

November 25, 2023

The Honorable Senator Brian Schatz
United States Senate
Washington, D.C 20510

Re: Kawaihae Harbor Improvements will violate Presidential Executive Order 13089

Dear Senator Schatz,

We are friends of the Kawaihae Reef. We want to bring your attention to how the Hawaii Department of Transportation Harbors Division, HDOT-Harbors, will destroy a coral reef in its plans to build Pier 3 of Phase 4 of its master plan.

The Kawaihae Harbor was built by destroying the Kawaihae Coral Reef. Since 1959, at least three significant improvements have destroyed more of the reef, totaling about 200 acres. The dredged filling buried a third of that amount. This is a staggering amount of corals killed.

This information is omitted in HDOT's Plans. There was no mention of corals or reefs as part of the history narrative or future improvements. The general public and Congress may have been misled. US DOT recently awarded the Kawaihae Harbor \$23.4 million for its improvements.

A stretch of remaining original reefs survived multiple dredging in the harbor. This reef has a beach that locals have enjoyed for over six decades. The construction of Pier 3 will eliminate both.

Executive Order 13089, Coral Protection, *calls for all federal agencies whose activities may affect coral reef ecosystems to:*

- *identify such actions;*
- *use their programs and authorities to protect and enhance coral reef ecosystems; and*
- *ensure that any actions they authorize, fund, or carry out will not degrade the condition of coral reef ecosystems.*

All federal agencies have not identified such" actions." We know this because HDOT's plans have been unchanged for at least a decade. HDOT will violate the Order and other laws to protect our coral reef if it succeeds with its plan.

From our perspective, we see HDOT's intent to break the law, and yet federal funds continue to be procured. The overall estimate for the Kawaihae Harbor master plan is **\$396 million**, inflation-adjusted from the 2010 estimate. Over **\$200 million**, adjusted, will go toward destroying that coral reef in Phase 4. If all goes as planned, Congress will be funding a criminal act.

In summary, there is a protected coral reef and a well-loved beach that HDOT wants to destroy. Congress, unaware of HDOT's intent, proceeded to fund illegal projects. HDOT did not disclose, identify, protect, or enhance the coral reef ecosystem.

A project like this is impossible with all the measures and laws to protect our coral reefs, EO 13089, EPA, USACE, and The U.S Coral Reef Task Force. But here we are writing this letter to alert and plead with you to look into this matter.

We urge you and Congress to investigate and scrutinize HDOT Harbors' Kawaihae Harbor master plan. We also request that you notify all federal agencies whose activities may affect the reef to use their programs to protect our coral reef ecosystem. This is a humble request to those we trust to protect our resources and do what the law requires.

This is a core Hawaiian issue: our coral reef, beach, and ocean access will be removed and replaced with a dock and parking lot for containers.

Thank you, Senator, for your time and all the work you have done to help Hawaii.

Sincerely,

Hai On

Kawaihae Reef

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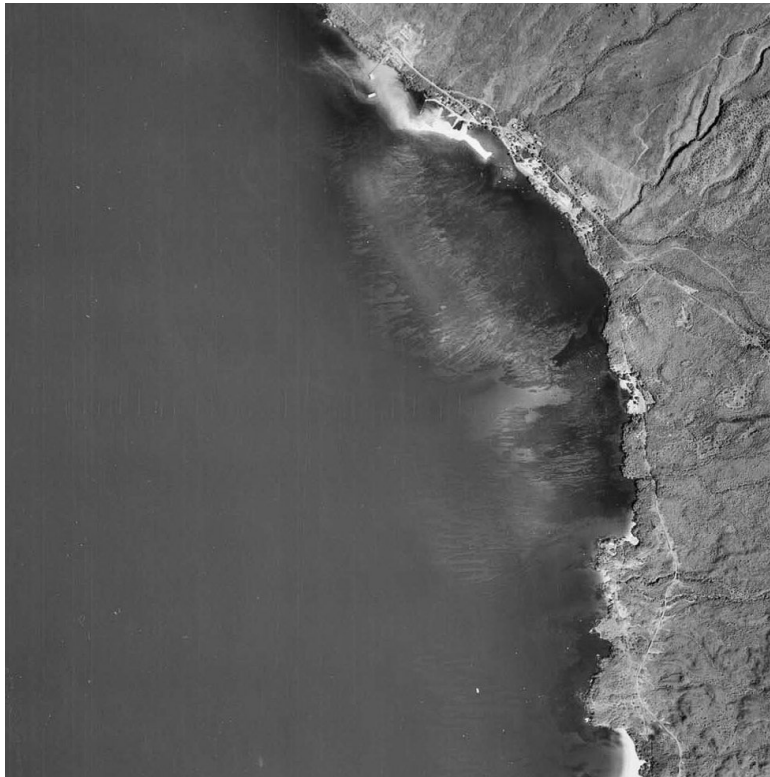
Mailing: PO Box 2791
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Reference:

Hawai'i Island Commercial Harbors Master Plan 2035:
<https://hidot.hawaii.gov/harbors/files/2013/01/HI-COM-HAR-2035-MP-Final.pdf>

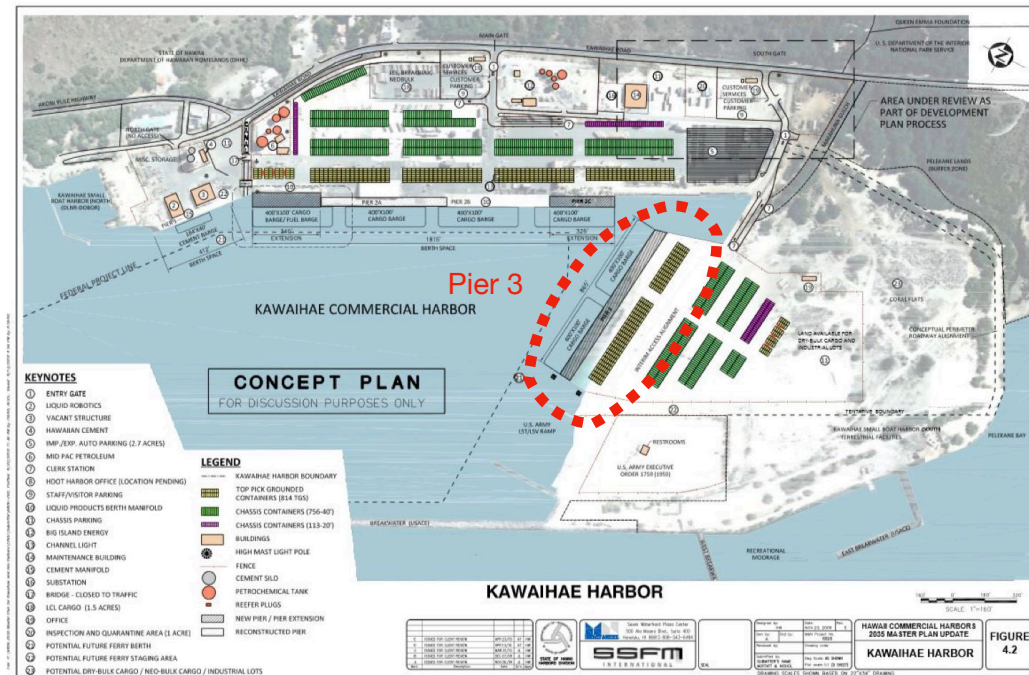
Exhibits



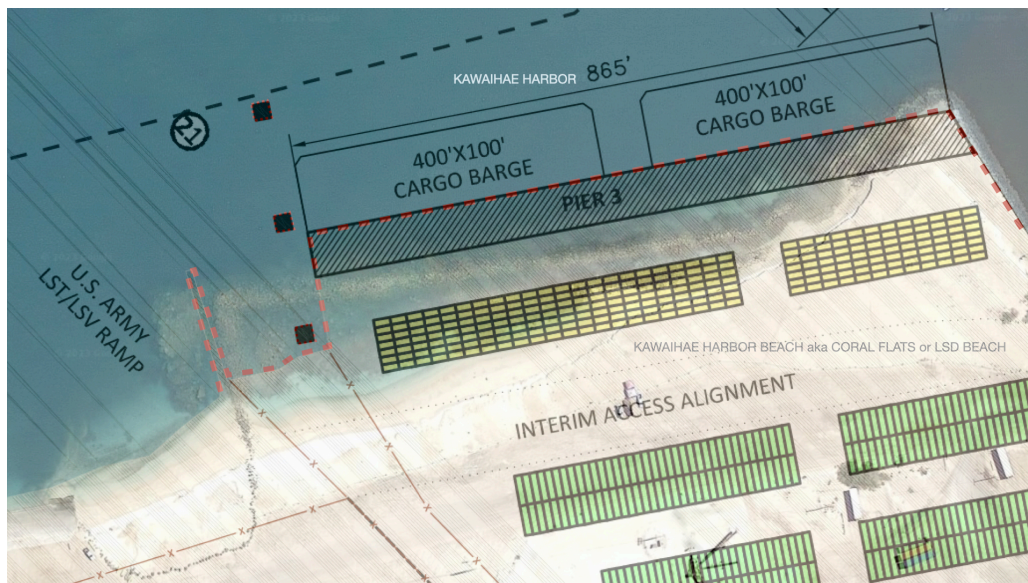
Kawaihae Reef Pre-Harbor



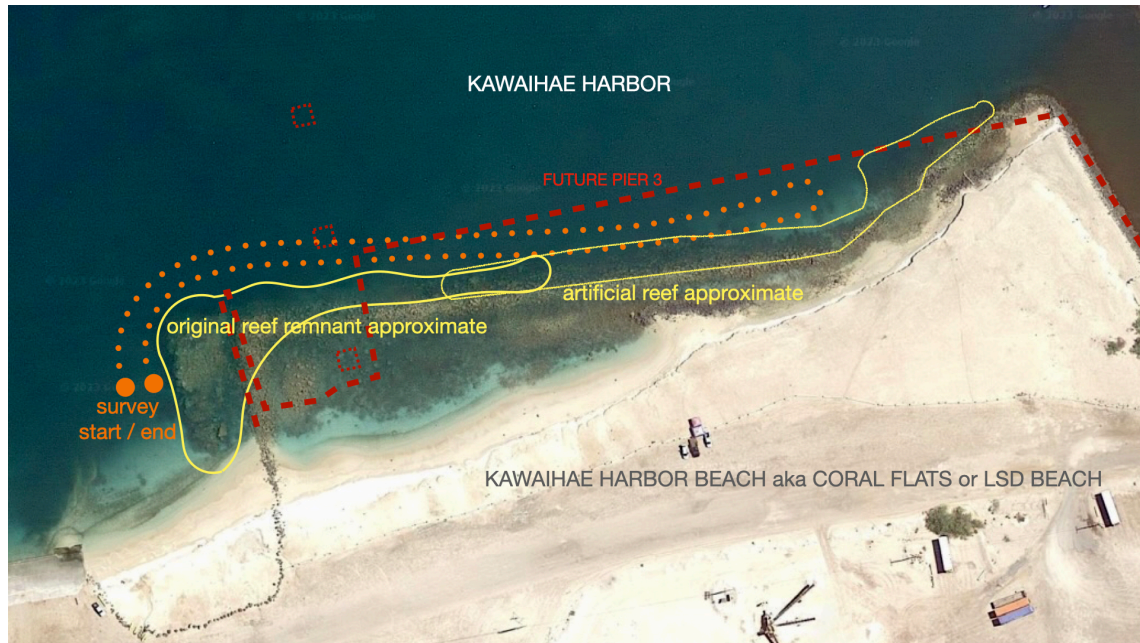
Kawaihae Harbor



Kawaihae Harbor Master Plan 2035



Phase 4 Pier 3 Overlay on Reef and Beach



Original and Artificial (on Original) Reef with Survey Route

KAWAIHAE HARBOR BEACH REEF SURVEY RAW AUGUST 2023:

<https://www.youtube.com/watch?v=SjlvKuyypRI>