protected species in adjacent areas before ramping up to full energy.
3. Stop piledriving immediately if an animal is observed within the exclusion zone.
4. Resume piledriving only when the animal has moved, of its own volition, outside the exclusion zone.

TURBIDITY MONITORING PLAN

Kaunakakai Harbor Ferry System Improvements, Molokai, Hawaii, Job No. B61XM82A

March 12, 2012

Introduction

The purpose of this Turbidity Monitoring Plan is to assess the impact to the turbidity of the Kaunakakai Harbor waters as a result of the "in-water" work for the subject project as required by the Department of Army's Notice Verification (dated November 16, 2011).

HDCC understands the "in-water" construction activities to start from the date the silt curtain is installed until the date it is removed.

Project Description

The Kaunakakai Harbor Ferry System Improvements project is located on the island of Molokai in Kaunakakai. The work encompasses improvements to the existing pier at Kaunakakai Harbor, to the existing ferry terminal building, and along the causeway to the intersection of Kaunakakai Place and Kamehameha V Highway.

The improvements include strengthening of the existing pier by driving new prestressed concrete piles with a new concrete pier deck, installation of new sewerline and waterline, increasing the size of the ferry terminal building and adding restroom facilities.

Duration of In-Water Work & Turbidity Monitoring Frequency

The monitoring frequency for the turbidity measurement has been established using the State of Hawaii, Department of Health, Clean Water Branch's General Monitoring Guideline for Section 401 Water Quality Certification Projects (Revised April 7, 2000). Copies of the Guideline and HDCC's Construction Schedule (Run Date; 24FEB12) have been attached.

Please refer to the attached HDCC updated project schedule for the duration of in-water work.

The turbidity monitoring frequency is as follows:

- One sample set per each of ~~ten~~ ^{five} working days for preconstruction turbidity monitoring. These tests will be used to establish a baseline reading for the harbor waters and work station.
- ~~Three~~ ^{one} sample sets per each calendar ~~week~~ ^{day} during the in-water work. ~~This will result in fifty-two sample sets during in-water work period.~~ ^{after construction has started.}
- One sample set for a post construction monitoring turbidity reading.

Each sample set will be comprised of three turbidity tests. The turbidity tests will be taken at three locations and are shown on an included proposed turbidity test location sheet;

- *Location 1 [Impact Station]* will be within six feet of the active piledriving activity and within the area encompassed by the silt curtain. This will measure the impact of the sound attenuation device (bubble curtain).
- *Location 2 [Work Station]* will be located outside of the silt curtain, but adjacent to the work area. This will measure the impact of the in-water work with the silt curtain in place.
- *Location 3 [Control Station]* will be located outside of the silt curtain and approximately one hundred feet from the piledriving activity location. This will serve as a control point to measure the "background" turbidity for Kaunakakai Harbor.

Sampling Procedures

Best efforts will be undertaken to obtain a representative sample of the entire water column at each of the three test locations. A 500 ml bottle will be used to collect three water samples at each test location. These three samples will be combined into a single 2 liter bottle. This 2 liter bottle will be the representative source from which the turbidity tests are conducted.

Turbidity Testing Equipment

The turbidity testing will be performed using a Hach 2100Q turbidimeter. The meter will be calibrated daily prior to collection of the samples. Daily calibration will be logged in writing in a log book.

The turbidity test samples will be drawn from the respective representative sources. A total of three tests will be conducted per each representative source and an average determined. The turbidity testing will be performed the same day the samples were taken. The results of the daily turbidity tests will be logged daily in writing.

Turbidity Testing Results and Reporting

The results of the preconstruction turbidity testing will be submitted for record to the State of Hawaii, Department of Land and Natural Resources (DLNR) after completion of the testing, but prior to the start of the in-water work.

The daily turbidity testing logs for the in-water work will be submitted for record to the DLNR at the end of each week.

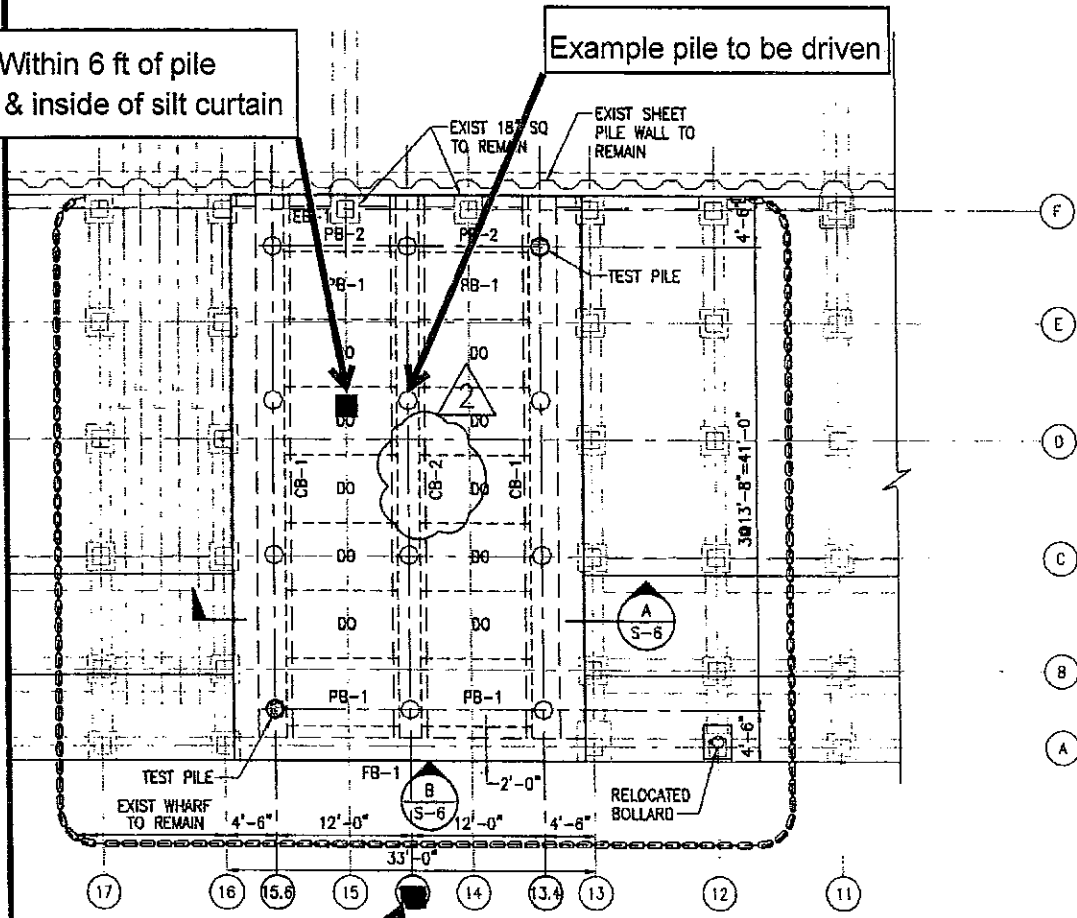
The results of the post construction monitoring will be submitted for record to the DLNR within one week of the testing.

A summary report with the preconstruction, in-water work, and post construction turbidity testing results will be submitted for record to the DLNR within one month of the completion of the in water work.

Proposed turbidity testing locations - 03/12/12

Location 1 - Within 6 ft of pile being driven & inside of silt curtain

Example pile to be driven



LEGEND:
DO -INDICATE DO OVER

NEW DECK FRAMING PLAN

Location 2 - Outside of silt curtain

Location 3 - (Control) 100 ft from pier hardstand area

KAUNAKAKAI HARBOR FERRY SYSTEM IMPROVEMENTS
KAUNAKAKAI, MOLOKAI

REFERENCE SHEET NO.: S-6

Date: 7/7/11

Sketch No. SKA-3

Job No.: BX61XM82A

ADDENDUM NO. 2

Add Page 3 of 3

General Monitoring Guideline for Section 401 Water Quality Certification Projects

| Period of Construction Project | <1 to 4 Months | | | | | • 5 Months to • 4 Year | | | | | Construction Project Monitoring Frequency* | | |
|---------------------------------------------------------------|----------------|----|---|----|----|------------------------|----|---|---|-----|--------------------------------------------|--------|------|
| | • 1 | >1 | 2 | 3 | 4 | • 5 | 1 | 2 | 3 | • 4 | Pre- | During | Post |
| Parameter to Monitor for "X" Months of "In-Water" Work | | | | | | | | | | | | | |
| Photo Documentation | • | | | | | | | | | | • | • | • |
| pH | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Turbidity | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Total Suspended Solids (TSS) | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Dissolved Oxygen (DO) | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Salinity | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Temperature | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Secchi Disc or Light Extinction | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Biological Monitoring | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Nitrate + Nitrite Nitrogen (NO ₃ NO ₂) | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Total Kjeldahl Nitrogen (TKN) | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Ammonia Nitrogen (NH ₄) | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Total Nitrogen (TN) | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Ortho-Phosphate (PO ₄) | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Total Phosphorus (TP) | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Chlorophyll • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Silicate | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Pesticides, PAHs, metals, etc. | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Other | | | | | | | | | | | | | |
| Monitoring Frequency | D | D | D | 3W | 3W | 3W | 2M | M | Q | Q | * | ** | *** |

| Symbol Legend | |
|---------------|--------------------------------------------------------------------------------|
| • | Basic water quality monitoring parameters |
| • | Included with dredging projects, if no habitat loss or modification |
| • | Optional per data evaluation suggesting no significant impact |
| • | Optional per dredging projects |
| • | Photo documentation on dredging project with some habitat loss or modification |
| • | Bio-monitoring on dredging projects with habitat loss or modification |
| • | To be determined on individual case |
| • | Optional per individual cases for dredging projects |

* Pre-construction sampling for TSS and Turbidity of TEN samples over TWO weeks for projects that impact bottom sediment.

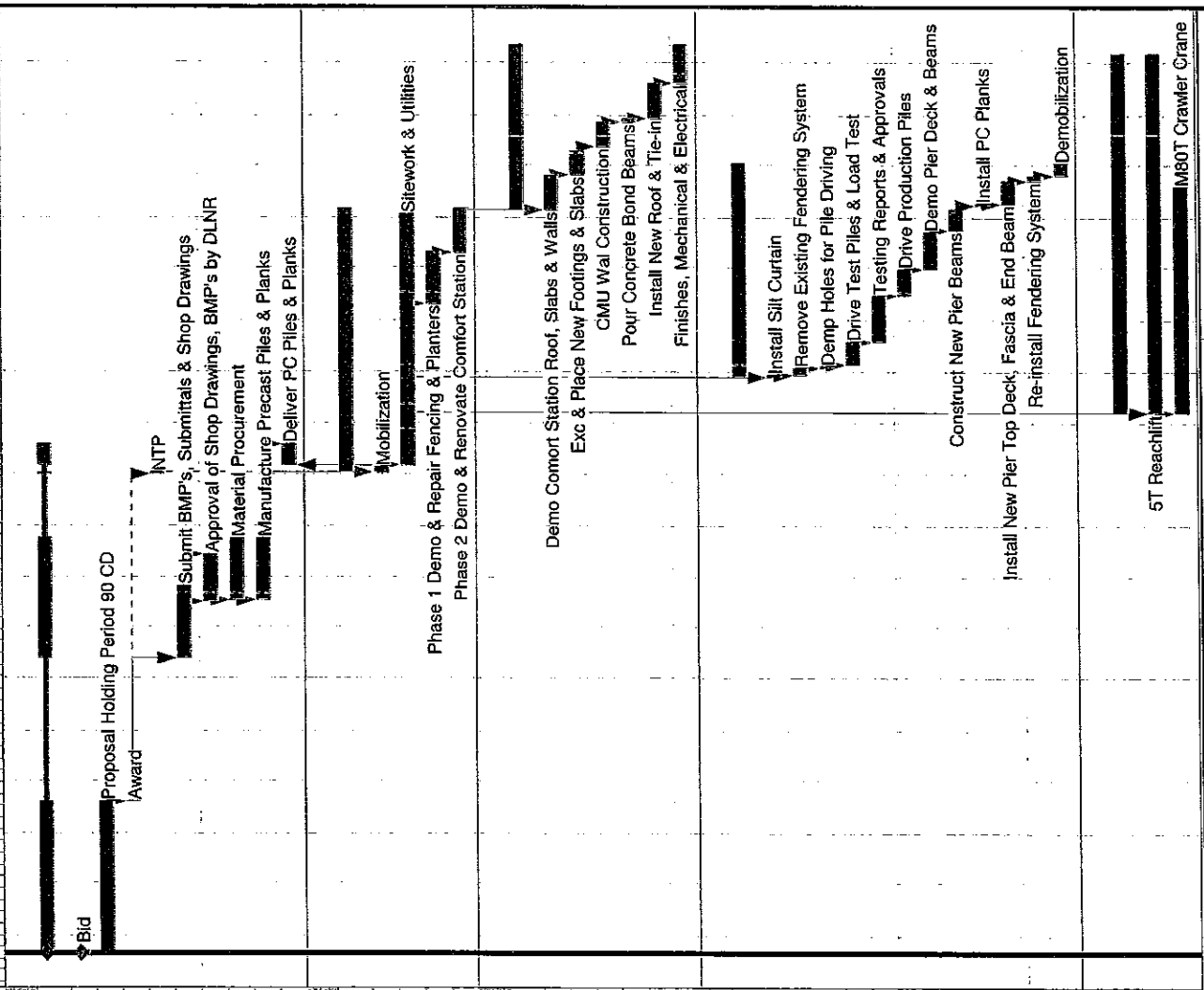
** During construction monitoring is limited to length of "in-water" work period.

*** Post-construction monitoring is limited to once per construction period.

Shaded blocks represent basic or minimum requirement for most projects.

D = Daily
 W = Weekly
 M = Monthly
 Q = Quarterly
 (i.e., 3W = three times per week)

Notes:



| Activity ID | Activity Description | Orig Dur | Early Start | Early Finish |
|----------------------------|----------------------------------------------|----------|-------------|--------------|
| A - CONTRACT | | | | |
| Subtotal | | 303 | 21 JUL 11 | 18 MAY 12 |
| 1000 | Bid | 0 | 21 JUL 11 | 18 OCT 11 |
| 1002 | Proposal Holding Period 90 CD | 90 | 21 JUL 11 | 19 OCT 11 |
| 1006 | Award | 1 | 19 OCT 11 | 01 MAY 12 |
| 1008 | NTP | 1 | 01 MAY 12* | 24 FEB 12 |
| 1030 | Submit BMP's, Submittals & Shop Drawings | 30 | 13 JAN 12 | 14 MAR 12 |
| 1034 | Approval of Shop Drawings, BMP's by DLNR | 20 | 15 FEB 12 | 23 MAR 12 |
| 1038 | Material Procurement | 26 | 16 FEB 12 | 23 MAR 12 |
| 1039 | Manufacture Precast Piles & Planks | 26 | 16 FEB 12 | 23 MAR 12 |
| 1040 | Deliver PC Piles & Planks | 10 | 07 MAY 12 | 18 MAY 12 |
| B - SITEWORK | | | | |
| Subtotal | | 108 | 02 MAY 12 | 05 OCT 12 |
| 2000 | Mobilization | 3 | 02 MAY 12 | 04 MAY 12 |
| 2010 | Sitework & Utilities | 102 | 07 MAY 12 | 02 OCT 12 |
| 2020 | Phase 1 Demo & Repair Fencing & Planters | 20 | 10 AUG 12 | 10 SEP 12 |
| 2030 | Phase 2 Demo & Renovate Comfort Station | 20 | 10 SEP 12 | 05 OCT 12 |
| C - COMFORT STATION | | | | |
| Subtotal | | 67 | 05 OCT 12 | 11 JAN 13 |
| 1010 | Demo Comfort Station Roof, Slabs & Walls | 15 | 05 OCT 12 | 25 OCT 12 |
| 1020 | Exc & Place New Footings & Slabs | 10 | 26 OCT 12 | 09 NOV 12 |
| 1060 | CMU Wal Construction | 10 | 12 NOV 12 | 28 NOV 12 |
| 1070 | Pour Concrete Bond Beams | 2 | 27 NOV 12 | 28 NOV 12 |
| 1080 | Install New Roof & Tie-in | 15 | 29 NOV 12 | 19 DEC 12 |
| 1090 | Finishes, Mechanical & Electrical | 15 | 20 DEC 12 | 11 JAN 13 |
| C - PIER HARDSTAND | | | | |
| Subtotal | | 88 | 28 JUN 12 | 01 NOV 12 |
| 3002 | Install Silt Curtain | 1 | 28 JUN 12 | 28 JUN 12 |
| 3003 | Remove Existing Fendering System | 2 | 29 JUN 12 | 02 JUL 12 |
| 3004 | Damp Holes for Pile Driving | 1 | 03 JUL 12 | 09 JUL 12 |
| 3005 | Drive Test Piles & Load Test | 10 | 05 JUL 12 | 18 JUL 12 |
| 3006 | Testing Reports & Approvals | 20 | 19 JUL 12 | 15 AUG 12 |
| 3007 | Drive Production Piles | 10 | 16 AUG 12 | 30 AUG 12 |
| 3008 | Demo Pier Deck & Beams | 15 | 31 AUG 12 | 21 SEP 12 |
| 3009 | Construct New Pier Beams | 10 | 24 SEP 12 | 05 OCT 12 |
| 3010 | Install PC Planks | 1 | 08 OCT 12 | 08 OCT 12 |
| 3011 | Install New Pier Top Deck, Fascia & End Beam | 10 | 09 OCT 12 | 22 OCT 12 |
| 3012 | Re-install Fendering System | 3 | 23 OCT 12 | 25 OCT 12 |
| 3013 | Demobilization | 5 | 26 OCT 12 | 01 NOV 12 |
| D - EQUIPMENT | | | | |
| Subtotal | | 214 | 07 JUN 12 | 06 JAN 13 |
| 4000 | 5T Reachlift | 214 | 07 JUN 12 | 06 JAN 13 |
| 4010 | M80T Crawler Crane | 135 | 07 JUN 12 | 19 OCT 12 |

Sheet 1 of 1

Hawaiian Dredging Construction Co.
Kaunakakai Ferry Improvements
Baseline Construction Schedule (8 Month)

Start Date: 21 JUL 11
 Finish Date: 11 JAN 13
 Data Date: 21 JUL 11
 Run Date: 24 FEB 12 14:50

Early Bar
 Progress Bar
 Critical Activity

KF03

2011 2012 2013
 JUL AUG SEP OCT NOV DEC JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC JAN

Date: _____
 Revision: _____
 Checked: _____
 Approved: _____

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Sea Engineering, Inc.

Makai Research Pier
41-305 Kalaniana'ole Hwy.
Waimanalo, Hawaii 96795-1820
Ph: (808) 259-7966 Fax: (808) 259-8143
Email: sei@seaengineering.com
Website: www.seaengineering.com

MEMORANDUM

DATE: 03/12/2012

TO: Kurt Ganiko and Jay Fujimoto, Hawaiian Dredging Construction Company

FROM: Scott Sullivan and Chris Conger, SEI

SUBJECT: Kaunakakai Pier Repair Acoustic Monitoring Proposal

Underwater sound attenuation devices, bubble rings around the pile driving activity, are currently being required for pile driving activities in Hawaiian waters. This requirement is similar to those implemented along the west coast of the contiguous United States and also in Guam. To monitor the effectiveness of these devices, Washington State has developed an underwater noise monitoring plan template. Their template identifies all pertinent information needed to currently satisfy the monitoring needs of National Marine Fisheries Service (NMFS) with regard to noise impacts on marine species in the region. This template has also been modified for use by Naval Facilities Engineering Command (NAVFAC) Marianas in recent (2011) acoustic monitoring efforts in Guam.

To establish the effectiveness of the sound attenuation requirement in Hawaiian waters, an underwater noise monitoring plan has been developed (attached) based on the Washington State template.

- To establish ambient noise levels, three full 24 hour days of background noise monitoring are required prior to beginning pile driving activities.
- During 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, 2 meters outside the silt curtain, and 50 meters from the pier face, 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.
- Hydrophone placements are located to record the sound level between the bubble rings and the silt curtain at 5 meters from the pile, 2 meters outside of the silt curtain, and at the 50 meter standoff distance.
- The bubble rings will be turned off for three 2 minute intervals: at the beginning, middle, and end of each pile driving activity. This will establish the noise level without the sound attenuation device, during pile driving activities.
- Signal analysis will be conducted as post-processing.
- The final report will include an evaluation of the effectiveness of the bubble ring for attenuating sound in Hawaiian waters. It will also include an evaluation of the sound attenuation properties of the silt curtain the effectiveness of the 50 meter standoff distance for ensuring sound levels lower than 120 dB.

Our proposed work tasks to complete the acoustic monitoring plan include the following:

1. Planning, meetings, and mobilization – Field work and travel logistics, acquire and test equipment, fabricate float lines for hydrophones, coordination with Hawaiian Dredging for scheduling, and other tasks as needed.
2. Pre-construction field work – Deployment of one hydrophone at the pile driving site for three successive 24 hour periods to collect ambient noise data prior to the start of the activity.
3. Pile driving field work – 22 days of acoustic monitoring for pile driving activities. Hydrophones will need to be in place and recording prior to start of work and will need to remain on station until all pile driving activity is complete.
4. Signal analysis – Post processing of ambient noise data, each pile drive signal, each pile’s cumulative data, each 24 hour period of pile driving data, and comparison of sound levels at each hydrophone.
5. Draft and final report preparation and submission - To meet the standards identified by Washington State and NAVFAC Marianas.

Our fees to complete these tasks are as follows:

| | |
|-----------------------------------------|----------------|
| 1. Planning, meetings, and mobilization | \$6,940 |
| 2. Equipment costs | \$9,695 |
| 3. Pre-construction field work | \$4,680 |
| 4. Pile driving field work | \$37,203 |
| 5. Signal analysis | \$5,848 |
| 6. <u>Draft and final report</u> | <u>\$6,058</u> |
| Total | \$70,424 |

The assumption with this proposal is that there will be adequate pier space adjacent to the monitoring activity to set up the signal analyzer and laptop, and to leave field equipment overnight. This pier space will need minimal shelter to keep the laptop and signal analyzer out of the rain. There will need to be access to power, as the equipment will be running for extended periods. The area will need to be secure in order to leave the monitoring equipment on-site and running for 36 hours prior to start of construction, and to leave the rental kayak and field gear overnight during construction.



Sea Engineering, Inc.

Makai Research Pier • 41-305 Kalanianaʻole Hwy • Waimanalo, Hawaii 96795-1820
Phone: (808) 259-7966 • FAX (808) 259-8143 • E-mail: sei@seaengineering.com • Website: www.seaengineering.com

KAUNAKAKAI PIER PILE DRIVING UNDERWATER NOISE MONITORING PLAN

Date: January 2012



INTRODUCTION

This underwater monitoring plan is based on the Washington State Department of Transportation, Department of Air Quality and Noise, Underwater Noise Monitoring Plan Template.

The Department of Land and Natural Resources (DLNR) proposes to replace the pier pilings at Kaunakakai Pier, Molokai, Hawaii as part of a ferry terminal restoration project (Figure 1). Piles will be replaced beneath the commercial pier. Two piles will remain in place, due to coral growth, while the remaining piles to be demolished will be cut off one foot above the mud line. Piles will be replaced with 20 inch diameter, pre-stressed, concrete piles. Pile driving work will be conducted during the summer months of 2012.



Figure 1. Aerial view of Kaunakakai Pier, Molokai, Hawaii.

PROJECT AREA

The project is located on south shore of Molokai at the ferry terminal on Kaunakakai Pier (see



Figure 1). The project area will be beneath the existing pier deck and will require remove of concrete deck slabs to conduct the work. The dredged channel on the western side of the pier ranges in depth from 20 to 30 feet (Figure 2). The shallow fringing reef on either side of the pier facility has a native depth of 1 to 3 feet. Inland from the active channel is the shallower extension that is mud filled and has depths ranging from 1 to 15 feet.

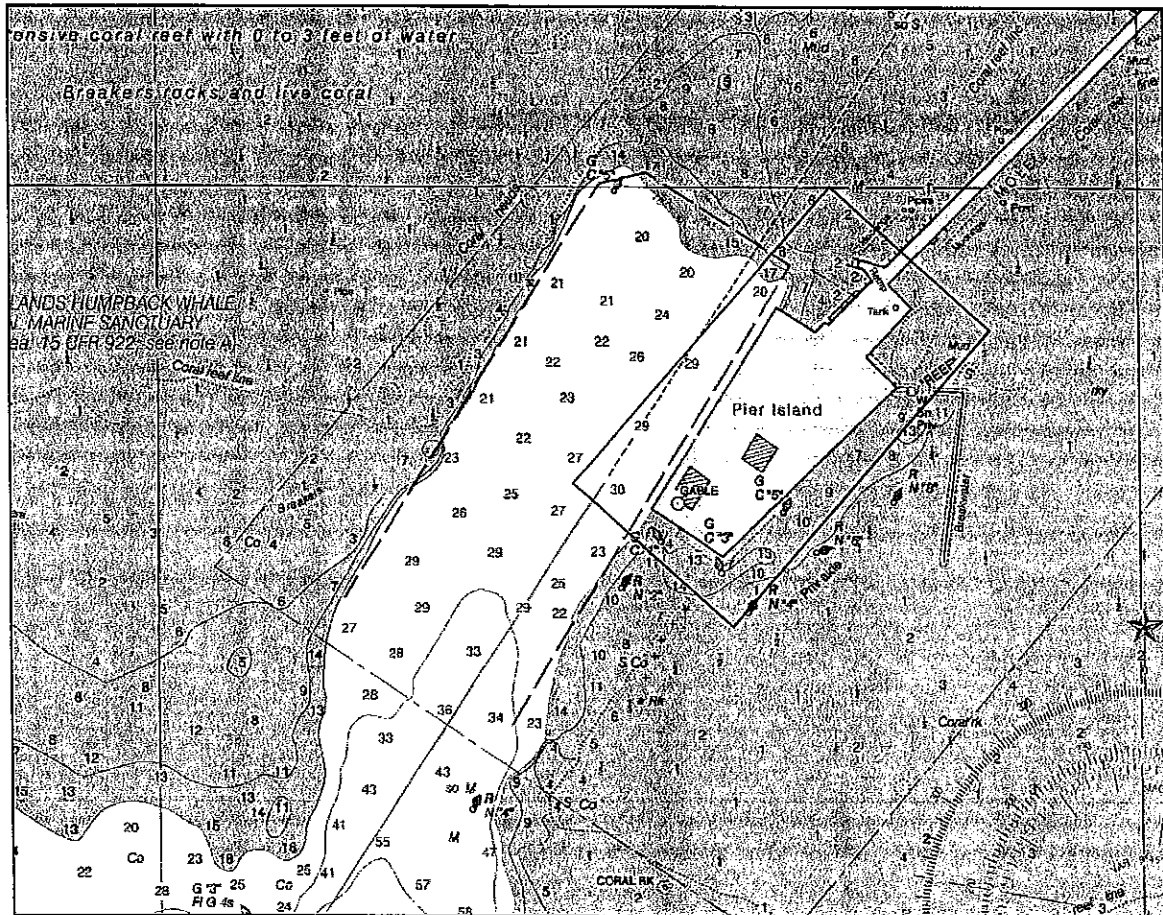


Figure 2. Kaunakakai Pier and surrounding water depths from NOAA nautical chart 19353.

PILE INSTALLATION LOCATION

Figure 2 indicates the location of the pier facility at Kaunakakai, that navigable channel, and the road access. Pile driving will be conducted under the pier deck at the ferry terminal. Substrate in this area is typically unconsolidated sediment.

PILE INSTALLATION

Hydroacoustic monitoring will be conducted for all piles, due to the limited number of piles to be



driven. Pile locations will be pre-drilled, with a 20 inch hole to 40 feet below the sea floor. Pre-stressed concrete piles will be driven with a hammer capable of delivering energies in the range of 40,000 – 60,000 foot-pounds. The contractor will utilize soft-start pile driving techniques at the beginning of each day, or after periods lasting 30 minutes or more, and will surround the work area with a silt curtain as part of their environmental protection controls.

Project boring indicates that the native substrate, beneath boulder and cobble fill, is loose silty sand to deeper than 70 feet. Below that is sandy silt to deeper than 100 feet. The water depths in the project area of the pier range from 4 to 30 feet, and will be evaluated prior to positioning hydrophones.

Hydroacoustic monitoring of pre-stressed concrete pile driving will include:

- Measuring underwater background levels,
- Monitoring all piles that are hammer driven, and
- Testing sound attenuation system effectiveness.

Figure 3 indicates the location of the piles to be monitored and the approximate hydrophone locations for each pile being monitored. Hydrophones will be located at 5 meters from the each pile being driven, 2 meters outside the silt curtain, and at the 50 meters standoff distance, on a radial alignment that has a clear line of sight to the activity. The hydrophones are positioned to measure the sound attenuation effects of the bubble ring located adjacent to each pile, the silt curtain located around the outside of the project site, and the water body itself. The hydrophone at 50 meters is intended to quantify the effectiveness of the 50 meter standoff distance for <120dB noise levels. Each hydrophone will be placed at mid-depth in the water column, ranging from 10 to 15 feet below sea-level

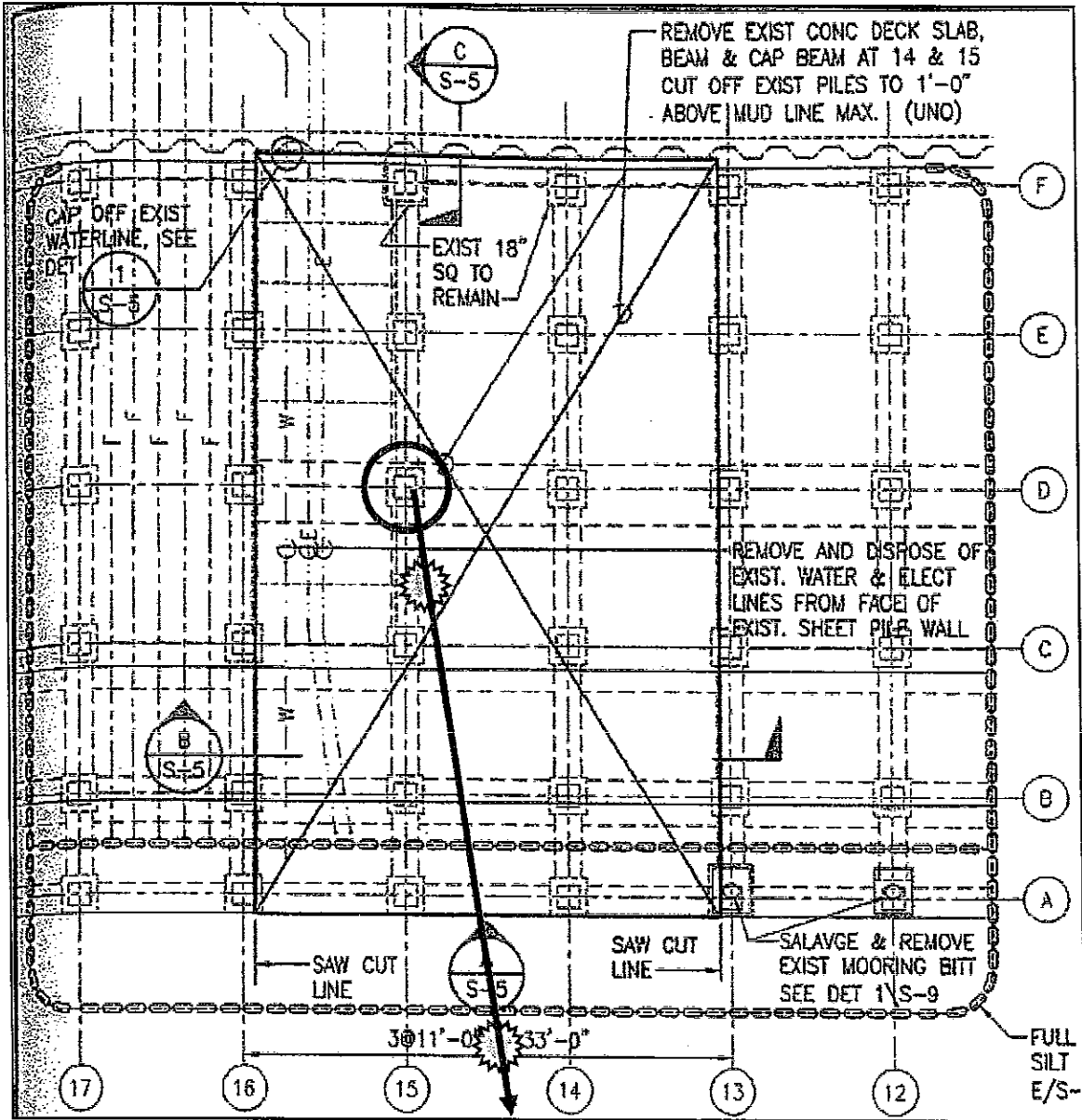


Figure 3. Location of the piles that will be monitored on Kaunakakai Pier. Hydrophones (red stars) will be placed 5 meters off the piling (red circle) and 2 meters after the silt curtain are shown on the plan. The third hydrophone, located at the 50 meters standoff distance, will be located on the radial alignment (red arrow).

METHODOLOGY

Background underwater noise levels will be measured for a minimum of three full 24-hour



cycles (i.e., 6 am to 6 am) in the absence of construction activities to determine background sound levels (Stockham et al., 2010). Following NMFS guidance (NMFS, 2009), analysis will be conducted using data from the full range of frequencies recorded. Data will be used to calculate 30-second Root Mean Square (RMS) values for each 30 seconds of the three 24-hour cycles measured. These data will be used to calculate and plot a Cumulative Distribution Function (CDF) (NMFS, 2009). Overall average background sound levels will be reported as the 50% CDF and include a spectral analysis of the frequencies (NMFS, 2009) for a minimum of an hourly cycle.

All piles monitored will be tested with the sound attenuation system, on and off (presence and absence) to test its effectiveness. To account for varying resistance as the pile is driven; the sound attenuation device will be turned off for 2 minute periods during the beginning, the middle third, and near the end of the drive. Pile driving should resume for a minimum of two minutes after each period the attenuation device is off.

Table 2 details the equipment that will be used to monitor underwater sound pressure levels.



Table 2.
Equipment for underwater sound monitoring (hydrophone, signal amplifier, and calibrator). All have current National Institute of Standards and Technology (NIST) traceable calibration.

| Item | Specifications | Quantity | Usage |
|-----------------------------------|--------------------------------------------------------------------------------------|----------|--------------------------------------------------------------------------------------------------------------|
| Reson TC4013 Hydrohone | Receiving Sensitivity- 211dB \pm 3dB re 1V/ μ Pa 70 meter cable for each | 3 | Capture underwater sound pressures and convert to voltages that can be recorded/analyzed by other equipment. |
| ICP Preamplifier | Amplifier Gain- -.05 dB Frequency Response 6.3 to 125 kHz | 3 | Adjust signals from hydrophone to levels compatible with recording equipment. |
| PCB Pistonphone Calibrator 394A40 | Accuracy- IEC 942 (1988) Class 1 | 1 | Calibration check of hydrophone in the field. |
| CoCo-80 Signal Analyzer | Sampling Rate- 102.4K Hz, 4-24 bit inputs | 1 | Analyzes and transfers digital data to laptop hard drive. Has internal real-time signal software embedded. |
| Dell Laptop Field Computer | Compatible with digital analyzer | 1 | Record digital data on hard drive and signal analysis. |
| Matlab | | 1 | Post-analysis of sound signals |

Monitoring equipment will be set to 20 Hz to 10 kHz with a minimum sampling rate of 24 kHz. To facilitate further analysis of data the underwater signal will be recorded as a text file (.txt) or wave file (.wav).

The hydrophones will be placed at mid-water depth at distances of 5 meters from the each pile being driven, 2 meters outside the silt curtain, and at the 50 meters standoff. A weighted tape measure will be used to determine the depth of the water. The hydrophones will be attached to a nylon cord or a steel chain if the current is swift enough to cause strumming of the line. The nylon cord will be attached to an anchor that will keep the line the appropriate distance from each pile. The nylon cord will be attached to a sub-surface tension float, which will be attached to a small retrieval buoy at the surface (Figure 4). The sampling locations will be established prior to field work, and located by GPS in the field. The hydrophones will be placed on a radial alignment and there should be a direct line of sight between the pile and the hydrophones in all

cases.

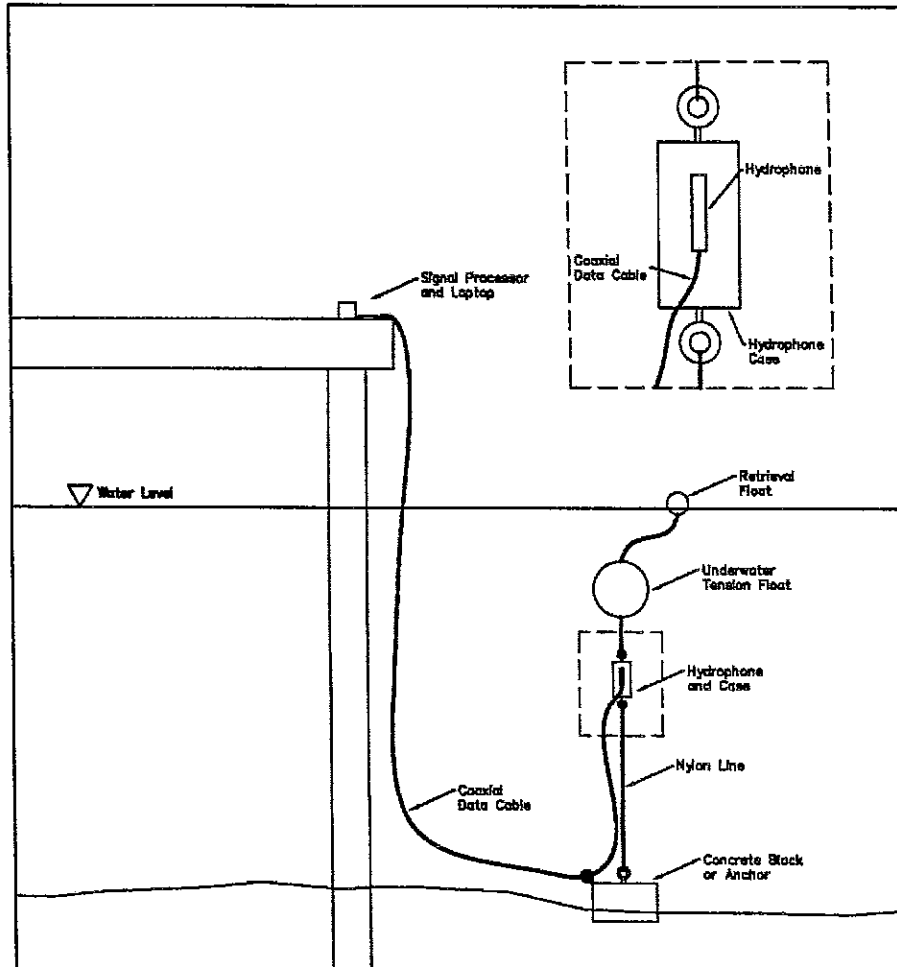


Figure 4. Typical Hydrophone Deployment

The hydrophone calibrations will be checked at the beginning of each day of monitoring activity. Prior to the initiation of pile driving, the hydrophone will be placed at the appropriate distance and depth as described above.

The inspector/contractor will inform the acoustics specialist when pile driving is about to start to ensure that the monitoring equipment is operational. Underwater sound levels will be continuously monitored during the entire duration of each pile being driven. Peak levels of each strike will be monitored in real time. Sound pressure will be measured in Pascals which are easily converted to decibel (dB) units (e.g. 1000 Pascals = 180 dB).

During three 30-second periods distributed throughout the drive while the pile is being driven with an impact hammer, the bubble curtain will be turned off near the beginning, middle and end of the drive.



Prior to, and during, the pile driving activity, environmental data will be gathered, such as wind speed and direction, air temperature, humidity, surface water temperature, water depth, wave height, weather conditions, and other factors that could contribute to influencing the underwater sound levels (e.g. aircraft, boats, etc.). Start and stop time of each pile driving event and the time at which the bubble curtain or functional equivalent is turned on and off will be recorded.

Marine biologic activity will be monitored prior to, during, and immediately after pile driving activity to assess if the activity is having a noticeable impact. Behavior will be monitored and recorded. Abnormal behavior will be recorded with time of the event and location of the event relative to the pile driving activity.

The chief inspector will supply the acoustics specialist with a description of the substrate composition, approximate depth of significant substrate layers, hammer model and size, hammer energy settings and any changes to those settings during the piles being monitored, depth pile driven, blows per foot for the piles monitored, and total number of strikes to drive each pile that is monitored.

SIGNAL PROCESSING

Post-analysis of the sound level signals will include determination of the maximum absolute value of the instantaneous pressure within each strike, Root Mean Square (RMS) value for each absolute peak pile strike, mean and standard deviation/error of the RMS for all pile strikes of each pile, rise time, number of strikes per pile and per day, number of strikes exceeding 206 dB_{peak}, number or percent of individual strikes exceeding 183 dB Sound Exposure Level (SEL) and 187 dB SEL, SEL of the pile strike with the absolute peak sound pressure, mean SEL, and cumulative SEL (cumulative SEL = single strike SEL + 10*log (# hammer strikes)) and a frequency spectrum both with and without mitigation, between a minimum of 20 and 10,000 Hz for up to eight successive strikes with similar sound levels. Calculation methodology is provided in Appendix A.

Background sound levels will be analyzed by calculating 30-second RMS values and plotting these values on a CDF. The average background sound level will be estimated using the 50% CDF (See Appendix B).

ANALYSIS

Analysis of the data from the San Francisco-Oakland Bay Bridge Pile Driving Demonstration project (PIDP) indicated that 90 percent of the acoustic energy for most pile driving impulses occurred over a 50 to 100 milliseconds period with most of the energy concentrated in the first 30 to 50 milliseconds (Illingworth and Rodkin, 2001). The RMS values computed for this project will be computed over the duration between where 5% and 95% of the energy of the pulse occurs. The SEL energy plot will assist in interpretation of the single strike waveform. The single strike SEL associated with the highest absolute peak strike along with the total number of strikes per pile and per day will be used to calculate the cumulative SEL for each pile and each



24-hour period*

In addition a waveform analysis of the individual absolute peak pile strikes will be performed to determine any changes to the waveform with the bubble ring sound attenuator. A comparison of the frequency content with and without noise attenuation will be conducted. Units of underwater sound pressure levels will be dB re: 1 micropascal and units of SEL will be re: 1 micropascal²sec.

REPORTING

An analysis of the change in the waveform and sound levels with and without the bubble ring sound attenuator operating will be conducted.

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 will be summarized in graphical form and include summary statistics and time histories of impact sound values for each pile. A final report will be prepared and submitted within 30 days following receipt of comments on the draft report. The report shall include:

1. Size and type of piles.
2. A detailed description of the bubble ring sound attenuator, including design specifications.
3. The impact hammer energy rating used to drive the piles, make and model of the hammer.
4. A description of the sound monitoring equipment.
5. The distance between hydrophones and pile.
6. The depth of the hydrophones and depth of water at hydrophone locations.
7. The distance from the pile to the water's edge.
8. The depth of water in which the pile was driven.
9. The depth into the substrate that the pile was driven.
10. The physical characteristics of the bottom substrate into which the piles were driven.
11. The total number of strikes to drive each pile and for all piles driven during a 24-hour period.
12. The background sound pressure level reported as the 50% CDF.
13. The results of the hydroacoustic monitoring, including 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.
14. A description of any observable fish, marine mammal or bird behavior in the immediate area will and, if possible, correlation to underwater sound levels occurring at that time.



REFERENCES

- Illingworth and Rodkin, Inc. 2001. Noise and Vibration Measurements Associated with the Pile Installation Demonstration Project for the San Francisco-Oakland Bay Bridge East Span, Final Data Report, Task Order 2, Contract No. 43A0063.
- NMFS, 2009. Guidance Document: Data Collection Methods to Characterize Background and Ambient Sound within Inland Waters of Washington State. Memorandum: NMFS Northwest Fisheries Science Center – Conservation Biology Division and Northwest Regional Office – Protected Resources Division, November 30, 2009.
- Stockham, Mark L., Peter H. Dahl and Per G. Reinhall. 2010. Analysis of the Port Townsend Underwater Acoustic Background. WSDOT technical report, December 2, 2010.
- Washington State Department of Transportation, Department of Air Quality and Noise, Underwater Noise Monitoring Plan Template



APPENDIX A

Calculation of Cumulative SEL

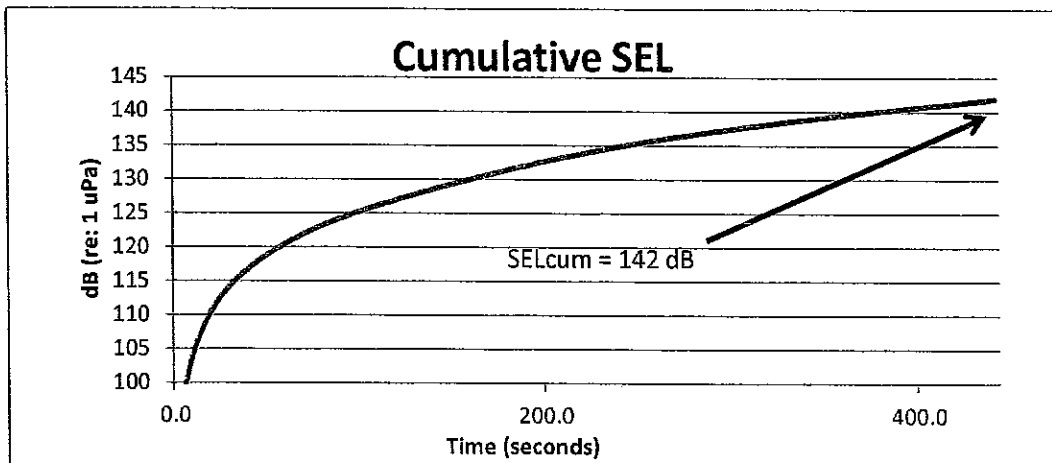
An estimation of individual SEL values can be calculated for each pile strike by calculating a 1-second Leq for each individual pile strike. As can be seen in equation 1 below the SEL is essentially a subset of the LEQ function. When the time interval for the Leq is set to one second it is equal to the SEL. The accumulated SEL values produced by calculating a 1 second Leq for each pile strike can then be accumulated for each pile strike.

Calculating a cumulative SEL from individual SEL values cannot be accomplished simply by adding each SEL decibel level arithmetically. Because these values are logarithms they must be added logarithmically. Perhaps the easiest method for adding decibels logarithmically

$$L_{eq,T} = 10 \lg \left(\frac{1}{T} \int_0^T \frac{p^2(t)}{p_0^2} dt \right) \text{ dB} \qquad SEL = 10 \lg \left(\int_{-\infty}^{\infty} \frac{p^2(t)}{p_0^2} dt \right) \text{ dB}$$

Calculating a cumulative SEL from individual SEL values cannot be accomplished simply by adding each SEL decibel level arithmetically. Because these values are logarithms they must first be converted to antilogs and then accumulated. Perhaps the easiest method for this is to divide each SEL decibel level by 10 and then take the antilog. This will convert the decibels to units of microPascals. Paste these values into a spreadsheet and then sort from smallest to largest value. In a separate column starting with the second row of these values add this value to the one above it and then repeat this process to the last row of data. The last value in this column is the cumulative SEL in units of microPascals. Next convert the microPascal values to dBSEL by dividing each value by the total number of values and calculating the log base 10 of each of these values, then multiply by 20 to get dBSEL.

It is recommended that you also plot these values on a cumulative plot such as the one below.



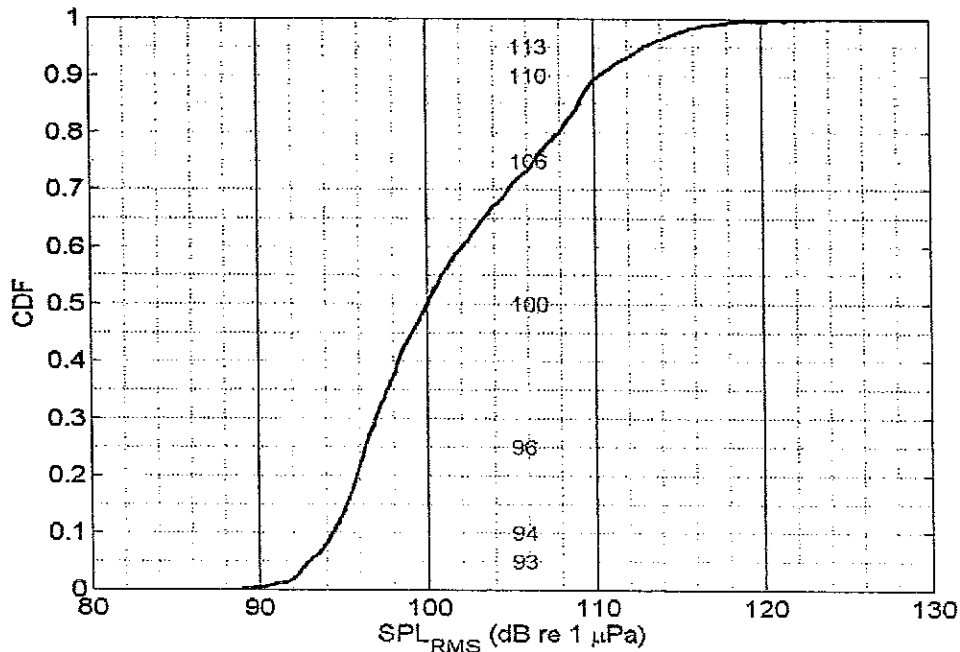


APPENDIX B

Calculation of a Cumulative Distribution Function and Plot for Background Sound Level Analysis

Data from three full 24-hour cycles (minimum) are used to calculate a 30-second Root Mean Square (RMS) value for each 30-second period for the entire dataset. The RMS should be calculated for both the full frequency range recorded as well as a separate dataset which has been passed through a high pass filter thus eliminating those frequencies below 1000 Hz. These datasets are then grouped into 24-hour periods. To determine if the data is approximately log-normal in distribution, each 24-hour period is plotted as a Probability Density Function (PDF). Each 24-hour period can be plotted on the same PDF plot. The plots should be approximately log normal in distribution and thus can be used in the further analysis. Each day of data should have an approximately Gaussian sigmoid shape, the differences between them and the ideal might be hard to spot, but the sigmoid from day to day will show noticeable variation. Data which does not approximate a log normal distribution should be excluded from further analysis.

The Cumulative Distribution Function (CDF) plot is obtained by plotting the normalized cumulative sum vs. the bin location. You can also get the PDF from plotting the normalized bin count vs. the bin location. The normalized bin count is obtained by dividing the count column by (number of data points multiplied by the space between 2 consecutive bins). This provides the integral of the PDF equal to 1. See: <http://www.vertex42.com/ExcelArticles/mc/Histogram.html>



Ryan Tagomori

Subject: FW: Ko Olina Boat Ramp (UNCLASSIFIED)
Attachments: ESAPilingPrompts.pdf

From: Arnold T. Okubo [<mailto:okuboa004@hawaii.rr.com>]
Sent: Monday, June 25, 2012 9:45 AM
To: Watanabe, Farley K POH
Cc: Randy Fujiki; Ralph Harris; Ken Williams; Wyeth Matsubara; Craig Y. Oyadomari
Subject: Re: Ko Olina Boat Ramp (UNCLASSIFIED)

Farley,
Attached is the filled out response to the "Pile Driving Questionnaire" for the Ko Olina Boat Ramp Project. Hope this will provide the necessary information on the pile driving work for the project.
Please call me or let me know if you need any further informations.
Thank you.
Arnold Okubo

Watanabe, Farley K POH wrote:
Classification: UNCLASSIFIED
Caveats: NONE

Arnold: here's the 3d way to provide the info

Farley K. Watanabe, Archaeologist
Regulatory Branch (CEPOH-EC-R)
U.S. Army Engineer District Honolulu
ph: 808-835-4305

-----Original Message-----

From: Watanabe, Farley K POH
Sent: Monday, June 18, 2012 5:36 PM
To: 'Arnold T. Okubo'
Subject: RE: Ko Olina Boat Ramp (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Arnold: I need you to submit a noise/acoustic assessment for the pile-driving segment. I've enclosed samples to guide you where the numbers are.

Farley K. Watanabe, Archaeologist
Regulatory Branch (CEPOH-EC-R)
U.S. Army Engineer District Honolulu
ph: 808-835-4305

-----Original Message-----

From: Arnold T. Okubo [<mailto:okuboa004@hawaii.rr.com>]
Sent: Wednesday, June 13, 2012 6:22 AM

To: Randy Fujiki

Cc: Ralph Harris; Ken Williams; Craig Y. Oyadomari; Wyeth Matsubara; Watanabe, Farley K
POH

Subject: Re: Ko Olina Boat Ramp

Farley,

Just checking to find out the status of the Ko Olina Boat Ramp's Dept.
of Army Permit application.

Any idea when the DA Permit may allow the project to start to proceed
with the construction.

The DOH WQC Section 401 has been approved with conditions by the DOH.
Please let me know.

Thank you.

Arnold Okubo

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? Yes 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: Yes 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: Yes No

If yes, describe:

16 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 elev. -40.00 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 material the new piling will be constructed of:

Metal Wood Plastic Concrete Other

Indicate the type of metal, wood, or other materials (i.e. steel, Douglas fir):

N/A

Will the piling be treated to promote preservation: Yes No

If yes, describe the treatment:

N/A

Describe the substrate where the new piling will be installed:

Hard coral material. Piles will be installed in pre-drilled holes.

Does the installation site contain contaminated sediments: Yes No

Is it subject to a cleanup action (MTCA or CERCLA): Yes No

Define the depth the new piling must be driven to: **Installed to -40.00 elevation (water mudline bottom at -9.00 elev.).**

Approximate duration for installation of each piling:

Half day for driving in pre-drilled holes.

Total duration of pile installation:

2 weeks includes pre-drilling of hole and pile driving.

Number of piles driven per day:

Two (2) piles to be installed in pre-drilled holes.

Number of days/hours required for pile installation:

2 days (including set-up, pre-drilling, driving, etc.)

Will pile driving activities occur during daylight hours only: Yes No

If no, define the hours pile driving activities will occur:

N/A

If work occurs at night, describe any lighting that will be required:

N/A – No night work.

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

February 2013, high tide or low tide.

Type of pile driver to be used: Vibratory Impact Both

Describe [the pile driver (mounted on a truck or a barge) and anticipated noise levels]

Pile driver and pre-drilling equipment to be mounted on a barge. Piles will be installed in pre-drilled 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: Yes No

Removal and Disposal of Existing Piling

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

Existing 5 each 16 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 1/2" diameter octagonal prestressed precast concrete pile | 1/2 day |
| Loading Dock "B" | 9'-0" | --- | 2 ea - 16 1/2" diameter octagonal prestressed precast concrete pile | 1/2 day |
| Floating Dock | 14'-0" | 5 ea. - 16 1/2" diameter octagonal prestressed precast concrete pile | --- | --- |
| Totals → | --- | 5 ea. | 4 ea. | 2 days |

Ryan Tagomori

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Friday, September 28, 2012 8:24 AM
To: Farley K. Watanabe
Subject: Tried contacting you

Farley,
I tried to telephone you this morning with your office number 438-7701, but kept receiving a message that the number is not in service.
Please let me know if your office number has been changed.
Thank you.
Arnold Okubo

Ryan Tagomori

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Thursday, November 08, 2012 10:50 AM
To: Farley K. Watanabe; Ralph Harris; Randy Fujiki; Ken Williams
Subject: Ko Olina Boat Ramp

Farley,

Just want to touch base with you on the status of the DA Permit for the KoOlina Boat Ramp project.

Any idea as to when the permit maybe issued or is it still pending with NOAA review?

The boaters are anxious for the boat ramp to get started with the construction and has been asking KoOlina Ocean Marina, LLC on the status.

Thank you.

Arnold Okubo

Wyeth Matsubara

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Tuesday, November 27, 2012 11:32 AM
To: Arnold T. Okubo
Cc: Farley K. Watanabe; Ralph Harris; Randy Fujiki; Ken Williams
Subject: Re: Ko Olina Boat Ramp

Farley,

Again, any informational status on the Ko Olina Boat ramp project Dept of the Army(DOA) Permit?

Boaters are pressuring Ko Olina Ocean Marina, LLC to get started on the construction of the boat ramp.

We have applied and submitted the plans for the boat ramp to the C & C of Honolulu Planning and Permitting(DPP) for the building permit on November 7, 2012. Hopefully, by the time the C & C building permit application and plans have been reviewed by the DPP and when the building permit is ready to be issued, the DOA Permit letter authorization the project will also be issued.

The C & C Planning and Permitting will not issue the building permit without the DA Permit authorization letter.

Your help and assistance in reviewing and processing the permit through the various agencies are sincerely appreciated.

Please let me know of the permitting status so that we can let Ko Olina Ocean Marina inform the boaters on the situation.

Thank you.

Aloha,
Arnold Okubo

Arnold T. Okubo wrote:

- > Farley,
- > Just want to touch base with you on the status of the DA Permit for
- > the KoOlina Boat Ramp project.
- > Any idea as to when the permit maybe issued or is it still pending
- > with NOAA review?
- > The boaters are anxious for the boat ramp to get started with the
- > construction and has been asking KoOlina Ocean Marina, LLC on the
- > status.
- > Thank you.
- > Arnold Okubo
- >
- >
- >
- >

Wyeth Matsubara

From: Watanabe, Farley K POH [Farley.K.Watanabe@usace.army.mil]
Sent: Friday, November 30, 2012 2:37 PM
To: PIFWO_ESA@fws.gov; EFHESAconsult@noaa.gov;
Wiltse.Wendy@epamail.epa.gov; jnakagawa@dbedt.hawaii.gov;
darryl.lum@doh.hawaii.gov; 'William Aila';
DLNR.Intake.SHPD@hawaii.gov; Susan.A.Lebo@hawaii.gov;
Sam.J.Lemmo@hawaii.gov; Leimana@fastnethi.com;
kapuahonolulu@aol.com
Cc: Arnold T. Okubo; Ralph Harris; Randy Fujiki; Ken Williams; Johnson,
Edwin C POH
Subject: Request for Expedited Review, POH-2010-00202, Construct New Boat
Ramp & Replace Loading Docks, Ko Olina Marina, Oahu
(UNCLASSIFIED)
Attachments: POH-2010-00202Ko OlinaMarinaBoatRampACN.pdf

Classification: UNCLASSIFIED

Caveats: FOUO

Dear Reviewers: enclosed is a Department of Army (DA) permit application for a new boat ramp and replacement infrastructure at Ko Olina Marina, Oahu. An expedited review of one week is requested.

Farley K. Watanabe, Archaeologist
Regulatory Branch (CEPOH-EC-R)
U.S. Army Engineer District Honolulu
ph: 808-835-4305

Attachment Classification: UNCLASSIFIED

Attachment Caveats: NONE

Classification: UNCLASSIFIED

Caveats: FOUO



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 <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

Leimana DaMate, Aha Kiole Advisory Committee via e-mail at <Leimana@fastnethi.com>

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

Wyeth Matsubara

From: Arnold T. Okubo [okuboa004@hawaii.rr.com]
Sent: Saturday, December 01, 2012 10:04 AM
To: Watanabe, Farley K POH
Cc: Randy Fujiki; Ralph Harris; Ken Williams; Wyeth Matsubara
Subject: Re: [Fwd:] (UNCLASSIFIED)

Farley,
Again, thank you very much.
Aloha,
Arnold Okubo

Watanabe, Farley K POH wrote:

> Classification: UNCLASSIFIED
> Caveats: NONE
>
> I spoke w/Warren and sent him a copy of the coordination letter to respond to or share w/
> other interested parties.
>
> Farley K. Watanabe, Archaeologist
> Regulatory Branch (CEPOH-EC-R)
> U.S. Army Engineer District Honolulu
> ph: 808-835-4305
>
>
> -----Original Message-----
> From: Arnold T. Okubo [<mailto:okuboa004@hawaii.rr.com>]
> Sent: Friday, November 30, 2012 4:09 PM
> To: Watanabe, Farley K POH; Randy Fujiki; Ralph Harris; Ken Williams;
> Wyeth Matsubara
> Subject: [Fwd:]
>
> Farley,
> Thank you for expediting the DOAP agencies coordination review.
> We sincerely appreciate your help and effort..
>
> Per your request attached are the communications that Ko Olina Ocean
> Marina, LLC have done with Mr. Warren Von Arnswaldt. His contact
> telephone number is (808)-554-4833).
> Mr. Von Arnswaldt is a boater who resides in Kapolei, HI(Makakilo) and
> anxiously waiting for the new boat ramp at Ko Olina Marina to be
> constructed.
>
> Thank you,
> Arnold Okubo
>
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>
> Classification: UNCLASSIFIED
> Caveats: NONE
>
>
>
>

Wyeth Matsubara

From: Donald Hubner [donald.hubner@noaa.gov]
Sent: Monday, December 03, 2012 4:32 PM
To: Watanabe, Farley K POH
Cc: PIFWO_ESA@fws.gov; EFHESAconsult@noaa.gov; Wiltse.Wendy@epamail.epa.gov; jnakagawa@dbedt.hawaii.gov; darryl.lum@doh.hawaii.gov; 'William Aila'; DLNR.Intake.SHPD@hawaii.gov; Susan.A.Lebo@hawaii.gov; Sam.J.Lemmo@hawaii.gov; Leimana@fastnethi.com; kapuahonolulu@aol.com; Arnold T. Okubo; Ralph Harris; Randy Fujiki; Ken Williams; Johnson, Edwin C POH
Subject: Re: Request for Expedited Review, POH-2010-00202, Construct New Boat Ramp & Replace Loading Docks, Ko Olina Marina, Oahu (UNCLASSIFIED)

Aloha Farley,

Initial questions and comments from NMFS PRD for the proposed construction of a new boat ramp and replacement of floating docks at Ko'Olina Marina (POH-2010-202) follow.

Please confirm the piling size and the intended method of driving (impact or vibratory driver).

When would work start?

I agree with your species list (assuming the assertion made by AECOS is correct, that there are no corals in the area of affect), but recommend that the determination for hawksbills be changed from "no effect" to "not likely to adversely affect." I also agree with your stressors, and tentatively agree with your determination that the proposed work would be not likely to adversely affect ESA-listed marine species under our jurisdiction. I look forward to seeing a biological assessment that supports your ESA effects determination.

To be clear, the inclusion of pile driving precludes clearance under Pac-SLOPES, but the inclusion of best management practices (BMP) from Pac-SLOPES would be appropriate (at No. 1 under ESA Section 7 of your notice).

In Enclosure 2 - Engineering Assessment Report, at IV Environmental Concerns (and Enclosure 4 - BMP): The language in the 12th bullet is specifically limited to green sea turtles. It should say "sea turtles and marine mammals" to be inclusive of all protected marine species that could be affected. Number 18 in Enclosure 4 should be similarly modified, and the word "removal" must be stricken, because that would be a take under the ESA, requiring a formal consultation and special permitting that are beyond the scope of this action.

The last two bullets require the contractor to notify NMFS HCD and PRD at least 72 hours prior to the start of construction. The contractor should notify USACE Regulatory Branch, who in turn could notify NMFS as a courtesy. Also, both people identified for NMFS are no longer appropriate

points of contact for reporting habitat or protected species concerns (same for Numbers 21 & 22 in Enclosure 4).

Don't hesitate to call if you have any questions about any of my questions or comments. I look forward to working with you to complete this consultation as soon as possible.

Aloha, Don

--

Donald M. Hubner
Endangered Species Biologist
NOAA/NMFS Pacific Islands Regional Office
1601 Kapiolani Blvd. Ste 1110
Honolulu, HI 96814
(808) 944-2233

On 11/30/2012 2:36 PM, Watanabe, Farley K POH wrote:

Classification: UNCLASSIFIED
Caveats: FOUO

Dear Reviewers: enclosed is a Department of Army (DA) permit application for a new boat ramp and replacement infrastructure at Ko Olina Marina, Oahu. An expedited review of one week is requested.

Farley K. Watanabe, Archaeologist
Regulatory Branch (CEPOH-EC-R)
U.S. Army Engineer District Honolulu
ph: 808-835-4305

Attachment Classification: UNCLASSIFIED
Attachment Caveats: NONE

Classification: UNCLASSIFIED
Caveats: FOUO

Ryan Tagomori

Subject: [Fwd: Re: [Fwd: Re: Request for Expedited Review, POH-2010-00202, Construct New Boat Ramp & Replace Loading Docks, Ko Olina Marina, Oahu (UNCLASSIFIED)]]

-----Original Message-----

From: Arnold T. Okubo [<mailto:okuboa004@hawaii.rr.com>]

Sent: Monday, December 10, 2012 9:00 AM

To: Farley K. Watanabe; Wyeth Matsubara; Randy Fujiki; Ralph Harris; Ken Williams

Subject: [Fwd: Re: [Fwd: Re: Request for Expedited Review, POH-2010-00202, Construct New Boat Ramp & Replace Loading Docks, Ko Olina Marina, Oahu (UNCLASSIFIED)]]

Farley,

KoOlina Marina Ocean, LLC will need to send in an update report to the State Land Use Commission on the status of the boat ramp project, and would like to know what is the status of the Dept. of the Army Permit.

I guess KoOlina would be good to give the LUC a current update as best as possible.

Please let us know on the progress.

Thank you.

Arnold Okubo

Ryan Tagomori

Subject: FW: [Fwd: Re: [Fwd: Re: Request for Expedited Review, POH-2010-00202, Construct New Boat Ramp & Replace Loading Docks, Ko Olina Marina, Oahu (UNCLASSIFIED)]
Attachments: EFHcommentsKoOlinaBoatRampPOH-2010-00202.pdf; SHPDRresponse(1) 9-1-057 019 024 L2012 3466 D1212SL10 6E-42 106 Boat Ramp Ko Olina Resort USACOE AMP AIS Requested.pdf

-----Original Message-----

From: Watanabe, Farley K POH [<mailto:Farley.K.Watanabe@usace.army.mil>]
Sent: Wednesday, December 12, 2012 11:22 AM
To: Arnold T. Okubo
Cc: Wyeth Matsubara; Randy Fujiki; Ralph Harris; Ken Williams
Subject: RE: [Fwd: Re: [Fwd: Re: Request for Expedited Review, POH-2010-00202, Construct New Boat Ramp & Replace Loading Docks, Ko Olina Marina, Oahu (UNCLASSIFIED)]

Classification: UNCLASSIFIED
Caveats: FOUO

Good morning Arnold: The Department of Army Nationwide Permit applications are in evaluation. Expedited agency responses are attached and your responses to their comments & recommendations are needed. I have discussed the Biological Evaluation report under the Endangered Species Act consultation w/ Don Hubner, NOAA Fisheries and will finalize that shortly.

Farley K. Watanabe, Archaeologist
Regulatory Branch (CEPOH-EC-R)
U.S. Army Engineer District Honolulu
ph: 808-835-4305

-----Original Message-----

From: Arnold T. Okubo [<mailto:okuboa004@hawaii.rr.com>]
Sent: Monday, December 10, 2012 9:00 AM
To: Watanabe, Farley K POH; Wyeth Matsubara; Randy Fujiki; Ralph Harris; Ken Williams
Subject: [Fwd: Re: [Fwd: Re: Request for Expedited Review, POH-2010-00202, Construct New Boat Ramp & Replace Loading Docks, Ko Olina Marina, Oahu (UNCLASSIFIED)]]

Farley,
KoOlina Marina Ocean, LLC will need to send in an update report to the State Land Use Commission on the status of the boat ramp project, and would like to know what is the status of the Dept. of the Army Permit.
I guess KoOlina would be good to give the LUC a current update as best as possible. Please let us know on the progress.
Thank you.
Arnold Okubo

Attachment Classification: UNCLASSIFIED
Attachment Caveats: NONE

Classification: UNCLASSIFIED
Caveats: FOUO



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4700
(808) 944-2200 • Fax: (808) 973-2941

George P. Young, P. E.
Chief, Regulatory Branch
US Army Corps of Engineers,
Regulatory Branch, Bldg. 214
Ft. Shafter, HI 96858

Mr. George Young,

The NOAA, National Marine Fisheries Service, Habitat Conservation Division (NMFS) has reviewed the permit application for a new boat ramp located at KoOlina, Oahu (POH-2010-00202) as pursuant to Essential Fish Habitat (EFH) provision §305(b) of the Magnuson Stevens Fishery Conservation and Management Act (MSA;16 U.S.C. 1855(b)), the Fish and Wildlife Coordination Act (16 U.S.C. § 662(a)), and the Clean Water Act (33 U.S.C. §1251 et seq.)

The project involves constructing a new two-lane boat ramp that will be 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-foot 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.

An EFH determination was not provided in the USACE NWP Agency Coordination notice. The notice states that the proposal is being evaluated for possible effects to EFH. NMFS will require the EFH evaluation to define direct and indirect impacts resulting from the proposed development and expected use of the facility. One element of special interest will be to quantify the anticipated use and any potential EFH impacts, for example any expected increase in fishing effort. There is also interest in having clarity in defining the public access to the site. In addition, the attachment with project details states that there will be 50 cubic yards of fill for the boat ramp. The AECOS Marine biological survey for KoOlina Marina improvements report states that the harbor bottom consists of reddish-brown silt and describes the proposed project water column as having poor water quality. A sublittoral biofouling community exists on concrete piles that are proposed for removal as well. There were a few species of fishes observed in the water column. Most of the fish appeared to be juveniles or new recruits.



EFH is defined as those waters and substrate necessary to federally managed species for spawning, breeding, feeding or growth to maturity. The water column, bottom, and the in water areas adjacent to proposed project site are all designated as EFH. These areas most likely support an assortment of life stages for several EFH management unit species (MUS) identified in the Western Pacific Regional Fishery Management Council's Pelagic and Hawaii Archipelago Fishery Ecosystem Plans (FEPs). Although the EFH in the proposed project area is described as degraded, it is nonetheless fish habitat.

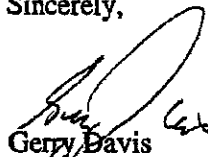
The proposed 50 cubic yards of fill will result in loss of EFH. The applicant has not proposed mitigation to offset or compensate for the loss of EFH. An informal EFH consultation should be initiated to discuss practicable approaches to avoid, minimize, and off set adverse affects to EFH before this project moves forward. In addition, as pursuant to the Clean Water Act, Section 404, if there is no practicable alternative that would be less damaging to aquatic resources by avoiding and minimizing, mitigation for unavoidable impacts to the aquatic environment is required (CWA section 404(b)(1)).

In addition to construction BMPs, precautions should be taken to avoid and minimize the encroachment of EFH and to control sediments and pollutants from the proposed upland improvements that add impervious surfaces. NMFS recommends that the following BMPs, avoidance, and minimization measures be taken into consideration for the proposed project:

1. 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 in completed. NMFS should be notified if BMPs were not successful implementation to avoid impacts to EFH.
3. 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.
4. 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.
5. Incorporate other Low Impact Development (LID) approaches where practicable. Information on LID can be found at: <http://water.epa.gov/polwaste/green/index.cfm>.

Marine ecosystems face synergistic impacts which include coastal development and non-point sources of pollution among others. Precautions should be taken to avoid, minimize, and mitigate affects from land based sources of pollution to EFH and other NOAA trust resources. The applicant should also propose mitigation for affects to the loss of EFH from fill. Further questions should be directed to Aydee Zielke at aydee.zielke@noaa.gov or 808-944-2146. Thank you for the opportunity to comment.

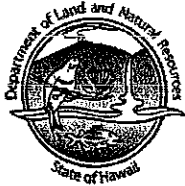
Sincerely,



Gerry Davis
Assistant Regional Administrator
Habitat Conservation Division

Cc via email: U.S. Fish and Wildlife Service
State of Hawai'i, Department of Land and Natural Resources, Division of Aquatic Resources
U.S.E.P.A Region 9

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
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AQUATIC RESOURCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAROLOAWE ISLAND RESERVATION 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.

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.

Theresa K. Donham
Deputy State Historic Preservation Officer

Wyeth Matsubara

From: Watanabe, Farley K POH [Farley.K.Watanabe@usace.army.mil]
Sent: Friday, November 30, 2012 2:37 PM
To: PIFWO_ESA@fws.gov; EFHESAconsult@noaa.gov;
Wiltse.Wendy@epamail.epa.gov; jnakagawa@dbedt.hawaii.gov;
darryl.lum@doh.hawaii.gov; 'William Aila';
DLNR.Intake.SHPD@hawaii.gov; Susan.A.Lebo@hawaii.gov;
Sam.J.Lemmo@hawaii.gov; Leimana@fastnethi.com;
kapuahonolulu@aol.com
Cc: Arnold T. Okubo; Ralph Harris; Randy Fujiki; Ken Williams; Johnson,
Edwin C POH
Subject: Request for Expedited Review, POH-2010-00202, Construct New Boat
Ramp & Replace Loading Docks, Ko Olina Marina, Oahu
(UNCLASSIFIED)
Attachments: POH-2010-00202Ko OlinaMarinaBoatRampACN.pdf

Classification: UNCLASSIFIED
Caveats: FOUO

Dear Reviewers: enclosed is a Department of Army (DA) permit application for a new boat ramp and replacement infrastructure at Ko Olina Marina, Oahu. An expedited review of one week is requested.

Farley K. Watanabe, Archaeologist
Regulatory Branch (CEPOH-EC-R)
U.S. Army Engineer District Honolulu
ph: 808-835-4305

Attachment Classification: UNCLASSIFIED
Attachment Caveats: NONE

Classification: UNCLASSIFIED
Caveats: FOUO

EXHIBIT "5"



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 <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

Leimana DaMate, Aha Kiolo Advisory Committee via e-mail at <Leimana@fastnethi.com>

Charles Kapua (Oahu), Aha Kiolo 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



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4700
(808) 944-2200 • Fax: (808) 973-2941

George P. Young, P.E.
Chief, Regulatory Branch
US Army Corps of Engineers,
Regulatory Branch, Bldg. 214
Ft. Shafter, HI 96858

Mr. George Young,

The NOAA, National Marine Fisheries Service, Habitat Conservation Division (NMFS) has reviewed the permit application for a new boat ramp located at KoOlina, Oahu (POH-2010-00202) as pursuant to Essential Fish Habitat (EFH) provision §305(b) of the Magnuson Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1855(b)), the Fish and Wildlife Coordination Act (16 U.S.C. § 662(a)), and the Clean Water Act (33 U.S.C. § 1251 et seq.)

The project involves constructing a new two-lane boat ramp that will be 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-foot 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.

An EFH determination was not provided in the USACE NWP Agency Coordination notice. The notice states that the proposal is being evaluated for possible effects to EFH. NMFS will require the EFH evaluation to define direct and indirect impacts resulting from the proposed development and expected use of the facility. One element of special interest will be to quantify the anticipated use and any potential EFH impacts, for example any expected increase in fishing effort. There is also interest in having clarity in defining the public access to the site. In addition, the attachment with project details states that there will be 50 cubic yards of fill for the boat ramp. The AECOS Marine biological survey for KoOlina Marina improvements report states that the harbor bottom consists of reddish-brown silt and describes the proposed project water column as having poor water quality. A sublittoral biofouling community exists on concrete piles that are proposed for removal as well. There were a few species of fishes observed in the water column. Most of the fish appeared to be juveniles or new recruits.



EXHIBIT "6"

EFH is defined as those waters and substrate necessary to federally managed species for spawning, breeding, feeding or growth to maturity. The water column, bottom, and the in water areas adjacent to proposed project site are all designated as EFH. These areas most likely support an assortment of life stages for several EFH management unit species (MUS) identified in the Western Pacific Regional Fishery Management Council's Pelagic and Hawaii Archipelago Fishery Ecosystem Plans (FEPs). Although the EFH in the proposed project area is described as degraded, it is nonetheless fish habitat.

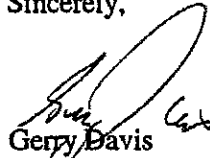
The proposed 50 cubic yards of fill will result in loss of EFH. The applicant has not proposed mitigation to offset or compensate for the loss of EFH. An informal EFH consultation should be initiated to discuss practicable approaches to avoid, minimize, and off set adverse affects to EFH before this project moves forward. In addition, as pursuant to the Clean Water Act, Section 404, if there is no practicable alternative that would be less damaging to aquatic resources by avoiding and minimizing, mitigation for unavoidable impacts to the aquatic environment is required (CWA section 404(b)(1)).

In addition to construction BMPs, precautions should be taken to avoid and minimize the encroachment of EFH and to control sediments and pollutants from the proposed upland improvements that add impervious surfaces. NMFS recommends that the following BMPs, avoidance, and minimization measures be taken into consideration for the proposed project:

1. 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 in completed. NMFS should be notified if BMPs were not successful implementation to avoid impacts to EFH.
3. 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.
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5. Incorporate other Low Impact Development (LID) approaches where practicable. Information on LID can be found at: <http://water.epa.gov/polwaste/green/index.cfm>.

Marine ecosystems face synergistic impacts which include coastal development and non-point sources of pollution among others. Precautions should be taken to avoid, minimize, and mitigate affects from land based sources of pollution to EFH and other NOAA trust resources. The applicant should also propose mitigation for affects to the loss of EFH from fill. Further questions should be directed to Aydee Zielke at aydee.zielke@noaa.gov or 808-944-2146. Thank you for the opportunity to comment.

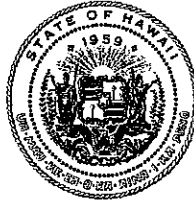
Sincerely,



Gerry Davis
Assistant Regional Administrator
Habitat Conservation Division

Cc via email: U.S. Fish and Wildlife Service
State of Hawai'i, Department of Land and Natural Resources, Division of Aquatic
Resources
U.S.E.P.A Region 9

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
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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 " 7 "

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,



Theresa K. Donham
Deputy State Historic Preservation Officer

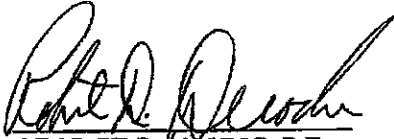
August 22, 2011

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

| | | |
|-----|------|----------|
| NO. | DATE | REVISION |
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THE LATEST REVISIONS OF THIS PLAN SHALL CONTROL IN THE EVENT OF A DISCREPANCY BETWEEN THIS PLAN AND ANY PREVIOUS EDITIONS.

DATE: 08/20/2018
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

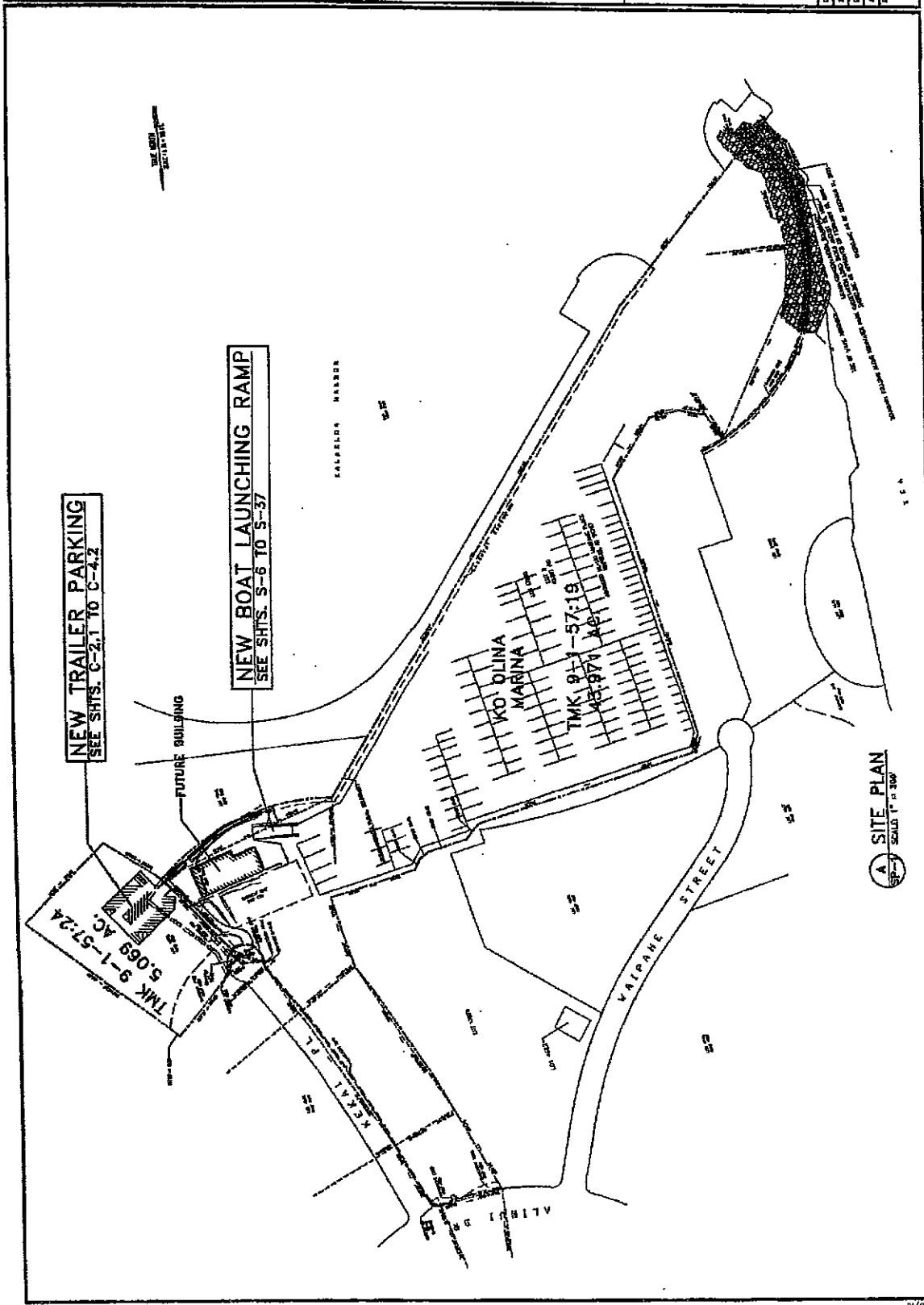


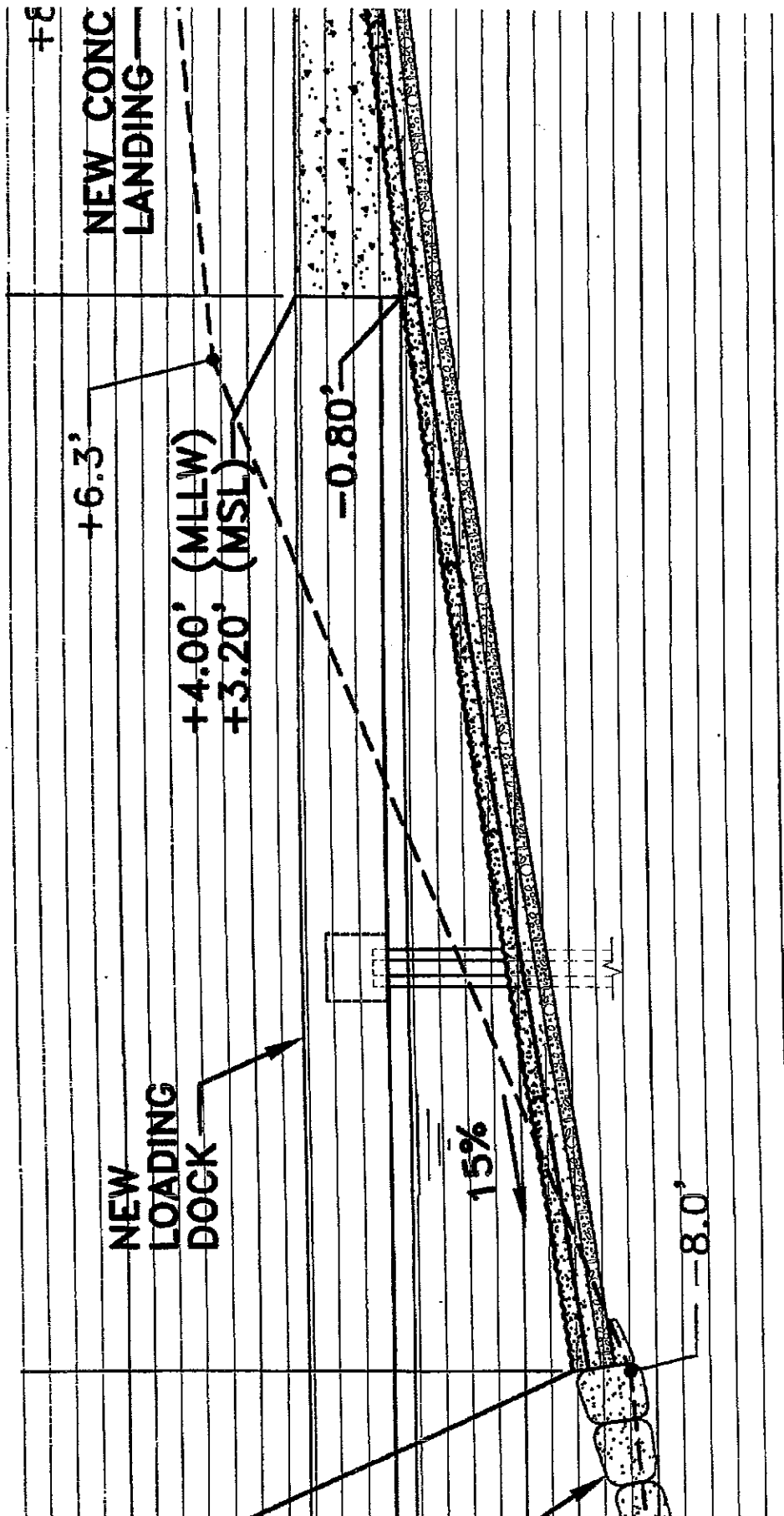
BOAT LAUNCH RAMP & TRAILER PARKING at KO OLINA RESORT & MARINA OAHU, HAWAII

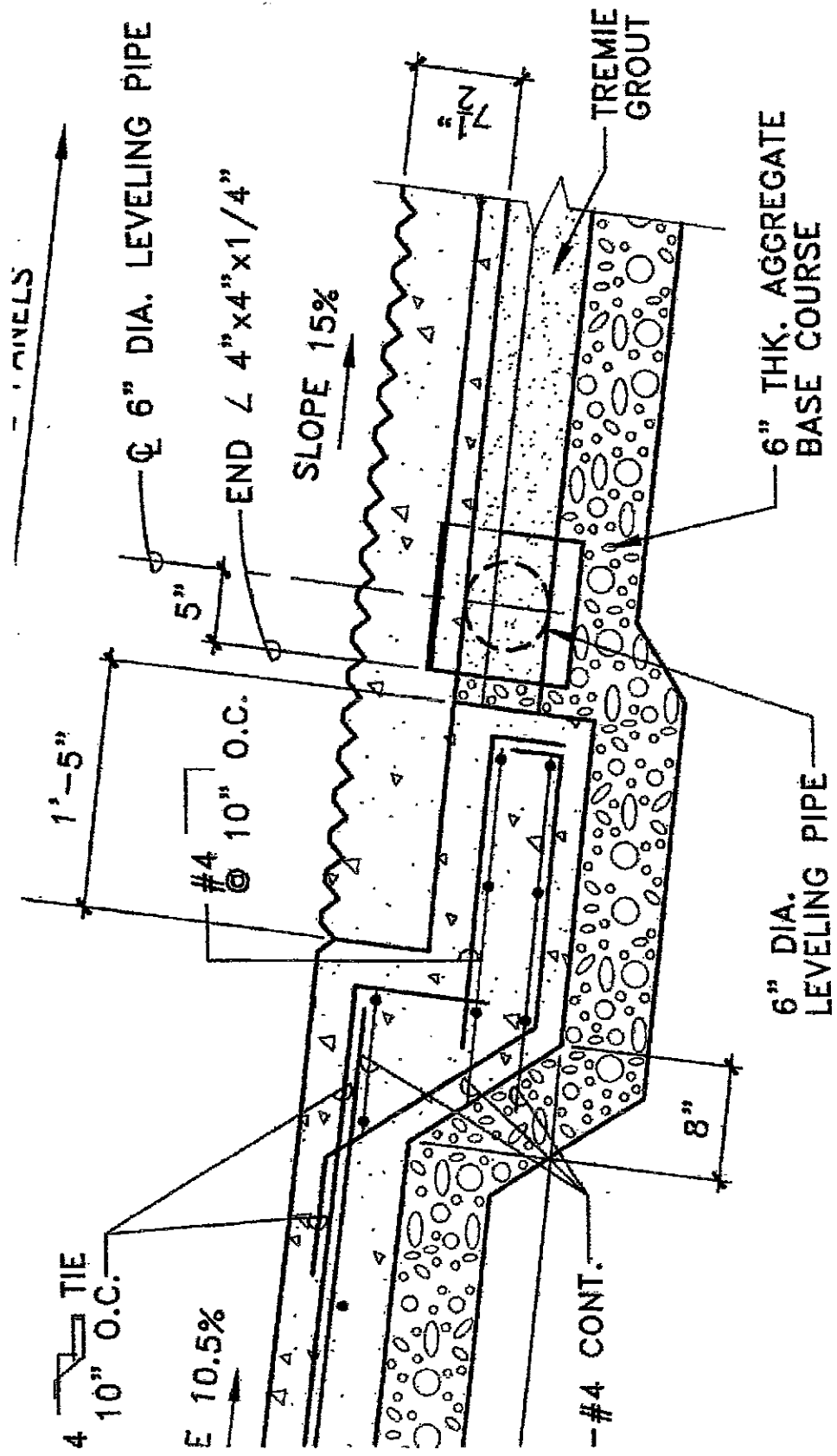
SITE PLAN

DATE: 7/10
 DRAWN BY: AS SHOWN
 CHECKED BY: [Signature]

SP-1







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 January 17, 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 January 17, 2013.

OF COUNSEL:
MATSUBARA – KOTAKE
A Law Corporation



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