

## Timeline of Events Regarding Wai'Opae Road Repair

1986 Hurricane Estelle passes southeast of the Big Island generating 22 foot surf along Vacationland Hawaii shoreline surging into and past Kapoho Kai Dr. through the cul-de-sacs. Over the next 20 years a significant portion of Wai'Opae Road fronting the ocean becomes virtually impassable.

2006 the VHCA Board started to look into the the procedures needed to to repair the worst portion the deteriorating section of Wai'Opae and receives initial approval for a repair fronting the public parking area. This section, 175', was approved approved by Chris Yuen, planning director, but Alec Wong, state clean water branch acting head, opposed if it was part of a larger project, ie the complete 750' section of Waiopae which we would want to finish at some time in the future. Therefore, permits for the entire section would need to be obtained. **To be clear**, this proposal is separate from the SMA request submitted by VHCA for parking spaces along the MLCD. This was another project aside from the road repair.

This timeline represents only a **fraction** of the correspondence and massive hours needed to make each event happen.

Dec 13, 2006 Letter from Sam Lemmo, DLNR, indicating that more information would be needed.

June 17, 2008 a Shoreline Survey was completed as the first step in the permit process.

Dec 2008, letter from VHCA to planning commission asking for temporary repairs.

Jan 7, 2009 letter from planning denying any repairs without a shoreline survey as this would determine jurisdiction.

2009 At the VHCA General Membership meeting a \$250,000 special assessment for Houselots was approved by Membership to supplement the cost to repair the damage of 750' of the Wai'Opae Rd. The VHCA Board was appraised that a series of permits would be needed from the County of Hawaii Dept. of Land and Natural Resources and the U. S. Army Corp of Engineers

May 15, 2009 Letter from DLNR apologizing for a two month hold up for our request and recommending that we proceed with the work as long as it is repaired to it's pre-existing elevations with seaward curbs to withstand ocean currents and to prevent vehicles from driving off road.

June 2009 Design phase begins

July 2009 Letter from the County Planning Director stating we may need a special SMA permit if we go over \$125,000 in costs. We would try to keep it under \$125000 to keep with a minor SMA.

August 2009 Letter from the DLNR stating that the repair outlining the issues that would need

to be addressed for the repair.

March 2010 Carlsmith, Ball the attorney for the Association becomes involved. They subsequently have a meeting with the County Planning Director. The meeting does not go well and their recommendation is that we follow the costly permitting process that the County is asking for. This included a request via our attorney from BJ Todd that the county would in turn receive a permanent access for the public through VHCA roads to the tidepools in order for this project to be approved.

April 15, 2010 - Sandra Song, VHCA's proposed new attorney, met with Planning Director and she informally agreed that a new SMA application could be submitted and likely approved if (1) specs for the road repair were submitted with the application; (2) repair work must be within right of way and not increase the elevation of the roadway; and (3) if concrete is to be used, a report from an engineer is needed to show that the material is environmentally safe

April 16, 2010 – Sandra Song, e-mails Greg Braun and Mike Lewis re meeting and application requirements

April 2010-Feb. 2011 - board working with Chris Garland, engineer, to (1) provide construction plans; and (2) prepare report on concrete

May 2010 We retain Sandra Song as our Attorney. She is someone with more experience in dealing with State and County issues.

July 31, 2010 S. Song feels we are close to approval as she felt it was only a road repair.

September 2010 consulting and site inspection by engineer

Nov 6, 2010 Improved engineer drawings to county planning

December 2010 design finished by engineer

Jan 8, 2011 Drawing turned into county w/o SMA as it was a simple repair.

Feb 12, 2011 Waiting for updates

Mar 12, 2011 Waiting for updates

May 21, 2011 Waiting on county approval.. county extends to Jun 30 for decision.

July 9, 2011 Another delay from county

Aug 20 2011 More conditions imposed by county and corps of engineers.

Sept 24, 2011 Application into corps of engineers

Jan 7, 2012 Submit letter to adjacent property owners for repairs as required by

county/corps .

Jan 18 , 2012 Corps requests additional map of area. Sent by S Song.

Mar 10, 2012 Inquiry,, Waiting for response.

May 15, 2012 Waiting for progress report.

July 21 , 2012 Application rest with Corps and the Corps is now requiring 401 and 404 by the state health water quality dept. This was an option election elected by the corps which is a major holdup.

Sept 22, 2012 Ask S Song to expedite permits.

Oct 20, 2012 No progress.

Nov 12, 2012 Review Corps application.

Jan 13 . 2013 No progress

Feb 12, 2013 Discussed additional costs for the 401.

April 11, 2013 Reviewed bid for water quality monitoring by engineer.

April 17, 2013 Met with engineer and discussed what was needed and the probability of additional costs over and above the bid. Also what was needed for contractors etc.

April 22, 2013 Check for \$3000 sent to Engineering Partners (EP).

April 26, 2013 Entered into contract with Engineering Partners, Inc.

Nov 11, 2013 Received application for review from Engineering partners.

Nov 17, 2013 Emailed application with corrections to EP.

Jan 17, 2014 Received email requesting signature on permit application.

Jan 20, 2014 Delivered \$1000 check to EP for filing fee.

Jan 1, 2014 Permit sent to state.

Mar 2014 Asked EP for update.

Mar 4, 2014 Email from EP saying we should receive update and comments in 2 weeks.

Mar 14, 2014 Requested update not received.

Mar 14, 2014 Email for EP saying they had contacted Corps and needed 2 more weeks.

April 1, 2014 EP requesting jurisdictional letter from the corps that we are supposed to have.

April 4, 2014 EP noting that the Dept of Health requires the jurisdictional letter..

May 16, 2014 Attempts made to get the corps to give a jurisdictional letter.

May 21, 2014 Package by Sandy to EP for George Young regulatory branch chief sent to him with copies of emails to Watanabee, (Corps of Engineers), sent.

June 6, 2014 Discussion on whether we need a new shoreline survey.

June 9, 2014 Need mean high water lines on drawings.

June 10, 2014 Request from Mike Lewis to EP wanting to know what else we need to get the ball rolling.

June 13, 2014 Establishing bench marks via Neil Christianson.

June 16, 2014 Establishment of 2.4 tide line on drawings.

June 16, 2014 More requirements for Water Quality Certification received.

June 27, 2014 2.4 line established by Garland.

July 24, 2014 No response from corps,,, as the package was not sent. Misunderstanding as to who was supposed to do what..

July 25, 2014 Extension letter mailed to DOH

July 28, 2014 From EP, a letter sent to DOH and note saying an extension would not be needed.

Sept 4, 2014 Sandra confirming extension letter to Jan 30, 2015.

Sept 4, 2014 Sandra to Garland requesting 2.4 map again as it was never sent to the corps.

Sept 9, 2014 More stuff with EP and their environmental adviser..

Sept 9, 2014 Email from Sandra to Joy Animizu requesting confirmation that she received the drawing with the 2.4 line.

Oct 17, 2014 Sandra calls Kate Bliss and leaves a message.

Oct 28, 2014 Sandra confers with Kate Bliss, Senior Project Manager, US Army Corps of Engineers, and wants to set up a conference call with her. Also notes that Kate will be on island Nov 9 and would like to tour the area.

Oct 29, 2014 Letter from Sandra from Kate. Attached a letter to Yuen from Young regulatory

branch stating jurisdiction of area.

Oct 29, 2014 Letter from Kate Bliss with two attachments and requirements for road. Changes to plans and need for water quality cert from DOH, Hawaii.

Nov 11, 2014 Met with Kate Bliss, toured Waiopae and discussed what needs to happen to get this moving. Her comment was if what she wanted was submitted, she would have an answer within 30 days.

Nov 21, 2014 Letter from S Song to Reginal David, a marine biologist needed for the project.

Nov 21, 2014 Song to Bliss with update on plans and intent to hire marine biologist for the habitat cert.

Also need for Bliss to contact Jaiping Fouse, DOH Hawaii to clarify jurisdictional issue. (DOH will not issue permit without Corps issuing a jurisdictional letter, which the Corps does not do.)

Nov 26, 2014 Letter from S Song to K Bliss, Clean water brand Hawaii and engineering partners noting the need for an extension and the hiring of a marine biologist for the project.

Dec 7, 2014 Song to VHCA need to approve hiring of Marine biologist.

Dec 9, 2014 Song has approval to hire and directs R. David to proceed.

Dec 17, 2014 DOH 401 WQC sent by Eng parts for review and corrections. Corrections sent back to Eng Parts.

Dec 17, 2014 Mike Lewis asks Sandra and others to review before DOH 401 WQC is signed by VHCA rep and returned to Eng Parts.

Dec 18, 2014 Repair Plans reviewed and proposed to be sent to the Corps. Also, if project not approved soon, the need to do some road repairs for damages resulting from Hurricane Iselle.

Dec 19, 2014 Song to Lewis, noting Bliss's of the Corps not making any progress with Jai Ping of DOH.

Dec 19, 2014 Song to Bliss with another revised set, and email from Ping (DOH Hawaii) to Lewis on what was her requirements for 401 WQC.

Dec 22, 2014 Bliss to Song on some corrections needed on the plans. Bliss had talked to the marine biologists and approved his plans for the evaluation.

Corps asks for fill below the MHHW line as it is a jurisdictional line.

Dec 24, 2014 Needed plan changes sent to K Bliss.

Dec 29, 2014 Corps acknowledges changes.

Jan 2, 2015 Update from S. Song. Corps will require a biological report as needed per US

Fish and Wildlife to make sure no endangered species are impacted on the roadway,. Reginal Davies has been retained for this obstacle.

It has also been noted that an extension for the 704 permit clean water act from the State Health dept must be submitted prior to Jan 30, 2015. Mike Lewis will handle.

Jan 8, 2015 Extension to the State Health dept sent in.

Jan 27, 2015 No answer on the extension letter. S Song to investigate.

Jan 27, 2015 Eng Parts asks for the corrected and signed 401 WQC.

Feb 4, 2015 Biological report finished with no impact noted, ie no endangered bats, moths or monk seals living on the roadway. (They were washed away in the hurricane).

Feb 17, 2015 Mike Lewis to S Song, looking for an update on extension and bio report to Corps.

Mar 4, 2015 Another request from Mike Lewis to Engineering Parts and S Song for updates.

Mar 4, 2015 Response from Engineering Parts (Alex Kalawe) that the extension was granted. The Health dept only notifies if it is not..... This is good until June 30, 2015. Mike and Jim will prepare the next extension early May, 2015.

Mar 16, 2015 Update requested by Greg Braun to Sandra Song.

Mar 18, 2015 A change to the biological report requested by S Song.

Mar 20, 2015 Changes made to the report. It is now ready to be incorporated with other docs and sent to the Corps of Engineers for their approval.

Mar 27, 2015 Addition requirement stating the staging area and excess material deposit site will be listed as is separate plan rather than on the master drawing.

Mar 27, 2015 Statement added that disposition of excess material will be used for road repair elsewhere within the community.

Mar 30, 2015 Corps package prepared by S Song given to VHCA committee for review.

Mar 31, 2015 Corrections and changes made committee.

Mar 31, 2015 Need new engineering application form 4345 as the last one is dated Nov 26, 2006. The 2012 application for the corps is not present.

Mar 31, 2015 Alex Kalawe of Engineering Partners to do the engineering application.

April 8, 2015 Update on engineering application,, should be done today, tomorrow latest.

April 9, 2015 Engineer application returned from Engr Parts with addition cut and fill

calculations below mean high tide needed to be calculated by the site engineer, Chris Garland. Emailed to him this date.

April 27 to May 15, 2015 Various emails trying to get the project moving and who needs what.

June 8, 2015 Oliveros Law letter to Eng Parts noting that we are ready with the Corps application and noting we will need supporting documents.

June 16, 2015 Second request by Oliveros Law to Eng Parts.

June 16, 2015 Response from Eng Parts need for VHCA completed app for DOH CWQ. With attachments. Last request from Eng Parts was Jan 27, 2015.

June 17, 2015 **Corps of Engineers** application submitted!!!!!! Next up is the DOH CWQ.

July 1, 2015 Oliveros Law to help with the CWQ permit.

July 3, 2015 DOH permit given to Oliveros for review.

July 8, 2015 DOH CWQ sent to Eng Parts for review and to submit to DOH.

July 10, 2015 Conference call with Kate Bliss DA Corps of Engineers scheduled for July 23, 2015 2PM

Aug 21 2016 ?? DOH CWQ 1<sup>st</sup> application submitted.

Oct 16, 2015 Kate Bliss DA Corps of Engineers has concerns with BMP's (Best Management Practices) on application submitted Sept 15, 2015. Several issues were detailed and asked to be addressed.

Oct 19, 2015 Review from CWB with comments on the permit application. These numbered 13 with various subcomments.

Oct 21, 2015 Mike and Jim meet with attorney to discuss strategy for correcting comments on the DOH CWQ and the Corps application.

Nov 6, 2015 Conference call with DOH and Corps to discuss common solutions to both permits. This was a very productive meeting with DOH and Corps sitting in the same room on Oahu which enabled them to come to immediate agreement on what would be necessary for us to use in our BMP's and plans that would be acceptable to both parties, as well as VHCA.

Nov 20, 2015 Kate Bliss DA Corps of Engineers agrees to withdraw our application and hold until the WQC is prepared.

Nov 24, 2015 Necessary changes to plans sent to Engr Garland.

Dec 1, 2015 Sand bag around work area discussed. Eng Parts wants 4 high. This would be over 2000 bags per 250 section poured.

Dec 3, 2016 Extension letter to Jai Ping Fouse for our response to her comments on our last application submittal. By "our response" is meant an updated application and supporting docs.

Dec 3, 2015 New reviewer, Glen Haae, at WQC assigned to our case. We had been working with the previous reviewer for years.

Dec 4, 2015 Height of sand bag issue resolved from 4 high to 1 high as needed. This is a major issue and hopefully will withstand the Corps test.

Dec 10, 2015 Extension request for WQC sent off to Dept Of Health

Dec 14, 2015 Removal of "saw cut" joints as this would require disposal method of cuttings. Use of wet trowel joints elected instead.

Jan 3, 2016 Final drawing changes requested from Engineer Garland.

Jan 5, 2016 Changes sent to Eng Parts for compilation.

Jan 18, 2016 Final WQC and Corps packets and update requested from engineering parts as deadline for WQC is two weeks out.

Jan 19, 2016 Eng Part sends packet for WQC to be reviewed.

Jan 25, 2016 Review of WQC application, indicate changes needed before submitting.

Jan 27, 2016 Review completed and sent to Eng parts form completion with deadline imposed on Eng Parts.

Feb 1 & 2, 2016 WQC, 2<sup>nd</sup> revision has been submitted with work to proceed to finish Corps permit.

Feb 5 to 18, 2016 Final preparation of Corps of Engineers permit. This is being submitted even though the condition of it's approval lies on the approval of the Water Quality Permit from the Dept of Health.

Feb 25, 2016 Eng Parts submit Corps permit.

April 5, 2016 WQC did a quick review of the permit app and indicated there were several issues that need to be addressed.

April 5, 2016 Olivera Law asked for his comments as soon as possible so we may address them.

April 26, 2016 Contact with WQC and Glen Haae and he indicated he is in the process of reviewing and will provide comments, no eta given.



May 9, 2016 Comments received back from Haae. There were many more than the ones addressed by Fouse. Each reviewer has his own method and criteria for examining the application. As a result, Mr Haae had other issues that he wanted to be addressed.

May 11 , 2016 Eng Parts to start dialoge with Haae of CWB concerning issues with our application.

May 17, 2016 Eng parts spoke to Haae and Haae requested copies approvals from other agencies.

May 20, 2016 DLNR approval letter from past and sand MSDS sheet sent to Eng Parts for inclusion to the WQC package.

May 23, 2016 Eng Parts reminded of items sent on May 20, with no response from Eng Parts of receiving them.

May 31, 2016 Eng Parts reminded of the tight schedule we are on with deadlines approaching and they must be more attentive to the project.

June 6, 2016 All first round CWB and AMAP comments sent to Eng Parts.

June 9, 2016 Eng Parts sends 3<sup>rd</sup> revised comments for DOH out for review.

June 13, 2016 Revised reviewed revised comments for CWB permit and AMAP sent to Eng Parts

June 13, 2016 Environmental consultant for Eng parts will evaluate AMAP.

**Jun 13, 2016 Army Corps of Engineers approves our application!!!!!!!!!!!!** Now waiting for the Dept Heath, Clean Water Branch.

Jun 17, 2016 Corrected application to DOH CWB submitted.

July 13, 2016 Minor CWB app corrections made and resubmitted.

Aug 17, 2016 Comments received from CWB for application.

Sept 8 2016 Meeting with Oliveras Law to go over corrections and plans for a phone conversation with CWB.

Sept 9, 2016 Update requested from Eng Parts.

Sept 21, 2016 “ “ “ “

Sept 23, 2016 “ “ “ “

Sept 26, 2016 “ “ “ “ since no update since Sept 21.

Sept 26, 2016 Eng parts requests meeting with CWB.

Sept 27, 2016 Meeting set up for 9/29.

Sept 29, 2016 Meeting with Eng :Parts to discuss corrections to WQC application followed by a phone conference with WQC Glen Haere. Meeting went very well and most of our proposals were accepted and those that needed additional work were changed and agreed to at the meeting.

Oct 12 2016 Corrected version of WQC application formally sent to WQC for approval.

**Nov 9, 2016 Tentative approval from WQC!!!** Next step is public notice for 30 days and if no objections, we will be issued a permit.

Dec 16, 2016 Public notice published.

Jan 18, 2017 No responses from public on the project. WQC OK'd and to be signed and issued Jan 20,2017.

**Jan 20, 2017 WQC Permit issued !!!!! All needed permits are now in place.**

Jan 23, 2017 Baseline water testing begins for three weeks

Feb mid, 2017 sandbags placed and forms placed.

Feb 18, 2017 First pour completed, about 230 feet,

Feb 25, 2017 begin moving forms and bags to section 2.

Mar 4, 2017 Pour section 2, approx 230'.

Mar 6, pour an additional 40 ' to finish sections 1 & 2.

Mar 11, 2017 begin moving forms and bags to section 3.