



May 13, 2022

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

**REQUEST AUTHORIZATION FOR TIME EXTENSION FOR WAHIAWA DAM (OA-0017)
REMEDATION SCHEDULE WAHIAWA, OAHU**

Dear DLNR Chairperson and Board Members,

Dole Food Company Hawaii (“Dole”) respectfully requests the Board of Land and Natural Resources (“BLNR”) to extend the remediation schedule for Wahiawa Dam to align with the realistic time needed to complete the engineering and design for a project of this magnitude. An updated schedule based on our engineer’s best estimate to perform these tasks was shared with the Department of Land and Natural Resources (DLNR) Engineering Division and is the basis for the proposed schedule that is part of the Engineering Divisions testimony for this board meeting.

Dole will continue to work in good faith to meet these deadlines in the DLNR Engineering Divisions testimony to our best ability, but requests a number of amendments to the staff recommendations:

1. **Removal of automatic penalties in the event Dole misses any deadlines.** There are many factors out of our control which may result in a missed deliverable. We will act in good faith to meet all the deadlines and will be communicating with Engineering Division quarterly on the progress of deliverables. Fines should only be assessed if the BLNR determines we are not working in good faith to meet a deliverable.
2. **Permit application fee to be paid when the complete permit application is submitted.** In a slightly unorthodox procedure, Engineering Division is requesting Dole to submit a Dam Safety Permit Application before final design has been completed. We anticipate only 30% of engineering will be complete when the permit application is currently due and we would therefore be submitting an “incomplete” permit application under the current timeline. Dole requests the permit application fees be paid when the complete application is submitted as is normal procedure.
3. **Requests an immediate suspension of all deliverables once there is an executed purchase contract** with the State of Hawaii or other purchasing party. The State Legislature appropriated monies in the 2022-23 fiscal budget to purchase Wahiawa Reservoir and to make repairs to the spillway. The budget is now awaiting the

Governor's signature. An executed contract will indicate a deal has been reached to transfer the property and liability and Dole should no longer be under the punitive deadlines of the schedule.

4. **Recognition that the upstream hydraulics to determine rainfalls and inflows into the reservoir are currently being updated by the DLNR and may result in further delay to the design.** These updated hydraulics are critical to the spillway design as they are the basis for properly sizing the spillway. It is anticipated the new inflows, based on modern weather science, will be significantly different from the current inflows, which were last updated in 1963. In the event that the updated hydraulic models significantly change the inflows there will need to be a change to the design to align to the updated inflow number.
5. **Extend the time to execute contract with construction contractor from 6-months to 18-months or remove it from the current schedule.** The staff submittal identifies a 6-month timeline between final permit application and executing a contract for construction. This timeline seems highly arbitrary and will likely result in a missed deliverable with a proposed \$20,000 fine. The proposed project is likely the biggest Dam improvement project in Hawaii in at least 50 years and will take considerable time to identify a suitable contractor and negotiate a contract. At this time, proposing an 18 month timeline, while also arbitrary, does allow for significant more time to solicit bids and negotiate a contract.

Dole is committed to continue to bring the Wahiawa reservoir to compliance by improving the spillway. While we understand the Engineering Divisions desire to maintain a strict timeline to complete the improvements it must be stressed that the size of the project and other confounding factors likely will not allow us to adhere to the timeline. This is why it is important to allow for flexibility in the timelines as the design and engineering phases evolve. We have committed to quarterly update meetings the Engineering Division staff to keep them apprised on changes during this design phase. We hope the proposed changes above can be incorporated into the new remediation schedule.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Nellis", written in a cursive style.

Dan Nellis
General Manager

Schedule

The initial Dam Safety Permit Application consisting of the Preliminary Design Report, Drawings, and all deliverables associated with this task order is anticipated to be completed within 19 months of notice to proceed. The anticipated schedule associated with this scope of work is summarized in Table 1.

Table 1: Project Schedule

Task Number and Description	Duration	Completion Date
<i>Assumed Notice to Proceed</i>	-	4/1/2022
Task 2 – Survey (by others), Data Review and Site Visit	2 months	6/1/2022
Task 3 – Geotechnical and Site Investigation	7 months	1/1/2023*
<i>Investigation Plan¹</i>	<i>1 month</i>	<i>7/1/2022</i>
<i>Drilling and Field Investigation</i>	<i>4 months</i>	<i>11/1/2022</i>
<i>Lab Testing</i>	<i>2 months</i>	<i>1/1/2023</i>
Tasks 4 and 5 – Geotechnical Analysis and Existing Spillway Assessment ²	4 months	5/1/2023*
Task 6 – Risk Assessment	1 month	6/1/2023
Task 7 – Preliminary Design / Dam Safety Permit Application	5 months	11/1/2023*
Task 1 – Project Management and Meetings	Ongoing	-
TOTAL	19 months	11/1/2023

* Asterisk indicates anticipated milestone date when project progress documentation will be provided to DLNR.

¹ It is assumed that topographic survey will be provided by Dole at least one month prior to completion of the Investigation Plan.

² Spillway inspection and some structural/hydraulic analyses of the existing spillway may be initiated prior to completion of Task 3 – Geotechnical and Site Investigation.

Subsequent Tasks not included in this scope of work include final design, permitting and construction phase services. Depending on the outcome of the investigations and analyses outlined herein, it is anticipated that final design phase of the Wahiawa Dam Rehabilitation Project (including finalization of the dam safety permit application) will have a duration of 6 to 12 months. Assuming timely review of the Preliminary Design Report by Dole and DLNR and subsequent authorization of the final design services contract, it is likely that a final dam safety permit application including a complete set of drawings and specifications will be ready for submission to DLNR no later than December 2024. If desired by DLNR, drafts of key specifications can be shared as early as March 2024 prior to completion of the entire design package during the final design phase.

Please note that due to coronavirus (COVID-19) related work restrictions and the potential for project impacts due to supply chain disruptions, permitting delays and/or labor shortages, the schedule may be impacted. If this occurs, Gannett Fleming will coordinate with Dole as needed to start, stop and revise the order in which tasks are completed to the degree practical to best serve the interests of Dole.