

To: All Members of the Hawaii Kai Marina Community
ACTION REQUIRED

PROPOSED CHANGES TO MAUNALUA BAY



Comments on the proposed rule must be submitted to NOAA no later than June 19, 2015, by either of the following methods:

Petition Form:

On the back of this notice is a form petition, which you can sign and submit with any additional comments to the Hawaii Kai Marina Community Association office, located at: 377 Keahole St. D-1C, Honolulu, HI 96825

Electronically:

<http://hawaiihumpbackwhale.noaa.gov/welcome/html>
CLICK ON "COMMENT HERE"

NOAA is proposing new regulations for Maunalua Bay that would prohibit certain activities. NOAA is soliciting comments from the public on its Draft Management Plan and Draft Environmental Impact Statement through June 19, 2015.

How would the new regulations affect you?

- **Navigation could be impacted, because dredging the marina entrance channel would be subject to additional regulation that could prevent or add significant expense to routine maintenance dredging**
- Dredging within the marina could be affected
- Fireworks displays in Maunalua Bay would be prohibited
- Maintaining and building a groin at the entrance channel could be prohibited
- Numerous recreational activities in Maunalua Bay could be affected
- The marina and its residents could be subjected to increased liability under federal law
- Marina property values could decrease without maintenance dredging and access

Although the Hawaii Kai Marina Community Association (HKMCA) strongly supports ongoing protection of the humpback whale, elements of the proposed plan could prevent altogether – or add significant expense to – future dredging of the marina and the Hawaii Kai channel. This would adversely affect our ability to maintain vessel access to and from the marina from the waters of Maunalua Bay.

The HKMCA will be working with NOAA representatives to convey the need for maintenance dredging in Maunalua Bay to maintain vessel access to and from the marina, via the entrance channel under the Kalanianaʻole Highway bridge. Your support in this endeavor is important and appreciated.

Public Comment Regarding NOAA Proposal

As a member of the Hawaii Kai Marina Community Association (“HKMCA”) and resident, I am not in favor of the National Ocean and Atmospheric Administration’s (“NOAA’s”) proposal to make Maunalua Bay a Special Sanctuary Management Area (“SSMA”) for the following reasons:

- I am concerned that the NOAA proposal could prevent altogether, or add significant expense to any future dredging of the marina and the Hawaii Kai channel. The proposed rules provide the Director of NOAA significant power to block dredging if he/she believes it would have any negative impact on the Sanctuary. If the HKMCA is not able to conduct maintenance dredging for any reason, it would significantly affect property values on the marina.
- The proposed regulations as written would prevent the setting of temporary buoys (for sailing and canoe races), anchoring in most areas within Maunalua Bay, fireworks displays, maintenance of existing mooring balls (except by State or Federal authorities), walking over the inner reef during low tide, and numerous recreational fishing activities.
- The proposed regulations would prohibit discharging or depositing any material matter into the SSMA, and this provision would apply to discharge adjacent to the SSMA, “should that discharge subsequently enter and injure a sanctuary resource...” This provision is unworkable given the numerous drainage culverts that feed into the marina. This language could create unwarranted liability in numerous scenarios.
- NOAA’s proposal states that the Koko marina has a 40% introduced species percentage, as compared with 18% in Maunalua Bay. As written, the HKMCA could be held liable for the inadvertent transfer of any such introduced species into Maunalua Bay.

I support NOAA’s broader efforts to protect marine life, including the Humpback whale; however, the proposal to make Maunalua Bay a SSMA is unworkable in its current form. These regulations are redundant to State laws, and create unnecessary federal oversight in an area that has been served by the State of Hawaii and its residents.

For all these reasons, NOAA should adopt the no action alternative and not expand the Sanctuary boundaries or create an SSMA in Maunalua Bay.

Additional comments:

Signature (or sign anonymous)

Date

E-mail: beverly@hawaiikaimarina.com or

Mail to: HKMCA 377 Keahole Street, Suite D1C, Honolulu, HI 96825

Board of Directors
Hawaii Kai Marina Community Association

RE: Maunalua Bay – Humpback Whale Sanctuary

Dear Board of Directors,

It has recently come to my attention that the National Oceanic and Atmospheric Administration (NOAA) has proposed a plan to expand the Humpback Whale National Marine Sanctuary and to create a Special Sanctuary Management Area (“SSMA”) in Maunalua Bay. Should this proposal pass, the following issues could impact our community greatly:

- Would we, The Hawaii Kai Marina Community Association (HKMCA) members be able to dredge the entrance channel to the Hawaii Kai Marina and maintain the groin in “perpetuity” as the State of Hawaii has imposed on our charter in 2001? Would the Director of NOAA have the ability to prevent dredging activity if he/she believes it would have any negative impact on the Sanctuary?
- Would we be able to dredge the 13 miles of private waterways that are now navigable and provide our boaters with access to the open ocean? Could NOAA impose liability on the marina if dredging material is carried into the SSMA through tidal flow?
- Would this proposal affect our enjoyment and use of the Bay for private boaters, fishermen (commercial and private alike) and commercial watersports that support our tourism industry?
- Would this affect our local traditions of spreading ashes of loved ones in the ocean? Not to mention our annual 4th of July fireworks display in Maunalua Bay sponsored by Maunalua Communities Foundation?
- The HKMCA supports club participation in the Marina such as Huli Nalu Canoe Club and the Hawaii Kai Boat Club.... Would they be affected if the Marina waterways were to become another Enchanted Lake by our inability to dredge under the bridge?
- The HKMCA also supports paddling events and provides a finish line for groups such as the Molokai World Championships, Kanaka Ikaika, PAA paddlers Association, the Hawaii Canoe and Kayak Team, etc... Would these groups be able to place temporary race markers in the Bay? Would they and their escort boats be able to enter the Marina should the depth of water under the bridge be compromised and fill with sand?
- Last but certainly not least, would our real estate values decrease subject to the above issues?

If you share these concerns, please sign and return this letter to beverly@hawaiiikaimarina.com or mail to: 377 Keahole St. Suite D1C, Honolulu, HI 96825.

Sincerely, _____