

From: [Bobby Camara](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] testimony for Friday, April 26, 2024 Board meeting
Date: Thursday, April 25, 2024 10:27:45 AM

Welina mai kakou, Board of DLNR,

I write to completely, totally, and without any reservation whatsoever, in support of the proposed fines for activities as follows:

Request for Administrative fine of \$1,502,500 and other penalties against LKGHI Properties, LLC (Sushil Garg as managing agent), Yue-Sai Kan Trust (Yue-Sai Kan as Trustee), Sushil Garg, individually, Yue-Kan, individually, and Benjamin Lassary, individually, for violation of Section 195D-4(e)(2), Hawaii Revised Statutes, and Section 13-124-11(a) and (b), Hawai'i Administrative Rules, for the "take" (killing) of two species of endangered Nalo Meli Maoli (aka Hawaiian yellow-faced bees) in October 2023, across multiple units of the Marconi Point condominium property regime, Kahuku, Oahu, Hawaii, Tax Map Key (1) 5-6-003:053

and,

Request for Administrative fine of \$15,000 and other penalties against the Yue-SaiKan Trust, Yue-Sai Kan as trustee, and Yue-Sai Kan, individually, for violation of Section 13- 124-3, Hawai'i administrative rules, for the intentional injury and subsequent death of Ho'okipa, an indigenous Moli (aka Laysan Albatross), on December 2, 2023, at unit 1 of the Marconi Point condominium property regime, Kahuku, Oahu, Hawai'i, Tax Map Key (1) 5-6-003:053

These acts are unconscionable and inexcusable. With the numbers of consultants available, sources of knowledge literally at our fingertips, to pretend ignorance and say "Sorry. We neva know." cannot be allowed or condoned.

As I commented on Civil Beat:

"[Kahuku is one of just four remaining habitats on Oahu for Hylaeus anthracinus and one of just three habitats on Oahu for Hylaeus longiceps, according to a DLNR report. Our nalo meli maoli (yellow-faced bees) are Endangered.] quote from article.

Absolutely infuriating! Mahalo piha to our watchdogs for reporting! Please follow up. Will the pōhaku-throwing worker be charged and fined? Why didn't FWS require the fence to be moved? Weren't permits required for its construction? Out of sight out of mind?

Ignorance of law is no excuse. If DLNR does not impose the hefty fine, replace Staff and/or Board.

Whether or not nalo meli maoli return, the strand vegetation must be replaced in-kind immediately.

Replant naupaka, replant beach heliotrope. Water and fertilize as needed to ensure survival.

Take down the damn fence.

REQUIRE all owners and workers to attend an in-person, day-long (or longer) class hosted by Federal, State, County staff about laws and issues relating to the offenses. The owners shall pay all class-related expenses.

Damn it!!!!"

Please levy these fines, as well as remedial actions!

Mahalo for the opportunity to comment.

Bobby Camara
Keaau, Hawaii

From: [Johann Lall](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony April 26th C 5 and 6 and D 1
Date: Thursday, April 25, 2024 10:48:38 AM

C 5 and 6 testimony:

Aloha, I have worked in conservation, planning, and law enforcement previously. In my professional opinion, enforcement is important for its deterrent effect. I know that conservation enforcement and punitive fines are rare in Hawai'i for developers, large landowners, and construction companies, presumably because of the power and influence they are perceived to hold. But I urge that the maximum fines be both the killing of the endangered Hawaiian bee species, and the albatross. Developers and land owners currently feel that they are immune from consequences and regularly violate regulations in Hawai'i, to the detriment of the environment and Native Hawaiians.

Johann Peter Lall
Kihei, Maui, HI

D 1 testimony:

I support option C4 primarily because of Coco Palms' egregious violations of county regulations and state/federal laws protecting the environment, shoreline, and indigenous rights. Their violations would not be considered acceptable in 49 other states and they certainly would not be rewarded with public easements. The easement should be leased to I Ola Wailuanui so it can be improved for public benefit. Additionally, DLNR and BLNR should pursue enforcement and punitive action against Coco Palms. A "cease and desist" without fines only encourages violations as it is a de facto permission after the fact. Ceasing cannot bring back the numerous trees they removed or restore the ground altering damage. Mahalo for hopefully acting in the public interest!

Johann Peter Lall
Kihei, Maui, HI

From: [Bobbie Foster](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-6
Date: Thursday, April 25, 2024 9:14:39 AM

Aloha Chair Chang and Members of the Board,

My name is Roberta (Bobbie) Foster. I live in Honolulu and every week, I volunteer at Lyon Arboretum, Camp Palehua, and with Protect Preserve Hawaii doing native plant restoration projects. At these sites, i see hope in saving our native plants and it is very upsetting to read about the destruction of native habitat and native birds and bees.

I write in strong support of Items C-5, C-6, and K1, the DOFAW and OCCL enforcement actions for the death and destruction of native Laysan Albatross and Yellow-Faced Bees and their coastal habitat at Marconi.

As the DOFAW and OCCL submittals explain in detail, the death of Ho‘okipa and 300 Yellow-Faced Bees, 106 trees, and two acres of habitat is a tragic loss of our native species.

The alleged actions of the developers/owners and their agents indicate intentional, reckless, and careless actions that violate our state laws that protect these species and their habitat.

The alleged violations are very serious, numerous, and deserve the substantial fines and remedies as proposed by DOFAW and OCCL.

Mahalo for standing up for our native species and ecosystems and for supporting the proposed enforcement actions!

Roberta Foster

Bobbie

Stay Calm, Safe, Healthy and Sane

Bobbie Foster
hawaiibobbie@gmail.com

From: [Namah Nancy Grace](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-5
Date: Thursday, April 25, 2024 11:23:35 AM

*Aloha Chair Chang and Members of the Board,
My name is Namah Grace. I am a REGULAR Marconi coastal walker and concerned citizen.
Concerned about what's being allowed to happen in an area that begs!!! closer attention,
supervision and regulation to preserve what's fast being lost to disrespectful, greedy
people.....especially before it's too late!*

*I join those who are writing you in strong support of Items C-5, C-6, and K1, the DOFAW and
OCCL enforcement actions for the death and destruction of native Laysan Albatross and
Yellow-Faced Bees and their coastal habitat at Marconi.*

*As the DOFAW and OCCL submittals explain in detail, the death of Ho'okipa and 300 Yellow-
Faced Bees, 106 trees, and two acres of habitat is a tragic loss of our native species.*

*The alleged actions of the developers/owners and their agents indicate intentional, reckless,
and careless actions that violate our state laws that protect these species and their habitat.*

*The alleged violations are very serious, numerous, and deserve the substantial fines and
remedies as proposed by DOFAW and OCCL.*

*Mahalo for standing up for our native species and ecosystems and for supporting the proposed
enforcement actions!*

PLEASE take the strongest action possible to stop the on-going destruction.

Aloha,
Namah Grace

From: [Emily Martin](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Thursday, April 25, 2024 11:14:37 AM

Aloha Chair Chang and Members of the Board,

My name is Emily Martin, I am the Director of Conservation Partnerships for National Wildlife's Hawai'i program.

I write in strong support of Items C-5, C-6, and K1, the DOFAW and OCCL enforcement actions for the death and destruction of native Laysan Albatross and Yellow-Faced Bees and their coastal habitat at Marconi.

As the DOFAW and OCCL submittals explain in detail, the death of Ho'okipa and 300 Yellow-Faced Bees, 106 trees, and two acres of habitat is a tragic loss of our native species.

The alleged actions of the developers/owners and their agents indicates intentional, reckless, and careless actions that violate our state laws that protect these species and their habitat.

The alleged violations are very serious, numerous, and deserve the substantial fines and remedies as proposed by DOFAW and OCCL.

Mahalo for standing up for our native species and ecosystems and for supporting the proposed enforcement actions!

Emily Martin | she/her
Director of Conservation Partnerships
Hawai'i | Alaska | California
[National Wildlife Federation](#)
mobile: 651-757-8775

From: [Barbara Pope](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda OCCL Item K-1
Date: Thursday, April 25, 2024 10:55:40 AM

Aloha Chair Chang and Members of the Board,

My name is Barbara Pope. I am 72 years old and a long time resident, born and raised, of Ko'olaupoko and frequently visited the Marconi area and coastline as a child in the company of my grandfather. Through him and elderly kama'aina residents of the area, I came to understand the cultural and environmental significance of this important wahi pana.

I write in strong support of Items C-5, C-6, and K1, the DOFAW and OCCL enforcement actions for the death and destruction of native Laysan Albatross and Yellow-Faced Bees and their coastal habitat at Marconi.

As the DOFAW and OCCL submittals explain in detail, the death of Ho'okipa and 300 Yellow-Faced Bees, 106 trees, and two acres of habitat is a tragic loss of our native species.

The alleged actions of the developers/owners and their agents indicates intentional, reckless, and careless actions that violate our state laws that protect these species and their habitat.

The alleged violations are very serious, numerous, and deserve the substantial fines and remedies as proposed by DOFAW and OCCL.

Mahalo for standing up for our native species and ecosystems and for supporting the proposed enforcement actions!

Thank you,

Barbara Pope

From: leahrampolla@everyactioncustom.com on behalf of [LEAH RAMPOLLA](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-5
Date: Thursday, April 25, 2024 2:17:40 PM

Dear Board of Land and Natural Resources,

I strongly support Items C-5, C-6, and K1, the Division of Forestry and Wildlife and Office of Conservation and Coastal Lands' enforcement actions for the death and destruction of native Laysan albatross and endangered yellow-faced bees and their coastal habitat at Marconi on the North Shore of O'ahu.

As the staff submittals explain in detail, Hawai'i has experienced tragic loss with the death of Ho'okipa — a female adult Laysan albatross who was part of the first breeding pair to nest at Turtle Bay Makai — as well as 300 endangered yellow-faced bees and 106 trees. We also lost 2 acres of vital habitat for these native species.

The alleged actions of the developers/owners and their agents indicate intentional recklessness and carelessness that violate state laws protecting these species and their habitat.

The alleged violations are very serious and deserve the substantial fines and remedies proposed by the agencies.

Mahalo for standing up for our native species and ecosystems and for supporting the proposed enforcement actions.

Sincerely,
LEAH RAMPOLLA
HI 96744-3016

Keep the North Shore Country

Meeting of the Board of Land and Natural Resources

April 26, 2024, 9:00 a.m.

DLNR Boardroom

SUPPORT FOR ENFORCEMENT ACTION on Agenda Items C.5, C.6 and K.1

Aloha Chair Chang and Members of the Board,

Keep the North Shore Country helped secure funding for North Shore Community Land Trust to perform conservation work at Kahuku Point, adjacent to the Marconi properties. These projects have restored native vegetation and improved habitat for the Hawaiian Yellow Faced Bee and Laysan Albatross.

We are terribly disappointed by the willful destruction of critical habitat for the endangered Hawaiian Yellow Faced Bees, the loss of hundreds of bees, the brutal death of a Laysan Albatross, and illegal construction of fences that are harmful to albatross.

We support strong action to help remedy these injustices and to serve as a meaningful deterrence against similar crimes in the future. We support the enforcement actions described in the staff submittals for agenda items C.5, C.6, and K.1.

Mahalo for standing up for our native species and ecosystems and for supporting the proposed enforcement actions!

From: biggystinker@everyactioncustom.com on behalf of [Michael Rueli](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-5
Date: Thursday, April 25, 2024 2:20:18 PM

Dear Board of Land and Natural Resources,

I strongly support Items C-5, C-6, and K1, the Division of Forestry and Wildlife and Office of Conservation and Coastal Lands' enforcement actions for the death and destruction of native Laysan albatross and endangered yellow-faced bees and their coastal habitat at Marconi on the North Shore of O'ahu.

As the staff submittals explain in detail, Hawai'i has experienced tragic loss with the death of Ho'okipa — a female adult Laysan albatross who was part of the first breeding pair to nest at Turtle Bay Makai — as well as 300 endangered yellow-faced bees and 106 trees. We also lost 2 acres of vital habitat for these native species.

The alleged actions of the developers/owners and their agents indicate intentional recklessness and carelessness that violate state laws protecting these species and their habitat.

The alleged violations are very serious and deserve the substantial fines and remedies proposed by the agencies.

Mahalo for standing up for our native species and ecosystems and for supporting the proposed enforcement actions.

Sincerely,
Michael Rueli
HI 96816-2109

From: [arleen Velasco](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support of fines Regarding C-5, C-6 and K-1
Date: Thursday, April 25, 2024 2:49:36 PM

Dear BLNR,

It is absolutely atrocious the female albatross was killed by a rock to the head. I take the walk to visit the birds and thought it was sad enough that only 4 chicks hatched in that area this year, but the intentional killing is inexcusable. I also have pictures of the destruction of the dunes and vegetation and was devastated at the sight when I saw it. How could anyone ruin such a beautiful area especially knowing that two endangered species made it their home. Unreal.

Please fine them as much as you can. That female albatross had a mate that is now alone and her loss cannot be replaced nor can the bees be replaced. They should also be placed in jail.

Sincerely,

Arleen Velasco
(808) 352-1616

From: [Larry McElheny](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Thursday, April 25, 2024 3:36:03 PM

Aloha Chair Chang and Members of the Board

I strongly support the strictest enforcement of environmental regulations at the Marconi area.

Mahalo,

Larry McElheny
59-272 Pupukea Road
Haleiwa, 96712
(808) 237-9354

From: [Nani Parker](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-5
Date: Thursday, April 25, 2024 10:34:56 AM

Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-5

(Please remove my address and email address from any copies of testimony that could be archived digitally and via “paper.” Thank you.)

04.24.2023

(Please remove my address and email address from any copies of testimony that could be archived digitally and via “paper.” Thank you.)

Dear Everybody,

Enforcement of the proposed fines, and the requested remedial actions , are needed after the knowing “taking” of an entire critical population of one species of bees; nalo meli maoli (*Hylaeus anthracinus*), and of the knowing likely “taking” of another second species of nalo mele maoli (*Hylaeus longiceps*).

We see that the landowners and/or their agents, via their previous communications with USFWS and NSCLT, knew that their actions would cause this biodiversity destruction.

It’s also important to note that the requested remedial action may be of long-term benefit to the landowners. Because until remedied, the removal of vegetation may increase (not decrease as landowner’s agent alleged), potential for wildfire.

Land owners alleged concern about wildfire exhibits misinformation. As soon as the vegetation was removed, the “disturbed” area was made vulnerable to rapid growth and spread of non-native introduced species, including but not limited to flammable invasive species, including but not limited to grasses like *Myrica faya*; of which we were reminded, immediately after the tragic Lahaina wildfire in August. So the requested remedial action is appropriate and in the longer term, may be beneficial(!) to, the developers/landowners.

It is important to note that the removed native species vegetation, established in its natural environment, likely contributed to “anchoring” of the substrate, contributing to prevention of shoreline/beach erosion.

Even if landowners and their agents have no personal interest in native flora and fauna, (not even in charismatic individual members of endangered species), they would surely not want to accelerate shoreline/beach erosion, or increase wildfire susceptibility to/on the very land which they acquired.

Therefore both the proposed enforcement and remediation actions are appropriate (and may actually benefit all of the concerned parties).

Please support the proposed enforcement and remediation actions.

Thank you very much.

Most respectfully,

Nani Parker

From: [Nani Parker](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-6
Date: Thursday, April 25, 2024 9:21:20 AM

Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-6

04.25.2024

(Please remove my address and email address from any copies of testimony that could be archived digitally and via “paper.” Thank you.)

Dear Board of Land and Natural Resources,

This email is from Nani Parker; I’m a person who lives here on Oahu.

Even though you are very busy, please let’s be aware that over on page 25, and over on page 27 of either <<https://files.hawaii.gov/dlnr/meeting/submittals/240426/C-5.pdf>> (125 pp), and/OR <<https://dlnr.hawaii.gov/wp-content/uploads/2024/04/C-6.pdf>> (32 pp). Looking at only about three of the electronic pages in just one of these documents, we see a friendly letter to the landowner telling her about the privilege of having multiple native endangered species on her property.

And, knowing the resource people who wanted to assist with information, the landowner did have NSCLT staff physically clean up unwanted damaged plastic material that had blown away from an unused structure on her property onto the neighboring resort. And she also had other entities pay for and arrange modification of a fence.

Unfortunately, even with friendly resources to help, the landowner “knowingly” continued to allow harm to the albatrosses on her property.

Perhaps large land owners consider fines merely an inconvenience for doing whatever they want with their land, but at least enforcement actions such as this one help us find out what is happening in our environment. And hopefully some landowners will want to avoid harming the unique ecosystems, including individual living beings, on the sub-tropical lands that they desired and acquired.

Please support this enforcement action.

Thank you very much.

Most respectfully,

Nani Parker

From: [Larry McElheny](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Thursday, April 25, 2024 3:40:42 PM

Aloha Chair Chang and Members of the Board

I strongly support the strictest enforcement of environmental regulations at the Marconi area.

Mahalo,

Larry McElheny
59-272 Pupukea Road
Haleiwa, 96712
(808) 237-9354