

**From:** [Kanani Smull](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Written Testimony in Support of Motion D-1 for the Special Meeting of the Board of Land and Natural Resources on February 4, 2022  
**Date:** Monday, January 31, 2022 2:35:19 PM

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Aloha State of Hawai‘i Board of Land and Natural Resources Land Division,

I am writing in regards to Motion D-1, Issuance of Right-of-Entry Permit to Hawai‘i Marine Mammal Alliance Inc., dba Hawai‘i Marine Animal Response, for Activities Relating to the Preservation and Recovery of Hawai‘i’s Endangered and Threatened Marine Animal Species on Unencumbered State-Owned Lands Located Seaward of the Shorelines of the Islands of O‘ahu and Moloka‘i, Including Their Unencumbered Offshore Islets. My testimony is intended for the special meeting of the Board of Land and Natural Resources (BLNR) on February 4, 2022 at 9:00 AM online via Zoom.

My name is Kanani Smull, and I am a second-year law student at the William S. Richardson School of Law. My address is 3055 Pualei Circle #A204, Honolulu, HI 96815 and my phone number is (818) 825-4716.

As a Native Hawaiian and environmental law student, I feel passionately about protecting Hawai‘i’s endemic marine species and delicate ecosystem. Endemic marine species whose populations are declining or threatened by extinction are protected by federal law under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). I am in support of this motion because of Hawai‘i Marine Mammal Alliance’s (HMMA) dedication to the preservation, conservation, and stewardship of Hawai‘i’s endangered, threatened, and protected marine species. By working closely with and in support of the two regulatory agencies, United States Fish and Wildlife Service (USFW) and the National Marine Fisheries Service (NMFS), HMMA has demonstrated that it is a legitimate and trustworthy non-profit organization. Therefore, the issuance of a right-of-entry permit to HMMA is of utmost importance to the protection of important Hawaiian marine species, such as the Hawaiian monk seal, green sea turtle, hawksbill turtle, spinner dolphin, humpback whale, and several marine seabird species. The protection of those species may be a daunting task for any agency, and with the support of HMMA staff and volunteers, such a task may be completed

with increasing ease and effectiveness.

Due to the public's ambivalence to the endangered status of the species listed above, significant human interactions are occurring at an increasing rate. Many times, those interactions may be characterized as actual or potential "take" actions as defined by the ESA. The issuance of a right-of-entry permit to HMMA will allow for outreach and education that engages the public in support of conservation efforts for ESA-listed species. The conservation of endangered and threatened species benefits both residents and visitors to Hawai'i as these animals are a distinct aspect to Hawaiian culture and the islands' unique natural beauty. Further, it may reduce any agitation caused by those who attempt to interact with Hawaiian wildlife. Such agitation may result in public conflict, and the best approach to mitigate this is by supporting the motion and allowing for the issuance of a right-of-entry permit to HMMA.

In short, I am in support of Motion D-1 for the following main reasons: (1) by working closely with and in support of the two regulatory agencies, United States Fish and Wildlife Service (USFW) and the National Marine Fisheries Service (NMFS), HMMA has demonstrated that it is a legitimate and trustworthy non-profit organization. Therefore, the issuance of a right-of-entry permit to HMMA is of utmost importance to the protection of important Hawaiian marine species; (2) the public's ambivalence to the endangered status of the species listed above must be addressed due to the significant human interactions that are occurring at an increasing rate; and (3) these animals are a distinct aspect to Hawaiian culture and the islands' unique natural beauty and, therefore, must be protected.

Mahalo for your time and consideration of my testimony. Please support Motion D-1 to protect Hawai'i's pristine natural environment and unique endemic marine species!

Mahalo nui and best regards,

Kanani Smull