

October 30, 2024

Aloha Nicole R. LeBoeuf,

There is a real threat to a coral reef in the Kawaihae Harbor, Hawaii. The destruction of a 1200 ft, 3 acres coral reef with dense stony coral is imminent, according to the Hawaii Department of Transportation harbors division. This information in their master plan for 2035 has been known for decades. Phase Four of the harbor improvement plan shows Pier # 3 (wharf) directly over the coral reef. If this plan is still in the public record, then the public must assume that the work will be accomplished according to the plan. It proves that none of the federal and state agencies responsible for protecting and enhancing the coral reef has prevented HDOT from proceeding.

According to NOAA's sites:

*“NOAA Coral Reef Conservation Program was established in 2000 by the Coral Reef Conservation Act to protect, conserve, and restore the nation's coral reefs by maintaining healthy ecosystem function. We focus on four main pillars of work:*

- *Increase resilience to climate change*
- *Reduce land-based sources of pollution*
- *Improve fisheries' sustainability*
- *Restore viable coral populations “*

**NOAA Coral Reef Conservation Program Mission**

*“(1) To preserve, sustain, and restore the condition of coral reef ecosystems; (2) to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities and the Nation; (3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems; (4) to assist in the preservation of coral reefs by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations; (5) to provide financial resources for those programs and projects. . . .”*

It looks like NOAA is responsible for " *preserving, sustain, and restoring the condition of coral reef ecosystems*" in the Kawaihae Harbor and the Kawaihae Reef. NOAA is also responsible for implementing ESA unless a state harbor project that will be federally funded is somehow exempt.

When is a coral reef, not a coral reef? How is a coral reef ecosystem with habitat for critically endangered hawksbill turtles and other threatened and endangered species considered unnecessary to protect?

I am new to conservation, and protecting a reef is a huge undertaking. ESA and IES processes usually occur when a harbor project is funded and designed. Those processes will not save an endangered coral reef. According to the EPA and an attorney at Earth Justice, when I asked if the destruction of a reef could be stopped, the answer was no. They can only reassure me that ESA and EIS can, at best, pause the destruction.

At this moment, DLNR does not know an endangered reef exists in Kawaihae Harbor. I have asked the DAR to confirm this officially, but I am still waiting to receive a status.

It's crucial to understand that we are in a race against time as long as HDOT plans to build a wharf over an existing reef. If NOAA, USFWS, or the entire Coral Task Force are unaware, they should learn about our dilemma and take protecting the coral reef seriously.

A simple task would be to communicate to HDOT that its master plan is a gross error and that it needs to redesign its plan without destroying a coral reef ecosystem.

This task must not be the responsibility of the Kawaihae Reef Organization. It should be the responsibility of *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. (Executive Order 13089, Coral Reef Protection )*

Our circumstance here at Kawaihae Reef and Harbor is a simple test to prove that protecting a small coral reef ecosystem must not fail, with protective laws and all the knowledge and resources available to NOAA and other federal agencies.

In summary, the endangered reef in Kawaihae Harbor will be destroyed according to HDOT's plan. With the entire coral reef protection system in place and laws protecting its ecosystem, one would think that once the intention of HDOT is known, even in concepts, there must be a system of checks and balances across involved federal agencies to prevent them from proceeding. The reality is that there is none. We just learned recently that NOAA has no jurisdiction over HDOT.

Who, then, will protect this coral reef system? Me and my family?

Is it possible to mitigate 3 acres of stony coral to nowhere safe and expect them to survive and recover?

Thank you for this opportunity to provide comments. Our comments are very narrowly focused on our current dilemma.

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## Comments and Suggestions

Here are the comments and suggestions following the provided outline.

- *continuing and emerging threats to the resilience of U.S. coral reef ecosystems;*

Hawaii Department of Transportation has a master plan (2035) to destroy 3 acres of dense stony corals inside the Kawaihae Harbor.

- *remaining gaps in coral reef ecosystem research, monitoring, and assessment;*

Recent NOAA and USGS coral surveys and studies have not documented the inner harbor coral reefs. This area was blank. Hawaii benthic maps show incorrect information about the reef as an artificial structure.

- *the status of management cooperation and integration among Federal reef managers and covered reef managers;*

As stated by NOAA personnel, the agency has no jurisdiction over Hawaii DOT.

- *the status of efforts to manage and disseminate critical information and enhance interjurisdictional data sharing related to research, reports, datasets, and maps;*

Current Kawaihae Harbor coral surveys and benthic maps must be completed or corrected for reefs endangered from future dredging and construction.

- *areas of special focus, which may include:*

- *improving natural coral recruitment,*
- *preventing avoidable losses of corals and their habitat,*

Hawaii Department of Transportation has a master plan (2035) to destroy 3 acres of dense stony corals inside the Kawaihae Harbor. This is avoidable. Their intent has been known for decades. At this writing, NOAA is not responsible for protecting the coral reef ecosystem within DOT areas. EPA cannot participate in the planning of this harbor and can only make recommendations during EIS. No other federal agencies involved in protecting coral reefs have tried to prevent HDOT planning to destroy coral reefs.

- *enhancing the resilience of coral populations,*

DLNR and HDOT have made no effort to enhance the coral reefs. Accidents of boat groundings on pristine reefs were not reported.

- *supporting a resilience-based management approach,*
- *developing, coordinating, and implementing watershed management plans,*
- *building and sustaining watershed management capacity at the local level,*

- ***providing data essential for coral reef fisheries management,***

Data, surveys, and critically endangered and threatened species are not documented. The basic information regarding the presence of corals and the extent of the reef is a mystery. There needs to be a baseline to quantify the conditions and the health of the overall Kawaihae Reef, past and present.

- ***building capacity for coral reef fisheries management,***

- ***increasing understanding of coral reef ecosystem services,***

The general public and federal agencies involved with the coral reef ecosystem are not aware of the reef system in the harbor. Education is needed.

- ***educating the public on the importance of coral reefs, threats, and solutions, and***

The general public and federal agencies involved with the coral reef ecosystem are not aware of the reef system in the harbor. Education is needed.

- ***evaluating intervention efficiency;***

There is a need for a prevention system to prevent a state agency such as HDOT from planning to build over coral reefs. EPA Coral Protection guidelines are suggestions. Intervention from federal to state agencies does not exist at Kawaihae Harbor. A federal agency such as the NOAA Office of Coastal Management must have a system to review DOT and State DOT's master plans or future constructions before the design process. The preventive system, such as Executive Order 13089, has no teeth and is useless when funding, design, and permits are in place.

Currently, no system is in place to protect the endangered coral reef ecosystem in the Kawaihae Harbor. EPA and USACE will most likely recommend mitigating during the EIS procedure before construction. Mitigating three or more acres of stony coral without a safe and protected nursery of equal or greater area is no guarantee of survival.

- ***the status of conservation efforts, including the use of marine protected areas to serve as replenishment zones developed consistent with local practices and traditions and in cooperation with, and with respect for the scientific, technical, and management expertise and responsibilities of, covered reef managers;***

- ***science-based adaptive management and restoration efforts; and***

- ***management of coral reef emergencies and disasters.***