

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)	
_____)	

LAND USE COMMISSION
 STATE OF HAWAII
 2012 SEP 12 P 2: 23

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

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

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of) Docket No. DR08-36
)
KO OLINA DEVELOPMENT, LLC) KO OLINA DEVELOPMENT, LLC
)
To Amend The Agricultural Land Use)
District Boundary into the Urban Land)
Use District for approximately 642 acres)
At Honouliuli, Ewa, Oahu, Tax Map)
Keys: 9-1-14: Portion of Parcel 2; 9-1-15:)
3, 6, 7, 10, Portion of Parcel 4; 9-2-03: 3,)
7, Portion of 2)
_____)

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

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

I. INTRODUCTION

On August 28, 2009, the Commission held its meeting at Leiopapa A Kamehameha, Conference Room 405, 235 South Beretania Street, Honolulu, Hawai'i, for a continued status report on Docket No. DR08-36 Ko Olina Development Company pursuant to Condition 4 of the Findings of Fact, Conclusions of Law, and Decision and

Order filed November 19, 2008, (“Declaratory D&O”) in the matter of the petition for a Declaratory Order in the above-referenced docket.

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

II. STATUS

Petitioner is currently in compliance with the Boat Ramp project schedule submitted to the Commission on July 13, 2009.

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

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

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

Petitioners timely submitted the Department of Army Permit ("DOAP"), a requirement for the Boat Ramp project, to the Army Corps. On May 31, 2012, the State of Hawai'i, Department of Health issued a Section 401 Water Quality Certification for the Boat Launch Ramp and Trailer Parking at Ko Olina Resort and Marina. The Army Corps is still conducting its review of the DOAP. The completion of the DOAP has exceeded our timeframe estimate for review and approval of the permit for the Boat Ramp project. However, in an effort to expedite matters, Petitioner is preparing and planning on submitting its building permit applications for construction of the Boat

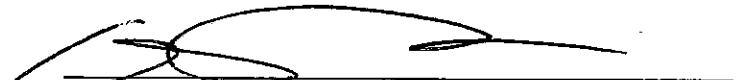
Launch Ramp ahead of time to DPP¹. Although DPP will not issue its final approval of the building permits until the DOAP permit is issued, Petitioner feels that submittals for the building permits to DPP at this time will help optimize the project schedule going forward. Petitioner will continue to work diligently with the Army Corps and DPP regarding the Boat Ramp project.

III. CONCLUSION

Petitioner will continue to provide its quarterly report on the status of the boat launch ramp at the end of the next quarter.

Dated: Honolulu, Hawai'i September 12, 2012.

OF COUNSEL:
MATSUBARA – KOTAKE
A Law Corporation



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

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

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of)	Docket No. DR08-36
)	
KO OLINA DEVELOPMENT, LLC)	KO OLINA DEVELOPMENT, LLC
)	
To Amend The Agricultural Land Use)	
District Boundary into the Urban Land)	
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 September 12, 2012:

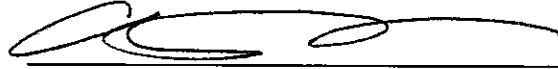
JESSE SOUKI, Director
Office of Planning, State of Hawai'i
235 South Beretania Street, 6th Floor
Honolulu, Hawai'i 96813

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

Attorney for THE OFFICE OF
PLANNING

Dated: Honolulu, Hawai'i September 12, 2012.

OF COUNSEL:
MATSUBARA – KOTAKE
A Law Corporation



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