

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

Office of Conservation and Coastal Lands
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

ENF: OA 07-31

CERTIFIED MAIL/RETURN RECEIPT

MAY 29 2007

Michael Dailey
c/o A. Bernard Bays
BaysDeaverLungRoseBaba
P. O. Box 1760
Honolulu, Hawaii 96806

Dear Mr. Bays,

SUBJECT: Conservation District Enforcement File OA 07-31 Regarding the Unauthorized Repair/Reconstruction of a Boulder Revetment Within the Conservation District Located at Mokuleia, Island of Oahu, TMK:(1) 6-8-003:018

This is to inform you that on May 25, 2007, the Board of Land and Natural Resources (Board) has found your client in violation of Chapter 13-5, Hawaii Administrative Rules, and Chapter 183C, Hawaii Revised Statutes, of the Conservation District rules in regards to the unauthorized repair/reconstruction of a boulder revetment within the Conservation District located at Mokuleia, Island of Oahu, TMK:(1) 6-8-003:018 subject to the following:

1. The landowner violated the provisions of Chapter 183C, Hawaii Revised Statutes (HRS), and Chapter 13-5, Hawaii Administrative Rules (HAR), in four instances by allowing the unauthorized repair/reconstruction of a revetment/seawall, and failing to cease and desist after written notification on at least three occasions. The alleged is fined a total of \$8,000.00 for four Conservation District violations;
2. The landowner is fined an additional \$2000.00 for administrative costs associated with the subject violations;
3. The landowner shall pay all fines (total \$10,000.00) within sixty (60) days of the date of the Board's action;
4. *Amendment* The landowner shall remove the unauthorized improvements within one hundred eighty (180) days of the date of the Board's action;
5. That in the event of failure of the landowner to comply with any order herein, the landowner shall be fined an additional \$2,000.00 per day until the order is complied with; and

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6. That in the event of failure of the landowner to comply with any order herein, the matter shall be turned over to the Attorney General for disposition, including all administrative costs.

Please acknowledge receipt of this letter, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within (30) days. Furthermore your oral request for a contested case was noted. Contested case information was given to your Associate, Mr. Michael Carroll at the Land Board meeting. Additional copies of Chapter 13-1, Hawaii Administrative Rules or the contested case petition may be found on our website at www.hawaii.gov/dlnr/occl. Should you have any questions, please contact Tiger Mills of our Office of Conservation and Coastal Lands at 587-0382.

Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Receipt acknowledged:

Signature

Date

c: Chairperson
ODLO
City and County of Honolulu, DPP