

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

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Aloha Chair Chang and Members of the Board,

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

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

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

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

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

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

-Lauren Ballesteros-Watanabe

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

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Aloha Chair Chang and Members of the Board,

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

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

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

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

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

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

Aloha and best regards, Steven

Steven Businger  
4837 Sierra Dr.  
Honolulu, HI 96816  
808-429-7251 cell  
[businger@hawaii.edu](mailto:businger@hawaii.edu)

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

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Aloha Chair Chang and Members of the Board,

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

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

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

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

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

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

Kind regards,

Robin Chapin

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

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Hello BLNR,

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

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

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

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

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Aloha Chair Chang and Members of the Board,

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

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

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

The alleged actions of the developers/owners and their agents indicates intentional, reckless, and careless actions that violate our state laws that protect these species and their habitat. The shoreline has been damaged beyond recognition and must be remediated to bring back native bees, provide a conducive and safe environment to Albatross nesting and chick rearing, provide habitat for seals to haul out (as many prefer native planted areas for overnighting), and protect that natural beach.

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

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

Greg Young

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

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*Aloha Chair Chang and Members of the Board,*

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

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

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

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

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

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

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

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

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

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

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

*Sincerely,  
Ruth Holmberg  
Waialua, Hawaii 96791*

## **BLNR 26Apr24 Agenda testimonies**

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

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

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

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

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

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

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

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



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

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

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

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

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

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Hello Chair Chang and Members of the Board,

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

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

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

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

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

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

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

Admin & Program Coordinator | [HAPA](#)

Hawai‘i Alliance for Progressive Action 5013-c

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

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

Granter | [Hawai‘i People's Fund](#)

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

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

(808)444-1229

[Instagram](#) | [Twitter](#) | [LinkedIn](#)

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

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

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Aloha Chair Chang and Members of the Board,

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

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

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

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

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

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

Sincerely,  
Pat Matsueda

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

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

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

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

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

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

B. A. McClintock

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

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*Laoha Chair Chang and Members of the Board,*

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

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

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

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

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

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

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

*Beth McDermott*

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

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Aloha Chair Chang and Members of the Board,

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

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

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

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

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

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

Sincerely,  
Matt

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

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

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I am the founder of the Kaua'i Albatross Network and I write in the strongest possible support of Items C-5, C-6, and K1, the DOFAW and OCCL enforcement actions for the death and destruction of native Laysan Albatross and Yellow-Faced Bees and their coastal habitat at Marconi.

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

The heinous death of Ho'okipa and 300 Yellow-Faced Bees, 106 trees, and two acres of habitat is a tragic loss of our native species.

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

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

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

Hob Osterlund, APRN

[Conservationist In Residence, Safina Center](#)

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

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

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

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

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





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

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Aloha Chair Chang and Members of the Board,

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

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

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

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

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

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

Suzanne Pluskat, DVM

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

Sincerely,  
Suzanne Pluskat, DVM

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

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Aloha Chair Chang and Members of the Board,

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

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

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

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

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

The alleged actions of the developers/owners and their agents indicates intentional,

reckless, and careless actions that violate our state laws that protect these species and their habitat.

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

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

enforcement actions!

Liat Portner

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

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

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Aloha Chair Chang and Members of the Board,

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

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

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

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

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

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

William Quinlan

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

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Aloha Chair Chang and Members of the Board,

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

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

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

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

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

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

James Waddington

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

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Aloha Chair Chang and Members of the Board,

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

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

As the DOFAW and OCCL submittals explain in detail, the death of Ho'okipa and 300 Yellow-Faced Bees, 106 trees, and two acres of habitat is a tragic loss of our native species. The iron fence is a particular endangerment for nesting Laysan Albatrosses as well as migratory Laysan and Black Footed Albatrosses who frequent the area during mating and chick season.

The alleged actions of the developers/owners and their agents indicates intentional, reckless, and careless actions that violate our state laws that protect these species and their habitat. The shoreline has been damaged beyond recognition and must be remediated to bring back native bees, provide environment conducive and safe to Albatross nesting and chick rearing, provide habitat for seals to haul out (as many prefer native planted areas for overnighting), and protect that natural beach.

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

Mahalo for standing up for our native species and ecosystems and for supporting the proposed enforcement actions! It is all of our kuleana to protect the 'aina.

Mahalo nui, Gwen Young

**From:** [Leah Kocher](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda OCCL Item K-1  
**Date:** Wednesday, April 24, 2024 11:32:12 AM

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Aloha Chair Chang and Members of the Board,

My name is Leah Kocher. I am a resident of Honolulu, having lived here from 2002-2012 and then returning June 2023. I consider Hawai'i to be home and it is important to me that we all work together to protect all that makes this island, and state, special. This includes the native plants, animals, and ecosystems.

I am writing in strong support of Item K-1, the OCCL enforcement actions for the unauthorized destruction of land and un-permitted fence construction at Marconi Point Condominium Property.

As the OCCL submittal explains in detail, these losses are tragic to our native lands. They allegedly cleared lands without authorization. This is not only destructive, but resulted in the decimation of plants that were serving as the habitats for two species of endangered yellow-faced bee. Additionally, they allegedly spread mulch without authorization and erected a fence without proper permitting. This fence resulted in the entanglement of a Laysan Albatross, who was also found dead as the result of blunt force to the head, after grounds workers cleared land close to the nest. Also, 106 trees were removed without authorization. These actions cannot just be undone. Ignorance of the law is no excuse and the developers/owners need to be held accountable for these egregious actions. It is solely the responsibility of the developer/owner to ensure proper authorization is obtained and permits are granted prior to any land clearing or construction on property.

The alleged actions of the developers/owners and their employees shows ignorance, along with intention, recklessness, and carelessness. This violates our state laws that are in place to protect our land and habitats for the plants, animals, and even us humans that inhabit the island. The violations are serious, numerous, and deserve the substantial fines and remedies as proposed by OCCL.

Thank you in advance for helping to protect our islands and speak up for the land and the animals. Please support the proposed enforcement actions.

Sincerely,

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



**From:** [Linda Lyerly](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] For Testimony April 26 Agenda OCCL Item K-1  
**Date:** Wednesday, April 24, 2024 11:58:44 AM

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Please protect the coastal habitat of Marconi. It is very important for the native species that nest and eat and live on that coastline.

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

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

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

Sincerely, Linda Lyerly a Hawaii resident 808-868-6402

**From:** [Mike Moss](#)  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Written testimony pertaining to Agenda Item K1 Against: Association of Unit Owners of Marconi Point Condominium and/or Makai Ranch, LLC for the alleged unauthorized boundary fence  
**Date:** Tuesday, April 23, 2024 8:35:43 PM

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Dear Chairperson Chang,

Prior to receiving the letter from the Office of Conservation and Coastal Lands dated April 25, 2024, we were unaware that an alleged unauthorized boundary fence had been installed.

Now that we have been made aware of this issue, we respectfully request leniency and time (say 60-90 days) so that we can take appropriate action to remedy any infraction pertaining to the alleged unauthorized boundary fence.

Respectfully submitted,  
Hui Kawela, LLC  
Owner of Unit #12



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

**RE: Support of Item K1**

Dear Chair Chang and Members of the Board,

Aloha mai! My name is Jonnetta “Jonee” Peters, the Executive Director for the Conservation Council for Hawai‘i (CCH), which is also the Hawai‘i affiliate of the National Wildlife Federation. The mission of CCH is the protect and save the native species and ecosystems for the future generation. We are support the findings of OCCL at the properties that are outlined in item K1. These unauthorized and careless actions changed the topography of the land that protected species use.

**We write in strong support of Items K-1** and the OCCL findings and enforcement actions for the clearing of land, removal of trees, spreading of mulch, unauthorized fence structure, and removal and encroachment of resources. The alleged actions of the developers/owners and their agents indicates intentional, reckless, and careless actions that violate our state laws that protect these species and their habitat. These alleged violations are very serious, numerous, and deserve the substantial fines and remedies as proposed by DOFAW.

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

Jonnetta “Jonee” Peters  
Executive Director

**web: [www.conservehawaii.org](http://www.conservehawaii.org) | P.O. Box 2923, Honolulu, HI 96802**

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Bret Nainoa Mossman, Michael Nakachi,

**Executive Director:** Jonnetta “Jonee” Peters

**Operations and Events Manager:** Leah Kocher

**National Wildlife Federation Region 12 Director:** Rachel Sprague

**National Wildlife Federation Pacific Region Associate Director:** Emily Martin

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