

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawaii**

April 27, 2018

Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii

REGARDING: Conservation District Enforcement MO 17-18 Alleged Unauthorized Land Uses Located in the Conservation District

LANDOWNER: Geoffrey Cloward

LOCATION: 11196 Kamehameha V Highway, Honouliwai, Moloka'i, Hawai'i

TAX MAP KEY: (2) 5-8-002:001

PARCEL SIZE: 0.19-acres

SUBZONE: Limited

DESCRIPTION OF AREA:

The subject parcel is located on Kamehameha V Highway on the eastern side of the island of Moloka'i and is further identified at Tax Map Key (TMK) (2) 5-8-002:001. The parcel is entirely located within the Limited Subzone of the State Land Use Conservation District (**see Exhibit 1**). The site currently consists of four (4) structures, a water tank, two (2) outdoor shower areas, two (2) outdoor bath/soaking tubs, and landscaping (**see Exhibit 2**).

The property is located in a rural coastal area on the south eastern side of Moloka'i. Kamehameha V Highway borders the property to the north, State owned unencumbered lands including the State owned Honouliwai Fishpond lies to the south, and there are two residences to the west. The surrounding area has very little development and is rural and peaceful in nature (**see Exhibit 3**).

ALLEGED UNAUTHORIZED LAND USES

In 2016, the County of Maui, filed a complaint with the Office of Conservation and Coastal Lands (OCCL) regarding the presence of alleged illegal structures on the property, and use of the property as a transient vacation rental, and that event and weddings were also being hosted on the property. As a follow-up to the complaint, an investigation was conducted by the Division of Conservation and Resource Enforcement (DOCARE) on September 8, 2016 (**see Exhibit 4**). The DOCARE officer observed four (4) structures on the property in which three (3) appeared to be dwellings (**referenced as Pre-Existing Home, Structure 1, and Structure 2 on Exhibit 2**) and one (1) which appeared to be a storage shed (**referenced as Structure 3 on Exhibit 2**). In addition, the Officer also observed a large, steel water tank on the property. Staff notes that based upon review of our records, we have no record of authorizations for the noted structures, except for the main residence (**Pre-Existing Home**) which can be considered a non-conforming structure as it appears it was constructed in 1960, prior to

the advent of the State Land Use Conservation District (**see Exhibit 5**). Further, Staff notes that all of the unauthorized structures that are being alleged as dwelling units, as well as the non-conforming dwelling, appear to have been listed online as transient rentals on both VBRO and Airbnb (**see Exhibit 6**). The VBRO and Airbnb listings were taken down shortly after DOCARE conducted their investigation. A letter regarding the alleged prohibited and unauthorized land uses was sent to the landowner, Mr. Geoffrey Cloward, on October 20, 2016 (**see Exhibit 7**).

In response to the letter, on November 19, 2016, the landowner requested a meeting with the OCCL to discuss the allegations. A meeting was held on January 18, 2017 in which the landowner and his attorney met with Staff. At that meeting, Mr. Cloward agreed that the prohibited use of the property for transient rental would be resolved via a signed declaration stating that he would not use the property as a vacation rental unless otherwise approved by the Board of Land and Natural Resources (Board) (**see Exhibit 8**).

In order to address the issue of the alleged unauthorized dwellings, a Notice of Alleged Violation (NOV) was issued to the landowner on May 4, 2017 (**see Exhibit 9**). The landowner responded to the NOV on June 24, 2017 in which he stated that when he purchased the property, there was an existing home with a deck, a water tank, a pump house for the water tank, and a storage structure (**see Exhibit 10, and Exhibit 2 for Site Layout**). He explained that due to the conditions of the “accessory” structures and the water tank, they needed to be replaced. He was told [**not clear who told him**] that structures under 120 square feet and water tanks less than 15,000 gallons did not need a permit, not realizing that these thresholds only applied to County building requirements. Through this correspondence, Mr. Cloward offered to demolish Structure 1 and further asked to keep Structure 3 as a pump room/storage shed, and convert Structure 2 into an additional storage shed (**refer back to Exhibit 2, Site Layout**). Subsequent to this, the landowner made a request to alter Structure 1 into an open deck rather than demolishing the structure.

A site inspection was conducted on September 12, 2017 by Staff (**see Exhibit 11**). In addition to all of the previously identified alleged unauthorized uses, during the site inspection, Staff noted alleged unpermitted improvements on the property not previously identified, including two (2) outdoor shower areas, two (2) outdoor bath/soaking tubs, and landscaping including features which appear to include rock borders, rock walls, and steps leading to the beach area.

DISCUSSION

Chapter 13-5, Hawai‘i Administrative Rules (HAR) and Chapter 183C, Hawai‘i Revised Statutes (HRS), regulate land uses in the Conservation District by identifying a list of uses that may be allowed by Conservation District Use Permit (CDUP). The chapters also provide for penalties, collection of administrative costs, costs associated with land and/or habitat restoration, and damages to state land for uses that are not allowed or for which no permit has been obtained.

Land use is defined in HAR §13-5-2(2) as

- (1) *The placement or erection of any solid material on land if that material remains on the land more than thirty days, or which causes a permanent change in the land area on which it occurs;*
- (2) *The grading, removing, harvesting, dredging, mining, or extraction of any material or natural resource on land;*

- (3) *The subdivision of land; or*
- (4) *The construction, reconstruction, demolition, or alteration of any structure, building, or facility on land.*

The improvements on the subject parcel falls within this definition of land use as it involves the placement or erection of any solid material on land for more than thirty days.

The property is located within the Limited subzone of the State Land Use Conservation District. Information on the County of Maui's Real Property Tax website revealed that the "existing residence" (**refer back to Exhibit 2, Site layout**) is considered to be a dwelling built in 1960, with one bedroom, and one bath (**refer back to Exhibit 4**). Therefore the "pre-existing home" would be considered a non-conforming use as it was in existence prior to the advent of the Conservation District. However, Staff notes there are no notations of permits and/or approvals for the other improvements on the property on the County site. Staff also wishes to note that Structures 1 and 2 are not considered to be permitted uses that could even be applied for pursuant to HAR §13-5-41 (b) as, *"Not more than one single family residence shall be authorized within the conservation district on a legal lot of record."*

Based on the County of Maui's Real Property Tax website, the landowner purchased the property sometime in March of 2011 (**refer back to Exhibit 4**). Further research, using the County of Maui's pictometry database, showed substantial improvements done to the property since the landowner took possession in 2011 (**see Exhibit 12**). Pictometry 1 shows the layout of the property in 2010, prior to the purchase of the property by the current landowner. A single structure appears in the photograph, which is the "pre-existing home." However, in August of 2011, after the purchase of the property by the current landowner, changes begin to occur (**see Exhibit 12**) including the grubbing of the land and installation/construction of improvements. Based on the pictometry images, it's clear that **ALL** of the improvements on the property, except for the "pre-existing home," were developed on the land after the property was sold to Mr. Cloward.

It should be noted that, while the landowner has signed a declaration stating that the property shall not be used for transient rentals, Staff continues to receive calls from the County of Maui regarding complaints from neighbors about the use of the property for rental purposes. While Staff has no substantial proof regarding those claims, Staff believes that if the alleged unauthorized dwellings are allowed to remain (as requested by Mr. Cloward), the appearance and temptation to use the property for rental purposes remains.

This case is particularly worrisome due to the rural nature of most of Molokai. A Maui News article regarding the update of the Moloka'i Community Plan, stated that short-term rentals on Moloka'i are becoming a growing issue and residents have expressed that "the priority is to keep east Moloka'i as a rural community and not have any commercialization at all" (**see Exhibit 13**).

Therefore, Staff will recommend the following:

- That the landowner remove Structure 2 in its entirety.
- That the Board consider allowing the landowner to convert Structure 1 into an open deck subject to them applying for and obtaining the necessary permits and/or approvals. Staff notes that the deck would be counted as a part of the maximum developable area (MDA) of the property as HAR, Chapter 13-5, Exhibit 4 defines the MDA as *"the total floor area in*

square feet allowed under the approved land use. The floor area computation shall include: all floor areas under roof, including first, second, and third story areas, decks, pools, saunas; garage or carport, and other above ground structures". Given that the property is 0.19 acres, the maximum developable area (MDA) for the property is 2,069.10 square feet. The total MDA will need to be confirmed should the landowner submit a permit application for review and processing.

- That the water tank and Structure 3 (pump room/storage shed) be allowed to remain, subject to after-the-fact permitting, as Staff understands that such improvements are necessary for a residence. Staff notes that Structure 3 would also count towards the total MDA for the property.
- That the two (2) outdoor showers be allowed to remain, subject to after-the-fact permitting as such improvements could be considered as appropriate accessory structures to an ocean front residence.
- That that the landscaping and associated features (rock walls, decorative rock borders, and stairs) be allowed to remain, subject to after-the-fact permitting, while the two (2) outdoor bath/soaking tubs are recommended to be removed.

ANALYSIS:

HRS, §183C-7 **Penalty for violation** notes (a) The department shall prescribe administrative procedures as it deems necessary for the enforcement of this chapter and (b) Any person violating this chapter or any rule adopted in accordance with this chapter shall be fined not more than \$15,000 per violation in addition to administrative costs, costs associated with land or habitat restoration, and damages to public land or natural resources, or any combination thereof. After written or verbal notification from the department, willful violation of this chapter or any rule adopted in accordance with this chapter may incur an additional fine of up to \$15,000 per day per violation for each day in which the violation persists.

The penalty range for the unauthorized land uses will be substantially determined based on the type of permit that would have been required, had the landowner applied to the DLNR to conduct the identified land use(s). The closest identified land use for Structure 1 would be found under HAR §13-5-23, L-3 SINGLE FAMILY RESIDENCE (D-1) *A single family residence in a flood zone or coastal high hazard area defined by the boundaries of the Federal Insurance Rate Maps (FIRM) that conforms to applicable county regulations regarding the National Flood Insurance Program and single family residential standards as outlined in this chapter* [HAR Chapter 13-5]. Therefore, based on the *Conservation District Violation Penalties Schedule Guidelines and Assessment of Damages to Public Land or Natural Resources, Section 2.1, PENALTY CALCULATION (see Exhibit 14)*, the closest identified land use would require a Board CDUP, thus setting the Penalty Range from \$10,000.00 to \$15,000.00 per instance.

For the landscaping and various improvements (including the previous grubbing and grading of the site, the rock walls, decorative rock borders, and outdoor bathing tubs) the closest identified land use would be found under HAR §13-5-23, L-2 LANDSCAPING (C-1) *Landscaping, (including clearing, grubbing, and tree removal), including chemical and mechanical control methods, in accordance with state and federal laws and regulations, in an area of less than 10,000 square feet. Any replanting shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawai'i. The introduction of invasive plant species is prohibited.*

Therefore, as the closest identified land use would require a Departmental CDUP, the Penalty Range would be from \$2,000.00 to \$10,000.00

For the water tank, Structure 2, Structure 3 (pump room/storage shed), and the two (2) outdoor showers, the closest identified land use would found under HAR §13-5-22, P-9 STRUCTURES, ACCESSORY (B-1) *Construction or placement of structures accessory to existing facilities or uses*. Therefore, as the closest identified land use would require a CDUP Site Plan Approval (SPA), the Penalty Range would be from \$1,000.00 to \$2,000.00.

FINDINGS

The unauthorized placement of three (3) structures, landscaping, and associated improvements on the property are in violation of Chapter 183C, HRS and Title 13-5, HAR. Based upon our investigation, OCCL finds that:

1. The location of the unauthorized land uses, Tax Map Key: (2) 5-8-002:001, is in the State Land Use Conservation District *Limited* Subzone;
2. That these improvements were not authorized by the Department of Land and Natural Resources under HAR §13-5.

AS SUCH, STAFF RECOMMENDS AS FOLLOWS:

That, pursuant to HRS, §183C-7 and HAR, §13-5-6, the Board finds the landowner in violation of HAR, §13-5-23, and is subject to the following:

1. That the landowner is fined \$10,000.00 in one instance for violating the provisions of HRS §183C-7 and HAR §13-5-23 for the unauthorized construction of one (1) dwelling structure (Structures 1) and failing to obtain the appropriate approvals within the Conservation District;
2. That the landowner is fined \$1,000.00 in one instance for violating the provisions of HRS §183C-7 and HAR §13-5-23 for unauthorized landscaping within the Conservation District;
3. That the landowner is fined \$2,000.00 in one instance for violating the provisions of HRS §183C-7 and HAR §13-5-23 for unauthorized accessory structures (Structure 2, storage shed, water tank, and 2 outdoor showers) within the Conservation District;
4. That the landowner is fined an additional \$2,000 for administrative costs associated with the subject violations;
5. That the landowner shall pay all designated fines and administrative costs (\$15,000.00) within one hundred eighty (180) days from the date of the Board's action;
6. That the landowner shall remove all unauthorized structures (Structure 1 and 2 and the two outdoor baths/soaking tubs) within one hundred eighty (180) days from the date of the Board's action and allow Staff to conduct a follow-up site inspection to ensure compliance. Structure 1 may not need to be removed completely subject to the landowner applying for and obtaining a Site Plan Approval to convert the structure into an open deck pursuant to

STRUCTURES, ACCESSORY (B-1) *Construction or placement of structures accessory to existing facilities or uses.* The deck shall count towards the total MDA of the property;


7. That the landowner shall apply for an after-the-fact SPA for the landscaping improvements and accessory structures (storage shed, water tank, and outdoor showers) within one hundred eighty (180) days of the Board's action on this matter. The storage shed shall count towards the total MDA of the property. The landowner shall submit a landscaping plan along with their application. If any plants are identified as introduced and/or invasive, the landowner will be required to remove such species and replace with either endemic or indigenous plants to Hawai'i, or allow the area to regrow naturally;
8. That the SPA for the after-the-fact landscaping improvements, accessory structures, and new open deck will need to be approved by the Department, who has the final authority to sign, modify, or deny the permit; and that if the permit is denied, all improvements and accessory structures will need to be removed and the area restored to its natural state;
9. That the landowner, its successors and assigns, shall indemnify and hold the State of Hawai'i harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the landowner, its successors, assigns, officers, employees, contractors, and agents relating to or connected with this matter;
10. That the landowner shall comply with all applicable statutes, ordinances, rules, and regulations of the Federal, State and County governments;
11. That in the event of failure of the landowner to comply with any order herein, the landowner shall be fined an additional \$15,000 per day until the order is complied with; and
12. That in the event of failure of the landowner to comply with any order herein, this matter shall be turned over to the Attorney General for disposition, including all administrative costs.
13. The above noted conditions of Enforcement file MO 17-18 shall be recorded with the deed instrument pursuant to HAR, §13-5-6(e).

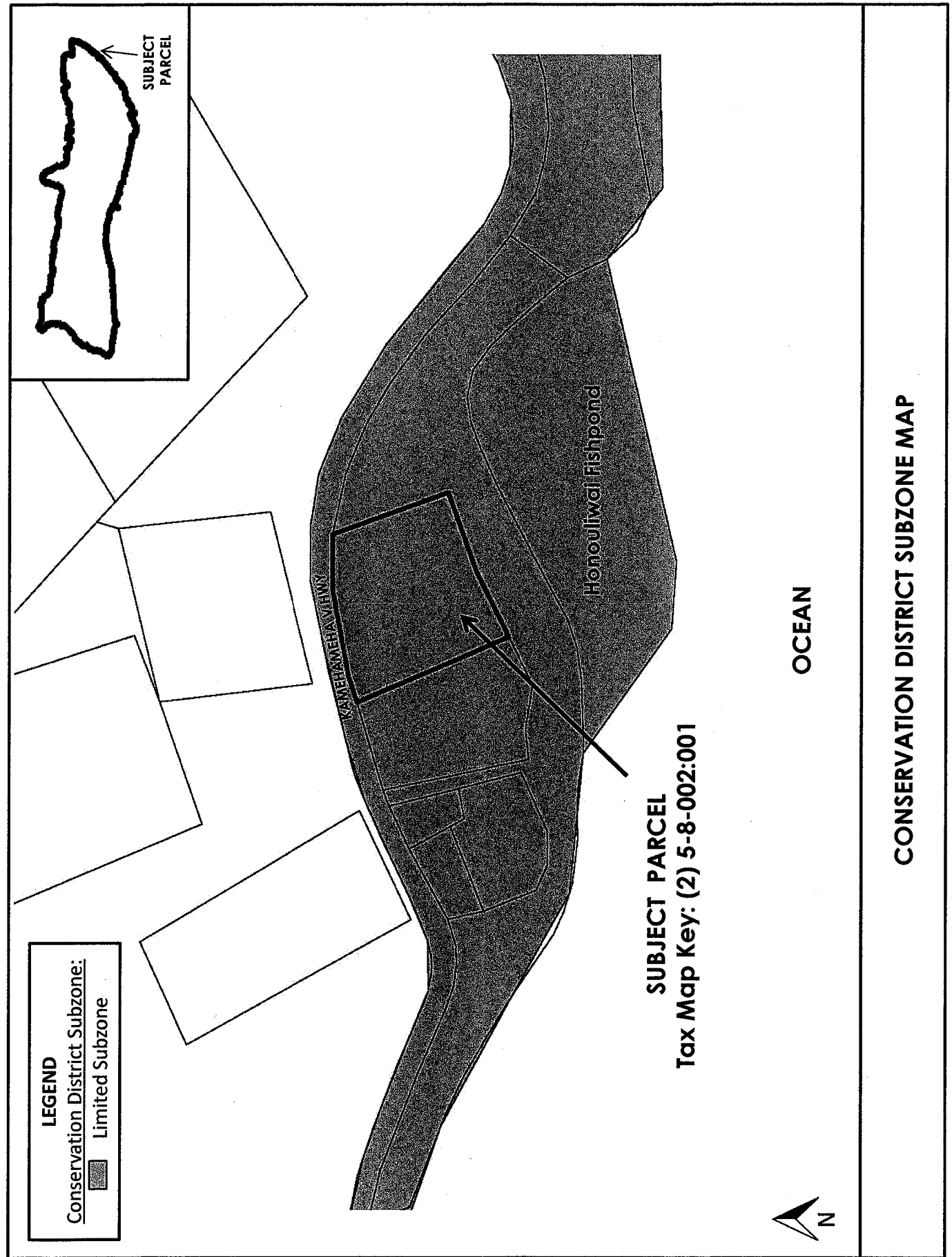
Respectfully submitted,

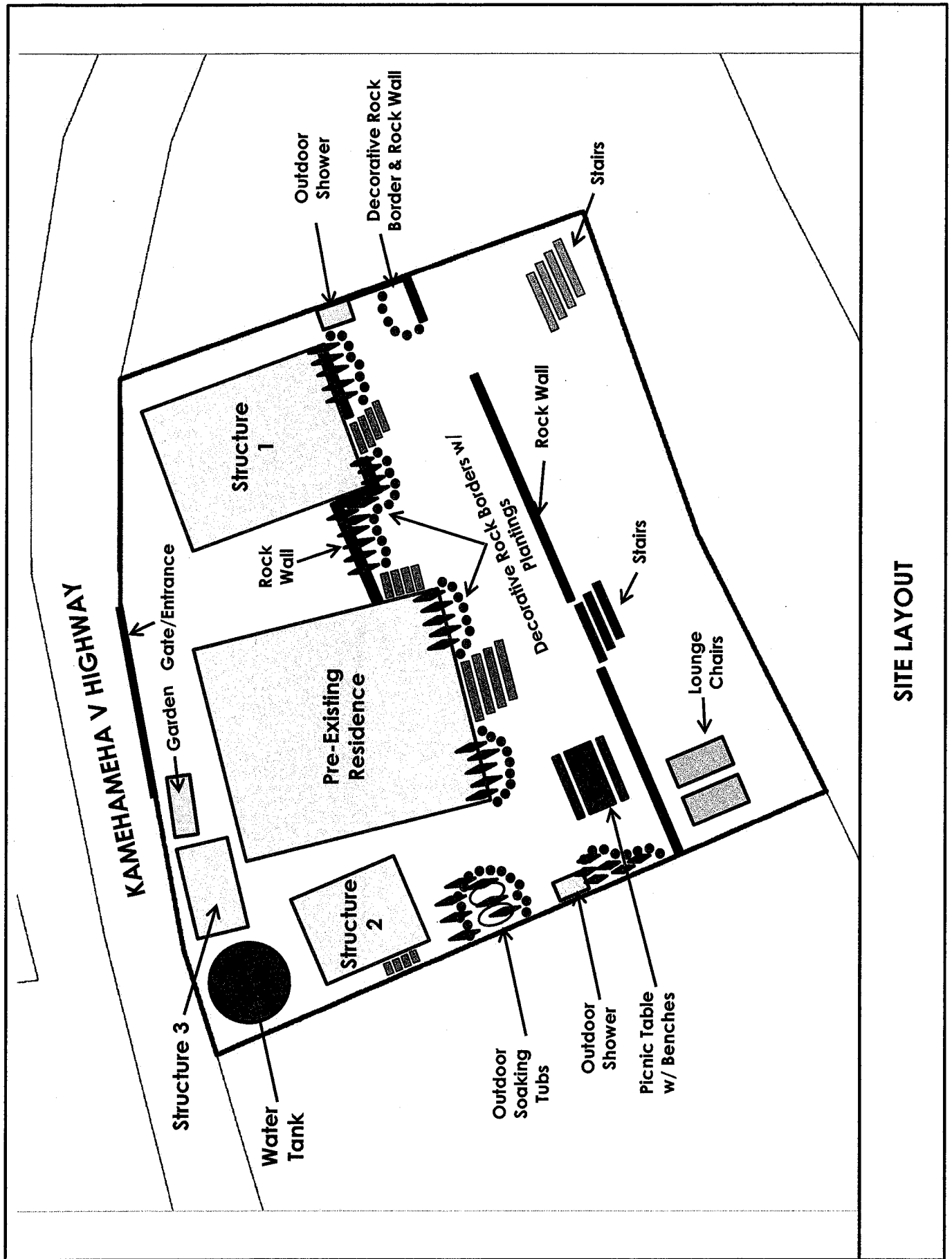


Lauren Yasaka, Staff Planner
Office of Conservation and Coastal Lands

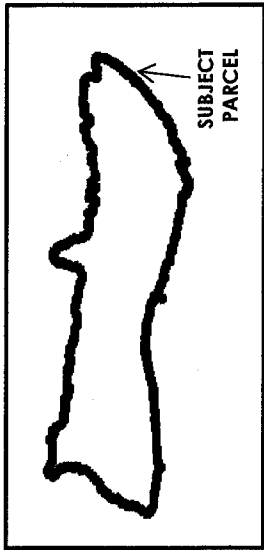
Approved for submittal:


Suzanne D. Case, Chairperson
Board of Land and Natural Resources



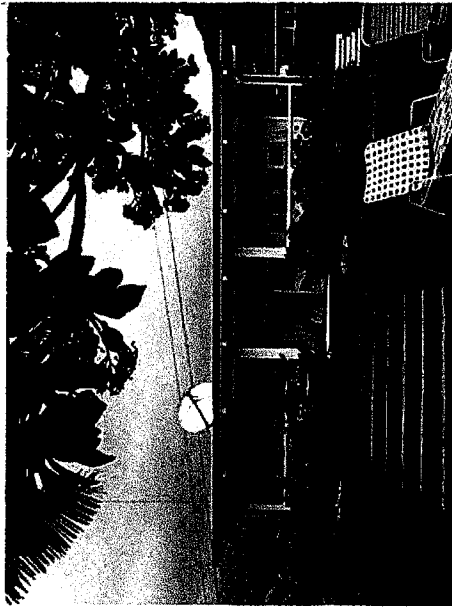


SITE LAYOUT



LOCATION MAP

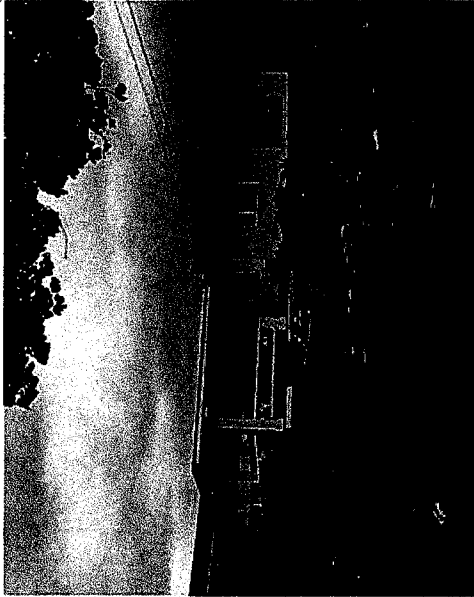
1 Largest of four structures erected on subject property. Believed to be original Redwood/Cedar structure. TMK 5-8-002-001.



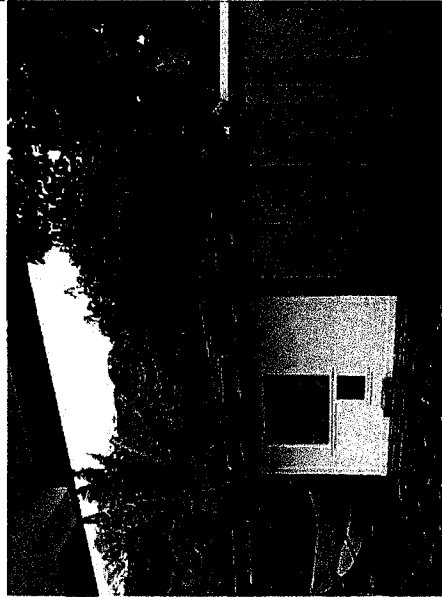
3 Photo#3 is of another structure just east of the original structure in photo#1. It is smaller. approximately 16x20 in dimension.



2 Side view of same structure depicted in photo#1. Highway just under power lines depicted. Structure approximately 40'x40'.



4 Photo#4 depicts the west wall of the second structure. Wood fence to provide privacy between units.



PHOTOS FROM DOCARE
September 8, 2016

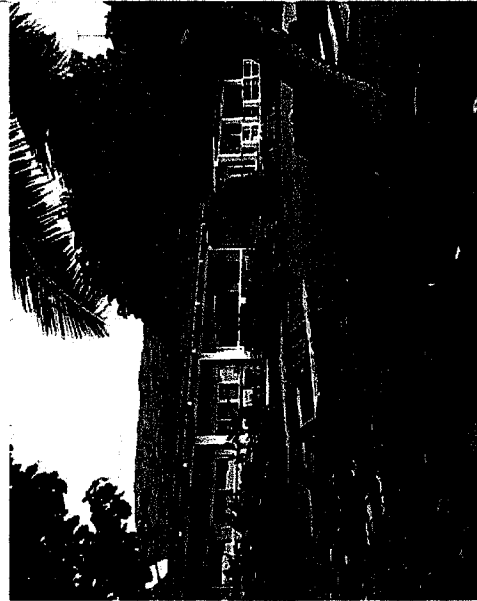
Photo#5 depicts a third structure west of the first structure in Photo #1. A shower and toilet on the west of structure.

6



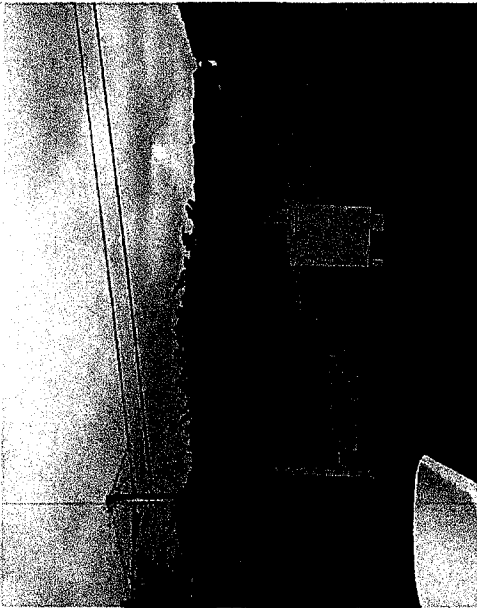
Photo#6 depicts a fourth structure to the rear of structures in photo #5 and #1. Appears to be for storage.

8



Photo#7 depicts storage room in photo #6. It also depicts a water tank in the Northwest corner of the property.

5



Photo#8 depicts the largest and second largest structures on the subject property (taken from Southwest corner of property)



PHOTOS FROM DOCARE
September 8, 2016



Recent Sales in Neighborhood	Previous Parcel	Next Parcel	Return to Main Search Page	Maui Home
----------------------------------------------	---------------------------------	-----------------------------	--------------------------------------------	---------------------------

Owner and Parcel Information			
Owner Name	CLOWARD, GEOFFREY LAWRENCE Fee Owner	Today's Date	December 28, 2017
Mailing Address	1616 LILIHA ST STE 302 HONOLULU HI 96817	Parcel Number	580020010000
Location Address	11196 KAMEHAMEHA V HWY	Parcel Map	Show Parcel Map
Neighborhood Code	5851-6	Land Area	.19 Acres
Legal Information	LCAW 3913:4 0.19 AC NO DES	Parcel Note	
Generate Owner List By Radius			

Assessment Information Show Historical Assessments								
Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land Value	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2017	CONSERVATION	\$ 94,100	\$ 0	\$ 94,100	\$ 26,300	\$ 120,400	\$ 0	\$ 120,400

Current Tax Bill Information 2017 Tax Payments Show Historical Taxes									
Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2017-2	Real Property Tax	02/20/2018	\$ 383.47	\$ 0.00	\$ 383.47	\$ 0.00	\$ 0.00	\$ 0.00	\$ 383.47
Tax bill is computed to 12/31/2017									

Improvement Information						
Building Number	Style	Year Built	Eff Year Built	Percent Complete	Living Area	Construction Type
1	Accessory dwelling	1960		100 %	468	Frame
Heating/Cooling	Exterior Wall	Bedrooms/Full Bath/Half Bath	Roof Material	Fireplace	Building Value	Sketch
NONE	REDWOOD/CEDAR	1/1/0	Composition Shingle		\$ 26,300	Sketch Building

Accessory Information					
Building Number	Description	Dimensions/Units	Year Built	Percent Complete	Value
No accessory information associated with this parcel.					

Sales Information								
Sale Date	Price	Instrument #	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
03/24/2011	\$ 280,000	11-054417	Fee conveyance	Valid Sale	Warranty deed	04/04/2011		
02/28/2006	\$ 0	06-059132	Fee conveyance		Warranty deed	03/29/2006		
01/05/2005	\$ 0	05-012971	Fee conveyance		Limited warranty/apartment deed	01/21/2005		
01/05/2005	\$ 0	05-012972	Fee conveyance		Limited warranty/apartment deed	01/21/2005		
07/01/2004	\$ 0	04-152201	Fee conveyance		Limited warranty/apartment deed	07/26/2004		
06/08/2004	\$ 75,000	04-121077	Fee conveyance	Valid Sale	Deed	06/16/2004		
10/23/1997	\$ 75,000	9700150409	A/S on fee	Valid		11/03/1997		

Permit Information			
Date	Permit Number	Reason	Permit Amount
No permit information associated with this parcel.			

EXHIBIT 6

**AIRBNB REVIEWS, VBRO LISTING, ALL THE ROOMS
LISTINGS**



Where to?



Hey, I'm Lisa!

Honolulu, Hawaii, United States (/s/Honolulu--HI) · Member since February 2014

Report this user

Aloha from Honolulu! We are Geoff and Lisa Cloward and we own an amazing property on Molokai that we rent out during some parts of the year that our family isn't enjoying it. We are happily married with two beautiful daughters. We all enjoy the outdoors and surf, swim and hike as much as we can. We work and live in Honolulu and fell in love Molokai many years ago. We purchased the property because we wanted our family and friends to be able to enjoy this place for many generations. When we found out that we were having our first daughter Serena, we came to this property to celebrate together before we told everyone in our lives. It was became our special place to ground ourselves and reconnect with the most sacred and important part of lives. One of the local women met us and asked it we were hapai (pregnant), we knew then that this was a place and people we wanted in our lives forever.

38

Reviews

(/users/show/12457533#reviews)



Verified

Reviews (38)

Reviews From Guests



Meryl

(/users/show/90685499)

September 2016

We had such a wonderful stay at Lisa's cute rainforest cottage, it was absolutely lovely! The location, the cute little cabin interiors & the terrace with tropical forest views, everything was just perfect!!

+ More



Harriet

(/users/show/18335799)

August 2016

We really had a wonderful and regressive time at the little cottage! Everything is well designed and really cosy. The "private" beach, the Humuhumunukunukuapuaa-fishes, the papayas: A picture-book place!!! Go to Moloka'i! Now!

+ More



Mary Pat

(/users/show/8824889)

August 2016

My husband and I loved this place. The caretakers were very welcoming and accommodating. The studio cottage was so cute and clean. It's important to bring or buy all your groceries before you get to the cottage because once you get there you won't have many other options. The kitchen was well equipped and we loved cooking and eating on the deck. It was almost like fancy indoor camping because the shower, tub, toilet and sink were all outdoors. But everything was very clean and well designed. We didn't realize how close the neighboring cottage was (two parked cars width away). Even though we rarely saw or heard them if they were on the lawn or on their deck they could see you if you were in the tub or walking from/going to the bathroom area so I would suggest a robe haha. We would've really loved WiFi, but that added to the rustic vibe! All and all it was super relaxing and just what we needed. Pro Tip: Lay out on the grass at night and look at all the stars!!!

+ More



Mike

(/users/show/74103605)

July 2016

Our stay in Tantilus was great. As advertised, this was a cozy little cabin with all the amenities that you need. The space was clean and tidy, but may not be the perfect place for someone who is uncomfortable navigating stairs. I loved it when the rains would start, and I really enjoyed waking up to the forest of bird-song and wind blowing through the trees -- it was spectacular. Views to and from the cottage were breath-taking! We thought of staying at a resort, but the value of this place was too good to pass up!

+ More



Peter

(/users/show/58594445)

June 2016

The Love Shack is a picture perfect place that truly feels as its name describes. The space was clean, and felt like it was from the pages of a magazine. Though the island feels isolated, the house isn't, so you don't get as much privacy as expected with the glass walls/windows; neighbors are close by, and seem to share the property (very nice neighbors though!). We wished we had water shoes since the beaches were more rocky than resort beaches. Overall, a very unique and great experience.

+ More



Gabriella

(/users/show/30199994)

June 2016

Lisa and Geoff are awesome hosts, one of the best we've ever had through Airbnb! They welcomed us upon arrival and showed us around the cottage, which was absolutely beautiful, in fact, looked even more spacious than we expected. You have everything you need for your stay here and we loved the fact that it was close to town, yet hidden in the forest and far enough that you could really enjoy the peace and quiet. There are awesome trails and gorgeous views within a

walking distance as well! We loved our stay at the forest cottage and are grateful for having such great hosts, who helped us with our transition to moving to Hawaii and also for inviting us for the delicious dinner Geoff prepared! We will most definitely recommend you to our family and friends coming to visit us in Hawaii! Thanks for everything guys!

+ More



Elisa

(/users/show/13487034)

May 2016

Lisa is such a sweetheart. She welcomed us very warmly and was full of attentions all along our stay: she offered to us some delicious home made chicken risotto the first night, rainforest bananas one morning and gave us great restaurant tips. We really enjoyed our stay at her cottage.

+ More



Marja

(/users/show/49605514)

Nice individual spot almost at the end of the Eastern Molokai. Nice cozy apartment! Not quite in freshest condition as expected from images, but still all was absolutely usable and very well equipped! No internet (which is not necessary if you really want to relax) and no guest information (be sure to plan your trip and things to do well before coming to this spot!). Close to the Halawa valley, and in area of nice beaches. There is a shop about ten minutes drive down the road which provides groceries, food, breakfast, and internet. Price-performance ratio of apartment could be a bit better (saying, the price a bit lower :) Nice spot, no question, but a bit over-priced.

+ More



Dave

(/users/show/66524989)

Beautiful place, great location if you like Halawa Valley and seclusion. Thoroughly enjoyed our stay -- Love Shack is small though with neighbors very close. We were lucky and no one was staying next door.

+ More



(/users/show/12457533)

Response from Lisa:

Hi Dave So glad you enjoyed!



Louis

(/users/show/14399990)

A wonderful secluded stylish bnb near the eastern end of Molokai with its own protected beach. Very quiet, lush, rural, a few houses nearby. Hardly a car. Views of Maui and Lanai. All necessities provided. Minnie across the road kept an eye on us. Highly recommended.

+ More



Becca

(/users/show/428706)

My husband and I had a wonderful time staying at the Loveshack! Lisa and Geoff were staying on the rest of the property when we were there and made us feel right at home. The Loveshack has a great view of Maui across the ocean and everything you need for a relaxing getaway. The bed is very comfortable, and the outdoor bathroom is magazine-ready. We spent lots of time on the deck relaxing in the bathtubs or eating at the table outside. Our only regret was planning too many activities on Molokai--the island is great, but the Loveshack is the best.

+ More



(/users/show/12457533)

Response from Lisa:

Thank you Becca! We had so much fun with you folks! Hope it gets a repeat;) Mahalo
Lisa



Nicholas And Aubrey
(/users/show/50547507)

We had a great stay. The cottage is behind a fence so it seemed like a private and safe place to stay. Beautiful surroundings with lots of green life.

+ More



Till
(/users/show/6605318)

We stayed 3 nights at Lisa's Molokai beachfront Loveshack - and it was wonderful. The caretakers who live across the street welcomed us with freshly picked bananas and papayas from their garden and explained everything. We felt right at home. The Loveshack is cozy but feels much larger because of the beautiful ocean views from every window, the open doors to the verandah and the stylish and tasteful interior design. The best feature might be the two outdoor tubs on the verandah where we ended up soaking in the warm water every evening after a day exploring Moloka'i. There is a small protected beach right there at your feet and a snorkeling spot just around the point. The house is located in east Moloka'i, the lush and tropical side of the island, only a few miles from the end of the road - so it feels even more secluded, quiet and relaxed - if that is possible on such a relaxed island. But because Moloka'i is so small you are not too far away from the major sights. Gorgeous Halawa Valley is just around the corner and there is a friendly country store and authentic lunch spot, Mana'e Goods and Grindz, a few miles down the road. Lisa, the owner, was very nice and helpful during the booking process and responded to every question we had right away. We are missing this little piece of paradise already. Can't wait to go back.

+ More



(/users/show/12457533)

Response from Lisa:

Thank you Till Come back Mi casa es tu casa! Aloha and MAHALO Lisa;)



Stefano
(/users/show/32915223)

Best holiday of my life. The cabin was a dream.

+ More



(/users/show/12457533)

Response from Lisa:

Gracias Stefano So glad you guys had fun See you again some time Lisa



Wayne

(/users/show/2590354)

We had a wonderful - stress free stay at the love shack. Beautiful setting and aloha spirit present. The studio is exactly as described, and the water out front was a calm pool in the fish pond. We had decent snorkeling just outside the pool wall and saw some cool critters in the calm shallow waters inside. It is about a 45 minute drive into town so best to stock up on groceries on your ride in. The Friendly Market was a great place for that. The kitchen in the studio had pretty much all we needed and we ate our meals outside each day. Our Hawaiian hosts Dino and Mimi made sure we had all we needed and checked in on us to make sure all was good. We had visits from local pups, a few roosters, and a one persistent cat - but it only added to our overall feeling of living alongside the local community. A great place, a bit rustic for the price, but overall exactly what one should expect when getting off the beaten path. If you are looking for an alternative to the condos and hotel on Molokai, and you are not following a strict budget then this place is a special find.

+ More



Toni

(/users/show/39034959)

The Beach cottages are best spot on Molokai, maybe even in the Hawaiian Islands. My family loved every minute of our stay at Lisa's. Watching whales, the light change on the slopes of Maui across the channel, snorkeling and surfing, talking story with the (URL HIDDEN) was the antidote to too much time spent in Oahu traffic. The cottages were perfect; loved the outdoor showers and bath tubs, especially with the full moon! Friendly cat was a bonus. Counting the days till we can come back again. Awesome.

+ More



Amanda

(/users/show/19601284)

My husband and I just returned from our 5 night stay in Molokai. Lisa's love shack was absolutely perfect for the romantic getaway we were looking for. The love shack is tiny but has everything you need. The neighbors were there to check us in and answer any questions we had. They gave us privacy but also let us know they were available if we needed anything. They are such wonderful and welcoming people as is everyone on the island. We will definitely be back. Thank you for giving us such a wonderful place to stay to experience the incredible island of Molokai.

+ More



(/users/show/12457533)

Response from Lisa:

So awesome! Come back!!



Anna And Brian

(/users/show/50610)

Wow, the beach house was amazing! We stayed for about 2 weeks with our four kids who range in age from 4-9. They had the time of their lives, playing in the water, catching sea creatures, digging in the sand, and running around while parents relaxed on the large lanai, read books, daydreamed, napped, or just gazed at the ocean and counted whales.

Dino and Minnie checked in on us every now and then to make sure we had everything we needed, or to bring us bananas, coconuts, or other treats. The two of them were super sweet and kind!

+ More



(/users/show/12457533)

Response from Lisa:

That is perfect!!!



Paul

(/users/show/9404381)

We were welcomed by the Clowards and shown their nice little cottage in the the rain forest. Its quite and beautiful. Clean and efficient! Comfortable bed and nice little kitchen. It was a pleasure to come home to every night. They were very helpful with suggestions on where to go eat and which local beaches to go see(They provided a cooler and beach chairs. Which was very convenient!). I would definitely stay again! We had a wonderful Valentines day weekend! Thank you very much Paul and Kim

+ More



(/users/show/12457533)

Response from Lisa:

You folks are so cool You would have fun anywhere So glad to have met you Aloha
Lisa



Kevin

(/users/show/17171321)

Just finished a 4 day stay at the love shack and we enjoyed it very much. It was our one year anniversary and we had a fun time. The setting was beautiful and the cottage was as advertised. When you come here you come without having expectations because on Molokai there isn't any. There are only about three places to eat on the island. No Starbucks or McDonalds which we just loved. We made friends with some locals and we explored quite a bit. The west end of the Island had amazing surf and waves. There was a very friendly cat that seems to think it owns the love shack. We didn't mind at all being cat people. Bottom line it was a lovely stay.

+ More



(/users/show/12457533)

Response from Lisa:

So great!!



Heidi

(/users/show/28255148)

The Loveshack studio was perfect for a birthday getaway for 4 days! The perfect peaceful paradise to relax & escape the hectic pace on the mainland.: Waking up to the ocean, whale watching, snorkeling just beyond the wall & the coast, & the kindness of the locals. The neighbors, Dino & Minni, were beyond helpful & extremely welcoming. Lisa responds to any questions within 1-3 hours & the studio had everything we needed: cookware, BBQ, linens, ect. The only regret is that we only stayed 4 days - next time, we will stay 2 weeks! Mahalo Lisa!!!

+ More



Christina

(/users/show/17135986)

Our stay in the Love Shack was amazing. The studio and property were beautiful and had everything we needed. We saw humpback whales in the mornings, right past the fish pond! The deck and beach were great places to relax and unwind. Although we did not meet Lisa, the caretakers, Mini and Dino, were so welcoming and made our stay unforgettable! We can't wait to return to this beautiful property in the future!

+ More



Louise

(/users/show/46805105)

It was a nice place with wonderful beds and linens. The view was delightful and had fabulous walking from the door and the falls and valley were amazing. The little swimming and snorkeling area were great, esp. because it was so windy the entire time we were there so we couldn't go out snorkeling on a boat from anywhere off the island. The very nice neighbors kept very late hours. There was a cat living on the premises- FYI in case of allergy.

+ More



Lucas

(/users/show/976163)

What an amazing place! Lisa was great, very responsive and helpful with anything we needed. The place was very clean and auntie and uncle that help take care of the place have so much aloha to share. We were greeted with smiles and the offer to help with anything we might need. The location is beautiful and very special and all Moloka'i deserves total respect. Very private and the waves put us right to sleep!

+ More

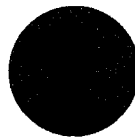


Jay

(/users/show/11548234)

The BEST. Amazing place. Not one thing could have been better.

+ More



Christopher

(/users/show/21143894)

House and location were even better than the pictures. Well maintained, very clean home with nice design and amenities. Landscape was well maintained and is in a killer location. Lisa was easy to work with and very responsive; and the caretakers were really nice and went out of their way to ensure we had a nice experience. This is a great place to unplug. The beach and 'baby ocean' (inside the rock wall) was perfect for our toddler. Beautiful sand beach, very small waves (even when the big waves were crashing 50 yards away) and nice and warm. We loved it and will go back.

+ More



(/users/show/12457533)

Response from Lisa:

Thank you Christopher! You love our place and our place loves you! Hope you can come back to da kine soon Aloha The Clowards



Erika

(/users/show/19373043)

Lisa's home in Molokai is exactly what we were looking for and we are so happy we found this place! We stayed 5 nights and had a small wedding with 7 guests in attendance - it was a dream location. Lisa was so helpful before we arrived and answered every question we had. The place was very clean and we loved how the entire property was split up into 3 separate cottages. The outdoor showers/toilets/tubs were awesome! We couldn't have imagined a more perfect

location to say "I do" in front of our families. We are already planning our next trip back...Molokai is a special place and we have definitely carved out a space in our hearts for the fantastic people we met during our stay and the beauty you encounter once you are there.

+ More



Josh

(/users/show/2089674)

Great location. Cottages are awesome....just buy your own food as its a far ride (5 miles or so) to the store. If I came back to Molokai I'd stay there again. Also knew great rental car company and helped me get that squared away.

+ More



Mike

(/users/show/1265385)

Total perfection! I don't want to say how perfect it was for my quiet birthday away with my girl because then it might get booked out next time I want to go! Lisa was amazingly helpful and I couldn't have asked for more. Both the cottage and love shack looked great too!

+ More



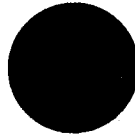
Kevin & Patrick

(/users/show/350765)

The beach cottages are just amazing! The photos do not do them justice. We rented out the whole property, it was magical. The cottages have everything you could possibly need in them, and were very clean. They are decorated great and being inside of them felt luxurious. It was also great to go out snorkelling on the reef outside the fish pond. If you want to escape to an island that is off the beaten track and you really want to relax and hang out in a nice setting, this is the place for you. It was about a 30min drive from the cottage to the main town, so make sure you get all your supplies

when you arrive so you don't have to keep going back in town like we did. The only complaint is that the roosters started making noise around 4am (they seemed to be a little off on their sunrise time!). The good part about having chickens around is that a hen laid an egg in our outdoor bathroom, so we had a free breakfast!

+ More



Katia

(/users/show/12361747)

We shared the Beach Front House with some friends for six nights and it was just fantastic. Lisa is an attentive host, she called me three days before our arrival to be sure that we have her number to call in case we would have some questions. The house is newly remodeled, very clean and tastefully decorated. It has all you need to cook, to kayak and to relax watching whales from the porch. The pond in front of the house is not good for swimming but right on the corner there is a great spot for snorkeling with beautiful reefs and hawaiian fishes. Mahalo to Mini and Dino (the neighbors) who made our journey so pleasant and to the beautiful couple staying in the Studio. The surrounding area where the house is located is very charming and quiet. It is a little bit remote which must not be a negative aspect though. Aloha Katia

+ More



Maggie

(/users/show/9142656)

A beautiful spot on the beach with great indoor/outdoor flow. I loved waking up to that view every morning. We discovered that we were just around the corner from where Walter Naki (a local who does boat charters for reasonable prices) anchors his boat, so that was very convenient. It's also very close to Murphy's Beach and Sandy Beach, both good spots for snorkeling. We were lucky to have the property to ourselves for most of our stay and it was very private and romantic. However, the other cottage is quite close so it does feel less private when it is occupied. It is still absolutely worth a stay, unless perhaps you are looking for complete privacy and seclusion.

+ More



(/users/show/12457533)

Response from Lisa:

Hi Maggie!!! so glad you had a great stay. Thank you for the awesome review! for future visits you can request "Exclusivity" depending on the time of year and our calendar we can add a fee to you highly stay and that would block the calendar for other guests:) hope to see you come back! Aloha Lisa



Susan

(/users/show/9075676)

For a Molokai experience without the hustle and bustle of a large hotel or resort, the east side of Molokai is for those who are content to enjoy what the surroundings have to offer. The Love Shack is for those who appreciate the natural and true Hawaiian lifestyle.

+ More



(/users/show/12457533)

Response from Lisa:

Mahalo Susan! see you on your next stay! Aloha Lisa



Julie

(/users/show/9689967)

My son and I are already missing the Loveshack and can't wait to go back. It is clean, very comfortable, and in an amazing spot. Waking up in the mornings and realizing where I was set the tone for a happy and relaxing day. We couldn't have hoped for anything more. It was perfect!

+ More



Sally

(/users/show/7811747)

Molokai is a magical island and this is a magical spot on the island. The love shack was built beautifully and was clean and bright. The kitchen is small but good for two people if you don't plan to cook anything too extravagant. The bed was very comfortable and ample linens were provided for bath and beach. House on same property fairly close but while we were there the people staying in the house were very friendly and easy to share area with. Owners were responsive to our needs both before booking and after. Love the deck built around the tree and the tubs were excellent, very relaxing looking out at the ocean (but could use more privacy there). Overall a great vacation spot!

+ More



Sara & Tim

(/users/show/5784602)

This beautiful bungalow is a slice of paradise, it was perfect, clean, well appointed, comfortable, and just what we needed for a romantic getaway. The bathtubs are such a great feature! We will definitely be back, and maybe we will even bring the kids next time. The calm swim area in front of the house is perfect for little ones. We just loved our time at your place, thank you again for your hospitality! Sara & Tim

+ More



Priscillia

(/users/show/13359098)

My husband, two months old baby and I decided to spend some relaxing time in the beautiful island of Molokai for 10 days. Our first time in Hawaii and we were not disappointed. Lisa's Love Shack played a big role in making our stay a delight. The place is actually more beautiful in real than on the photos. It is small but cosy and romantic. Facing the ocean, you're a few steps away for a nice dip in the beautiful water facing her home. She has wonderful neighbors (Hawaiians) who will also contribute in making your experience wonderful. It was my first time using airbnb and Lisa made herself available if needed, which was very nice. I recommend it for anybody looking for a nice, low key and romantic time in the beautiful, astonishing Molokai.

+ More



Sanjay

(/users/show/11371905)

This place is just magical! I spent a week here with my wife and 3 year old. Not only is it well-appointed with great attention to detail, but the private beach is safe for kids. And during the winter (we spent time here in March) you can see whales breaching the water FROM THE PORCH! Seriously, we saw whales breaching every single morning. It was

breathhtaking. We explored Molokai quite a bit and I can say with confidence that this place is easily one of the best properties on the island. On top of all that, the owner is very cool and so responsive via text. We had a few questions before and during our trip and they were all answered so quickly. Just a great experience overall. WORTH EVERY PENNY. We plan to come here every year if we can get the time off!

+ More

English

USD

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URBAN OUTFITTERS

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Kaunakakai, HI, USA

Arrival



Depart

☐ I don't have dates yet

Guests



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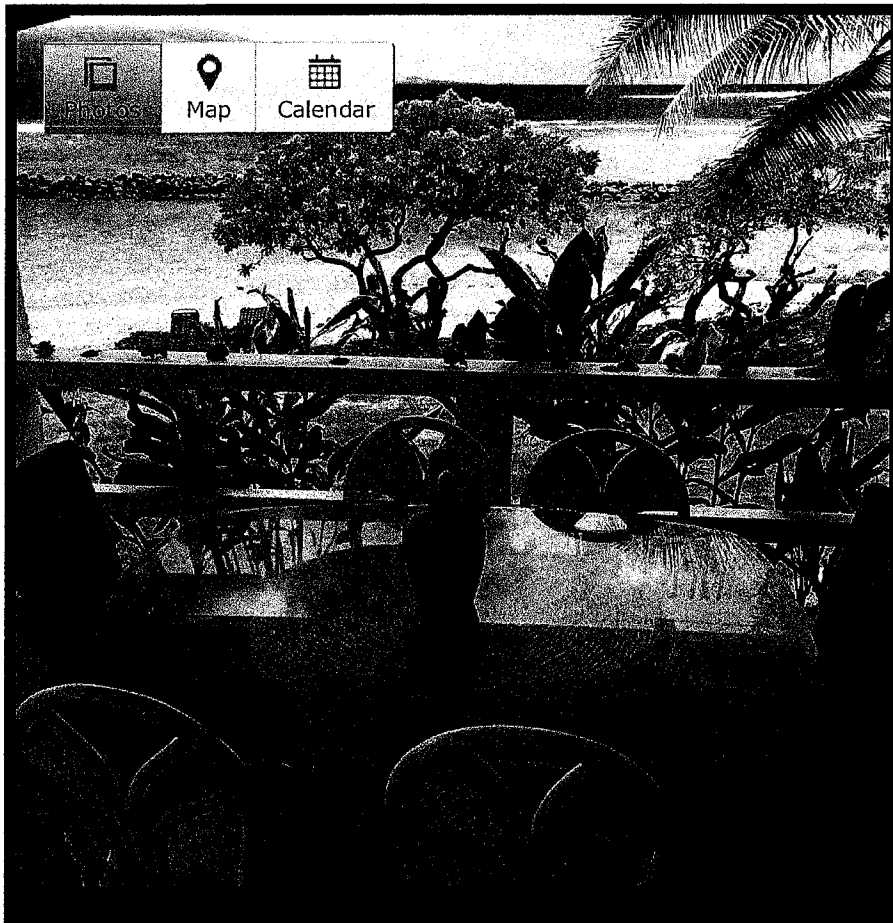
Kaunakakai, HI, USA

> VRBO Listing #142763



Dream Beach Properties Molokai East End

★★★★★ (16 Reviews)

Avg. Nightly **\$357**Enter dates to see
accurate pricing

Arrival



Departure



Guests (required)

**Minimum stay 3 nights**

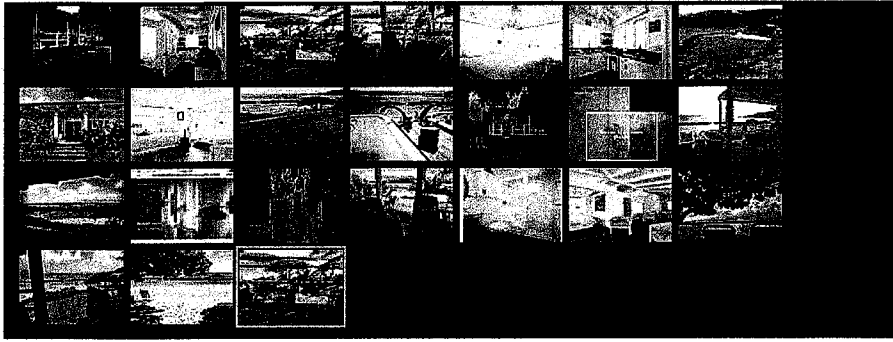
Request to Book

Get an Instant Quote


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Feedback x



When you book through the VRBO website, your booking is backed by our Book with Confidence Guarantee
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Minimum stay:	3 nights
Sleeps:	6
Bedrooms:	3
Bathrooms:	3
Property type:	House
Internet:	No
Pets considered:	No
Wheel chair accessible:	Yes

Property description

Our beach house sleep 4 people comfortably with each bedroom having king size beds, we also have a twin size day bed in the living area for lounging or sleeping. The living area includes satellite TV and Bose sound system with iPod hookup. The kitchen is fully equipped and ready for your cooking enjoyment. The covered lanai provides space for dining and enjoying the beautiful view of ocean and yard. Twin claw foot tubs rest on the grass yard in-between the beach house and mini cottage, surrounded by ferns and is truly the most relaxing space to unwind and soak up the aloha spirit. The mini cottage includes a queen size bed, satellite TV, Bose sound system and inspiring outdoor bathroom space.

You will love the serene and fresh atmosphere of our Love Shack. Located on the left side of the property when facing the ocean, you have plenty of privacy to enjoy your beach facing lanai (deck) With Indonesian Teak wood floors inside of the studio, crisp linens on a comfy king size bed plus twin size daybed, full kitchen that opens into deck bar that beautifully includes Milo tree winding through the deck and roof, two claw foot tubs complete the love shack romantic extravaganza.

Snorkel in Honouliwai Bay or if you need shallow waters you can skim over the reef and stay in the safety of the fishtrap that fronts

[Feedback](#) 

the cottage.

Beautiful hillsides to walk along and take in the ocean views at every turn. Visit Nene Geese at the Puu O Hoku ranch three miles from the cottage. You will want to return again and again like so many of our guests.

Come with Aloha and you will receive Aloha!



Owner

Member since: 2006

[Send email](#)

Speaks: **English, Spanish**

Response time: **Within a few days**

Response Rate: **60%**

Calendar last updated: **03/09/2016**

Property Type

House

Accommodation Type

Vacation Rental

Meals

Guests Provide Their Own Meals

Suitability

Long-Term Renters Welcome

Non Smoking Only

Pets Not Allowed

Wheelchair

Accessible:

only to beach house and mini cottage. there are a

Children Welcome:

*Perfect property for kids!
The fishpond is cl...more*

Bedrooms: 3 Bedrooms, Sleeps 6, Beds for 4-6

Beach house second bedroom: 1 king

Beach House first bedroom: 1 king

Mini Cottage (bedroom 3): 1 queen

Mini cottage only available to be rented with beach house

Bedroom 4: 1 king, 1 twin/ single

[Feedback](#) ✕

love shack studio on property... beach front as well \$250 nigh

+There is a twin day bed in beach house living room. and in the separate love shack studio.

Bathrooms: 3 Bathrooms

Beach house bathroom: toilet, tub, shower, outdoor shower

both tubs are located on the grass overlooking the beach

Mini Cottage bathroom: toilet, shower, outdoor shower

Bathroom 3: toilet, tub, shower, outdoor shower

love shack has romantic beach view unique outdoor set up

Beach house: Indoor shower, toilet, sink. + Outdoor private toilet, shower, sink. Love Shack outdoor romantic set up. + 2 yard/beach showers + two claw-foot tubs on grass lawn looking at beach.

Other Amenities

The very well known 20 mile snorkel beach is around the corner before you reach the property, yet the snorkeling right in front of our property is good as well. I mentioned spa because our tubs are really relaxing and there is a spa like feel throughout with the white linens and towels and the private, refreshing atmosphere.

Entertainment

Satellite / Cable:

basic plan... being here is best to disconnect

Stereo:

Bose sound system for ipod/mp3 auxiliar ...more

Television:

FYI beach house Tv has decided to die jus ...more

Theme

Adventure

Family

Spa

Away From It All

Historic

Sports & Activities

Budget

Romantic

Tourist Attractions

Attractions

Restaurants

Local Services & Businesses

ATM/Bank

Groceries

Massage Therapist

Babysitter

Hospital

Medical Services

Feedback x

Leisure Activities

Bird Watching	Shelling	Walking
Boating	Sight Seeing	Whale Watching
		Wildlife Viewing

Location Type

Beach View: <i>All units (which includes beach house with...more</i>	Mountain View: <i>The ocean view includes a beautiful sight (...more</i>	Oceanfront: <i>The entire property is ocean front, and ...more</i>
Beachfront: <i>The property is located directly beachfron...more</i>	Ocean View: <i>All units (beach house with or without n...more</i>	

Sports & Adventure Activities

Cycling	Kayaking	Surfing
Fishing	Sailing	Swimming
Golf	Scuba Diving Or Snorkeling	Tennis
Hiking	Snorkeling	Wind-Surfing
Hunting	Snorkeling/Diving	

Dining

Dining: <i>beach house:six to eight on deck table plus...more</i>	Dining Area	Seating for 6 people
-----------------------------------------------------------------------------	--------------------	-----------------------------

General

Clothes Dryer: <i>In laundry shack on property</i>	Living Room: <i>Beach house only</i>	Towels Provided: <i>White towels to be used as bath towels an...more</i>
Linens Provided: <i>Martha Stewart Linens and cotton quilts with</i>	Parking: <i>Parking for two cars between the units.</i>	Washing Machine: <i>In laundry shack on property</i>

Kitchen

Coffee Maker: <i>yes you may need a few filters. if you dont...more</i>	Kitchen: <i>All kitchens stocked with dishes and cutler...more</i>	Pantry Items: <i>there may or may not be. but help your...more</i>
Cooking Utensils: <i>yes</i>	Microwave: <i>yes</i>	Refrigerator
Dishes & Utensils:	Oven:	Stove: <i>yes</i>

Feedback x

All you need to prep and enjoy ask owner about oven status. we need t...more
 Toaster: yes toaster oven

Outside

Boat: fun boat tours for snorkling in
Lanai / Gazebo: Large, covered lanai, perfect for sunbat...more
Outdoor Grill: Weber grill one for whole property to use, s...more
Deck / Patio: Covered lanai (deck) at Beach House and also at
Lawn / Garden: Perfect green grass between units and sand.

Pool / Spa

Hot Tub:
 Cast iron twin tubs. Four total. Two at beach

Reviews

**4.8 ★★★★★ from
 16 traveler reviews**

Write a review



Karen
 Missoula, MT

Amazing Molokai experience

★★★★★

Everything about our stay at Geoff's and Lisa's cottage was wonderful. The Molokai experience was just what we were looking for as we'd visited some of the other islands and disliked the crowds and traffic. We not only had our own private beach here, we had entire beaches to ourselves when we went sightseeing. There were 4 of us sharing the larger cottage, and it was very comfortable, nicely furnished and had everything we needed for our week's stay. The soaking tubs were great to relax in with a cocktail. All of the "locals" were extremely friendly and helpful. So many tried to help the guys with their fishing gear and what to use for bait. Our neighbor, Dino, always had an idea to try and he shared some of his catch with us. He and Minnie bent over backwards to make sure we had everything we needed. We teased them about barbecueing one of their roosters as it gave us early morning wake ups but we enjoyed the gorgeous sunrises each day. The property is very lush and the private beach would be an ideal area for small children

Feedback ✕

to swim. It was fun for us too. We definitely would like to come back again and would recommend this true Hawaiian aloha experience to everyone.

Stayed: January 2015 **Submitted:** February 4, 2015
Source: VRBO

Recommended for: Families with young children, Sightseeing, Girls getaway, Adventure seekers, Age 55+, Romantic getaway, Families with teenagers

Was this review helpful? ☒ 1 Yes ☐ 0 No



Heaven on earth!



Linda D.

If there is a heaven on earth than this property is it. My husband and I stayed in the "Love Shack" for our honeymoon. It was absolutely beautiful. There is nothing negative that we have to say about it. Mini the caretaker was fabulous. If you want quiet and simple elegance this is the property to stay. We will return next year, but for 2 weeks ;)

Stayed: December 2014
Submitted: December 15, 2014 **Source:** VRBO

Recommended for: Age 55+, Romantic getaway

Was this review helpful? ☒ 1 Yes ☐ 0 No



Heaven on earth!



Linda D.

If there is a heaven on earth than this property is it. My husband and I stayed in the "Love Shack" for our honeymoon. It was absolutely beautiful. There is nothing negative that we have to say about it. Mini the caretaker was fabulous. If you want quiet and simple elegance this is the property to stay. We will return next year, but for 2 weeks ;)

Stayed: December 2014
Submitted: December 14, 2014 **Source:** VRBO

Recommended for: Age 55+, Romantic getaway

Was this review helpful? ☐ 0 Yes ☐ 0 No

Feedback ✕



Sweet liven



Bob B.
Del Mar, CA

We just spent 4 days with our 2 grown daughters at Geoff and Lisa's amazing property. The location, scenery, local people, etc made it feel like what Kauai and Maui were like 50 years ago. The house has everything- awesome lanai to hang at, lawn down to a keiki beach for safe dipping and a few big old fashions tubs to soak in outside. Good surf and snorkeling close by. Neighbor Minnie brought papaya and bananas off her tree and we had an incredible hike with Eddie Tanaka (great guy/musician lives just west) of the Halawa Valley to the falls. Beautiful spot and the owners have done a great job on the cottages. From the minute we got off the plane and had lunch at Paddler's Restaurant with all the locals having a ukelele session to exploring the west side on our last day- Molokai and this house were incredible. Whole family loved it, Hope to be back.

Stayed: May 2014 **Submitted:** May 22, 2014
Source: VRBO

Recommended for: Families with young children, Sightseeing, Adventure seekers, Age 55+, Romantic getaway

Owner response:

Thank you thank you thank you
We would love to have you back!!!
So glad you and Family had a great time.
Aloha
Lisa

Was this review helpful? **2** Yes **0** No



The REAL Hawaiian experience!



Natasha
Tulsa, OK

I actually stayed longer ago than the last year, it was in 2008, but when my boyfriend and I were discussing heading to the islands for a little vacation I said that we absolutely HAVE to stay here again! It was so

Feedback ✕

amazing the way the neighbors treat you just like another local. We went on a hike to some awesome secluded waterfalls with Eddie Tanaka (he lives in the house with all the bottles on display in front!) and if you stay here you MUST go meet him and ask for the grande tour! I can't wait to book our next stay!! It's been far too long since we've been back to this particular island and it is VASTLY my favorite! I'm not sure what anyone was complaining about with the dogs... we didn't have any problems with the neighbors dogs... but we WERE invited over for dinner a couple of different nights on our stay and everyone made us feel so welcome here! <3 this little cottage!!

Stayed: April 2012 **Submitted:** February 11, 2013
Source: VRBO

Recommended for: Sightseeing, Girls getaway, Adventure seekers, Romantic getaway

Was this review helpful? **3** Yes **0** No



Awesome!



Henry
FI

I've been been flying up to Honlulu for the past couple summers and staying 3 weeks with my uncle and his family. In the summer of 2011, I think right after Lisa and Geoff got the house my uncle took me to the house for a week, I was expecting to be bored out of mind stuck at some shack, but Molokai and this house blew me away, and we went back the next year. Over the past two times I've been there I've gone and surfed the super fun waves in Halawa Valley, gone night diving, spent all night failing at catching ulua, caught a bunch of fish off the rocks of the fishpond (papio, etc), watched my little cousin learn how to swim in the fishpond, drifted/dived the awesome surrounding areas, taken some of my favorite landscape pictures, and seen a monk seal swim right up into the fishpond. It's a place I just want to keep coming back to, and it never seems long enough when I'm there. I'm dying to come back.

Stayed: July 2012 **Submitted:** January 12, 2013
Source: VRBO

Recommended for: Families with young children, Sightseeing, Tourists without a car, Adventure seekers, Families with teenagers

Feedback ✕

Owner response:

Omg you are so sweet. I did not know about all your amazing fishing adventures. You should start writing short stories of your adventures in Molokai...mahalo Henry

Was this review helpful? **3** Yes **0** No



Peace



LB
Oahu, Hi.
and Boston,
Ma.

This cottage was perfect. It is in a beautiful location and has everything you need. There is fantastic snorkeling right outside of the door. Definitely go outside of the fish pond and in every direction-it is really great.

Rent a car and see everything on the island but spend most of your time right here at the cottage. Very peaceful!

Stayed: May 2012 **Submitted:** May 17, 2012
Source: VRBO

Owner response:

thank you Laura
We will be stoked to have you visit again
Much Alohas
Lisa

Was this review helpful? **3** Yes **0** No



beach cottage



Sue
Adel, Oregon

This is a great place to stay, so relaxing!! We had a great time! All this place needs to make it perfect are a full size coffee pot and a king size bed LOL.... such little problems... We watched whales from the deck everyday! Went swimming in the fish pond! It was just perfect. Thanks so much Lisa!

Feedback ✕

Stayed: March 2012 **Submitted:** April 6, 2012
Source: VRBO

Recommended for: Families with young children, Sightseeing,
Girls getaway, Romantic getaway

Owner response:

Got the big coffe pot!
Thank you guys see you on your next vacation
Aloha
Lisa

Was this review helpful? **2** Yes **1** No



Jake
Bellingham,
Washington

Dream Cottage on Molokai



The setting for this cottage is nothing short of wonderful, being on our own fishpond with beach and even beach glass which I collect. The cottage, however, though adequate, needs serious updating. I owned a vacation rental on Cape Cod and am well aware of the damage that constant salt can do to wood and metal. The "sliding" glass door simply needed to be replaced long ago. It is minimally functional and an impediment to try to open and close going out and in. Locks on the gates need to be replaced again due to salt damage and getting the key to the cottage in the first place is a difficult arrangement. The cottage otherwise is functional but does not do justice to the beautiful setting.

Stayed: March 2012 **Submitted:** March 22, 2012
Source: VRBO

Recommended for: Adventure seekers, Age 55+

Owner response:

thank you Walt
We have a new glass sliding door and the key is
in a lock box now
Hope to see you folks soon
Aloha
Lisa

Feedback ✕

Was this review helpful? **3** Yes **0** No

I have seen Paradise and I like it!



Maryann S.
Morongo
Valley, ca

This is real Hawaii. The few neighbors we had were gracious and friendly and told us the history of this little settlement. Brought us bananas. There were chickens with babies in the yard, the beach was at your door, The views of the surf and Maui in the distance, watching the local surf fishermen, the birds were magnificent, The cottage was just as cute as it could be. It was simple but well stocked. We had all we needed. We loved the local little eateries, shops. Took Ferry to Lanai and Maui for the day but they are just tourist traps. Here everything was just fresh and authentic Hawaiian. We rested and read and played games and BBQed. Hated to go. You need a car because it is 20 miles from main town but the drive is breathtaking and each little community on the way is special. PS Mule ride to Kaulapa was worth the price and the sore legs and scary heights, to learn the rich history of the Fr. Damian's Hanson's (Leper) refuge. We will go again to the Dream Cottages for sure. A wonderful way for us to spend our 42nd Anniversary. Only thing was the cellphone signal was iffy but Lisa was helpful for all questions we had during our stay and we texted.

Stayed: February 2012 **Submitted:** February 24, 2012
Source: VRBO

Recommended for: People with disabilities, Sightseeing, Adventure seekers, Age 55+, Romantic getaway

Owner response:

Maryann

It was so nice to have you enjoy Our home and Molokai

You really know how to live it up

See you on your next vacation

Aloha

Lisa

Was this review helpful? **3** Yes **0** No[Feedback](#) x

Dates	Nightly	Weekend Night	Weekly	Monthly *	Event
-------	---------	---------------	--------	-----------	-------

Rates

Currency Conversion

Rental basis: Per property

Rental rates quoted in:  USD ▼

Dates	Nightly	Weekend Night	Weekly	Monthly *	Event
-------	---------	---------------	--------	-----------	-------

My

Standard

Rate

\$360

\$2,500

\$8,000

3 night min
stay

* Approximate Monthly rates, actual rate will depend on the days of the month you stay

Additional information about rental rates

Fees:

Cleaning \$250

Tax Rate 13.25%

Notes:

Please contact us if you wish to rent the units separately (instead of renting entire property for \$600+ \$350 cleaning fee)

Loveshack studio ONLY: \$250 per night plus \$150 cleaning fee

Beach house ONLY: \$360per night plus \$250cleaning fee

Beach house WITH mini cottage: \$460 per night plus \$250 cleaning fee

Depending on holidays, availability and amount of guests,

Lisa can prepare a quote catered to your needs.

Credit card on file is your damage protection based on " honor system"

You let us know if something happened while you where there,

We will get a quote to fix.

Call Lisa direct after you get your rental quote by email to pay with card by phone.

8084297923

Taxes charged are TAT 9.25% GET 4%

Feedback ✕

Owner's cancellation policy:

Policy available by contacting owner when booking

Don't forget your vacation protection! Get protected now

Adding our Vacation Protection services can make sure your getaway goes smoothly, no matter what. We offer Cancellation Protection and Damage Protection so you can truly relax.



Protect your payments in case you need to cancel.



Travel with peace of mind.



Ensure you're prepared in case of accidental damage.

Calendar

The property's calendar has not been updated in over **5** months. You can contact the owner for availability or look for properties with confirmed availability

Location

Feedback

USA > Hawaii > Molokai > Kaunakakai

Nearest Airport

23 Miles

Kaunakakai

Nearest Barpub

16 Miles

Molokai hotel

Nearest Motorway

Kaunakakai, HI, USA

Kamahamaha V hwy

Nearest Restaurant

7 Miles

Goods & Grinds

Nearest Beach

Kaunakakai, HI, USA

Property is beachfront (Honouliwai Bay)

Car: Necessary

Aloha!

The best way to get to and enjoy our beach front Molokai property is to start once you land on the beautiful island by picking up your rental car from Alamo Car Rentals (that you can and should reserved ahead of time if possible.) Then, ten minutes from the airport is Kaunakakai town where you can buy local groceries for your stay as well as grab a bite to eat if you are hungry right away.

To get to our property from town, get on the Kamehameha V Hwy (in the direction of Halawa.) Halawa is located at the end of the road and our property is approximately halfway to Halawa. As soon as you enter Honouliwai bay, you will pass over a bridge called Honouliwai bridge, and our property is one of the three properties on the bay and ours is the third one with the gate.

You made it! Dream, cook, sleep, surf, snorkel bathe, go for walks, go on day tours around the island but whatever you chose to do, enjoy yourself! If you like sports (surfing, diving, hiking) google rental places on Molokai if you aren't able to bring your own gear. You will love this place, it is truly one of the best kept secrets in Hawaii. The fishpond in front of our property is great for the keiki (kids) to snorkel in safely, outside of the rock walls is amazing snorkeling and surf but please be careful! Also please note the rock wall in the ocean is part of

Feedback ✕

Hawaiian history and should not be walked on or moved at all. Mahalo for your understanding and respecting the culture! Our outdoor showers are perfect for rinsing off after beach time and the outdoor claw foot bath tubs are amazing for morning and evening soaks while watching the Hawaiian skies and waves. During the day if you wish, they are also great for sunbathing and cooling off at the same time! Between the units and the sand is perfect green grass and space for playing, relaxing, and cooking on the Weber BBQ provided. There is also a picnic table for extra dining space or a game of cards :) Our property includes three units, one being the beach house that can be rented with or without the second unit which is a mini cottage next to the beach house and the third unit is the loveshack studio. The entire property can be rented, or you also have the option of just renting the loveshack, or just the beach house, or beach house with mini cottage. If not renting the entire property, please be aware and respectful that the other unit may be rented at the same time. Our property is truly paradise and you will love every minute of your stay here. Aloha!

Owner info



About the owner: Aloha! Our names are Geoff and Lisa. We fell in love with Honouliwai bay and purchased this property after visiting many times for two years. We realized this piece of paradise was something we wanted our

family to enjoy for generations and also share with others. We currently work and live and are raising our daughters in Honolulu where we are from. We love to surf, swim, explore, cook and host family from all over the world.

Why the Owner Chose Kaunakakai, HI, USA:

With the ability to surf, swim, snorkel, relax, cook, bathe, and see the beautiful skies change over the ocean right from your lanai, or from one of the four claw foot tubs outside facing the ocean, it is the perfect place to soak up the aloha spirit and enjoy a true Hawaiian experience with family, friends or a special someone. You will feel the amazing atmosphere of Molokai once your plane lands, and once you reach our property we are sure you will fall in love with this perfect place. We have built our villa inspired by the beach, hawaii and family. From the linens to the lanai, you will be pleasantly pleased by the perfectness of this property.

The Unique Benefits at this House:

The location of our property is truly perfect. Everything you want is right in front of you and you feel as if you are on your own Hawaiian beach paradise. Our decor is beach inspired and you will feel refreshed being surrounded by such an atmosphere of aloha. Our properties are stocked with everything you will need to make nice meals, enjoy refreshments, and store your groceries for your stay. The fish pond in front of the house is a huge bonus and great

Feedback ✕

especially for the keiki (kids) to swim and snorkel in safely. The surf break and snorkeling outside of the walls of the fish pond are excellent and although we advise you to use caution and hopefully have previous experience in the ocean, anyone and everyone will love this property and can find something they enjoy here.

Contact us

Speaks: English, Spanish

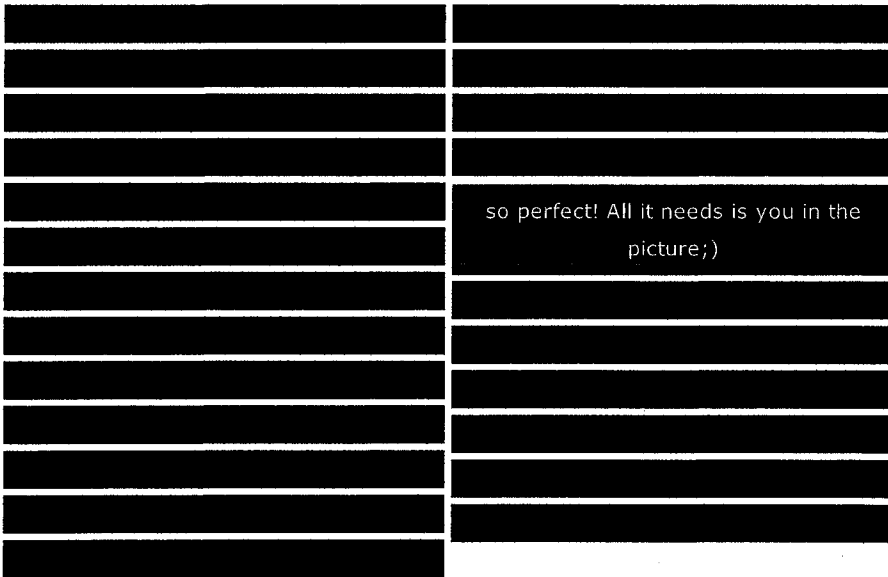
Response time: Within a few days

Response Rate: 60%

Calendar last updated: 03/09/2016

Send email

Photos



VRBO #142763

This listing was first published here in 2007.

Date last modified - Wednesday, September 07, 2016


Partner Offers

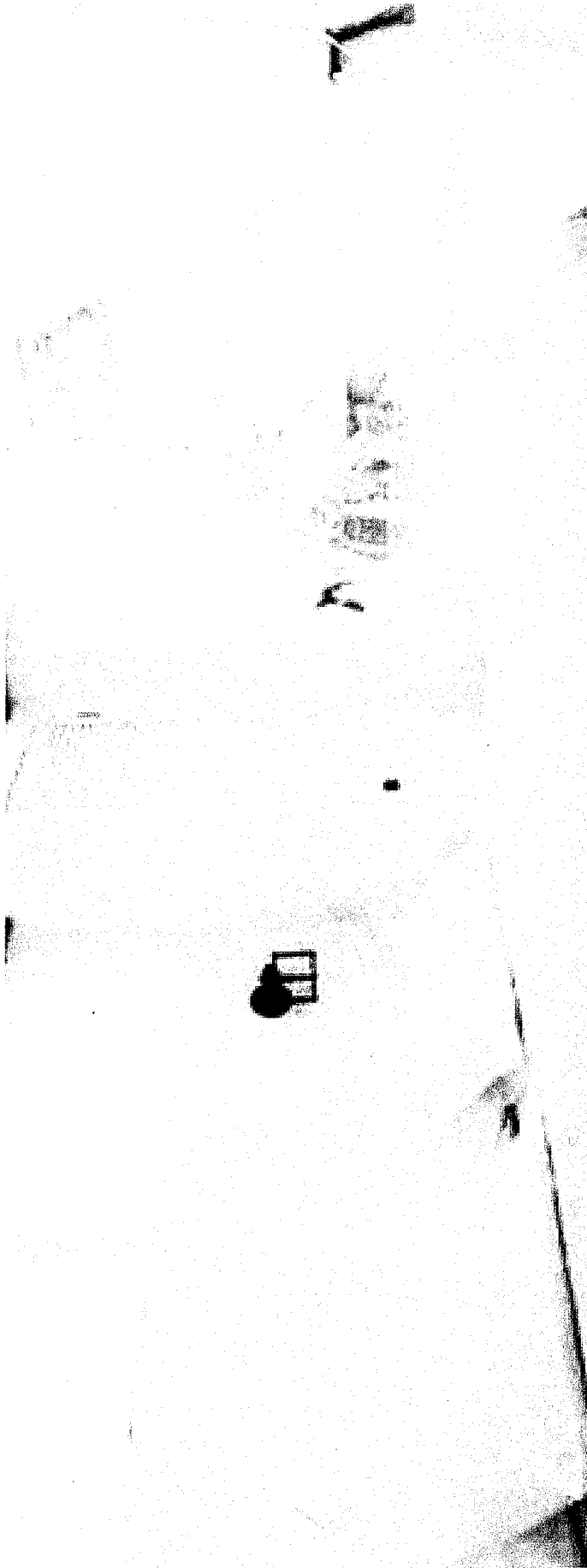
Feedback

allTheRooms
find the sweet spot

♥ Favorites USD\$ Sign Up/Log In 

Lahaina, HI, United States	Check In	Check Out	2 guests in 1 room	Search
----------------------------	----------	-----------	--------------------	--------

 > United States > HI > Lahaina > Kapalua > Molokai vacation house rental - Dream Beach Properties Molokai East End



vrbo

Check In	Check Out
2 guests in 1 room	

Overview Description Location

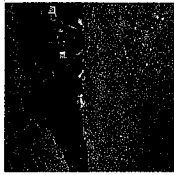
Molokai vacation house rental - Dream Beach Properties Molokai East End

Check availability

3br Home/Apartment

Kapalua, Lahaina, HI, United States

Related properties



Dunbar Beachfront Cottage:

2br Home/Apartment

2.4 miles

Tripadvisor VR



Molokai Vacation Properties

hotel ★★★★★

2.0 miles

Venere



Molokai Beach Front Beach

2br Home/Apartment

1.7 miles

airbnb

\$360

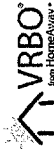


Hale O Pu' Hala

Home/Apartment

2.0 miles

Tripadvisor VR



5 Star is This Legal Vacation

3br Home/Apartment

1.8 miles

vrbo

Excellent

6 reviews

vrbo 96.0%



Our beach house sleep 4 people comfortably with each bedroom having king size beds, we also have a twin size day bed in the living area for lounging or sleeping. The living area includes satellite TV and Bose sound system with iPod hookup. The kitchen is fully equipped and ready for your cooking enjoyment. The covered lanai provides space for dining and enjoying the beautiful view of ocean and yard. Twin claw foot tubs rest on the grass yard in-between the beach house and mini cottage,...

Amenities

Description

Our beach house sleep 4 people comfortably with each bedroom having king size beds, we also have a twin size day bed in the living area for lounging or sleeping. The living area includes satellite TV and Bose sound system with iPod hookup. The kitchen is fully equipped and ready for your cooking enjoyment. The covered lanai provides space for dining and enjoying the beautiful view of ocean and yard. Twin claw foot tubs rest on the grass yard in-between the beach house and mini cottage, surrounded by ferns and is truly the most relaxing space to unwind and soak up the aloha spirit. The mini cottage includes a queen size bed, satellite TV, Bose sound system and inspiring outdoor bathroom space.

Additional info

Bedrooms: 3

Sleeps: 6

Bathrooms: 3

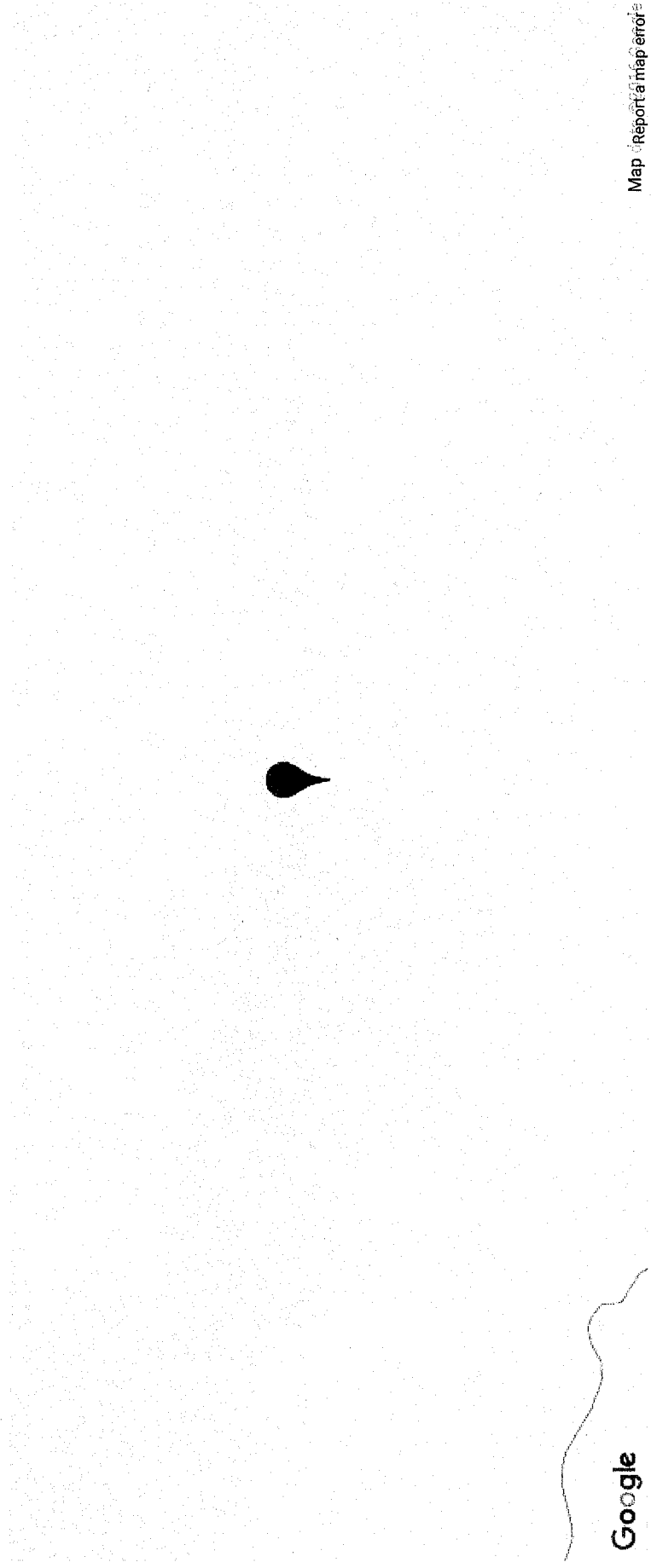
About Lisa Cloward

Visit Profile

[\[...\] Show less](#)

VRBO is the most popular vacation rental site in the U.S. with over 1 million listings and no booking fee. Search through rental properties, contact the owners of the ones you like, and then book your stay for your next vacation, if you are looking to stay in a house or apartment rather than a hotel.

Location



Google

Map [Report a map error](#)

allTheRooms
find the sweet spot



Favorites

USD\$

Sign Up/Log In



Lahaina, HI, United States

Check In

Check Out

2 guests in 1 room

Search

> United States > HI > Lahaina > Kapalua > Molokai beachfront Loveshack studio

airbnb

\$250

This property may have been deactivated by the owner, but don't worry! We have lots of other sweet spots.

Overview Description Location

Molokai beachfront Loveshack studio

Home/Apartment

Check In

Check Out

2 guests in 1 room

Search nearby

Good
20 reviews

airbnb 90.0%

The Space NOTE: ALL RESERVATIONS ARE SUBJECT TO G.E.T AND T.A.T GENERAL EXCISE TAX: 4% TRANSIENT ACCOMMODATIONS TAX: 9.25% Taxes will be applied to the total cost of the nightly rate not including the cleaning fee through Alteration. -----

----- You will love the serene and fresh atmosphere of our Love Shack. Located on the left side of the property when facing the ocean, you have plenty of privacy to enjoy your...

Amenities

✓ Parking

Description

The Space

NOTE: ALL RESERVATIONS ARE SUBJECT TO G.E.T AND T.A.T GENERAL EXCISE TAX: 4% TRANSIENT ACCOMMODATIONS TAX: 9.25% Taxes will be applied to the total cost of the nightly rate not including the cleaning fee through Alteration. ----- You will love the serene and fresh atmosphere of our Love Shack. Located on the left side of the property when facing the ocean, you have plenty of privacy to enjoy your beach facing lanai (deck) With Indonesian Teak wood floors inside of the studio, crisp linens on a comfy king size bed plus twin size daybed, full kitchen that opens into deck bar that beautifully includes Milo tree winding through the deck and roof, two claw foot tubs complete the love shack romantic extravaganza.Ten min. drive away There is WI-FI internet access at the goods and grinds store.

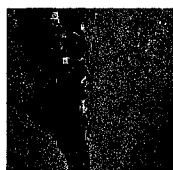
Guest Access


You will have access to the shared laundry located in separate laundry shack. The water levels in the ancient fishpond in front of the property will change with the tides, but at all times the oceanside rock walls of the fishpond must not be walked on or moved. Mahalo, we appreciate your understanding.


Interaction with Guests


The owners of the property live in Honolulu so upon arrival you will be greeted and given access to


Related properties

- 

Dunbar Beachfront Cottage:
2br Home/Apartment
2.1 miles
Tripadvisor VR
- 

Molokai Vacation Properties
hotel ★★★★★
1.3 miles
Venere
- 

Molokai Beach Front Beach
2br Home/Apartment
0.0 miles
airbnb \$360
- 

Hale O Pu' Hala
Home/Apartment
1.3 miles
Tripadvisor VR
- 

5 Star is This Legal Vacation
3br Home/Apartment
1.5 miles
vrbo



property by next door neighbors Minnie and Dino. They take care of the property but all questions should be directed via text to Lisa and Geoff (the owners)

The Neighborhood

Molokai is a very friendly Hawaiian community, so come with Aloha and you will receive genuine Aloha in return...

Getting Around

For transportation on the island of Molokai a rental car is a must. The property is a beautiful 40 minute drive from the airport. Alamo Car Rentals is the recommended choice, and book as soon as possible because the alternatives are less convenient because they aren't located at the airport.

Other Things to Note

The Love shack is perfect for couples celebrating their honeymoon, anniversary, engagement (perfect place to ask the question!), or simply for a couple looking for a getaway in paradise. For more information please visit our website (website hidden)

Place's rules

Be kind to neighbors. Please remove your slippahs before entering da haies :) Please be safe driving on the narrow roads on Molokai Printed towels are for beach use, white for house use Rage free zone, no parties Be careful not to stain linens. No coffee grinds or excessive food in the disposal, only scraps. Respect the ocean. Please no smoking on property. Sorry, no pets. Make sure to turn off gas stove when finished with cooking. Please turn off lights when aren't in use. Conserve water as much as possible. Be good to the house and the items in it. Have fun! Be cool :) If in doubt ask by text (airbnb)

Additional info

Checkin time: 3:00 PM

Checkout time: 11:00 AM

Sleeps: 2

- Real Bed

Bathrooms: 1

About Lisa



Visit Profile

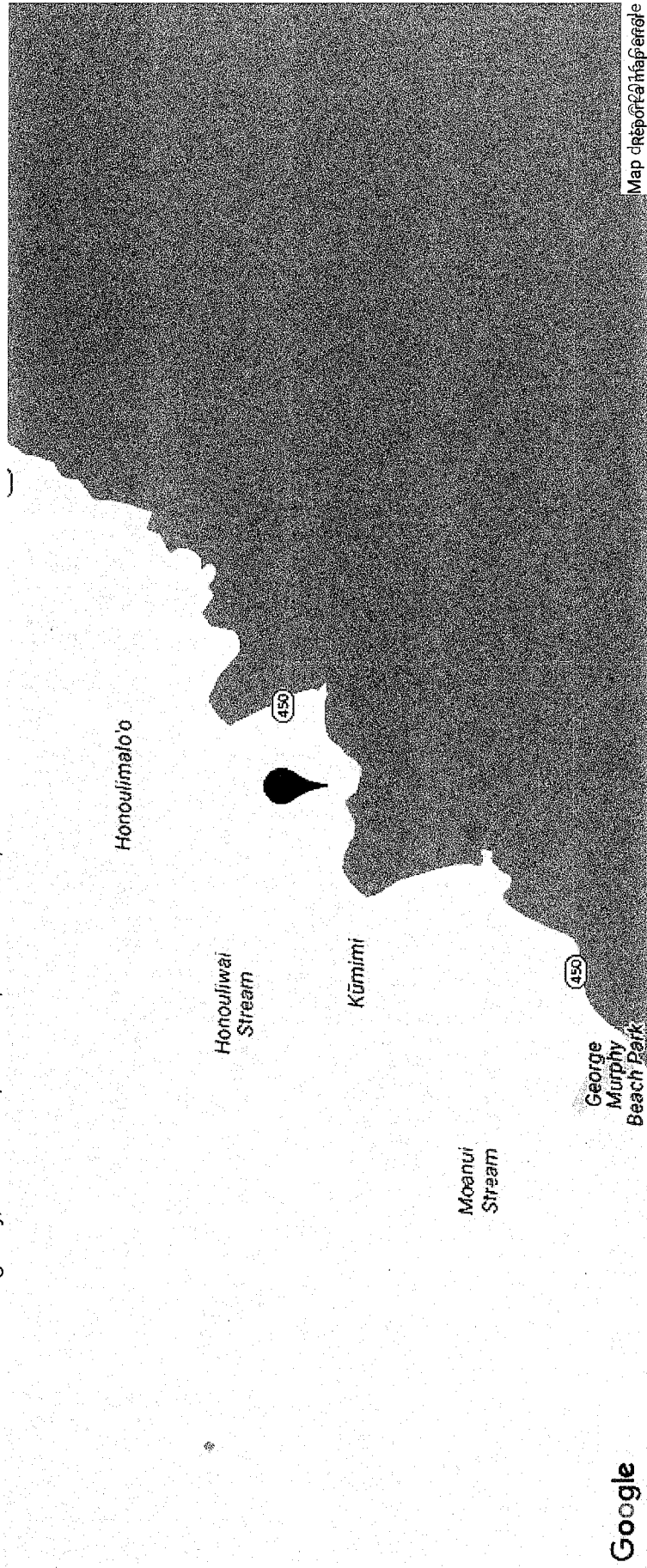
[...] Show less



Millions of people are using Airbnb to sleep in strangers' homes, beds, and even couches. They have an amazing selection and you can't find their stuff anywhere else. There is a catch: you often need to contact several hosts to actually get a place to stay, so make sure you give yourself some lead time.

Location

Address: Kamehameha V Highway, Kaunakakai, HI 96748, United States,

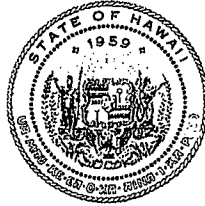


Is this your place?

- Claim your property page and access your free AllTheRooms for Property Owners account.
- Update business information
- Respond to reviews and privately message customers
- See the customer leads your property page generates

<http://alltherooms.com/kapalua--lahaina/molokai-beachfront-loveshack-studio-4326e2b2>

DAVID Y. IGE
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

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:LY

ENF: MO 17-18

CERTIFIED MAIL/RETURN RECEIPT

Mr. Geoffrey Cloward
1616 Liliha Street, Ste. 302
Honolulu, HI 96817

OCT 20 2016

SUBJECT: Alleged Prohibited and Unauthorized Land Uses in the Conservation District
Located at 11196 Kamehameha V Highway, Honouliwai, Moloka'i, Hawai'i
Tax Map Key (TMK): (2) 5-8-002:001

Dear Mr. Cloward:

The Office of Conservation and Coastal Lands (OCCL) is in receipt of a complaint generated by the County of Maui regarding the presence of illegal structures on the property, the use of the property as a transient rental, and that events and weddings are also being hosted on property. We note that the subject property is located within the Limited Subzone of the State Land Use Conservation District. The County has forwarded this complain to the Department as the OCCL regulates land uses within the Conservation District. Pursuant to Hawai'i Administrative Rules (HAR), §13-5-2, "Land use" is defined as:

- (1) *The placement or erection of any solid material on land if that material remains of the land more than thirty days, or which causes a permanent change in the land area on which it occurs;*
- (2) *The grading, removing, harvesting, dredging, mining of extraction of any material or natural resource on land;*
- (3) *The subdivision of land; or*
- (4) *The construction, reconstruction, demolition or alteration of any structure, building, or facility on land.*

On September 8, 2016, an investigation was conducted by the Division of Conservation and Resource Enforcement (DOCARE) at the subject property. The DOCARE officer observed four (4) structures on the property in which three (3) appeared to be dwellings and one (1) appeared to be a storage shed. In addition, the Officer also observed a large, steel water tank on the property as well. Based upon review of our records, we have no record of authorizations for the noted structures.

EXHIBIT 7

Further, it would appear that the dwellings were listed online as transient rentals on both VBRO and Airbnb. Pursuant to HAR §13-5-2, a "*Transient rental*" is defined as "*the use of a single family residence or structure for less than one hundred eighty consecutive days in exchange for compensation, including but not limited to monetary payment, service, or labor of employees.*" Pursuant to HAR §13-5-42(5), transient rentals are prohibited within the Conservation District. Therefore, there appears to be alleged Conservation District use violations.

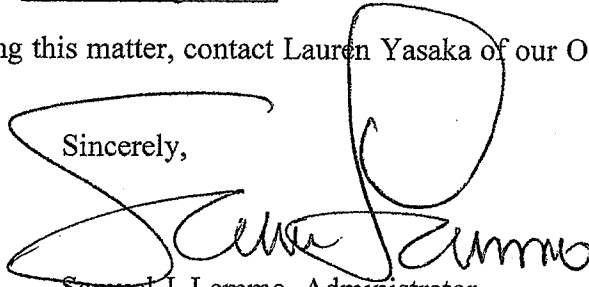
Please be aware, pursuant to Hawai'i Revised Statutes (HRS), §183C-7 and HAR §13-5-6, the Board of Land and Natural Resources may subject parties to fines of up to \$15,000.00 per violation in addition to administrative costs for unauthorized uses in the Conservation District. After written or verbal notification from the Department, willful violation may incur an additional fine of up to \$15,000.00 per day per violation for each day in which the violation persists.

By this letter, we are providing you with an opportunity to address these allegations. We ask that you respond, in writing, to this correspondence within 30 days. However, please note that any information provided may be used in civil proceedings. Further, should these allegations prove to be in violation of any of the provisions of HAR, Chapter 13-5, this matter may be forwarded to the Board of Land and Natural Resources for final disposition.

For more information regarding the Conservation District and for a copy of our rules (HAR, Chapter 13-5), please visit our website at dlnr.hawaii.gov/occl.

Should you have any questions regarding this matter, contact Lauren Yasaka of our Office at (808) 587-0386.

Sincerely,



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

C: MDLO
DOCARE – Moloka'i
CoM, Planning Dept.

January 31, 2017

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

DLNR
OCCL
Sam Lemmo
P.O. Box 621
Honolulu, HI 97809

2017 FEB -3 A 11:10

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

TMK 2-5-8-002-001
11-196 Kamehameha V Hwy
Kaunakakai HI, 96748

Dear Mr. Lemmo,

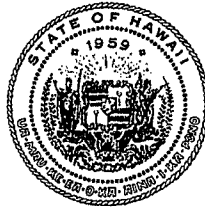
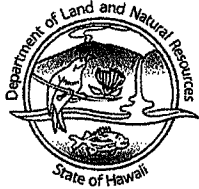
We received your letter inquiring whether the above-referenced property is used as a vacation rental. This letter shall serve as our written declaration stating that the residence is not, nor will it be, utilized for vacation rental unless otherwise approved by the Board of Land and Natural Resources.

Respectfully,

Geoff Cloward

A handwritten signature in black ink, appearing to read "Geoff Cloward", written in a cursive style.

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHO'OLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:LY

ENF: MO 17-18

CERTIFIED MAIL/RETURN RECEIPT

7014 2120 0003 1908 2338

Mr. Geoffrey Cloward
1616 Liliha Street, Ste. 302
Honolulu, HI 96817

MAY 04 2017

SUBJECT: Alleged Unauthorized Land Uses in the Conservation District Located 11196
Kamehameha V Highway, Honouliwai, Moloka'i, Hawai'i
Tax Map Key (TMK): (2) 5-8-002:001

Dear Mr. Cloward:

Late last year, a complaint was received by our Department regarding the presence of illegal structures on the property. On September 8, 2016, an investigation was conducted by the Division of Conservation and Resource Enforcement (DOCARE) at the subject property. The DOCARE officer observed four (4) structures on the property in which three (3) appeared to be dwellings and one (1) appeared to be a storage shed. In addition, the Officer also observed a large, steel water tank on the property as well. Based upon review of our records, we have no record of authorizations for the noted structures.

A letter regarding the alleged unauthorized land use was sent to you on October 20, 2016. Since then, a meeting was held between yourself, your representative, and our Office in which it was determined that there are no authorizations for the noted structures.

Therefore, NOTICE IS HEREBY GIVEN that you may be in violation of Hawai'i Administrative Rules (HAR) Title 13, Chapter 5, entitled Conservation District providing for land uses within the State Land Use Conservation District, enacted pursuant to Hawai'i Revised Statutes (HRS), Chapter 183C.

The Department of Land and Natural Resources (DLNR) has determined that:

1. The location of the alleged unauthorized land uses is located in the Conservation District, Limited Subzone;
2. According to our records, the subject property has an existing nonconforming 468 square foot accessory dwelling;

EXHIBIT 9

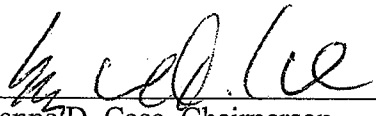
3. Photos taken during separate site inspections conducted on September 8, 2016 by a DOCARE officer, revealed four (4) structures on the property in which three (3) appeared to be dwellings and one (1) appeared to be a storage shed. In addition, the Officer also observed a large, steel water tank.
4. Pursuant to §13-5-2, HAR, "Land use" means:
 - (1) The placement or erection of any solid material on land if that material remains on the land more than thirty days, or which causes a permanent change in the land area on which it occurs;
 - (2) The grading, removing, harvesting, dredging, mining, or extraction of any material or natural resource on land; and
5. These land uses were not authorized by the Department of Land and Natural Resources pursuant to Chapter 13-5, HAR.

Pursuant to 183C-7, HRS, the Board of Land and Natural Resources may subject you to fines of up to \$15,000.00 per violation in addition to administrative costs. Should you fail to immediately cease such activity after written or verbal notification from the department, willful violation may incur an additional fine of up to \$15,000.00 per day per violation for each day in which the violation persists.

The Office of Conservation and Coastal Lands (OCCL) intends to schedule this matter before the Board of Land and Natural Resources (BLNR) for final disposition. You will be notified at that time concerning the time and place.

Should you have any questions, contact Lauren Yasaka of the Office of Conservation and Coastal Lands at (808) 587-0386.

Sincerely,



Suzanne D. Case, Chairperson
Board of Land and Natural Resources

C: MDLO
DOCARE
CoM, Dept. of Planning

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

6/24/2017

Lauren Yasaki
DLNR OCCL
P.O. Box 621
Honolulu Hawaii 96809

2017 JUN 26 A 8:43

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Subject: Alleged unauthorized land use in the conservation district Located at
11196 Kamehameha V Highway, Honouliwai, Molokai, Hawaii
TMK: (2) 5-8-002:001

Dear Mrs. Yasaki,

Thank you for your letter of May 4, 2017. Your letter asked about four structures and a water tank on my property located at 11196 Kamehameha V Highway, Moloka'i, Hawai'i.

When I bought the property, there was an existing home with a deck a water tank, a pump house for the water tank and a storage structure.

I have never increased the square footage of the home. Nor have I added deck space. The footprint is the exact same size as when I bought it.

When I purchased the property, some of the accessory structures needed attention. I was told that storage structures under 120sf and water tanks under 15,000 gallons did not need a permit. Now I understand these are the thresholds for County building permits.

The water tank was replaced because the existing tank was cracked and leaking. A new tank about 12 feet in diameter that holds about 5600 gallons of water was installed just west and mauka of the home. When I replaced the water tank, I added a fire hose connection to the bottom of the tank to provide fire safety for my house as well as my neighbors should the occasion arise. I would like to keep the water tank because there is no County water service and an independent water system like this is required to live out there. If necessary, I respectfully ask that the replacement tank be permitted as an accessory use.

The previous pump shed was old, not water proof and needed replacement. I built a replacement pump shed behind the main home to replace the previous structure. Its dimensions are 14' Long x 8' Wide = 112 sq./ft. The pump shed is located mauka of the home. The equipment in the pump shed provides basic water pressure and water sanitation. I prefer to keep this shed to protect the equipment and for some storage use. If necessary, I respectfully ask that the replacement pump shed be permitted as an accessory use.

EXHIBIT 10

The previous storage structure on the property was unsecure and old. It was mainly used for the storage of yard and house maintenance equipment like the lawn mower, weed whacker, rakes, chain saw, wheel barrow, pressure washer, gardening tools, house repair tools, truck repair tools, old paint cans, replacement screen for the windows, brooms, house cleaning supplies, etc.

I need to store securely this expensive equipment. I will use the 10'x10' = 100 sq./ft. structure to replace the old and unsecured shed. I would like to keep the structure so that I can securely store these things. I will only use it for storage. If necessary, I respectfully ask that this storage structure be permitted as an accessory use.

I built a 18' x13' structure. I will remove it as soon as possible. The time necessary to remove this structure should be about 2-3 months. I will need to hire a local construction company to help me remove the structure.

Please let me know if this is acceptable.

Regards,

Geoff Cloward

Enclosure

cc: Robb K. Cole
Calvert G. Chipchase

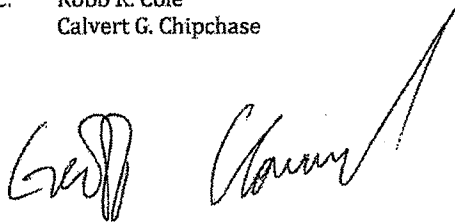
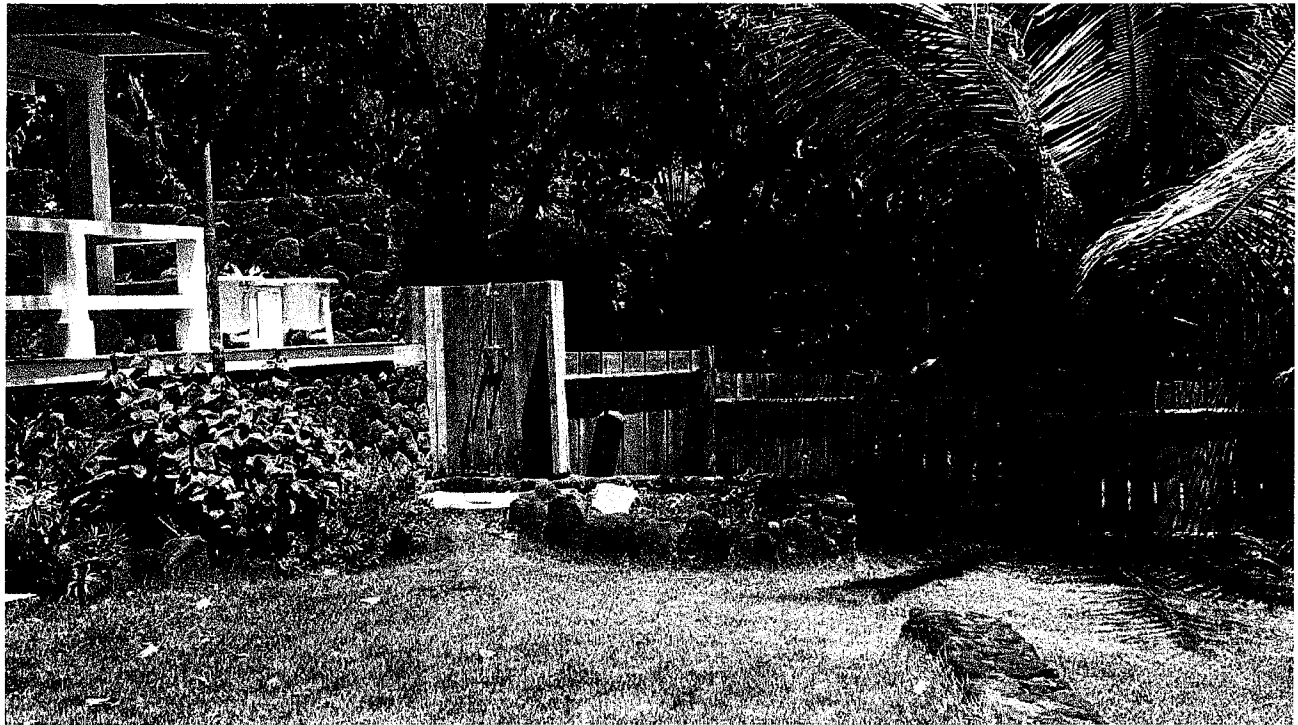
The block contains two handwritten signatures. The first signature, on the left, is 'Geoff' written in a cursive, stylized script. The second signature, on the right, is 'Robb K. Cole' written in a more formal, cursive script.



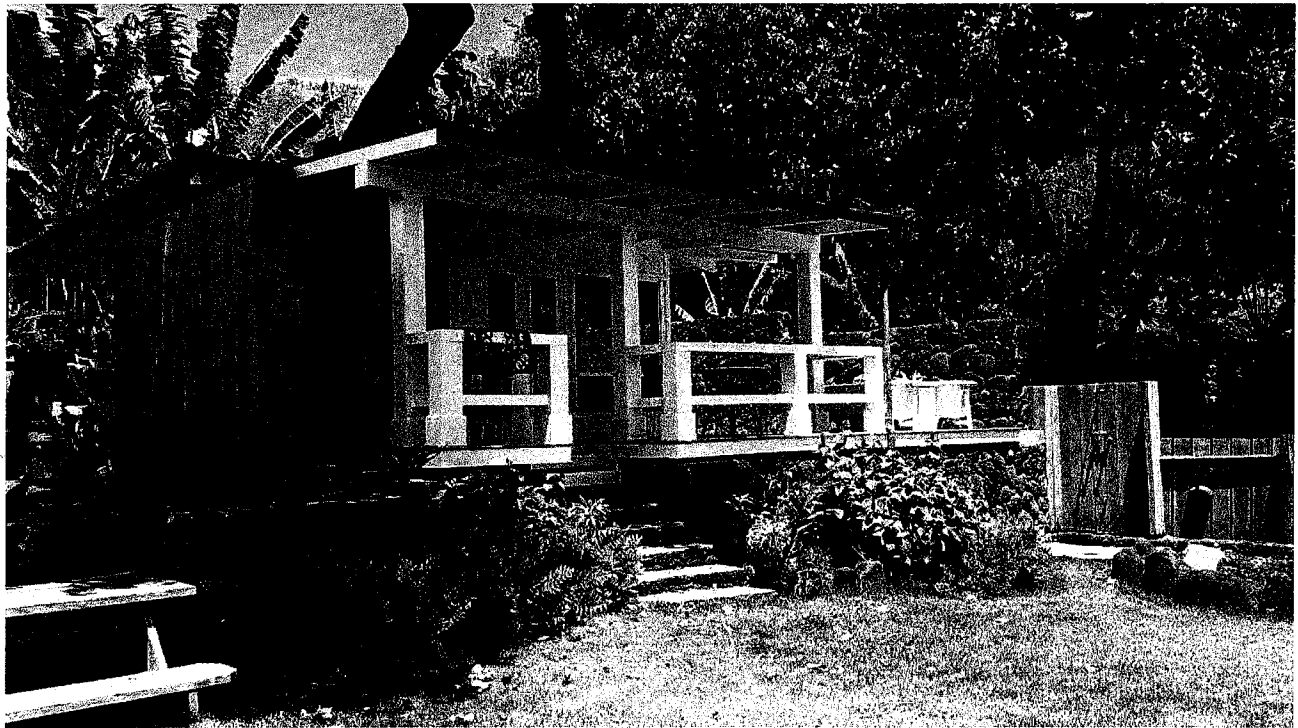
EXHIBIT 10



EXHIBIT 10



View of site looking east. Showing Structure 1 on left side with outdoor shower, plantings, decorative rock border, rock wall.



Full view of Structure 1

SITE VISIT PHOTOS

September 12, 2017



Pre-Existing Residence located in middle of property. Note decorative rock wall borders with plantings. Rock wall with stairs in foreground.



View of site looking west. Note picnic table/bench, decorative rock border with plantings, and the second outdoor shower.

SITE VISIT PHOTOS

September 12, 2017



View of site looking northwest. Showing second outdoor shower and outdoor soaking tub area with decorative rock border and plantings.



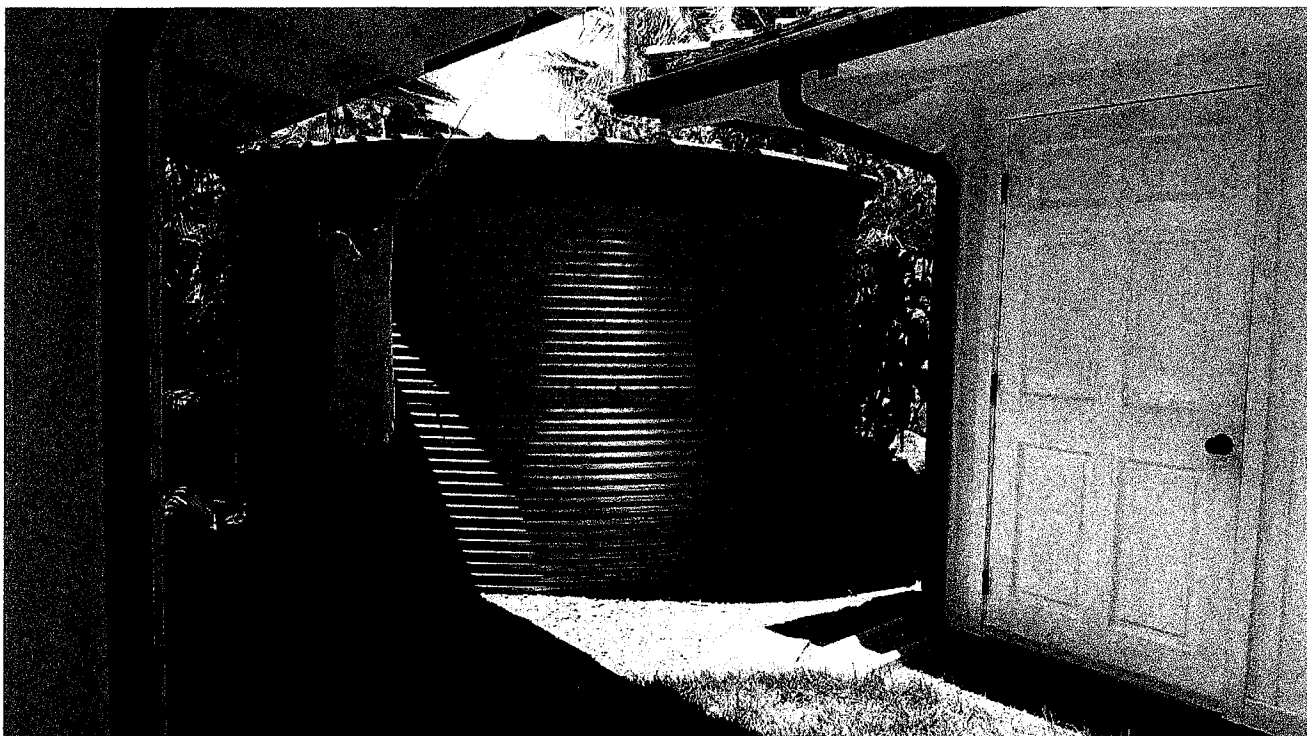
Close up of soaking tub area



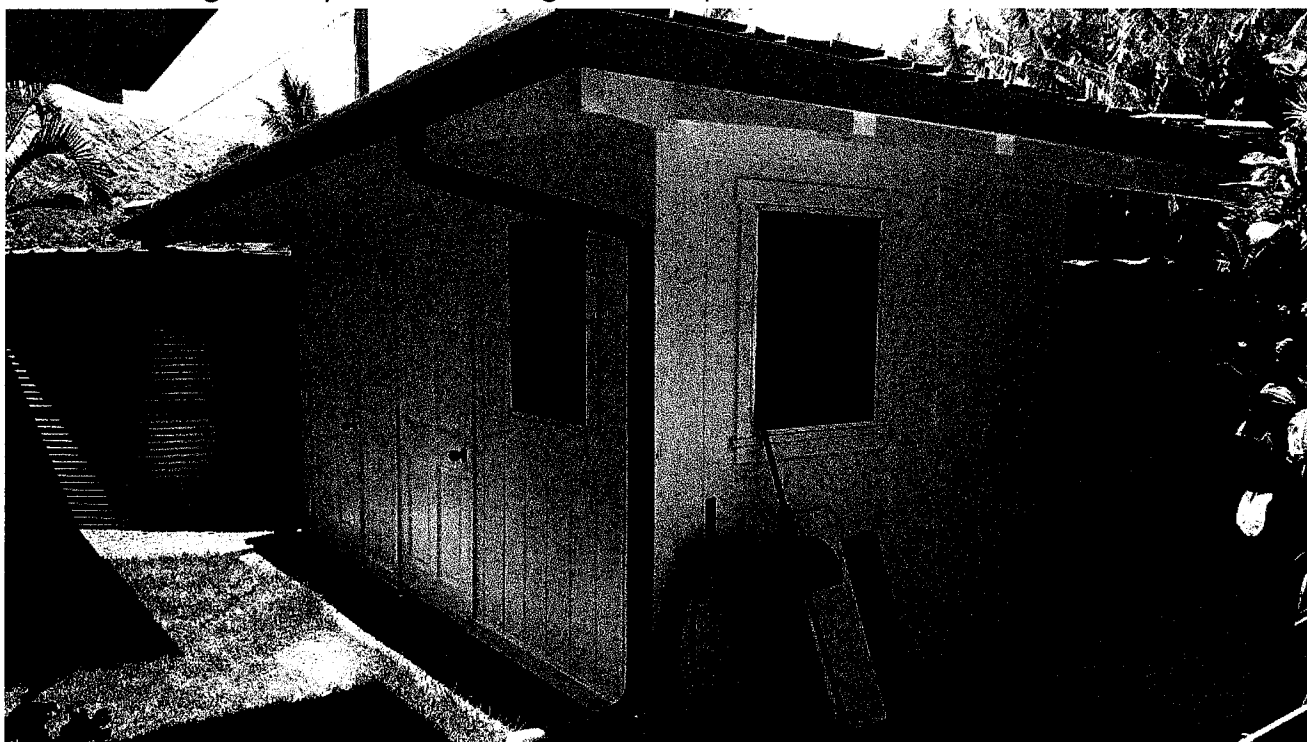
View of Structure 2

SITE VISIT PHOTOS

September 12, 2017



View of northwest corner of property. Looking at water tank. Structure 3 (pump room/storage shed) is shown on right side of photo.



View of northwest corner of property. Looking a Pump/storage shed with water tank in background.

SITE VISIT PHOTOS

September 12, 2017



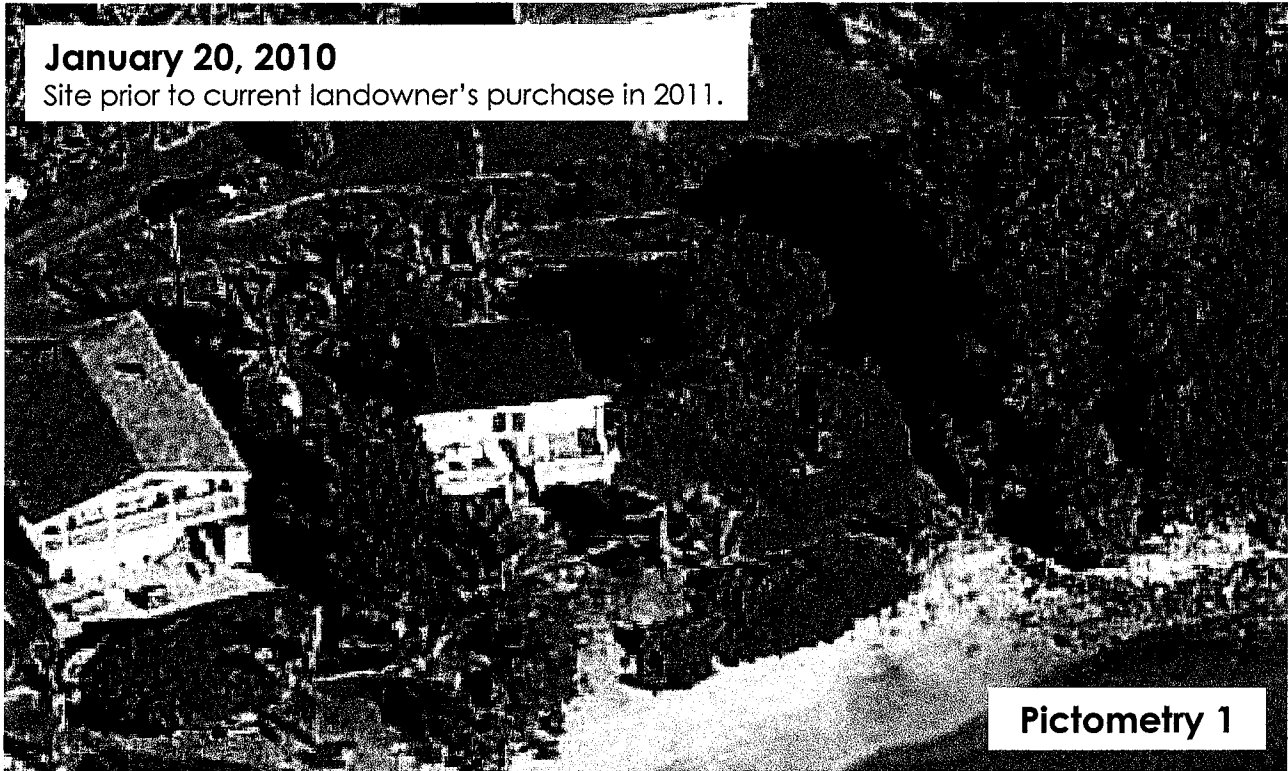
View looking north of small garden area. Entrance gate in background on right hand side of picture.

SITE VISIT PHOTOS

September 12, 2017

January 20, 2010

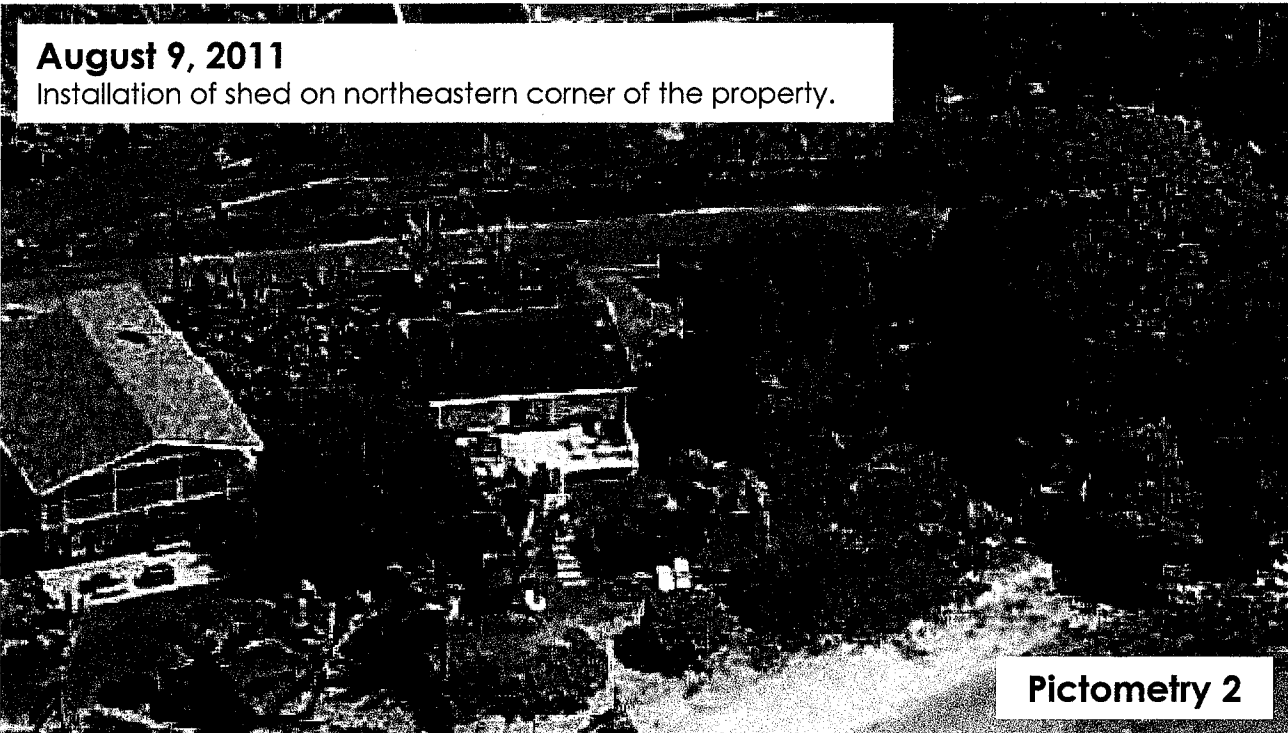
Site prior to current landowner's purchase in 2011.



Pictometry 1

August 9, 2011

Installation of shed on northeastern corner of the property.



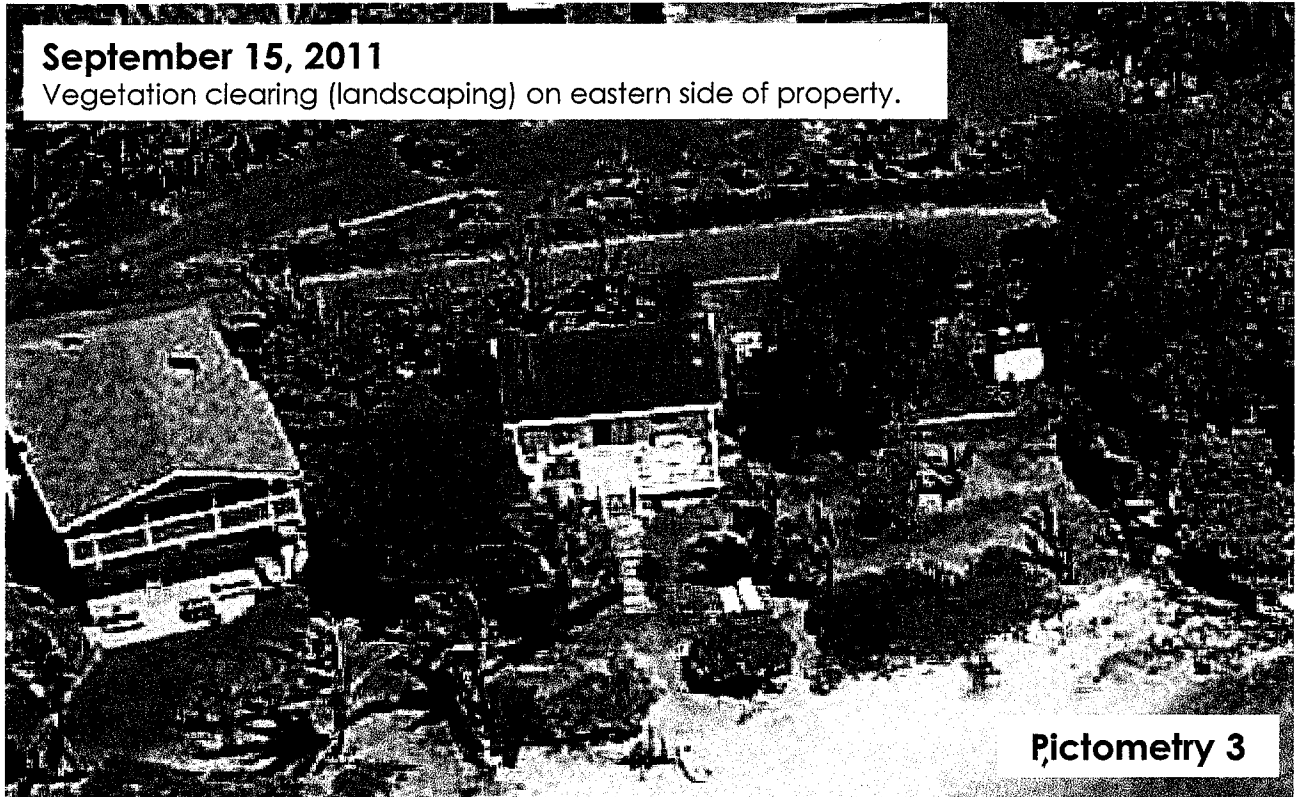
Pictometry 2

COUNTY OF MAUI PICTOMETRY

http://qpublic9.qpublic.net/qp_pictometry.php?lat=21.111307&lon=-156.743073&county=hi_maui

September 15, 2011

Vegetation clearing (landscaping) on eastern side of property.



Pictometry 3

January 27, 2012

Additional vegetation clearing on northwest corner of property.



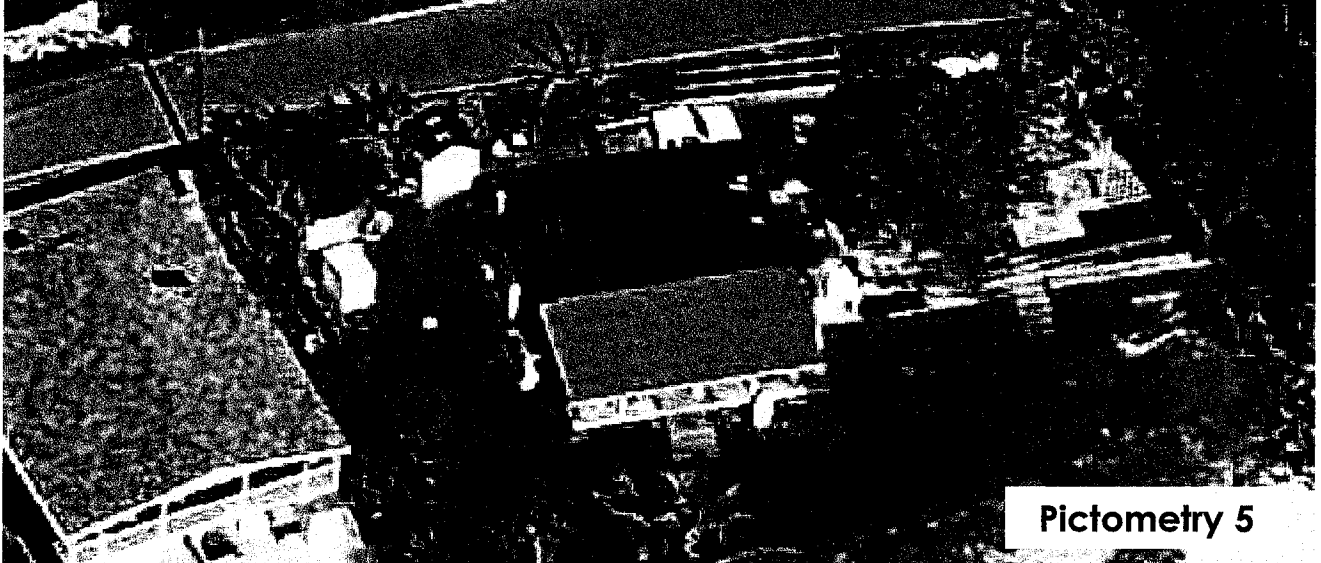
Pictometry 4

COUNTY OF MAUI PICTOMETRY

http://qpublic9.qpublic.net/qp_pictometry.php?lat=21.111307&lon=-156.743073&county=hi_maui

January 16, 2013

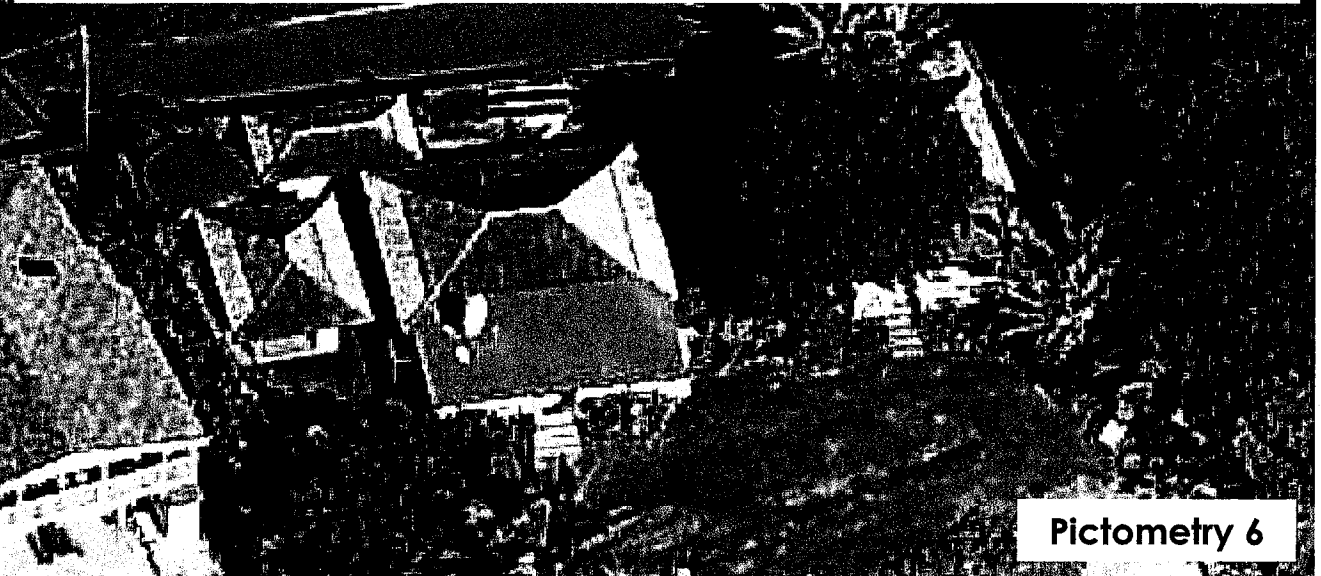
Vegetation clearing; enclosed porch; and installation of a water tank, a small structure, and moving of shed to northwestern corner of the property. Appears that some type of foundation is being constructed on the northeastern corner. Appears that a wall structure was constructed along the southern boundary of the property during this time.



Pictometry 5

December 21, 2014

"Pump room/storage structure," "Structure 1," and "Structure 2" are constructed sometime between Photo 5 and this photo. Wall on southern boundary of the property is clearly present.



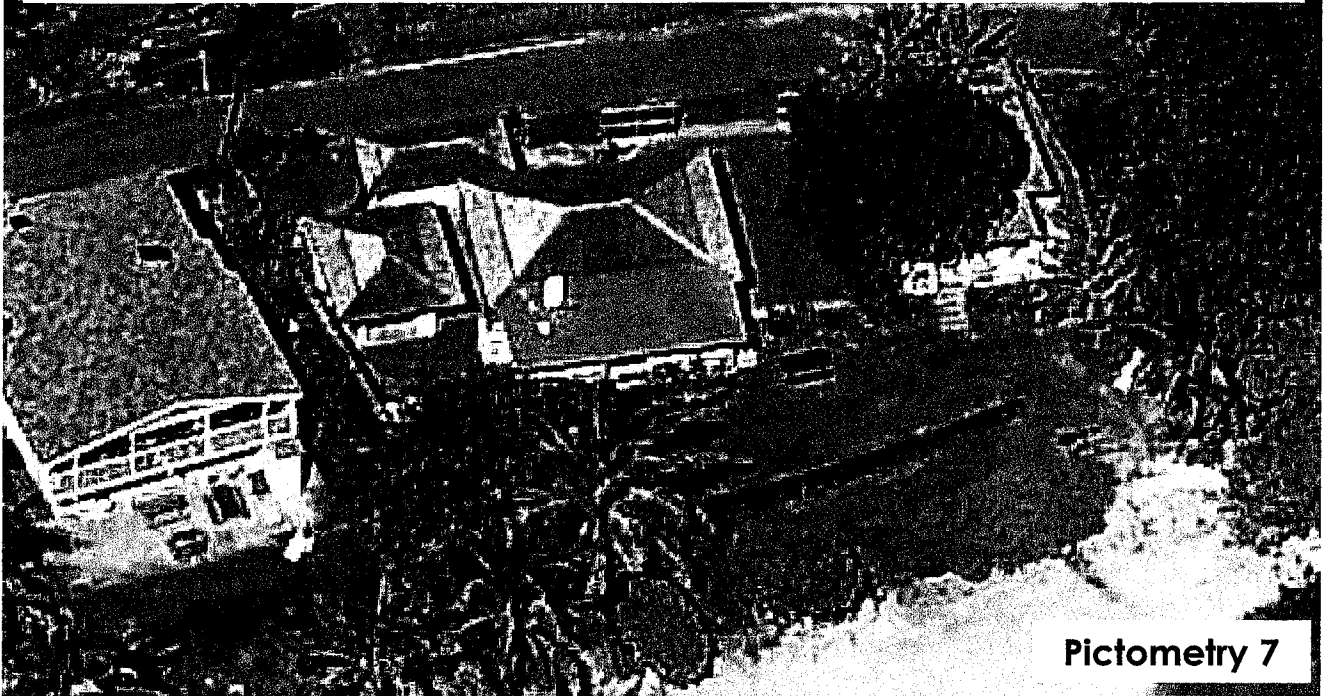
Pictometry 6

COUNTY OF MAUI PICTOMETRY

http://qpublic9.qpublic.net/qp_pictometry.php?lat=21.111307&lon=-156.743073&county=hi_maui

September 15, 2011

Additional clearing between "Structure 1" and "Pre-existing residence" and appearance of stairs on southeastern corner of property leading to breach.



COUNTY OF MAUI PICTOMETRY

http://qpublic9.qpublic.net/qp_pictometry.php?lat=21.111307&lon=-156.743073&county=hi_maui

The Maui News

Molokai residents get chance to weigh in King to hold talk story session on priorities for community plan

Building a new police station in Kaunakakai, capping vacation rentals on Molokai's east end and finding ways to ease tax burdens on kuleana land owners are just some of the goals for Molokai as the island's updated community plan nears completion.

Residents will get a chance to discuss which of the many projects and proposals in the plan should take priority when Maui County Council Member Kelly King, who chairs the council's Planning Committee, holds a talk story on Molokai from 4 to 6 p.m. today at the Mitchell Pauole Center.

"I think this will give more guidance to the county as to what the actual priorities of the citizens of Molokai are," King said Monday. "This plan is supposed to be for 20 years. . . . What are we going to do in the first five years?"

Lanai and Molokai are the first communities in Maui County to see their plans updated. The plans are supposed to be updated every 10 years, but the review process is tedious, and many are behind schedule. Molokai's plan has already passed through the 13-member Community Plan Advisory Committee and the nine-member Molokai Planning Commission. It was handed off to the council in May 2016, but the council extended the deadline from May 4 to the end of this year.

A new police station is among the nine capital improvement projects in the draft plan. The current station is listed as a top priority project because it's located in a special flood hazard area and tsunami evacuation zone and often requires police cars to drive through congested areas around schools, parks and businesses in Kaunakakai. The draft plan calls for planning to start next year.

A gym that would replace the aging one in Kaunakakai and provide a reliable civil defense shelter is also listed as a top priority project to begin planning in 2020. It's estimated to cost \$35 million in county and state funds.

"One thing this department is emphasizing with the new plans, and which is very different than in the past, is fiscal reality," Planning Director Will Spence said Tuesday. "With the old plans, virtually any good idea for a project or program got included, regardless of the county's ability to pay. . . . This go-round we are looking at how much money has been budgeted in the past, so we have a pretty rough idea of what could be budgeted in the future."

Concerns with flooding and sea-level rise are driving several projects. Council Member Stacy Crivello, who holds the Molokai residency seat, said that facilities in low-lying Kaunakakai need to be moved "soon," but because most lands mauka are privately owned, the timing will depend on when businesses and landowners are ready.

Places like the Kapa'akea Cemetery in Kaunakakai and the Puko'o Fire Station in the east end also are located in flood zones and need to be relocated, Crivello said. Culverts on county roads need to be

rebuilt to meet 100-year flood standards, and the Kaunakakai drainage system should be completed next year, according to the plan.

Rob Stephenson, a former member of the Community Plan Advisory Committee and current chairman of the Molokai Planning Commission, said one of the priorities for the island is *"being able to balance economic development with maintaining our rural lifestyle."*

"I think one of the biggest indicators of the overall health of the community is jobs," said Stephenson, who's also president of the Molokai Chamber of Commerce. *"Without that, all of the other projects seem to pale in comparison. Many of the projects that have been proposed could have an impact on creating jobs, not only for the projects but for their continued operation. So it's working together as a community to find the right balance."*

One growing issue on Molokai is that of short-term rentals, said Lori Buchanan, another former member of the committee who currently serves on the commission. The draft of the Molokai community plan currently proposes a cap of one transient vacation rental and five short-term rental homes for the east end.

"The hot topic here is the encroachment of short-term rental homes in an area where the community has fought it for years," said Buchanan, who's also coordinator for the Molokai Invasive Species Committee. *"The priority is to keep east Molokai as a rural community and not have any commercialization at all."*

When the council passed an ordinance allowing short-term rentals in 2012, no cap was set for Molokai. Crivello proposed a 40-rental cap that the council approved in April. But, on Aug. 9, the Molokai Planning Commission cut the cap to zero. Buchanan said that short-term rentals in Pukoo are drawing kayakers and kite surfers to an area that many fishermen rely on for subsistence.

King said she hopes to return to Molokai with the full council Planning Committee sometime in September and wants to get the plan passed before the holiday season.

"My goal is to be finished with it and out of committee either by the end of September or middle of October," King said.

That would be followed by readings at the full council level.

The Molokai plan also will come before the next Planning Committee meeting, which will take place at 9 a.m. Tuesday in council chambers.

To view the full draft plan, visit mauicounty.us/king. Under the *"Quick Links"* heading, click on *"Molokai Community Plan Update,"* then *"June 30, 2017 draft bill and Exhibit 1."* A chart of proposed projects and goals begins on page 173.

For more information on the talk story, contact executive assistant Michelle Del Rosario at 270-7108 or michelle.delrosario@mauicounty.us. Testimony can be emailed to pc.committee@mauicounty.us.

* Colleen Uechi can be reached at cuechi@mauinews.com.

EXHIBIT 14

CONSERVATION DISTRICT VIOLATION PENALTIES SCHEDULE GUIDELINES AND ASSESSMENT OF DAMAGES TO PUBLIC LAND OR NATURAL RESOURCES

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CONSERVATION DISTRICT VIOLATION PENALTIES SCHEDULE GUIDELINES AND ASSESSMENT OF DAMAGES TO PUBLIC LAND OR NATURAL RESOURCES

September 2009

Relating to penalties for violations within the Conservation District

Act 217

1 INTRODUCTION

Hawaii Revised Statutes (HRS) §183C-7 was amended on July 7, 2008 to increase the maximum penalty for a Conservation District violation to up to \$15,000 per violation, in addition to administrative costs, costs associated with land or habitat restoration, and damages to public land or natural resources, or any combination thereof.

This document, *Conservation District Violation Penalties Schedule Guidelines and Assessment of Damages to Public Land and Natural Resources* is intended to provide the Office of Conservation and Coastal Lands (OCCL) with a framework to systematically carry out its enforcement powers, in the determination and adjudication of civil and administrative penalties. These guidelines are to be used for internal staff guidance, and should be periodically reviewed to determine their effectiveness, and whether refinements are needed. These guidelines are consistent with HAR §13-1, Subchapter 7, Civil Resource Violation System (CRVS).

2 CONSERVATION DISTRICT VIOLATION PENALTIES SCHEDULE GUIDELINES

The charging and collecting of penalties is an enforcement tool that may be used to ensure future compliance by the responsible party and others similarly situated. The penalty amount(s) shall be enough to ensure immediate compliance with HAR §13-5 and HRS §183C, and cessation of illegal activities. Penalties will be assessed for each action committed by an individual(s) that conducts an unauthorized land use and that impairs or destroys natural resources protected under Chapter §183C, HRS.

The Staff will treat each case individually when assigning conservation district penalties using the following framework, and additional considerations and factors for upward or downward adjustments. The staff of the OCCL (Staff) will use these penalty schedule guidelines to issue violation notices and to make recommendations to the Board of Land

and Natural Resources (Board), Chairperson of the Board of Land and Natural Resources (Chairperson), or Presiding Officer, whom may ultimately adjudicate the Conservation District penalties. These guidelines presume that all cases in which a violation has occurred, the Chairperson, Board, or Presiding Officer may also assess administrative costs, damages to public land or natural resources, and costs associated with land or habitat restoration.

2.1 PENALTY CALCULATION

The penalty range for these actions will be substantially determined based on the type of permit that would have been required if the individual(s) had applied to the Department of Land and Natural Resources (Department) or Board for pre-authorization to conduct the identified use, under Hawaii Administrative Rules (HAR) §13-5-22, 23, 24, 25. Assessing the penalties according to the Conservation District permit type accounts for the level of review or scrutiny the unauthorized use would have received by the Department or Board in order to avoid damage to the natural resource. This graduated permit review framework corresponds to the level of actual or potential "harm to the resource"¹ caused by the violation.

Once the baseline for the penalty range has been established according to the required permit, the penalty may be adjusted appropriately upward or downward according to the "harm to resource" caused or potentially caused by the violator's action and additional considerations and factors (See 2.1.4),² within the assigned penalty range. Where Staff was unable to associate the unauthorized use with a typical land use identified in HAR §13-5, Staff may try to associate the action with the most similar identified land use in HAR §13-5, or according to the "harm to the resource" caused by the violation. Table 1

¹ "Harm to resource" is an actual or potential impact, whether direct or indirect, short or long term, impact on a natural, cultural or social resource, which is expected to occur as a result of unauthorized acts of construction, alteration, alteration, or landscape alteration (See Appendix B: Definitions) Adapted from Florida Department of Environmental Protection 2009 Administrative Fines and Damage Liability, Ch. 62B-54.

² Penalty amounts may be adjusted up or down, based on additional considerations, such as the actual extent of the direct damages, significance of any off-site indirect impacts, environmental record of the violator, responsiveness of violator, etc. (See 2.1.4 Additional Considerations and Factors).

was created to demonstrate the penalty ranges for the type of required permit and "harm to resource" (See 2.1.1 or Appendix A).

The first two of the following sections explain the identified and non-identified land use framework. The next four sections: Tree Removal, Additional Considerations and Factors, Continuing Violations and Permit Non-Compliance, and In-Kind Penalties, provide guidance for the upward or downward adjustment of penalties based on the initial framework discussed in Section 2.1.1, Identified land use penalties.

2.1.1 Identified Land Use Penalties

The violation penalty range associated with each required permit will be assessed in accordance with the following harm to resource indices in this graduated framework.

Table 1. Penalty Guideline Framework

Harm to resource or potential for harm to resource	Identified land use permit beginning with the letter	Penalty Range
Major	D (Board)	\$10,000-\$15,000
Moderate	C (Departmental)	\$2,000-\$10,000
Minor	B (Site Plan)	\$1,000-\$2,000
Very Minor	(B) (Site Plan)	Up to \$1,000

Major Harm to the Resource/ Board Permit (D)

Violations identified with the required permit prefix (D) may incur a penalty in the range of \$10,000 - \$15,000 as a Board permit would have been required to minimize the possibility of causing "major harm to the resource." Examples of "major harm(s) to the resource" may include actions that cause substantial adverse impact to existing natural resources within the surrounding area, community, ecosystem or region, or damage to the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics. Such actions may include, but are not limited to, unauthorized single-family residences or unauthorized structures, grading or alteration of topographic features, aquaculture, major marine construction or dredging, unauthorized shoreline structures, major projects of any kind, mining and extraction, etc.

Moderate Harm to the Resource/Departmental Permit (C)

Violations identified with the required permit prefix (C) may incur a penalty in the range of \$2,000-\$10,000, as a Departmental permit would have been required, due to the possibility of causing "moderate harm to the resource." Examples of "moderate harm(s) to the resource" may be adverse impacts that degrade water resources, degrade native ecosystems and habitats, and/or alter the structure or function of a terrestrial, littoral or marine ecosystem. Such actions may include, but are not limited to, unauthorized landscaping causing ground disturbance, unauthorized alteration, renovation or demolition of existing structures or facilities, such as buildings and shoreline structures, maintenance dredging, agriculture, and animal husbandry, etc.

Minor Harm to the Resource/Site Plan Approval (B) Permit

Violations identified with the required permit prefix (B) may incur penalties as a site plan approval would have been required to assure that "minor harm(s) to the resource" are minimized. "Minor harm(s) to the resource" may incur a penalty of \$1,000-\$2,000 and could be actions causing limited to short-term direct impacts including, but not limited to, small-sealed construction, construction of accessory structures, installation of temporary or minor shoreline activities or similar uses.

Very Minor Harm to the Resource/(B) Permit

In instances in which a permit with the B prefix should have been sought but are considered to have only caused "very minor harm(s) to resource" a penalty of up to \$1,000 may be incurred. These "very minor harm(s) to the resource" could be actions in which the impact on the water resource or terrestrial, littoral or marine ecosystem was temporary or insignificant, and was not of a substantial nature either individually or cumulatively.

2.1.2 Non- Identified Land Use Penalties

Violations in which an unauthorized use is not identified in HAR §13-5-22, 23, 24, 25, Staff may try to associate the action with the most similar identified land use in HAR

§13-5 or according to the "harm to the resource" caused by the violation. Refer to the above section, *Identified Land Use Penalties*, for the most similar required permit prefix. To categorize the violation as a "harm to resource" when no similar use is identified in HAR §13-5, Staff will refer to Table 1 and the definitions of the four violation types of "harm to resource" (See Appendix B: Definitions).

2.1.3 Tree Removal

Violation penalties for the removal of any federal or state listed threatened, endangered, or commercially valuable tree may incur a fine of up to \$15,000 per tree. Removal of any native tree may incur a fine of up to \$1,000 per tree. The removal of any invasive tree shall be considered as removal/clearing of vegetation.

The Board, Department, or Presiding Officer also has the option of considering the removal of more than one tree as a single violation, similar to the removal/clearing of vegetation.³ If violation is considered as one violation, a fine amount of up to \$15,000 may be incurred, utilizing the guidelines for Major, Moderate, Minor, and Very Minor outlined in this schedule. However, the removal of any federally or state listed threatened or endangered tree shall be considered on a one violation per tree basis, with a maximum penalty of up to \$15,000 per tree.

2.1.4 Vegetation Removal/Vegetation Clearing

Past Staff recommendations and Board decisions have treated some cases of tree or removal as one citation of vegetation clearing/vegetation removal, this practice may be continued in violations resulting in minor or very minor harm to the resource. In accordance with the identified land uses within HAR §13-5 the assessment of vegetation removal has been based on a single citation of removal/clearing determined by the square footage of vegetation removed (See Table 3 Vegetation Removal). However, the

³ While Staff and Board decisions in MA-01-09, OA-05-40 and HA-06-08 have treated the removal of non-native, invasive, or noxious trees as one citation of "clearing" with mandatory remediation plans.

Department may see fit to assess the removal/clearing of threatened, endangered, or commercially valuable plants similar to the modified tree removal framework and may be penalized on an individual plant basis of up to \$15,000 per plant.

Table 3. Vegetation Removal

Action	Comparable Harm to Resources	Penalty Range
Removal of more than 10,000 sq. ft.	Major	\$10,000-\$15,000
Removal of Vegetation of or 2,000-10,000 sq. ft. of vegetation	Moderate	\$2,000-\$10,000
Removal of less than 2,000 sq. ft. vegetation	Minor	\$1,000-\$2,000
Clearing of Invasive or noxious vegetation	Very Minor	Up to \$1,000 ⁴

Note: The clearing of threatened, endangered or commercially valuable plants will be addressed on a case-by-case basis, but depending on the importance of the species may incur a penalty of up to \$15,000 per plant. According to Table 2, the clearing of vegetation may incur a penalty of up to \$1/sq.ft. as clearing 10,000 sq.ft. Staff could assess a penalty of \$10,000.

2.1.5 Additional Considerations and Factors

After Staff applies the Conservation District violation graduated penalty framework to identify the violation penalty range (1, 2, and 3 found above), the Staff may incorporate several considerations into the final assessed conservation district penalty including but not limited to, those factors identified in HAR §13-1-70 Administrative Sanctions Schedule; Factors to be Considered.

2.1.6 Continuing Violations and Permit Non-Compliance

Each day during which a party continues to work or otherwise continues to violate conservation district laws, and after the Department has informed the violator of the offense by verbal or written notification, the party may be penalized up to \$15,000 per day (penalties for every day illegal actions continue) by the Department for each separate offense.

⁴ Provided the harm to the resource and offsite damage were minimal.

Violation of existing approved Conservation District Use Permit (CDUP) conditions will be assessed on a case-by-case basis. Existing permit violations, in which deadlines are not met, may be individually assessed by the Staff as to prior violator conduct, knowledge, and compliance. Violation of permit conditions involving initiation and/or completion of project construction, notification of start and completion dates, failure to file legal documents, etc., may be considered very minor within the existing framework, although it should be noted that such actions may result in permit revocation. Failure to perform proper cultural, archeological, or environmental impact studies or failure to implement proper best management practices as identified in the standard permit conditions may be assessed more severely by Staff, as a moderate or major harm to the resource, due to the potential of greater adverse impacts to natural resources from the violator's failure to comply with the permit conditions, may have occurred.

2.1.7 In-Kind Penalties

Once the penalty amount has been established through the framework above, the Department may determine that the full payment or some portion of the penalty may be paid as an in-kind penalty project.⁵ This would not serve as a way to avoid payment but as a way to reduce the cash amount owed while allowing the Department to consistently enforce its rules. The in-kind penalty project is not designed to credit the violator for restoration or remediation efforts that may be already required, but to offset a portion of the cash penalty assessed. The in-kind penalty should be enough to ensure future compliance with HAR §13-5 and HRS §183C, by the violator and to deter other potential violators from non-compliance.

In-kind penalties will only be considered if (1) the responsible party is a government entity, such as a federal agency, state agency, county agency, city agency, university, or school board, or if (2) the responsible party is a private party proposing an environmental

⁵ In-Kind Penalty framework has been adopted from Florida Department of Environmental Protection, 2007, Program Directive 923, Settlement guidelines for civil and administrative penalties.

restoration, enhancement, information, or education project. In-kind penalties are limited to the following specific options:

- a. **Material and/or labor support for environmental enhancement or restoration projects.** The Department will give preference to in-kind projects benefiting proposed government-sponsored environmental projects. For shoreline violations, this may include state beach nourishment projects and dune restoration projects.
- b. **Environmental Information and Environmental Education projects.** Any information or education project proposed must demonstrate how the information or education project will directly enhance the Department's, and preferably the OCCL's, mission to protect and conserve Hawaii's Conservation District Lands.
- c. **Capital or Facility Improvements.** Any capital or facility improvement project proposed must demonstrate how the improvement will directly enhance the Department's and/or public's use, access, or ecological value of the conservation property.
- d. **Property.** A responsible party may propose to donate land to the department as an in-kind penalty. Donations will be handled by the Department's Legacy Lands program or similar program.

3 ASSESSMENT OF DAMAGES TO PUBLIC LAND OR NATURAL RESOURCES

Penalties to recoup damages to public lands or natural resources for the purposes of enforcement and remediation may be assessed in addition to Conservation District violation penalties assessed by the aforementioned guidelines. The assessed total value of the initial and interim natural resource(s) damaged or lost (compensatory damages) and the cost of restoration or replacement of the damaged natural resource(s) (primary restoration cost) along with any other appropriate factors, including those named in HAR §13-1-70, may be adjudicated by the Board. The total value may be estimated on a per annum basis, and then may be used to calculate the net present value of the initial and interim loss of natural resource benefits, until the ecosystem structure, function, and/or services are restored.

The cost of a full-scale damage assessment by the Department would be an administrative cost, which could be recouped by the Board from the landowner or offender pursuant §HRS 183C-7. In some cases, the damage to public lands or natural resources may occur on more than one ecosystem or habitat type, (e.g., sandy beaches, seagrass beds, and coral reefs). In such instances, damages for all impacted systems will be handled cumulatively.

Since all the ecosystem services provided by the ecosystem in question cannot be quantified (e.g., the aesthetic value), the values obtained are lower bound estimates, and may be applied to systems similar to the referenced ecosystem using the benefit transfer method. These valuations, to account for the loss of ecosystem services and the cost to restore them, may be applied to Hawaiian ecosystems on public lands: such as Koa and Ohia forests, coral reefs, seagrass beds, wetlands, dune and beach ecosystems, and other important Hawaiian ecosystems.

While each case is unique and individual in nature, the Department may not be able to conduct detailed damage assessments in each case, and may refer to past precedent,

2.1.8 Penalty Adjudication

Violation penalties may be adjudicated similarly to the harm to resource indices in the penalty guideline framework.

Comparable Harm to Resource	Identified and Penalty Range	Penalty Adjudicator
Major	\$10,000-\$15,000	Board
Moderate	\$2,000-\$10,000	Board
Minor	\$1,000-\$2,000	Chairperson or Presiding Officer
Very Minor	up to \$1,000	Chairperson or Presiding Officer

Major and Moderate Harm to the Resource

The Board may adjudicate penalties to violations categorized as causing or potentially causing major or moderate harm(s) to the resource. The Board may also adjudicate cases in which repeat violations, repeat violators, or egregious behavior were involved, or moderate to significant actual harm to the resource occurred. The Board may also adjudicate the payment of part or all, of the penalty as part of an in-kind penalty.

Minor and Very Minor Harm to the Resource

The Board may delegate to the Chairperson or a Presiding Officer the power to render a final decision in minor and very minor conservation district violations in order to provide expeditious processing and cost effective resolution. The Chairperson or appointed Presiding Officer may adjudicate penalties to minor and very minor violations characterized by inadvertent or unintentional violations and those violations which caused minor or very minor harm to the resource.

economic ecosystem valuations, and other published environmental valuations to estimate and assess damages on smaller scales (for valuations and publication examples see Appendix C: References and Appendix D: Damages Examples). Using the benefit transfer method to apply past precedents and published valuations in some situations would allow the Department to focus its administrative duties and time on remediation and restoration efforts. However, as ecological valuation and research continue, more comprehensive estimates may be produced and utilized.

The Board may allow restoration activities and damage penalties to be conducted and/or applied to a site different from the location of the damaged area where similar physical, biological and /or cultural functions exist. These assessed damages are independent of other, city, county, state and federal regulatory decisions and adjudications. Thus, the monetary remedies provided in HRS §183C-7 are cumulative and in addition to any other remedies allowed by law.

3.1 PRIMARY RESTORATION DAMAGES

The cost of land or habitat restoration or replacement, the cost of site monitoring, and site management may be assessed and charged as primary restoration damages. Restoration efforts will aim to return the damaged ecosystem to a similar ecological structure and function that existed prior to the violation. In cases in which the damaged ecosystem was predominately composed of non-native species, restoration efforts must re-vegetate Conservation District land and public lands with non-invasive species, preferably native and endemic species when possible. The use of native and endemic species may thus result in the restoration of ecological structure and function critical for the survival of endemic Hawaiian species.

Returning the damaged and or severely degraded site to a condition similar to or better than its previous ecological structure and function (e.g., a terrestrial system such as a Koa (*Acacia koa*) forest) would include: (1) calculating the level of ecosystem services to be restored from carbon sequestration, climate regulation, nutrient cycling, air and water purification, erosion control, plant and/or wildlife habitat, and any other services which

may be valued; (2) purchase, production and out-planting of Koa seedlings; and (3) monitoring, maintenance, and management for the time period of mature growth of ~40-60 years, to achieve mature canopy structure, native under-story, and an acceptable level of lost ecosystem structure, function and/or services restored.

3.2 COMPENSATORY DAMAGE CALCULATION

Compensatory damages to public lands or natural resources may be assessed and charged to the violator to compensate for ecosystem damage and lost initial and interim ecosystem services to the public. All Divisions of the Department may coordinate their resources and efforts along with existing ecosystem valuations and publications (See Appendix C and D for examples) to derive the estimated total value of the natural resource damaged until the ecosystem structure, function, and services are estimated to be recovered.

The total value of the natural resource that is lost or damaged may include the initial and interim values of the ecosystem services provided by the natural resource or habitat, and the social-economic value of the degraded site, until the ecosystem structure, function, and/or services are restored. Assessing the damages to the resource could include: estimating the loss of ecosystem services of carbon sequestration, climate regulation, nutrient cycling, plant and/or wildlife habitat, biodiversity, air and water purification, erosion control, coastal protection, the loss of benefits to tourism, fisheries, society, cultural inspiration and practices, and any other services which may be valued.

These natural resource damages may be assessed using economic valuation techniques to estimate the total value(s) of the natural resource(s) damaged on a per area basis, including: total ecosystem service value, total annual benefits, the market value of the natural resource, or any other factor deemed appropriate. The total value of the present and interim natural resource damage may be estimated by calculating the net present value of these lost benefits, values and services. The net present value may be calculated using a discount rate to scale the present and future costs to the public, of the interim losses of ecosystem services over the restoration time. The restoration time may be

estimated as the number of years for the damaged natural resource or ecosystem to reach maturity and/or the ecosystem structure and function to be restored similar to the pre-violation state. The discount of future losses and accrued benefits may be used in the valuation of mitigation efforts performed by the violator. For example the restoration conducted immediately after damage occurred may be calculated to have a higher present benefit worth than the benefit of restoration activities undertaken a year or two later.

In other instances, a habitat equivalency analysis (HEA) or a resource equivalency analysis (REA) may be used to scale equivalent habitat or wildlife losses for estimating both ecosystem damage penalties and restoration efforts.

3.3 ADJUDICATION OF DAMAGES

The adjudication of primary restoration damages and compensatory damages will be adjudicated by the Board due to the complexity of the assessment process and to assure proper checks and balances, including adequate public notice and a public hearing.

In addition to the damages and penalty violations assessed, the Department is allowed to recoup all administrative costs associated with the alleged violation pursuant to HRS §183C-7(b). All penalties assessed will be in compliance with HRS §183C-7(c) and will not prohibit any person from exercising native Hawaiian gathering rights or traditional cultural practices.

APPENDIX A: GUIDELINE FRAMEWORK TABLES

Table 1. Penalty Guideline Framework

Harm to resource or potential for harm to resource	Identified land use permit according with the letter	Penalty Range
Major	D (Board)	\$10,000-\$15,000
Moderate	C (Departmental)	\$2,000-\$10,000
Minor	B (Site Plan)	\$1,000-\$2,000
Very Minor	A (Site Plan)	Up to \$1,000

Table 2. Vegetation Removal

Action	Comparable Harm to Resource	Penalty Range
Removal of more than 10,000 sq. ft.	Major	\$10,000-\$15,000
Removal of Vegetation or of 2,000-10,000 sq. ft of vegetation	Moderate	\$2,000-\$10,000
Removal of less than 2,000 sq. ft. Vegetation	Minor	\$1,000-\$2,000
Clearing of Invasive or noxious Vegetation	Very Minor	Up to \$1,000 ⁵

Note: According to Table 2, the clearing of vegetation may incur a penalty of up to \$17/sq.ft. as clearing 10,000 sq.ft. Staff could assess a penalty of \$10,000. The clearing of fireweed, endangered or commercially valuable plants, will be addressed on a case-by-case basis, but depending on the importance of the species may incur a penalty of up to \$15,000 per plant.

APPENDIX B: DEFINITIONS

Definitions:

- (1) "Baseline" means the original level of services provided by the damaged resource.
- (2) "Benefit Transfer Method" estimates economic values by transferring existing benefit estimates from studies already completed for another location or issue.⁷
- (3) "Board" means the Board of Land and Natural Resources.
- (4) "Board Permit" means a permit approved by the Board of Land and Natural Resources.
- (5) "Chairperson" means the chairperson of the board of land and natural resources
- (6) "Civil Resource Violations System" or "CRVS" means a system of administrative law proceedings as authorized under chapter 199D, HRS, and further prescribed in Subchapter 7, 13-1, HAR, for the purpose of processing civil resource violations.
- (7) "Compensatory Damages" means damages for compensation for the interim loss of ecosystem services to the public prior to full recovery.
- (8) "Contested Case" means a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for an agency hearing.
- (9) "Department" means the Department of Land and Natural Resources.
- (10) "Departmental Permit" means a permit approved by the Chairperson.
- (11) "Discounting" means an economic procedure that weights past and future benefits or costs such that they are comparable with present benefits and costs.
- (12) "Ecosystem Services" means natural resources and ecosystem processes, which may be valued according to their benefits to humankind.

For example: carbon sequestration, climate regulation, nutrient cycling, plant and/or wildlife habitat, biodiversity, air and water purification, erosion control, coastal protection, the loss of benefits to tourism,

⁷ Ecosystem Valuations http://www.ecosystemvaluation.org/benefit_transfer.htm

recreation, scientific discovery, fisheries, society, cultural inspiration and practices, and any other services which may be valued.

- (13) "Grossly negligent" violation means conscious and voluntary acts or omissions characterized by the failure to perform a manifest duty in reckless disregard of the consequences.⁸

(14) "Harm to resource" means an actual or potential impact, whether direct or indirect, short or long term, acting on a natural, cultural or social resource, which is expected to occur as a result of unauthorized acts of construction, shoreline alteration, or landscape alteration as is defined as follows:

(a) "Major Harm to resource" means a significant adverse impact(s), which can cause substantial adverse impact to existing natural resources within the surrounding area, community or region, or damage the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics

(b) "Moderate Harm to Resource" means an adverse impact(s), which can degrade water resources, degrade native ecosystems and habitats, and/or reduce the structure or function of a terrestrial, littoral or marine system (but not to the extent of those previously defined as those in (a)).

(c) "Minor Harm to Resource" means limited to short-term direct impacts from small scaled construction or shoreline or vegetation alteration activities.

(d) "Very Minor Harm to Resource" means an action in which the impact on the water resource or terrestrial, littoral or marine ecosystem was insignificant, and was not of a substantial nature either individually or cumulatively.

For example, "major harm to the resource(s)" would be associated with a major land use violation that would have likely required a Board Permit, such as building a house, while a "minor harm to the resource(s)" may be

⁸ Definition adapted from Florida Department of Environmental Protection, 2000 Administrative Fines and Damages Liability, Ch. 62B-54.

associated with minor land uses requiring an administrative Site Plan Approval, for building a small accessory structure.

- (15) "Knowing" violation means an act or omission done with awareness of the nature of the conduct.
- (16) "Net Present Value" means the total present value (PV) of a time series of cash flows.
- (17) "OCCL Administrator" means the Administrator of the Office of Conservation and Coastal Lands.
- (18) "Party" means each person or agency named or admitted as a party.
- (19) "Person" means an appropriate individuals, partnership, corporation, association, or public or private organization of any character other than agencies.
- (20) "Presiding Officer" means the person conducting the hearing, which shall be the chairperson, or the chairperson's designated representative.
- (21) "Primary Restoration Damages" means the costs to restore the damaged site to its prior baseline state.
- (22) "Site Plan" means a plan drawn to scale, showing the actual dimensions and shape of the property, the size and locations on the property of existing and proposed structures and open areas including vegetation and landscaping.
- (23) "Willful violation" means an act or omission which is voluntary, intentional and with the specific intent to do something the law forbids, or fail to do something the law requires to be done.

APPENDIX C: REFERENCES

- Cesar, H., van Beukering, P., Pintz, S., Dierking J. 2002. Economic valuation of the coral reefs of Hawaii. NOAA Final Report NA 160A1449.
- Conservation International. 2008. Economic Values of Coral Reefs, Mangroves, and Seagrasses: A global Compilation. Center for Applied Biodiversity Science, Conservation International, Arlington VA, USA.
- Costanza, R. and Farley J. 2007. Ecological economics of coastal disasters: Introduction to the special issue. Ecological Economics 63 p. 249-253.
- Costanza, R., d'Arge, R., de Groot, R., Farber, S., Grasso, M., Hammon, B., Limburg, K., Naeem, S., O'Neill, R.V., Paruelo, J., Raskin, R.G., Sutton, P., van den Belt, M. 1997. The Value of the World's Ecosystem Services and Natural Capital. Nature 387 p. 253-260.
- Florida Department of Environmental Protection. Damage Costs in Seagrass Habitats. http://www.dep.state.fl.us/coastal/habitats/seagrass/awareness/damage_costs.htm
- Florida Department of Environmental Protection. 2000. Administrative Fines and Damage Liability, Ch. 62B-54. <http://www.dep.state.fl.us/legal/Rules/beach/62b-54.doc>
- Florida Department of Environmental Protection. 2007. Program Directive 923. Settlement guidelines for civil and administrative penalties. www.dep.state.fl.us/admin/depdirs/pdf/923.pdf
- Florida Department of Environmental Protection. 2000. Rules and procedures for application for coastal construction permits, Ch. 62B-41. <http://www.dep.state.fl.us/beaches/publications/pdf/62b-41.pdf>

was similar to the estimated cost of remediation efforts \$390,000 to clean 5,000 yd³ of beach sand. However between 30,000-50,000 yd³ was estimated to be impacted, totaling \$2,300,000-\$3,900,000. While cleaning the sediment from the reef was estimated to cost approximately \$845,000 (for the 13 acres, or \$65,000 for 10m²). This totaled between \$3,100,000 and \$4,700,000, and did not include coral colony re-establishment. An additional \$630,000 was estimated for the 10-year monitoring period, (however studies by Cesar et al. 2003 estimated a 25 year period for recovery of ecological impacts).

Thus damage to corals may be calculated as follows:

Number of square meters of coral damaged
 X Multiplied by \$1,000 (or estimated value of coral on per/area basis)
 (#m² x \$1000)

Plus the estimated net present value of ecosystem services lost until recovery. (This may be more if damage to an area such as Hanauma Bay with increased recreational economic revenue.)

- +Plus cost of Remediation
- +Plus Cost of cleaning sediment from reef
- +Plus Cost of cleaning sediment/mud from beach sand
- +Plus Cost of coral reestablishment
- +Plus Cost of Monitoring
- +Plus Cost of Management

Seagrass beds (Compensatory Damage)

The Florida DEP fines offenders \$100/yd² of damage to seagrass beds for the first yd² damaged and \$75/yd² per each additional yd² damaged.

- \$100 for the first yard damaged
- +\$75 per each additional yard
- or net present total value of ecosystem services lost until recovery
- +vegetation planting
- +monitoring

Sand Beaches (ex. Of Primary Restoration Costs)

Minimum penalty cost of restoration and potential negative ecological, social and environmental impacts should be included in the assessment of damaged, degraded or lost sandy beaches. As one of Hawaii's greatest natural resources the following should be included in the minimum penalty assessment, however, as ecological valuation and research continue, more comprehensive estimates may be produced. In KA-02-10 Pilaa, \$390,000 fine was estimated to clean 5,000 yd³ of beach.

- +Cost of lost revenue due to altered Beach resources (compensatory)
- +primary restoration costs
- +Plus cost of cleaning of sediment/mud from beach area (if necessary)
- +Plus cost of beach nourishment (sand replacement)
- +Plus cost of native dune vegetation

(In some circumstances the loss of beach resources may be assessed in conjunction with other ecological impacts listed above, such as coral reefs and sea grass beds.)

APPENDIX E: PENALTY CALCULATION WORKSHEET

Violator's Name(s): _____
TMK: _____
OCCL Staff Member: _____
Date: _____

Part 1- Penalties

Violation Type	Permit Prefix (D,C,B)	Harm to Resource (actual & potential)	Tree or Vegetation Status	Penalty Range	Adjustments (Mark Adj. Choice #1-8)	Multi-day (# days)	Total
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

Penalty Total:

Penalty Adjustments and Descriptions (please attach additional adjustments and descriptions, including but not limited to those listed in §13-1-70)

1. Actual environmental damage extent (onsite)
Description: _____
2. Actual environmental damage extent (offsite)
Description: _____

3. Does the violator's have a history of violations?

4. Was the violation repetitious or of a long duration?

5. Was the violator Responsive and exhibit a level of cooperation of with the Department and/or Staff?

6. Does the Violator have a Financial Hardship?

7. Did the violator receive Economic or commercial gain through non-compliance?

8. Other.
Description: _____
- Total Adjustment: up/down _____

Multi-day penalties

Number of days to multiply penalty: _____

Reasoning: _____

Total multi-day: _____

