

**STATE OF HAWAI‘I
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawai‘i**

CDUP OA-2957

April 28, 2023

Board of Land and
Natural Resources
State of Hawai‘i
Honolulu, Hawai‘i

REGARDING: Conservation District Use Permit (CDUP) OA-2957
Request to Amend Condition #12 Regarding Carrying
Capacity Studies for the Hanauma Bay Nature Preserve

PERMITEE: City and County of Honolulu
Department of Parks and Recreation

LOCATION: Hanauma Bay Nature Preserve, Island of O‘ahu

TAX MAP KEYS: (1) 3-9-12: 002, 010, 012, 014, 016 & adjacent submerged
lands

SUBZONES: Protective, Limited, General

BACKGROUND:

On February 9, 2001, the Board of Land and Natural Resources approved CDUP OA-2957 for improvements to Hanauma Bay Nature Preserve subject to nineteen terms and conditions. **[Exhibit A]**

REQUEST:

Permittee City and County of Honolulu’s Department of Parks and Recreation proposes an amendment to condition #12 of CDUP OA-2957 that states, “*The applicant will contract for the continuation of the carrying capacity study and submit a yearly update of the baseline data to the Board.*”

The Permittee is requesting that the carrying capacity study not be submitted annually to the Board but by request. **[Exhibit B]** According to the City’s Department of Parks and Recreation (DPR), the annual carrying capacity reports will be posted on the City’s DPR site.

DISCUSSION:

The purpose of the carrying capacity studies is to acquire data for a scientifically-based understanding of the effects/interactions human visitors may have on the Nature Preserve. The reports are comprehensive and past carrying capacity surveys are available on the City's DPR website at: <https://www.honolulu.gov/parks-Hbay/> . Accordingly, the City's DPR has stated, "The DPR is committed to continuing to have a carrying capacity and annual report completed to ensure that the Bay is preserved and managed properly."

Staff believes the intent of the condition remains whether the annual carrying capacity studies are presented to the Board or whether the studies are online.

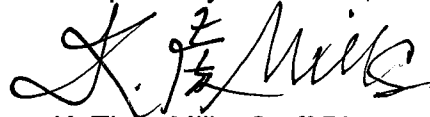
Staff therefore recommends the following:

RECOMMENDATION:

That the Board of Land and Natural Resources APPROVE an amendment to condition #12 of Conservation District Use Permit OA-2957 subject to the following:

1. That condition 12 of CDUP OA-2957 is amended to state, "The permittee shall contract for the continuation of the carrying capacity study on an annual basis and post the report on a publicly accessible website, and shall provide the latest carrying capacity study to the Board of Land and Natural Resources upon request; and
2. That all other conditions imposed by the Board under CDUP OA-2957, as amended, shall remain in effect.

Respectfully submitted,



K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:



Dawn N.S. Chang, Chairperson
Board of Land and Natural Resources

MC



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

P.O. BOX 621
HONOLULU, HAWAII 96809

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AQUACULTURE DEVELOPMENT
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CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Ref :PB:TC

File : CDUA OA-2957

Rae Loui, Director
Department of Design and Construction
City and County of Honolulu
650 S. King Street
Honolulu, HI 96813

Dear Ms. Loui:

SUBJECT: Conservation District Use Application (CDUA) #OA-
2957 for Improvements to Hanauma Bay Nature
Preserve, Oahu

I am pleased to inform you that on February 9, 2001, the Board of Land and Natural Resources approved your CDUA for Improvements to Hanauma Bay Nature Preserve, subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, State and county governments, and the applicable parts of Section 13-5-42, HAR;
2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
3. The applicant shall comply with all applicable Department of Health administrative rules;
4. Before proceeding with any work authorized by the Board, the applicant shall submit four copies of the construction plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three copies will be returned to the

EXHIBIT A

- applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;
5. The applicant shall submit construction plans for any work within the State Highway right-of-way to the Department of Transportation;
 6. Any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been approved by the Department; further, all work and construction must be completed within three years of the approval;
 7. The applicant shall notify the Land Division in writing prior to the initiation, and upon completion, of the project;
 8. All mitigation measures set forth in the application materials and in the Final Environmental Impact Statement for this project are hereby incorporated as conditions of the permit;
 9. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
 10. The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
 11. The applicant acknowledges that the approved work shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
 12. The applicant will contract for the continuation of the carrying capacity study and submit a yearly update of baseline data to the Board.
 13. Grubbing and grading activities shall be conducted during the low rainfall months—April-October;
 14. In issuing this permit, the Department and Board have relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove

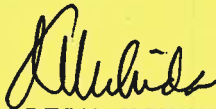
to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;

15. In the event that unrecorded historic remains (i.e., artifacts, or human skeletal remains) are inadvertently uncovered during construction or operations, all work shall cease in the vicinity and the applicant shall immediately contact the State Historic Preservation Division;
16. The applicant shall replant or cover bare areas as soon as grading or construction are completed. New plantings will require soil amendments and fertilizers to become established;
17. Other terms and conditions as may be prescribed by the Chairperson; and
18. That failure to comply with any of these conditions may render this Conservation District Use Permit null and void; and
19. The applicant, within ninety (90) days of this decision, shall submit a report to the Board of Land and Natural Resources on the types of exhibits that will be incorporated into the exhibit areas.

Please contact Traver Carroll of our Planning Branch at 587-0439 should you have any questions on this matter.

Please acknowledge your receipt of this permit and acceptance of conditions by signing in the space provided below and returning a **copy** to us.

Sincerely,



DEAN UCHIDA, Administrator
Land Division

**BOARD OF LAND AND
NATURAL RESOURCES**

**CDUA OA-2957
Improvements to Hanauma Bay Nature Preserve**

Receipt acknowledged:

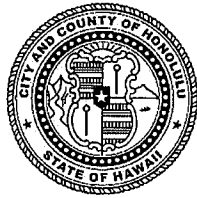
Signature

Date

cc: Oahu Board Member
DOH/OHA
DOCARE/HPD/DAR
C&C Department of Planning and Permitting
C&C Department of Parks and Recreation
Board of Water Supply
East Honolulu Community Coalition
Roy Benham
Beverly Palenapa

DEPARTMENT OF PARKS & RECREATION
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 309 • KAPOLEI, HAWAII 96707
PHONE: (808) 768-3003 • FAX: (808) 768-3053 • INTERNET: www.honolulu.gov



RICK BLANGIARDI
MAYOR

RECEIVED
OFFICE OF CONSERVATION
& COASTAL LANDS

2023 FEB -7 A 9:43

LAURA H. THIELEN
DIRECTOR

KÉHAULANI PU'U
DEPUTY DIRECTOR

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

January 23, 2023

Mr. Michael Cain
Administrator
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P. O. Box 621
Honolulu, HI 96809

SUBJECT: Request to present to the Board of Land and Natural Resources in March proposed amendment to Conservation District Use Permit OA 2957

Dear Mr. Cain,

The Department of Parks and Recreation (DPR) would like to propose an amendment to the Conservation District Use Permit (CDUP) OA 2957 for Hanauma Bay Nature Preserve (the Bay). Specifically, the DPR would like to amend condition no. 12, whereby the comprehensive report is not submitted annually, but by request to the Board of Land and Natural Resources (BLNR) and posted on the DPR's website.

The request to amend the CDUP is to reaffirm that the DPR intends is to keep BLNR updated, when requested, while keeping the public at large updated through the department's website, where the annual carrying capacity reports will be posted.

The DPR is committed to continuing to have a carrying capacity and annual report completed to ensure that the Bay is preserved and managed properly. Currently, Dr. Kuulei Rodgers from the University of Hawaii, Hawaii Institute of Marine Biology conducts the annual carrying capacities at the Bay.

The DPR is requesting to be added to the BLNR March meeting that is scheduled to meet on the 4th Friday so we can provide an update and share how the Bay thrived during the pandemic.

Should you have any questions please call me at (808) 768-3001.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura H. Thielen".

Laura H. Thielen
Director

cc: K. Tiger Mills, Staff Planner
Department of Land and Natural Resources

EXHIBIT B