

Leni Acosta Knight

96 Moaniala Street
Honolulu, HI 96821

July 9, 2021

Department of Land and Natural Resources
Board of Land and Natural Services

Dear Land Board Members,

Thank you for the opportunity to introduce myself. I am a single mother of two, a resident of Hawaii, and a U. S. citizen. I am seeking to get an approval from the Land Board to have my CDUA application accepted allowing me to build my family residence on my property that is on Conservation zoned District (G).

Currently, the majority of the residential lots that make up this area where my property is located, are historically subdivided from larger tracts of land before it was declared a Conservation District. Today, a few parcels remain including this parcel in Preservation General (G), with the balance of the northern parcels sharing a combined zoning description of P and R-5 under the City and the Conservation District regulations. Many existing homes occupy most of these parcels, and my property is one of the few remaining buildable lots.

I have been trying now for two years to have my CDUA application accepted but it has been rejected twice. The reason given is that there is an outstanding violation dating back to 2006 and the office of OCCL states that it is not able to accept my application. I am here today in an effort to demonstrate to you that such pending violation maybe inaccurate and should have been legitimately dismissed.

I appreciate your consideration to assist me in clearing up this issue that is unfairly impacting our CDUA application. My family should not have to carry the burden of resolving an on-going affair that should have been brought to a closure long before we purchased this property. Thank you in advance.

Sincerely,



Leni Acosta Knight

HISTORY & FACTS IN BRIEF:

DLNR records show, that Mr. Bonds owned the land in question in 1985, he permitted and built the Storage Shed in the late 80's. Mr. Bonds **was never issued a Notice of Violation (NOV) during his ownership.** ***When he sold the land in 2004 to a Mr. Longnecker, the land was "free and clear" of any current and /or outstanding Conservation District Violations".***

Thus, the parcels Deed / History / Record / Title was clean of any DLNR violations in the sale.

Following the purchase by Mr. Longnecker, DLNR responding to a neighbor's call that Mr. Longnecker was attempting to ***renovate*** the existing Storage Shed in 2005 into a residence, without a permit. He was cited for... ***"Illegal Activity in the Conservation District..."*** That same day, with still another letter (March 3, 2005) DLNR expanded the violation adding a second ***"Construction of Unauthorized Structure on Subject Parcel..."***

🚩 *How and why DLNR decided, **and on what grounds,** to bring **the construction** of the Storage Shed, a Shed that **was existing** and built in the 80's (after-the-fact some 21 years later) forward as a violation against Mr. Longnecker is not known?*

Mr. Longnecker admitted to the illegal ***renovation*** work and removed all the work done, and restored the Storage Shed to its original "as-was" condition, at a cost of \$50,000.

Additionally, as mandated by the Land Board.

1. He paid the imposed fines Land Board **Recommendation 1) & 3)**
2. Land Board **Recommendation 3. 4) File for a CDUA (After-The-Fact Conservation District Use Application) (within six (6) months)**

- He did, complete with Geo-technical Evaluation on Sept. 7, 2006
- Submitted a Weidig Geoanalysts technical evaluation Report..... April 20, 2006

🚩 Mr. Longnecker complied timely, as per Land Board mandate.

- ✓ DLNR "rejected" Mr. Longnecker's CDUA application on Oct. 3, 2006

❖ ***Not sure why, but DLNR staff has not addressed the fact that Mr. Longnecker did submit timely, a Geo-technical evaluation Report as mandated by the Board.... And now is calling for still another?***

As per Mr. Longnecker's attached Affidavit as to his decision to sell...he states, "Weidig Geoanalysis Company said the original footings were in good shape. However, engineer said, the impact of removing the structure would greatly impact the hill vs leaving it alone. He also said an EIS would need to be completed before he was comfortable doing any work."

"After this, we (Longnecker) determined it to be too big of an expense to move forward on a CDUA for the structure. We then removed all the materials that we installed..... at a cost of \$50,000"

QUESTIONS:

1. As a DLNR NOV was not issued to Mr. Bond when the Shed was built in the 80's, and up to the time the property was sold, there are no recorded violation(s), and thus a clean Deed / History / Title was transferred in the sale to Mr. Longnecker.
 - Is the current position of DLNR that there is today, **"an outstanding violation" on this parcel that needs to be resolved** accurate, or even legal ?
2. Can Mr. Longnecker, "after-the-fact" of some 21 years, be held responsible and charged by DLNR with **Construction of Unauthorized Structure on Subject Parcel...**
 - Defined "construction" of a Storage Shed, that was already constructed and existing ?

3. Adding additional confusion.

In the Land Board mandates of March 10, 2006

3. Recommendation 4)

The landowner shall submit an After-The-Fact Conservation District Use Application including a geo-technical evaluation within six (6) months of the Department's determination. If it is not filed within that time period, the structure shall be removed within sixty (60) days thereafter:

- Mr. Longnecker did, complete with a Geo-technical Evaluation on Sept. 7, 2006
- Submitted a Weidig Geoanalysts technical evaluation Report April 20, 2006

🚩 ***Mr. Longnecker complied timely, as per Land Board mandate.***

- ✓ DLNR "rejected" Mr. Longnecker's CDUA application on Oct. 3, 2006

Could be read, he filed, he complied, ***satisfying the Land Board mandate*** and then made an economic decision.

- Refer to Mr. Longnecker's complete Affidavit in Exhibits.

Affadavit

We inherited the structure on upper Pakui when we purchased the parcel at 1746-a Mikahala way. There are arial photos of the structure from the mid 1970's. We did not build the structure or touch any of the original footings holding it. We called out a geo-technical expert in March 2006 and he said the original footings were in good shape. However, he did say the impact of removing the structure would greatly impact the hill vs. leaving it alone. He also said an EIS would need to be completed before he felt comfortable doing any work. After this we determined it to be too big of an expense to move forward on a CDUA for the structure. We then removed all materials that we installed and left the structure as we found it. This was a substantial loss of over 50k. The building is now the way it was when we bought the land.



DTE 6/22/2020

Copy of the Land Board Hearing of March 10, 2006:

IMPORTANT:

2006 / AS BELOW OCCL ACKNOWLEDGEMENT AS TO THE SHED EXISTING AND BUILT BY THE FORMER OWNER MR. BOND... AND NOT BY MR. LONGNECKER AS BELIEVED EARLIER AND ISSUED A NOTICE OF VIOLATION IN 2005).

MINUTES FOR THE MEETING OF THE BOARD OF LAND AND NATURAL RESOURCES

DATE: FRIDAY, MARCH 10, 2006
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

**Item K-1: Conservation District Enforcement File No. OA-05-50 Regarding
Unauthorized Structure and Unauthorized Construction of
Improvements located at Palolo Hillside, Oahu, (1) 3-3-034:001.**

Mr. Lemmo indicated the subject parcel is located on the east hillside of Palolo Valley and that residential use surrounds the parcel. In February 2005, OCCL received a complaint regarding on going construction on the Palolo hillside. A site visit was conducted which revealed that improvements had been made to the unauthorized existing structures. Mr. Lemmo confirmed through aerial photographs that the structure existed prior to the landowner purchasing the property. Mr. Lemmo conveyed that a Conservation District Use Permit was issued for the subject site but it was for twelve picnic shelters and storage shed. Mr. Lemmo believes the previous owner built the structure without department approval and the current landowner is performing major improvements on this structure. Mr. Lemmo recommended the Board find the landowner in violation of Chapter 183C and Chapter 13-5, Hawaii Administrative Rules and is subject to the conditions listed in staff's submittal.

Brian Ho, attorney for the applicant appeared before the Board. Mr. Ho disclosed that Mr. Longnecker purchased the property in 2003 at which time the twelve picnic shelters and storage shed were built per the Conservation District Use Permit (CDUP) obtained by the previous owner. He noted the structure in question and shown in staff's submittal is the storage shed. Mr. Ho took offense at staff's claim that the structure is unauthorized

as the CDUP allowed for the storage shed. Mr. Ho acknowledged his client's brother made changes to the structure and assumed he obtained all necessary approvals. Mr. Ho would like the administrative penalties to be mitigated down to \$500 as the violation was not willful on the landowner's part. As far as the geo-technical survey, Mr. Ho feels it is unnecessary at this point as the work involved on this structure did not impact the foundation or any of the structural components of the building. Mr. Ho stated the improvements were to the interior (changing interior configuration), not structural improvements. Mr. Ho indicated if appropriate when Mr. Longnecker applies for the After The Fact Conservation District Use Application (CDUA) that would be the time if necessary to incorporate the geo-technical evaluation study as one of the requirements. Lastly, Mr. Ho does not feel it is appropriate for the landowner to indemnify the State.

Greg Longnecker, the landowner acknowledged ignorance is no excuse but he inherited the problem when he bought the property. He let it be known when he acquired the property the structure was filled with the prior owner's belongings and his insurance company made him remove those contents. He feels things have become a mess which was not his intention. He always meant to do what is right. Mr. Longnecker let it be known his intention was to make the structure more sound without changing the footings.

The Board amended the following Recommendations

1. Recommendation 1)

- "1. The landowner violated the provisions of Chapter 183c, Hawaii Revised Statutes (HRS), and Chapter 13-5, Hawaii Administrative Rules (HAR), in one instance by failing to obtain the appropriate approval for unauthorized improvements within the Conservation District. The alleged is fined a total of [~~\$2,000.00~~] \$500.00 for one Conservation District violation;"**

2. Recommendation 3)

- "3. The landowner shall pay all fines (total [~~\$2500.00~~] \$1000.00) within ninety (90) days of the date of the Board's action;"**

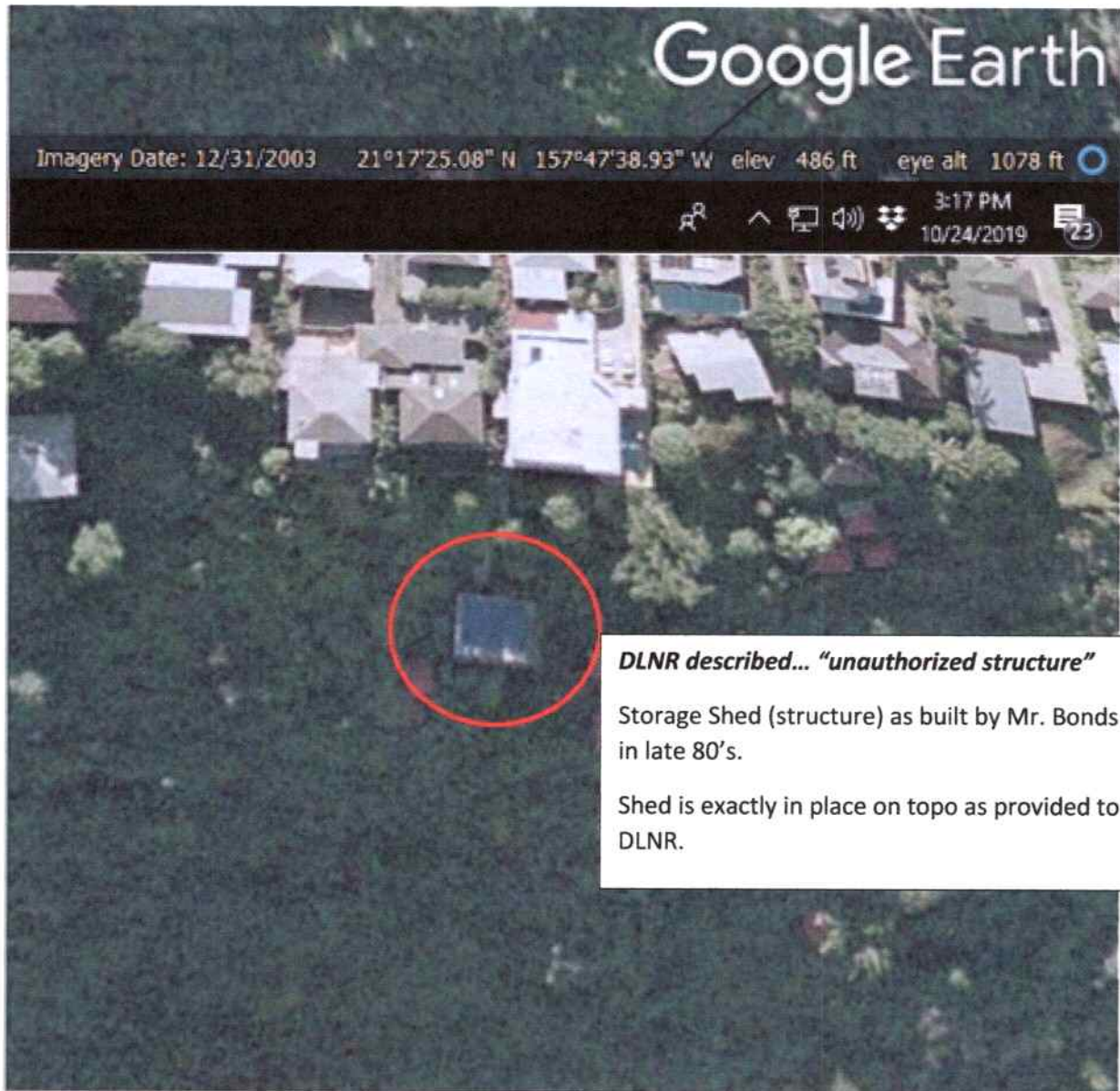
3. Recommendation 4)

- "4. ~~[The landowner shall at his own expense submit a geo-technical evaluation study by a licensed geo-technical engineer to evaluate the structural integrity of the unauthorized structure and the potential for rockfall on the subject parcel to the Department within six months of the Board's action;]~~ The landowner shall submit an After-The-Fact Conservation District Use Application including a geo-technical evaluation within six (6) months of the Department's determination. If it is not filed within that time period the structure shall be removed within sixty (60) days thereafter;**

EXHIBITS: (General)

Google imagery December 31, 2003

- ❖ Storage Shed "as-is" today, in place as per designated in topo. Parcel ownership was in the name of Mr. Bonds. (Sold to Longnecker in 2004)



[illegible]

Cannot explain, BUT even the scale of it as shown, is larger than the Picnic Shelters?? The Shed was built though. Have no position if it was built as per plans.

It was located here, as it is (was) only accessible from the adjacent parcel, where Mr. Bond resided.

Ms. Knight's first letter of December 5, 2018, to DLNR

Ms. Leni Acosta Knight
4391 Kahala Ave.
Honolulu, Hawaii 96816

HARD COPY IN MAIL

Date December 5, 2018

Mr. Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands
Kalanimoku Building
1151 Punchbowl St. Room 131
Honolulu, HI 96813

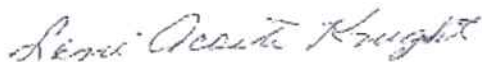
Dear Mr. Lemmo,

SUBJECT: Conservation District Parcel (P - General) TMK: 1-3-3-034:001
3552 Pakui St.
Honolulu, Hawaii 96816

I am in escrow for this above parcel and am presently doing my Due Diligence on it. In several of the documents, including a letter from your office dated October 4, 2006 to Greg and Ms. Longnecker you reference, an unauthorized structure. Additionally, the City's Holis files show them also issuing a Notice of Violation (NOV), dated in March of 2005. The City files show the violation for the work without a Permit closed?

May we ask, is this (P - General) Conservation District tmk: 1-3-3-034:001 parcel "free and clear" of any pending, unknown violations that could impact, delay or complicate any legal application we might make for it?

Sincerely,

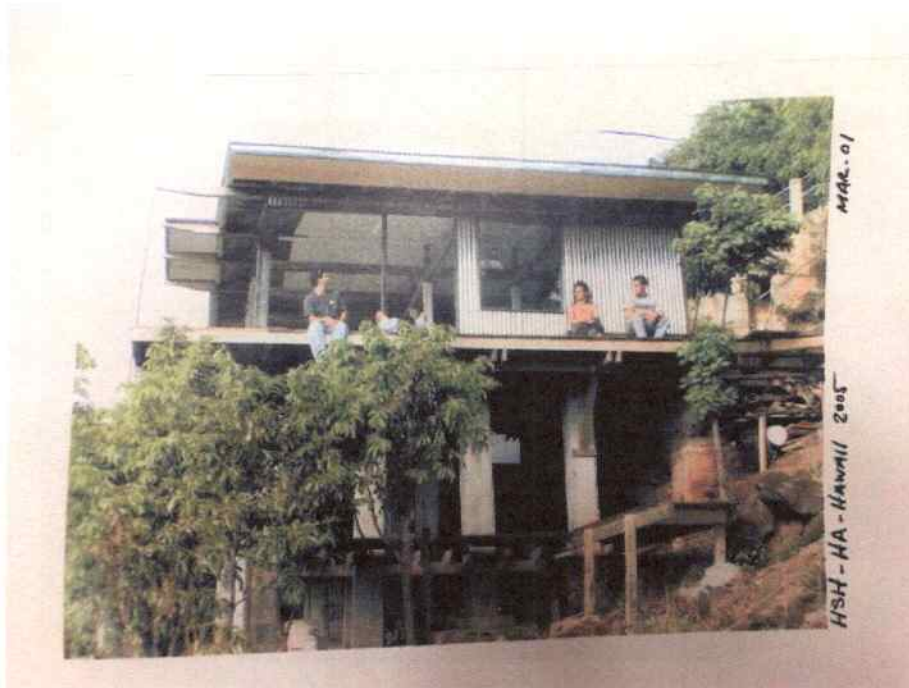


Ms. Leni Acosta Knight
4391 Kahala Ave.
Honolulu, Hawaii 96816
Email: lk@leniknight.com
Phone: 808 859-3859

Illegal Shed renovations were at this stage by Mr. Longnecker on (March 2005) when served NOV's both, by the City and DLNR.

** Complete with interior and exterior walls in place, the outside deck, glass windows and doors etc. etc.

Note: This location is, without question, the worst part of the entire 7.9 acres as to steepness (+/- 50 degrees) and accessibility. It was located here only as Mr. Bond lived on the adjacent parcel. This Shed has no value or use due to its location.



Storage Shed today ... current 2019 drone and interior picture.

- ❖ Building / structure is again, abandoned and gutted as it was originally.
- ❖ As per Mr. Longnecker's position, "I spent \$50,000 removing windows, glass doors sidings, interior walls, deck, and all utilities. We returned the Shed to "as-it-was."



Mr. Longnecker's Affidavit as to the Storage Shed structure.

Affadavit

We inherited the structure on upper Pakui when we purchased the parcel at 1746-a Mikahala way. There are arial photos of the structure from the mid 1970's. We did not build the structure or touch any of the original footings holding it. We called out a geo-technical expert in March 2006 and he said the original footings were in good shape. However, he did say the impact of removing the structure would greatly impact the hill vs. leaving it alone. He also said an EIS would need to be completed before he felt comfortable doing any work. After this we determined it to be too big of an expense to move forward on a CDUA for the structure. We then removed all materials that we installed and left the structure as we found it. This was a substantial loss of over 50k. The building is now the way it was when we bought the land.

DATE 6/22/2020

Notary ~~acknowledged~~ acknowledgment is attached.
PC

[illegible]

On this 22nd day of June, 2020, before me personally appeared Greg Longnecker, to me personally known or proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and, if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Doc. Date: Undated # of pages: One
Doc. Description: "Affidavit"

Notary Signature: Rafael P. Lasham Date: 9/23/2020

Ralph E. Kitashima, Notary Public, State of Hawaii, Fifth Circuit
My Commission Expires May 26, 2023



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawai'i

July 9, 2021

**Board of Land and
Natural Resources
State of Hawai'i
Honolulu, Hawai'i**

REGARDING: Conservation District Enforcement Case OA 21-54 Regarding Noncompliance with the Board of Land and Natural Resources Findings in Conservation District Enforcement OA 05-50 Located at Palolo Hillside Lots, Palolo Valley, ~~Q'ahu~~

LANDOWNER: Dominis G Anderson Trustee of the Dominis G Anderson 2009 Trust; and,

Leni A Knight

LOCATION: 3552 ~~Pakui~~ Street, Palolo Hillside Lots, ~~Q'ahu~~

TAX MAP KEY: (1) 3-3-034:001

SUBZONE: General

Staff is bringing this matter back to the Board of Land and Natural Resources after 15 years of non-action.

DESCRIPTION OF AREA:

The subject 7.99-acre parcel is located on the east hillside of Palolo Valley. Residential land uses surround three (3) sides of the subject parcel: to the east above on Wilhemina Rise; to the south across Pakui Street, and below along 10th Avenue in Palolo Valley. The parcel lies within the General Subzone of the State Land Use Conservation District (*Exhibits 1,2,3*).

According to previously submitted environmental reports for TMK: (1) 3-3-034:001, the subject area contains slopes that are approximately 40% to 50%. In addition, the area is described as Rock Land (rRK). According to the United States Department of Agriculture, Soil Conservation Service, in cooperation with the University of Hawaii Agricultural Experiment Station describes rock land (rRK) as "areas where exposed rock covers 25 to 90 percent of the surface ... The rock outcrops and very shallow soils are the main characteristics ... It has a high shrink-swell potential. Buildings on the steep slopes are

ITEM: K1

susceptible to sliding when the soil is saturated. Foundations and retaining walls are susceptible to cracking." (*Exhibit 4,5,6,7*).

BACKGROUND:

There are two (2) Conservation District Use Permits (COUP) for TMK: (1) 3-3-034:001. On August 24, 1984, the Board of Land and Natural Resources (BLNR) approved COUP OA-1687 for fencing, clearing, planting and orchards subject to six (6) conditions. On October 11, 1985, the BLNR approved COUP OA-1803 for twelve (12) picnic shelters and one (1) storage shed. Approved plans on file with the Department state that each of the twelve (12) picnic shelters and the one (1) storage shed are approximately 80 sq. ft- 8ft by 10ft by approximately 10ft or 11ft in height (*Exhibit B,9,10*). City and County records note that construction of the twelve (12) picnic shelters and one (1) storage shed was completed in or around 1994 (*Exhibit 11*).

After receiving complaints regarding construction noise on the Palolo hillside, the OCCL conducted a cursory site inspection on March 3, 2005 and noted that unauthorized work was taking place (*Exhibit 12*). An onsite inspection occurred on the afternoon of March 14, 2005 which revealed the presence of a large "dwelling like" structure (*Exhibit 13*). Improvements included the construction and installation of decks, windows, and walls. Plans submitted by the former landowner to OCCL describe the unauthorized structure as having an upper area or second story consisting of 535.5 sq. ft, deck areas of 551 sq. ft, and a lower floor area or first story of 422 sq. ft (*Exhibit 14*). Based on the above, staff believes that the former landowner was building a residence on TMK: (1) 3-3-034:001.

On March 10, 2006, the BLNR found the former landowners of the property in violation of Chapter 13-5, Hawaii Administrative Rules (HAR), and Chapter 183C, Hawaii Revised Statutes (HRS), for unauthorized construction located at 3552 Pakui Street, Palolo, Island of Oahu, TMK: (1) 3-3-034:001, subject to eight (8) conditions (*Exhibit 15*). To resolve the violation, the BLNR ordered that landowners to pay a \$1,000.00 fine and either 1) submit an After-the-Fact Conservation District Use Application (CDUA), including a geotechnical study, for the unauthorized structure within six (6) months of the BLNR's decision; or 2) remove the structure. Staff notes that the fine was paid and an After-the-Fact CDUA was submitted to OCCL on September 7, 2006. Following staffs review, the application was deemed incomplete and was not accepted for processing¹ (*Exhibit 16*). No further after-the-fact CDUAs were submitted for the unauthorized structure.

UNRESOLVED LAND USE:

In or around 2018 and 2019, the OCCL received several inquiries from individuals interested in purchasing the parcel. On April 12, 2019, the OCCL responded to a Request for Information regarding TMK: (1) 3-3-034:001 from Ms. Leni Acosta Knight (*Exhibit 17*). Staff informed Ms. Knight of the unresolved violation and that the responsibility of

Staff noted that the After-the-Fact CDUA and its attached plans were not readable and lacked the necessary details for analysis. Additionally, it was unclear in the applications whether improvements or modifications to the structure were proposed.

resolving the violation rests with the landowner. Based on emails exchanged with the OCCL, it appears that Mr. Dominis G Anderson was aiding Ms. Knight in her potential purchase of the property (**Exhibit 18**). In 2020, it appears that TMK: (1) 3-3-034:001 was purchased by Dominis G Anderson 2009 Trust and Ms. Leni A Knight (**refer to Exhibit 11**).

On January 13, 2021, Dominis G Anderson on behalf of the Dominis G Anderson 2009 Trust and Ms. Leni A Knight submitted a CDUA for a proposed single-family residence. On February 9, 2021, the OCCL informed Ms. Knight's representative of pending ENF: OA 05-50 and that it appeared the violation remained unresolved. Staff noted that Pursuant to HAR, §13-5-31 (e) *No permit application shall be processed by the department or board until any violations pending against the subject parcel are resolved*, the OCCL returned Ms. Knight's CDUA materials and application fee (**Exhibit 19**)².

Photos provided to and obtained by the OCCL as well as a cursory site visit to TMK: (1) 3-3-034:001 indicate that the unauthorized structure has not been removed (**Exhibits 20,21,22**). As the unauthorized structure has not been removed nor a permit secured and the violation is unresolved, the OCCL is bringing this matter before the BLNR for further action.

DISCUSSION:

Although the Board provided the former landowner with a pathway to legitimize the subject unauthorized structure, staff had hoped that the former landowner would have removed it. The CDUA that was received by OCCL from the former landowner and subsequently rejected was woefully inadequate to accommodate a use located on a severe slope with homes located downslope. It appears that the slope of the subject parcel ranges from 43.90% at its shallowest to 66.94% at its steepest according to the contour lines in **Exhibit 3**.

Due to the residential uses down slope of the subject area, the OCCL is concerned about potential ground disturbing activities on this steep hillside of Palolo Valley. The OCCL notes that in or around May of 2011 a rockfall event occurred at 2091A 10th Avenue which is less than a half of a mile North/Northeast of the subject property (**Exhibit 23**). Additionally, **Exhibit 12** of this submittal illustrates boulders around the unauthorized structure. The OCCL has concerns that work or ground disturbing activities on the Palolo Valley hillside may contribute to creating a potentially hazardous rockfall event or hill slump situation. Because the structure in question has no authorization, there is a concern regarding the structural integrity as well as its potential for causing down slope damage.

Moving forward, the OCCL believes that a proper Geotechnical Study is necessary to determine if the unauthorized structure can be safely removed.

² Staff notes that in a letter dated April 12, 2019 Ms. Knight was informed of the unresolved violation

WE RESPOND TO OCCL STAFF RECOMMENDATIONS AS FOLLOWS.

AS SUCH, STAFF RECOMMENDS:

That pursuant to HRS, §183C-7, the Board of Land and Natural Resources deem the situation a continuing violation and order Dominis G Anderson trustee of the Dominis G Anderson 2009 Trust and Leni A Knight to conduct a geotechnical study to determine if the unauthorized structure can be safely removed, subject to the following conditions:

MAY WE ASK, WHY STILL ANOTHER STUDY? OCCL STAFF NEEDS TO SHARE THE SUBMITTED ON FILE STUDY MR. LONGNECKER'S, CONSULT, WEIDIG GEOTECHNICAL EVALUATION REPORT PROVIDED TO THE OCCL AS BOARD MANDATED. IT WAS COMPLETED, AND SUBMITTED TO OCCL ON APRIL 20, 2006, (COPY ATTACHED)

MISSING IN ALL OCCL'S FINDINGS AND RECOMMENDATIONS, ARE TWO MAJOR ISSUES THAT NEED TO BE ADDRESSED, AND ARE NOT BEING ADDRESSED BY STAFF. THEY ARE THE VERY ISSUES FOR WHICH ALL QUESTIONABLE, PAST (RIGHT OR WRONG) DECISIONS HAVE BEEN MADE... AND WHY WE ARE HERE TODAY, ADDRESSING AND QUESTIONING THE ALLEGED, **"UNAUTHORIZED STRUCTURE"** AND THE OUTSTANDING... **"UNRESOLVED VIOLATION"** ON MS. KNIGHTS PARCEL.

- ✚ HOPEFULLY, MAYBE THE FOLLOWING IS THE CONFUSION? WE BELIEVE, IT MAY HAVE BEGUN WITH THE QUESTIONABLE, SECOND ALLEGED OCCL VIOLATION BEING ISSUED TO MR. LONGNECKER ?

THE VERY SAME DAY HE WAS SERVED WITH THE FIRST (LEGITIMATE) VIOLATION FOR:

"ILLEGAL ACTIVITY IN THE CONSERVATION DISTRICT"... (ILLEGAL RENOVATIONS OF THE EXISTING STRUCTURE) HE WAS DELIVERED WITH STILL ANOTHER (MARCH 3, 2005). OCCL EXPANDED THE VIOLATIONS, ADDING A SECOND... **"CONSTRUCTION OF UNAUTHORIZED STRUCTURE ON SUBJECT PARCEL..."** (HERE, MR. LONGNECKER IS BEING SERVED A VIOLATION FOR BUILDING THE SHED STRUCTURE)

- OCCL MIGHT BE ASKED TO ASSIST HERE TO HELP EXPLAIN THE FOLLOWING.
1. MARCH 2005
HOW, AND WHY OCCL DECIDED, AND ON WHAT GROUNDS, TO BRING FORWARD A VIOLATION FOR **"CONSTRUCTION OF UNAUTHORIZED STRUCTURE ON SUBJECT PARCEL"**...FOR AN EXISTING SHED (BUILT IN THE 80'S) SOME 20 YEARS EARLIER BY THE PREVIOUS OWNER AS A VIOLATION AGAINST MR. LONGNECKER IS UNCLEAR.?
 2. MARCH 2006
HOW ONE YEAR LATER, DURING THE BOARD HEARING ON MR. LONGNECKER'S VIOLATIONS, OCCL SAID ON THE RECORD, **"THAT THROUGH AERIAL PHOTOGRAPHS THAT THE STRUCTURE (SHED) EXISTED PRIOR TO THE LANDOWNER PURCHASING THE PROPERTY"....."WE BELIEVE THE PREVIOUS LANDOWNER BUILT THE STRUCTURE WITHOUT DEPARTMENT APPROVAL....."**

QUESTION: WOULD IT NOT HAVE BEEN IN ORDER TO... BASED ON OCCL'S CURRENT UPDATE AND REVELATIONS FOR THE RECORD, NOW CONFLICTING WITH THE YEAR EARLIER FINDINGS OF OCCL'S 2005 DECISION AND HAVING CITED MR. LONGNECKER WITH THE VIOLATION FOR BUILDING THE STRUCTURE.... DROP THE VIOLATION?

DISCOVERING AND ADMITTING MR. LONGNECKER DID NOT BUILD THE EXISTING SHED STRUCTURE AS OCCL SHARED.... WHY WAS HE FOUND IN VIOLATION IN THE BOARD'S RENDERING A FINAL DECISION?

MIGHT HAVE THE OCCL AT THE TIME, MAYBE BETTER HAVE EXPLAINED TO THE BOARD HOW THEIR NEW SHED DISCOVERIES CONTRADICTED THEIR EARLIER FINDINGS AND THE VERY BASIS FOR ISSUING THE SECOND VIOLATION ?

UNFORTUNATELY, OCCL ALLOWED THE BOARD TO PROCEED AND FIND MR. LONGNECKER IN VIOLATION OF BOTH, CHAPTER 13-5 AND CHAPTER 183 C INCLUDING STILL - THE SECOND VIOLATION ... ***"CONSTRUCTION OF UNAUTHORIZED STRUCTURE ON SUBJECT PARCEL..."***

- ↓ CAN IT BE CONCLUDED, THAT OCCL'S ADMISSION OF THE FACTS AS TO WHO ACTUALLY BUILT THE STRUCTURE, 1) THE ... ***"CONSTRUCTION OF UNAUTHORIZED STRUCTURE ON SUBJECT PARCEL..."*** VIOLATION NEEDS TO BE CORRECTED, AND 2) IF SO, THERE IS NO PENDING ***"UNRESOLVED VIOLATION"*** ON THE PARCEL AND NEVER SHOULD THERE HAVE BEEN ONE?
-

BELOW: OCCL SHED CONSTRUCTION CLARIFICATION AND FINDINGS TO THE ABOVE.

COMMENT"BELIEVES THE PREVIOUS OWNER BUILT THE STRUCTURE WITHOUT DEPARTMENT APPROVAL..... " RECORD SHOWS MR. BONDS BUILT THE SHED, EXACTLY IN THE SPOT IT WAS APPROVED FOR BY DLNR. ***HE MAY HAVE NOT BUILT IT AS PER HIS SUBMITTED DRAWINGS.... BUT HE BUILT IT AS IT STANDS TODAY.*** IF NOT AS PER PLANS, OCCL SHOULD HAVE CITED HIM FOR IT IN 1987 WHEN IT WAS BUILT. NOT 20 YEARS LATER TO AN INNOCENT MR. LONGNECKER.

**MINUTES FOR THE
MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES**

DATE: FRIDAY, MARCH 10, 2006
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

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Improvements located at Palolo Hillside, Oahu, (1) 3-3-034:001.**

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MISC. DOCUMENTED HISTORY FROM DLNR / OCCL FILES:

1. A STORAGE SHED WAS DLNR AND CITY APPROVED, PERMITTED AND BUILT IN 1987 (34 YEARS AGO) BY A MR. BONDS THEN OWNER OF THIS PARCEL. MR BONDS BUILT BUT 6 - PICNIC SHELTERS AND 1 - STORAGE SHED AND STOPPED.
2. MR. BONDS DECIDED TO SELL THIS PARCEL IN 2004.
IMPORTANT: MR. BONDS WAS NEVER QUESTIONED BY OCCL OR ISSUED A NOTICE OF VIOLATION FOR THE CONSTRUCTION DONE AND COMPLETED, INCLUDING THE STORAGE SHED. THIS PARCEL WAS SOLD WITH A CLEAR, CLEAN DEED / TITLE AND NO OUTSTANDING OCCL VIOLATIONS EXISTING ON IT.
3. MR. LONGNECKER PURCHASED THIS PARCEL IN 2004.
IMPORTANT: MR. LONGNECKER IN HIS DUE DILIGENCE WAS PROVIDED A CLEAR, CLEAN DEED WITH NO EXISTING AND OR OUTSTANDING VIOLATIONS ON THE PROPERTY. IT HAS BEEN AGREED BY ALL, INCLUDING OCCL THAT THIS STORAGE SHED WAS "EXISTING"
4. IN 2005, MR LONGNECKER ATTEMPTED TO RENOVATE THIS EXISTING STORAGE SHED INTO A RESIDENCE FOR HIS BROTHER, WITHOUT FIRST SEEKING A PERMIT. NEIGHBORS COMPLAINED TO OCCL AND THE CITY. THEY RESPONDED, AND ALL WORK WAS STOPPED.

* * MR. LONGNECKER WAS PROPERLY CITED AND SERVED BY DLNR 'S OCCL FOR... **"ILLEGAL ACTIVITY IN THE CONSERVATION DISTRICT..."** THIS WAS FOR THE ILLEGAL RENOVATION OF THE EXISTING SHED WORK.

MR. LONGNECKER ADMITTED TO THE ILLEGAL **RENOVATION** WORK AND REMOVED ALL THE WORK DONE, AND RESTORED THE STORAGE SHED TO ITS ORIGINAL "AS-WAS" CONDITION, AT A COST OF \$50,000.

ADDITIONALLY, AS MANDATED BY THE LAND BOARD.

1. HE PAID THE IMPOSED FINES LAND BOARD RECOMMENDATION 1) & 3)
2. LAND BOARD RECOMMENDATION 3. 4) FILE FOR A CDUA (AFTER-THE-FACT CONSERVATION DISTRICT USE APPLICATION) (WITHIN SIX (6) MONTHS)
 - o HE DID, COMPLETE WITH GEO-TECHNICAL EVALUATION ON...SEPT. 7, 2006
 - o SUBMITTED A WEIDIG GEOANALYSIS TECHNICAL EVALUATION REPORT ON APRIL 20, 2006
- ✓ DLNR "REJECTED" MR. LONGNECKER'S CDUA ON OCT. 3, 2006

STAFF CONTINUES TODAY, TO STILL TAKE THE POSITION, SOME 34 YEARS, "AFTER-THE-FACT" THAT MR. LONGNECKER BUILT THIS **"UNAUTHORIZED STRUCTURE ON SUBJECT PARCEL"** CONTRARY TO THEIR OWN LATER DISCOVERY, HE DID NOT.

WE RESPOND TO OCCL STAFF RECOMMENDATIONS AS FOLLOWS.

OCCL STAFF RECOMMENDATIONS: (1 thru 11)

1. The landowner shall retain a licensed P.E. Geotechnical Engineer to assess the parcel and hillside as well as the potential removal of the unauthorized structure;
2. The landowner shall submit the Geotechnical Engineer's report to the Department within ninety (90) days of this Board Action;
3. The landowner shall follow and take the appropriate actions as recommended by the Geotechnical Engineer's report regarding the removal or stabilization of the unauthorized structure and potential hazards within one hundred eighty (180) days of this Board Action;

RESPONSE:

TO 1, 2 AND 3

ANOTHER STUDY IS NOT NEEDED. OCCL IS NOT SHARING AND / OR MENTIONING MR. LONGENECKER'S, WEIDIG GEOTECHNICAL REPORT. A GEO-TECHNICAL REPORT THAT WAS BOARD MANDATED IN 2006 FOR THIS PARTICULAR SITE., WAS COMPLETED AND SUBMITTED TO OCCL ON APRIL 20, 2006

ATTACHED IS MR. LONGNECKER' S LAND BOARD'S MANDATED WEIDIG GEO-TECHNICAL COMPANY'S EVALUATION REPORT FOR YOUR PERUSAL.

- IN BRIEF IT SAYS..."WE FOUND NO EVIDENCE OF GROSS SOIL OR ROCK SLOPE INSTABILITY NEAR THE PAVILION" (SHED)."ORIGINAL FOOTINGS IN GOOD SHAPE" "IMPACT OF REMOVING THE STRUCTURE WOULD GREATLY IMPACT THE HILL VS. LEAVING IT ALONE." "BASED ON OUR RECONNAISSANCE AND EVALUATION, IT IS OUR OPINION THAT THE SUBJECT PAVILION IS STABLE AND THAT THE SLOPE ON WHICH IT STANDS IS ALSO STABLE"

-
4. If the landowner is unable to remove the unauthorized structure or return it to its previously authorized specifications (8 by 10ft picnic or storage shed), the BLNR and the Department shall consider it an inaccessible and unlivable single-family residence and no applications will be processed for its modification or a single- family residence on the property;
 5. The landowner shall be prohibited from utilizing the unauthorized structure if it cannot be safely removed;

RESPONSE:

TO 4 AND 5

4. IS NOT AGREED TO. IT IS WORDED AS SUCH, THAT IF BOARD APPROVED IT, MS. KNIGHT WOULD BE FOREVER DENIED USE OF HER LAND FOR A FAMILY RESIDENCE

MS. KNIGHT WILL ACCEPT AN EDITED #4"THE BLNR AND THE DEPARTMENT SHALL CONSIDER IT (SHED) AN INACCESSIBLE AND UNLIVABLE STORAGE SHED AND NO APPLICATIONS WILL BE PROCESSED FOR ITS MODIFICATION.

5. IS AGREED TO BASED ON ABOVE.

6. The Landowner is fined \$500.00 for administrative costs associated with the subject violation.
7. The Landowner shall pay all fines (total \$500.00) within sixty (60) days of the date of the BLNR's action.

RESPONSE:

TO 6 AND 7

AS MS. KNIGHT HAS ALREADY SPENT THOUSANDS OF DOLLARS ON AN ISSUE THAT IS NOT OF HER MAKING, NOT TO MENTION SHE HAS BEEN AT THIS FOR OVER TWO YEARS,.... WE FIND THESE RECOMMENDATIONS UNFAIR.

-
8. That the terms and conditions of the BLNR's decision in ENF: OA 21-54 are recorded in recordable form with the deed instrument.
 9. That in the event of failure of the landowners to comply with any order herein, the landowner shall be fined an additional \$15,000.00 per day until the order is complied with;
 10. That all fines and directions apply to Dominis G Anderson 2009 Trust, Dominis G Anderson Trustee, and Leni A Knight individually, jointly and severally; and,
 11. That in the event of failure of the landowners to comply with any order herein, the matter shall be turned over to the Attorney General for disposition, including all administrative costs

RESPONSE:

TO 8, 9, 10 AND 11.

OCCL HAS TAKEN THE POSITION HERE, IN ASSUMING, THAT ALL THEIR PAST DECISIONS ARE PROPER AND LEGAL. THEY ARE ATTEMPTING TO PASS ON AN ALLEGED, QUESTIONABLE PENDING "*UNRESOLVED VIOLATION*" - A VIOLATION THAT PERHAPS SHOULD NEVER HAVE BEEN ISSUED, TO STILL A THIRD OWNER.

WE DISAGREE HERE AND ASK THESE BE EDITED AND/OR DELETED AS APPROPRIATE, FOR ALL THE REASONS SHARED.

SUMMARY:

MS. KNIGHT HAS BEEN PLACED IN A VERY AWKWARD POSITION, DOING NO MORE THAN TRYING TO BUILD A FAMILY RESIDENCE.....SHE HAS BEEN BROUGHT INTO AN ALLEGED VIOLATION MATTER NOT OF HER MAKING AND HAD NOTHING TO DO WITH.

TRYING TO EXPLAIN AND DEFEND ALMOST 34 YEARS OF PAST ACTIONS AND DECISIONS OF A MR. BONDS, MR. LONGNECKER AND THE DLNR & OCCL HAS BEEN LONG AND AWFULLY EXPENSIVE.

SHE TAKES NO POSITION AS TO WHO MIGHT BE RIGHT OR WRONG. SHE IS NOT HERE TO FIND FAULT. SHE IS HERE JUST TRYING TO GET YOUR ASSISTANCE, AND YOUR HELP IN FREEING UP A PARCEL OF LAND THAT NEEDS A HOME AND FAMILY ON IT.

SHE IS ASKING THE BOARD TO PLEASE RECONSIDER THEIR POSITIONS TAKEN ON MARCH 10, 2006, BASED ON THE CLARIFIED INFORMATION.

↓ MIGHT BELOW BE ACCEPTED AS A FAIR COMPROMISE AND CLOSURE FOR ALL ?

- A. AS THIS STORAGE SHED HAS BEEN IN PLACE "AS-IS" FOR OVER 35 YEARS, POSSESS NO PROBLEM(S) TO ANYONE, NOW INACCESSIBLE, GUTTED WITH THE SITE AND FOUNDATION HAVING BEEN CERTIFIED AS SOUND AND STABLE.

MS. KNIGHT AGREES TO HAVE IT DECLARED LEFT "AS-IS" AND "OFF-LIMITS" (WITH CONDITIONS AND CLARIFICATIONS AS OFFERED BELOW)

- B. BLNR WILL FORGO 1, 2 AND 3.
REASONING: A NEW GEO-EVALUATION WILL MORE THAN LIKELY, CONCLUDE AS DID THE WEIDIG GEO-TECHNICAL REPORT OF APRIL 2006. (AS NOTHING HAS BEEN DONE TO THE SHED STRUCTURE OR THE SURROUNDING GROUNDS FOR THE PAST 35 YEARS)
- C. MS. KNIGHT WOULD ASK #4 BE EDITED..."THE BLNR AND THE DEPARTMENT SHALL CONSIDER IT (SHED) AN INACCESSIBLE AND UNLIVABLE STORAGE SHED AND NO APPLICATION WILL BE PROCESSED FOR ITS MODIFICATION.
- D. MRS. KNIGHT WILL ACCEPT #5
- E. THE "*UNRESOLVED VIOLATION*" WILL BE REMOVED FROM THE PARCEL
- F. MS. KNIGHT WILL BE ALLOWED TO SUBMIT A CDUA FOR A FAMILY RESIDENCE ON THIS PARCEL.

HOPING THIS IS FAIR FOR ALL, BLAMING NO ONE, AND BRINGING CLOSURE AFTER 34 YEARS, SHE WOULD ASK FOR YOUR CONSIDERATION AND APPROVAL.

WE ARE AVAILABLE FOR QUESTIONS,

THANK YOU SO VERY MUCH.

WEIDIG

Geoanalysts

1200 College Walk - Suite 121
Honolulu, Hawai'i 96817
Tel: (808) 524-5657 Fax: (808) 524-5658

www.geoanalysts.com

April 20, 2006

Project No: 06-0028.001

To: Gregory S. Longnecker and Mami R. Phillips-Longnecker
1746A Mikahala Way
Honolulu, Hawai'i 96816

Subject: Report of Geotechnical Evaluation
Longnecker Residence Pavilion
3352 Pāhū Street
Maunalani Heights, Honolulu, Hawai'i

Introduction

Pursuant to your request, on April 10, 2006, we examined an area occupied by a pavilion which according to the City and County Department of Planning and Permitting was never permitted. It is our understanding that the Department requires a geotechnical evaluation of the stability of the structure in order to determine whether it must be removed or allowed to be renovated.

Findings

The subject pavilion is located on part of a tract of conservation land encompassing about eight acres below and contiguous to the lot occupied by the main house, a three-storey, wood-frame-and-masonry dwelling built in 1956. The conservation tract is a heavily vegetated hillside with a maximum relief approaching 335 feet between the mauka-kokohead corner and the makai-diamondhead corner at Pāhū Street, with typical slope inclinations as steep as 50 percent. Other than the subject building, many smaller pavilions, all permitted, dot the hillside just below the main residence and are connected by a labyrinth of concrete staircases.

The property lies near the axis of Mau'umae Ridge, a fringing spur of the Ko'olau Range. The Ko'olau Range is a chain of extinct volcanoes about 4.6 million years old. It is underlain by an extensive series of basalt and andesite lava flows that are intersected by dense, igneous dikes (Stearns, 1935). Intervals between the basalt flows are marked by ancient soil horizons, or paleosols, so that the geologic column is characterized by an irregularly alternating series of rock and baked soil layers. These are frequently variably weathered to a formation called saprolite.

The soil mantle in the neighborhood of the subject site typically consists of a stony adobe clay assigned to the Lualualei series. They are characterized by a high shrink/swell potential but a moderate erosion potential, even on slopes of the declivity typical of the subject site (Foote, *et al.*, 1972). During our site reconnaissance, only patches of soil were observed in isolated areas chiefly confined to the upper reaches of the site, with lava rock outcrops sandwiched between paleosol horizons much more prevalent on the slope below the pavilion. Small boulders are visible on the slope below the pavilion, a condition which attests to past minor rockfalls; however, we found no evidence of gross soil or rock slope instability near the pavilion.

The pavilion foundations consist primarily of 14- to 24-inch-square, isolated, concrete column footings based on intact rock. All appear to be stable, even though there is no evidence that they have been doweled into the supporting lava beds. The structure itself appears to be in relatively good shape, with no evidence of significant settling or shifting.

Conclusions

Based on our reconnaissance and evaluation, it is our opinion that the subject pavilion is stable and that the slope on which it stands is also stable. Nonetheless, to ensure continued structural stability the existing foundations should be modified as recommended below.

Recommendations

To enhance lateral stability, the existing column foundations should be doweled into the supporting lava rock. Dowels should consist of minimum No. 4 deformed steel bars set into bore holes with a diameter no greater than 120 percent of the bar diameter. At each footing location, bore holes should be drilled through two, diagonally opposed foundation corners to a minimum depth of eight inches into rock and thoroughly cleaned out with compressed air. It is permissible to complete the bore holes with a rotary masonry hammer drill. Dowels should be set with an appropriate epoxy grout or resin. Foundation resistance to horizontal displacement will be provided by shearing resistance across the dowel/rock interface. The shearing resistance is governed by the tensile capacity of the rock. Each dowel set as recommended may be assigned an allowable net shearing resistance of 5,000 pounds.

Limitations

Services performed by Weidig Geosystems reflect that level of care and skill ordinarily exercised by others in good standing and who currently offer comparable professional guidance under similar conditions. No other warranty is expressed or implied.

If you have any questions regarding this report or if we can be of assistance to you in any other way, please do not hesitate to call. Mahalo for this opportunity to be of service.

Respectfully submitted,

Paul C. Weidig

Paul C. Weidig, P.E.
President



Exp. 04/30/08

PCW/sd/06-0028.001 This work was prepared by me
or under my supervision.

WEIDIG
Geosystems

FOLLOWING IS THE DLNR / OCCL STRING OF LETTERS TO MR. LONGNECKER FOLLOWING THE VIOLATIONS.

- MARCH 3, 2005 FROM THEN DLNR DIRECTOR, MR. PETER YOUNG (FIRST LETTER)

SUBJECT: ILLEGAL ACTIVITY IN THE CONSERVATION DISTRICT
"UNAUTHORIZED, ALLEGED CONSTRUCTION OF SINGLE FAMILY RESIDENCE STRUCTURE"

- MARCH 3, 2005 FROM MR. SAMUEL LEMMO, ADMINISTRATOR (SECOND LETTER)

SUBJECT: ENFORCEMENT CASE OA-05-50 REGARDING
"ALLEGED, CONSTRUCTION OF UNAUTHORIZED STRUCTURE ON SUBJECT PARCEL" (TMK: (1) 3-3-034:001)

NOTE: WHEN PRESENTED TO THE LAND BOARD THESE VIOLATIONS WERE RE-WORDED AS SUCH...

ITEM K-1: REGARDING ***"UNAUTHORIZED STRUCTURE AND UNAUTHORIZED CONSTRUCTION OF IMPROVEMENTS...."***

-
- FEBRUARY 28, 2006 FROM MR. SAMUEL LEMMO

SUBJECT: NOTICE OF VIOLATIONS TO BE HEARD ON MARCH 10, 2006 BEFORE THE LAND BOARD

- MARCH 14, 2006 LETTER FROM MR. SAMUEL LEMMO

SUBJECT: NOTICE TO MR. LONGNECKER BOARD FOUND HIM IN VIOLATION OF BOTH, CHAPTER 13-5 AND CHAPTER 183C

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P.O. Box 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON

ERNEST LAU
DEPUTY DIRECTOR

DEAN A. NAKANO
ACTING DEPUTY DIRECTOR FOR
THE COMMISSION ON WATER
RESOURCE MANAGEMENT

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS

NOTICE AND ORDER

Mami R. Phillips-Longnecker
Gregory S. Longnecker
~~3552 Pakui Street~~
Honolulu, Hawaii 96830

March 3, 2005

SUBJECT: Illegal Activity in the Conservation District on Lands Identified as
Tax Map Key: (1) 3-3-034:001

NOTICE IS HEREBY GIVEN that you are in violation of Hawaii Administrative Rules (HAR) Title 13, Chapter 5, entitled "Conservation District" providing for land use within the Conservation District, enacted pursuant to Chapter 183C, Hawaii Revised Statutes (HRS).

An inspection of the premises on which the illegal activity has been conducted was made on March 3, 2005 by the Department of Land and Natural Resources. We have determined that:

- 1) The subject property, identified as tax map key: (1) 3-3-034:001 is in the Conservation District and is classified as General/Resource/Limited/Protected Subzone: GENERAL
- 2) The following uses were conducted on the subject premises: Unauthorized, alleged construction of single family residence structure
- 3) These uses were not authorized by the Department of Land and Natural Resources under Chapter 13-5, HAR.

YOU ARE HEREBY ORDERED TO CEASE any further activity on the subject premises. Should you fail to cease such illegal activity immediately, you will be subject to fines up to \$2,000 per day pursuant to Chapter 13-5, HAR, in addition to administrative costs incurred by the Department.

Please contact Sam Lemmo of the OCCL Land Division at 587-0381 to clear this matter.

By: 

PETER T. YOUNG, Chairperson
Board of Land and Natural Resources

cc: District Board Member
Planning Branch
District Branch

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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

REF: OCCL:DH

ENF: OA-05-50

Gregory Longnecker
& Mami R. Phillips-Longnecker
3554 Pakui Street,
Honolulu, Hawaii 96830

MAR - 3 2005

Dear Gregory and Mami Longnecker,

SUBJECT: Enforcement Case OA-05-50
Regarding Alleged, Construction of Unauthorized Structure on Subject
Parcel TMK: (1) 3-3-034:001

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) is contacting you regarding the alleged, unauthorized construction of a structure on Subject Parcel TMK: (1) 3-3-034:001, Palolo, Island of Oahu.

The OCCL notes two Conservation District Use Application (CDUA) Permits are on file; CDUP's OA-1687 for orchards, clearing, and planting and CDUP OA-1803 for one shelter and twelve picnic shelters.

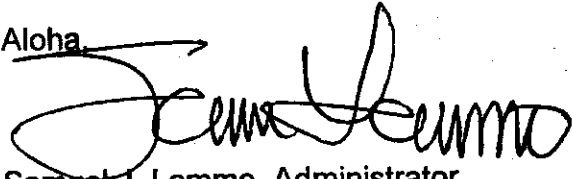
The OCCL does not have on file any correspondence and/or approval for the unauthorized structure. The OCCL is issuing a Cease and Desist Order to cease work on the structure. The OCCL notes pursuant to Chapter 183C, HRS, the maximum fine for a Conservation District violation is \$2,000.00 per violation in addition to administrative costs, costs associated with the land and/or habitat restoration, if required, and damages to state land. After written or verbal notification from the Department, willful violation of this section may incur an additional fine of up to \$2,000.00 per day per violation for each day the violation persists.

The OCCL notes to please contact our office to discuss the work ongoing on the subject parcel and to schedule a site inspection by **Wednesday, March 9, 2005**.

For your information, you will find Chapter 13-5, Hawaii Administrative Rules and the CDUA on the Office of Conservation and Coastal Lands (OCCL) website at www.hawaii.gov/dlnr/occl. However, the OCCL is also attaching the rules and regulations for your information.

Should you have any questions on any of these conditions, please feel free to contact Dawn Hegger of our Office of Conservation and Coastal Lands at 587-0380.

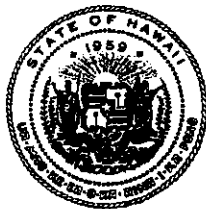
Aloha,

A handwritten signature in black ink, appearing to read 'Samuel J. Lemmo', written over a horizontal line.

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

cc: Oahu Land Agent
City and County of Honolulu
Department of Planning and Permitting

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
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ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

ENF: OA 05-50

CERTIFIED MAIL

7004 0750 0001 8229 1466
Gregory Longnecker
& Mami R. Phillips-Longnecker
1746A Mikahala Way
Honolulu, Hawaii 96816

FEB 28 2006

Dear Mr. Longnecker & Ms. Phillips-Longnecker,

SUBJECT: Conservation District Enforcement File No. OA 05-50 Regarding Unauthorized Structure and Unauthorized Construction of Improvements Located at 3554 Pakui Street, Palolo, Island of Oahu, TMK: (1) 3-3-034:001

This is to inform you that the Board of Land and Natural Resources (Board) will be asked to consider your alleged violations of the Conservation District Rules relating to an unauthorized structure and unauthorized construction of improvements located at 3554 Pakui Street, Palolo, island of Oahu, TMK: (1) 3-3-034:001.

Prior to taking action, the Board, pursuant to Chapter 91-90, Hawaii Revised Statutes, informs you, of the following:

1. Date, time, place and nature of meeting.

This matter will be included on the Land Board's agenda at its regularly scheduled meeting on Friday, March 10, 2006 at 9:00 AM, at the Kalanimoku Building, 1151 Punchbowl Street, Room 132, in Honolulu, Hawaii. The matter will be included on the agenda as item K-1.

2. Legal authority under which the hearing is to be held

The Board derives its authority from Article XI, Section 1 of the Hawaii State Constitution, and in this specific case, Chapters 183C, Hawaii Revised Statutes, and Title 13-5 of the Administrative Rules.

3. The particular sections of the statutes and rules involved.

- a. Section 183C-7, Hawaii Revised Statutes.
- b. Section 13-5-6 of the Administrative Rules.

4. Issues involved.

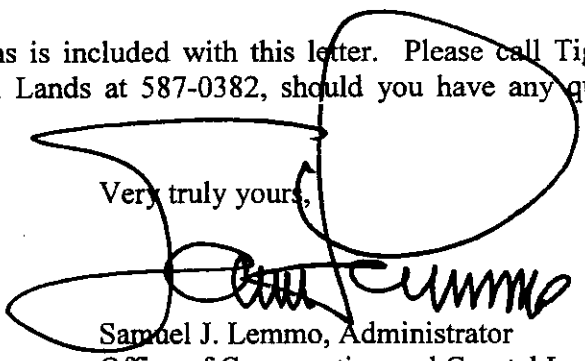
Unauthorized structure and unauthorized construction of improvements within the Conservation District.

5. Counsel.

Counsel will be afforded an opportunity to present evidence and argument on all issues involved.

A staff report with recommendations is included with this letter. Please call Tiger Mills of the Office of Conservation and Coastal Lands at 587-0382, should you have any questions on this matter.

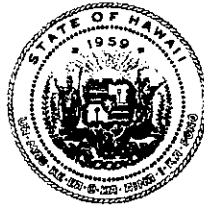
Very truly yours,



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

cc: Oahu Board Member
ODLO
DOCARE-Oahu
City & County of Oahu, Department of Planning & Permitting

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
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PETER T. YOUNG
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

ENF: OA-05-50

MAR 14 2006

CERTIFIED MAIL

Gregory Longnecker
& Mami R. Phillips-Longnecker
1746A Mikahala Way
Honolulu, Hawaii 96816

Dear Mr. Longnecker & Ms. Phillips-Longnecker,

SUBJECT: Conservation District Enforcement File No. OA 05-50 Regarding Unauthorized Construction of Improvements to an Unauthorized Structure Located at 3554 Pakui Street, Palolo, Island of Oahu, TMK: (1) 3-3-034:001

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS
2006 APR -5 A 8:22
DEPT OF LAND & NATURAL RESOURCES
STATE OF HAWAII

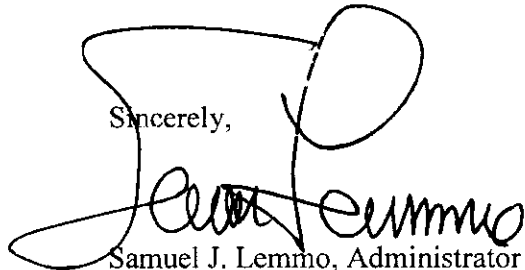
We wish to inform you that on March 10, 2006 the Board of Land and Natural Resources found you in violation of Chapter 13-5, Hawaii Administrative Rules, and Chapter 183C, Hawaii Revised Statutes, for unauthorized construction to an existing unauthorized structure located at 3554 Pakui Street, Palolo, Island of Oahu, TMK:(1) 3-3-034:001, subject to the following:

1. The landowner violated the provisions of Chapter 183C, Hawaii Revised Statutes (HRS), and chapter 13-5, Hawaii Administrative Rules (HAR), in one instance by failing to obtain the appropriate approval for unauthorized improvements within the Conservation District. The alleged is fined a total of \$500.00 for one Conservation District violation;
2. The landowner is fined an additional \$500.00 for administrative costs associated with the subject violations (\$100.00 DOCARE and \$400.00 OCCL staff);
3. The landowner shall pay all fines (total \$1,000.00) within ninety (90) days of the date of the Board's action;
4. The landowner shall submit an After the Fact Conservation District Use Application including a geo-technical evaluation within six (6) months of this determination. If it is not filed within that time period the structure shall be removed within sixty (60) days thereafter;
5. The landowner shall be prohibited from utilizing the unauthorized structure, unless a CDUP is obtained;

6. That the landowners, its successors and assigns, shall indemnify and hold the State of Hawaii 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 under these findings or relating to or connected with these findings;
7. That in the event of failure of the alleged to comply with any order herein, the landowner shall be fined an additional \$2,000.00 per day until the order is complied with; and
8. That in the event of failure of the landowner to comply with any order herein, the matter shall be turned over to the Attorney General for disposition, including all administrative costs.

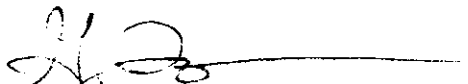
Please acknowledge receipt of this letter, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within (30) days. Should you have any questions, please contact Tiger Mills of our Office of Conservation and Coastal Lands at 587-0382.

Sincerely,



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

Receipt acknowledged:


Signature

4/3/04
Date

cc: Chairperson
Oahu Board Member
Oahu District Land Office
DOCARE (Oahu)
City and County of Honolulu, DPP