

From: [Lauren Ballesteros](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 10:58:29 AM

Aloha Chair Chang and Members of the Board,

My name is Lauren and I am a resident of Honolulu and a member of the Sierra Club of Hawai'i with a deep affection for the native species of our islands.

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!

-Lauren Ballesteros-Watanabe

From: [Steven Businger](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 3:25:32 PM

Aloha Chair Chang and Members of the Board,

My name is Dr. Steven Businger. I am a professor in the Atmospheric Sciences Department at UHM. I have been studying the flight of marine birds in Hawaii with reference to the habitats that can support these majestic birds. The habitats along the north coast of Oahu are unique in the world and deserve active protection.

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!

Aloha and best regards, Steven

Steven Businger
4837 Sierra Dr.
Honolulu, HI 96816
808-429-7251 cell
businger@hawaii.edu

From: [Robin P. Chapin](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda OCCL Item K-1
Date: Wednesday, April 24, 2024 11:41:44 AM

Aloha Chair Chang and Members of the Board,

My name is Robin Chapin. I work in the field of Environmental Education in Hawai'i nei. We teach our students about the native Laysan Albatross, Yellow-Faced Bees, and both of their habitats, as part of our Next Generation Science Standards (NGSS) curricula.

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!

Kind regards,

Robin Chapin

From: [David Durazzo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] testimony for April 26 meeting Board of Land and Natural Resources
Date: Wednesday, April 24, 2024 7:05:03 AM

Hello BLNR,

I am saddened and deeply upset by recent news articles and my own observations regarding activities at the Marconi properties. Specifically, the treatment of species and historical sites protected by state and federal law. I have seen fences erected and buildings constructed within yards of where I'd seen Laysan albatross nests the season before. I am sure you will have testimony on additional specifics.

I urge BNLR to uphold the rule of law through enforcement actions and to expand protection for Hawaii's endemic species through all means within your authority. Thank you.

-David Durazzo
68-276 Crozier Loop
Waialua, HI 96791
808-477-9779

From: [Greg Young](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda OCCL Item K-1
Date: Wednesday, April 24, 2024 12:26:13 PM

Aloha Chair Chang and Members of the Board,

My name is Greg Young. I am a resident of Honolulu who volunteers with Surfrider and Liveable Hawaii Kai. I am involved in education and activism in conservation of protected species and habitats.

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 shoreline has been damaged beyond recognition and must be remediated to bring back native bees, provide a conducive and safe environment to Albatross nesting and chick rearing, provide habitat for seals to haul out (as many prefer native planted areas for overnighting), and protect that natural beach.

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!

Greg Young

From: [Ruth Holmberg](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR April 26, 2024, Agenda DOFAW, Item C-6
Date: Wednesday, April 24, 2024 3:32:09 PM

Aloha Chair Chang and Members of the Board,

My name is Ruth Holmberg. I have lived on the North Shore of Oahu for 53 years. I serve on two North Shore non-profit boards that have environmental awareness and actions as central to their missions. (North Shore Outdoor Circle and Kokua Hawaii Foundation). Both boards seek to educate young people and adults about how they can protect the environment. As a former administrator at Kahuku High and Intermediate School and at Sunset Beach Elementary School, I want the best for young people in our area. I am worried as to what will remain for them and also for the example we are setting if we do not protect and defend the natural areas and species that we are fortunate to host on the North Shore.

The first place I lived in Hawaii was Kawela Bay. Being there in the early 70s and 80s, I spent many days exploring areas around Kahuku Point and the Marconi property. I am very familiar with what it looked like before any development occurred in the area. There were beautiful dunes with plentiful vegetation growing on the berm above. It was pristine and healthy. Very few people passed that way except for fishermen. The people living on the Marconi property at that time were respectful of the historic sites and the surrounding environment. Now the property has been fenced off, and the beach side vegetation has been destroyed taking away the natural bee habitat.

I still spend time walking the trails and enjoying the area on the Turtle Bay side. Some things have gotten better—improved access with trails, the elimination of invasive plants and trees (headed by the North Shore Community Land Trust), and the protections that are in place for the native Laysan Albatross. Residents are able to enjoy walking in this area now, and many look forward every year to the return of the albatross. We welcome the mating pairs and hope for eggs to hatch. This year was different. The fence at the Marconi property placed an unnatural barrier dividing the albatross colony nesting grounds and the loss of Ho'okipa was devastating.

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.

I am not anti-development but I strongly believe that native species and coastal habitat must be protected. The Marconi beach area used to be untouched and beautiful. It looks very different now. When development and the mandate to protect native species and environments collide, all measures should be taken to defend and give voice to the defenseless. When native species “win” and their environment is protected, we all win. Future generations will be the big winners.

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.

Education, education, education. It is my understanding that developers and owners were aware of the laws. Perhaps they did not educate their contracted workers but it is their responsibility to do so.

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

I am grateful for the actions taken by DOFAW and OCCL. I fully support their proposal for mitigation and monetary fines. There are some who choose to ignore laws and regulations. They should be held accountable.

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

*Sincerely,
Ruth Holmberg
Waialua, Hawaii 96791*

BLNR 26Apr24 Agenda testimonies

Items C-5, C-6, & K-1

Testimony of Charley Ice, retired Hydrologist at the Commission on Water Resource Management (25 years) and previously Planner at the Department of Hawaiian Home Lands (10 years). These responsibilities required me to study Hawaiian water rights, to learn and defend the public trust in Hawaii as “Land is the sovereign, and Man is its servant”. Our role as staff was problem-solving in pursuit of the public trust, running counter to the colonial attitude of “land improvement” for landowner benefit without regard to the natural landscape and its provisioning of life’s basic needs.

It happens that I have walked this fruitful coastline as recently as this past Sunday, April 21, observing a landscape teeming with life, including nesting albatros, monk seals with pups, a large pod of breaching whales, and a lovely variety of native plant species. I have also seen the astoundingly wide devastation wrought by landowners, including the obliteration of plants, extensive fencing, massive warehousing, and the historic sites. No agriculture, but a nice bench in the shade at the beach.

Indigenous to the high sierra of California, I view the world through ecological eyes, attentive to the myriad links between all forms of life. Very well schooled in California in the basics of botany, zoology, ecology, psychology, epigenetics, and sociology-political science and economics, I bring an evolutionary perspective to the law and to public governance. It is encouraging to see that the damage wrought is already being slowly pushed back by Nature, and with proper governance, Nature could be restored, and with it, its free underwriting of public health and safety.

It is unfortunate that we are suffering the consequences of aristocratic English colonial land use prerogatives imposed on fragile island ecologies. We had been protected by millennia of public trust considerations that enhance rather than debilitate the landscape. We are trying to work our way out of that hole as we begin to catch up with indigenous wisdom that is our true evolutionary birthright as human beings.

How is it that precious, vulnerable, and critical habitat gets zoned “resort residential”? That fragile coastal habitat is zoned “agricultural”? It doesn’t make sense. Our forebears in Hawaii arrived with nothing but millennia of derived wisdom about Nature, and came to enhance the landscape into a “paradise” we have done nothing but lose over the ensuing centuries.

Our hats are off to the brave public servants who have undertaken to respond to the atrocities of poor land management. Our thanks also to the citizens whose adherence to better standards has paved the way for accountability to survival.

The issues in this case once again raise the spectacle of citizens stepping into the breach when public trust imperatives are inadequately managed under colonial land use law. Specifically, our modern understanding of the public trust, as recognized under law by the Supreme Court, requires that higher scrutiny be placed upon commercial or development proposals on public trust lands, particularly those properly designated Conservation Lands. Such lands are so designated with multiple public health and safety considerations, including the preservation of habitat, native species, and land forms that protect public health and safety.

Why would we expect a landowner with inappropriate zoning to protect the land's public trust values? Why are homeowners along the beach allowed to damage the public trust rights of the public while demanding a public bailout for damages they have invited through ignorance of natural processes? Have privileged landowners not benefited tremendously for the opportunities virtually every other citizen would relish, were they not in tune with the landscape?

The issues now before the Board suggest that the purposes of placing lands in the Conservation District were not included in decisions to approve private ownership. These may have occurred in the past, but do not exempt official government agencies from providing context upon designation or subsequent modifications, based upon best management practices, designations of endangered species or critical habitat, or changes in scientific understanding of ecology, climate change, and associated environmental risks to the public trust. And they certainly do not privilege those ignorant landowners who merely seek personal advantage.

These responsibilities of official government agencies do not excuse land owners and managers from the overriding imperatives of aloha 'āina, the life of the land which supports public health and safety on inherently fragile island habitats. Too many foreign owners do not understand the unique relationship of land ownership to the public trust in Hawaii – it is a reduced bundle of rights. Should this be spelled out in every land assignment? State law, traditional and customary practices, and evolving knowledge and awareness require land managers to prevent the sort of gross mismanagement described in the submittals. Clearly, the public trust, rooted in sound ecological respect and knowledge of traditional and customary practices, suffers from poor understanding and susceptibility to the politics of capital.

I support the submittals and request your approval of their recommendations.

From: [Nanea Lo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 8:35:14 AM

Hello Chair Chang and Members of the Board,

My name is Nanea Lo. I am on the O‘ahu Island Burial Council as the Kona Representative. Our environment and all animals in it are important in keeping our world as we know it balanced.

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.

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

--

Nanea Lo (*she/they/o ia*) | Micro-influencer

Admin & Program Coordinator | [HAPA](#)

Hawai‘i Alliance for Progressive Action 5013-c

Executive Commission | [Sierra Club of Hawai‘i](#)

Board Member | [Hawai‘i Worker's Center](#)

Granter | [Hawai‘i People's Fund](#)

Kona Representative | [O‘ahu Burial Council](#)

Commissioner | [O‘ahu Historic Preservation Commission](#)

(808)444-1229

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"Some people say that Hawai‘i will be a better place when Hawaiians no longer stand in the way of progress. But even these people must know that at this point, this will no longer be Hawai‘i." - Jonathan Kay Kamakawiwo‘ole Osorio. The Value of Hawai‘i

From: [Pat M](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda OCCL Item K-1
Date: Wednesday, April 24, 2024 1:42:47 PM

Aloha Chair Chang and Members of the Board,

My name is Pat Matsueda, and I am a concerned citizen and voter.

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.

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

These violations are very serious and deserve the substantial fines and remedies proposed by DOFAW and OCCL.

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

Sincerely,
Pat Matsueda

From: [Respiratory and Environmental Disabilities Assoc of HI](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Wednesday, April 24, 2024 2:40:33 PM

I write in strong support of Items C-6 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!

B. A. McClintock

From: [Elizabeth McDermott](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: OCCL Item K-1
Date: Tuesday, April 23, 2024 11:22:50 PM

Laoha Chair Chang and Members of the Board,

My name is Beth McDermott. I have lived on Oahu since 1969, and worked in conservation here for many of the past 20 years.

I remember when areas like Kahuku and Kaena point were overrun with off road vehicles, with only pockets of native habitat and species hanging on. So it has been heartening to see the populations of Laysan albatross and other species rebound at both the NAR at Kaena point, and the recently established habitat near Marconi Point. With sea levels continuing to rise, sites like those near Marconi will become more and more essential to the survival of our Laysan albatross, and yellow-faced bees.

Many in our community have contributed to this restoration, volunteering countless hours to help bring back the areas native coastal habitat.

However one landowner and their agent instead took dramatic steps to destroy this important coastal habitat, and in an act of unbelievable cruelty bludgeoned our first nesting albatross there to death.

*So I write today in **strong support** of Items C-5, C-6, and K1, the DOFAW and OCCL enforcement actions for the death of Ho`okipa, 300 of Hawaii's Yellow-Faced Bees, 106 trees, and two acres of their coastal habitat at Marconi.*

The alleged actions were deliberate and reckless, and deserve the substantial fines proposed by DOFAW and OCCL. The perpetrators violated our state laws that protect these species and their habitat and the proposed remedial actions are also appropriate and essential including; removal of the massive iron fence on “Unit 1,” restoration of the habitat, a conservation easement to protect the habitat in the future, and permanent protective signage.

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

Beth McDermott

From: [Matthew Medeiros](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 1:36:33 PM

Aloha Chair Chang and Members of the Board,

My name is Matthew J Medeiros. I am a biologist at University of Hawai'i Manoa and I am an expert on several groups of native Hawaiian insects.

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!

Sincerely,
Matt

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Matthew J. Medeiros, Ph.D.
Pacific Biosciences Research Center, UH Mānoa, Honolulu, HI 96822 (postdoctoral scholar)
School of Life Sciences, UNLV, Las Vegas, NV 89154 (research associate)
<http://mattjmedeiros.com>
<https://www.yewlab.com>
<http://donpricelab.wordpress.com/people/>

From: [Hob Osterlund](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support Testimony for BLNR April 26, 2024 Agenda OCCL Item K-1
Date: Wednesday, April 24, 2024 3:01:12 PM
Attachments: [Moli 3.png](#)

I am the founder of the Kaua'i Albatross Network and I write in the strongest possible 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.

These precious native critters have precious few options of where to thrive, and significant fines may help restore the destroyed habitat as well as prevent others from such grievous actions.

The heinous 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 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.

I beg you to stand up for our native species and ecosystems and to support the proposed enforcement actions.

Hob Osterlund, APRN

[Conservationist In Residence, Safina Center](#)

[Founder and Bird Guide, Kaua'i Albatross Network](#)

[Author, Holy Mōlī: Albatross and Other Ancestors \(multiple printings\)](#)

[Producer, Telly Award-winning "Kalama's Journey"](#)

[Photographer, Audubon Top Female Birds, 2023](#)

[Recipient, Koa Conservation Leadership Award, Conservation Council for Hawai'i, 2022](#)



From: [Suzanne Pluskat](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-6
Date: Tuesday, April 23, 2024 7:28:12 PM

Aloha Chair Chang and Members of the Board,

My name is Suzanne Pluskat. I am a veterinarian at Feather and Fur Animal Hospital. I was the veterinarian on duty when Ho'okipa came into the hospital. We had Hawaii Wildlife Center on site when Ho'okipa came in . But unfortunately she came in dead.

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!

Suzanne Pluskat, DVM

--

If you have any questions or concerns please do not hesitate to contact me.

Sincerely,
Suzanne Pluskat, DVM

From: [Liat Portner](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda OCCL Item K-1
Date: Wednesday, April 24, 2024 12:23:17 PM

Aloha Chair Chang and Members of the Board,

My name is Liat Portner. I am a kama'āina, a kīa'i 'āina, an aunty to children growing up in Hawai'i. Through mālama 'āina work, and constant ocean play--surfing, paddling, swimming, etc., I am constantly learning from the environment. I work at UH on an extension program created to support Ecosystem management in Hawai'i.

Driven by a passion for the ecosystems that make Hawai'i the unique place, I have had the privilege of working in a number of coastal ecosystems in Papahānaumokuākea; Hōlanikū with DLNRs habitat restoration program at the Kure Atoll Wildlife Refuge; a land-based marine debris mission with NOAA exposed me to the breadth of seabird breeding habitat across the monument; and with FWS as a *Cenchrus* hunter, working to eradicate the common sandbur from Nihoa.

This exposure to intact coastal ecosystems has highlighted for me just how precious the remaining coastal habitat that we have in Hawai'i-and on O'ahu truly are. The extant coastal habitat that we still have is invaluable-- not only for the flora and fauna that call them home but also as places for Hawai'i's kama'āina to connect with coastal species and learn about coastal processes. It is through exposure to these places, whether through leisure exploration, school trips, or volunteer workdays, that the success of future conservation, preservation, and restoration of these vulnerable ecosystems lies.

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!

Liat Portner

--

Ecosystems Extension Project Specialist
Dept. of Natural Resources and Environmental Management
University of Hawai'i at Mānoa

From: nimboy44@aol.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] April 26 Agenda DOFAW item C-6
Date: Wednesday, April 24, 2024 3:18:10 PM

Aloha Chair Chang and Members of the Board,

My name is William Quinlan and I am a resident of the North Shore not far from Marconi.

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!

William Quinlan

From: [Jim Waddington](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 1:47:07 PM

Aloha Chair Chang and Members of the Board,

My name is James Waddington. I am a retired professor from Hawaii Pacific University and a 43 year resident of Hawaii. I have spent decades in the field volunteering to restore Hawaii's native ecosystems.

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!

James Waddington

From: [gwen.young](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda OCCL Item K-1
Date: Wednesday, April 24, 2024 11:29:43 AM

Aloha Chair Chang and Members of the Board,

My name is Gwen Young and I am a resident of Honolulu who is a volunteer for Hawaii Marine Animal Response, Surfrider Foundation, NOAA, Liveable Hawaii Kai. I am involved in education and activism in conservation of protected species and habitats. I specifically work with Laysan Albatrosses, Wedge Tailed Shearwaters, Hawaiian Monk Seals, and Green Sea Turtles in the Marconi area. I also work with whales, dolphins, sea and land birds and habitat conservation and regeneration.

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 iron fence is a particular endangerment for nesting Laysan Albatrosses as well as migratory Laysan and Black Footed Albatrosses who frequent the area during mating and chick season.

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 shoreline has been damaged beyond recognition and must be remediated to bring back native bees, provide environment conducive and safe to Albatross nesting and chick rearing, provide habitat for seals to haul out (as many prefer native planted areas for overnighting), and protect that natural beach.

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! It is all of our kuleana to protect the 'aina.

Mahalo nui, Gwen Young

From: [lucienne denaie](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 3:34:24 PM

Aloha Chair Chang and Members of the Board,

As a long time environmental educator here on the island of Maui, I have had the privilege to visit a number of the unique ecosystems on other islands, including the Marconi point area. The situation that has occurred there at the Marconi Point Condominiums that has resulted in the mass destruction of habitat for the endangered native Yellow-Faced Bees, must result in serious consequences and significant penalty fines.

I appreciate the efforts of DOFAW and OCCL enforcement to investigate and prosecute this heartbreaking destruction of a well-used habitat area. The loss of any functioning native species habitat on the island of O'ahu is tragic- given the small relatively amount of coastal habitat that still remains.

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 and deserve the substantial fines and remedies as proposed by DOFAW and OCCL.

Please stand strong and issue the maximum administrative fine authorized under section 195D-9, HRS, and section 13-124-8, HAR, as recommended by DOFAW in the staff report.

Mahalo for your consideration

Lucienne de Naie
PO Box 610
Ha'iku, HI 96708
(island of Maui)

From: [Leah Kocher](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 10:41:31 AM

Aloha Chair Chang and Members of the Board,

My name is Leah Kocher. I am a resident of Honolulu, HI. I previously lived in Honolulu from 2002-2012 and then moved back in June 2023. I consider Honolulu to be home and want to continue to protect these islands and all of the life and ecosystems they contain.

I write in strong support of Item C-5, the DOFAW enforcement action for the killing of two species of endangered yellow-faced bees (Nalo meli maoli). As explained in detail by the DOFAW submittals, the loss of 300 yellow-faced bees is a tragic loss of our native species. All species are important and should face the same protections and consideration.

The blatant disregard of the developers/owners to follow Hawai'i law showcases their reckless and careless actions. These developers have failed to protect these species and their habitat. Claiming to be unaware is no excuse for the destruction of the habitat of these bees in the eyes of the law. It is the onus of the developer to ensure proper permits and environmental needs are met prior to moving forward with any development plan. This is not an action that can be undone as it is unlikely that these bees would re-establish their habitat even in the re-planting of the removed bushes.

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

Thank you for helping to strengthen our voice and uphold the laws to protect our native species and ecosystems. Please continue to assist by supporting the proposed enforcement actions.

Sincerely,

Leah Kocher
lk@conservehi.org
(808)783-4460



Department of Land and Natural Resources
1151 Punchbowl St #325
Honolulu, HI 96813
Attn: Board Chair and Board Members

RE: **Support of Item C5**

Dear Chair Chang and Members of the Board,

Aloha mai! My name is Jonnetta “Jonee” Peters, the Executive Director for the Conservation Council for Hawai‘i (CCH), which is also the Hawai‘i affiliate of the National Wildlife Federation. The mission of CCH is the protect and save the native species and ecosystems for the future generation. We are appalled at what has taken place at Marconi with the destruction of the endangered and protected yellow-face bee and their habitat.

We write in strong support of Items C-5 and the DOFAW enforcement actions for the clearing of the naupaka and heliotrope trees that housed the 2 species of yellow-face bees. This is a great loss!

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

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

Jonnetta “Jonee” Peters
Executive Director

Telephone/Fax: 224.338-6511 | email: info@conservehi.org
web: www.conservehawaii.org | P.O. Box 2923, Honolulu, HI 96802
President: Colleen Heyer | **Vice President:** Sunshine Woodford | **Secretary:** Makaala Kaaumoana
Treasurer: Mashuri Waite Ph,D | **Directors:** Dendra Joy Best, Puanani Anderson-Fung,
Bret Nainoa Mossman, Michael Nakachi,
Executive Director: Jonnetta “Jonee” Peters
Operations and Events Manager: Leah Kocher
National Wildlife Federation Region 12 Director: Rachel Sprague
National Wildlife Federation Pacific Region Associate Director: Emily Martin

Kō Hawai‘i leo no nā holoholona lōhiu – Hawai‘i’s voice for wildlife | State Affiliate of the National Wildlife Federation

From: [Doug Perrine](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Wednesday, April 24, 2024 1:19:27 PM

Aloha Chair Chang and Members of the Board,

As a resident of Hawaii (Moku Nui) I am appalled by the deliberate killing of a nesting moli. As this cruel and deliberate destruction of a female represents not just the loss of one albatross, but the loss of up to fifty chicks she might be expected to produce during her lifetime, I feel that the proposed fine of \$15,000 is much too low, and should be raised substantially to give notice of the importance that the State and its citizens place upon this near-threatened species, which is the kuleana of Hawaii, as the breeding ground for the majority of the world population. A mere slap on the wrist is not a credible deterrent others who may be tempted to attack our defenseless wildlife. Please make a bold statement sufficient to at least get the attention of the wealthy owners who bear responsibility for this act, such as the \$1.5million fine proposed in item C-5 (and well justified), for damage to our yellow-faced bee habitat. Additionally I urge you not to rest until criminal charges have been filed against the individual who actually ended the life of Ho'okipa.

Mahalo,
Douglas Perrine

Doug Perrine, photojournalist
76-223 Haoa St.
Kailua-Kona HI 96740 U.S.A.
+1 (808) 329-4523



Department of Land and Natural Resources
1151 Punchbowl St #325
Honolulu, HI 96813
Attn: Board Chair and Board Members

RE: **Support of Item C6**

Dear Chair Chang and Members of the Board,

Aloha mai! My name is Jonnetta “Jonee” Peters, the Executive Director for the Conservation Council for Hawai‘i (CCH), which is also the Hawai‘i affiliate of the National Wildlife Federation. The mission of CCH is the protect and save the native species and ecosystems for the future generation. We are appalled at what has taken place at Marconi with the intentional killing of Ho‘okipa, the Laysan Albatross.

We write in strong support of Items C-6 and the DOFAW enforcement actions for the death of Ho‘okipa, a Laysan Albatross and for unhatched egg, both protected under the Migratory Bird Treaty Act. This is a tragic loss!

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

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

Jonnetta “Jonee” Peters
Executive Director

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