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

March 22, 2024

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

REGARDING: Amendments to 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, O'ahu

LANDOWNER: Dominis G Anderson Trustee of the Dominis G Anderson

2009 Trust

LOCATION: 3552 Pakui Street, Palolo Hillside Lots, Oʻahu

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

SUBZONE: General

EXHIBITS:

A Location Map

B Before and After Photos of Offending Structure

C 04/12/2019 Correspondence to Leni Knight

D 07/09/2021 Board Findings

E 10/4/2021 Correspondences/Emails for Removal

F 06/1/2022 Drone Footage

G 06/24/2022 Email/Correspondences After Removal

H Fall 2022/23 Email/Correspondences w/Landowner & Reps

I 05/10/2022 City Correspondence Re: Pakui Road

J 07/20/1966 Newspaper article about fire on the property

Summary

The question before the Board of Land and Natural Resources (Board) today is whether the Board conditions regarding Enforcement Case OA-21-54 have been complied with or not. OCCL is not satisfied with the removal work of an offending structure and that the

enforcement case remains open; the landowner states that they have met the conditions and that the case should be closed. **[Exhibit B]**

Background

There are two Conservation District Use Permits (CDUP) for TMK: (1) 3-3-034:001. On August 24, 1984, the Board approved CDUP OA-1687 for fencing, clearing, planting and orchards subject to six conditions. On October 11, 1985, the Board approved CDUP OA-1803 for twelve picnic shelters and one storage shed. The orchard is no longer in operation.

In March 2006, the Board of Land and Natural Resources (Board) found the former landowners of the property in violation of conservation district rules for unauthorized construction by enlarging a shed. A fine was paid and an After-the-Fact CDUA was submitted for the improvements to the shed but was deemed incomplete and was not accepted for processing¹. No further after-the-fact CDUAs were submitted for the unauthorized structure.

In 2019 the property was put on the market, and OCCL received numerous inquiries. OCCL notified inquirers that there was an unresolved Conservation District violation on the parcel, and that the burden to resolve the violation rested with the landowner **[Exhibit C]**.

In 2020, the 7.99-acre (348,079-ft²) parcel was purchased by the Trustee of the Dominis G. Anderson for \$165,000. The new landowner submitted a CDUA for a proposed single-family residence on the parcel. The CDUA was rejected due to the unresolved violation on the parcel; pursuant to the Hawai'i Administrative Rules (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 unresolved violation was brought back to the Board on July 9, 2021. At the Board meeting it was noted that the Palolo hillside has rockfall problems, and that there was a potentially hazardous situation. In order to ensure the safety of downhill residents and to minimize the footprint and visibility of the structure the Board ordered Dominis G Anderson, trustee of the Dominis G Anderson 2009 Trust and Leni A Knight to conduct a geotechnical and civil engineering study to assess the stability of the parcel's hillside as well as potential hazards and determine if the unauthorized structure can be safely removed, subject to thirteen conditions. The Board of Land and Natural Resources concluded that the violation was unresolved. [Exhibit D].

Actions Taken After July 2021 [Exhibit E]

In October 2021, Mr. Anderson engaged Kai Engineering for civil/structural consultation and Shinsato Engineering for geotechnical evaluation. Kai Engineering concluded the offending structure was "deteriorating thus it should be dismantled, where feasible, and

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¹ 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.

Board of Land and Natural Resources

removed... With the dense vegetation below the shed and its distance from homes below it does not appear to impose a safety risk to the downhill residents."

The Shinsato Engineering report states:

According to information provided by others, the structure was built around 1987 and is constructed of wood framing supported on concrete piers and footings. The footings are bearing on boulders and fracture basaltic rock.

Based on our site inspection and our review of soil and geologic information, we opine similar to the two previous geotechnical reports that there is a low potential for hazards from rockfalls or soil movements. The surface is covered with a dense vegetative growth and the slope gradient is approximately 45% which renders the site as a low risk for rockfall. Therefore, no mitigative measure are deemed necessary for soil and geologic conditions.

"Due to the current condition of the shed, it appears that the best option would be to remove the structure. The existing footings may remain in-place without causing any hazardous conditions."

With very little information regarding the methodology for removal, the OCCL requested more information via correspondence. Via email landowner Mr. Anderson responds that the former landowner will be allowing access through his property and the shed would be dismantled by hand.

On December 21, 2021, Anderson emails and reports the shed dismantling has been "completed."

On June 1, 2022, with Mr. Anderson's permission, the OCCL flew a drone over the property to inspect the removal of the shed **[Exhibit F].** Based upon those photos, OCCL concluded that the matter had not been resolved and informed Mr. Anderson that "In reviewing this matter, we are not satisfied with the state of this structure. We were under the impression that it could be removed to the footings per the engineer report. There is a lot of loose debris and the material could be fire fodder." **[Exhibit G]**

Staff also informed Mr Anderson that while the shed matter may be near resolution, please be aware unauthorized land uses such as encroachments, dumping are considered alleged violation and would also need to be resolved prior to applying for permits for future land uses.

In the Fall of 2022, the OCCL received a mailed correspondence from the landowner with a notice of completion, record of information and photos with a request for the "long standing Notice of Violation (NOV) on this parcel be lifted."

OCCL's response noted that "significant portions of the derelict structure remain in place. We also note that there appear to be unauthorized encroachments onto the property on the uphill side. Please notify us when these have been removed."

On Oct. 18, 2023, the OCCL received a correspondence from Starn O'Toole Marcus & Fisher on behalf of the landowner stating, "We believe that the Board's conditions have been complied with...and requests that OCCL have Enforcement OA 21-54 placed on the Board's agenda."

A record of the correspondences and emails between OCCL, the landowner, and his representatives has been included as [Exhibit H].

Site Access

By the Spring of 2022, when evidence of an amended deed recordation was submitted to OCCL, a site inspection and access to the property was requested. Mr. Anderson responded that legal access was off of Pakui St and the access steps down to the shed from the former landowner's property were destroyed.

Staff notes correspondence from the City notes a portion of Pakui St. adjacent to the subject property is privately owned **[Exhibit I]**.

It is currently unclear if there is legal access to the subject parcel.

Discussion

OCCL staff suggested this matter be returned to the Board in June 2022 when there was disagreement regarding the removal of the unauthorized structure. Based upon the drone footage, the roof of the structure has been removed along with some walls. Debris that was not removed appears to have been placed under and within the remnants of the structure.

In addition, the drone footage revealed an encroachment, derelict structures, and debris on the parcel. Coupled with the steep topography, clean up and removal of debris does not appear to be tenable. Staff notes no survey of the property has been forthcoming after requesting a survey from Mr. Anderson and there does not appear to be access to the property based upon Mr. Anderson's statements regarding access and the City's response to Mr. Anderson's inquiry.

It has been the Department's position that prior to landowners applying for land uses in the Conservation District, alleged unauthorized land uses such as encroachments, dumping and derelict structures need to be removed. As the Board may recall on December 7, 2023, a Permittee requesting a time extension to complete their residence, enlightened the Board by describing the three tons of garbage that had to be hauled out and 24 encroaching neighbors that had to be resolved prior to submitting a CDUA.

The property appears to be an attractive nuisance with derelict structures upon it. Further about 50 years ago, a fire took place on this hillside with children suspected of starting it. **[Exhibit J]**

Board of Land and Natural Resources

No application for land uses should be processed until the existing issues are resolved. Regarding the Board's past findings for Conservation District Enforcement Case OA 21-54, staff is not satisfied with the removal work and therefore request the Board to review the matter and make a determination pursuant to condition #9 and # 10:

- In the event that there is a disagreement between the current or any future landowner and the Department regarding the BLNR's directions or recommended work in ENF: OA 21-54, the matter shall be brought back before the BLNR for final resolution;
- #10 The existing violations ENF: OA 05-50 and OA 21-54 shall be considered resolved following the Department's satisfaction with the current or any future landowner's completion of the Geotechnical and Civil Engineer's recommended work contained in their reports.

It does not appear to be justifiable to fine someone \$15,000/day when there is no apparent access to the property to do any type of mitigation. Therefore staff recommends an amendment to the July 9, 2021, Board Findings by removing condition #11 which states:

That in the event of failure of the current or any future landowner to comply with any order herein, the landowner shall be fined \$15,000.00 per day until the order is complied with.

As such, Staff recommends as follows:

That, pursuant to HRS, §183C-7, the Board of Land and Natural Resources deem 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 3552 Pakui Street, Palolo Hillside Lots, Oʻahu, Tax Map Key: (1) 3-3-034:001 a continuing violation subject to the following conditions:

- 1. That Condition 11 of Conservation District Enforcement Case OA 21-54 is removed, and
- 2. That all other conditions imposed by the Board under Conservation District Enforcement Case OA 21-54, as amended, shall remain in effect.

Respectfully submitted,

K. Tiger Mills, Staff Planner

Office of Conservation and Coastal Lands

J. Ehills

Approved for submittal:

Dawn N. S. Chang, Chairperson

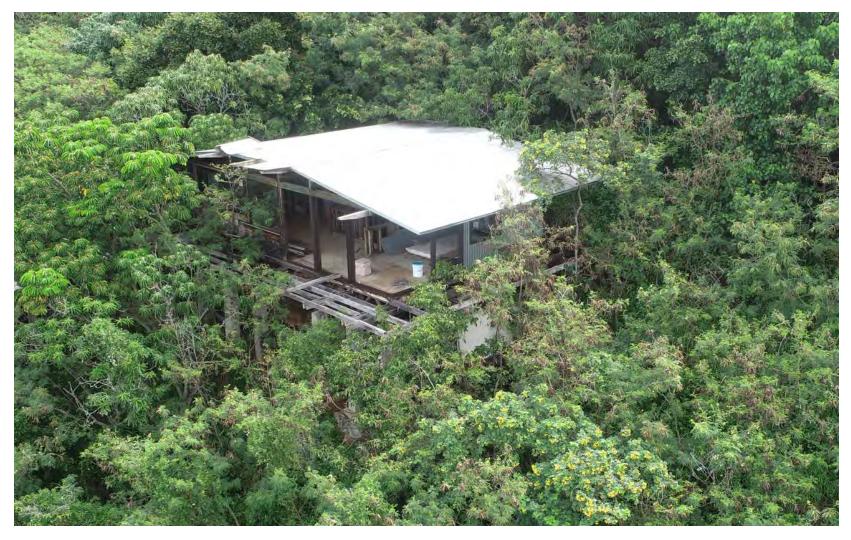
Board of Land and Natural Resources



Google Earth Pro and https://qpublic.schneidercorp.com/

LOCATION Palolo Hillside

Exhibit A



March 23, 2021 DLNR-OCCL

Exhibit B



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

ref:OCCL:MC

Leni Acosta Knight



Dear Ms. Knight,

SUBJECT:

REQUEST FOR INFORMATION

3552 Pakui St., Honolulu, Oʻahu

Tax Map Key (TMK) Parcel (1) 3-3-034:001

The Office of Conservation and Coastal Lands (OCCL) has received your correspondence of regarding the status of an enforcement case on the above subject parcel. The parcel lies within the General Subzone of the State Land Use Conservation District.

On March 10, 2006 the Board of Land and Natural Resources found the landowner in violation of Hawai'i Administrative Rules (HAR) Chapter 13-5 and Hawai'i Revised Statutes (HRS) Chapter 183C for an unauthorized structure on the parcel (ref. Enf. OA-05-50).

The violation appears to be unresolved.

The burden to resolve any land use violation in the Conservation District rests with the landowner of a subject parcel.

You will need to follow up with the City and County regarding the status of any violations which they might have issued.

We apologize for the belated response to you enquiry.

Please call Michael Cain at OCCL, in writing, should you have any further questions

Sincerely,

Samuel J. Lemmo, Administrator

Office of Conservation and Coastal Lands

Exhibit C

Copy: City and County Planning

Exhibits page 4

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

ROBERT K. MASUDA FIRST DEPUTY

M. KALEO MANUEL DEPUTY DIRECTOR - WATES AQUATIC RESOURCES

AQUATIC RESOURCES
BOATING AND OCEAN PECREATION
BURBAU 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
LAND

LAND STATE PARKS

Corr OA-19-97

APR 1 2 2019

Corr. : 64-19-97

Ms. Leni Acosta Knight



MAN COATTAL LANDS

2018 DEC -7 P 12: 03

HASSINAL ASSAULTS

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

Leni acout Knight

Exhibit C1

DAVID Y. IGE GOVERNOR OF HAWAII





STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621 HONOLULU, HAWAI'I 96809

REF: OCCL: TF

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

> ROBERT K. MASUDA 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 EMPROCEMENT
ENGINEERING
FORESTRY AND WILDLIFE

ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHO OLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

ENF: OA 21-54

Jul 13, 2021

Dominis G Anderson 2009 Trust, or, Dominis G Anderson Trustee, and Leni A Knight



SUBJECT:

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 3552 Pakui Street

Palolo Hillside Lots, Palolo Valley, Oahu. Tax Map Key (TMK): (1) 3-3-034:001

Dear Landowners:

This is to inform you that on July 9, 2021, the Board of Land and Natural Resources (BLNR) amended the Staff Recommendations of agenda item K-1 and pursuant to Hawaii Revised Statutes (HRS), §183C-7 deemed the subject situation a continuing violation and ordered Dominis G Anderson trustee of the Dominis G Anderson 2009 Trust and Leni A Knight to conduct a geotechnical and civil engineering study to assess the stability of the parcel's hillside as well as potential hazards and determine if the unauthorized structure can be safely removed, subject to the following conditions:

- The current or any future landowner shall retain licensed Geotechnical and Civil Engineers to assess the safety of the unauthorized structure and its the potential removal or dismantling;
- The Geotechnical and Civil Engineers' report shall focus on: 1) ensuring the safety
 of all downhill residents with respect to the unauthorized structure's existence
 and/or potential removal/dismantling, and 2) the removal of the unauthorized
 structure or the minimization of its footprint and visibility;
- The current or any future landowner shall submit the Geotechnical and Civil Engineers' reports to the Department within one hundred eighty (180) days of this Board Action;

Exhibit D

REF: OCCL: TF ENF: OA 21-54

4. The current or any future landowner shall complete all work as recommended by the Geotechnical and Civil Engineers' reports within one hundred eighty (180) days after the Department's review and approval of the reports and recommended work;

- 5. The current or any future landowner shall remove the unauthorized structure to the extent consistent with the Geotechnical and Civil Engineers' reports;
- The current or any future landowner shall implement slope stabilization measures
 as well as mitigate any potential rockfall hazards created by the unauthorized
 structure in accordance with the Geotechnical and Civil Engineers' reports;
- 7. The current or any future landowner shall be prohibited from utilizing the unauthorized structure;
- 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;
- In the event that there is a disagreement between the current or any future landowner and the Department regarding the BLNR's directions or recommended work in ENF: OA 21-54, the matter shall be brought back before the BLNR for final resolution;
- 10. The existing violations ENF: OA 05-50 and OA 21-54 shall be considered resolved following the Department's satisfaction with the current or any future landowner's completion of the Geotechnical and Civil Engineer's recommended work contained in their reports,
- 11. That in the event of failure of the current or any future landowner to comply with any order herein, the landowner shall be fined \$15,000.00 per day until the order is complied with;
- 12. That all directions apply to Dominis G Anderson 2009 Trust, Dominis G Anderson Trustee, and Leni A Knight individually, jointly and severally; and,
- 13. That in the event of failure of the current or any future landowners 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 regarding this matter, contact Trevor Fitzpatrick of our Office at (808) 798-6660 or trevor.i.fitzpatrick@hawaii.gov.

Sincerely,

5 Michael Can

(for)

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

Receipt acknowledged:

Landowner's Signature

Date 8-9->1

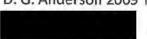
CC: Chairperson

Oahu Board Member Oahu Land Division Office

City and County of Honolulu, Department of Planning and Permitting

HARD COPY IN THE MAIL

D. G. Anderson 2009 Trust (Ms. Knight)



RECEIVED OFFICE OF CURSERVATION AND COASTAL LANDS

2021 OCT -8 P 3 05

October 4, 2021

Ms. Suzanne D. Case, Chairperson State of Hawaii Board of Land and Natural Resources Post Office Box 621 Honolulu, Hawaii 96809

DEPT OF LAND & MATURAL RESOURCES STATE OF HAVIAL

SUBJECT:

Letter of July 13, 2021, 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 3552 Pakui Street

Palolo Hillside Lots, Palolo Valley, Oahu (TMK: (1) 3-3-034:001

Dear Chairperson Case,

This assignment was given to Mr. Joe Lancor, Ms. Knight's Consultant of record to deal with. As per the Land Board conditions of July 9, 2021, we submit his attachments as received.

If satisfactory, we'll have Mr. Lancor seek to accomplish the work as per the individual engineers' directions.

Hopefully we can put this long outstanding issue behind us.

Sincerely,

D. G. Anderson

Attached Letters;

Mr. J. Lancor (Ms. Knight's Consultant) Kai Hawaii Structural & Forensic Engineers (Civil Engineer)

Shinsato Engineering, Inc. (Geotechnical)

CC: Mr. Samuel J. Lemmo, Administrator OCCL Oahu Board Member

Exhibit E

September 30, 2021

Dominis G. Anderson 2009 Trust. Or,

Dominis G. Anderson Trustee, and Leni A. Knight

Dear Mr. Anderson and Ms. Knight

At your direction I retained a prominent and established engineer in each of the fields required by the DLNR letter of July 13, 2021 – ENF: OA 21-54. Each of these highly experienced engineers is at the top of their respective fields of practice:

Geotechnical: Shinsato Engineering – Larry Shinsato and Daniel Shinsato Civil/Structural: KAI Engineering – Ken K. Hayashida President

Each of these engineers were given background maps and documents related to this project. A copy of the DLNR July 13, 2021 letter which defines the task placed before them was also provided to each.

A physical site reconnaissance with all was held August 31, 2021 and access to the 1987 shed structure was approved and allowed by Mr. Longnecker.

Reports of the engineers' recommendations are attached here.

be Lancor AIA Lancor Architects Inc.

Exhibits page 10

SHINSATO ENGINEERING, INC.

CONSULTING GEOTECHNICAL ENGINEERS

98-747 KUAHAO PLACE, SUITE E PEARL CITY, HAWAII 96782 PHONE: (808) 487-7855 FAX: (808) 487-7854

September 30, 2021 Project No. 21-0102

Joe Lancor, AIA Lancor Architects, Inc. 3305 Park View Ct. Colleyville, Texas 76034

Subject:

Geotechnical Assessment 3552 Pakui Street Honolulu, Hawaii96816 TMK: (1) 3-3-034:001

Dear Mr. Lancor:

This is to provide you with the results of a geotechnical assessment for the subject project.

1.0 INTRODUCTION

This report was prepared for the purpose of providing a geotechnical assessment relative to the request of the DLNR. This includes the following:

- "...to assess the safety of the unauthorized structure and its potential removal or dismantling"
- "...ensuring the safety of all downhill residents with respect to the unauthorized structure's
 existence and/or potential removal/dismantling, and the removal of the unauthorized structure
 or the minimization of its footprint and visibility".

2.0 SITE CONDITIONS

The property is an elongated parcel of land oriented in the northeast to southwest direction. It is located downhill from the existing residence along Mikihala Way.

The shed structure is located on the northeast portion of the site. According to information provided by others, the structure was built around 1987 and is constructed of wood framing supported on concrete piers and footings. The footings are bearing on boulders and fracture basaltic rock.

From the USDA Soil Conservation Service "Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii," the site is located in an area classified as Rock Land (rRK). Rock land is described as areas where exposed rock covers 25 to 90 percent of the surface. In many areas, especially on the island of Oahu, the soil material associated with the rock outcrops is very sticky and very plastic. It has high shrink-swell potential.

3.0 OBSERVATIONS

The site was visited on August 31, 2021 with KAI Hawaii to view the existing conditions. The ground slopes downward from east to west at an average slope gradient of approximately 45 percent and is covered with a dense growth of brush and small trees. Exposed surface boulders vary up to 4 feet in diameter. The existing structure is deteriorating.





September 13, 2021

Joe Lancor, AIA Lancor Architects Inc 3305 Park View Ct Colleyville, Texas, 76034

Dear Mr. Lancor:

Subject: Shed located at 3552 Pakui Street

Palolo Hillside Lots, Palolo Valley, Oahu

We visited the site on August 31, 2021, with Shinsato Geotechnical Engineers to review the existing storage shed conditions and concerns in the July 13, 2021 letter from Office of the Conservation and Coastal Lands. The shed was built around 1987 with wood framing supported upon concrete piers and footings. The structure is slowly deteriorating, thus it should be dismantled, where feasible, and removed. As the access to the shed is difficult, the shed material should be removed to the extent it can be done safely. With the dense vegetation below the shed and its' distance from homes below it does not appear to impose a safety risk to the downhill residents.

This proposed action will also address the issue of minimizing its visibility, as the remaining foundation will be well below the surrounding dense vegetation.

Sincerely,

Ken K. Hayashida, President

Forthe Hychida

KAI Hawaii, Inc.

50 S. Beretania Street, #C-119C | Honolulu, Hawaii 96813 | Tel: (808) 533-2210 | Fax: (808) 533-2686 | Email: mail@kaihawaii.com

Joe Lancor, AIA Lancor Architects, Inc. September 30, 2021 Page Two

4.0 DISCUSSIONS AND OPINIONS

Two previous geotechnical reports were prepared for the property. These include a report by Applied GeoSciences, LLC dated June 30, 2020, and a report by Weidig Geoanalysts dated April 20, 2006. Both reports conclude that the slope is stable and the rockfall hazard potential is low.

Based on our site inspection and our review of soil and geologic information, we opine similar to the two previous geotechnical reports that there is a low potential for hazards from rockfalls or soil movements. The surface is covered with a dense vegetative growth and the slope gradient is approximately 45 percent which renders the site as a low risk for rockfall. Therefore, no mitigative measures are deemed necessary for soil and geologic conditions.

Due to the current condition of the shed, it appears that the best option would be to remove the structure. The existing footings may remain in-place without causing any hazardous conditions.

The option to renovate, remodel or reconstruct the existing shed has many challenges such as difficult site access which makes conditions hazardous for workers, materials and equipment, plus permitting requirements.

Should you have any questions or require any further information, please do not hesitate to contact us.

Very truly yours,

SHINSATO ENGINEERING, INC.

Lawrence S. Shinsato, P.E.

President

LSS:ls

LICENSED PROFESSIONAL ENGINEER
No. 4169-C

This work was prepared by or under my supervision. License Expires 04/30/22

DAVID Y. IGE





STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621 HONOLULU, HAWAI'I 96809

REF: OCCL: TF

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

ROBERT K. MASUDA 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 BENOCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHO'OLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

ENF: OA 21-54

OCT 2 1 2021

Dominis G Anderson 2009 Trust, or, Dominis G Anderson Trustee, and Leni A Knight



SUBJECT:

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 3552 Pakui Street

Palolo Hillside Lots, Palolo Valley, Oahu. Tax Map Key (TMK): (1) 3-3-034:001

Dear Landowners:

The Office of Conservation and Coastal Lands (OCCL) has reviewed your letter and attachments dated October 4, 2021 regarding the subject matter. According to your letter and its attachments, you retained Shinsato Engineering and KAI Engineering to perform a geotechnical and civil engineering study to assess the stability of the parcel's hillside as well as potential hazards and determine if the unauthorized structure can be safely removed. A site inspection was conducted by Shinsato Engineering and KAI Engineering on August 31, 2021.

Shinsato Engineering's letter states there is a low potential for hazards from rockfalls or soil movements; and therefore, they have determined that there are no mitigative measures deemed necessary for soil and geologic conditions. Their letter notes that removal of the unauthorized structure appears to be the best option. KAI Engineering's letter states that the unauthorized structure should be dismantled and removed. Their letter also notes that it does not appear to impose a safety risk to the downhill residents due to the dense vegetation below the unauthorized structure and its distance from the homes below.

The OCCL notes that TMK: (1) 3-3-034:001 appears to lie in the General Subzone of the State Land Use Conservation District. It is unclear how you and your engineers intend to carry out the proposed work. The OCCL requests that you provide more information

Exhibit E1

REF: OCCL: TF ENF: OA 21-54

regarding how the unauthorized structure will be dismantled and removed, and what best management practices shall be observed. The OCCL also encourages you to consult with your neighbors, above and below the unauthorized structure, regarding the proposed work.

Should you have any questions regarding this matter, contact Trevor Fitzpatrick of our Office at (808) 798-6660 or trevor.j.fitzpatrick@hawaii.gov.

Sincerely,

(for)

Samuel J. Lemmo, Administrator

Office of Conservation and Coastal Lands

CC: Chairperson

Oahu Board Member
Oahu Land Division Office

City and County of Honolulu, Department of Planning and Permitting

D. G. Anderson Ho

HARD COPY IN THE MAIL

October 27, 2021

Ms. K. Tiger Mills
State of Hawaii / Dept. of Land and Natural Resources
Office of Conservation and Coastal Lands
P. O. Box 621
Honolulu Hawai`i 96809

SUBJECT: DLNR / OCCL Letter of October 21, 2021 (Mr. T. Fitzpatrick)

Case OA 21-54 / TMK: (1) 3-3-034:001

Dear Ms. Mills,

As you stated in your letter, yes, we retained the services of the named engineer firms as noted. This was done to comply with your earlier directions as per your letter of July 13, 2021. Their findings were also forwarded to you as required. (attached)

As noted, the Shinsato Geotechnical Engineering company confirmed the findings of the earlier submitted Weidig Geotech Study, that there are no mitigative measures deemed necessary for soil and geologic conditions. Additionally, it also reports, "it appears not to impose any safety risks to downhill residents...."

A copy of the Kai Hawaii civil engineer's letter and findings were provided to several contractors who also personally visited the site. It was their conclusion that the further dismantling of the shed as described within the report could in fact be done as per the engineer's report.

The one and only neighbor impacted is the adjacent parcel, 1746 A Mikahala Way. And any impact here is limited to only access and removal of material over this adjacent parcel. This was and still is the only reasonable and safe access to the shed. As noted in the Kai Hawaii letter, "the access to the shed is difficult..." not to mention a little dangerous as the steps leading down to it were partially demolished.

We were provided legal access by the fee owner to trespass through/over his parcel. The work to be done is labor intensive and is limited to all hand work as machinery cannot access the site. It is estimated the work will take an estimated two to three weeks, weather permitting. The work will be completed within the allocated time frame provided.

Best management practices will be in place and adhered to. Landowners will also impose safety measures on contractor to protect workers. As per OCCL notification, the landowner "will be removing the shed consistent with the Civil Engineers Report" as described in OCCL's letter of July 13, 2021 / No. 5.

Thank you.

Sincerely,

D. G. Anderson

CC: Chairperson
Oahu Board Member
Oahu Land Division Office
Mr. T. Fitzpatrick

Engineer's Letters / Reports as referenced:

December 21, 2021

Dominis G. Anderson 2009 Trust. Or, Dominis G. Anderson Trustee, and Leni A. Knight

Dear Mr. Anderson and Ms. Knight

loe Lancor AIA Lancor Architects Inc

I report to you now that the dismantling of the shed structure on your property as required by the DLNR has been completed. The civil/structural engineer consultant which we retained has reviewed the status for compliance with his prior recommendation letter and I enclose his review letter.

Civil/Structural: KAI Engineering – Ken K. Hayashida President

The engineers' recommendations have been executed with the dismantling of the shed structure.

Exhibit E3

Mills, Kimberly T

From:

Mills, Kimberly T

Sent:

Thursday, March 3, 2022 5:10 PM

To:

D G Anderson

Cc: Subject: 'Leni Knight'; joe@lancorarchitects.com

RE: [EXTERNAL] #8 OA 21-54

Mr Longnecker is encroaching upon the property, Unauthorized land uses created need to be removed.

~Tiger

K. Tiger Mills, Staff Planner

State of Hawai'i

Department of Land and Natural Resources

Office of Conservation And Coastal Lands

P.O. Box 621

Honolulu, Hawai'i 96809

www.dlnr.hawaii.gov/occl





From: D G Anderson

Sent: Thursday, March 3, 2022 5:01 PM

To: Mills, Kimberly T < kimberly.mills@hawaii.gov>

Cc: 'Leni Knight' joe@lancorarchitects.com

Subject: RE: [EXTERNAL] #8 OA 21-54

Ms. Mills,

Due diligence was done

There is legal access off city Pakui St.

All utilities are available and off Pakui street

We were satisfied with the survey conducted as being used.

As this parcel is almost eight (8) acres and only a 5,000 sf footprint is allowed with all the rest untouched.

I'm not sure what you are referring to in your last sentence as to encroachments and dumping are referring to???

- · The Title shows no encroachments
- And to our knowledge, there was /is no dumping issue?

Exhibit E4

Ms. Mills, Ms. Knight has been seeking a Permit now going on 3 years if I am correct. She has spent in excess of \$30,000 to pay for architects, engineers' and contractors to resolve a problem she had nothing to do with.

Dr. Bond's violation should have been caught by DLNR when he built the illegal sized Shed.

Water under the bridge.

I can assure you, if allowed Ms. Knight's land use and/or construction on this Conservation parcel will be by the book!

This parcel could should provide a nice lot for a local family home..... while still maintaining the bulk of it to open space.

Would really ask for your assistance. andy

Snip(s) from submitted earlier CDUA & EA application

Access and Easements

Access to the parcel would be limited totally off the city's Pakui Street, as shown. Located on the southern / western point of the parcel. The Title Search shows a City & County 10 ft. wide utility easement running along the mauka eastern boundary. Note: Pakui St. ends at the parcel as shown, but legally (although undeveloped) extends up the hill designated Pakui street extension.







Comments from a previous CDUA Permit approval, (DLNR / OA-1803 10.11.85) staff described this parcel as to Existing Utilities.

"Being that the area is surrounded by residential homes, all utilities are available"

Wastewater- City provided service

Potable Water- Water will be provided by the city's Board of Water Supply

Site Drainage - The project residential site will be designed to City Code where surface water is contained on the parcel



Existing access to site:

Pedestrian and vehicular access would be limited off the city's public Pakui Street. Located on the southern / western point of the parcel. Refer to attached Exhibit.

Existing utilities (electrical, communication, gas, drainage, water & wastewater):

*** DLNR staff comments (DLNR / OA-1803 10.11.85) from an earlier CDUA approval ...

"Being that the area is surrounded by residential homes, all utilities are available"

All utilities are available off Pakui street, a public street... water, electrical and cable, sewer service is available at the South property line off Pakui St. These services will be extended underground to the new proposed residence)



If approved, 98% of this Conservation (G) TMK parcel / property will remain undisturbed, retaining its natural topography and vegetation. (see EA Appendix 3, Landscape Plan) The new landscaped areas will replace introduced plants that are not idegenous to Hawaii.

- Comments from a previous CDUA Permit approval, (DLNR / OA-1803 10.11.85) staff described this parcel as to existing utilities.
 "Being that the area is surrounded by residential homes, all utilities are available"
- As described by DLNR staff in a previous permitting of this parcel.
 "This parcel is totally surrounded by existing Urban residential use."

From: Mills, Kimberly T < kimberly.mills@hawaii.gov>

Sent: Thursday, March 3, 2022 4:14 PM

To: D G Anderson

Cc: 'Leni Knight' < | oe@lancorarchitects.com

Subject: RE: [EXTERNAL] #8 OA 21-54

I would think access and other land uses would have been covered when conducting due diligence prior to purchase, in addition to surveying the property.

I took a look at the proposed access to the property from Pakui St according to the rejected CDUA and there is none.

While the shed matter may be near resolution, please be aware unauthorized land uses such as encroachments, dumping are considered alleged violation and would also need to be resolved prior to applying.

~Tiger
K. Tiger Mills, Staff Planner
State of Hawai`i
Department of Land and Natural Resources
Office of Conservation And Coastal Lands
P.O. Box 621
Honolulu, Hawai`i 96809
www.dlnr.hawaii.gov/occl





From: D G Anderson

Sent: Thursday, March 3, 2022 2:26 PM

To: Mills, Kimberly T < kimberly.mills@hawaii.gov>

Cc: 'Leni Knight' oe@lancorarchitects.com

Subject: RE: [EXTERNAL] #8 OA 21-54

We had to enter the property trespassing over Mr. Longneckers parcel

Only legal access is off Pakui St.

He denied us access for months.

We had no other way to dispose of the dismantled shed material.

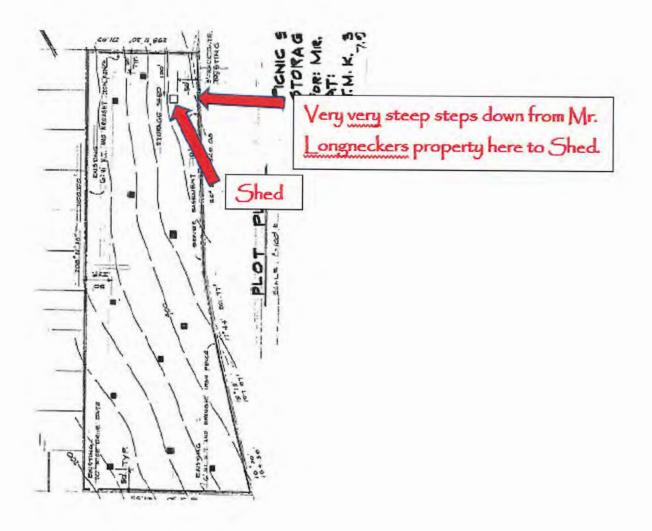
We even tried to hire a helicopter, but had to vacate too many homes

The access steps down to the shed location was partially destroyed by Mr. Longnecker in his effort to satisfy you and is very dangerous

In the end, we had to have contractor sign liability releases and we had to take out an insurance policy amendment to cover him if if and a year end drop-dead agreement.

We have had no reason to ever visit the Picnic Shelters as they were permitted and never discussed ????

If I recall historical notes, only 5 or 6 were built vs. the original 12 intended... no idea as to locations of those built???



From: Mills, Kimberly T < kimberly.mills@hawaii.gov>

Sent: Thursday, March 3, 2022 1:51 PM

To: D G Anderson

Cc: 'Leni Knight'

Subject: RE: [EXTERNAL] #8 OA 21-54

How do you access the property?

For the site inspection, the picnic shelters and storage shelter, please map and identify those features prior to the site inspection

Attached is the permit for those features.

~Tiger

K. Tiger Mills, Staff Planner
State of Hawai'i
Department of Land and Natural Resources
Office of Conservation And Coastal Lands
P.O. Box 621
Honolulu, Hawai'i 96809
www.dlnr.hawaii.gov/occl





From: D G Anderson <

Sent: Thursday, March 3, 2022 1:44 PM

To: Mills, Kimberly T < kimberly.mills@hawaii.gov>

Cc: 'Leni Knight' < joe@lancorarchitects.com

Subject: RE: [EXTERNAL] #8 OA 21-54

Am a little confused? It was recorded / is recorded

Legal advised there was no need of a condition on Title to solve a non-issue? (If you had signed off)

Work was completed in Dec. 2021

We advised you of such.

Our authority to trespass on his property expired.

Not sure how to reply?

Can't get to it over his land without his approval, and Pakui Street a long walk in?

andy

From: Mills, Kimberly T < kimberly.mills@hawaii.gov>

Sent: Thursday, March 3, 2022 1:23 PM

To: D G Anderson

Cc: 'Leni Knight'

Subject: RE: [EXTERNAL] #8 OA 21-54

The purpose of this section was to insure that future owners are aware of land use matters associated with the property, I note the rule says "shall be recorded"

We are going to mull this over and continue to proceed to resolution. When can we do a site inspection?

~Tiger K. Tiger Mills, Staff Planner State of Hawai`i Department of Land and Natural Resources Office of Conservation And Coastal Lands P.O. Box 621

Honolulu, Hawai'i 96809 www.dlnr.hawaii.gov/occl





From: D G Anderson

Sent: Thursday, March 3, 2022 1:09 PIVI

To: Mills, Kimberly T < kimberly.mills@hawaii.gov>

Cc: 'Leni Knight'

Subject: RE: [EXTERNAL] #8 OA 21-54

Attorney believed it was not needed upon Board satisfaction.

I'm also of this belief???

If issue(s) resolved the conditions are moot are they not?

From: Mills, Kimberly T < kimberly.mills@hawaii.gov>

Sent: Thursday, March 3, 2022 1:05 PM

To: D G Anderson

Cc: Leni Knight

Subject: RE: [EXTERNAL] #8 OA 21-54

Upon receipt of confirmation by DLNR or BLNR of completion and stall of the foregoing terms, Owner may record a termination of this Declaration of the Assistant Registrar of the Land Court of the State of Hawaii and/or the Conveyances of the State of Hawaii (as the case may be), so that title to shall no longer be encumbered by this Declaration.

Im not sure why this statement was added.

Pursuant to HAR sec. 13-5-6 Penalty (e) Any terms or conditions imposed by the board for a violation of this chapter shall be recorded with the deed instrument.

~Tiger

K. Tiger Mills, Staff Planner
State of Hawai'i
Department of Land and Natural Resources
Office of Conservation And Coastal Lands
P.O. Box 621
Honolulu, Hawai'i 96809
www.dlnr.hawaii.gov/occl





	Territoria (1997)			- 41
From:	DG	And	erson	1 4

Sent: Thursday, March 3, 2022 12:40 PM

To: Mills, Kimberly T < kimberly.mills@hawaii.gov>

Cc: Leni Knight

Subject: [EXTERNAL] #8 OA 21-54

May we request confirmation of message received please.

Ms. Mills,

AS PER YOUR BELOW E-MAIL OF DECEMBER 21, 2021

✓ WE ARE PROVIDING A COPY OF THE RECORDED COVENANTS AS PER THE BOARDS REQUEST

From: Mills, Kimberly T < kimberly.mills@hawaii.gov>

Sent: Tuesday, December 21, 2021 3:51 PM

To: itzpatrick, Trevor J < trevor.j.fitzpatrick@hawaii.gov

Cc: 'Leni Knight' de Lancor < Joe@LancorArchitects.com >

Subject: RE: [EXTERNAL] 3552 Pakui Street Shed dismantling Case OA 21-54

Email received.

Please provide evidence of deed recordation per condition #8 of ENF: OA 21-54

AS PER # 10.

✓ THE ENGINEER HAS SIGNED OFF (BELOW) SATISFIED THE WORK WAS DONE TO HIS
SATISFACTION AS RECCOMENDED IN THEIR REPORT

10. The existing violations ENF: OA 05-50 and OA 21-54 shall be considered resolved following the Department's satisfaction with the current or any future landowner's completion of the Geotechnical and Civil Engineer's recommended work contained in their reports,





December 17, 2021

Joe Lancor, AIA Lancor Architects Inc 3305 Park View Ct Colleyville, Texas, 76034

Dear Mr. Lancor.

Subject: Shed located at 3552 Pakui Street

Palolo Hillside Lots, Palolo Valley, Oahn

We have reviewed work progress photos from the site which document stages of the complete dismantling and removal of the shed structure. In my opinion this complete dismantling has been accomplished in accord with my September 13, 2021 letter of recommendation. Attached are several photos during the process.

Sincerely,

Ken K. Hayashida, President

99-1. Hychida

KAI Hawaii, Inc.

50 S. Beretania Street, #C-119C | Honolulu, Hawaii 96813 | Tel: (808) 533-2210 | Fax: (808) 533-2686 | Email: mail@kaihawaii.com

WE BELIEVE <u>WE HAVE SATISFIED ALL ASKED OF US BY THE LAND BOARD IN ENF OA 21-54</u>
WE WOULD VERY MUCH APPRECIATE CONFIRMATION THAT THIS ISSUE HAS BEEN RESOLVED.
MAHALO,
andy

THANKS, STAY SAFE

"Andy"

D. G. Anderson Honolulu, Hawaii

Email:

Phone:



This email has been checked for viruses by Avast antivirus software. www.avast.com

Exhibit F

Drone Photos









Mills, Kimberly T

From: Mills, Kimberly T

Sent: Friday, July 15, 2022 5:39 PM

To: Anderson

Cc: Leni Knight; Joe@lancorarchitects.com

Subject: RE: [EXTERNAL] FW: Pakui Street response of 6.30.22 to Ms. Mills OCCL

My apologies for this untimely response as I did not flag this email properly.

We could meet next week, Monday 7/18 in the afternoon or Thursday 7/21 or Friday 7/22.

~Tiger

K. Tiger Mills, Staff Planner
State of Hawai'i
Department of Land and Natural Resources
Office of Conservation And Coastal Lands
P.O. Box 621
Honolulu, Hawai'i 96809
www.dlnr.hawaii.gov/occl





From: Anderson Sent: Friday, July 1, 2022 10:32 PM

To: Mills, Kimberly T < kimberly.mills@hawaii.gov>

Cc: Leni Knight ; Joe@lancorarchitects.com

Subject: Re: [EXTERNAL] FW: Pakui Street response of 6.30.22 to Ms. Mills OCCL

Need to then, I think to understand where we are in a disagreement and why?

Can we meet please Andy

Sent from my iPhone

On Jul 1, 2022, at 5:41 PM, Mills, Kimberly T <kimberly.mills@hawaii.gov> wrote:

I don't believe the Chair would be able to make that decision based upon condition #9.

 In the event that there is a disagreement between the current or any future landowner and the Department regarding the BLNR's directions or recommended work in ENF: OA 21-54, the matter shall be brought back before the BLNR for final resolution;

Exhibit G This may be the quickest way to resolve this

~Tiger
K. Tiger Mills, Staff Planner
State of Hawai`i
Department of Land and Natural Resources
Office of Conservation And Coastal Lands
P.O. Box 621
Honolulu, Hawai`i 96809
www.dlnr.hawaii.gov/occl





From: Anderson <

Sent: Thursday, June 30, 2022 2:33 PM

To: Mills, Kimberly T < kimberly.mills@hawaii.gov>

Cc: Leni Knight @lancorarchitects.com

Subject: Re: [EXTERNAL] FW: Pakui Street response of 6.30.22 to Ms. Mills OCCL

Might we sit with the Chair first. ??
Think she has the authority to decide?
Thots?
Would we go with your OCCL recommendation to approve or disapprove?
Thanks
Andy

Sent from my iPhone

On Jun 30, 2022, at 12:45 PM, Mills, Kimberly T < kimberly.mills@hawaii.gov> wrote:

We can go back to the Board and ask them.

~Tiger
K. Tiger Mills, Staff Planner
State of Hawai`i
Department of Land and Natural Resources
Office of Conservation And Coastal Lands
P.O. Box 621
Honolulu, Hawai`i 96809
www.dlnr.hawaii.gov/occl





From: D G Anderson

Sent: Thursday, June 30, 2022 12:23 PM

To: Mills, Kimberly T < kimberly.mills@hawaii.gov>

Cc: Leni Knight < oe@lancorarchitects.com

Subject: [EXTERNAL] FW: Pakui Street response of 6.30.22 to Ms. Mills OCCL

Ms. Mills,

Yes, thank you. Box was full and finally got your message and pics. Sorry.

Hope there is an honest misunderstanding?

We again ask, that some reason and fairness be considered here.

This is not a major issue affecting anyone in the community.

No one is opposing this other than OCCL

We have, on behalf of Ms. Knight accepted every comment made to date and have made every attempt to responsibly respond.

The family home she has planned for this site is rapidly becoming unaffordable due to inflation and rising costs of construction material

We sincerely believe this update should satisfy OCCL, the Board Chair and/or the Board itself.

May we ask for your assistance here?

Mahalo,

Andy, on behalf of Ms. Knight and her team.

By the numbers if we may?

In reviewing this matter, we are not satisfied with the state of this structure.

Ran it once again by the gang to double check for accuracy and edit as sending.

[✓] In most recent email from you was questions No.'s 1, 2 and

Not clear what you mean as to, "we are not satisfied"?

Am told we attempted to follow No.10 to a T

- 10. The existing violations ENF: OA 05-50 and OA 21-54 shall be considered resolved following the Department's satisfaction with the current or any future landowner's completion of the Geotechnical and Civil Engineer's recommended work contained in their reports,
- Believe we completed the approved recommended work as per the Civil Engineer's letter of September 13, 2021 As per language in their report to Consultant and OCCL (and accepted).
 - a) "it should be dismantled, where feasible, and removed"
 - b) "access to the shed is difficult, the shed material should be removed to the extent it can be done safely" (Referenced letter below)
- ✓ Completing the described work that "all parties" originally accepted and agreed to, the Engineer advised in their letter of December 17, 2021

"In my opinion this complete dismantling has been accomplished in accord as my.

(Referenced letter below)



December 17, 2021

Joe Lancor, AIA Lancor Architects Inc 3305 Park View Ct Colleyville, Texas, 76034

Dear Mr. Lancor.

Subject: Shed located at 3552 Pakui Street

Palolo Hillside Lots, Palolo Valley, Oahu

We have reviewed work progress photos from the site which document stages of the complete dismantling and removal of the shed structure. In my opinion this complete dismantling has been accomplished in accord with my September 13, 2021 letter of recommendation. Attached are several photos during the process.

Sincerely,

Ken K. Hayashida, President

Fants. Hychida

KAI Hawaii, Inc.





September 13, 2021

Joe Lancor, AIA Lancor Architects Inc 3305 Park View Ct Colleyville, Texas, 76034

Dear Mr. Lancor:

Subject: Shed located at 3552 Pakui Street

Palolo Hillside Lots, Palolo Valley, Oahu

We visited the site on August 31, 2021, with Shinsato Geotechnical Engineers to review the existing storage shed conditions and concerns in the July 13, 2021 letter from Office of the Conservation and Coastal Lands. The shed was built around 1987 with wood framing supported upon concrete piers and footings. The structure is slowly deteriorating, thus it should be dismantled, where feasible, and removed. As the access to the shed is difficult, the shed material should be removed to the extent it can be done safely. With the dense vegetation below the shed and its' distance from homes below it does not appear to impose a safety risk to the downhill residents.

This proposed action will also address the issue of minimizing its visibility, as the remaining foundation will be well below the surrounding dense vegetation.

Sincerely,

Ken K. Hayashida, President

Fant. Hayablide

KAI Hawaii, Inc.

50 S. Beretania Street, #C-119C | Honolulu, Hawaii 96813 | Tel: (808) 533-2210 | Fax: (808) 533-2686 | Email: mail@kaihawaii.com

- Our position taken as understood, (right or wrong) as per gang's reading was/is
- (#10) The existing violation shall be considered resolved following the Department's satisfaction (with landowner) with the completion of the Kai Civil

Engineers recommended work contained in their report.

"In my opinion this complete dismantling has been accomplished in accord

If correct, think, what you are now saying, is, OCCL is not satisfied and disagrees with the Kai Engineer's opinion and sign off?

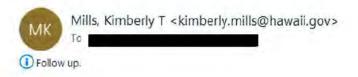
If so, thus the confusion.

- Would you not concur it would be all but impossible to satisfy each and all the people individually involved to date?
- Might not #10 have been written as such (even though reading may be open to interpretation) to have the mandated Engineer company to finally agree or disagree with the completion of the work product he described?
- 2. We were under the impression tht it could be removed to the footings per the engineer report
 - Basically, it is where possible. In the attempted
 Longnecker renovation, they had poured a
 considerable number of new interior and exterior
 concrete walls which tie-in/enclose some of the
 bottom floor footings.

As per language in Kai Engineer's (OCCL accepted) report.

- c) "it should be dismantled, where feasible, and removed"
- d) "access to the shed is difficult, the shed material should be removed to the extent it can be done safely"
- e) "as it does not appear to impose a safety risk to the downhill residents"
- f) "the proposed action will also address the issue of minimizing its visibility"

T	here is a lot of loose debris and the material could be fire fodder.
Ţ	he contract was confined to the shed parcel as per the
N	IOV.
Ţ	his shed has been in place since the mid 80's some 37
y	ears ago never being reported as a potential fire hazard.
J	he shed is dismantled, no electricity to it, and Ms. Knight's
a	greement with the Land Board is, it will NOT ever be
u	tilized.
5	should it ever be determined it is "fire fodder" and a threat
to	o neighbors, our attorney advises this would be a civil lawsuit
ís	sue between neighbors.
F	Additionally, it sits on eight (8) acres of forest land with
m	uch dead under brush, (as most large adjacent conservation
	ots also have) providing far more "fire fodder" as you
d	escribe it.



I sent 4 photos with the message below, but only your email got bounced, I tried sending the photos individually and sans your origin Can you take a look at the photos on Leni's email?

In reviewing this matter, we are not satisfied with the state of this structure. We were under the impression tht it could be removed to the footings per the engineer report. There is a lot of loose debris and the material could be fire fodder.

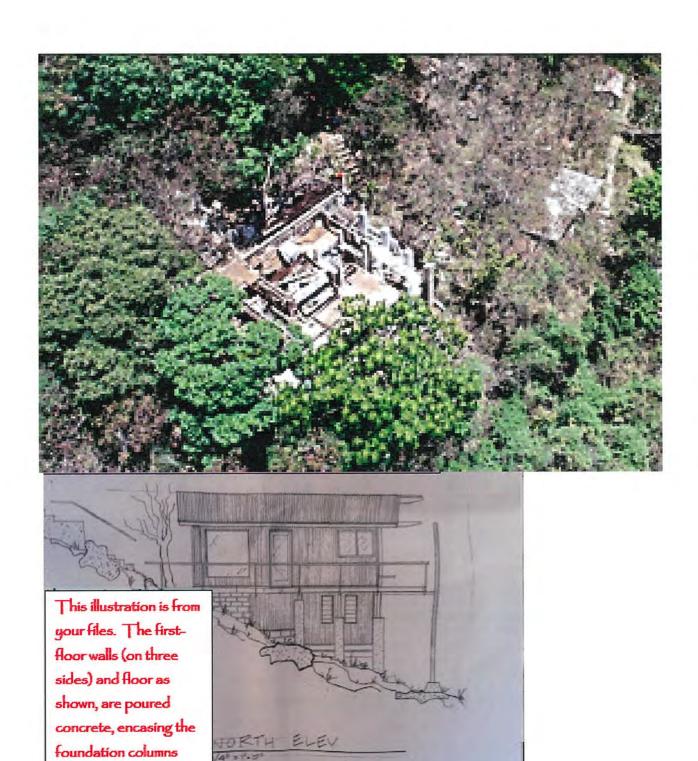
~Tiger

K. Tiger Mills, Staff Planner
State of Hawai'i
Department of Land and Natural Resources
Office of Conservation And Coastal Lands
P.O. Box 621
Honolulu, Hawai'i 96809
www.dlnr.hawaii.gov/occl



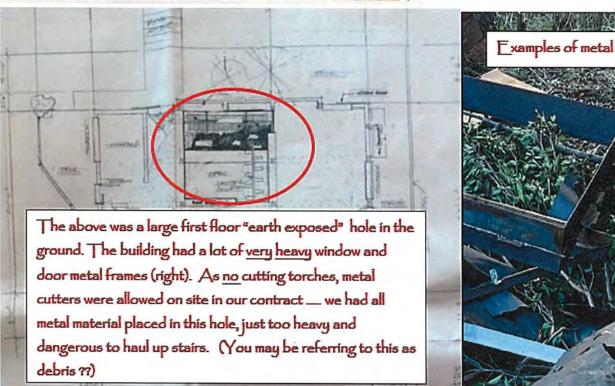


Misc information for you.



Pic from OCCL files. Note early picture of the first floor where all structural footing/columns were independent from new concrete walls depicted in Longnecker illustration.





FYI as to site. Think you will agree, site access in and out very dangerous

As Engineer noted, "accessing the shed site is in itself dangerous".

Subject: Shed located at 3552 Paloui Street
Paloto Hallside Lots, Paloto Valley, Oahu

We visited the site on Angint 31, 2021, with Shimato Geotechnical Engineers to review the existing storage shed conditions and concerns in the July 13, 2021 letter from Office of the Conservation and Coastal Lands. The shed was built around 1987 with wood framing supported upon concrete piers and footings. The structure is slowly deteriorating, thus it should be drimmitted, where featable, and semoved. As the access to the thed is difficult, the thed material should be removed to the extent it can be done safely. With the dense regetation below the shed and us distance from homes below it does not appear to impose a safety risk to the downhall sendents.

This proposed action will also address the ivine of minimizing its visibility, as the remaining foundation will be well below the surrounding dense vegetation.

Sincerely,

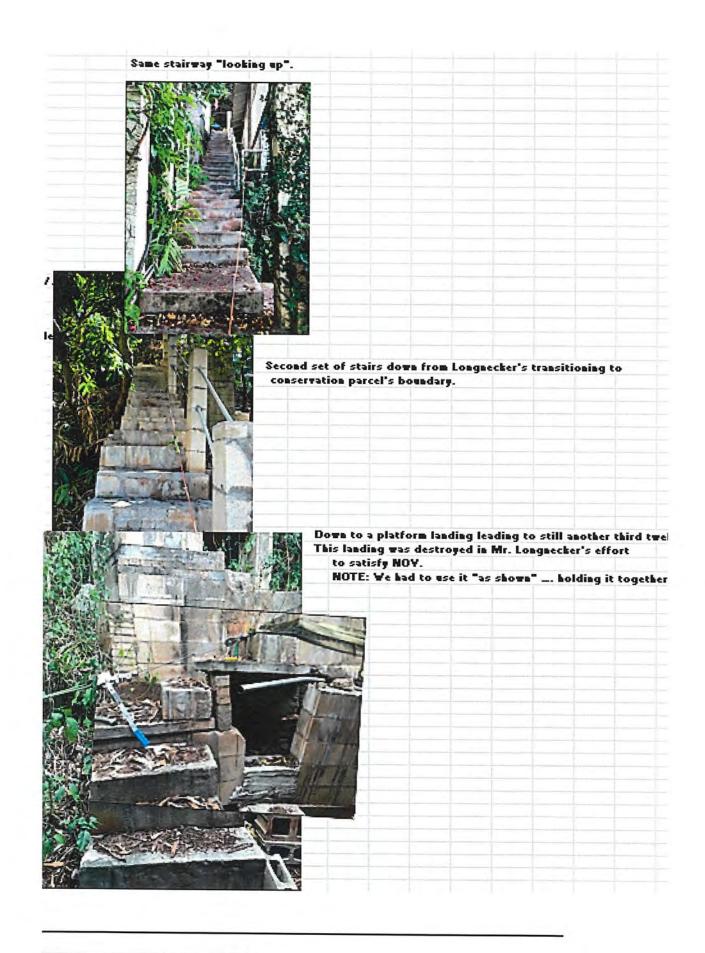
to S. Oyolida

Ken K. Hayathida, President KAI Hawasi, Inc.

"As the access to the shed is difficult, the shed material should be removed to the extentit can be done safely."

Site access not just difficult, but very very dangerous.
To describe... too steep, too narrow, no rail, not to code.
First flight down to parcel on Longnecker's land.





As earlier sent....

From:

Sent: Friday, June 24, 2022 12:25 PM

To: Mills, Kimberly T < kimberly.mills@hawaii.gov>

Cc: Joe Lancor < Joe@LancorArchitects.com >; 'Leni Knight'

Subject: FW: Pakui Street query DRAFT

June 24, 2022

Ms. Mills,

Good morning.

You earlier advised that the NOV issue be included in the final CDUA application. As the back and forth is quite extensive we thought we would attempt to cover it in this manner if OK?

FYI: Mr. Lancor, Leni's registered consultant, ran the below by all the engineers' legal and contractors as to accuracy and all satisfied with it.

DRAFT

EXHIBIT: A

This parcel was burdened with an outstanding NOV that dated back to the mid-80's preventing the current landowner from applying for a CDU residence Permit.

It eventually worked its way to a review by the Land Board in a hearing as described below, where the Board mandated conditions be addressed to cure the NOV.

Ms. Knight has spent well over \$40,000 during the past two years correcting the NOV, a NOV she had nothing to do with.

The Board's shed mandate was assigned to Ms. Knight's Consultant, Mr. Joe Lancor (AIA) to complete.

He determined the engineer's qualifications as per the assignment and contracted directly with them.

All were provided copies of Case OA 21-54 as issued.

The Board mandated....

SUBJECT: 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 3552 Pakui Street

Palolo Hillside Lots, Palolo Valley, Oahu. Tax Map Key (TMK): (1) 3-3-034:001

As per...

 The current or any future landowner shall retain licensed Geotechnical and Civil Engineers to assess the safety of the unauthorized structure and its the potential removal or dismantling;

COMPLETED

The Geotechnical and Civil Engineers' report shall focus on: 1) ensuring the safety
of all downhill residents with respect to the unauthorized structure's existence
and/or potential removal/dismantling, and 2) the removal of the unauthorized
structure or the minimization of its footprint and visibility;

OCCL'S ACCEPTED ENGINEER'S REPORT(S) AS WRITTEN.

The current or any future landowner shall submit the Geotechnical and Civil Engineers' reports to the Department within one hundred eighty (180) days of this Board Action;

COMPLETED

 The current or any future landowner shall complete all work as recommended by the Geotechnical and Civil Engineers' reports within one hundred eighty (180) days after the Department's review and approval of the reports and recommended work;

COMPLETED

The current or any future landowner shall remove the unauthorized structure to the extent consistent with the Geotechnical and Civil Engineers' reports;

COMPLETED

AS PER ENGINEER'S FINAL REPORT TO OCCL, DECEMBER 17, 2021....

KAI ENGINEERING Inc., (quote) "<u>In my opinion this complete</u> dismantling has been accomplished in accord with my September 13, 2021 letter of recommendation."

10. The existing violations ENF: OA 05-50 and OA 21-54 shall be considered resolved following the Department's satisfaction with the current or any future landowner's completion of the Geotechnical and Civil Engineer's recommended work contained in their reports,

COMPLETED

OCCL ACCEPTED THE SUBMITTED KAI HAWAII ENGINEER'S REPORT OF SEPTEMBER 13, 2021, <u>AND THE DESCRIBED</u> WORK TO BE DONE.

The NOV shall be considered resolved following the Department's satisfactionwith the landowner's completion of the Civil Engineers recommended work contained in their report.

✓ As the engineer is satisfied work was completed as contained in his report and signed off with, work was completed as per their Report of December 17, 2021... stating

"In my opinion this complete dismantling has been accomplished in accord as my September 13, 2021 letter of recommendation."

As stated,...."The shed is slowly deteriorating, *thus it should be dismantled*, *where feasible*, *and removed*.

"As the access to the shed is difficult, the shed material should be removed to the extent it can be done safely."



Ken K. Hayashida, P.E. | President

Michael Hunnemann, P.E. | Vice President

September 13, 2021

Joe Lancor, AIA Lancor Architects Inc 3305 Park View Ct Colleyville, Texas, 76034

Dear Mr. Lancor:

Subject: Shed located at 3552 Pakui Street

Palolo Hillside Lots, Palolo Valley, Oahu

We visited the site on August 31, 2021, with Shinsato Geotechnical Engineers to review the existing storage shed conditions and concerns in the July 13, 2021 letter from Office of the Conservation and Coastal Lands. The shed was built around 1987 with wood framing supported upon concrete piers and footings. The structure is slowly deteriorating, thus it should be dismantled, where feasible, and removed. As the access to the shed is difficult, the shed material should be removed to the extent it can be done safely. With the dense vegetation below the shed and its' distance from homes below it does not appear to impose a safety risk to the downhill residents.

This proposed action will also address the issue of minimizing its visibility, as the remaining foundation will be well below the surrounding dense vegetation.

Sincerely,

Ken K. Hayashida, President

Fant. Hyclinde

KAI Hawaii, Inc.

"

No. 6

✓ The Geotechnical report was as earlier reports, the hillside foundations and surrounding earth was determined to be stable and was suggested it be left as-is and not disturbed as it offered no danger to anyone.

There were/is no disagreement with other mandates..

DAVID Y. IGE





STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAIT 96909

REF: OCCL: TF

BUZANNE D. CASE CHARRESON BOARD OF UND AND HATURAL RESOURCES COMMISSION ON WAITER RESOURCE WAYNES WELL

ROBERT K. NASUDA

M. HALEG MANUEL

ACARTIC PROCRECTS
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BASEAU OF COMMY AND THE
COMMISSION OF HAVE THE
CO

ENF: OA 21-54

Jul 13, 2021

Dominis G Anderson 2009 Trust, or, Dominis G Anderson Trustee, and Leni A Knight

SUBJECT:

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 3552 Pakui Street

Palolo Hillside Lots, Palolo Valley, Oahu. Tax Map Key (TMK): (1) 3-3-034:001

Dear Landowners:

This is to inform you that on July 9, 2021, the Board of Land and Natural Resources (BLNR) amended the Staff Recommendations of agenda item K-1 and pursuant to Hawaii Revised Statutes (HRS), §183C-7 deemed the subject situation a continuing violation and ordered Dominis G Anderson trustee of the Dominis G Anderson 2009 Trust and Leni A Knight to conduct a geotechnical and civil engineering study to assess the stability of the parcel's hillside as well as potential hazards and determine if the unauthorized structure can be safely removed, subject to the following conditions:

- The current or any future landowner shall retain licensed Geotechnical and Civil Engineers to assess the safety of the unauthorized structure and its the potential removal or dismantling;
- The Geotechnical and Civil Engineers' report shall focus on: 1) ensuring the safety of all downhill residents with respect to the unauthorized structure's existence and/or potential removal/dismantling, and 2) the removal of the unauthorized structure or the minimization of its footprint and visibility;
- The current or any future landowner shall submit the Geotechnical and Civil Engineers' reports to the Department within one hundred eighty (180) days of this Board Action;

- The current or any future landowner shall complete all work as recommended by the Geotechnical and Civil Engineers' reports within one hundred eighty (180) days after the Department's review and approval of the reports and recommended work;
- The current or any future landowner shall remove the unauthorized structure to the extent consistent with the Geotechnical and Civil Engineers' reports;
- The current or any future landowner shall implement slope stabilization measures as well as mitigate any potential rockfall hazards created by the unauthorized structure in accordance with the Geotechnical and Civil Engineers' reports;
- The current or any future landowner shall be prohibited from utilizing the unauthorized structure;
- That the terms and conditions of the BLNR's decision in ENF: OA 21-54 are recorded in recordable form with the deed instrument;
- In the event that there is a disagreement between the current or any future landowner and the Department regarding the BLNR's directions or recommended work in ENF: OA 21-54, the matter shall be brought back before the BLNR for final resolution;
- 10. The existing violations ENF: OA 05-50 and OA 21-54 shall be considered resolved following the Department's satisfaction with the current or any future landowner's completion of the Geotechnical and Civil Engineer's recommended work contained in their reports,
- 11. That in the event of failure of the current or any future landowner to comply with any order herein, the landowner shall be fined \$15,000.00 per day until the order is complied with;
- That all directions apply to Dominis G Anderson 2009 Trust, Dominis G Anderson Trustee, and Leni A Knight individually, jointly and severally; and,
- 13. That in the event of failure of the current or any future landowners 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 regarding this matter, contact Trevor Fitzpatrick of our Office at (808) 798-6660 or trevor.j.fitzpatrick@hawaii.gov.

	Additional material (pictures, emails) and can be found in the
	OCCL files.
	ciate your assistance in getting this resolved.
Thanl	k you,
Ms. l	Leni A. Knight

November 3, 2022

HARD COPY AS TO EMAIL(s) SENT... September 11, 2022 & October 3, 2022 following.

Mr. Michael Cain Administrator Office of Conservation and Coastal Lands Kalanimoku Building 1151 Punchbowl Street., Rm. 131 Honolulu, HI 96813



Mr. Cain,

I have a legal obligation to advise Ms. Knight's gang of status. Not even sure you received these emails.

May I ask receipt of message please.

Thanks Andy

Exhibit H

Ms. Leni Acosta Knight

OFFICE OF CONSERVATION AND CONSTRUCTION

2022 NOV 10 P 2: 58

NATURAL RESOURCES STATE STATE September 12, 2022

Mr. Michael Cain Administrator Office of Conservation and Coastal Lands Kalanimoku Building 1151 Punchbowl Street., Rm. 131 Honolulu, HI 96813

Dear Mr. Cain,

SUBJECT:

Letter of July 13, 2021, 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 3552 Pakui Street

Located at 3332 Pakul Street

Palolo Hillside Lots, Palolo Valley, Oahu (TMK: (1) 3-3-034:001

Dear Landowners

This is to inform you that on July 9, 2021, the Board of Land and Natural Resources (BLNR) amended the Staff Recommendations of agenda item K-1 and pursuant to Hawaii Revised Statutes (HRS), §183C-7 deemed the subject situation a continuing violation and ordered Dominis G Anderson trustee of the Dominis G Anderson 2009 Trust and Leni A Knight to conduct a geotechnical and civil engineering study to assess the stability of the parcel's hillside as well as potential hazards and determine if the unauthorized structure can be safely removed, subject to the following conditions:

- The current or any future landowner shall retain licensed Geotechnical and Civil Engineers to assess the safety of the unauthorized structure and its the potential removal or dismantling;
- The Geotechnical and Civil Engineers' report shall focus on: 1) ensuring the safety of all downhill residents with respect to the unauthorized structure's existence and/or potential removal/dismantling, and 2) the removal of the unauthorized structure or the minimization of its footprint and visibility;
- The current or any future landowner shall submit the Geotechnical and Civil Engineers' reports to the Department within one hundred eighty (180) days of this Board Action:

All of the above requirements were completed as directed within the time frame and schedules. The Engineer's Final letter dated December 17, 2021 approved the work done as directed in their September 13, 2021 letter. "In my opinion this complete dismantling has been accomplished in accord with my September 13, 2021, letter of recommendation". (Kai Hawaii Engineers)

We are pleased to submit this Notice of Completion for work done per Engineer's Reports, Case OA 21-54. Attached is a comprehensive record of information, complete with pictures shared with your staff supporting our completed tasks.

My family needs a home, and this parcel lends itself to this end. As a commitment to satisfying all your requirements to date, some \$90,000 has been spent and countless hours of research and meetings. We would ask that this long standing Notice of Violation (NOV) on this parcel be lifted, thus allowing my family to submit our CDUA on it.

I very much would appreciate your prompt and favorable reply in bringing this issue to a close as soon as possible. Thank you!

Sincerely,

Leni Acosta Knight

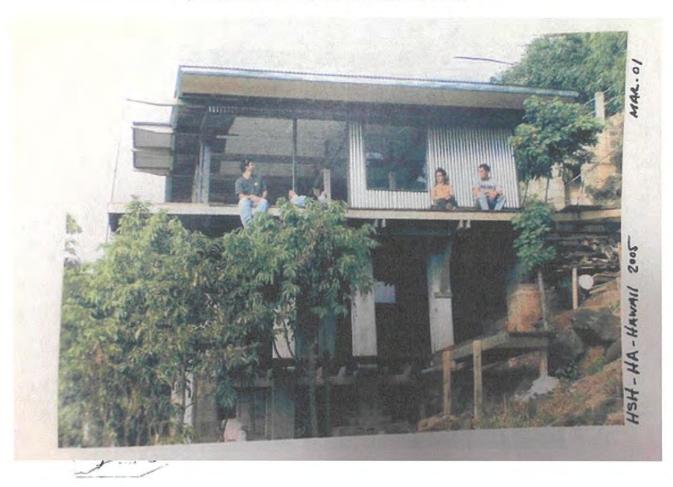
cc: Joe Lancor, Architect / Consultant

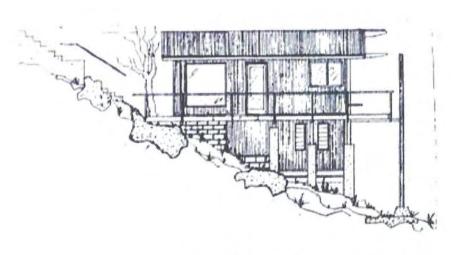
Ham Ocest Knight

D. G. Anderson Paul Sato, Advisor

PHOTO BEFORE THE SHED WAS DISMANTLED

(Reference DLNR File photo taken in March 2005)



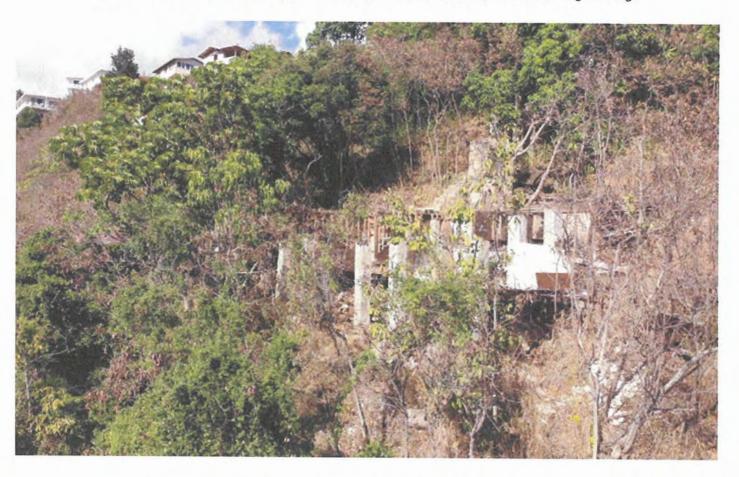


NORTH ELEV

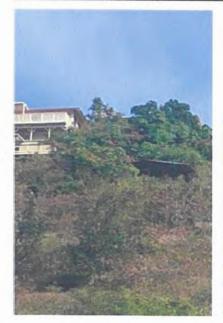
Since originally built in 2005, the previous landowner, Mr. Longnecker, built a two-story non-permitted structure (as shown above) before being served his Notice of Violations.

PHOTO AFTER THE SHED WAS DISMANTLED

Engineer's Final letter of December 17, 2021 states the approval of the completed work satisfying the Engineer's recommendation. "In my opinion this complete dismantling has been accomplished in accord with my September 13, 2021, letter of recommendation", Kai Hawaii Engineering.



Shed dismantled. Visual view from 10th. Avenue (Before and After)





Mr. Cain,

Following is a record / history (partial) of all thus far.

- As per 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 3552 Pakui Street Palolo Hillside Lots, Palolo Valley, Oahu. Tax Map Key (TMK): (1) 3-3-034:001
- It appears there is / maybe a misunderstanding with staff as to:
 - 10. The existing violations ENF: OA 05-50 and OA 21-54 shall be considered resolved following the Department's satisfaction with the current or any future landowner's completion of the Geotechnical and Civil Engineer's recommended work contained in their reports,
- As submitted for sign-off.....
 As to Engineers recommendations and Board findings, (5 & 10) Ms. Knight has satisfied the work mandated.
- 5. The current or any future landowner shall remove the unauthorized structure "to the extent consistent with the Geotechnical and Civil Engineers' reports."
- ✓ SHED DISMANTLED TO THE EXTENT CONSISTENT WITH CIVIL ENGINEER'S REPORT, AS PER BELOW ENGINEER'S SIGN-OFF LETTER.
- 10. The existing violations ENF: OA 05-50 and OA 21-54 shall be considered resolved following the Department's satisfaction with the current or any future landowner's completion of the Geotechnical and Civil Engineer's recommended work contained in their reports.
- ✓ COMPLETED THE RECCOMMENDED WORK TO THE SATISFACTION OF THE CIVIL ENGINEER.

Ms. Mills,

I hope there is an honest misunderstanding.

We again ask, that some reason and fairness be considered here. This is not a major issue affecting anyone in the community. No one is opposing this other than OCCL

We have, on behalf of Ms. Knight accepted every comment made to date over a year plus and have made every attempt to responsibly respond.

The family home she has planned for this site is rapidly becoming unaffordable due to inflation and rising costs of construction material. We sincerely believe <u>this update should</u> satisfy OCCL, the Board Chair and/or the Board itself.

May we ask for your assistance here?

Mahalo,

Andy, on behalf of Ms. Knight and her team.

In response, we received...

In reviewing this matter, we are not satisfied with the state of this structure.

We were under the impression tht it could be removed to the footings per the engineer report. There is a lot of loose debris and the material could be fire fodder.

~Tiger

K. Tiger Mills, Staff Planner
State of Hawai'i
Department of Land and Natural Resources
Office of Conservation And Coastal Lands
P.O. Box 621
Honolulu, Hawai'i 96809

♣ We do not understand staff's response

We were under the impression tht it could be removed to the footings per the engineer report

- The accepted Engineer's Report(s) do not infer / mention / allude to, or even suggest such language, "removed to the footings"?
- To the contrary, the Engineer's Final letter off December 17, 2021 (below) approved of the work done as directed in their September 13, 2021, letter. "In my opinion this complete dismantling has been accomplished in accord with my September 13, 2021, letter of recommendation" (Kai Hawaii Engineering)





December 17, 2021

Joe Lancor, AIA Lancor Architects Inc 3305 Park View Ct Colleyville, Texas, 76034

Dear Mr. Lancor.

Subject: Shed located at 3552 Pakui Street

Palolo Hillside Lots. Palolo Valley, Oahn

We have reviewed work progress photos from the site which document stages of the complete dismantling and removal of the shed structure. In my opinion this complete dismantling has been accomplished in accord with my September 13, 2021 letter of recommendation. Attached are several photos during the process.

Sincerely,

Ken K. Hayashida, President

Fants. Hydlinda

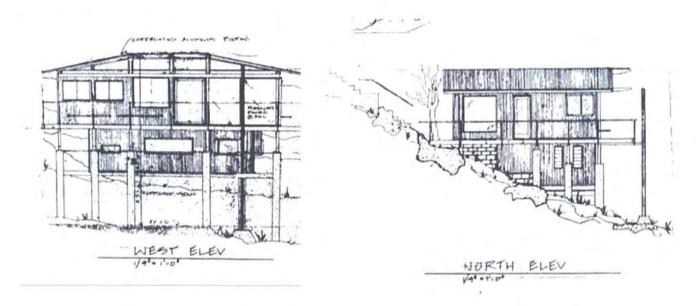
KAI Hawaii, Inc.

50 S. Beretania Street, #C-119C | Honolulu, Hawaii 96813 | Tel: (608) 533-2210 | Fax: (808) 533-2686 | Email: mail@kaihawai.com

This <u>DLNR File photo</u> was taken in March 2005 (note: one (1) story)



Shed's illegal on-going construction by the previous landowner, as depicted below, was discovered as being not permitted and given NOV's by both the city and DLNR. Since 2005 it had grown to a two-story uncompleted structure. (Note: two (2) story)



- Land board language #1 and #2.
 - 1. "to assess the safety of the unauthorized structure and its potential removal and dismantling".
 - "report shall focus on... 1) ensuring the <u>safety of all downhill residents</u> with respect to the structures existence and/or potential removal/dismantling, and 2) the removal of the unauthorized structure or the minimization of its footprint and visibility".
- ✓ As both engineers have concluded, there are NO safety issues to downhill residents.



Response to:

Ms. Mills,

Hope there is an honest misunderstanding?

We again ask, that some reason and fairness be considered here. This is not a major issue affecting anyone in the community.

No one is opposing this other than OCCL

We have, on behalf of Ms. Knight accepted every comment made to date over a year plus and have made every attempt to responsibly respond.

The family home she has planned for this site is rapidly becoming unaffordable due to inflation and rising costs of construction material

We sincerely believe <u>this update should</u> satisfy OCCL, the Board Chair and/or the Board itself. May we ask for your assistance here?

Mahalo,

Andy, on behalf of Ms. Knight and her team.

Board Conditions & Responses:

- In the event that there is a disagreement between the current or any future landowner and the Department regarding the BLNR's directions or recommended work in ENF: OA 21-54, the matter shall be brought back before the BLNR for final resolution;
 - Ms. Knight's team does not believe there is (should be) a disagreement.
 Seeking to help resolve, we suggested a meeting with Ms. Case.
 - ✓ OCCL response.... "I don't believe the Chair would be able to make that decision based upon condition # 9" (Ms. Mills)
 - Our attorneys reading of Condition 9:
 - 1. Language in # 9 refers to Dept. (Department of Land and Natural Resources)
 - 2. This request is most important. As this could end up in Court, legal believes, a fair question will be asked, "did you seek to resolve this with the Chairperson"?

Note: Mr. Cain, as you are now legally the Administrator of the Office of OCCL, may we ask to meet with you individually and/or with Ms. Case jointly?

- 11. That in the event of failure of the current or any future landowner to comply with any order herein, the landowner shall be fined \$15,000.00 per day until the order is complied with;
 - This is a "major" concern.
 - ✓ As we have done as the Engineer's accepted report directed..... and received his sign-off for work done we have no idea how to address and/or satisfy the staff's....

"impression".... We were under the impression tht it could be removed to the footings per the engineer report

The risk here, and imposition of language of #11 leaves no fair option(s) for us.

Thank you.

Consultant Team on behalf of Ms. Knight

GENERAL INFORMATION, HISTORY and COPIES OF PERTINENT LETTERS

LANCOR ARCHITECTS

July 16, 2022

Leni A. Knight / Dominis G. Anderson Trustee



Dear Mr. Anderson and Ms. Knight

In addressing your questions about the demolition of the Pakui Street hillside structure I briefly recap the tremendous challenge the site provided. While the tremendous incline of the topography made working quite difficult and hazardous, the access was the true challenge here. After we had investigated more creative methods of approach:

Helicopters were not allowed by FAA due to numerous adjacent residences

Gravity Chutes were determined to be too scarring of the hillside as well as potentially disturbing loose boulders and future erosion paths

And so our only method to proceed with reasonable safety and without leaving any environmental scares or future erosion hazards, our team of engineering geologist and structural and civil engineers agreed that a manual piecemeal step by step removal was only credible path.

The remaining hurdle was considerable in that the access is completely walled-off by residential development. The only willing access close to the structure offers a side yard access only. That side yard access is code minimum and has various appendages, intrusions and hard construction reducing the available width to less than 3 feet. Two men could carry a sheet of plywood if one at each end and able to shift sidewise occasionally to pass an obstruction. A burdened laborer carrying a heavy piece of masonry could not walk safely through.

Meetings on site with contractors' specialists in demolition work resulted in the access being the critical challenge. Work was begun and the site photos clearly show the structure being dismaantled with the two stories of framing being removed.

A more serious note here is that each laborer's trip carrying a removed part of the structure had to climb a narrow, uneven, and poorly constructed stairway of over 20 ft in vertical distance while burdened with his load. The distance is too great for temporary ladders.

Our engineering team concluded that due to the extreme difficult challenges to normal construction safety that a reasonably safe solution that would avoid visible scarring of the hillside and provide safety from future erosion or loosening of boulders was to utilize the existing concrete foundation as an entrapment to contain the heavier material too heavy to safely remove by the methods available.

Mr. Ken Hayashida, the structural and civil engineer involved has provided his project summary review letter which states his satisfaction with our compliance with the DLNR requirements.

Please see our recent site photos from many locations showing that no trace of this old structure can be observed from inhabited locations. The remains of this great effort are only visible from aerial inspections and as common with any new construction project will be much less visible after the wild hillside plantings grow and further shield any view.

Joe Lancor AIA

Lancor Architects Inc

SUBJECT: Land Board imposed conditions as to safety.

Qualified Engineers as mandated we're contracted with to conduct a... "geotechnical and civil engineering study to assess the stability of the parcel's hillside as well as potential hazards and determine if the unauthorized structure can be <u>safely</u> removed, subject to the following conditions".

- 1. "to assess the safety of the unauthorized structure and its potential removal and dismantling".
 - Refer to the attached Reports from Engineers (following)
- 2. "report shall focus on... 1) ensuring the safety of all downhill residents with respect to the structures existence and/or potential removal/dismantling, and 2) the removal of the unauthorized structure or the minimization of its footprint and visibility".
 - Note: Engineer's final reports conclude. No downhill residents are in any danger, and the shed is no longer visible from any surrounding and/or distant area.
- 3. "shall submit the Geotechnical and Civil Engineer's reports to the Department within one-hundred-and-eighty days (180) days of this Board Action".
 - These Reports were timely submitted and accepted and approved by the Department.

HARD COPY IN THE MAIL

D. G. Anderson 2009 Trust (Ms. Knight)



October 4, 2021

Ms. Suzanne D. Case, Chairperson State of Hawaii Board of Land and Natural Resources Post Office Box 621 Honolulu, Hawaii 96809

SUBJECT:

Letter of July 13, 2021, 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 3552 Pakui Street

Palolo Hillside Lots, Palolo Valley, Oahu (TMK: (1) 3-3-034:001

Dear Chairperson Case,

This assignment was given to Mr. Joe Lancor, Ms. Knight's Consultant of record to deal with. As per the Land Board conditions of July 9, 2021, we submit his attachments as received.

If satisfactory, we'll have Mr. Lancor seek to accomplish the work as per the individual engineers' directions.

Hopefully we can put this long outstanding issue behind us.

Sincerely,

D. G. Anderson

Attached Letters;

Mr. J. Lancor (Ms. Knight's Consultant)

Kai Hawaii Structural & Forensic Engineers (Civil Engineer)

Shinsato Engineering, Inc. (Geotechnical)

CC: Mr. Samuel J. Lemmo, Administrator OCCL

Oahu Board Member

Shinsato Geotechnical Engineer: (September 30,2021)

The Geotechnical engineer, as did the previous engineer, concluded the foundation of the shed and the surrounding earth <u>should not be disturbed</u>, and its existence did not threaten the downhill residents.

SHINSATO ENGINEERING, INC.

CONSULTING GEOTECHNICAL ENGINEERS

98-747 KUAHAO PLACE, SUITE E PEARL CITY, HAWAII: 96782 PHONE: 18081 487-7855 FAX: 18081 487-7854

September 30, 2021 Project No. 21-0102

Joe Lancor, AIA Lancor Architects, Inc. 3305 Park View Ct. Colleyville, Texas 76034

Subject

Geotechnical Assessment 3552 Pakui Street Honolulu, Hawaii96816 TMK: (1) 3-3-034:001

Dear Mr. Lancor:

This is to provide you with the results of a geotechnical assessment for the subject project.

1.0 INTRODUCTION

This report was prepared for the purpose of providing a geotechnical assessment relative to the request of the DLNR. This includes the following:

"...to assess the safety of the unauthorized structure and its potential removal or dismantling"
 "...ensuring the safety of all downhill residents with respect to the unauthorized structure's existence and/or potential removal/dismantling, and the removal of the unauthorized structure or the minimization of its footprint and visibility".

20 SITE CONDITIONS

The property is an elongated parcel of land oriented in the northeast to southwest direction. It is located downhill from the existing residence along Mikihala Way.

The shed structure is located on the northeast portion of the site. According to information provided by others, the structure was built around 1987 and is constructed of wood framing supported on concrete piers and footings. The footings are bearing on boulders and fracture basaltic rock

From the USDA Soil Conservation Service "Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii," the site is located in an area classified as Rock Land (rRK). Rock land is described as areas where exposed rock covers 25 to 90 percent of the surface. In many areas, especially on the island of Qahu, the soil material associated with the rock outcrops is very sticky and very plastic. It has high shrink-swell potential

3.0 OBSERVATIONS

The site was visited on August 31, 2021 with KAI Hawaii to view the existing conditions. The ground slopes downward from east to west at an average slope gradient of approximately 45 percent and is covered with a dense growth of brush and small trees. Exposed surface boulders vary up to 4 feet in diameter. The existing structure is deteriorating

Joe Lancor, AIA Lancor Architects, Inc. September 30, 2021 Page Two

4.0 DISCUSSIONS AND OPINIONS

Two previous geotechnical reports were prepared for the property. These include a report by Applied GeoSciences, LLC dated June 30, 2020, and a report by Weidig Geoanalysts dated April 20, 2006. Both reports conclude that the slope is stable and the rockfall hazard potential is low.

Based on our site inspection and our review of soil and geologic information, we opine similar to the two previous geotechnical reports that there is a low potential for hazards from rockfalls or soil movements. The surface is covered with a dense vegetative growth and the slope gradient is approximately 45 percent which renders the site as a low risk for rockfall. Therefore, no mitigative measures are deemed necessary for soil and geologic conditions.

Due to the current condition of the shed, it appears that the best option would be to remove the structure. The existing footings may remain in-place without causing any hazardous conditions.

The option to renovate, remodel or reconstruct the existing shed has many challenges such as difficult site access which makes conditions hazardous for workers, materials and equipment, plus permitting requirements.

Should you have any questions or require any further information, please do not hesitate to contact us.

Very truly yours,

SHINSATO ENGINEERING, INC.

fo 000.

Lawrence S. Shinsato, P.E.

President

LSS:is

LICENSED PROFESSIONAL AND A 169-C

This work was prepared by or under my supervision. License Expires 04/30/22

Kai Hawaii, Structural & Forensic Engineer: (September 13, 2021)

Report, as to recommended work to be done.



Ken K. Hayashida, P.E. | President

Michael Hunnemann, P.E. | Vice President

September 13, 2021

Joe Lancor, AIA Lancor Architects Inc 3305 Park View Ct Colleyville, Texas, 76034

Dear Mr. Lancor:

Subject: Shed located at 3552 Pakui Street

Palolo Hillside Lots, Palolo Valley, Oahu

We visited the site on August 31, 2021, with Shinsato Geotechnical Engineers to review the existing storage shed conditions and concerns in the July 13, 2021 letter from Office of the Conservation and Coastal Lands. The shed was built around 1987 with wood framing supported upon concrete piers and footings. The structure is slowly deteriorating, thus it should be dismantled, where feasible, and removed. As the access to the shed is difficult, the shed material should be removed to the extent it can be done safely. With the dense vegetation below the shed and its' distance from homes below it does not appear to impose a safety risk to the downhill residents.

This proposed action will also address the issue of minimizing its visibility, as the remaining foundation will be well below the surrounding dense vegetation.

Sincerely,

Ken K. Hayashida, President

For K. Hychide

KAI Hawaii, Inc.

December 21, 2021

Dominis G. Anderson 2009 Trust. Or, Dominis G. Anderson Trustee, and Leni A. Knight

Dear Mr. Anderson and Ms. Knight

Joe Lancor AIA Lancor Architects Inc.

I report to you now that the dismantling of the shed structure on your property as required by the DLNR has been completed. The civil/structural engineer consultant which we retained has reviewed the status for compliance with his prior recommendation letter and I enclose his review letter.

Civil/Structural: KAI Engineering - Ken K. Hayashida President

The engineers' recommendations have been executed with the dismantling of the shed structure.

Exhibits page 75

December 17, 2021 Kai Hawaii, Structural & Forensic Engineers:

Kai Hawaii's final report on work done as per their instructions



Kan K. Hayashida, P.E. | President

Michael Hunnemann, P.E. | Vice President

December 17, 2021

Joe Lancor, AIA Lancor Architects Inc 3305 Park View Ct Colleyville, Texas, 76034

Dear Mr. Lancor.

Subject: Shed located at 3552 Pakui Street

Palolo Hillside Lots, Palolo Valley, Oahu

We have reviewed work progress photos from the site which document stages of the complete dismantling and removal of the shed structure. In my opinion this complete dismantling has been accomplished in accord with my September 13, 2021 letter of recommendation. Attached are several photos during the process.

Sincerely,

Ken K. Hayashida, President

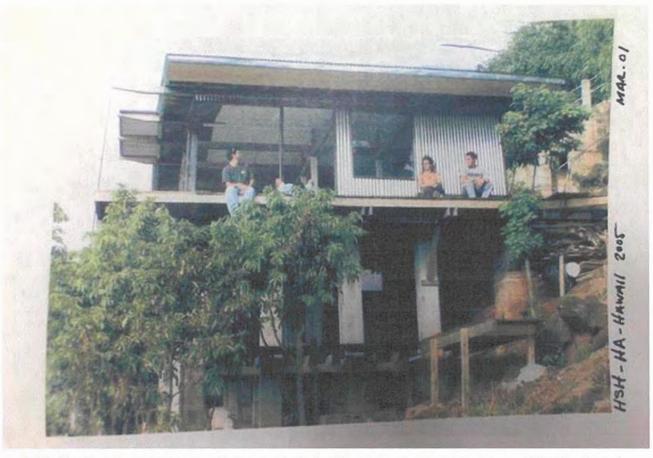
Fant . Hycshide

KAI Hawaii, Inc.

50 S. Beretania Street, #C-119C | Honolulu, Hawaii 96813 | Tel: (808) 533-2210 | Fax: (808) 533-2686 | Email: mail@kaihawaii.com

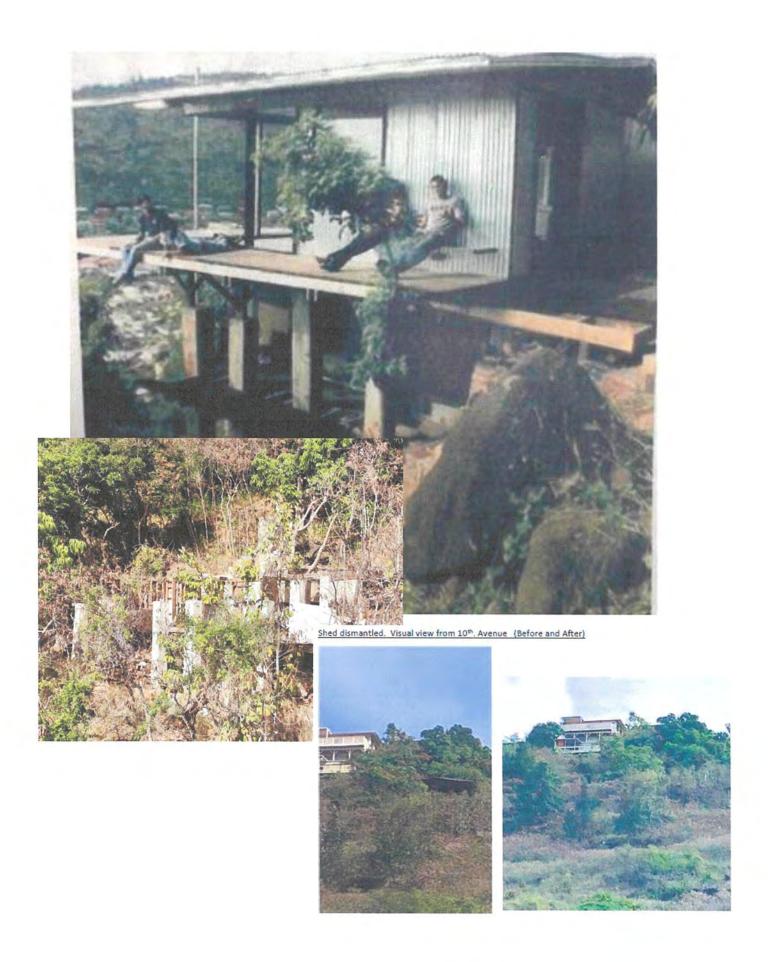
Emphasis "In my opinion this complete dismantling has been accomplished in accord with my September 13, 2021, letter of recommendation."

Unauthorized shed (DLNR / OCCL March 2005 library file picture) (One story structure)



Following drone pictures of dismantled shed "as-is" today (work approved by Engineer)





DAVID Y, IGE GOVERNOR OF HAWAI'I





STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621 HONOLULU, HAWAI'I 96809

REF: OCCL: MC

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

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

ROBERT K. MASUDA FIRST DEPUTY

M. KALEO MANUEL

ENF: OA 21-54

Nov 21, 2022

Dominis G Anderson 2009 Trust, or, Dominis G Anderson Trustee, and Leni A Knight

SUBJECT:

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.

Pāku'i Street, Pālolo Hillside Lots, Pālolo Valley, O'ahu

Tax Map Key (TMK): (1) 3-3-034:001

Dear Mr. Anderson,

The Office of Conservation and Coastal Lands (OCCL) has reviewed your correspondence that unauthorized structures have been removed from the subject parcel.

A drone survey of the subject parcel done on June 1, 2022 clearly show that significant portions of the derelict structure remain in place. We also note that there appear to be unauthorized encroachments onto the property on the uphill side.

Please notify us when these have been removed. The Enforcement Case OA-21-54 will remain open until they are.

Sincerely,

S Michael Cain

Michael Cain, Administrator Office of Conservation and Coastal Lands

Copy:

Chairperson

Oahu Land Division Office

City and County of Honolulu, Department of Planning and Permitting Lancor Architects, 3305 Park View Ct, Colleyville, Texas 76034

KAI Hawaii, 50 S Beretania St C-119C, Honolulu, HI 96813

Shinsato Engineering, 98-764 Kuahao Place, Suite E, Pearl City, HI 96782

Exhibit H1





STARN-O'TOOLE-MARCUS & ISHER

A LAW CORPORATION

October 18, 2023

VIA U.S. MAIL & E-MAIL:

Mr. Michael Cain, Administrator
Office of Conservation and Coastal Lands
Kalanimoku Building
1151 Punchbowl Street, Room 131
Honolulu, HI 96813
michael.cain@hawaii.gov

Re: Enforcement OA 21-54

Dear Mr. Cain:

We represent Dominis G. Anderson, Trustee of the Dominis G. Anderson 2009 Trust and Ms. Knight in connection with the property located at 3552 Pakui Street, Honolulu, Hawaii, 96816, Tax Map Key (1) 3-3-034:001 (the "*Property*"). The Property is the subject of the OCCL's Enforcement Case OA 21-54 (Regarding Noncompliance with the Board of Land and Natural Resources Findings in Conservation District Enforcement OA 05-50 by Dominis G. Anderson Trustee of the Dominis G. Anderson 2009 Trust and Leni A. Knight Located at 3552 Pakui Street, Palolo Hillside Lots, Palolo Valley, Oʻahu Tax Map Key: (1) 3-3-034:001) ("*Enforcement OA 21-54*").

Enforcement OA 21-54 came before the Board of Land and Natural Resources ("Board") on July 9, 2021. At that meeting, the Board approved thirteen conditions concerning the resolution of Enforcement OA 21-54. A copy of the Board's minutes from that meeting is enclosed as Enclosure 1 (the conditions are reflected on pages 9 and 10). We believe that the Board's conditions have been complied with, and write to request that the Office of Conservation and Coastal Lands have Enforcement OA 21-54 placed on the Board's agenda.

Very truly yours,

Eric S. Robinson

Eric S. Robinson

Paul Sato

Exhibit H 2

ENCLOSURE 1







APPROVED AT ITS MEETING HELD ON SEPTEMBER 10, 2021



ROBERT K. MASUDA

M. KALEO MANUEL

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

STATE OF HAWAI'I **BOARD OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621 HONOLULU, HAWAI'I 96809

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

DATE:

JULY 9, 2021, 9:00 A.M.

LOCATION:

Online via ZOOM, Livestream via YouTube

MEMBERS

Suzanne Case Sam Gon Chris Yuen Kaiwi Yoon

Tommy Oi Vernon Char Doreen Canto

STAFF

Russell Tsuji-Land Carty Chang-ENG Dina Lau-ENG Emma Yuen-DOFAW Curt Cottrell-PARKS Shelby Habel-OCCL Ed Underwood-DOBOR Sang Kim-PARKS

Kevin Moore-Land Alyson Yim-ENG David Smith-DOFAW Sam Lemmo-OCCL Trevor Fitzpatrick-OCCL Megan Statts-DOBOR Alan Carpenter-PARKS Korine Gowin-PARKS

OTHERS

Colin Lau/AG Abby Lareau/DOT AIR Eric Leong/DOT HAR Jennifer Tomita/DOT HAR Derrick Carne/DOT HAR Leni Knight/K1 Dolan Eversole/K2 Makaala Kaaumoana/K2 Tiare Lawrence/K2 Tamara Paltin/K2 Jeremy Dellaseras/K2

Peter Locateli/D3 Robyn Tanaka/D4 Wendy Oda/D-4 Kalani Morse/D5 D.G. Anderson/K1 Peter Young/K1 Elena Bryant/K2 Caren Diamond/K2 Kai Nishiki/K2 Francine Aarona/K2

07.09.2021/00:00:14

Chair Case called the meeting to order and noted that due to Covid-19 pandemic, the meeting is being held via Zoom and live-streamed on YouTube. Those who requested to provide oral and written testimony have done so in advance of the meeting and members of the public may watch the meeting live streaming on YouTube.

ENCLOSURE 1

07.09.2021/00:01:30

Member Canto read the standard contested case statement

07.09.2021/00:02:50

ITEM A-1 Approval of the April 23, 2021, Meeting Minutes.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Yoon) 6-Ayes (Canto did not vote)

07.09.2021/00:00:03:44

- ITEM M-1 Issuance of a Revocable Permit for Truck Parking and Equipment and Container Storage for Moving and Transportation Services, Royal Hawaiian Movers, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-004: Portions of 103 and 114.
- ITEM M-2 Issuance of a Revocable Permit for Vehicle Parking, TM Designers, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 066.
- ITEM M-3 Issuance of a Revocable Permit for Office Space for the Purpose of Providing 24-Hour Security Services, Universal Protection Service, LP dba Allied Universal Security Services, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 055.
- ITEM M-4 Issuance of a Revocable Permit for Office Spaces and Employee Breakrooms for the Purpose of Providing 24-Hour Security Services, Universal Protection Service, LP dba Allied Universal Security Services, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 055.
- ITEM M-5 Issuance of a Revocable Permit for Office Spaces in the Terminal to Perform Security Services Operations, Universal Protection Service, LP dba Allied Universal Security Services, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 019 and (2) 3-8-001: Portion of 246.
- ITEM M-6 Issuance of a Revocable Permit for Office Space in the Terminal to Perform Security Services Operations, Universal Protection Service, LP dba Allied Universal Security Services, Molokai Airport, Tax Map Key: (2) 5-2-004: Portion of 106.
- ITEM M-7 Issuance of a Revocable Permit for Office Space in the Terminal to Perform Security Services Operations, Universal Protection Service, LP dba Allied Universal Security Services, Lana i Airport, Tax Map Key: (2) 4-9-002: Portion of 059.
- ITEM M-8 Issuance of a Revocable Permit for Land to Place a Trailer to be Used as a Field Office, Oxford Electronics, Inc., Līhu'e Airport, Tax Map Key: (4) 3-5-001: Portion of 008.

ITEM M-9 Issuance of a Revocable Permit for Office Spaces in the Terminal to Perform Security Services Operations, Universal Protection Service, LP dba Allied Universal Security Services, Līhu'e Airport, Tax Map Key: (4) 3-5-001: Portion of 135.

Abby Lareau, DOT Airports present to answer questions Items M-1 through M-9.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted Items M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8 and M-9, (Canto, Gon) unanimous.

07.09.2021/00:04:44

ITEM M-10 Issuance of a Construction Right-of-Entry, Grant of Easement (Perpetual, Non-Exclusive), to Hawaiian Electric Company, Inc., for the Installation of Underground Utility Lines and Related Facilities needed to service the Sand Island Container Facility, Honolulu Harbor, Island of Oʻahu, Tax Map Key: (1) 1-5-041: Portion of 200, Governor's Executive Order No. 2931.

Derrick Carne, DOT Harbors present to answer any question.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Yoon) unanimous.

07.09.2021/00:05:30

ITEM M-11 Issuance of a Month-to-Month Revocable Permit to Frank V. Coluccio Construction Company Inc., for a Construction Staging Area for Equipment and Materials, situated at the Keehi Industrial Lots, Honolulu Harbor, Island of Oʻahu, Tax Map Keys: (1) 1-2-023: Portions of 046, 047, 048, 049, 066, and 073, Governor's Executive Order No. 3708.

Submitted by Eric Leong, DOT Harbors.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Char) unanimous.

07.09.2021/00:06:12

- ITEM M-12 Issuance of Three (3) Month-to-Month Revocable Permits to Marine Spill Response Corporation, for Vessel Storage and Storage of Emergency Oil Spill Response Equipment, situated at Kaunakakai Harbor, Island of Molokai, Tax Map Keys: (2) 5-3-001: Portion of 066 and (2) 5-3-001: Portion of 011, Governor's Executive Order No. 1673.
- ITEM M-13 Issuance of Two (2) Month-to-Month Revocable Permits to PAR Hawai'i Refining, LLC, for a Non-Exclusive Subsurface Easement for two Subsurface Fuel Pipelines for the Distribution of Petroleum Products and a Fuel Tank Facility, situated at Kaunakakai Harbor, Island of Molokai, Tax Map Keys: (2) 5-3-001: Portion of 066 and (2) 5-3-001: Portion of 011, Governor's Executive Order No. 1673.

Jennifer Tomita, DOT Harbors present to answer questions for Items M-12 and M-13.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted Items M-12 and M-13 (Canto, Gon) unanimous.

07.09.2021/00:07:00

Request Approval for Selection of the Competitive Sealed Proposal Process pursuant to Hawaii Administrative Rules Chapter 3-122 and to Authorize the Chairperson to Award, Execute, and Extend Contracts for the Implementation of the Department of Land and Natural Resources Green Job Youth Corps Program and Appoint Evaluation Committee Alternates Should the Need Arise,

Emma Yuen, Division of Forestry and Wildlife presented the submittal. David Smith available to answer questions

Board Discussion

Member Yuen recused himself. Chair Case noted that confirmation from Budget and Finance that the funding as appropriated by the Legislature meets the requirements of the federal emergency funding.

Public Testimony-None

MOTION

Approved as submitted (Gon, Canto) 6- Ayes, Recused (Yuen)

07.09.2021/00:11:25

ITEM D-1 Issuance of Revocable Permit to Donald Lee Dale and Cheryl Ann Dale, Trustees of the Donald Lee Dale, and Cheryl Ann Dale Revocable Living Trust for an Emergency Temporary Shoreline Protection Structure on Unencumbered State Land; Issuance of Immediate Construction and Maintenance Right-of-Entry Permit to Donald Lee Dale and Cheryl Ann Dale, Trustees of the Donald Lee Dale, and Cheryl Ann Dale Revocable Living Trust; Kapaʿa, Kawaihau, Kauaʿi, Tax Map Key: (4) 4-3-009:seaward of 028.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

When was the home built? It looks to be before the Shoreline set-back rules came into play. Tsuji could not say.

Public Testimony-None

MOTION

Approved as submitted (Oi, Yoon) unanimous.

07.09.2021/00:13:44

ITEM D-2 Amend Prior Board Action of November 8, 2019, Agenda Item D-8, Amend General Lease No. S-5971, Makua Lani Christian Academy, Lessee, to Provide that the Annual Rental shall be Reopened and Redetermined Based on the Board's Then Prevailing Minimum Rent Policy for Eleemosynary Organizations, 'Ili of Papa'akoko, Honokōhau 2nd, North Kona, Hawai'i, Tax Map Key: (3) 7-4-006:001.

Consent to Assign General Lease No. S-5971, from Makua Lani Christian Academy to Kona Vocational and Life Education Center, Papa akoko, Honokōhau 2nd, North Kona, Hawai'i, Tax Map Key: (3) 7-4-006:001.

The purpose of this amendment is to change the language of lease paragraph 49 regarding licensure requirements applicable to lessee to enable Kona Vocational and Life Education Center (KVLEC) to qualify as a lessee under the lease so that staff may complete the assignment of lease to KVLEC.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Clarification was requested regarding the language of lease. Tsuji responded on page 2 of the submittal is where the language was amended to the lease and that they maintain their 501(c) status. To clarify that the direct lease serves a public purpose.

Public Testimony-None

MOTION

Approved as submitted (Yuen, Canto) unanimous.

07.09.2021/00:17:25

ITEM D-3 Grant of Term, Non-Exclusive Easement for Access Purposes to the Peter Joseph Locatelli and Linda Jasmine Locatelli, Pahoehoe 2nd, South Kona, Hawai'i, Tax Map Key: (3) 8-7-007: Portion of 019.

Russell Tsuji, Land Division presented the submittal. Applicant Peter Locatelli present to answer questions.

Board Discussion

There was a question regarding the issuing the easement over the public trail for vehicular use. Locatelli explained the circumstances and that the trail is now under lava and wants to create a gravel access to his lot.

Public Testimony-None

MOTION

Approved as submitted (Yuen, Gon) unanimous.

07.09.2021/00:20:30

ITEM D-4 Grant of Perpetual, Non-Exclusive Easement to Hawai'ian Electric Company, Inc. for Overhead Electrical Transmission Lines Purposes; Issuance of Construction Right-of-Entry Permit, Honolulu, O'ahu, Tax Map Key: (1) 1-8-020: Portion of 030.

Russell Tsuji, Land Division presented the submittal. Robyn (Kono) Tanaka, Wendy Oda (HECO) available to answer questions.

Board Discussion-None

Public Testimony

Tanaka conveyed that the lines will be overhead.

MOTION

Approved as submitted (Gon, Char) unanimous.

07.09.2021/00:22:56

ITEM D-5

After-the-Fact Consent to Assignment of Grant of Non-Exclusive Easement No. S-5343 for Revetment Purposes from MARTIN A YESTER, aka Martin A. Yester to MARTIN A YESTER, TRUSTEE of the Martin A. Yester Revocable Living Trust under that certain unrecorded Trust Agreement dated April 23, 1992, as amended and restated; After-the-Fact Consent to Assignment of Partial Interest in Grant of Non-Exclusive Easement No. S-5343 for Revetment Purposes from MARTIN A YESTER, TRUSTEE of the Martin A. Yester Revocable Living Trust under that certain unrecorded Trust Agreement dated April 23, 1992, as amended and restated, to Craig Yester and David Yester, as to an undivided 0.62% interest; Pūpūkea, Koʻolauloa, Oʻahu, Tax Map Key: (1) 5-9-001: Portion of 038.

Amendment of Grant of Non-Exclusive Easement No. S-5343 for Revetment Purposes, CRAIG YESTER, SUCCESSOR TRUSTEE, of the Martin A. Yester Revocable Living Trust under that certain unrecorded Trust Agreement dated April 23, 1992, as amended and restated; Pūpūkea, Koʻolauloa, Oʻahu, Tax Map Key: (1) 5-9-001: Portion of 038.

The purposes of the amendment are to increase the easement area by an additional 48 square feet from 5,141 to 5,189 square feet and to allow the easement to "run with land", subject to the limited term of the easement, so that Board consent will not be required for future assignments of the easement.

Russell Tsuji, Land Division presented the submittal. Kalani Morse representing the Applicant present to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Yoon, Oi) unanimous.

07.09.2021/00:25:54

- ITEM E-1 Authorize Rent Adjustment of Revocable Permit No. SP0545, Diamond Parking Services, LLC, Permittee at 'Akaka Falls State Park, Kahua, South Hilo, Hawai'i, Tax Map Keys: (3) 2-8-011: Portion of 018.
- ITEM E-3 Authorize Rent Adjustment of Revocable Permit No. SP0544 to Diamond Parking Services, LLC, Permittee, at Nu'uanu Pali State Wayside, Nu'uanu, Honolulu, O'ahu, Hawai'i, Tax Map Key: (1) 1-9-007: Portion of 002.
- ITEM E-4 Authorize Rent Adjustment of Revocable Permit No. SP0467, Diamond Parking Services, LLC, Permittee, at Mākena State Park, Portions of Maluaka, Moʻoiki, Moʻoloa, Moʻouku, Nāʻū, Honuaʻula, Makawao, Maui, Hawai'i, Tax Map Key: (2) 2-1-006:030 (portion).

Curt Cottrell, State Parks, presented Items E-1, E-3, and E-4. Alan Carpenter, Sang Kim, Korine Gowin

Board Discussion

What is the projected revenue? There was a discussion regarding how these RP's will be operating and how revenue and net operating costs were determined.

Public Testimony-None

MOTION

Approved as submitted Items E-1, E-3 and E-4 (Gon, Yoon) unanimous.

07.09.2021/00:39:22

ITEM J-1 Request approval to initiate rulemaking proceedings, including public hearings, to amend Hawai'i Administrative Rules (HAR) Title 13, Chapter 256, Ocean Recreation Management Rules and Areas, Subchapter 11, West Hawai'i Island Ocean Recreation Management Area, Section 13-256-152, Kahaluu Bay ocean waters, to clarify commercial activity provisions, and compilation of HAR Chapter 13-256, making technical, non-substantive, and conforming amendments.

The proposed rule amendment can be reviewed in person at the Division of Boating and Ocean Recreation (DOBOR) District Offices, including the Hawai'i District Office from 8:00 am to 3:30 pm, Monday through Friday, except state holidays: Honokōhau Small Boat Harbor, 74-380 Kealakehe Parkway, Kailua-Kona, HI 96740.

The proposed rules, including a statement on the topic of the proposed rule amendment, can be reviewed online at:

https://ltgov.Hawaii.gov/the-office/administrative-rules/proposed-changes/

The proposed rules can also be viewed online at: https://dlnr.Hawaii.gov/dobor/draft-rules

Location and contact information for DOBOR offices is available online at: https://dlnr.Hawaii.gov/dobor/contact

Megan Statts, Division of Boating and Ocean Recreation presented the submittal. Ed Underwood (DOBOR) present to answer questions.

Board Discussion

How will the applicants be chosen? Statts replied, we will use a lottery system and a waitlist will be created. Permit will be transferable if a business sells their business. Noted that they will be working with the County for access and enforcement.

Public Testimony-None

MOTION

Approved as submitted (Yuen, Yoon) 5-Ayes 2-Oppose (Oi, Canto)

07.09.2021/00:54:52 Break

07.09.2021/01:03:06

ITEM L-1 Delegation of Authority to the Chairperson to: (1) Procure, Award and Enter Into Professional Service Consultant Contracts for Capital Improvement Program Projects Appropriated by the Legislature as Listed in Exhibit 1 or Program Operating Funds; (2) Declare a Construction Project Exempt from the Preparation of an Environmental Assessment or Approve an Environmental Assessment and Issue a Finding of No Significant Impact, if Appropriate; and (3) Approve, Procure and Enter Construction Contracts for Capital Improvement Program Projects Appropriated by the Legislature as Listed in Exhibit 1 or Program Operating Funds.

Member Gon disclosed that among some of these capital improvement watershed management partnership projects the Nature Conservatory is a part of, and he does not benefit from any of the funding.

Carty Chang, Engineering presented the submittal. Dina Lau and Alyson Yim (ENG) available to answer questions.

Board Discussion

Can we get a copy of the "Good Faith Report" for Ka Wai Eha? Chair Case said they can send whatever is available now to Canto. What happens if projects lapse? It goes back to the general fund, and they would have to reapply for funds. Puna Boat ramps scope of work was also discussed.

Public Testimony-None

Amendment:

Approve funding for the Puna Boat ramps for planning and design and do not approve construction which will come back to the Board.

MOTION

Approved as amended (Yuen, Gon) unanimous.

07.09.2021/01:29:33

ITEM K-1 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 by Dominis G. Anderson Trustee of the Dominis G. Anderson 2009 Trust and Leni A. Knight Located at 3552 Pakui Street, Pālolo Hillside Lots, Palolo Valley, Oʻahu Tax Map Key: (1) 3-3-034:001.

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Trevor Fitzpatrick (OCCL), Leni Knight, D.G. Anderson, and Peter Young are also present.

Board Discussion

A lengthy discussion included the history and solutions to ensure the safety of the downhill residents and minimizing the long-term footprint of the structure in the conservation area.

Public Testimony

Leni Knight and D.G. Anderson engaged in the discussion and the solutions to move forward in correcting the non-compliance structure.

Amendment:

- 1) The current or any future landowner shall retain licensed Geotechnical and Civil Engineers to assess the safety of the unauthorized structure and its potential removal or dismantling;
- 2) The Geotechnical and Civil Engineers' report shall focus on 1) ensuring the safety of all downhill residents with respect to the unauthorized structure's existence and/or potential removal/dismantling, and 2) the removal of the unauthorized structure or the minimization of its footprint and visibility;
- 3) The current or any future landowner shall submit the Geotechnical and Civil Engineers' reports to the Department within one hundred eighty (180) days of this Board Action;
- 4) The current or any future landowner shall complete all work as recommended by the Geotechnical and Civil Engineers' reports within one hundred eighty (180) days after the Department's review and approval of the reports and recommended work;
- 5) The current or any future landowner shall remove the unauthorized structure to the extent consistent with the Geotechnical and Civil Engineers' reports;
- 6) The current or any future landowner shall implement slope stabilization measures as well as mitigate any potential rockfall hazards created by the unauthorized structure in accordance with the Geotechnical and Civil Engineers' reports;
- 7) The current or any future landowner shall be prohibited from utilizing the unauthorized structure;
- 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) In the event that there is a disagreement between the current or any future landowner and the Department regarding the BLNR's directions or recommended work in ENF: OA 21-54, the matter shall be brought back before the BLNR for final resolution;
- 10) The existing violations ENF: OA 05-50 and OA 21-54 shall be considered resolved following the Department's satisfaction with the current or any future landowner's completion of the Geotechnical and Civil Engineer's recommended work contained in their reports;
- 11) That in the event of failure of the current or any future landowner to comply with any order herein, the landowner shall be fined \$15,000.00 per day until the order is complied with;
- 12) That all directions apply to Dominis G Anderson 2009 Trust, Dominis G Anderson Trustee, and Leni A Knight individually, jointly and severally; and,
- 13) That in the event of failure of the current or any future landowners to comply with any order herein, the matter shall be turned over to the Attorney General for disposition, including all administrative costs.

MOTION

Approved as amended (Yuen, Gon) unanimous.

07.09.2021/01:29:33

ITEM K-2 Conservation District Use Application SH-3877 (Applicant: DLNR) for A Programmatic Statewide Small Scale Beach Restoration (SSBR) Program Affecting Beaches of the Main Hawaiian Islands.

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Shelly Habel (UH Sea Grant/OCCL) provided a PowerPoint presentation on the SSBR program and available to answer questions.

Chair Case conveyed that Caren Diamond has requested a contested case and confirmed with Diamond that she was not requesting a contested case at this time while the Board is in discussion regarding the submittal and reserved her right to request a contested case after the Board votes.

Board Discussion

What is authorized under this program was discussed at length how climate change and sea level rise are affecting the shoreline. There was clarification regarding sandbag revetments not part being a part of this program. Site specific areas in relation to the different categories were clarified and who would authorize the work.

Public Testimony

Dolan Eversole, Makaala Kaaumoana, Elena Bryant, Caren Diamond, Tiare Lawrence (requested a contested case if the submittal is approved), Tamara Paltin, Francine Aarona, Kai Nishiki (requested a contested case if the submittal is approved), Jeremy Dellaseras, provided oral testimony.

Amendment

- 1) Category 3 actions would come to the Board for final approval;
- 2) OHA would be consulted on Categories 1, 2 and 3;
- 3) All private owners would be required to certify and not get a regulatory shoreline certification makai of their preconstruction shoreline for Categories 1, 2, and 3;
- 4) The grounds for Staff to deny an application would include that the negative effects outweigh the benefits;

- 5) There would be a full written Ka Pa'akai analysis for any category 3 project;
- 6) Public meeting to held before coming to the Board.

MOTION

Approved as amended (Char, Yuen) 5-Ayes, 2-Nay (Canto & Yoon)

There was a verbal request by Caren Diamond and Kai Nishiki for a contested case and was advised to follow-up in writing within 10-days.

There being no further business, Chair Case, adjourned the meeting. Recording(s) of the meeting and written testimonies received by the requested deadline can be found on-line with the submittal and available for review. Certain Items on the agenda were taken out of sequence to accommodate applicants or interest parties present.

Respectfully Submitted:

Marlene Ferreira

Darlene S. Ferreira Land Board Secretary

Approved for Submittal:

Sgame Q. Cale

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

DEPARTMENT OF PLANNING AND PERMITTING CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TM FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041

DEPT. WEB SITE: www.honoluludpp.org • CITY WEB SITE: www.honolulu.gov

RICK BLANGIARDI MAYOR



DEAN UCHIDA DIRECTOR

DAWN TAKEUCHI APUNA DEPUTY DIRECTOR

May 10, 2022

SENT VIA EMAIL

Mr. D.G. Anderson

Dear Mr. Anderson:

This is in response to your email on April 30, 2022, regarding access to Ms. Knight's property Tax Map Key 3-3-034: 001 from the undeveloped portion of Pakui Street.

Based on the City and County of Honolulu (City) Land Division records, Pakui Street, adjacent to Ms. Knight's property, is not owned by the City. As such, should Ms. Knight wish to seek permission to cross over a portion of the privately-owned road, she should consult with the road's owner(s).

Any clearing or grading work on private property may require a grubbing and/or grading permit. In addition, any work within the City-owned portion of Pakui Street may require a trenching permit. A determination for required permits shall be made when plans are submitted to our Department for review.

Any proposal for permanent driveway access from the City-owned portion of Pakui Street, would require comments from the State of Hawaii, Department of Land and Natural Resources and authorization from the private property owner(s) of Pakui Street.

Should you have any questions, please contact Weston Wataru, Program Administrator Site Development Division, at (808) 768-8296.

Very truly yours,

Dawn Takeuchi Apuna

Deputy Director

cc: Mayor Rick Blangiardi

Exhibit I

Children May Have Started Blaze

Heights Brush Fire Perils Homes

with matches may have caused yesterday's brush fire on Maunalani Heights which threatened scores of homes in Palolo Valley and on Wilhelmina Rise. It came as close as 10 feet of one

The fire, which broke out shortly after noon, was con-tained about three hours later after four engine compa-nies-Nos. 2, 3, 7 and 29-fought the blaze from the foot and top of the heights. No evacuations were ordered.

"Children often play in the area where the fire started." said a Pakui St. resident. whose home at the foot of the mountain would have been in the path of the fire

"They have a shack up there Some children were up there playing in the

ficials had not determined the cause of the blaze, which started in the valley and worked up the ridge. Several acres of dry brush, dead trees and kiawe trees were scorched.

Mack G. Martin, who lives at 1610 Mikahala Way on the heights, said the fire came "about 50 feet from some houses. Ours is not as close as some of the others.

We rushed out and used water hoses to wet the dry brush," he said.

"The fire started from the Palolo side and worked up. For a while, there was more fire than smoke. There was no damage up here, but the fire came pretty close."

Loretta Bermosk, who

Youths smoking or playing into matches may have aused yesterday's brush thich threatened scores of ficials had not determined into lives at 1602 Mikahala Way, said the fire "came as close as 10 feet of one home. All the neighbors were out with their hoses."

IN THE VALLEY, residents also wet their roofs to prevent sparks from igniting their homes.

Said Dick C. Okubo, of 1451 Mokuna Place: "Sparks hit the roof of one of my neighbors, and caused a small fire. That's the only damage, I think, in the val-

"If the firemen didn't get here, the fire would have come down on us. We would have been in the path," Okubo said.

"The smoke wasn't too bad," said Mrs Harold F. Mizuno of 1503 Mokuna Place, "but it was frighten-

Firemen had some difficulty getting at the blaze, one of scores of brush fires on Oahu over the past two months. They had to cut through private property to spray water from the bottom and the top of the heights.

Traffic on Sierra Drive between Pukalani Place and Mikahala had to be diverted because the street was clut-tered with fire hoses.

Arthur G White of 3625 Sierra Drive was unhappy about the fire—not because his home was threatened, but because water from a bedroom, located below the street level.

"It's pretty wet," he said.



Firemen rush to get their equipment in action to fight brush fire flaring on Maunalani Heights.

House Seat Eyed By James Bacon

James chief clerk of the State Senate, yesterday announced his candidacy for the House of Representatives from the 8th



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FAMOUS CIGARETTES

Exhibit J