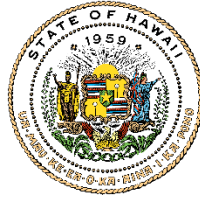


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
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:TM

ENF: OA 24-14

NOTICE OF ALLEGED VIOLATION

CERTIFIED MAIL RETURN RECEIPT

Trustee of the Yue-Sai Kan Trust
Marconi Farms LLC
Trustee of the Yarden Dankner Trust
Trustee of the Dennis E Breen Trust
Trustee of the Mary E Breen Trust
Wayne M M K Hu
Hui Kawela LLC
Native Farmlands & Security LLC
Luigi LLC
Trustee of the C. Kalani Schrader Trust
Greystone HI Investments LLC
RCA Trade Center Inc.
MP Unit 21 LLC
Richard J. Snow
BSS HI Properties

SUBJECT: Alleged Violations Within the Conservation District for the Unauthorized Clearing of Land, Tree Removal, Spreading of Mulch, Two Fence line Extensions Located at Kahuku, Ko'olauloa, O'ahu, Upon and Makai of Tax Map Key: (1) 5-6-003:053

LANDOWNERS:

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

A site inspection conducted on October 17, 2023, revealed the shoreline habitat has been impacted by land clearing and tree removal. It appears the removed vegetation has been mulched and spread over the cleared land. There appears to be two fence lines extending into the Conservation District. **(Exhibits A, B, C, D & E)**

The Department of Land and Natural Resources (DLNR) has determined pursuant to HAR, §13-5-6, no land use (s) shall be conducted in the Conservation District unless a permit or approval is first obtained from the Department of Board.

Pursuant to HAR, §13-5-2, "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;
- (3) The subdivision of land; or
- (4) The construction, reconstruction, demolition, or alteration of any structure, building, or facility on land: and

Pursuant to HAR, §13-5-6, any person, firm, government agency, or corporation violating any of the provisions of this chapter or permits issued pursuant thereto shall be punished as provided in Hawaii Revised Statutes (HRS) Chapter 183C.

Pursuant to HRS, 183C-7, the Board of Land and Natural Resources may subject individuals 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.

This notice is to inform you that the alleged land clearing, tree removal, spreading of mulch, and fence line extensions within the Conservation District were not reviewed nor authorized by the Department of Land and Natural Resources under HAR, Chapter 13-5. Of concern to the Department is that habitat for the endangered yellow face bee and native birds has been altered. Mulch is a breeding site for the invasive Rhino Beetle that is infesting and killing palms.

This matter will be scheduled for a decision by the Board of Land and Natural Resources at a time and date to be announced. In the meantime, if you have received any authorizations for the alleged unauthorized work in the Conservation District or would like to propose potential mitigative actions, please inform the Department within 30-days so we can consider such information. Please note any information provided may be used in civil proceedings. Should you have any questions, contact Tiger Mills of the Office of Conservation and Coastal Lands at (808) 587-0382.

Sincerely,



Dawn N. S. Chang, Chairperson
Board of Land and Natural Resources

MC

C: ODLO/DOFAW/DOCARE-OAHU
City-DPP
USFWS



October 17, 2023

Fence line #1 in the Conservation District



November 18, 2022

EXHIBIT A



October 17, 2023 Work taking place in the Conservation District. **EXHIBIT B**



October 17, 2023 Clear cut tree above; Fence line #2 below

EXHIBIT C





October 17, 2023 Work upon submerged land

EXHIBIT D





October 17, 2023 Mulch everywhere

EXHIBIT E

