

From: [wingedmiti1249](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-6
Date: Wednesday, April 24, 2024 9:46:03 PM

Aloha Chair Chang and Members of the Board,

My name is Angelina Gutierrez, a resident of Kilauea Kauai.

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.

Though I have never been to the Marconi property on the North shore of Oahu, I'm deeply disturbed by the shocking manner of the very much preventable killing of a Moli mother, that deserved the best from us. A complete disregard for others, for laws in place to protect our precious wildlife, by persons with responsibility, has played out far too many times. As a widow, I suffer the loss of the love my life, everyday he's not by my side. Hookipa's mates current reality. As a mother, I appreciate not only the tireless effort involved in raising a child, but the unbreakable bond of love between mother and child, that would move a mother to die fighting for the life of her child. Hookipa's final act, was one of sacrifice as a faithful mate, as a mother to her child. God given qualities. But this hits even closer to home for me. You see, I'm blessed to have these docile, gentle creatures call my community their home every nesting season. On my morning walks I truly enjoy watching their enchanting displays of love through courtship and child rearing. But on February 23rd, I experienced a horror that to this day, 2 months to the day, I cannot close my eyes without reliving. On my walk that morning I came upon a commotion, someone I had considered a friend and well known in the community, and like your Marconi property owner that had been warned about the dangers of their careless activities, in this case about walking his dog unleashed, despite signage forbidding it, his dog had run into private property where there was a defenseless lone Moli chick, it's parents out to sea getting food, killing it. Running right past me with the chick in it's mouth. I left there angry and in tears. I've dealt with feelings of guilt, blaming myself for not doing that instead of this in scenarios that have different outcomes in my head than the reality that played out before me that day. I faced the difficult decision of reporting what I saw, as the only witness, on someone so well known in the community. I took a break from my walks for a bit, but when I resumed it didn't get better as I now saw and heard the mournful calls of a parent looking for their child. And in the days that followed, to see the same dog walker, still no leash on his dog, what a slap on the face.

But there is a glimmer of hope in this account, after seeing this dog walker several times, still with no leash, and in a confrontation that risked becoming an argument, I stood my ground and firmly but respectfully told him that until he leashed his dog, and followed the same rules the rest of us are trying to follow, I would not have a friendship with him. To my surprise he said, "fine! There you happy?!" As he put a leash on. And has leashed his dog each time I've seen him since. Is this the justice this chick and it's family deserve? No. Has this undone what happened that day? Absolutely not. But it has helped me to see this positive change.

Please act on these articles you're considering today, it's your responsibility now to effect change. Hookipa and her family still deserve our best.

Mahalo
Angelina Gutierrez

Sunset Beach Community Association
P.O. Box 471
Haleiwa HI 96712

January 22, 2024

Dawn N. S. Chang, Chairperson Department of Land and Natural Resources
dlnr@hawaii.gov

Division of Forestry and Wildlife Administrator David Smith
david.g.smith@hawaii.gov

Office of Conservation and Coastal Lands, Administrator Michael Cain
michael.cain@hawaii.gov

Division of Forestry and Wildlife O'ahu District Manager Marigold Zoll
dlnrdofaw.oahubranh@hawaii.gov

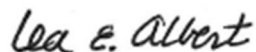
Dear Ms. Chang, Mr. Smith, Mr. Cain, and Ms. Zoll,

The recent preventable death of a Laysan albatross on a property (TMK 5-6-003:053:0001) on Oahu's Kahuku coastline is of great concern to our community. This interest extends to protecting current essential and future recovery habitat for endangered Hawaiian yellow-faced bees, Laysan albatross, threatened green sea turtles, and endangered Hawaiian monk seals.

The Sunset Beach Community Association asks that DLNR (1) impose maximum penalties for the violation leading to the death of the albatross, (2) prohibit all further work on TMK 5-6-003:053:0000 that would affect the essential habitat for these species, (3) require the owners to completely restore all degraded habitat for these species within two months in coordination with DLNR and USFWS/NOAA, (4) remove the unpermitted structures, especially the iron fence on TMK 5-6-003:053:0001 and (5) install appropriate symbolic fencing and educational "Keep your distance" guidance signs for all landowners/tenants and the public using the beach to prevent future degradation of these habitats.

Much progress has been made in bringing back these threatened and endangered species to this somewhat remote coastline, and we appeal to the DLNR to exercise its enforcement authority.

Sincerely,



Lea Albert
Corresponding Secretary
Sunset Beach Community Association

Cc:

Councilmember Matt Weyer
Senator Brenton Awa
Representative Sean Quinlan
Angela Huntemer, Koolau-Waialua Association

Aloha Chair Chang and Members of the Board,

I write in strong support of the submittals of DOFAW and OCCL regarding Items C-5, C-6, and K-1 regarding the massive and unforgivable alleged violations of our wildlife and coastal protection laws on the Marconi properties.

1. I **commend** the staff and leadership of DOFAW, OCCL, DOCARE, and the AG for their excellent investigative work, clear presentation of the extensive factual documentation, and scientific and legal analysis for each of these enforcement actions. The **submittals are extraordinary**, befitting the tragic and egregious nature of the numerous violations on the Marconi properties.

2. I **strongly support** the imposition of the **maximum penalties** as recommended by DOFAW and OCCL. If there ever was a case for maximum penalties for wildlife, habitat, and coastal zone damage, this is it – **The Worst Case!** The submittals document a terrifying story of a pattern of abusive and senseless practices (despite *multiple* warning and education efforts by agencies and others) in a very sensitive and - if it were undisturbed – an amazingly biodiverse coastal area.

Imagine: Thriving Laysan Albatross, Black-Footed Albatross, Yellow-Faced Bees, Monk Seals, Turtles, and other migratory birds – so close to the USFWS Campbell NWR and the Turtle Bay restoration area managed by North Shore Community Land Trust. This area *could be a dream story for restoring the abundance of Hawai'i's native species and habitat*, but has become a *nightmare* and could get worse if not stopped now by strong enforcement by DLNR and other agencies.

3. I **strongly support** the recommended **remedial measures** – including the removal of the entire Unit 1 fence, the removal of the Western Boundary Fence, the restoration of destroyed habitat, mulch removal, the shoreline certification, the conservation easement, annual report to the Board, and signage. In addition, **all encroachments** in the shoreline (pipes, benches, debris) must also be removed after the certification. Unfortunately, the harm to Ho'okipa and her progeny, and the lost Yellow-Face Bee population is truly irreparable so these measures are still not enough.

4. I recommend that the Board **add two additional conditions** to each of the orders today: **public notification** of the progress on fines and remedial measures. One of the key reasons why the violations at this site have gone on for so long and are so extensive is that the site is locked up, guarded, and isolated. The alleged violations in the submittals and others that are still under investigation have come to light and been reported to DLNR and other agencies largely through the observation from the community, volunteers, and agencies who use this public shoreline and mālama the Marconi wildlife.

It is imperative that the public and community be informed as the fines are imposed – and paid – or contested -- and remedial actions are implemented or not. Clear and timely public notification will aid DLNR and the other agencies going forward, have a substantial preventative effect, strengthen community monitoring, and help protect the wildlife and coastal resources for perpetuity.

Please insert **two new public notice conditions** in each Board order as follows:

(1) Each of the [respondent parties] shall provide accurate **monthly written reports**:

- (i) on all fines contested, pending, due, and/or paid,
- (ii) detailed information on the progress of all remedial measures to be implemented including maps, timelines, and names of consultants/contractors retained for services,
- (iii) notice shall be provided to the community through emailing the reports on the first day of each month starting on June 1, 2024 until DLNR determines all fines are paid and all remedial measures are completed;
- (iv) the reports shall be emailed to the following: Kahuku Community Association, Sunset Beach Community Association, Ko'olauloa Neighborhood Board, North Shore Neighborhood Board, Turtle Bay Resort, James Campbell National Wildlife Refuge, the North Shore Community Land Trust, and the City and County of Honolulu Department of Planning and Permitting, with a CC to DOFAW and OCCL showing the above email deliveries; and
- (v) inaccurate, incomplete, false, or misleading information in any monthly report shall be considered a violation of the Board orders and subject to future enforcement action.

(2) The [respondent parties] shall post a minimum of **four “Public Notice of DLNR Enforcement Action” signs**, after approval by DOFAW and OCCL, on the Marconi shoreline with a QR code that links to all of monthly reports so that anyone using the shoreline can be quickly updated on the pending fines and remedial actions.

We greatly appreciate the care and commitment of DLNR in taking these strong enforcement actions. Mahalo!



Denise Antolini
Pūpūkea resident
Aloha Marconi Alliance, Steering Committee Member



From: sbbiz@yahoo.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] PLEASE SUPPORT Agenda OCCL Item K-1
Date: Wednesday, April 24, 2024 9:01:21 PM

Aloha Chair Chang and Members of the Board,

I write you as a plea for the aina and all within it to ask for your 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.

Please hear the call of Hawaii nei!

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

Susan Bambara
Kurtistown

From: [Erin Bishop](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Thursday, April 25, 2024 8:14:07 AM

Aloha Chair Chang and Members of the Board,

My name is Erin Bishop, a resident of Kaneohe, HI, and work in the conservation field on Oahu.

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!

Mahalo for the opportunity to testify on behalf of endangered species and the native flora and fauna of Hawaii.

Erin Bishop

From: [Marcia Braden](#)
To: [DLNR, BLNR, Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Thursday, April 25, 2024 7:25:48 AM

My name is Marcia McCrea Braden.

I am a resident of Kailua and Kahuku. I have watched with dismay as the area around the Marconi Radio Station has been developed into luxury "agricultural" lots with the resulting development destroying native plants, animals and 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!

Malama Pono,

Marcia McCrea Braden



From: [Judith Cucco's gmail](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 8:50:01 PM

My name is Judith Cucco. 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.

From: [Thomas Daubert](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Thursday, April 25, 2024 8:53:07 AM

Aloha Chair Chang and Members of the Board,

My name is Thomas Daubert. I am Executive Director of Friends of Kauai Wildlife Refuges, a nonprofit organization established to support our native Hawaiian wildlife.

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.

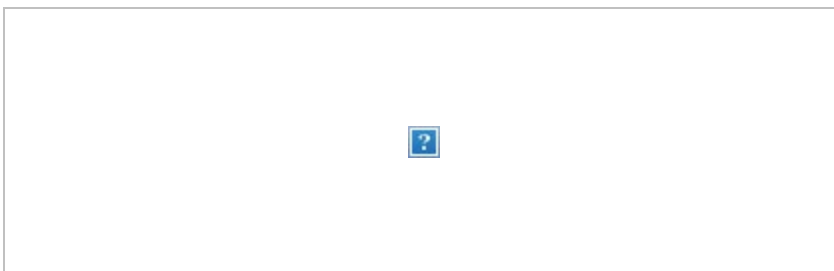
As the DOFAW and OCCL submittals explain in detail, the death of Ho'okipa and 300 Yellow-Faced Bees, 106 trees, and two acres of habitat is a tragic loss of our native species.

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!

With aloha,
Thomas Daubert



[DONATE](#) | Like us on [Facebook](#) | Follow us on [Instagram](#) & [YouTube](#)

From: [Sharon Esser](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 8:18:27 PM

Aloha Chair Chang and Members of the Board,

My name is Sharon Esser. I am a lifelong resident of Kailua and a wildlife supporter.

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 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!

Sharon Esser

Kailua homeowner

From: [Chris Etzkorn](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Wednesday, April 24, 2024 9:22:29 PM

Aloha Chair Chang and Members of the Board,

My name is Chris. I volunteer with Malama I Na Honu and also volunteer frequently at the Shearwater Preserve in Kahala. I do care a lot about wildlife in Hawaii and I see first hand how much sweat equity volunteers contribute daily to protect Hawaiian wildlife and with that the whole ecosystem of Hawaii, a place we all like to call paradise. It breaks my heart to learn, how recklessly a few individuals destroy habitats for wildlife and even kill a precious bird like Ho'okipa because it is a nuisance to their developing plans. Is that 'pono'? Is that 'malama aina'? Is that 'Hawaii'?

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!

Chris Etzkorn

From: [Henry Fong](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Benjamin Lessary
Date: Thursday, April 25, 2024 12:04:45 AM

Aloha my Name is Henry Fong, I was a former employee of sushil Garg and Lorene king who officially got Married with in the past year to Sushil and became Lorene king Garg (LKG) up until April 17th 2024 I was never an employee of Benjamin Lessary. We both work for the previous land owner (Jeremy Henderson) who sold the property to sushil and Lorene. I am sending this email in regards to Benjamin Lessary. Sushil Garg has Hired his lawyer Kalani to represent Benjamin Lessary , him self and yue sai Regarding violations at the Marconi point CPR in hopes of pointing fingers to whom ever it maybe sushi's did say to Ben on a ph conversation that Kimberly Mills hates Ben with a passion for what reason I don't know . Personal feelings towards some one in her professional line of work should be addressed with disciplinary action. Could be addressed in a separate case I will look in to it later . Sushil Garg has Been communicating with Kimberly Mills and in the copy of the email I was provided by Benjamin Lessary that has be seen provided as (Exhibit K Garg email)by the DLNR it says in the first paragraph we asked a contractor to clean up all the dead brush in the area . There was no contractor involved just Benjamin Lessary and 4 other employees that work for sushil And Lorene we even Had a Labor Day employee party in 2023. And at that time we were acknowledged with checks written by Lorene from her first Hawaiian bank account with cards saying job well done. My job with sushil and Lorene was to tend to the plants in the nursery and parts of the landscaping it seems to me in the email Exhibit (K)that they are trying to put the blame on the contractor for the violations. The Question is who are they refer to as the contractor. On that note I can remember on 3 separate visits on property we walk the beach front Sushil, Benjamin, Lorene and myself and the discussion of clearing all the Naupaka and vegetation from the beach fronting their lots so they could get the view of the ocean came up and being that I had did a previous land conservation internship at waimea valley with KUPU I had some awareness and expressed to sushil and Lorene that it is illegal to touch or do anything in the conservation district and the birds are protected and the habitat they live in . My example or saying I told them and everyone else If you was to go to court bird verse's human the bird will win . Ben also Agreed . Lorene's response it's her property and and basically implied she can do what ever she please Sushil's response it's ok just do it and he will deal with it later . This was all discussed months prior to the maui fire they didn't the remaining lots that were up for sale yet it was still in the discussion process . It was premeditated and so once they closed a few weeks later in October the clearing of the shoreline vegetation began . With what little knowledge I have on out conservation I did not take any part in the work because I knew it was wrong and stayed in the nursery for the duration of there operation give or take 7 days. Benjamin Lessary along with everyone else that has no conservation knowledge and didn't know any better was working to provide for there families was only a employee employed by sushil Garg and any work that was done on the property was paid for by sushil Garg labor equipment rental etc... and was not a miss understanding and intentional instructed by Lorene and sushil .with this being said Benjamin Lessary or any of sushil employees should not be held accountable. With this testimony the responsible people falls all on the property owners and should be held accountable for all citations and should be cited nothing less than the minimum fines that has already been issued and not put up for negotiation . Mahalo for taking the time to review my testimony . I and the other employees will be attending you hearing on Friday April 26, 2024 if you have any further questions please feel free to call me at 808 777-7672 . Also any Questions for Benjamin Lessary you can reach him at (808)725-0081

Mahalo nui loa

Sent from my iPhone

From: [Honey Fong](#)
To: [KIMBERLY T. MILLS](#)
Subject: [EXTERNAL] Honey joint
Date: Thursday, April 25, 2024 12:47:36 AM

Mills, Kimberly T

From: Sushil Garg
Sent: Wednesday, November 15, 2023 3:03 PM
To: Kimberly T. Mills
Subject: [EXTERNAL] Fw: Citation

Hi Tiger:

I typed the email incorrectly previously. Hopefully, you will receive this one. Thanks.

Sushil Garg

From: Sushil Garg
Sent: Tuesday, November 14, 2023 9:24 AM
To: kimberly.mills@hawaii.gov <kimberly.mills@hawaii.gov>
Subject: Citation

Hi Tiger:

Thanks for meeting with me to help clarify things. As I mentioned, a number of lots we recently purchased had a lot of dead brush, dry grass, dead trees etc. which posed a fire hazard given the dry season and high winds often prevalent at Marconi Point. As such, we asked a contractor to clean up all the dead brush in the area. We realize now that they also cleaned up the conservation areas, which caused the notice of citation issued by your office. We truly regret any miscommunication and the resulting removals in conservation areas and, as we discussed, we are fully committed to developing and implementing a remediation plan to help appropriately restore the conservation area.

Regarding the specific details we discussed, our understanding is that in the short term, we need to remove the mulch with a biologist present. We have contacted a biologist familiar with the area and are trying to get her to provide supervision for mulch removal asap. While we hope to get a commitment from her this week, she seems to be unusually busy right now. If you have the names of any qualified biologists you are able to provide, we'd love to reach out to them to see if they can help expedite this.

Additionally, as soon as we are able to prepare an appropriate remediation plan working with the experts, we will provide it to your office for your review and feedback before we proceed with any work. While we certainly wish we are able to retain experts rapidly enough to prepare an appropriate remediation plan prior to the November 19th date set forth in the Notice, we would appreciate additional extensions of time needed to ensure we can proceed appropriately with a plan that will meet your approval. Your ongoing help and understanding in this matter is greatly appreciated.

Also, we don't have the email addresses of the other people in the citation that we would like to address and therefore, ask for your help if forwarding this to the appropriate recipients. If you can copy me when you forward the email, I can have everyone's email for the future correspondence.

Sincerely,

1

From: [Kencho Gurung](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda OCCL Item K-1
Date: Thursday, April 25, 2024 8:18:26 AM

Aloha Chair Chang and Members of the Board,

My name is Kencho,

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!

Kencho Gurung,

Hilo

From: [mg](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-6
Date: Wednesday, April 24, 2024 9:41:06 PM

Aloha Chair Chang and Members of the Board,

My name is Mario Gutierrez of Honolulu. 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.

My wife and I have been visiting the Turtle bay/Marconi colony since 2020. We make the 2hr round trip drive from town to the site about once a week during season, to enjoy the many maintained trails, sweeping views and most important to us, it's marvelous residents, from breaching humpbacks to nesting honu, fishing Auku'u to feeding Ae'o. The Moli have been dear to my heart since my childhood, when on the north shore of Kauai, on a property not unlike the one the Marconi one use to once be not too long ago, obstacle free, free range, salt kissed open sky, Moli would bless us with their all too brief terrestrial breeding cycle. An uncle and aunty, both avid conservationists instilled the moral responsibility, we each carry as stewards, protectors, to enjoy these marvels of creation from a respectful distance. I clearly remember the only time we had physical contact with these majestic creatures were when my father, with gloves, would carefully lend a helping untangling hand to a Moli's unscheduled Naupaka bush landing. Today, I have been an eyewitness of that same respect of stewardship, in the tireless day in and day out volunteers, educated community members, protectors of these Moli families. This, in emulation of the Moli themselves, who teach us what it means to be a good parent, a faithful mate, what enduring love is. So how did we fail Hookipa's family so miserably on Saturday December 2nd 2023? A mother at her most vulnerable, dutifully caring for the next generation? This was not an unpreventable accident on a single bird, by a single individual, no, rather the evidence clearly shows that since 2021, the property owner has time and again been offered, more than reasonable respectful guidance, by Dr. Plentovich and the many volunteers eager to help, and instead, choose to act at best with indifference, but more likely, wanton malfeasance. Culminating in the generational kill of Hookipa, with her decades of potential Moli chicks wiped out.

One of the fundamental laws of physics, dictates, an object in motion will not alter or change course unless acted upon by an equal or greater force. While we cannot undo the events of December 2nd 2023, we must meet the forces that culminated in that event with a greater force if we are to expect a positive change. My wife, bless her heart, as we end a visit with a Moli, particularly with a soon to fledge chick, advises the same thing everytime, "fly safe, no plastics, and stay away from the big fish" an aunty educating the next generation. Let's not add to their existing threats. We must meet our duty and act on the articles before you today.

Mahalo
Mario Gutierrez

From: [Cory](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] penalties for C 5 C 6 K 1
Date: Wednesday, April 24, 2024 11:50:35 PM

Aloha board members,

Please levy large fines and penalties for these violations:

C-5 killing endangered Hawaiian bees

C-6 killing Ho'okipa, the Laysan Albatross

K-1 Conservation District Enforcement OA 24-14 Regarding the Alleged Unauthorized Clearing of Land, Unauthorized Removal of 106 Trees, Unauthorized Spreading of Mulch, Unauthorized Fence Lines and Encroachment and Removal of Resources Upon State Land Located at and Makai of Tax Map Key: (1) 5-6-003:053 at Marconi Point.

mahalo,
Cory Harden

From: [Hong Gwi-Seok /Peggy](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Wednesday, April 24, 2024 8:06:59 PM

My name is Peggy Kwi-Suk Hong and I reside in Waimānalo. I write in strong support of C-5, C-6, and K1. As an environmental activist and kama`āina, I am deeply concerned about all the native beings with whom we share our islands. Losing a Laysan Albatross and our precious Yellow-Faced Bees means losing our kūpuna. 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.

I am shocked and horrified at the alleged actions of the developers/owners and their agents, and their 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!

홍귀석
hong gwi-seok (Peggy Kwi-Suk Hong)
stillinsirsasana.blogspot.com
yoganun.weebly.com
iysdc.org
iyengaryogadetroit.com
313-454-1401

“A revolution that is based on the people exercising their creativity in the midst of devastation is one of the great historical contributions of humankind.”
— Grace Lee Boggs

From: [Angela Huntemer](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-5
Date: Thursday, April 25, 2024 7:26:38 AM

Aloha Chair Chang and Members of the Board,

My name is Angela Huntemer and I have lived at the Kuilima Condos, a mile hike from the Marconi Station Kahuku, for almost 20 years. I am a public school teacher and have been able to support restoration efforts next door at Kahuku Point by designing place-based curriculum, writing grants, and continuing to work on the restoration of the coastal vegetation at Kahuku Point.

This coastline is extremely important because it is a place where an incredible variety of coastal plants and animals are persevering and in some places, growing, like the Laysan and hopefully soon, black-footed albatross (BFL). It is a wondrous place and means an enormous amount to me personally.

I want to thank DOFAW and OCCL for their work on this disturbing situation and 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.

Please ensure that the fines are collected in full and the recommended remediation is completed. 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!

**Angela Huntemer
Kahuku**

From: [Iris Magdalena](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda OCCL Item K-1
Date: Wednesday, April 24, 2024 8:04:57 PM

Aloha Chair Chang and Members of the Board,

My name is Iris Miranda. I am a farmer, beekeeper, conservationist, and constituent of Waimānalo. I am also a haumana of Jasmine Saria of Beelieve Hawai‘i, a fellow beekeeper that has extensively supported research and conservation efforts to protect our endangered native yellow-faced bees here on O‘ahu.

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 devastating loss of our native species. This desecration of the unique and finite natural resources and delicate ecosystems of our island community harms us all and displays a despicable lack of regard, care, and reverence for this place, its history and culture, and the future our keiki will inherit.

The alleged actions of the developers/owners and their agents indicates intentional, reckless, and careless violence that violates 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. Such harms cannot be allowed to happen to and within our community without accountability and reparations if we wish to keep Hawai‘i as Hawai‘i. Love for the land and humble stewardship as fundamental cultural values has made it possible for society to take root and flourish here for as long as it has- betraying this symbiotic relationship we have established will not come without consequences that affect us all. Every loss of native life- whether it be bees, trees, birds, people, language, or otherwise-is one too many. The hundreds that have been unnecessarily lost in the wake of this development were priceless and must be honored through swift and ample justice.

Mahalo for standing up for our native species and ecosystems, our culture and our way of life by supporting the proposed enforcement actions.

Iris Miranda

From: [Angela Huntemer](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-6
Date: Wednesday, April 24, 2024 6:52:57 PM

Aloha Chair Chang.

My name is Isaac. I am a fifth grader student at Kaaawa Elementary school. I heard about the news and I think that you should fine the people 3 million for killing the Laysan albatross and the yellow faced bees.

Please keep our endangered species safe at all costs. I'm really mad at the people who killed those precious animals. I really like animals. I really agree those people should pay the fine because those animals deserved a good life but some people had to ruin it for our native birds and bees

Isaac.

I am submitting this letter on behalf of one of my students with written permission from his parent. Angela Huntemer.

From: [James L](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-5
Date: Thursday, April 25, 2024 8:47:25 AM

Aloha Chair Chang and Members of the Board,

My name is James, local boy born and raised resident of the North Shore of Oahu, I live close by the Marconi area. I am a supporter of the 'Āina (Land & Sea) and it's natural resources and habitat.

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,
James Labrador*

From: [Angela Huntmer](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-5
Date: Thursday, April 25, 2024 8:16:11 AM

My name is June. I am a 5th grader from Kaaawa school. I heard about the female albatross Ho'okipa. I am so sorry for what has happened to Ho'okipa . I agree that the people that build and destroy habitat should pay sooooooooooooooooooooooooooooo much, like in the BILLIONS place! and you guys should get paid BILLIONS. I hope they give all of their money to you guys.

I have written permission from the parent to submit this testimony on behalf of this student at Kaaawa Elementary, Angela Huntmer.

From: nalani.huihawaii.org
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 8:57:56 PM

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

Aloha Chair Chang and Members of the Board,

My name is Kristen Nālani Kāne. I am a lifelong Ko'olaupoko resident with over 20 years experience working in the fields of native species and ecosystem restoration.

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!

Kristen Nālani Kāne
Project Director
Hui o Ko'olaupoko
www.huihawaii.org
Nalani@huihawaii.org
Office:(808)381-7202

From: [Brad Keitt](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Thursday, April 25, 2024 7:41:57 AM

Aloha Chair Chang and Members of the Board,

My name is Brad Keitt. I am the Director of Oceans & Islands at American Bird Conservancy and have worked to conserve native species in Hawai'i for over 30 years, beginning with forest birds in Waikamoi on Maui, to seabirds from Oahu to Midway and Lehua to Laysan.

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 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!

Brad Keitt

Oceans & Islands Director
American Bird Conservancy

From: [Randall Kennedy](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 4:30:29 PM

Aloha Chair Chang and Members of the Board,

My name is Randy Kennedy from Kaneohe. I am a retired DLNR /DOFAW Native Ecosystem manager. I have hiked that coastline many times and was involved, via my job with DLNR, in both acquiring the Turtle Bay conservation easement and establishing native bird and plant protection along that coastline.

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!

Mahalo nui,

Randy Kennedy
Sent from my iPad

From: [Diana King](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda OCCL K-1
Date: Thursday, April 25, 2024 7:43:53 AM

Aloha Chair Chang and Members of the Board,

My name is Diana King, and I am a lifelong conservationist and environmental educator. I recently took two groups of students and one group of adults out to Kahuku to see the albatross and their chicks. I had to tell them the harrowing story of the recent offences against nature there; everyone was distressed.

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!

With aloha,

Diana King

From: [Kari Labrador](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-5
Date: Thursday, April 25, 2024 8:37:23 AM

Aloha Chair Chang and Members of the Board,

My name is Kari, I am a born and raised resident of the North Shore of Oahu, I live close by the Marconi area. I'm an active community member, staunch supporter of the 'Āina (Land & Sea) and it's natural resources and habitat.

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,
Kari Labrador*

From: [Martha Lane](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Thursday, April 25, 2024 7:37:05 AM

To the Board of Land and Natural Resources:

The destruction of Hawaii's coastal ecosystem by several North Shore property owners on O'ahu is criminal.

The resulting loss of critical habitat for the native yellow-faced bee is tragic.

The violent death and mutilation of the Laysan albatross is unforgivable.

I support and encourage the Board of Land and Natural Resources to approve the levies of fines of \$3 million dollars in State fines against the offending parties.

Martha Lane
Volcano, Hawaii
96785

From: [Judy Lemus](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 9:55:23 PM

Aloha Chair Chang and Members of the Board,

My name is Judy Lemus. I am a resident of Windward O'ahu and a marine biologist by training.

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.

From: [Laurie Lindsay](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Thursday, April 25, 2024 7:51:21 AM

Aloha Chair Chang and Members of the Board.

My name is Laurie Lindsay. I am a lifetime Resident of Kailua, Oahu and an active member of many various volunteer organizations such as Malama i na Honu, 808 Cleanup, OISC (Oahu Invasive Species).

I'm in STRONG SUPPORT of Items C-5, C-6 and K1, the DOFAW and OCCL enforcement actions for the death and destruction of native Layman Albatross and Yellow Faced Bees and their coastal habitat at Marconi.

The alleged actions of the Owners/Developers and their Agents were intentional, reckless and careless actions that violate our State Laws that protect these valuable and native species.

These Violations are very serious and can not be remedied. The Damage that they have caused to our beloved Island are unforgivable and they deserve substantial fines and remedies as proposed by DOFAW and OCCL.

Please take action!

Mahalo,

Laurie Lindsay
957 Aalapapa Dr
Kailua, HI. 96734

From: [Matt L](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda OCCL Item K-1
Date: Wednesday, April 24, 2024 5:12:53 PM

April 23, 2024

Aloha Chair Chang and Members of the Board.

My name is Matthew Luchinskas. I have lived the past, almost 50 years now, relatively next door to the Marconi property also known as Hanaka`ilio Beach. Living in such close proximity as a longtime homeowner in the Kuilima Estates West where you almost border this beautiful property due to the actual bordering of the Turtle Bay Resort.

Having worked for various aquaculture ventures on the Marconi property inside the RCA - Marconi Station through the late 1980's, 1990's, & early 2,000's was some of the most gratifying experiences in all my adulthood. Surfing there while working at the historic old RCA building, I felt the most fortunate soul on the planet. The camping at nights on the shoreline, free diving, experiencing the albatross, monk seals in their natural habitat, it will never be lost in my remaining days. life.

I see it today as it is only 20 to 30 min. walk or a quick bike ride away.

Needless to say, I am writing 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!

Respectfully,

Matthew Luchinskas

E: mattsrainbows@gmail.com

From: [Makana](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Thursday, April 25, 2024 8:54:46 AM

Ano ai kakou,

Reading about the habitat destruction by foreign investors was truly enraging. I strongly urge the board to enforce the law to the highest degree.

I support 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, Makana

From: [Angela Huntemer](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-6
Date: Thursday, April 25, 2024 5:47:06 AM

Aloha Chair Chang and Members of the Board,

My name is Makayla. I am a fifth grade student at Ka'a'awa Elementary.

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 **and I need you to please tell them not to do that and try to grow more trees.**

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. **I want you to also take down the fence that separated the Laysan Albatross in the video. I did not like that because I care for animals, Laysan Albatross care for each other.**

The alleged violations are very serious, numerous, and they also have no respect to the animals and that is not good and so they 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 for everything you have done, trying to protect the Laysan Albatross.

I have written permission from the parent to submit this testimony on behalf of this student at Kaaawa Elementary, Angela Huntmer.

From: [Kinsley McEachern](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Thursday, April 25, 2024 9:02:05 AM

Aloha e Board members,

My name is Kinsley McEachern, and I am an O'ahu resident, a conservation biologist, and someone who is deeply concerned about the actions that occurred by the landowners of the Marconi Point property and how their direct actions and disregard for HRS Chapter 195 D, our state Endangered Species act, impacted native Hawaiian wildlife.

As a person who deeply values, admires, and follows our native wildlife on the islands, I heard about the impacts to the Nalo Meli Maoli, mōlī, including the tragic and traumatic death of precious nesting Ho'okipa, who had laid her egg and was incubating it with her partner, the deaths of u'au kani our indigenous wedge tailed shearwaters, and the destruction of native naupaka, as well as the widespread demolition of critical conservation lands all adjacent to James Campbell National Wildlife Refuge (JCNWR), and I was so completely heartbroken. I often go to the North Shore to view and photograph our nesting mōlī and their fledglings during nesting season. I have fallen in love with these species indigenous birds and their amazing parental behavior. I have also worked in wildlife rehabilitation and seen first hand the impacts to our native wildlife at the hands of humans. To imagine the suffering that Ho'okipa endured when she was protecting her egg, the future of the species, in her habitat and what should be her home since these species have been on these islands long, long before these landowners have been, is gut wrenching. Nalo Meli Maoli are endangered and rare yellow-faced bees who have been gravely impacted by the loss of native vegetation on the coasts of O'ahu. To hear that this precious and important habitat of naupaka where there was one of the last remaining O'ahu colonies of these native bees (2 different species' critical populations) was just wiped out is horrifying.

After reading the submittals, it is quite evident that these landowners acted in harmful and careless and even perhaps intentional ways that directly caused the death of critically endangered and near threatened endemic species even with multiple communications, warnings, and efforts on behalf of DOFAW and USFWS to educate these land owners. It is always best to do the preventative measures and educate people about the potential impacts they can have on our native wildlife and it is very evident that everything was done to prevent these deaths and impacts to these cultural and ecological very important species and that the land owners acted in very out right negligence and with ill intention. Knowing that this vital North Shore thriving conservation land was desecrated and razed of native vegetation and these impacts to the precious ecosystem and wildlife were very traumatic, is something that sadly at this point can only be healed with time, funding, and intensive efforts to recover this critical habitat. So I implore you BLNR to please approve the request for administrative fines and other penalties on the entities who did such

egregious grievances.

The Hawai'i Marine Animal Response team and State and Federal biologists have done their due diligence, now we need our Board of Land and Natural Resources to please do what is in their purview to pursue these fines. This will ensure that a precedent is set that no landowner can go around the law and harm our native wildlife and to ensure that our native wildlife are protected in the future. This will ensure that wildlife species like our precious mōlī Ho'okipa did not die in vain and her partner and other endemic wildlife will be safe and protected on north shore lands that they call home.

Mahalo nui loa,
Kinsley McEachern

From: [Jeanine Meyers](#)
To: [DLNR, BLNR, Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Thursday, April 25, 2024 5:17:18 AM

Aloha Chair Chang and Members of the Board,

My name is Jeanine Meyers. I am a volunteer (15 years) with Kauai Albatross Network on Kaua'i. The federally protected albatross return to their nest sites year after year, thus it is important to preserve nesting areas due to sea level rise. Any destruction of birds, bees and their habitat should be enforced with maximum penalty.

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!

Jeanine Meyers



From: [Alyssa](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5 SUPPORT
Date: Wednesday, April 24, 2024 9:41:32 PM

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

Aloha Chair Chang and Members of the Board,

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 the Marconi site. I am very familiar with this site, having visited there frequently in the past.

As the DOFAW and OCCL submittals describe, the death of Ho'okipa and 300 Yellow-Faced Bees, 106 trees, and the destruction of two acres of habitat, are significant losses.

The alleged actions of the developers/owners and their agents evince intentional, reckless, and careless actions that violate our state laws that protect our native species and their habitat. The alleged violations are very serious, and numerous, and are deserving of the substantial fines and remedies as proposed by DOFAW and OCCL. I respectfully request that you approve and support the proposed enforcement actions.

Mahalo Nui,

Alyssa Miller, Ph.D.

Environmental & Community Planner

Honolulu

From: [N.L](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: DOFAW Item C-5
Date: Thursday, April 25, 2024 8:41:07 AM

Aloha Chair Chang and Members of the Board,

My name is Nicole, I am a born and raised resident of the North Shore of Oahu, I live close by the Marconi area. I am a supporter of the 'Āina (Land & Sea) and it's natural resources and habitat.

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,
Nicole Labrador*

From: jill_nunokawa
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Strong Written Testimony on BLNR April 26, 2024 meeting, Agenda Item OCCL, Item K-1
Date: Wednesday, April 24, 2024 5:07:36 PM

Aloha e Chair Dawn Chang and Members of the Board,

My name is Jill Nunokawa and I am submitting written testimony in my capacity as a concerned and conscious community member residing on O'ahu for 55 years. I have been involved in numerous environmental, cultural and biodiversity efforts to preserve and protect our precious lands and waters of Hawai'i. I was absolutely appalled to learn of the irreparable harm and devastation that occurred in the Marconi area by the "alleged" actions of unconscionable developers and their agents. These allegations, when finally investigated, will prove that developers continue to hold on to their arrogant and hurtful mantra, "The cost of doing business" or in this case the clearing and killing of nature habitats and our beloved Ho'okipa in preparation of developing and devastating more of our limited natural resources.

These egregious displays of arrogant and unaccountable actions must STOP NOW. The fines aspect of enforcement will not bring Ho'okipa back nor re-establish the natural habitat for our Yellow-Faced Bees, the trees and the acres of Naupaka forest. The only thing the Board can do is send a loud and expensive message out to developers and their agents that secret and negligent actions will NOT be tolerated in Hawai'i.

I spent a summer as an intern at the Department of Land and Natural Resources, first within Director Susumu Ono's office and then in the field with the enforcement team. There were major issues and consequences regarding over development and underfunding, which prevented proper enforcement of BLNR rules. This was over 40 years ago.

The time has come and passed for our Board of Land and Natural Resources to pass action items that will finally address the abuse and arrogance by and of developers and their agents.

I strongly urge the BLNR to pass these necessary and long needed action items.

Mahalo,
Jill Nunokawa
Active community member on O'ahu

PS: The unauthorized fence line in the photos support claims of intentional and malicious efforts to circumvent the laws and rules that protect and preserve our irreplaceable coastline, especially since we all love Marconi Point and continue our collective efforts to be honest and conscious stewards, aloha aina!

From: davidsher@juno.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Thursday, April 25, 2024 8:58:22 AM

Aloha Chair Chang and Members of the Board,

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. I am heartbroken by these egregious and criminal actions that have occurred. Critical habitats should not be in the hands of private property owners.

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!

Sherry Pollack

From: [helen.raine](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for blnr Apr 26 c5
Date: Thursday, April 25, 2024 6:26:58 AM

Aloha Chair Chang and Members of the Board,

I am a Hawaii based ornithologist with expertise in seabirds and work for ARC.

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!

Helen Raine

From: [Kiana Rich](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Thursday, April 25, 2024 8:43:42 AM

Aloha Chair Chang and members of the Board,

My name is Kiana Rich. I am a current employee of HDOA, and a graduate of UH Mānoa and Kahuku High School. I grew up on the north shore and protecting and preserving the environment of the area is extremely important to me.

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 for our native species.

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

I would honestly like the current owners of the land to lose the right to own land in Hawai'i since they have proven to be poor stewards.

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

AGENDA ITEM C-5 , C-6, K-1

--

Kiana Rich
Pest Control Technician HDOA
Tropical Agriculture and the Environment (BS)

From: [Dilek Sahin](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Thursday, April 25, 2024 8:11:19 AM

Aloha Chair Chang and Members of the Board,

I am a seabird conservation biologist on the island of Kauai. 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, and numerous, and deserve substantial fines and remedies as proposed by DOFAW and OCCL.

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

Dilek Sahin

--

Dilek Sahin, PhD
Project Coordinator
Kaua'i Endangered Seabird Recovery Project
4398 D Pua Loke St. Lihue HI 96766
Cell: +1-(808)-639-3644

From: [Hal Selover](#)
To: [DLNR, BLNR, Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Thursday, April 25, 2024 8:59:21 AM

Aloha Chair Chang and Members of the Board,

My name is Harold Selover and I am a concerned citizen.

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!

Harold Selover

From: [Beth Seymour](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL]
Date: Thursday, April 25, 2024 8:18:53 AM

Aloha Chair Chang and Members of the Board,

My name is Beth Seymour, RN I am a volunteer with Hawaii Marine Animal Response team and participate in the monitoring and safety of our Hawaiian Monk Seals, turtles and birds.

I have been following the Marconi story and am devastated by the blatant disregard of our land and natural inhabitants. The honey faced bees, Laysan Albatross and land have an intricate system of survival that continues to amaze.

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!

Beth Seymour, RN



SIERRA CLUB OF HAWAI‘I

Testimony to Board of Land and Natural Resources

April 26, 2024

9:00 AM

Room 132

In SUPPORT of C-5

Request for Administrative fine of \$1,502,500 and other penalties against LKG HI 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), Hawai‘i 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, O‘ahu, Hawai‘i, Tax Map Key (1) 5-6-003:053.

C-6

Request for Administrative fine of \$15,000 and other penalties against the Yue-Sai Kan 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 Mōlī (aka Laysan Albatross), on December 2, 2023, at unit 1 of the Marconi Point condominium property regime, Kahuku, O‘ahu, Hawai‘i, Tax Map Key (1) 5-6-003:053.

And K-1

Request for Administrative Fines and Other Penalties for Conservation District Enforcement OA 24-14 Regarding the Alleged Unauthorized Clearing of Land, Unauthorized Removal of 106 Trees, Unauthorized Spreading of Mulch, Unauthorized Fence Lines and Encroachment and Removal of Resources Upon State Land Located at Kahuku, O‘ahu, at and Makai of Tax Map Key: (1) 5-6-003:053,

AGAINST: Sushil Garg, manager of LKG HI Properties, LLC, and manager of Greystone HI Investments, LLC, and Benjamin Lassary, Vice President of RCA Trade Center Inc. for the Alleged Unauthorized Clearing of Land, Unauthorized Removal of 106 Trees, Unauthorized Spreading of Mulch, and Encroachment and Removal of Resources Upon State Land

AGAINST: Yue-Sai Kan Trust (Yue-Sai Kan, Trustee), Yue-Sai Kan, individually for the Alleged Unauthorized Fence Lines on Unit 1

AGAINST: Association of Unit Owners of Marconi Point Condominium and/or Makai Ranch, LLC for the Alleged Unauthorized Boundary Fence

Aloha mai e Chair Chang and members of the Board of Land and Natural Resources,

The Sierra Club of Hawai‘i **STRONGLY SUPPORTS** the enforcement actions proposed in agenda items C-5, C-6, and K-1.

A review of the submittals for these agenda items establishes ample bases to find a pattern of egregious conduct that has resulted in the potential extirpation of a native bee colony or colonies, placing the species as a whole at even greater risk of extinction; the death of a native mōlī (with references to other potential deaths in the area due to human activity); and the destruction of entire swaths of native coastal vegetation assemblages, with the resulting alteration and loss of the shoreline. The consequences and impacts of this conduct may be unquantifiable in monetary terms, and it is unclear if any amount of restitution will be sufficient to restore the harms perpetrated by the responsible parties.

The evidence proffered also show that the responsible parties are sophisticated – with ample resources sufficient to purchase and manage large oceanside properties on O’ahu’s north shore and elsewhere – and yet have demonstrated a pattern of intentional disregard for the sites and species they may have irrevocably harmed, as well as for the land use and environmental laws and regulations of the county and state.

Notably, were it not for the persistent efforts of community groups and concerned citizens to bring government attention to these violations, the environmental and cultural consequences may have been far, far worse.

The Sierra Club urges the imposition of the proposed fines insofar as they can and will be used to set a precedent, and send a message, that the critical regulations protecting our limited, fragile, and precious environment must not and cannot be callously disregarded by any entity – including and especially those who believe that their vast resources and privilege place them above the law.

Mahalo nui for the opportunity to testify.

Sunset Beach Community Association
P.O Box 471
Haleiwa, Hawaii 96712

March 22, 2024

Nadine Ando, Director
The Department of Commerce and Consumer Affairs (DCCA)
335 Merchant Street
Honolulu Hawaii 96813

breg@dcca.hawaii.gov

Aloha Director Ando,

It came to the attention of the Sunset Beach Community Association (SBCA) that the developers in charge of the Marconi property may have hijacked the name of the organization which is trying to protect the property there, the Albatross, and the historic buildings. The developer allegedly took the name of the organization which is The Malama Marconi Coalition as well as sending messages utilizing this name. These messages conflict with the purpose of the group whose name was allegedly stolen. This group, which is now going under the name Aloha Marconi Alliance, wants their original name (Malama Marconi Coalition) back along with their messaging address.

The SBCA voted unanimously to support the request that DCCA investigate this alleged theft and support the restoration of the original name of the group. The original Malama Marconi Coalition has reported their conservation work on the Marconi property before, at our meetings.

Sincerely,



Lea E. Albert
Corresponding Secretary
Sunset Beach Community Association

From: [flower_of_tahiti](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda: OCCL Item K-1
Date: Thursday, April 25, 2024 8:50:34 AM

Aloha, Chairperson Chang and Members of the Board!

My name is Tiare. I was born and raised in Honolulu, where I continue to reside. As a concerned community member, I write in unwavering support of items C-5, C-6, and K1, the DOFAW and OCCL enforcement actions for the death of native Laysan Albatross and Yellow-Faced Bees and destruction of their coastal habitat at Marconi.

My husband and I have have been visiting Turtle Bay Makai since 2020. Once a week, during nesting season, we make the two hour round-trip drive from town to the North Shore and hike the many maintained trails to enjoy the breathtaking landscape and wonders of creation to which it's home, from breaching koholā to pupping ʻĪlio holo i ka uua and nesting honu. We've also enjoyed walking along the beach fronting Marconi Point to catch glimpses, from a respectful distance, of courting mōlī and ka'upu.

Therefore, this season, it was very disturbing to see the landscape razed and, all the more so, to learn that the extent of the carnage included the loss of critically endangered Nalo Meli Maoli. Notwithstanding, there's the esthetic loss of the natural scenery; now, having the view of unsightly fences and rundown buildings when walking along the beach. Evidence clearly shows that, as early as 2021, the property owner was made aware, by Dr. Plentovich, of the rich and unique wildlife on the property and was offered guidance on its stewardship. Instead, the owner chose a course of wanton malfeasance.

We, in our haste and lack of full understanding of this biome we are blessed to steward, have placed these precious lives on a conveyor belt to a precipice. The aforementioned atrocities only serve to speed up this process. We have a moral obligation to put a stop this. Please end the impunity this property owner has enjoyed, at a great cost to our community and ecology, by acting on these articles today.

Mahalo piha.

From: [KAREN TURNER](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 4:33:03 PM

Aloha Chair Chang and Members of the Board,

My name is Karen Turner. I am a resident of Kuilima Estates and frequently walk the beach in the Marconi area

I write in strong support of Item C-5, 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!

Mahalo,
Karen Turner
Kahuku

From: [Jackie Wah](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 11:13:02 PM

Dear Chair Chang and Members of the Board,

I STRONGLY SUPPORT Items C-5, C-6, and K-1, DOFAW and OCCL enforcement actions for the death and destruction of native Laysan Albatross and Yellow-Faced Bees and their coastal habitat at Marconi.

The environmental destruction of native species caused by these atrocious acts call for stiff fines and penalties -- it needs to be more than a slap on the wrist!

Unfortunately, it will not bring back Ho'okipa, the 300 Yellow-Faced Bees, or the 106 trees, but it could be a deterrent for anyone thinking of doing something similar in the future.

Thank you all for doing your part to protect our environment from unconscious acts that cause long-term harm to our native species and fragile ecosystems. Our beloved islands need your protection!

Aloha,

Jackie Wah

From: [Jill Williams](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Wednesday, April 24, 2024 10:07:01 PM

Aloha Chair Chang and Members of the Board,

My name is Jill. I am a concerned citizen who read about this terrible destruction in the news

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! Please make the fines hurt enough to send a message that we will not tolerate the destruction of the special species in this state.

Jill Williams

Sent from my iPhone so excuse any "fat finger" typos

From: [michael wilson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item K-1
Date: Wednesday, April 24, 2024 7:31:10 PM

Aloha Chair Chang and Members of the Board,

My name is Michael Wilson. I am a former director of the Department of Land and Natural Resources

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 propose enforcement actions!

Aloha, Michael Wilson

From: [Natalie Wohner](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item K-1
Date: Wednesday, April 24, 2024 11:19:46 PM

Aloha Chair Chang and Members of the Board,

My name is Natalie Wohner and I am in strong support of items C-5, C-6, and K1, the DOFAW and OCCL enforcement actions for the death and destruction of native and federally protected Laysan Albatross and native Yellow-Faced Bees, and their coastal habitat at Marconi.

I am a scientist at UH Manoa and a long-time volunteer and EC member of the Surfrider Foundation O'ahu Chapter. I am devastated to hear about the destruction on the Marconi property harming endangered wildlife, historic resources, and destroying the coastal environment. The development is disrespecting anything we value here in Hawai'i Nei! If we let this behavior slide, we will lose more of our precious environment, something that no money will be able to buy us back.

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!

Respectfully,

Natalie Wohner

From: [Lois](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 4:51:10 PM

I commend DOCARE for doing their job and stopping ignorant people of destroying our aina. Our beautiful island is being destroyed little by little, and this isn't gross negligence or just ignorance, it's way worse than that, it's INTENTIONAL and selfish. Please fine these people the maximum allowed.

This are the claims.

1. That Mr. Sushil Garg, individually and as the manager of LKG HI Properties, Mr. Benjamin Lassary, and Ms. Yue-Sai Kan, individually and as the Trustee of the Yue-Sai Kan Trust, did authorize, cause, or allow the take or removal, destruction, and killing of at least 300 individual nalo meli maoli;
2. That Mr. Sushil Garg, individually and as the manager of LKG HI Properties, Mr. Benjamin Lassary, and Ms. Yue-Sai Kan, individually and as the Trustee of the REQUEST FOR ADMINISTRATIVE FINE OF \$1,502,500 AND OTHER PENALTIES FOR THE "TAKE" (KILLING) OF TWO SPECIES OF ENDANGERED HAWAIIAN YELLOW-FACED BEES IN OCTOBER 2023, AT THE MARCONI POINT CONDOMINIUM PROPERTY REGIME, KAHUKU, OAHU, HAWAII, TMK (1) 5-6-003:053 14Yue-Sai Kan Trust, did authorize, cause, or allow such take of at least 300 individual nalo meli maoli without legal authority to do so;
3. That the take of the populations of the two species of nalo meli maoli at the Marconi Point CPR and on the adjoining State-lands has caused irreparable harm to the Hylaeus anthracinus and Hylaeus longiceps species as a whole;
4. That the take of the population of nalo meli maoli at the Marconi Point CPR and on the adjoining State lands was harmful to the ecosystem(s) in that area.

Lois Crozer
Kailua homeowner

J. Scott Ferguson
46-064 Puulena St, Apt 1026
Kaneohe, HI 96744

April 24, 2024

Board of Natural Resources Testimony



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

Aloha Chair Chang and Members of the Board,

My name is James Scott Ferguson. I am a private citizen who is very interested in the area east of Kahuku Point, often referred to as the Marconi area. This area contains a historic building used to communicate between Hawaii and the rest of the world during the early 20th century. As such it deserves protection, and it was included with the National Register of Historic Places in June 2013. I watched approvingly as it was incorporated into a new development in the area expecting that the building's historic nature would be preserved. I have been appalled at the way the property has been treated with disrespect and the breach of agreements that the developer had apparently made.

More importantly, the shoreline included within this parcel accommodates important habitats for Monk seals, Laysan Albatross and the grassland accommodates native, Yellow-faced bees and it seems clear that the developer has little, if any, respect for these important prior inhabitants.

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 the Marconi area.

As the DOFAW and OCCL submittals explain in detail, the recent death of female Albatross 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!

From: [Cathy Granholm](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26,2024,Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 7:12:33 PM

You have shown that these people will not stop destroying the yellow-faced bees on their property, despite your attempts to explain their importance to Hawaii, and the laws that are supposed to protect them. Since they do not accept the right of these animals to live, and since they will not obey the laws that were put in place to protect these animals, your only option is to fine them, since losing money as a result of their willful ignorance may have an impact.

Please do not allow them to continue to destroy these indigenous creatures. Please impose the fines, it may be all they understand.

Cathy Granholm
Princeville, Hawaii

From: [Kristina Jenness](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR Apr. 26 DOFAW item C-5
Date: Thursday, April 25, 2024 7:47:56 AM

My name is Kristina Jenness. Mahalo for standing up for Hawaii native species and supporting the proposed enforcement actions against these deplorable acts.

.
Thank you for standing up.
Kristina Jenness



April 24, 2024

**MEETING OF THE BOARD OF LAND
AND NATURAL RESOURCES
Agenda Item C-5**

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

DLNR Boardroom, Kalanimoku Building
1151 Punchbowl St., Room 132

Re: TESTIMONY IN STRONG SUPPORT OF “REQUEST FOR ADMINISTRATIVE FINE OF \$1,502,500 AND OTHER PENALTIES AGAINST LKG HI 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.”

Aloha e Chair Chang and Members of the Board of Land and Natural Resources,

Please accept these comments submitted by the Center for Biological Diversity (Center) in **strong support of Agenda item C-5**, which would approve the Administrative fine of \$1,502,500 and other penalties against LKG HI 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 the “take” of two species of endangered Nalo meli maoli (aka Hawaiian yellow-faced bees)(*Hylaeus anthracinus* and *Hylaeus longiceps*) in October 2023, across multiple units of the Marconi Point development.

The Center is a non-profit 501(c)(3) membership corporation dedicated to the protection of native, threatened, and endangered species and the habitats they depend on to survive. Through science, policy, and environmental law, the Center is actively involved in Nalo meli maoli protection issues across the pae ‘āina. The Center has more than 88,000 members throughout the United States, including Hawai‘i, with a direct interest in ensuring the conservation of our struggling Nalo meli maoli species and the healthy habitat they need to survive.

The alleged actions undertaken by LKG HI Properties, LLC; Sushil Garg; Yue-Sai Kan Trust; Yue-Sai Kan; and Benjamin Lassary represent a grave violation of our environmental protection laws, resulting in the loss of critical habitat for two already imperiled species. The alleged intentional removal of high-quality coastal strand habitat, which serves as a vital refuge for Nalo meli maoli, has inflicted irreparable harm to already dwindling populations.

Hylaeus anthracinus and *Hylaeus longiceps* are both listed as endangered under federal and state endangered species laws. These native bees are endemic to Hawai'i, meaning they are found nowhere else in the world. Their populations have been severely impacted by ongoing threats, including habitat loss and degradation. The destruction of their habitat on the Marconi Point development represents a significant blow to their already fragile existence.

The magnitude of this ecological tragedy cannot be overstated. Not only did this incident result in the destruction of an entire critical population of Nalo meli maoli, but it also inflicted severe damage to the overall biological diversity of this special area. The significance of Marconi Point as a refuge for native species, including the endangered Nalo meli maoli, cannot be overstated.

Furthermore, the joint investigation by the Division of Forestry and Wildlife and the United States Fish and Wildlife Services' Office of Law Enforcement demonstrates these parties knew the occurrence of these endangered species on the property prior to clearing. The imposition of the maximum fine authorized under relevant statutes is not only warranted but necessary to send a clear message that such egregious violations of our environmental laws will not be tolerated by the State of Hawai'i.

In light of these findings, we urge the Board to approve the Division of Forestry and Wildlife's request and impose the recommended administrative fine of, at minimum, \$1,502,500, along with any additional penalties deemed appropriate. Furthermore, the Center supports the establishment of conservation protections, such as a Conservation Easement, to safeguard the remaining habitat and prevent future harm to imperiled species.

The protection of Hawai'i's unique biodiversity, including our irreplaceable Nalo meli maoli is our kuleana. Mahalo to the staff for their diligent work in this submission and for this opportunity to provide testimony in **strong support of Agenda Item C-5**.

/s/ Maxx Phillips

Maxx Phillips, Esq.

Hawai'i and Pacific Islands Director, Staff Attorney

Center for Biological Diversity

1188 Bishop Street, Suite 2001

Honolulu, Hawai'i 96813

(808) 284-0007

MPhillips@biologicaldiversity.org

From: [Shannon Rudolph](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-5
Date: Wednesday, April 24, 2024 6:19:17 PM

Aloha!
Item C-5

I am a 40 year Hawai'i resident.
I strongly support 'meaningful fines' for the destruction of endangered
Hawaiian bees at Marconi Point.

Mahalo!
Shannon Rudolph
P. O. Box 243 Holualoa, Hi. 96725

--

How wonderful it is that nobody need wait a single moment before starting to improve the world. ~ Anne Frank

TESTIMONY FOR ITEM C-5---STRONG SUPPORT FOR DOFAW STAFF RECOMMENDATIONS

Aloha Chair Chang and members of the BLNR,

My name is Rick Warshauer. I am a local field biologist with decades of working with native vegetation across the islands, including assessing coastal vegetation nearly twenty years ago. Much of coastal vegetation elements can be restored, unlike the devastating impacts to faunal elements seen here. Please heed your staff recommendations and assess the significant costs to all the wealthy parties guilty of these wanton desecrations to the 'aina and willful disrespect to our laws. None must be held or feel above the law.

I commend the staff, agency and community input to provide such a detailed and credible report.

Mahalo.

From: [Lois](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Wednesday, April 24, 2024 4:53:23 PM

The Division of Forestry and Wildlife (DOFAW) requests the Board of Land and Natural Resources (Board) impose an administrative fine of \$15,000 and other penalties against the Yue-Sai Kan Trust and Yue-Sai Kan for the intentional injury and death of Ho'okipa, an indigenous female m Laysan Albatross), in violation of section 13-124-3(a) of the Hawai'i Administrative Rules (HAR), on December 2, 2023. The take of Ho'okipa occurred on Unit 1 of the Marconi Point Condominium Property Regime (CPR), owned by Yue-Sai Kan.

Please fine them the \$15k as DOFAW recommends. We must respect our wildlife and hold people accountable for their actions.

Lois Crozer
Kailua

J. Scott Ferguson
46-064 Puulena St, Apt 1026
Kaneohe, HI 96744



April 24, 2024

Board of Natural Resources Testimony

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

Aloha Chair Chang and Members of the Board,

My name is James Scott Ferguson. I am a private citizen who is very interested in the area east of Kahuku Point, often referred to as the Marconi area. This area contains a historic building used to communicate between Hawaii and the rest of the world during the early 20th century. As such it deserves protection, and it was included with the National Register of Historic Places in June 2013. I watched approvingly as it was incorporated into a new development in the area expecting that the building's historic nature would be preserved. I have been appalled at the way the property has been treated with disrespect and the breach of agreements that the developer had apparently made.

More importantly, the shoreline included within this parcel accommodates important habitats for Monk seals, Laysan Albatross and the grassland accommodates native, Yellow-faced bees and it seems clear that the developer has little, if any, respect for these important prior inhabitants.

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 the Marconi area.

As the DOFAW and OCCL submittals explain in detail, the recent death of female Albatross 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!

From: [Cathy Granholm](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26,2024,Agenda DOFAW Item C-6
Date: Wednesday, April 24, 2024 7:12:40 PM

Against the strong advice of the USFWS, Ms. Kan and agents would not take any action to prevent harm befalling a Laysan albatross that was trying to nest with her mate. Their lack of care actually resulted in the death of the female albatross. Iron fences prevented the successful nesting activity. They cleared land too close to the nest, and access to the nest area for the birds was obstructed by their actions. They refused to enable the birds to nest successfully, and their actions resulted in the female becoming entangled in the illegally constructed iron fence. She was struck in the head by a blunt object and died.

Please fine Ms. Kan and the Yue-San Kan Trust. People must learn that the laws put in place to save our indigenous species must be followed, not ignored.

Cathy Granholm
Princeville, Hawaii

From: [Kristina Jenness](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR April 26 Agenda DOFAW item C-6
Date: Thursday, April 25, 2024 7:50:03 AM

I am in support of controlling these illegal actions causing ruin to Hawaiian native species and ecosystem.

Thank you for standing up.

Kristina Jenness

From: [lucienne denaie](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Wednesday, April 24, 2024 4:20:35 PM

Aloha Chair Chang and Members of the Land Board,

Although I am not a resident of O'ahu, I am deeply saddened that a private landowner has compromised the chosen long-term nesting site of one of our magnificent native seabirds, resulting in the eventual death of Ho'okipa, a breeding age indigenous female Laysan Albatross. These birds are a welcome sight in our Hawaiian skies. I have lead coastal walks in Maui for various student groups over the years and seen the delight the children have when they spot the mōlī or the 'iwa birds soaring over the sea. Ho'okipa and her mate and the other Laysan Albatross flocks using the Marconi Point area are counting on us to be the protectors of their habitat.

These birds have nested in this area over the years, and with climate change affecting the Northwest Hawaiian Islands, we are seeing more and more avian species seek safer breeding areas in the main Hawaiian islands. Property owners need to accommodate these important species and not encroach on their habitat. The females return year after year to the same area to nest and lay their eggs. The BLNR needs to send a clear message to landowners who choose to built in these sensitive coastal habitat areas that the native wildlife has the right to utilize their preferred habitat areas- even if these areas are located on private lands

I am in strong support of the DOFAW request that the Board of Land and Natural Resources impose an administrative fine of \$15,000 and other penalties against the Yue-Sai Kan Trust and Yue-Sai Kan for the intentional injury and death of Ho'okipa. According to the staff report, this is not the first incident displacing mōlī nets and crushing their incubating eggs in the Marconi Point development area.

The owner of this parcel had been informed by wildlife volunteers and agencies of the presence of the birds several years ago. This prior communication alerted the property owners that the creatures were at risk from property maintenance activities, but these warnings were ignored. This death appears to have been avoidable if proper care had been taken, but it was not. In addition to this fine, which seems very small compensation for the loss of an innocent native creature, the City and County of Honolulu should require that the unpermitted fence that impacted the nesting site be removed when nesting season in over.

Mahalo for your consideration

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



April 24, 2024

**MEETING OF THE BOARD OF LAND
AND NATURAL RESOURCES
Agenda Item C-6**

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

DLNR Boardroom, Kalanimoku Building
1151 Punchbowl St., Room 132

Re: TESTIMONY IN STRONG SUPPORT OF THE “REQUEST FOR ADMINISTRATIVE FINE OF \$15,000 AND OTHER PENALTIES AGAINST THE YUE-SAI KAN 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.”

Aloha e Chair Chang and Members of the Board of Land and Natural Resources,

Please accept these comments submitted by the Center for Biological Diversity (Center) in **strong support of Agenda item C-6**. The Center urges the Board to impose the maximum administrative fine and other penalties against the Yue-Sai Kan Trust and Yue-Sai Kan for the alleged intentional injury and death of Ho’okipa, an indigenous female Laysan Albatross. The evidence presented by the Division of Forestry and Wildlife (DOFAW) in this case is deeply troubling and necessitates strong action to uphold the protection of Hawai’i’s precious wildlife.

The Center is a non-profit 501(c)(3) membership corporation dedicated to the protection of native, threatened, and endangered species and the habitats they depend on to survive. Through science, policy, and environmental law, the Center is actively involved in seabird protection issues. The Center has more than 88,000 members throughout the United States, including Hawai’i, with a direct interest in ensuring the conservation of our seabird species like the Mōlī (Laysan Albatross).

Albatross species, including the Laysan Albatross (*Phoebastria immutabilis*), play a crucial role in marine ecosystems and are indicators of overall ocean health. These magnificent seabirds spend the majority of their lives at sea, traversing vast distances to forage for food and

returning to specific nesting sites, such as the Marconi Point property, to breed and raise their young.

Over the years, biologists have observed a steady increase in albatross populations in the Main Hawaiian Islands, highlighting the importance of these nesting sites for the survival of these species. However, this fragile ecosystem is under threat from human activities, including habitat destruction, pollution, and direct harm to individual birds, as exemplified by the tragic death of Ho'okipa.

Ho'okipa's tragic death will be felt for generations by our O'ahu Mōlī population. The loss of a single Mōlī, particularly a mature female like Ho'okipa, has far-reaching implications for the entire colony. Mōlī are remarkable birds known for their long lives and faithful return to nesting sites year after year. They breed for life and only have chicks every other year. Mōlī reach sexual maturity at 5 years old and can have chicks all the way into their 70's. Since 2018, around 25 pairs of albatrosses have been nesting in the Marconi area, but only about ten pairs do so consistently.

Among these notable birds was Ho'okipa, identified by the USFWS band labeled "V389", along with her mate (V967). They were the very first breeding pair at Turtle Bay Makai, and later moved next door to Unit 1 of the Marconi Point property. Over six years, they nested here and successfully raised their offspring. Losing Ho'okipa means not only the end of her breeding contributions but also the loss of potential for at least 50 more years of nesting and producing a minimum of 12 chicks, based on typical nesting patterns and fledgling success rates.

Each Mōlī is a crucial part of the population, and losing even one, especially a significant individual like Ho'okipa, diminishes the genetic diversity and potential of the O'ahu albatross community.

The loss of Ho'okipa represents not only the loss of an individual bird but also a blow to ongoing conservation efforts aimed at protecting Hawai'i's indigenous wildlife. It is imperative that landowners, such as the Yue-Sai Kan Trust, take responsibility for their actions and adhere to regulations aimed at protecting vulnerable species like the Laysan Albatross.

In light of the compelling evidence presented by DOFAW and the egregious nature of the violations committed, we urge the Board to act decisively in imposing the requested administrative fine and penalties. Additionally, we support DOFAW's recommendation for the establishment of conservation easements to ensure the long-term protection of Hawai'i's endangered and indigenous species.

Mahalo to the staff for their diligent work in this submission and for this opportunity to provide testimony in **strong support of Agenda Item C-6.**

/s/ Maxx Phillips

Maxx Phillips, Esq.

Hawai'i and Pacific Islands Director, Staff Attorney

Center for Biological Diversity

1188 Bishop Street, Suite 2001

Honolulu, Hawai'i 96813

(808) 284-0007

MPhillips@biologicaldiversity.org

From: [Shannon Rudolph](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Wednesday, April 24, 2024 6:24:39 PM

Aloha!
Item C-6

I am a 40 year Hawai'i resident.
I strongly support 'meaningful fines & penalties' for the killing of
Ho'okipa, the Laysan Albatross, at Marconi Point.

Mahalo!
Shannon Rudolph
P. O. Box 243 Holualoa, Hi. 96725

--

How wonderful it is that nobody need wait a single moment before starting to improve the world. ~ Anne Frank

TESTIMONY FOR ITEM C-6---STRONG SUPPORT FOR DOFAW STAFF RECOMMENDATIONS

Aloha Chair Chang and members of the BLNR,

My name is Rick Warshauer. I am a local field biologist with decades of working with native vegetation across the islands, including assessing coastal vegetation nearly twenty years ago. Much of coastal vegetation elements can be restored, unlike the devastating impacts to faunal elements seen here. Please heed your staff recommendations and assess the maximum penalties and best restitution for the land to the parties guilty of these wanton desecrations to the 'aina and willful disrespect to our laws. None must be held or feel above the law.

I commend the staff, agency and community input to provide such a detailed and credible report.

Mahalo.