



*Dedicated to the conservation of coastal and marine environments,
emphasizing stewardship of the natural resources of Hanauma Bay*

Board of Land and Natural Resources
Dawn N.S. Chang, Chairperson
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

FOR THE MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES

DATE: April 28, 2023

TIME: 9:15 AM

LOCATION: In person at 1151 Punchbowl St, Room 132
(Kalanimoku Building) online via ZOOM, livestream via YouTube

Re: Testimony in **opposition** to parts of Item K-2 amending CDUP OA-2957

April 24, 2023

Aloha Chair Chang and Members of the Board of Land and Natural Resources,

Friends of Hanauma Bay thanks you for allowing us to testify in opposition to the portion of the K-3 amendment requested by City and County of Honolulu [City] which would allow the City to "... provide the latest carrying capacity study to the Board of Land and Natural Resources upon request."

Founded in 1990, Friends of Hanauma Bay [FOHB] is the leading NGO advocate with local, state, and federal decision makers for the best stewardship of the natural resources of Hanauma Bay. FOHB also proposed and funds the first restoration project of endemic Hawaiian corals in Hanauma's history.

For almost twenty years, successive City Administrations have not complied with two key rulings affecting Hanauma Bay:



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(1) Condition 12 of DLNR's 2001 Conservation District Use Permit requiring the City to contract for annual updates to the baseline carrying capacity of the Hanauma Bay Marine Life Conservation District and provide updates to the BLNR. The City only began complying with this requirement of the permit in 2018, thereby losing 17 years of critical data on the impacts of almost unlimited visitors on the marine ecosystems in the Hanauma Bay Marine Life Conservation District.

(2) Requirements of the 2002 First District Federal Court Order (upheld in 2004 by the Ninth Circuit Court of Appeals) governing expenditures from the City's Hanauma Bay Nature Preserve Fund. Despite being upheld on appeal, the City did not comply with the Federal Court Order governing expenditures from the Hanauma Bay Nature Preserve Fund for sixteen years (2004 - 2020).

Without direct advocacy from Friends of Hanauma Bay over several years, City Administrations would continue to violate both DLNR's Conservation District Use Permit and the Federal Court Order governing expenditures from the Hanauma Bay Fund to the continued detriment of Hanauma Bay.

We fully acknowledge, applaud, and support the current Blangiardi City Administration and the leadership of City Department of Parks and Recreation Director Laura Thielen in moving toward full compliance with both the State permit and the Federal Court Order. However, Hawaii's mayors are term limited, and successive administrations over several years have proven that the City has not been committed to complying with State or Federal rulings regarding Hanauma Bay.

We are delighted for the City to continue publishing the annual Hanauma Bay Carrying Capacity Study updates on line. However, this Administration can not guarantee that its successors will comply with the permit since all of its predecessors did not. We therefore believe it is imperative to continue public oversight by the BLNR over adherence to this aspect of the permit by requiring the City to continue making annual presentations of these studies to the Board.

In September 2017, DLNR's Office of Conservation and Coastal Lands notified the City that "...Unless proposed improvements are for public health, safety and welfare or



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resource protection, the Department is not inclined to entertain any proposed improvements to Hanauma Bay until compliance with Conservation District Use Permit (CDUP) OA-2957 for improvements to Hanauma Bay Nature Preserve is completed. Specifically Board imposed condition #12 which states: "The applicant will contract for the continuation of the carrying capacity study and submit a yearly update of baseline data to the Board." Without direct Board oversight ensuring the studies continue, this moratorium could easily be forgotten or ignored.

In the continued absence of a State natural resource management plan for the Hanauma Bay Marine Life Conservation District, and DLNR staff dedicated to oversee its preservation, this mandatory annual review of ongoing carrying capacity studies is the only avenue readily available to the Board to receive updates on visitor impacts on the fragile marine ecosystems in the Bay; the status of the CIP moratorium; implementation of best practices recommendations from the studies; and critical insight into the commercialization of this treasured natural resource from community stewards including Friends of Hanauma Bay and the Hawaii Kai Neighborhood Board.

Please do not remove the requirement for the City to provide annual carrying capacity study updates of Hanauma Bay directly to the Board of Land and Natural Resources.

Thank you again for this opportunity to testify in opposition to parts of the proposed K-amendments, and mahalo for everything you do conserve, protect and restore Hanauma Bay!

With Aloha,

Lisa Bishop
President
Friends of Hanauma Bay