

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii

April 26, 2024

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, HI

Land Board Members:

SUBJECT: Request for administrative enforcement and penalties for alleged violations of Hawaii Revised Statutes Section 200-39 (Kaneohe Bay commercial ocean use activities; permits; restrictions) and Hawaii Administrative Rule Sections 13-256-3 (Commercial use permit or catamaran registration certificate requirements) and/or 13-253-73 against Ohana Kayak Rentals and Ms. Janell Jensen, individually and as owner of Ohana Kayak Rentals, both jointly and severally, for allegedly offering commercial ocean recreational equipment for commercial ocean use activity within Kaneohe Bay ocean waters, and/or delivering for hire or pre-positioning for hire within one thousand feet of any shoreline of Kaneohe Bay, on the Island of O'ahu, such commercial ocean recreational equipment for these purposes, and advertising these illegal activities, all without a commercial use permit issued by the department, on at least five separate dates, and for allegedly conducting these prohibited commercial activities on Sundays and/or federal holidays on at least two of those dates, for a total of at least seven (7) separate violations.

The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

SUMMARY:

This submittal requests that the Board of Land and Natural Resources (Board) find Ohana Kayak Rentals and Janell Jensen, individually and as owner of Ohana Kayak Rentals, both jointly and severally, in violation of Hawaii Revised Statutes (HRS) Section 200-39, Kaneohe Bay commercial ocean use activities; permits; restrictions, and Hawaii Administrative Rule (HAR) Sections 13-256-3 (Commercial use permit or catamaran registration certificate requirements) and 13-256-73 (Kaneohe Bay ocean waters), for illegally conducting commercial ocean use activity within Kaneohe Bay

waters; advertising or otherwise offering any commercial ocean use activity or equipment for such activity within Kaneohe Bay waters; and/or for delivering for hire or pre-positioning within one thousand feet of any shoreline of Kaneohe Bay for hire, such commercial ocean recreational equipment by providing kayaks for rent from a location within 1,000 feet of the Kāneʻohe Bay ocean waters shoreline and for advertising of the same, without a valid commercial use permit (CUP) from the Department of Land and Natural Resources' Division of Boating and Ocean Recreation (DOBOR), including on Sundays and federal holidays, as prohibited by HRS Section 200-39(e) and HAR Section 13-256-73(c)(1).

DOBOR recommends that the Board issue seven separate administrative fines totaling thirty-five thousand dollars (\$35,000.00) for the violations alleged herein, as authorized by Hawaii Revised Statutes (HRS) Sections 200-14.5(c) and 200-39(j).

DOBOR hereby alleges violations as follows:

- Against: Janell Jensen individually, and Ohana Kayak Rentals, both jointly and severally
- Dates of incidents: November 23, 2023,
November 28, 2023,
December 31, 2023,
January 2, 2024,
February 24, 2024
- Location of incidents: Within 1,000 feet of the shoreline of Kāneʻohe Bay Ocean Waters, Oʻahu
Advertisements in print; by word of mouth; or online, including through social media
- Violations: Five (5) counts of illegally conducting commercial ocean use activity and/or offering, providing, delivering, or pre-setting any commercial ocean use equipment for such activity, and advertising for the same, without a permit in violation of HRS Section 200-39 (Kaneohe Bay commercial ocean use activities; permits; restrictions) HAR Section 13-256-3 (Commercial use permit or catamaran registration certificate requirements); and
- Two (2) counts of engaging in prohibited commercial ocean use activities on Sundays and federal holidays and prohibited advertisement or offering of commercial ocean use equipment for such activity within Kaneohe Bay waters,

without a permit, in violation of HRS Section 200-39(e) and HAR Section 13-256-73(c)(1).

Recommended Penalty: Administrative fines totaling thirty-five thousand dollars (\$35,000.00) for seven (7) separate violations of HRS Section 200-39 and/or HAR Sections 13-256-3 & -73 occurring on at least five (5) separate dates, pursuant to HRS Section 200-14.5(c), broken down as follows:

DATE OF VIOLATION	RECOMMENDED FINE
November 23, 2023 (HRS § 200-39(c) and HAR § 13-256-3)	\$5,000.00
November 23, 2023 (HRS § 200-39(e) and HAR Section 13-256- 73(c)(1))	\$5,000.00
November 28, 2023 (HRS § 200-39(c) and HAR § 13-256-3)	\$5,000.00
December 31, 2023 (HRS § 200-39(c) and HAR § 13-256-3)	\$5,000.00
December 31, 2023 (HRS § 200-39(e) and HAR Section 13-256- 73(c)(1))	\$5,000.00
January 2, 2024 (HRS § 200-39(c) and HAR § 13-256-3)	\$5,000.00
February 24, 2024 (HRS § 200-39(c) and HAR § 13-256-3)	\$5,000.00

INTRODUCTION:

Pursuant to HRS Section 200-39, advertising or otherwise offering commercial ocean use equipment for commercial ocean use activity within 1,000 feet of any shoreline of Kāneʻohe Bay ocean waters is prohibited without a CUP from DOBOR. HRS Section 200-39(k) provides that “Commercial ocean use activity” means and includes “(2) Providing any commercial ocean recreational equipment for rent or hire; or (3) Delivering for hire or pre-positioning within one thousand feet of any shoreline of Kaneohe Bay for hire, any commercial ocean recreational equipment”; and “Commercial ocean recreational equipment” includes kayaks. HRS Section 200-39(c) provides that

advertisement of unpermitted commercial use activities or commercial ocean recreational equipment shall be prima facie evidence that the owner of the advertised commercial ocean use activity or commercial ocean recreational equipment disseminated or directed the dissemination of the advertisement and that the commercial ocean use activity or commercial ocean recreational equipment is being operated in the location being advertised. HRS section 200-39(e) further provides that commercial ocean use activities are prohibited on Sundays and federal holidays. Pursuant to HAR Section 13-256-3, in order to conduct commercial activities in state ocean waters, an operator must obtain a valid commercial use permit (CUP) issued by DOBOR. And pursuant to HAR Section 13-256-73, all commercial ocean use activities in Kaneohe Bay ocean waters re prohibited on Sundays and federal holidays. As of the date of this submittal, neither Ms. Jensen individually nor Ohana Kayak Rentals has a valid CUP with DOBOR for kayak rentals for ocean use activities in Kaneohe Bay ocean waters, and for each of the instances constituting a violation alleged herein, neither Ms. Jensen nor Ohana Kayak Rentals held a valid CUP on the date of the alleged offense.

DOBOR's O'ahu staff and an Officer with the Division of Conservation and Resources Enforcement (DOCARE) observed Ms. Jensen offering kayak rental equipment and/or delivering for hire or pre-positioning within one thousand feet of any shoreline of Kaneohe Bay for hire such kayak rental equipment for commercial ocean use activity within Kaneohe Bay waters on multiple separate occasions—including Sundays and/or federal holidays—without a valid CUP. Ms. Jensen's residence, where the kayak rentals are being provided by Ms. Jensen and Ohana Kayak Rentals, is less than 1,000-feet from the shoreline of Kane'ohe Bay ocean waters. (see **Exhibit D**)

Staff have reason to believe that Ms. Jensen individually and Ohana Kayak Rentals have offered kayak rentals on numerous other occasions than those enumerated here.¹ DOBOR staff sent Ms. Jensen and Ohana Kayak Rentals a letter on October 16, 2023 providing notice to immediately cease and desist the unauthorized kayak rentals.² Ms. Jensen then contacted DOBOR staff by phone on October 24, 2023 to discuss the October 16, 2023 letter.³

Further, the Hawaii Business Registration for "Ohana Kayak Rentals"⁴ is active as of this submittal, until its expiration on May 7, 2027. Ms. Jensen is listed as the business's "registrant." These facts further suggest that the entity has knowingly continued to conduct business in the State of Hawaii.

It is therefore reasonable to expect that Ms. Jensen individually, and by extension, Ohana Kayak Rentals, had full notice of the restrictions on providing kayaks for rent

¹ As of the date of this submittal, the Ohana Kayak Rentals page on Yelp is still online and has been listed as "claimed," presumably by Ms. Jensen (*<https://www.yelp.com/biz/ohana-kayak-rentals-kaneohe>).

² Attached as **EXHIBIT A**.

³ Staff documentation of the conversation is included as **EXHIBIT B**.

⁴ Attached as **EXHIBIT C**.

within 1,000 feet of any shoreline of Kāneʻohe Bay ocean waters, as well as knowledge that she was engaging in unpermitted commercial kayak rentals and that failure to comply with the applicable restrictions could result in citations, fines, and impoundment of the ocean equipment pursuant to HRS Section 200-39 and HAR Sections 13-256-3.

FACTUAL BACKGROUND:

Ms. Jensen operates a kayak rental business under the trade name "Ohana Kayak Rentals" from her residence. Neither Ms. Jensen nor Ohana Kayak Rentals currently hold a valid CUP. No CUPs are currently being issued for Kāneʻohe Bay ocean waters pursuant to HAR Section 13-256-73(p), which prohibits any increase in commercial activity in Kāneʻohe Bay ocean waters over the level existing on July 1, 1993. And not even permitted commercial activity in Kaneohe Bay ocean waters is permitted on Sundays and federal holidays. HRS § 200-39(e); HAR § 13-256-73(c)(1). Further, Ms. Jensen is advertising her kayak rental business online. DOBOR staff found advertisements for kayak rentals on business pages for "Ohana Kayak Rentals" on Facebook⁵ and Yelp.⁶

The following timeline summarizes the incidents between October 16, 2023 and February 24, 2024, underlying DOBOR's recommendations to find Ms. Jensen and Ohana Kayak Rentals in violation of HRS Section 200-39, and HAR Sections 13-256-3 & -73. DOBOR pictures and documentation are included as **EXHIBIT D**. As shown in **EXHIBIT D**, Google Map measurements show that Ms. Jensen's residence, where the kayak rentals are being provided by Ms. Jensen and Ohana Kayak Rentals, is less than 500 feet from the shoreline of Kaneʻohe Bay ocean waters. A DOCARE report generated from an interaction with Ms. Jensen is included as **EXHIBIT E**.

- May 15, 2023: DOBOR staff is notified that kayak rentals are blocking public access near Hunalepo Street, which is a connecting street to Iui Street, where Ms. Jensen is providing kayaks for rent. Ms. Jensen is photographed giving instructions to the kayakers at the public access point. This instance is being provided as background information and not included in the counts of violation because it occurred before Ms. Jensen received the cease and desist letter from DOBOR. (see **EXHIBIT D**)
- September 25, 2023: DOBOR staff is notified about illegal kayak rentals in Kāneʻohe. Two individuals are pictured; one is carrying kayak equipment (paddle, seats). There are two kayaks strapped to the top of their vehicle, which is parked on the side of the road near the public access frequently recommended by Ms. Jensen and Ohana Kayak Rentals for customers to launch their rented kayaks. This instance is being provided as background information and not included in the counts of violation because it occurred before Ms. Jensen and

⁵ <https://www.facebook.com/people/Ohana-Kayak-Rentals/100085074561026>

⁶ <https://www.yelp.com/biz/ohana-kayak-rentals-kaneohe>

Ohana Kayak Rentals received the cease and desist letter from DOBOR. (see **EXHIBIT D**)

- October 16, 2023: DOBOR sends Ms. Jensen and Ohana Kayak Rentals a letter providing notice of the violations of HRS Section 200-39(c) and HAR Section 13-256-3. The letter also instructs Ms. Jensen and Ohana Kayak Rentals to immediately cease and desist engaging in unpermitted kayak rentals in violation of these laws. The letter included notice that failure to comply could result in citations, fines, and impoundment of ocean equipment. (see **EXHIBIT A**)
- October 24, 2023: DOBOR staff speaks with Ms. Jensen about her activities and the activities of Ohana Kayak Rentals over the phone, where Ms. Jensen confirms receipt of the October 16, 2023 letter. Ms. Jensen asked what would happen if she and Ohana Kayak Rentals continued to conduct the kayak rentals described herein and was informed that she and Ohana Kayak Rentals, both jointly and severally, would be legally responsible for all of the illegal actions and for any findings of violation(s) and liabilities arising out of those findings. Additionally, Ms. Jensen stated to DOBOR staff that Ohana Kayak Rentals is her business that is operated out of her residence and is used as a source of income. (see **EXHIBIT B**)
- November 23, 2023: DOBOR staff receives a complaint about Ms. Jensen and Ohana Kayak Rentals continuing to offer kayak rentals out of her residence (which is located within 500-feet of shoreline of Kaneohe Bay ocean waters). Two individuals are seen engaging in a transaction with Ms. Jensen and Ohana Kayak Rentals. The complainant provides a picture showing what appears to be a kayak offered by Ms. Jensen and Ohana Kayak Rentals loaded on top of the vehicle within 1,000-feet of the shoreline of Kaneohe Bay ocean waters. This is the first alleged violation of HRS Section 200-39(c) and HAR Section 13-256-3. Because November 23, 2023 is a federal holiday,⁷ this alleged instance of violation also includes a first violation of HRS Section 200-39(e) and HAR Section 13-256-73(c)(1). (see **EXHIBIT D**)
- November 28, 2023: DOBOR staff receives a complaint about Ms. Jensen providing kayak rentals from her residence. The complainant provides pictures showing vehicles with kayaks attached to the roof of the vehicles. Additionally, the member of the public photographed the same vehicle, an orange SUV, at the public beach access on Hunalepo, which is within 1,000-feet of any shoreline of Kaneohe Bay. Two individuals are carrying a kayak to load onto their vehicle. This is the second alleged violation of HRS Section 200-39(c) and HAR Section 13-256-3. (see **EXHIBIT D**)

⁷ See U.S. Office of Personnel Management Federal Holiday Calendar, attached as **EXHIBIT F**.

- December 31, 2023: DOBOR staff receives a complaint about Ms. Jensen and Ohana Kayak Rentals providing kayak rentals from her residence. The complainant provides pictures showing customers at Ms. Jensen's residence, which is located within 1,000 feet of any shoreline of Kaneohe Bay, with kayaks offered, provided, or delivered by Ms. Jensen and Ohana Kayak Rentals and intended for use within Kaneohe Bay ocean waters loaded onto their vehicles. One customer is obstructing traffic with their car doors at the same public access point at Hunalepo. This is the third alleged violation of HRS Section 200-39(c) and HAR Section 13-256-3. Because December 31, 2023 was a Sunday, this alleged instance of violation also includes a second violation of HRS Section 200-39(e) and HAR Section 13-256-73(c)(1). (see **EXHIBIT D**)
- January 2, 2024: DOBOR staff receives a complaint about Ms. Jensen and Ohana Kayak Rentals providing kayak rentals from Ms. Jensen's residence, which is located within 1,000 feet of any shoreline of Kaneohe Bay. The complainant provides pictures of an individual strapping a kayak offered, provided, or delivered by Ms. Jensen and Ohana Kayak Rentals and intended for use within Kaneohe Bay ocean waters onto his vehicle with Ms. Jensen and another individual present. This is the fourth alleged violation of HRS Section 200-39(c) and HAR Section 13-256-3. (see **EXHIBIT D**)
- DOCARE Officer Kopaciewicz assisted Officer Thompson and Officer Dombrowski in an undercover operation to investigate Ms. Jensen and Ohana Kayak Rentals for offering, providing, delivering, and/or advertising illegal kayak rentals within 1,000 feet of any shoreline of Kaneohe Bay and/or for use within Kaneohe Bay ocean waters. On February 20, 2024 Officer Kopaciewicz contacted Ms. Jensen to make a reservation for a single kayak rental for use within Kaneohe Bay ocean waters for February 24, 2024, where he was told by Ms. Jensen to call the day when there would be a better gauge of the weather. Officer Kopaciewicz called back on February 23, 2024 and reserved a single kayak for these purposes February 24, 2024.
- February 24, 2024: Officer Kopaciewicz arrives at Ms. Jensen's residence, 47-183 Iuiu Street, Kaneohe, HI 96744, which is located within 1,000 feet of any shoreline of Kaneohe Bay. At approximately 8:12am, Officer Kopaciewicz texts Ms. Jensen upon his arrival and is greeted by Ms. Jensen on behalf of Ohana Kayak Rentals. Ms. Jensen "educated" Officer Kopaciewicz, using labeled photographs on her phone, about landmarks to look out for to navigate and how to be a good steward in Kāneʻohe Bay ocean waters, thereby demonstrating that the commercial ocean recreational rental equipment was intended for use within Kaneohe Bay ocean waters. She also had Officer Kopaciewicz complete a waiver document. Ms. Jensen began loading (i.e., delivering and/or pre-positioning within one thousand feet of any shoreline of Kaneohe Bay) the kayak gear, and after Officer Kopaciewicz completed the waiver, Officer Kopaciewicz

and Ms. Jensen loaded the kayak into Officer Kopaciewicz's truck bed. At 8:45am, uniformed DOCARE Officers Thompson and Dombrowski approached Officer Kopaciewicz and Ms. Jensen, where they informed them that a DOBOR CUP was required to conduct kayak rental operations. Officer Thompson and Dombrowski cited Ms. Jensen and Ohana Kayak Rentals for violations of HRS Section 200-39(c) and HAR Section 13-256-3. This is the fifth alleged violation of HRS Section 200-39(c) and HAR Section 13-256-3. (see **EXHIBIT E**)

As of April 5, 2024, Ms. Jensen and Ohana Kayak Rentals are still advertising kayak rentals for use in Kaneohe Bay ocean waters, to be provided/ delivered/ or pre-positioned from Ms. Jensen's residence located within 1,000 feet of any shoreline of Kaneohe Bay, through the publicly accessible "Ohana Kayak Rentals" Facebook page, which appears to be the primary method of soliciting business,⁸ and which represents a continuing violation of HRS Section 200-39(c).

REGULATORY AUTHORITY:

A. Statutory Basis for Violation

HRS Section 200-39 was amended by Act 232 (2023) and provides in relevant part:

(b) No person shall conduct any commercial ocean use activity within Kaneohe Bay waters without a permit issued by the department.

(c) No person shall advertise or otherwise offer any commercial ocean use activity or equipment for such activity within Kaneohe Bay waters for which the person does not have a permit from the department. Advertisement in print; by word of mouth; or online in any form, including through social media, of unpermitted commercial ocean use activities or commercial ocean recreational equipment shall be prima facie evidence that:

- (1) The owner of the advertised commercial ocean use activity or commercial ocean recreational equipment disseminated or directed the dissemination of the advertisement in that form and manner; and
- (2) The commercial ocean use activity or commercial ocean recreational equipment is being operated at the location advertised.

The burden of proof shall be on a person charged with a violation of this section to establish that the equipment is not being used for unpermitted commercial ocean use activity or that the person's conduct is pursuant to a permit, lease, or license issued by the department.

[...]

⁸ See <https://www.facebook.com/people/Ohana-Kayak-Rentals/100085074561026>; Screenshot of Ohana Kayak Rentals Facebook page from April 5, 2024 included in **EXHIBIT D**.

(e) On Sundays and federal holidays, all commercial ocean use activities shall be prohibited.

[...]

(j) Any penalties established in rule pursuant to this section shall be separate and in addition to any other fees, charges, and fines imposed by the department.

HRS Section 200-39(k) also provides in relevant part:

“Commercial ocean recreational equipment” means . . . kayaks . . . or watercraft for any other similar commercial activity.

"Commercial ocean use activity" means and includes:

- (1) Any commercial operation of commercial ocean recreational equipment, or any other similar commercial ocean activity;
- (2) Providing any commercial ocean recreational equipment for rent or hire; or
- (3) Delivering for hire or pre-positioning within one thousand feet of any shoreline of Kaneohe Bay for hire, any commercial ocean recreational equipment.

Haw. Rev. Stat. § 200-39(k).

B. Administrative Basis for Violation

Under HAR Section 13-256-3 (Commercial use permit or catamaran registration certificate requirements), all persons engaging in commercial activity on state ocean waters are required to obtain a commercial use permit (CUP) from DOBOR:

All operators of commercial vessels, water craft or water sports equipment or activities conducting commercial tours or instruction on State ocean waters must obtain a commercial use permit or where applicable a catamaran registration certificate to be issued by the department, except for those operating out of a commercial harbor. The applicant for such permit shall comply with the applicable provisions stated in sections 13-231-50 to 13-231-70.

Under HAR Section 13-256-73(c) (Kaneohe Bay ocean waters), “(1) All commercial ocean use activities in Kaneohe Bay ocean waters are prohibited on Sundays and federal holidays.”

The HAR further establishes:

“Commercial activity” means to engage in any action or attempt to engage in any action designed for profit, which includes, but is not limited to, the exchange or buying and selling of commodities; the providing of services relating to or connected with trade, traffic, or commerce in general; any activity performed by the commercial operator or its employees or agents in connection with the delivery of such commodities or services; and the soliciting of business, including the display or distribution of notices, business cards, or advertisements for commercial promotional purposes.

Haw. Admin. R. § 13-230-8 (Definitions).

C. Administrative Penalties

Fines for violations of the administrative rules identified above are set forth in HAR Section 13-230-4, which provides, in relevant part, that:

Except as otherwise provided by law, the board is authorized to set, charge, and collect administrative fines and to recover administrative fees and costs, including attorney’s fees and costs, or bring legal action to recover administrative fines, fees and costs, including attorney’s fees and costs, or payment for damages or for the cost to correct damages resulting from violation of subtitle 8 of title 12 or any rule adopted thereunder in accordance with section 200-14.5, Hawaii Revised Statutes. Each day or instance of violation shall constitute a separate offense.

Haw. Admin. R. § 13-230-4(b).

Under HRS Section 200-14.5(a), the Board is authorized to “set, charge, and collect administrative fines and to recover administrative fees and costs, including attorney’s fees and costs, or bring legal action to recover administrative fines and fees and costs, including attorney’s fees and costs.” And like HAR § 13-230-4(b), the HRS also provides that “[e]ach day or instance of violation shall constitute a separate offense.” Haw. Rev. Stat. § 200.14.5(a).

For any violation that does not involve pollution of the waters of the State, the HRS sets the limitations on fine amounts for all violations as follows:

- (1) For a first violation or a violation beyond five years of a previous violation, a fine of not more than \$5,000;
- (2) For a second violation within five years of a previous violation, by a fine of not more than \$10,000; and
- (3) For a third or subsequent violation within five years of the last violation, by a fine of not more than \$15,000.

Haw. Rev. Stat. § 200-14.5(c).

Additionally, HAR Section 13-231-1(d) (General statement and restrictions on mooring dormant vessels) provides, in relevant part:

The department reserves the right to restrict the use of state facilities to those who are in compliance with all state and federal laws and rules and make full and timely payment of their fees and charges. Failure to comply with this section shall be cause for termination of any use permit and for refusal or withholding the granting of any future use permit requests.

Under HAR Section 13-231-1(d), the Board therefore has the authority to prevent a person from obtaining *any* future DOBOR use permits if the person is not in compliance with state and federal laws and rules, and the Board may determine the amount of time this restriction will be in place.

APPLICATION OF LAW AND RECOMMENDED PENALTY:

- A. Ms. Jensen and Ohana Kayak Rentals offered illegal commercial ocean recreational equipment (kayak rentals) for illegal commercial ocean use activity, thereby engaging in "commercial activity".

The activities that Ms. Jensen engaged in without a valid CUP, in violation of HRS Section 200-39 and HAR Sections 13-256-3 & -73, involve unauthorized commercial activity (offering, providing, delivering, pre-positioning and/or advertising kayak rentals) within 1,000 of any shoreline of Kāneʻohe Bay and intended for use within Kāneʻohe Bay ocean waters. Additionally, Ms. Jensen and Ohana Kayak Rentals' Facebook page advertises the location of her residence as being "the closest to the sandbar," which is a reference to a location within Kāneʻohe Bay ocean waters.

There is substantial and well-documented evidence showing that Ms. Jensen continues to advertise for, offer, provide, deliver and/or pre-position illegal kayak rentals from her residence, which is located within 1,000 feet of any Kāneʻohe Bay shoreline, and which rentals are intended for use within Kāneʻohe Bay ocean waters. Neither Ms. Jensen nor Ohana Kayak Rentals have not removed any of the online advertisements from Facebook, nor have they removed any of the Yelp or Google review pages. It is reasonable to assume that Ms. Jensen and Ohana Kayak Rentals are aware of the unlawfulness of their provision of kayaks for rent, as described above, pursuant to the October 16, 2023 cease and desist letter, and that they have chosen to ignore the notice.

There is also an extensive history of complaints from various members of the public regarding the illegal commercial activities described above by Ms. Jensen and her company, Ohana Kayak Rentals. Many of these complaints are from Ms. Jensen's

immediate residential community. Ms. Jensen and Ohana Kayak Rentals continue to disregard the community's concern for these illegal commercial kayak operations, as described above, by allowing customers to disrupt the neighborhood with increased traffic and safety concerns.

Pursuant to HRS Section 200-39(k), Ms. Jensen's and Ohana Kayak Rentals' kayak rental operation constitutes "commercial ocean use activity" under each of the factors provided therein, and the kayaks at issue constitute "commercial ocean recreational equipment" under the statute. It is blatantly obvious that Ms. Jensen and Ohana Kayak Rentals are advertising and offering kayaks for rental from a location within 1,000 feet of any shoreline of Kaneohe Bay and for use within Kaneohe Bay ocean waters, all without a DOBOR CUP. Furthermore, evidence establishes that Ms. Jensen and Ohana Kayak Rentals' illegal activity is also being conducted on Sundays and federal holidays, which are also, separately, prohibited by law.

As shown on the Google Map in **EXHIBIT D**, Ms. Jensen's residence, where she offers, provides, delivers, or pre-positions the kayaks for rent and advertises for the same, is located within 1,000 feet from the shoreline of Kāneʻohe Bay ocean waters, showing that these activities are occurring within the prohibited area. Furthermore, by all accounts, these rentals are intended for use within the prohibited area of Kaneohe Bay ocean waters.

B. Ms. Jensen and Ohana Kayak Rentals, jointly and severally, have failed to comply with legal permitting requirements and therefore engaged in illegal commercial activities.

According to DOBOR's records, neither Ms. Jensen nor Ohana Kayak Rentals has ever applied for, or obtained, a valid CUP from DOBOR, as required by HRS Section 200-39 and HAR Section 13-256-3, in order to engage in the commercial ocean use activity, as described more fully above. The October 16, 2023 letter sent by DOBOR notified Ms. Jensen and Ohana Kayak Rentals that they were required to obtain a CUP in order to legally operate the kayak rental business in the manner described. Ms. Jensen confirmed that she read the letter when she called DOBOR to follow up about it. Ms. Jensen and Ohana Kayak Rentals continue to operate the business without a CUP and ignore DOBOR's notice to cease and desist providing illegal kayak rentals within 1,000 feet of any Kaneohe Bay shoreline and for use within Kaneohe Bay ocean waters. In fact, during the phone conversation with DOBOR staff, Ms. Jensen asked what would happen if her business were to continue to operate without a CUP and was informed that she and Ohana Kayak Rentals, both jointly and severally, would be legally responsible for any unlawful actions. It is apparent that Ms. Jensen and Ohana Kayak Rentals have chosen to disregard the known, potential consequences of operating an unpermitted business and that Ms. Jensen individually and Ohana Kayak Rentals, both jointly and severally, should be held legally responsible for continuing to provide the

illegal kayak rentals, as more fully described above, without the valid CUP required by law.

Ms. Jensen and Ohana Kayak Rentals have shown a blatant disregard for the laws and protections put in place to ensure public safety and natural resource conservation through repeated and on-going violations of the above-summarized commercial activity restrictions.

C. Administrative Penalties are authorized by Hawaii Revised Statutes and the Hawaii Administrative Rules for each of Ms. Jensen's and Ohana Kayak Rentals' illegal activities described above, including but not limited to the seven alleged violations enumerated here.

Pursuant to HRS Section 200.14.5(a) and HAR Section 13-230-4(b), each day or instance of violation is considered a separate offense.

As evidenced herein and by the attached exhibits, Ms. Jensen and Ohana Kayak Rentals were observed on at least five dates, two of which were Sundays and/or federal holidays, bringing the total number of violations to seven (7) (not counting the on-going advertising violations), conducting unlawful commercial ocean use activity or advertising or offering equipment for such activity from a location within 1,000 feet of any shoreline of Kaneohe Bay, and for activity to take place within Kaneohe Bay ocean waters. Pursuant to HRS Section 200-14.5(c), Ms. Jensen and Ohana Kayak Rentals can therefore be fined five thousand dollars (\$5,000.00) for each violation.

There are no mitigating factors that DOBOR staff believes would justify a lesser fine for the violations listed above. Ms. Jensen had full notice of the applicable regulations, per the October 16, 2023 cease and desist letter sent by DOBOR, and the citation issued by DOCARE. Additionally, Ms. Jensen chose to continue to violate the commercial activity restrictions on multiple occasions after being notified of the infractions. It is essential that the Department impose equivalent consequences for repeated, blatant violations of HRS and HAR restrictions, particularly when the violations appear to be ongoing.

Due to Ms. Jensen's disregard for DOBOR's rules, and in order to curb any temptation to further violate HRS or HAR restrictions in the future, staff recommends that the Board issue the maximum administrative fines to Ms. Jensen: a total amount of thirty-five thousand dollars (\$35,000.00) for the alleged violations of HRS 200-39(e) and HAR Section 13-256-3 as described herein.

Pursuant to HRS Section 200-14.5(c), DOBOR has calculated the recommended fines as follows:

DATE OF VIOLATION	RECOMMENDED FINE	COMMENT
November 23, 2023	\$5,000.00	First violation of HRS Section 200-39(c) and HAR Section 13-256-3
November 23, 2023	\$5,000.00	First violation of HRS Section 200-39(e) and HAR Section 13-256-73(c)(1)
November 28, 2023	\$5,000.00	Second violation of HRS Section 200-39(c) and HAR Section 13-256-3
December 31, 2023	\$5,000.00	Third violation of HRS Section 200-39(c) and HAR Section 13-256-3
December 31, 2023	\$5,000.00	Second violation of HRS Section 200-39(e) and HAR Section 13-256-73(c)(1)
January 2, 2024	\$5,000.00	Fourth violation of HRS Section 200-39(c) and HAR Section 13-256-3
February 24, 2024	\$5,000.00	Fifth violation of HRS Section 200-39(c) and HAR Section 13-256-3
TOTAL	\$35,000.00	

Staff’s additional requested penalty under HAR Section 13-231-1(d) — to prohibit Ms. Jensen and Ohana Kayak Rentals from obtaining any type of use permit from DOBOR, including but not limited to mooring permits and CUPs, for twenty-four (24) months from the date of this submittal — is also warranted here because of the egregiousness of the violations. Ms. Jensen and Ohana Kayak Rentals continued to violate commercial operation regulations after being notified of the illegality of their activities. DOBOR believes that preventing issuance of use permits in the future, and thereby preventing many types of boating and commercial ocean recreation activities, will help to deter anyone considering engaging in illegal commercial activity.

RECOMMENDATIONS:

DOBOR requests that the Board:

1. Find that Ohana Kayak Rentals and Janell Jensen, individually and as owner of Ohana Kayak Rentals, both jointly and severally, committed at least two (2) administrative violations of HRS Section 200-39(e) and HAR Section 13-256-73(c)(1), and at least five (5) administrative violations of HRS Section 200-39(c) and HAR Section 13-256-3, as described above, and authorize the issuance of a Notice of Violation for the seven violations described herein;
2. All of the above-described actions were intentionally taken by Ohana Kayak Rentals and by Ms. Jensen, individually and as owner of Ohana Kayak Rentals, and that both parties shall be held jointly and severally liable for all penalties imposed.
3. Authorize the following penalties for the violations:
 - a. Issue administrative fines totaling thirty-five thousand dollars (\$35,000.00) against Ms. Jensen and Ohana Kayak Rentals, both jointly and severally, for their violations of HRS Section 200-39 and HAR Sections 13-256-3 & -73, pursuant to HRS Section 200-14.5(c) and other applicable authority, and which fines shall be paid to the Department within ninety (90) days; and
 - b. Prohibit Ms. Jensen and Ohana Kayak Rentals from obtaining any type of use permit from DOBOR, including, but not limited to CUPs, for twenty-four (24) months from the date of this submittal, pursuant to HAR Section 13-231-1(d). This prohibition shall apply to any vessel owned by Ms. Jensen and/or Ohana Kayak Rentals, in-full or in-part, any vessel Ms. Jensen and/or Ohana Kayak Rentals operates under lease, exclusively or in-part, any vessel owned by or leased to a business entity of any kind in which Ms. Jensen and/or Ohana Kayak Rentals is a majority owner or shareholder, and to any vessel Ms. Jensen and/or Ohana Kayak Rentals may otherwise operate in State waters during the 24-month period.
4. Delegate authority to the Chairperson to effectuate the above recommendations and take any other actions in furtherance of enforcing the subject violations, subject to such conditions as may be prescribed by the Chairperson to serve the best interests of the State, without further consultation from the Board, subject to review and approval by the Department of the Attorney General; and

5. Delegate authority to the Chairperson to enter into a settlement agreement with Ms. Jensen and/or Ohana Kayak Rentals, subject to review and approval by the Department of the Attorney General.

Respectfully submitted,



EDWARD R. UNDERWOOD, Administrator
Division of Boating and Ocean Recreation

APPROVED FOR SUBMITTAL:



DAWN N.S. CHANG, Chairperson
Board of Land and Natural Resources

Attachments:

- A. October 16, 2023 Cease and Desist Letter Sent to Ohana Kayak Rentals
- B. DOBOR Documentation of Discussion with Janell Jensen
- C. DCCA-BREG Information for Ohana Kayak Rentals
- D. DOBOR Documentation of Alleged Commercial Activity
- E. DOCARE Report Documenting Alleged Commercial Activity
- F. U.S. OPM Federal Holiday Calendar

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

EDWARD R. UNDERWOOD
ADMINISTRATOR
BOATING AND OCEAN RECREATION

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

4 SAND ISLAND ACCESS ROAD
HONOLULU, HAWAII 96819

October 16, 2023

BOR-O 053.23

Ohana Kayak Rentals
Attn: Janell Jensen
47-183 Iuiu Street
Kaneohe, HI 96744

**SUBJECT: ILLEGAL COMMERCIAL ACTIVITY IN STATE OCEAN WATERS;
NOTICE TO IMMEDIATELY CEASE AND DESIST**

Aloha:

Our office has been made aware that you are engaging in commercial activity in state ocean waters without a Commercial Use Permit, as required by law and administrative rules.

YOU ARE HEREBY INFORMED that you are in violation of Hawaii Revised Statutes Section 200-39(c), as amended by Act 232, Session Laws of Hawaii 2023, which states in relevant part:

No person shall advertise or otherwise offer any commercial ocean use activity or equipment for such activity within Kaneohe Bay waters for which the person does not have a permit from the department. Advertisement in print; by word of mouth; or online in any form, including through social media, of unpermitted commercial ocean use activities or commercial ocean recreational equipment shall be prima facie evidence that:

- (1) The owner of the advertised commercial ocean use activity or commercial ocean recreational equipment disseminated or directed the dissemination of the advertisement in that form and manner; and
- (2) The commercial ocean use activity or commercial ocean recreational equipment is being operated at the location advertised.

YOU ARE FURTHER INFORMED that you are also in violation of Hawaii Administrative Rule Section 13-256-3, which states in relevant part:

All operators of commercial vessels, water craft or watersports equipment or activities conducting commercial tours or instruction on State ocean waters must obtain a commercial use permit or where applicable a catamaran registration certificate to be issued by the department, except for those operating out of a state commercial harbor.

Exhibit A

YOU ARE HEREBY ORDERED to immediately cease and desist all unpermitted commercial activities, including advertisement, renting of ocean related equipment, and any commercial ocean recreation tours or services. Failure to comply will constitute grounds for enforcement action including, but not limited to, citations, fines, and impoundment of vessels and equipment.

If you have any questions or would like to discuss this matter further, please feel free to contact us at (808) 832-3520.

Sincerely,



Jenna Kawasugi
Assistant Oahu District Manager

c: DOCARE

SENT BY REGULAR AND CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Tashima, Todd H

From: Kawasugi, Jenna M
Sent: Tuesday, October 24, 2023 4:20 PM
To: Sumada, Jiro; Silberstein, John G; Tataipu Jr, Fagota; Thompson IV, Edward K; Borabora, Tanya L.
Cc: Swartz, Bruce L; Tamayo, Perry; Weinhardt, Catherine; Yap, Joshua K; Murakami, Scott; Rodriguez, Yazmyn; Okamoto, Bryce; Statts, Meghan L; Underwood, Ed R; Tashima, Todd H
Subject: RE: OHANA KAYAK RENTALS - DOBOR Illegal CUP Cease and Desist Letter
Attachments: BOR-O 053.23 - ILLEGAL CUP CD 2023.10.16.pdf

All,

I just got an earful and grilled from Janell Jansen from a phone conversation this afternoon. This phone call confirms she received the Cease and Desist Letter for Ohana Kayak Rentals that I sent to her, dated: 10/16/2023. I've provided my email address for her to send her inquiries and complaints. During the conversation, I also explained that many of her questions/concerns/complaints may involve different Divisions within the DLNR and other agencies. I cannot account for everything as that may be outside of my jurisdiction and she should email her concerns/comments. She stated she has been calling many agencies and may be contacting yours as well.

The conversation I had consisted of the following (my Answers to her in blue):

- Who made the complaint(s)? How many?
 - o A: The letter was sent in response to complaints as well as notification of the Act 232 as referenced in the letter.
- Who else received the letter?
 - o A: She's the first one, we'll be addressing others as information becomes available.
- This violates her Amendment/Constitutional Rights.
 - o A: Her commercial operation is violating the HRS and HARs as references are in the letter, review the letter.
- She spoke to Bruce Swartz, DOBOR Oahu District Manager and it was stated that her operation was not viewed as a commercial operation.
 - o A: If she reviews the letter, Act 232 is relatively new, at the time she spoke with Bruce, it did not apply.
- She's called the DCCA and AGs? Regarding the letter as we're restricting her from operating her business.
 - o A: The notification letter indicates, she can no longer operate in the current manner.
- There are numerous other kayak operators doing the same thing such as Kamaaina Kids, the Marine Corps base, etc. I should look on Google for kayak rentals on Oahu and I can find all the other operators.
 - o Why didn't we send letters to them too?
 - A: We'll look into the concerns of other potential violations if she provides them (provided my email address) or as the information becomes available as they have different aspects to their operations.
- Where can she complain about persons walking on the reef?
 - o A: DAR/DOCARE
- Why did she not receive a response when she's made complaints? To who? – She doesn't recall.
- Why can't I stay on the phone with her to go over EVERY illegal operator?
 - o A: Again, she can provide her concerns in writing and we can look into it. Can send by email.
- Someone threatened her and her 10 year old, keyed her car and threatened to shut down her business.
 - o A: That's a separate issue she can report to whomever that jurisdiction falls under. It is not the same even if it concerns her business or a threat to it.
- Why can't I answer all her questions over the phone? Why does she need to put it in writing?
 - o A: A written request to address concerns allows us to better provide an appropriate response.
- What are the fines? Is there a fine for continuing to operate? Is there any way around this?

Exhibit B

- A: It is undetermined as to what fines, citations, etc. will be assessed. There is no way around this. She's been notified to cease and desist, what she does is entirely up to her.
- Who enforces this?
 - A: Could be multi-agencies.
- Will her items be confiscated?
 - A: Possible.
- What will DOCARE do?
 - A: She'll have to inquire with DOCARE.

Thank you,
Jenna Kawasugi

Assistant Oahu District Manager
State of Hawaii, DOBOR
(808) 832-3520

From: Sumada, Jiro <jiro.sumada@honolulu.gov>
Sent: Monday, October 16, 2023 11:25 AM
To: Kawasugi, Jenna M <jenna.m.kawasugi@hawaii.gov>; Silberstein, John G <john.g.silberstein@hawaii.gov>; Tataipu Jr, Fagota <fagota.tataipu.jr@hawaii.gov>; Thompson IV, Edward K <edward.k.thompson@hawaii.gov>; Borabora, Tanya L. <tanya.borabora@hawaii.gov>
Cc: Swartz, Bruce L <bruce.l.swartz@hawaii.gov>; Tamayo, Perry <ptamayo@honolulu.gov>; Weinhardt, Catherine <cweinhardt@honolulu.gov>; Yap, Joshua K <joshua.yap@honolulu.gov>; Murakami, Scott <scott.murakami@hawaii.gov>; Rodriguez, Yazmyn <yazmyn.rodriguez@honolulu.gov>; Okamoto, Bryce <bryce.okamoto@honolulu.gov>; Statts, Meghan L <meghan.l.statts@hawaii.gov>; Underwood, Ed R <ed.r.underwood@hawaii.gov>
Subject: [EXTERNAL] RE: OHANA KAYAK RENTALS - DOBOR Illegal CUP Cease and Desist Letter

Aloha Jenna and DOBOR Team,

Thank you for taking action right away on this matter!

Much Mahalo,

Jiro

From: Kawasugi, Jenna M <jenna.m.kawasugi@hawaii.gov>
Sent: Monday, October 16, 2023 10:38 AM
To: Silberstein, John G <john.g.silberstein@hawaii.gov>; Tataipu Jr, Fagota <fagota.tataipu.jr@hawaii.gov>; Thompson IV, Edward K <edward.k.thompson@hawaii.gov>; Borabora, Tanya L. <tanya.borabora@hawaii.gov>
Cc: Swartz, Bruce L <bruce.l.swartz@hawaii.gov>; Tamayo, Perry <ptamayo@honolulu.gov>; Weinhardt, Catherine <cweinhardt@honolulu.gov>; Yap, Joshua K <joshua.yap@honolulu.gov>; Murakami, Scott <scott.murakami@hawaii.gov>; Sumada, Jiro <jiro.sumada@honolulu.gov>; Rodriguez, Yazmyn <yazmyn.rodriguez@honolulu.gov>; Okamoto, Bryce <bryce.okamoto@honolulu.gov>; Statts, Meghan L <meghan.l.statts@hawaii.gov>; Underwood, Ed R <ed.r.underwood@hawaii.gov>
Subject: OHANA KAYAK RENTALS - DOBOR Illegal CUP Cease and Desist Letter

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Aloha All,

Please see attached letter being mailed out today notifying Ohana Kayak Rentals to cease and desist illegal commercial operations in Kaneohe Bay ocean waters.

Act 232: https://www.capitol.hawaii.gov/sessions/session2023/bills/GM1335_.PDF

Thank you,
Jenna Kawasugi

Assistant Oahu District Manager
State of Hawaii, DOBOR
(808) 832-3520

BREG DCCA

Hawaii Business Express

Start, manage, and learn about Hawaii businesses

DOCUMENTS CART:

0 Items

\$0.00

(/documents/order.html)

OHANA KAYAK RENTALS

[Back to search results](#)

Trade Name

Begins with... ▼

[Search](#)

[All Company Info](#)

[Forms](#)

[Buy Available Docs](#)

General Info

[🔔 Receive Trade Name Reminders \(/documents/notifyLogin?fileNumber=484881ZZ&certificateNo=4261632\)](#)

Trade Name

OHANA KAYAK RENTALS

File Number

484881 ZZ

Certificate Number

4261632

Status

Active

Exhibit C

Purpose

KAYAK RENTALS AND SOME WATER EQUIPMENT SAFETY SOME CLOTHING AND RETAIL POSSIBLY.

Category

0 - NO CATEGORY SELECTED

Expiration Date

Mar 7, 2027

Registration Date

Mar 8, 2022

Mailing Address

47-183 IUIU STREET
KANEEOHE, Hawaii 96744
UNITED STATES

Registrant

JANELL JENSEN

Other Filings

Date	Description	Remarks
Mar 8, 2022	Application for Registration of TN/TM/SM	Application for Registration of TN/TM/SM

Note: Transactions may be available for purchase. Please see the **Buy Available Docs** tab for additional information.

BREG DCCA | [Contact us](http://cca.hawaii.gov/breg/contact/)

King Kalakaua Building
335 Merchant St Rm 201
Honolulu, Hawaii 96813

[Accessibility \(https://portal.ehawaii.gov/page/accessibility\)](https://portal.ehawaii.gov/page/accessibility) [Feedback](#)

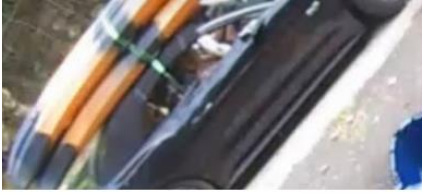
[Privacy \(https://portal.ehawaii.gov/page/privacy-policy\)](https://portal.ehawaii.gov/page/privacy-policy)

[Stay Connected \(https://stayconnected.hawaii.gov\)](https://stayconnected.hawaii.gov)

[Terms \(https://portal.ehawaii.gov/page/terms-of-use\)](https://portal.ehawaii.gov/page/terms-of-use)

Powered by [Tyler Technologies \(https://www.tylertech.com\)](https://www.tylertech.com)

Location of Ohana Kayak Rentals



Ohana Kayak Rentals

4.8 ★★★★★ (62)

Canoe & kayak rental service

Overview

Reviews

About



Directions

Save

Nearby

Send to phone

Share

47-183 Iuliu St, Kaneohe, HI 96744

Closed · Opens 9 AM
Updated by this business 11 weeks ago

facebook.com

(808) 940-4569

F52H+H8 Kaneohe, Hawaii

Send to your phone

Identifies as women-owned



Ohana Kayak Rentals

4.8 ★★★★★ (62)

Canoe & kayak rental service

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F52H+H8 Kaneohe, Hawaii

Send to your phone

Identifies as women-owned

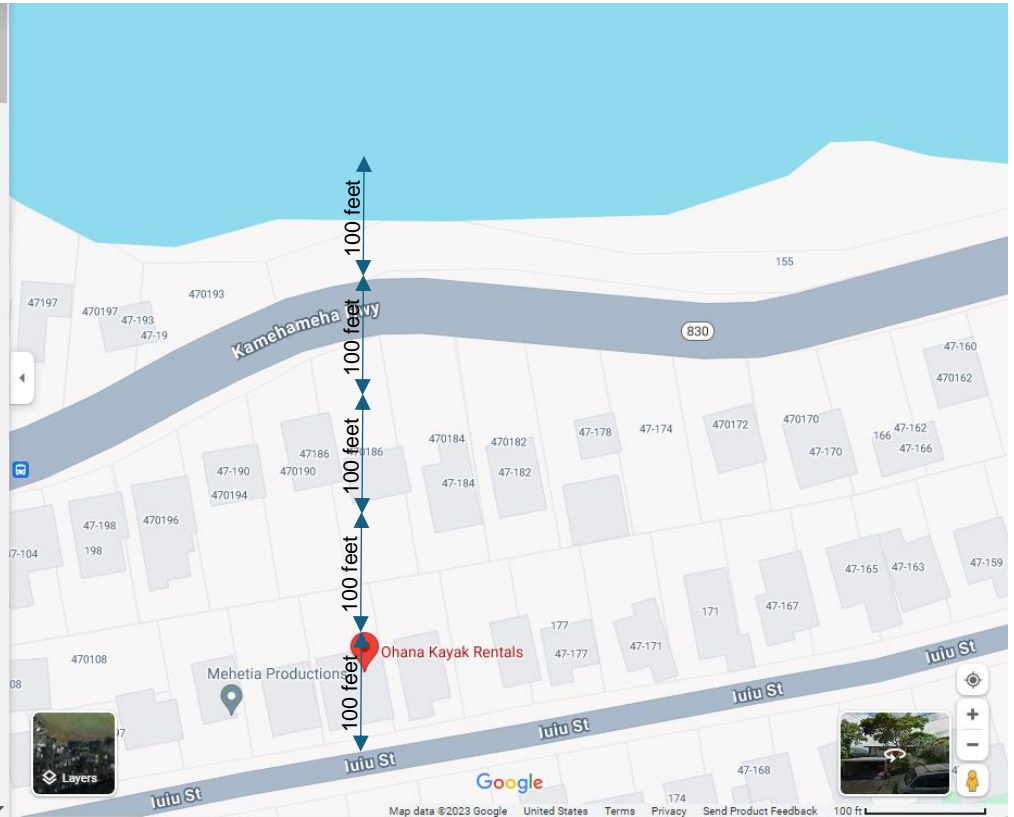


Exhibit D

Facebook Page for Ohana Kayak Rentals Accessed April 5, 2024



Ohana Kayak Rentals

77 likes • 110 followers

Posts **About** Reels Photos Videos




About

Contact and basic info


Page transparency

Categories

 Canoe & Kayak Rental

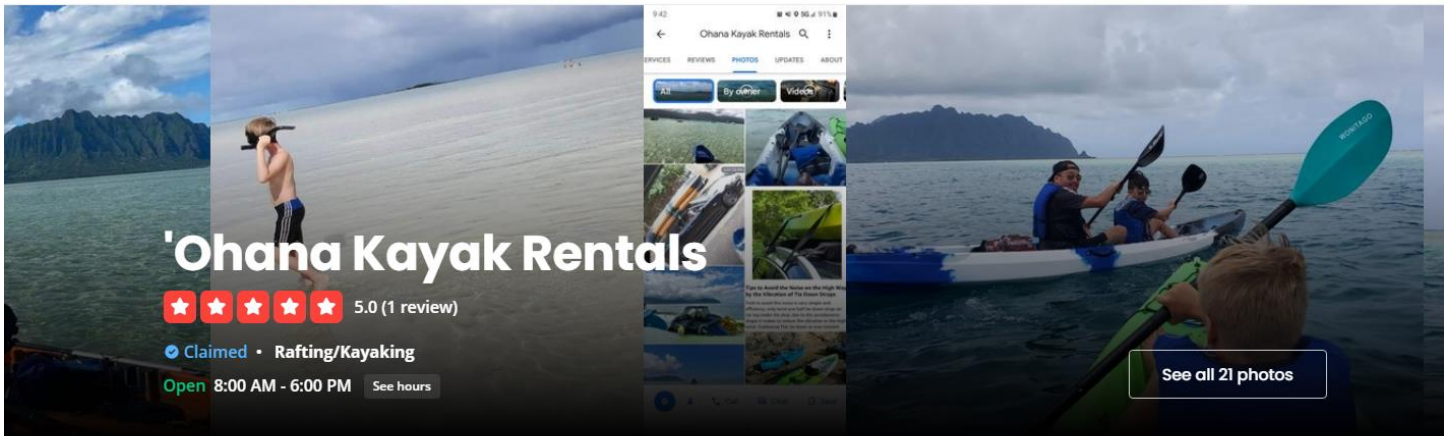
Contact info



 47-183 iuiu street , Kaneohe, HI, United States, 96744
Address

 (808) 940-4569
Mobile

Yelp Business Information Accessed December 5, 2023



[Write a review](#) [Add photo](#) [Share](#) [Save](#)

Location & Hours

[Suggest an edit](#)



47-183 Iuli St
Kaneohe, HI 96744

[Get directions](#)

Mon	8:00 AM - 6:00 PM
Tue	8:00 AM - 6:00 PM Open now
Wed	8:00 AM - 6:00 PM
Thu	8:00 AM - 6:00 PM
Fri	8:00 AM - 6:00 PM
Sat	8:00 AM - 6:00 PM
Sun	Closed

(808) 940-4569

[Get Directions](#)

47-183 Iuli St Kaneohe, HI 96744

[Message the business](#)

[Suggest an edit](#)

You Might Also Consider

Sponsored



Kama'aina Kayak and Snorkel Eco-Ventures

From the business



Specialties

Near my home business location, I have 2 of the closest channels out to the sandbar, away from all the many boats from the pair buzzing by. The channels go out to the bay and are to be followed so the fringing barrier reef is not damaged, the reef comes up to the near surface of the water even on high tide. It's important to respect the reef and not damage it. The reef is 200,000 years old it's one of the largest barrier reefs in the northern Pacific. It is easy to load up to 2 kayaks per vehicle even if you have a convertible. Public access points to the bay are a minute away for Kaneohe Sandbar trips. There are other places the kayak can be taken to as well as Mokoli'i chinamens hat , Mokolua aka Coconut island aka Gilligan's island, the mountain view stream behind windward babtist church, or Kahana Bay. I do not do business in the water only 7 engine boat tour companies are legal to do that in the bay out here no permits have been given out since 1996 so don't expect me to bring the kayak in the water and please have understanding of the law although other places do not follow the law. There are no only kayak rental businesses legal to do start business in the water of kaneohe bay. I will give you all the necessary information you'll need to have a good time. Please call ahead to check in for availability or make a reservation to pick up between 8am-3pm. Many blessings.

May 15, 2023 Documentation





05/15/23



Instruction/briefing being conducted by OKR at shoreline C&C public access at Hunalepo on 05/15/23

ccess

September 25, 2023 Documentation



November 23, 2023 Documentation



November 28, 2023 Documentation



Loading up on the blind corner at the public access on Kam Hwy on 11/28/23



SPEED
LIMIT
30

Returning kayak to OKR on 11/28/23
Intersection of Kam Hwy & Hunaahi St



Drop off at OKR on 11/28/23

12/31/2023 Documentation



Same customer returning kayak to OKR on 12/31/23



OKR customer obstructing blind corner at Kam Hwy/Hunalepo intersection on 12/31/23

1/23

January 2, 2024 Documentation



State of Hawaii-Criminal Citation; Arrest & Summons in the District Court of the First Circuit



CITATION NO.: 6572330

AGENCY / TYPE

- Airport (A) Harbor/Boating (H)
- Animal Lic. (DL) Animal Industry (DAI)
- Plant (DPI) DLNR (LNR) MO

COMPLAINT: The undersigned officer, on behalf of Plaintiff, State of Hawaii, declares under penalty of law that he/she has probable cause to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the criminal offense(s) noted below and that the same is true and correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
LAST NAME JENSEN			
FIRST NAME JANELL		MIDDLE INITIAL(S) DESIREE	
ADDRESS 47-183 IUIU STREET			
CITY KANEHOHE		STATE HI	ZIP CODE 96744
OPERATOR LICENSE NO. STATE ID		STATE HI	EXP. DATE
YEAR OF BIRTH	HEIGHT	WEIGHT	ETHNICITY (optional)
SEX <input type="checkbox"/> M <input checked="" type="checkbox"/> F	SSN-last 4 digits (required by HRS 803-6(c)(2)) xxx - xx - _____		
CONTACT PHONE NUMBER(S) (808) 940-4569	MILITARY SERV. <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	MILITARY ID (last 4 characters)	
EMPLOYER (if driving company vehicle) OHANA KAYAK RENTALS			
VEHICLE/VESSEL NO. INFORMATION			
LICENSE PLATE/VIN	STATE/COUNTRY	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N	
MAKE/NAME/MODEL	TYPE	COLOR	YEAR CMV <input type="checkbox"/> Y <input type="checkbox"/> N
DETAILS REGARDING THE OFFENSE(S) CHARGED			
DATE (Month / Day / Year) 2/24/2024	TIME 0920 HRS	DISTRICT D4	BEAT 05
LAW(S) VIOLATED & COMMITTED			
SECTION HRS 200-39(c)	DESCRIPTION KANEHOHE BAY COMMERCIAL USE ACTIVITIES; PERMITS, RESTRICTIONS		
SECTION HAR 13-256-B(a)	DESCRIPTION OPERATOR PERMIT COMMERCIAL VESSEL AND WATER ET SPORTS EQUIP. REG. REQUIREMENTS		
SECTION	DESCRIPTION		
SECTION	DESCRIPTION		

COURT

Exhibit E

OFFICER'S STATEMENT OF FACTS

LOCATION: AT DEFENDANT'S HOME RESIDENCE
(47-183 IUIU STREET, KANEHOHE, HI 96744)

Description of Evidence Seized:

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I agree to appear before the District Court of the First Circuit on the date and at the time and location designated below to answer the charge(s). I understand that my signature is not an admission to the charge(s).

X Janel Jensen DEFENDANT REFUSES TO SIGN
Defendant's Signature (Please read instructions on the reverse side)

The defendant is hereby directed to appear before the District Court of the First Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

SUMMONS

COURT LOCATION (see addresses on reverse side)

HONOLULU KANEHOHE EWA WAHIAWA WAI'ANAEA

DATE: 3/21/2024 TIME: 0800 HOURS COURTROOM:

COMPLAINING OFFICER INFORMATION

I certify that I served Defendant on the date, time and place indicated on this citation.

PRINT RANK, FIRST INITIAL & LAST NAME: CREO III, E. THOMPSON ID NO.: 261

OFFICER'S SIGNATURE: E. Thompson DATE OF ISSUANCE: 2/24/2024

COURT



State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number OA-24-00198	District NORTHERN	Lead Investigator THOMPSON, EDWARD K IV - THOMEK
Date/Time Reported 02/24/2024 0800	Location 47-183 IUIU ST, KANEOHE, HI 96744	Classification KANEOHE BAY OCEAN USE ACTIVITIES; PERMITS; RESTRI
Status CIT CITATION ISSUED	Activity Code Ocean Waters-Navigable Waters-Beaches	

Incident and Report Control

A. COMPLAINT

Taken By: *Ed Thompson* **THOMPSON, EDWARD K IV** Reported Date/Time: **2/24/2024 8:00:00 AM**

How Taken: **OTHER**

Complainant: **GRAESSLE, HOWARD**

Phones: [REDACTED]

Address: [REDACTED]

Complainant: **VIERRA, ALVIN H**

Phones: [REDACTED]

Address: [REDACTED]

Complainant: **MEHUS, GREG**

Phones: [REDACTED]

Address: [REDACTED]

Incident Summary: On the above mentioned date, time, and location, Janell JENSEN was issued citation #6572330LNR under the State of Hawaii, District Court of the First Circuit Criminal Citation: Arrest & Summons, under HRS 200-39(c) "Kaneohe Bay commercial use activities; permits; restrictions" and HAR 13-256-3(a) "Commercial operator permit requirements" and was released from the scene without incident.

No further investigation required. Citation issued.

CLOSED. CITATION ISSUED.

CITED **JENSEN, JANELL DESIREE**
(808) 940-4569
47183 IUIU STREET KANEOHE, HI 96744

Location: **47-183 IUIU ST, KANEOHE, HI 96744**

Occurred From: **2/24/2024 0800**
Occurred To: **2/24/2024 0935**

B. REPORT CONTROL

Branch: **OAHU**

District: **ODIV**

Lead Investigator: **THOMPSON, EDWARD K IV**

C. NOTES/DISPOSITION/OTHER INFO

Disposition: **CITATION ISSUED**



State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number OA-24-00198	District DISTRICT IV (OAHU)	Lead Investigator THOMPSON, EDWARD K IV - THOMEK
Date/Time Reported 02/24/2024 0800	Location 47-183 IUIU ST, KANEOHE, HI 96744	Incident Type Prohibited Commercial Activity
Status CIT CITATION ISSUED	Activity Code Ocean Waters-Navigable Waters-Beaches	

Investigation Report

Fishing Hunting Boating Drug Rel. Forestry NOAA JEA Land - OCCL CWRM Historic State Parks KAIC Other

BASIC

Classification 200-39 KANEOHE BAY OCEAN USE ACTIVITIES; PERMITS; RESTRICTIONS	Source OTHER
--	------------------------

Location of Incident / Intersecting Street 47183 IUIU STREET PRIVATE RESIDENCE KANEOHE HI 96744 X-Street:	Island OAHU	Branch OAHU
	Date / Time Occurred From 2/24/2024 0800	Date / Time Occurred to 2/24/2024 0935

Category OTHER AREAS	Weather CLOUDY
--------------------------------	--------------------------

WEAPONS USED:

WEAPONS USED:					
---------------	--	--	--	--	--

PERSONS

Name (Last, First, Middle) JENSEN, JANELL DESIREE	Juvenile <input type="checkbox"/>	Sex FEMALE	Race WHITE	Age	Date of Birth
---	--------------------------------------	----------------------	----------------------	-----	---------------

Address 47183 IUIU STREET KANEOHE HI 96744
--

Category CITED	CODE: CIT	Home Phone (808) 940-4569	Other Phone
--------------------------	------------------	-------------------------------------	-------------

Name (Last, First, Middle) GRAESSLE, HOWARD	Juvenile <input type="checkbox"/>	Sex MALE	Race WHITE	Age	Date of Birth
---	--------------------------------------	--------------------	----------------------	-----	---------------

Address [REDACTED]

Category COMPLAINANT	CODE: COMP	Home Phone [REDACTED]	Other Phone
--------------------------------	-------------------	--------------------------	-------------

Name (Last, First, Middle) VIERRA, ALVIN H JR	Juvenile <input type="checkbox"/>	Sex MALE	Race UNKNOWN	Age	Date of Birth
---	--------------------------------------	--------------------	------------------------	-----	---------------

Address [REDACTED]

Category COMPLAINANT	CODE: COMP	Home Phone [REDACTED]	Other Phone
--------------------------------	-------------------	--------------------------	-------------

Name (Last, First, Middle) MEHUS, GREG	Juvenile <input type="checkbox"/>	Sex MALE	Race WHITE	Age	Date of Birth
--	--------------------------------------	--------------------	----------------------	-----	---------------

Address [REDACTED]

Category COMPLAINANT	CODE: COMP	Home Phone [REDACTED]	Other Phone
--------------------------------	-------------------	--------------------------	-------------

Name (Last, First, Middle) DOCARE OAHU, STATE OF HAWAII	Juvenile <input type="checkbox"/>	Sex	Race	Age	Date of Birth
---	--------------------------------------	-----	------	-----	---------------

Address 1151 PUNCHBOWL ST HONOLULU HI

Category LAW ENFORCEMENT OFFICER	CODE: LEO	Home Phone	Other Phone
--	------------------	------------	-------------

RESPONDING / INVOLVED UNITS, OFFICERS, AND TIMES			
Division OAHU	Supervisor Kane, Errol K	KANEE	
Unit Number	Officer / ID (Ofcr 1 / Ofcr 2) THOMPSON, EDWARD K IV	Officer / ID (Ofcr 3 / Ofcr 4) THOMEK	

SUPPLEMENTAL	
Narrative Created By / Created On 02/24/2024	Approved By / On

Written By: THOMPSON, EDWARD K IV 02/24/2024 <i>[Signature]</i>	Approved By: <i>[Signature]</i>	PAGE 1
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Log Number OA-24-00198	District DISTRICT IV (OAHU)	Lead Investigator THOMPSON, EDWARD K IV - THOMEK
Date/Time Reported 02/24/2024 0800	Location 47-183 IUIU ST, KANEOHE, HI 96744	Incident Type Prohibited Commercial Activity
Status CIT	Activity Code Ocean Waters-Navigable Waters-Beaches	
CITATION ISSUED		

SYNOPSIS

On 02/24/2024, as an undercover Division of Conservation and Resources Enforcement Officer (DOCARE), I arrived at Janell JENSEN's place of operation for a single kayak rental reservation that was made through Ohana Kayak Rentals, address 47-183 Luiu Street, Kaneohe, HI, 96744. Upon arrival, I was educated on critical landmarks in Kaneohe Bay to navigate and signed a liability waiver. This tour service has been investigated by DOCARE officer Edward THOMPSON, who asked me to assist with this case.

TOUR BOOKING

On 02/20/2024, at approximately 1228 hours, I called Janell JENSEN, owner of Ohana Kayak Rentals, to make a reservation for Saturday, 2/24/2024. JENSEN stated that calling the day before the booking would be better to gauge the weather.

On 2/23/2024, at approximately 1213 hours, I called Janell JENSEN and reserved a single kayak for 0800 hours on 2/24/2024.

SCENE

The scene of this crime is at the 47-183 Luiu Street, Kaneohe, HI, 96744. This location appeared to be private in a small neighborhood.

ARRIVAL

On 02/24/2024, at approximately 0812 hours, I parked my vehicle in the driveway of 47-183 Luiu Street, Kaneohe, HI, and waited for JENSEN to greet me. Upon texting JENSEN that I had arrived, she appeared from the house's front door several minutes later.

CONTACT

Upon contacting JENSEN, using labeled pictures on her phone, she educated me on essential landmarks to look out for to avoid getting lost while kayaking. These included the sandbar, the grassy lawn, channels, and notable trees. She also emphasized the importance of not standing on the reef and being a good steward while navigating the bay.



Log Number OA-24-00198	District DISTRICT IV (OAHU)	Lead Investigator THOMPSON, EDWARD K IV - THOMEK
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Upon completing the directions, JENSEN had me fill out a waiver, which I took a photo of and uploaded. While signing the waiver, JENSEN started loading the kayak gear into my truck's bed, and upon completing my waiver, we loaded the single kayak.

UNIFORMED LAW ENFORCEMENT INTERCEPT

On 02/24/2024 at approximately 0845 hours, uniformed Division of Conservation and Resources Enforcement officers Edward THOMPSON and Rayne DOMBROWSKI approached me. They informed JENSEN and I that a commercial permit was required to conduct kayak operations in Kaneohe Bay. I left the scene at approximately 0900 hours.

DISPOSITION

I left the scene at approximately 0900 hours on 02/24/2024 and have a voice recording of the entire interaction.

SUPPLEMENTAL

Narrative Created By / Created On

02/24/2024

Approved By / On

ASSIGNMENT ARRIVAL

Date and Time: February 24, 2024, 0800 hours
Location: 47-1 83 Luiu St., Kane'ohe, HI 96744

OFFICERS PRESENT:

- Officer Dombrowski
- Officer Thompson
- Officer Kopaciewicz

INCIDENT DESCRIPTION:

On the aforementioned date and time, I, Officer Dombrowski, assisted Officers Thompson and Kopaciewicz in an investigation concerning an illegal kayak rental operation situated at 47-183 Luiu St., Kane'ohe, HI 96744. At 0800 hours, I met with Officer Thompson to discuss the operation plan. It was established that Officer Kopaciewicz would be undercover to rent a kayak from the illicit business. Following the loading of the kayak onto his vehicle, Officers Thompson and I would approach the business owner. My role as a uniformed conservation enforcement officer involved initiating contact, while Officer Thompson would issue a citation to the owner.

SURVEILLANCE/CONTACT

At approximately 0830 hours, Officer Thompson and I conducted surveillance from a distance of approximately 150 feet from the illegal operation. We observed Officer Kopaciewicz reversing his vehicle into the garage of the operation. Additionally, Officer Kopaciewicz engaged in conversation with a female later identified as Janell Jensen. Upon witnessing Officer Kopaciewicz loading a kayak into his vehicle, Officer

Written By: **THOMPSON, EDWARD K IV**
02/24/2024 *[Signature]*

Approved By: *[Signature]*



Log Number OA-24-00198	District DISTRICT IV (OAHU)	Lead Investigator THOMPSON, EDWARD K IV - THOMEK
Date/Time Reported 02/24/2024 0800	Location 47-183 IUIU ST, KANEOHE, HI 96744	Incident Type Prohibited Commercial Activity
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Thompson and I approached the scene, identifying ourselves as police officers with the DLNR. Officer Thompson explained the purpose of our visit and proceeded to issue a citation to the business owner at approximately 0920 hours.

CONCLUSION:

Officer Thompson issued the citation as planned, concluding the operation without further incident.

End of Report

INVESTIGATION

Narrative Created By / Created On

02/24/2024

Approved By / On

BACKGROUND

On 10/16/2023 the DLNR Division of Boating and Ocean Recreation (DOBOR) administration mailed an official cease-and-desist letter to an individual named Janell JENSEN, who is the owner of Ohana Kayak Rentals (47-183 Iuiu Street, Kaneohe, HI 96744). This after being made aware that she was conducting and advertising commercial activity in State ocean waters without a valid commercial use permit (CUP) issued by the department.

Then on 11/15/2023 at approximately 1438 hours, through email correspondence the Deputy Director of DLNR Laura KAAKUA forwarded an email to DOBOR Administrators Ed UNDERWOOD and Meghan STATTS, received by State Representative Lisa KITAGAWA from an individual named Ward GRAESSLE. GRAESSLE informed KITAGAWA that he had observed JENSEN (Ohana Kayak Rentals) continuing to operate after being sent the cease-and-desist letter from DOBOR.

ASSIGNMENT

On 11/17/2023 at 1140 hours, as a uniformed Division of Conservation and Resources Enforcement (DOCARE) Officer III, I was assigned by Oahu Branch Chief J. SILBERSTEIN to conduct further investigation on Ohana Kayak Rental's unpermitted commercial activity.

SCENE

The scene of this investigation is at the residence of Janell JENSEN at 47-183 Iuiu Street, Kaneohe, HI 96744.

CHECKS MADE

1. Online advertisement- Facebook

On 12/6/2023 at approximately 0925 hours, I made checks on the Facebook webpage titled "Ohana Kayak Rentals." On the webpage, it clearly states the pricing for rentals (\$89 triple, \$79 tandems, and \$60 singles) and the details were for a canoe & kayak rental. It also provided an address (47-183 Iuiu Street, Kaneohe, HI 96744), which is the address belonging to JENSEN. Looking a little ways down the webpage, the owner of the page states, "...I'm the closest distance to the sandbar..." which is indicative to the sandbar located within Kaneohe Bay.



Log Number OA-24-00198	District DISTRICT IV (OAHU)	Lead Investigator THOMPSON, EDWARD K IV - THOMEK
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2. Online advertisement- Yelp review

On 12/6/2023 at approximately 0926 hours, I looked on the website Yelp for the business “Ohana Kayak Rentals.” On the page it clearly indicated an address (47-183 Iuiu Street, Kaneohe, HI 96744), which is the same address belonging to JENSEN. Then in the “About the Business” section, it clearly indicates: “2 of the closest channels out to the sandbar.” Let it be noted that this is indicative of the sandbar located within Kaneohe Bay.

3. Online advertisement- Google Maps

On 12/6/2023 at approximately 0927 hours, I searched for Ohana Kayak Rentals on Google Maps, to which JENSEN's address is located (47-183 Iuiu Street, Kaneohe, HI 96744). In the “Overview” section, it states, “This is a local home kayak rental business. Nearest to shortest distance acces to the sandbar...” This is another clear indication to the sandbar located within Kaneohe Bay.

4. Registered business check through DCCA

On 12/6/2023 at approximately 0928 hours, I looked on the Department of Commerce and Consumer Affairs (DCCA) website to confirm that Ohana Kayak Rentals was a registered business, to which it was confirmed as well as owned by JENSEN.

5. Commercial use permit (CUP)

On 12/15/2023 at approximately 1030 hours, I met with DOBOR Administrator Ed UNDERWOOD and Deputy Administrator Meghan STATTS to confirm that Ohana Kayak Rentals did not possess a valid commercial use permit (CUP) issued by DOBOR. Both UNDERWOOD and STATTS confirmed this and had me meet with DOBOR Assistant Oahu District Manager Jenna KAWASUGI to clarify. KAWASUGI also confirmed no CUP issued to Ohana Kayak Rentals and mentioned her conversation with JENSEN after being called the day after being sent the cease-and-desist letter.

For further information, refer to attached witness statement form from KAWASUGI as well as a copy of the official cease-and-desist letter mailed to JENSEN.

Contact with complainant Ward GRAESSLE

On 1/12/2024 at approximately 0900 hours, I met with the complainant Howard GRAESSLE, who went by the name “Ward,” at his residence (REDACTED). GRAESSLE explained that he had observed JENSEN operating her home business for at least two years prior to the cease-and-desist letter and his biggest concerns of JENSEN's guests causing hazardous road traffic in their neighborhood as well as by a public beach access along Kamehameha Highway just within several hundred feet from their street. GRAESSLE also stated that other neighbors were willing to complete witness statement forms and was provided copies to have his immediate neighbor Greg MEHUS and Alvin VIERRA Jr., who lives directly across from JENSEN, each fill out witness statement forms.

Let it be noted that all three (3) individuals stated that they were willing to testify. For further information, refer to attached witness statement form provided by GRAESSLE, MEHUS, and VIERRA Jr.

UNDERCOVER BUY-IN

On 2/20/2024 at approximately 1200 hours, I requested DOCARE Officer W. KOPACIEWICZ to go undercover and coordinate a rental to Ohana Kayak Rentals scheduled for 12/24/2024 at 0800 hours. He was provided buy-in funds/petty cash of \$60 to make the transaction with JENSEN. The bills were marked and documented for retrieval when making contact.



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Please see attached photos to report.

ENFORCEMENT ACTION

On 2/24/2024 at approximately 0745 hours, Officer KOPACIEWICZ and I met up and briefed at Heeia Kea Small Boat Harbor (Kaneohe, HI 96744) to go over the plan to rent a single man kayak. Then I released Officer KOPACIEWICZ to meet up with JENSEN at her residence and at around 0800 hours, Officer R. DOMBROWSKI arrived at the harbor to which I coordinated with him to conduct surveillance down the road from where JENSEN's residence was.

SURVEILLANCE

At approximately 0830 hours, Officer DOMBROWSKI and I sat in his marked patrol vehicle and conducted surveillance approximately 150 feet northwest of JENSEN's residence waiting for Officer KOPACIEWICZ to load the kayak into the bed of his truck and to wait for the money transaction.

CONTACT

At approximately 0845 hours, we proceeded to the residence where we made contact with a female individual who we identified as Janell JENSEN. Officer DOMBROWSKI and I identified ourselves as DOCARE officers and Officer DOMBROWSKI initiated contact explaining the reason for contact.

ADVERTISEMENT FOR KANEOHE BAY

JENSEN was informed that the DOBOR Administrators were made aware of her business advertising for kayak rentals within Kaneohe Bay, which was a violation of the newly amended Hawaii Revised Statute (HRS) 200-39(c) "Kaneohe Bay commercial use activities; permits; restrictions." I explained that her online advertisement on the Facebook webpage (Ohana Kayak Rentals) and her business showing up Google Maps at her residence clearly describing the sandbar, which falls within Kaneohe Bay and State ocean waters. And the reviews from guests also indicated JENSEN's name and her explaining to them about launching their kayaks by the public beach access close to her residence, which was still within the Kaneohe Bay and State ocean waters.

REQUEST FOR COMMERCIAL USE PERMIT (CUP)

Upon request for a valid CUP issued by DOBOR, JENSEN could not provide one. JENSEN was informed that she was not allowed to conduct any commercial activities and rentals of any water sports equipment in state ocean waters without a valid CUP, which I explained was provided in the cease-and desist letter sent by DOBOR. This was

BUY-IN FUNDS

Contact was made with JENSEN prior to the money transaction, so the buy-in funds used in this investigation were not received during Officer KOPACIEWICZ's interaction.

SUSPECT INFORMATION

JENSEN provided a valid State of Hawaii driver's license (██████████) and I was able to obtain said information:

Janell Desiree JENSEN
DOB: ██████████



Log Number OA-24-00198	District DISTRICT IV (OAHU)	Lead Investigator THOMPSON, EDWARD K IV - THOMEK
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47-183 Iuiu Street
Kaneohe, HI 96744
(808) 940-4569

WITNESS STATEMENT FORMS

For further information, please refer to the witness statements forms attached to this report by said individuals below:

1. Jenna KAWASUGI, DOBOR Assistant Oahu District Manager - 6 pages
2. Ward GRAESSLE, Neighbor and retired marine surveyor - 2 pages
3. Greg MEHUS, Neighbor and boat captain (Hawaii Nautical) - 3 pages
4. Alvin H. VIERRA, Jr., Neighbor - 1 page

PHOTOS

See attached photos provided by GRAESSLE for reference - 10 pages

ATTACHMENTS

See attachments to this report as provided below:

1. Advertisement for kayak rentals on “Ohana Kayak Rentals” Facebook account - 7 pages
2. Advertisement and reviews on Google Maps -12 pages
3. Yelp review of Ohana Kayak Rentals- 3 pages
4. Business registration on Department of Commerce and Consumer Affairs (DCCA) - 2 pages
5. Photo of check requested for petty cash for buy-in funds - 1 page
6. Photo of marked bills for buy-in funds - 1 page
7. Photo of Ohana Kayak RENTAL AGREEMENT - 1 page

CITATION ISSUED

On 02/24/2024 at approximately 0920 hours, Janell JENSEN was issued citation #6572330LNR under the State of Hawaii, District Court of the First Circuit Criminal Citation: Arrest & Summons, under HRS 200-39(c) “Kaneohe Bay commercial use activities; permits; restrictions” and HAR 13-256-3(a) “Commercial operator permit requirements.” A court date of 03/21/2024 at 0800 hours at the Kaneohe District Court was issued. JENSEN acknowledged, signed, and received said citation and was released from the scene without incident.

DISPOSITION

Written By: **THOMPSON, EDWARD K IV**
02/24/2024 *Ed Thompson*

Approved By: *E. Kaneohe*



State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number OA-24-00198	District DISTRICT IV (OAHU)	Lead Investigator THOMPSON, EDWARD K IV - THOMEK
Date/Time Reported 02/24/2024 0800	Location 47-183 IUIU ST, KANEOHE, HI 96744	Incident Type Prohibited Commercial Activity
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No further investigation required. Citation issued.

CLOSED. CITATION ISSUED.

Written By: **THOMPSON, EDWARD K IV**
02/24/2024 *[Signature]*

Approved By: *[Signature]*

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA ĀINA



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

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

EDWARD R. UNDERWOOD
ADMINISTRATOR
BOATING AND OCEAN RECREATION

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

4 SAND ISLAND ACCESS ROAD
HONOLULU, HAWAII 96819

October 16, 2023

BOR-O 053.23

Ohana Kayak Rentals
Attn: Janell Jensen
47-183 Iuiu Street
Kaneohe, HI 96744

**SUBJECT: ILLEGAL COMMERCIAL ACTIVITY IN STATE OCEAN WATERS;
NOTICE TO IMMEDIATELY CEASE AND DESIST**

Aloha:

Our office has been made aware that you are engaging in commercial activity in state ocean waters without a Commercial Use Permit, as required by law and administrative rules.

YOU ARE HEREBY INFORMED that you are in violation of Hawaii Revised Statutes Section 200-39(c), as amended by Act 232, Session Laws of Hawaii 2023, which states in relevant part:

No person shall advertise or otherwise offer any commercial ocean use activity or equipment for such activity within Kaneohe Bay waters for which the person does not have a permit from the department. Advertisement in print; by word of mouth; or online in any form, including through social media, of unpermitted commercial ocean use activities or commercial ocean recreational equipment shall be prima facie evidence that:

- (1) The owner of the advertised commercial ocean use activity or commercial ocean recreational equipment disseminated or directed the dissemination of the advertisement in that form and manner; and
- (2) The commercial ocean use activity or commercial ocean recreational equipment is being operated at the location advertised.

YOU ARE FURTHER INFORMED that you are also in violation of Hawaii Administrative Rule Section 13-256-3, which states in relevant part:

All operators of commercial vessels, water craft or watersports equipment or activities conducting commercial tours or instruction on State ocean waters must obtain a commercial use permit or where applicable a catamaran registration certificate to be issued by the department, except for those operating out of a state commercial harbor.

Ohana Kayak Rentals
October 16, 2023
Page 2 of 2

BOR-O 053.23

YOU ARE HEREBY ORDERED to immediately cease and desist all unpermitted commercial activities, including advertisement, renting of ocean related equipment, and any commercial ocean recreation tours or services. Failure to comply will constitute grounds for enforcement action including, but not limited to, citations, fines, and impoundment of vessels and equipment.

If you have any questions or would like to discuss this matter further, please feel free to contact us at (808) 832-3520.

Sincerely,



Jenna Kawasugi
Assistant Oahu District Manager

c: DOCARE

SENT BY REGULAR AND CERTIFIED MAIL – RETURN RECEIPT REQUESTED

§200-39 Kaneohe Bay commercial ocean use activities; permits; restrictions. (a) Any other provision of this chapter to the contrary notwithstanding, no person shall operate thrill craft, parasailing, water sledding, or commercial high speed boating unless the person meets the requirements of section 200-37 and all rules adopted by the department that regulate or restrict these activities.

(b) No person shall conduct any commercial ocean use activity within Kaneohe Bay waters without a permit issued by the department.

(c) No person shall advertise or otherwise offer any commercial ocean use activity or equipment for such activity within Kaneohe Bay waters for which the person does not have a permit from the department. Advertisement in print; by word of mouth; or online in any form, including through social media, of unpermitted commercial ocean use activities or commercial ocean recreational equipment shall be prima facie evidence that:

- (1) The owner of the advertised commercial ocean use activity or commercial ocean recreational equipment disseminated or directed the dissemination of the advertisement in that form and manner; and
- (2) The commercial ocean use activity or commercial ocean recreational equipment is being operated at the location advertised.

The burden of proof shall be on a person charged with a violation of this section to establish that the equipment is not being used for unpermitted commercial ocean use activity or that the person's conduct is pursuant to a permit, lease, or license issued by the department.

(d) Permits issued by the department for commercial ocean use activities in Kaneohe Bay shall be limited to the number and locations, by permit type and vessel and passenger capacity, provided in the Kaneohe Bay master plan developed pursuant to Act 208, Session Laws of Hawaii 1990, until applicable rules consistent with the master plan are adopted by the department; provided that the passenger capacity for snorkeling tours and glassbottom boat tours shall be set through rules adopted pursuant to chapter 91. No thrill craft permit may be transferred after June 21, 1998; provided that transfers of permits may be made at any time between family members.

(e) On Sundays and federal holidays, all commercial ocean use activities shall be prohibited.

(f) All rules adopted by the department with regard to Kaneohe Bay shall be drafted in consultation with the Kaneohe Bay regional council.

Unofficial Compilation

§13-256-2 Interpretation. (a) If any section of these rules is inconsistent with any law of the State of Hawaii, or any laws of the United States, or any rule, or standard established pursuant to federal law, the State law or federal law, rule or standard shall govern. Nothing contained in these rules shall be construed to limit the powers of any department or agency of the state.

(b) These rules shall be construed liberally, consistent with the purpose stated in section 13-256-1.

(c) In areas designated for a specific use, if another use is not specifically restricted, that use is presumed to be allowed in addition to the use for which the area is designated, unless otherwise prohibited by this chapter. [Eff 2/24/94] (Auth: HRS §§200-22, 200-24) (Auth: HRS §§200-22, 200-24)

§13-256-3 Commercial operator permit requirements. (a) All operators of commercial vessels, water craft or water sports equipment shall apply for a commercial operator permit to be issued by the department. The applicant for such permit shall comply with the applicable provisions stated in Hawaii Administrative Rules, and Ocean Waters, Navigable Streams and Beaches, Sections 13-251-1 through 13-251-20. A valid commercial use permit issued to the owner of a vessel to operate from state harbor or launching ramp facilities shall satisfy the commercial operator permit requirement of this section for the operation of that particular vessel.

(b) The department shall establish and maintain a Recreation Advisory Committee of not less than three for each recreation management area as defined in this chapter to review and make recommendations for commercial operator permit to be issued by the department as required by this section. The department shall consider the recommendations of the Advisory Committee, but is not bound by the recommendations. Members of the Recreation Advisory Committee shall have not less than three years

DLNR CONSERVATION ENFORCEMENT STATEMENT FORM

Report No. OA-24-00198

Statement of: Jenna Kawasugi			Classification:
Address: 4 Sand Island Access Road, Honolulu, Hawaii 96819			Date of Occurrence: 01/30/2024
Age:	Date of Birth:	SSN:	Occupation: DOBOR Assistant Oahu District Manager
Res. Ph.:	Bus. Ph.: (808) 832-3520		Employer: State of Hawaii, DLNR, DOBOR
Location of Interview: Keehi Small Boat Harbor			

Please give a detailed statement answering all of the following questions:



- | | | |
|--|--|---|
| 1. What DATE and TIME did it happen? | 5. WHAT happened? | 9. DID YOU IDENTIFY any suspects? Explain. |
| 2. WHERE did it happen? | 6. HOW did it happen? | 10. DID YOU IDENTIFY any weapons? Explain. |
| 3. WHO was involved? | 7. WHY did it happen (prior events/causes)? | 11. ... any property? Explain. |
| 4. What WITNESSES do you know of? | 8. ANY OTHER relevant information? | 12. ... any vehicles? Explain. |

The undersigned freely and voluntarily provides the following statement: Page 1 of 2

On Tuesday, October 24, 2023, I received a phone call from JANELL JANSEN (Janell) who is the owner and operator of OHANA KAYAK RENTALS (OKR). The address for Janell and OKR is 47-183 Iuiu Street, Kaneohe, Hawaii 96744. Janell's phone call to the Division of Boating and Ocean Recreation (DOBOR) Oahu District office was in response to the **ILLEGAL COMMERCIAL ACTIVITY IN STATE OCEAN WATERS; NOTICE TO IMMEDIATELY CEASE AND DESIST**, two (2) page letter sent by regular and certified mail on October 16, 2023 with reference number BOR-O 053.23. The letter as stated in the subject line provides official notification as well as references Hawaii Revised Statutes (HRS) Section 200-39(c), as amended by Act 232, Session Laws of Hawaii 2023 and Hawaii Administrative Rules (HAR) Section 13-256-3. The letter also clearly states in part on Page 2 the illegal operator OKR is "ORDERED to immediately cease and desist all unpermitted commercial activities, including advertisement, renting of ocean related equipment, and any commercial ocean recreation tours or services".

During this phone conversation Janell confirmed receipt of the above noted cease and desist letter. Janell noted that this letter and what she's being advised is a violation of her civil rights and constitutional rights. I advised that she is in violation of the HRS and HAR and OKR is operating illegally as noted in the letter. She has been notified to immediately cease and desist her operations. Janell asked if she didn't stop, then what would happen. If she/OKR does not immediately cease and desist, she will be legally responsible for all of her actions and there may be multi-agencies in which there are violations.

I have read this statement prepared by Jenna Kawasugi which consists of this typed/handwritten page and 1 continuation page(s), and have been given the opportunity to make corrections thereon. I attest that this statement is true and correct to the best of my knowledge, and that I gave this statement freely and voluntarily without coercion or promise of reward.

 Signature	 #261 Investigator's Signature
Date: <u>01/30/2024</u> Time: <u>10:27 AM</u>	Date: <u>1/30/2024</u> Time: <u>10:27 AM</u>

DLNR CONSERVATION ENFORCEMENT STATEMENT FORM

Report No. CA-24-00198

Statement of: Jenna Kawasugi			Classification:
Address: 4 Sand Island Access Road, Honolulu, Hawaii 96819			Date of Occurrence: 01/30/2024
Age:	Date of Birth:	SSN:	Occupation: DOBOR Assistant Oahu District Manager
Res. Ph.:	Bus. Ph.: (808) 832-3520		Employer: State of Hawaii, DLNR, DOBOR
Location of Interview: Keehi Small Boat Harbor			

Please give a detailed statement answering all of the following questions:

- | | | |
|--|--|---|
| 1. What DATE and TIME did it happen? | 5. WHAT happened? | 9. DID YOU IDENTIFY any suspects? Explain. |
| 2. WHERE did it happen? | 6. HOW did it happen? | 10. DID YOU IDENTIFY any weapons? Explain. |
| 3. WHO was involved? | 7. WHY did it happen (prior events/causes)? | 11. . . . any property? Explain. |
| 4. What WITNESSES do you know of? | 8. ANY OTHER relevant information? | 12. . . . any vehicles? Explain. |

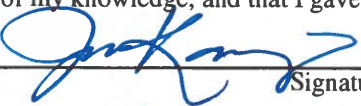
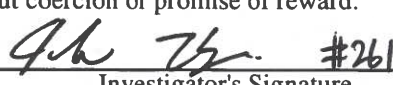
The undersigned freely and voluntarily provides the following statement: Page 2 of 2

I can only note DOBOR's jurisdiction and the violations of OKR's illegal operations. DOBOR's enforcement is the Division of Conservation and Resources Enforcement (DOCARE) who would enforce the violations and illegal operation of OKR. I again referred Janell back to the referenced two (2) paged letter to review the HRS and HAR violations.

Janell noted that OKR is her business that operates out of her house and is a source of income. OKR does not have a commercial use permit (CUP) issued by DOBOR.

End memo.

I have read this statement prepared by Jenna Kawasugi which consists of this typed/handwritten page and 0 continuation page(s), and have been given the opportunity to make corrections thereon. I attest that this statement is true and correct to the best of my knowledge, and that I gave this statement freely and voluntarily without coercion or promise of reward.

	
Signature	Investigator's Signature
Date: <u>01/30/2024</u>	Date: <u>1/30/2024</u>
Time: <u>10:27 AM</u>	Time: <u>10:27 AM</u>

DLNR CONSERVATION ENFORCEMENT STATEMENT FORM

Report No. 0A-24-00198

Statement of: <u>Ward Graessle</u>	Classification:
Address: [REDACTED]	Date of Occurrence: <u>Past 2 yrs. - continuation</u>
Age: [REDACTED]	Occupation:
Res. P: [REDACTED]	Employer: <u>Retired - Marine Surveyor</u>
Location of Interview:	

Please give a detailed statement answering all of the following questions:

1. What DATE and TIME did it happen?
2. WHERE did it happen?
3. WHO was involved?
4. What WITNESSES do you know of?
5. WHAT happened?
6. HOW did it happen?
7. WHY did it happen (prior events/causes)?
8. ANY OTHER relevant information?
9. DID YOU IDENTIFY any suspects? Explain.
10. DID YOU IDENTIFY any weapons? Explain.
11. ... any property? Explain.
12. ... any vehicles? Explain.

The undersigned freely and voluntarily provides the following statement:

I am a retired marine investigator and have submitted a 16 gb thumb drive to DOCARE officer Edward Thompson which contains the following folders and files;

- Kahaluu NB29 Mtg 10 Jan 24 - Ohana Kayak Rentals w Comments
- Kayak Photos
- Pirate Charter Photos
- Reviews for website w Janet's comments
- Violation photos after 101623
- 47-183 Iui St DPP uninspected areas
- City 140 Ch-2s Home Occupation
- HB1134 Act 232 Kaneohe Bay - HIGHLIGHTED
- IMG 4704 (Training Shoreline video)
- KBRC reso commercial activity 090722
- OKR Business License
- Ohana Kayak Rentals & Sales

I hereby attest that the evidence provided above is a fair and accurate depiction of what has been happening to our neighborhood over the past two years. It's been a recurring complaint at numerous Kahaluu Neighborhood Board meetings.

I have read this statement prepared by Ward Graessle which consists of this typed/handwritten page and 1 continuation page(s), and have been given the opportunity to make corrections thereon. I attest that this statement is true and correct to the best of my knowledge and that I gave this statement freely and voluntarily without coercion or promise of reward.

[Signature]
Signature

[Signature] #261
Investigator's Signature

Date: 02/13/24 Time: 16:50

Date: 2/13/2024 Time: 16:50

Statement of: Ward GraessleRpt. No.: OA-24-00198

1. Actively manages Google Maps website;
 - Manipulates operating hours
 - Replies to every review
 - Operates 365 days/yr (incl. Sun. & Holidays)
 - 2 yrs. of operation despite strong community opposition
 - Websites active; local hawaiian, Facebook, Instagram, etc.
 - Bushwacking at Public-Right-of-Way and leaving debris
 - Cease & Desist letter ignored, yellow kayak more prominent now
2. Clients encroach into Kam Hwy at Public Access on blind corner obstructing traffic and creating very dangerous situations.
3. Our street went from neighborhood sidewalk to constant tourist thoroughfare overnight, endangering kids on bikes/skateboards, etc.
4. Beligerant clients! Accosting neighbors...
5. Encroaching and blocking our street when loading and unloading in front of OKR's house by multiple vehicles.
6. Poaching/trespassing on adjoining waterfront property while operating out of "church friend's" house giving lessons/instructions on the shoreline ramp and reef in front of 47-133 Kam. Hwy.
7. Enforcement needed;
 - BLNR fines * (Daily since 10/16/23 Cease & Desist Order)
 - DOCARE seizure of kayaks

Signature

 #261
Investigator's Signature

Date: _____

Time: _____

Date: 12/13/2024Time: 1650 hrs

DLNR CONSERVATION ENFORCEMENT STATEMENT FORM

Report No. 0A-24-00198

Statement of: <u>Greg Mehus</u>	Classification:
Address: [REDACTED]	Date of Occurrence:
Age: [REDACTED]	Occupation: <u>Boat Captain</u>
Res. P: [REDACTED]	Employer: <u>Hawaii Nautical</u>
Location of Interview:	

Please give a detailed statement answering all of the following questions:

1. What DATE and TIME did it happen?
2. WHERE did it happen?
3. WHO was involved?
4. What WITNESSES do you know of?
5. WHAT happened?
6. HOW did it happen?
7. WHY did it happen (prior events/causes)?
8. ANY OTHER relevant information?
9. DID YOU IDENTIFY any suspects? Explain.
10. DID YOU IDENTIFY any weapons? Explain.
11. ... any property? Explain.
12. ... any vehicles? Explain.

The undersigned freely and voluntarily provides the following statement:

I'll start with general: Ohana Kayak Rentals started running a couple years ago. Before Ohana Kayak Rentals this was a quiet local neighborhood with no business around.

After Ohana Kayak Rentals started the street got really busy with people crowding the road and walking kayaks down to our public beach access area.

Also there are cars blocking the street a lot of the time as I drive by Ohana Kayak rentals blocking the road and I have to sit and wait for them to move.

I also witnessed the business owner standing in our public access area with a chain saw on I believe 1/23 I called Ward

I have read this statement prepared by GREG MEHUS which consists of this typed/handwritten page and ___ continuation page(s), and have been given the opportunity to make corrections thereon. I attest that this statement is true and correct to the best of my knowledge, and that I gave this statement freely and voluntarily without coercion or promise of reward.

[Signature]
Signature

[Signature] #261
Investigator's Signature

Date: 2/13/24

Time: 16:54

Date: 2/13/2024

Time: 16:55

Statement of:

Rpt. No.: OA-24-00198

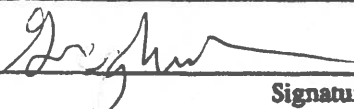
and he went and took photos of the public access with all freshly cut trees. Now its very open and ~~very~~ visible to anyone that walks. Again she is charging the neighborhood for the benefit of her business despite what the long term residents of the neighborhood want.

I have a video from yesterday ^{2/12} showing her blocking the road while she ~~does~~ business with Kayaks renters.

I have video today 2/13 of Kayaks-Renters walking their kayaks down the road.

I have video from 2/11 of the owner ~~having~~ a kayak walks down the street to her house I videod from the road. She told me that its legal and DNR doesn't have jurisdiction

I have video of a couple that were having trouble towing there kayaks and it was just sitting in the road ~~off~~ at the dolly in front of my house blocking my car so I couldn't



Signature

Date: 2/13/24Time: 16:54


Investigator's Signature

Date: 2/13/2024Time: 16:55

Statement of:

Rpt. No.: OA-24-00198

leave. In the video I ask where they rented the kayaks and they say its from the business on our street Ohana Kayak Rentals.

We have been complaining about this for awhile now. I had called DPP and nothing was done. I know several others have done the same. The neighborhood does not want to be turned into a business area with tons of people running around. She's been talked to by many people and she's beligerant and rude and feels entitled to exploit the neighborhood for her own gain. Please help.

I also can't count the amount of times cars have stopped and asked where the kayak rental place is at. I spend alot of time in my front yard and my answer is always the same. "This is a residential neighborhood there should be no kayak businesses here."



Signature

Date: 2/13/24

Time: 16:54

 #261

Investigator's Signature

Date: 2/13/2024

Time: 16:55

DLNR CONSERVATION ENFORCEMENT STATEMENT FORM

Report No. OA-24-00198

Statement of: <u>AVIN H. VIERRA, JR.</u>	Classification:
Address: [REDACTED]	Date of Occurrence: <u>On Going</u>
Age: [REDACTED]	Occupation: <u>Retired</u>
Res. P: [REDACTED]	Employer: <u>None</u>
Location of Interview: [REDACTED]	

Please give a detailed statement answering all of the following questions:

1. What **DATE** and **TIME** did it happen?
2. **WHERE** did it happen?
3. **WHO** was involved?
4. What **WITNESSES** do you know of?
5. **WHAT** happened?
6. **HOW** did it happen?
7. **WHY** did it happen (prior events/causes)?
8. **ANY OTHER** relevant information?
9. **DID YOU IDENTIFY** any suspects? Explain.
10. **DID YOU IDENTIFY** any weapons? Explain.
11. ... any property? Explain.
12. ... any vehicles? Explain.

The undersigned freely and voluntarily provides the following statement:

On or about June 30, 2023 at approximately 1700 hours, my family and I moved back in to our house at 47-190 Iulu Street. We had been living down the road due to our home being destroyed by a fire. During that time a notice a significant amount of vehicles stopped at the residence across the street from us. That address is 47-193 Iulu Street Kaneohe, Hawaii 96744. I observed vehicles stop for a short time then leave with a kayak on the roof of the vehicle. This type of activity is common for illicit drug purchases, except for the kayaks.

I know the neighbors to be Janell and Jamie. How we had met previously. I didn't pay to much attention to the activity because we were moving back into our home. After a short time I did notice vehicles stopping in front of our driveway and blocking it. This activity continued pretty much every day.

It has turned our quiet neighborhood into a little Kailua Beach. A number of neighbors went to the Neighborhood Board Meeting to discuss our concerns. At this meeting we talked about how we could help assist Law Enforcement with this illegal activity. I suggested monitoring the vehicles that go to the

to provide a better picture of the activity that goes on at the residence. I began taking license plate numbers (if possible) vehicle description and Number of people going to the house for kayak rentals. This type of information is similar to what I used as an officer with the Honolulu Police Department. I have collected a number of entries both written and on my phone that will give a good indication of the number of people that frequent this residence. I am not sitting by my window watching every occurrence, but I do make annotations when I see the violations. I am willing to testify on what I observed and my knowledge of surveillance and undercover investigations.

I have read this statement prepared by _____ which consists of this typed/handwritten page and 0 continuation page(s), and have been given the opportunity to make corrections thereon. I attest that this statement is true and correct to the best of my knowledge, and that I gave this statement freely and voluntarily without coercion or promise of reward.

[Handwritten Signature]
Signature

[Handwritten Signature] #261
Investigator's Signature

Date: 02/20/2024 Time: 1047 HOURS Date: 2/23/2024 Time: 1350 HOURS

OHANA KAYAK RENTALS- PHOTOS PROVIDED BY HOWARD GRAESSLE

11:44



Shopping

Images

Maps



Ohana Kayak Rentals (Owner)
2 months ago

Yeah I like to make sure I help my single people out by having them set out from my friends house right from the water. It's good for people that bus Uber or drive, if they drive, they usually park in front of my house whatever is easiest or works best for the customer. Also there is public street parking right on the ocean on public right away acces for people with cars can load up to 2 kayaks on one car just a few blocks to the kaneohe bay infront of the sandbar from my house..Yeah my main thing I tell people is the shortest safest easiest most enjoyable way by the reef and path out to the sandbar, Aswell what to avoid like going far west left of sand bar or far back no one wants to surf a kayak. Beginners do well to from my location i just have a bit more explaining to do for them .KAPAPA IS ALLURING TO PEOPLE TO GO TOO BUT IS PROHBITED AND CAN BE DANGEROUS THAT FAR BACK BEHIND THE SANDBAR. Also I have dry bags for customers to use it's a smart thing to not bring excessive stuff they won't need. Which prevents theft. It is awesome out there. 🌺🏄 I appreciate you Joel.

ADVERTISEMENT TO USE
PUBLIC BEACH ACCESS TO
KĀNE'ŌHE BAY OCEAN
WATERS

OHANA KAYAK RENTALS- PHOTOS PROVIDED BY HOWARD GRAESSLE

12:23 ↖



★☆☆☆☆ 5 months ago

Is this a joke? This “beach” is not a beach!
There are way better ones. Don't waste your
time! And I got stung in the face with a
jellyfish!!! Lani Kai in Kailua was way better!!!!



11



Ohana Kayak Rentals (Owner)

3 months ago

None of my customers have ever been stung by one!! Sorry you have a poor opinion of in my opinion one of the coolest places on earth. Leaving a fake review is illegal. I always warn to be on look out for manowar and bloodworms, to be aware of they're surroundings and to go around any jelly fish and not touch them. I do educate to keep a look out for them as well as not to step on blood worms the water is clear you can see when they are around. It's important to be aware of your surroundings in open waters. I hope you rubbed some sand on your face to help get the sting out, baking soda and vinegar is also a good neutralizer for them good thing you weren't allergic! God Bless You, I wish you well!! Also people like where I Launch away from the hustle and bustle of all the boats from the heeia peir to get to the beautiful sand bar and see the reef and safely navigate around it not over it tbe reef is fragile grows sliwly and deserves the utmost respect always. People also have option to pick up and go where they want like Lanikai mokes, Chinamens Hat, and many other

ADVERTISEMENT
STILL WITHIN KĀNE'ŌHE
BAY STATE OCEAN WATERS



OHANA KAYAK RENTALS- PHOTOS PROVIDED BY HOWARD GRAESSLE



OHANA KAYAK RENTALS- PHOTOS PROVIDED BY HOWARD GRAESSLE



OHANA KAYAK RENTALS- PHOTOS PROVIDED BY HOWARD GRAESSLE



OHANA KAYAK RENTALS- PHOTOS PROVIDED BY HOWARD GRAESSLE



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OHANA KAYAK RENTALS- PHOTOS PROVIDED BY HOWARD GRAESSLE



OHANA KAYAK RENTALS- PHOTOS PROVIDED BY HOWARD GRAESSLE



OHANA KAYAK RENTALS

09:28

LTE



Ohana Kayak Rentals



Ohana Kayak Rentals

55 likes • 81 followers

\$89triple, \$79 tandems \$60 singles. discount for hawaii residents and military.

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Home



Video



Marketplace



Dating



Notifications



Menu

OHANA KAYAK RENTALS

09:28



Ohana Kayak Rentals



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Details

Page · Canoe & Kayak Rental

47-183 iuiu street , Kaneohe, HI, United States, Hawaii

(808) 940-4569

Open now

Not yet rated (0 Reviews)

⋮ See Ohana Kayak Rentals' About Info

Ohana Kayak Rentals's posts



Ohana Kayak Rentals



3d ·

It's a beautiful calm day to kayak today Sat 12/2/23



Home



Video



Marketplace



Dating



Notifications



Menu

OHANA KAYAK RENTALS

09:29

LTE



Ohana Kayak Rentals



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Ohana Kayak Rentals



Sep 30 · 🌐

It's a home business, pick up at my house and load . Kayaks can load on any car, convertible, suv minivan or truck. I have the universal easy to use soft top racks and tie downs. **Im the closet distintance to the sandbar.** I'll give instructions on the best way to head out and where the public access way to the water are.

ADVERTISING FOR THE SANDBAR, WHICH IS WITHIN THE KANE'OHIE BAY



4

Like

Comment

Send

Share



Home



Video



Marketplace



Dating



Notifications



Menu

OHANA KAYAK RENTALS

09:29

LTE

< Ohana Kayak Rentals's post



Ohana Kayak Rentals

Sep 30 ·

It's a home business, pick up at my house and load . Kayaks can load on any car, convertible, suv minivan or truck. I have the universal easy to use soft top racks and tie downs. Im the closet diststnce to the sandbar. I'll give instructions on the best way to head out and where the public access way to the water are.

4

Like

Comment

Send

Share



Message Ohana Kayak Rentals

OHANA KAYAK RENTALS

09:29

LTE



Ohana Kayak Rentals's post



Like

Comment

Send

Share



Like

Comment

Send

Share



Message Ohana Kayak Rentals



OHANA KAYAK RENTALS

09:30

LTE



Ohana Kayak Rentals's post

Like

Comment

Send

Share



1

Like

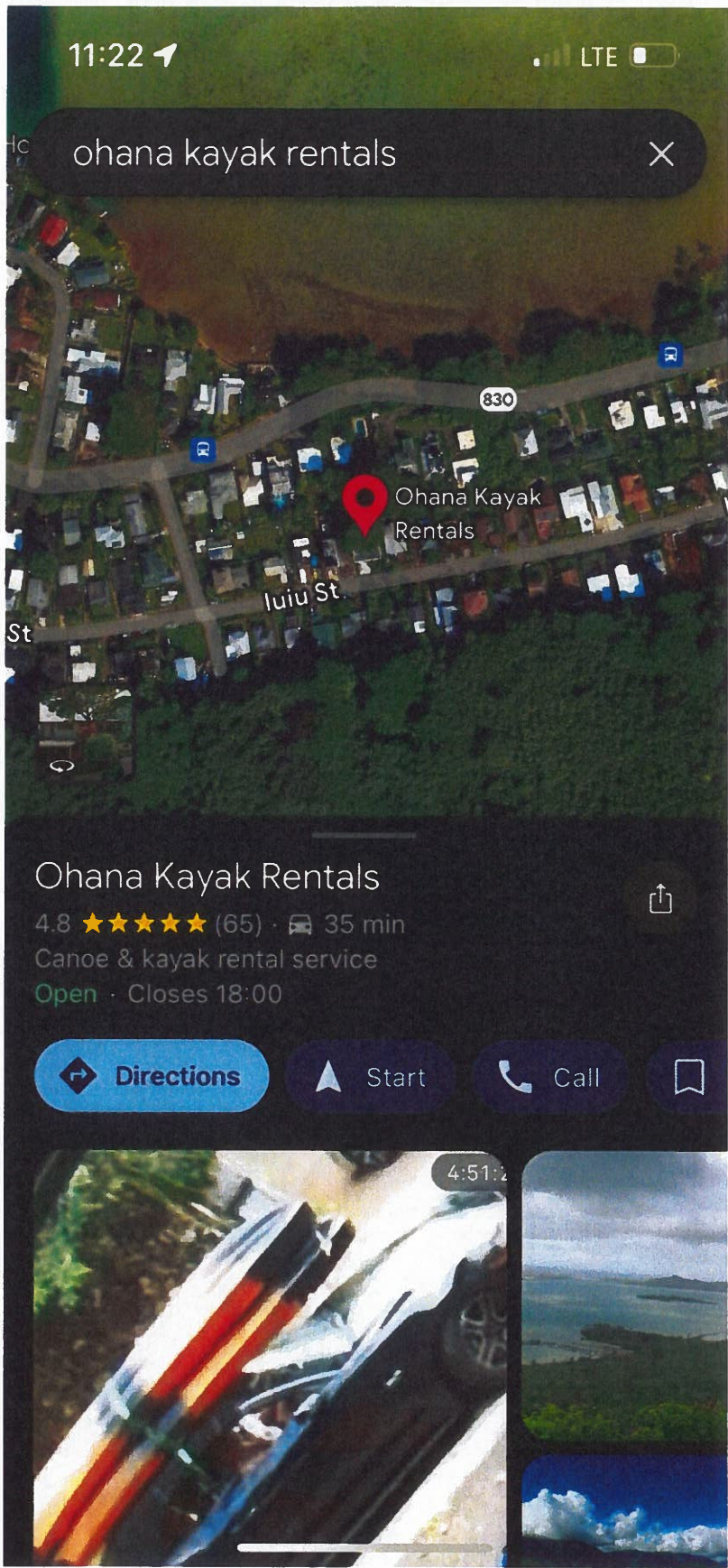
Comment

Send

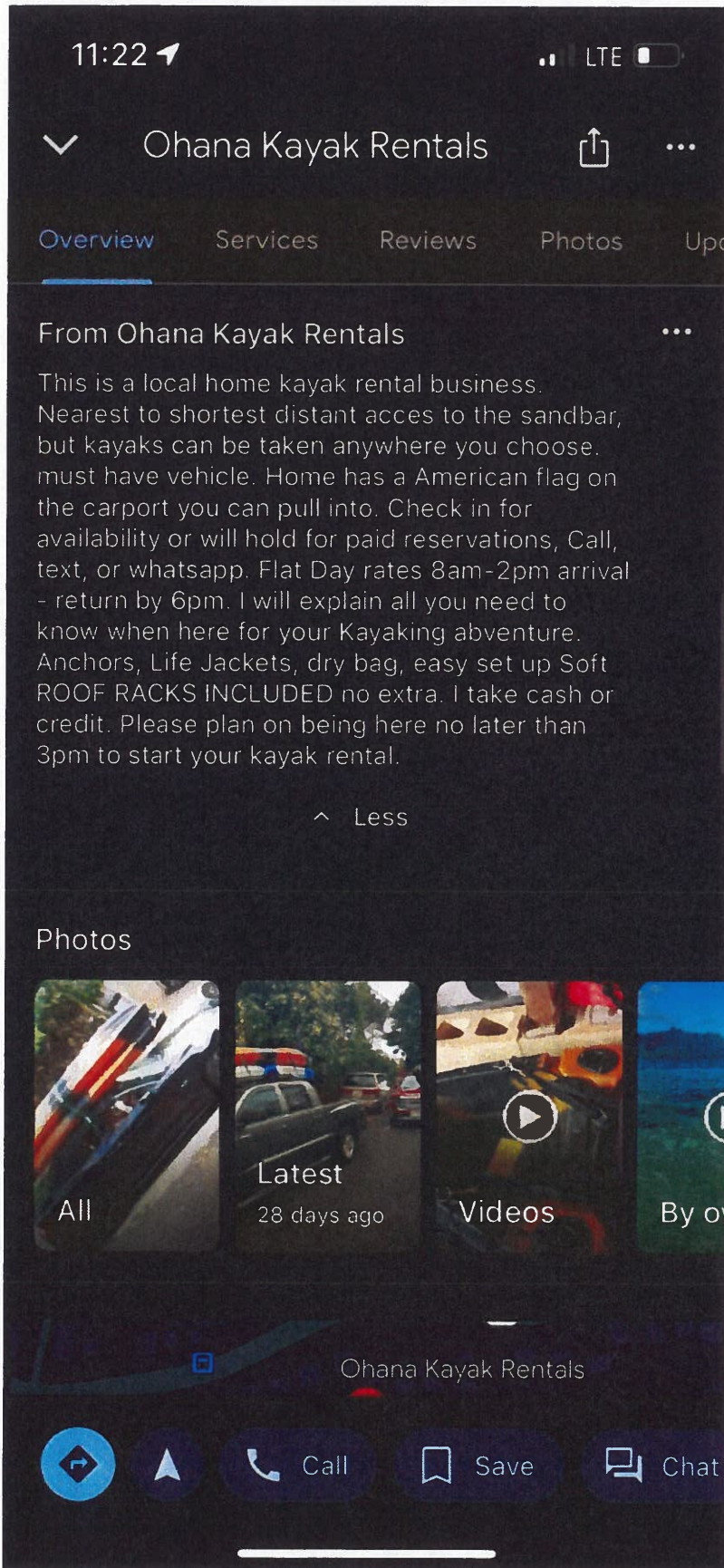
Share

Message Ohana Kayak Rentals

OHANA KAYAK RENTALS



OHANA KAYAK RENTALS



INDICATING/ADVERTISING FOR THE KANE'CHE BAY SANDBAR

OHANA KAYAK RENTALS

09:30

LTE



Ohana Kayak Rentals



Posts

About

Videos

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Ohana Kayak Rentals



Sep 24 ·

Please read this before asking me questions. text are welcomed. Singles are \$60 tandem \$79 tripple \$89 plus tax. Military discount is \$70 per Tandem. This is from the owner section when you scroll down on google maps also there is no public restroom here the closet one is at the Heeia peir or Heeia state park stop there first should you need it. Check in for availability and wait for confirmation before showing up. Also please give eta when your on your way thank you. I don't want everyone to show up all at the same time of I know when your coming I can coordinate better for everyone. I don't have a online booking yet but usually if people are picking up later or on a busy day they can venmo me. Or just pay when here.

People often mention

snorkeling 8

reef 6

equipment 6

island 6

owner 5

sea turtles 5

[More reviews](#)

From the owner



"This is a local home business that is the closest shortest distant to the sandbar away from the busy peir closer to the beautiful Kualoa Mountain view. Home

INDICATING/
ADVERTISING FOR
THE KANE'OHIE BAY
SANDBAR



Home



Video



Marketplace



Dating



Notifications



Menu

OHANA KAYAK RENTALS

11:26

LTE



R

Richard Ruiz
3 reviews

★★★★★ a year ago

Ohana Kayak Rental

I made a reservation with Janelle via text a few weeks prior to our visit to the island. A day before the reservation I confirmed again regarding the arrival time and she confirmed with no issues. When we got there, Janelle processed payment and paperwork and we were kayaking 20 minutes later. She was extremely flexible with our arrival time so we did not have to rush and were able to enjoy our activities for the day. Jenelle gave us some recommendations for snorkeling and also anchoring at the sandbar. We had a great time thanks to Janelle. We hope to be back!

Support your local business!

Helpful 4



Photo 1 of 2



RECOMMENDATION
FOR ANCHORING AT
THE SANDBAR

OHANA KAYAK RENTALS

11:25

LTE



Mina Yu
1 review

★★★★★ 10 months ago

We rented with Janelle today and she was amazing to work with. My parents (70 and 66) were hesitant to try but she talked us into taking them, and we don't regret it. Her rental spot is less than 1 min from the docking spot, which is super convenient if you need multiple kayaks. All communication was through text and phone call - where she helped us get everything set up and situated to make my parents feel comfortable. The hardest part was getting the kayaks up from the docking area, but that's because we had 3 kayaks and 2 adults. Would def use Ohana Kayaks again.

Helpful 2



INDICATING ADVERTISEMI
OF ACCESSING STATE
OCEAN WATERS (KANE'OH
BAY) BY HER RESIDENC.



OHANA KAYAK RENTALS

11:25

LTE



Mina Yu
1 review



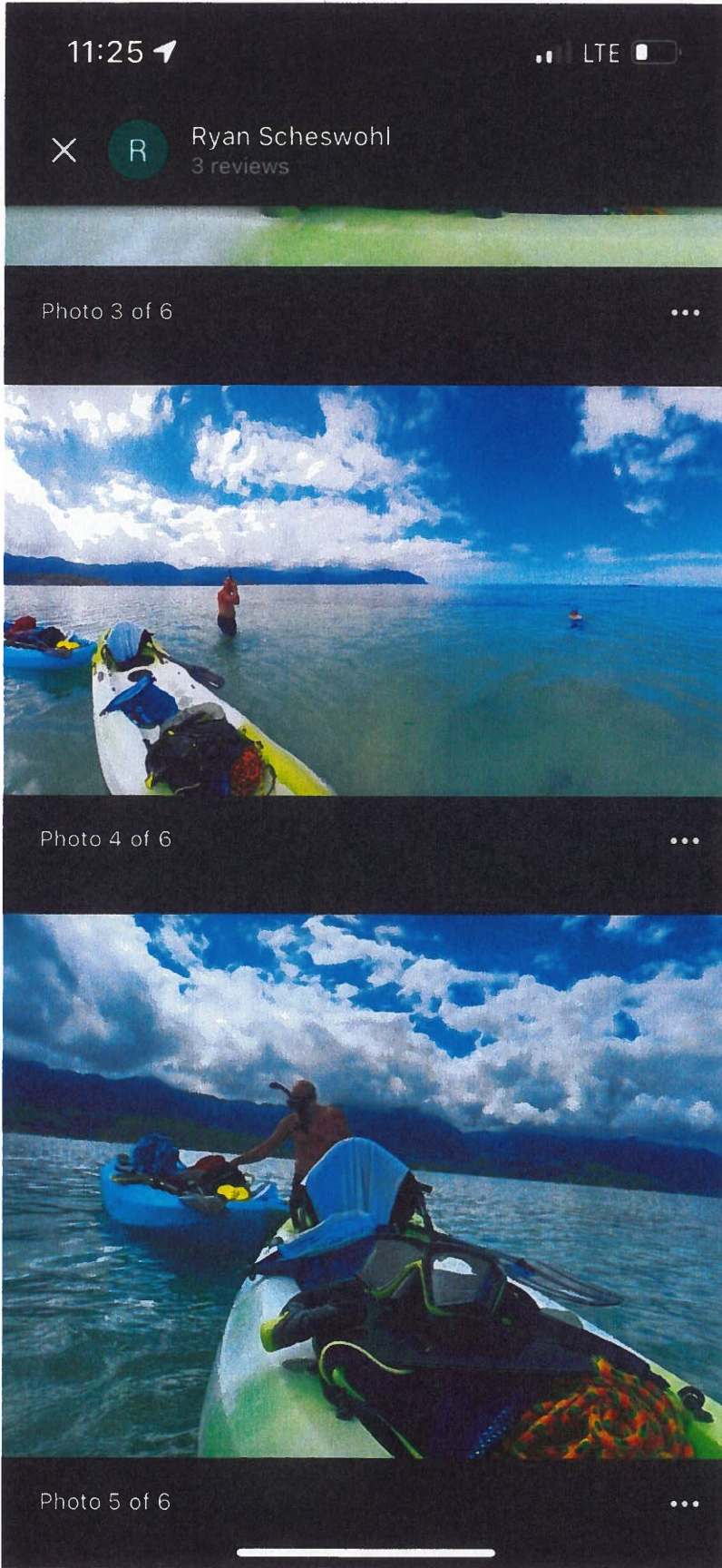
Photo 2 of 2



10 months ago

Thanks so much! I'm glad you all had great family time together. I know they wanted to go with captain Bruce's which I also recommend but they were all booked up so I'm glad you all managed. You guys also looked like you kayaked well I saw you way out there close to the sandbar from the shore after when I went to my friends by the Kanephe Bay. 🍷🍷🍷🍷🍷🍷🍷🍷


OHANA KAYAK RENTALS



OHANA KAYAK RENTALS

11:23 ↗

LTE 🔋

✕  Raven compton
1 review

★★★★★ a month ago

An overall 11/10 experience, I'd absolutely recommend checking this place out even if you're just a little curious. Jenelle was super accommodating and friendly. She also gave such helpful tips!

👍 Helpful



Photo 1 of 1



a month ago

Aww thank you 😊

OHANA KAYAK RENTALS

11:24 ↗

📶 LTE 🔋



M. E.
27 reviews

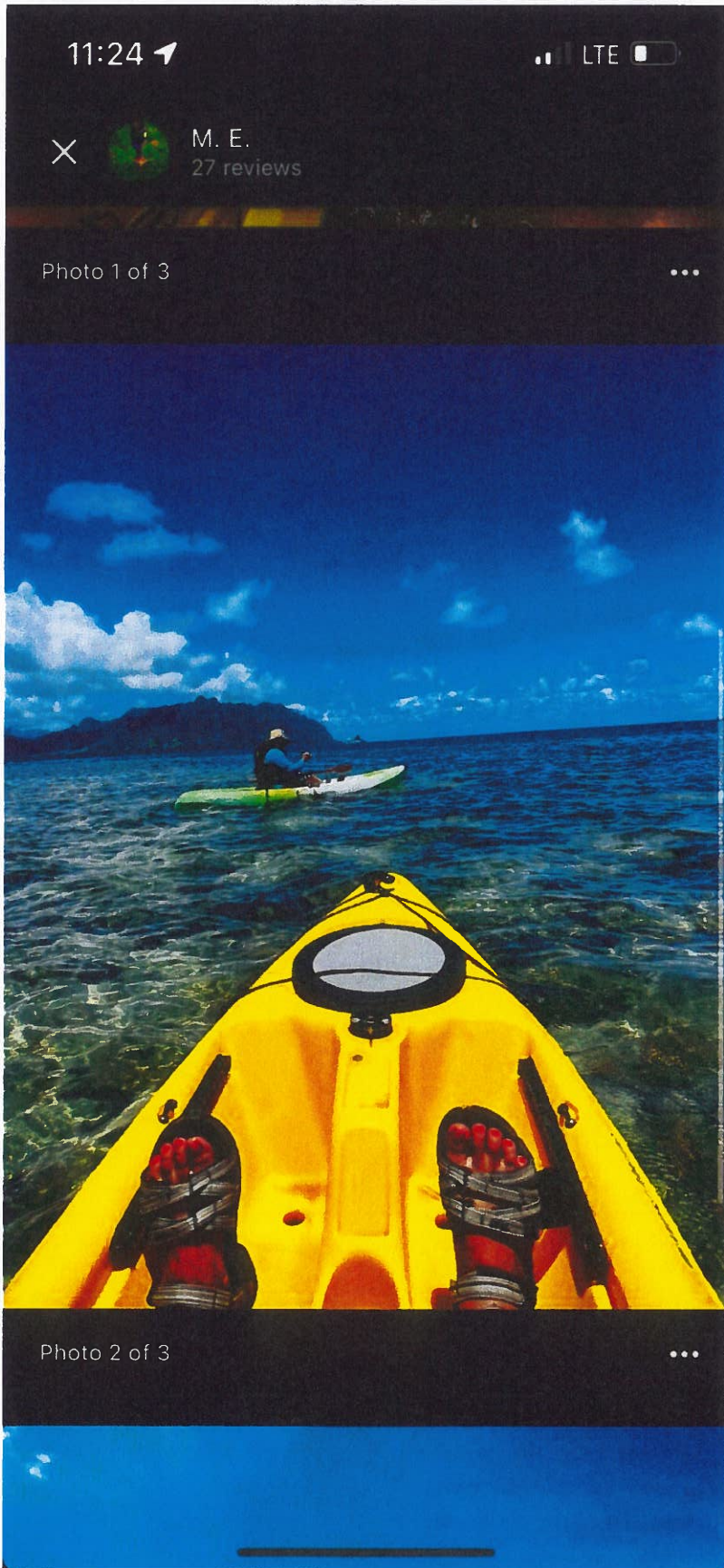
★★★★★ 3 months ago

Janell was great to explain everything and answer any questions (even offering some restaurant suggestions). Her location was easy to find and equipment was in perfect condition. The beach access worked out great. The day was perfect. Mahalo! 🌺

👍 Helpful 3



OHANA KAYAK RENTALS



OHANA KAYAK RENTALS

11:26 ↗

📶 LTE 🔋



Kuang Ly
1 review

★★★★★ 4 months ago

We rented 2 kayaks with Janelle and she was very kind. She help us loading both kayak on our car (Acura TSX) and give us all the detail we need to know before we head to the sea. Her spot was about 1 mile less to paddle to the sand bar. We are having amazing time there. Thanks again Janelle.



Helpful



3 months ago

Thank you so much! 🙏🔥🍻🙏😊

OHANA KAYAK RENTALS

11:27 ↗

📶 LTE 🔋



Aliakbar Azimov
4 reviews

★☆☆☆☆ 3 months ago

She makes you sign liability agreement that she isn't liable for any harm you or water might cause you. then...

We came back from sand bar because there was a storm. We saw other kayakers who wanted to go there. I told them not to go there because there is a storm.

She (the owner of kayak) asks me why I told them that there was a storm. That it was none of my business



Helpful




2 months ago

Its pretty standered to have a liability contract that people know that they are responsible for themselves that nobody else is when they are renting. Also hasn't been any storms here. It was a really nice not stormy day 9/13/23 the other day when you lost my anchor and mask because you got scared and thought there was a storm. It was 7-11 winds and a short rain, it rains here a lot that is normal. its the rainy part of the island and the calmest waters. I never talked to you or said that we were texting not talking. However you shouldn't lie and spread misinformation that there's a storm when there's not. I didn't actually talk to you I texted you and that's not what my messages say. I am forth right and coming and speak the truth. If it was thunder and winds above 14mph I would of warned you. It's not my fault you got scared of a little wind and rain and lost my

OHANA KAYAK RENTALS

11:27 ↗

📶 LTE 🔋

✕  Aliakbar Azimov
4 reviews

She (the owner of kayak) asks me why I told them that there was a storm. That it was none of my business

👍 Helpful 🗨️

...



2 months ago

Its pretty standard to have a liability contract that people know that they are responsible for themselves that nobody else is when they are renting. Also hasn't been any storms here. It was a really nice not stormy day 9/13/23 the other day when you lost my anchor and mask because you got scared and thought there was a storm. It was 7-11 winds and a short rain, it rains here a lot that is normal. Its the rainy part of the island and the calmest waters. I never talked to you or said that we were texting not talking. However you shouldn't lie and spread misinformation that there's a storm when there's not. I didn't actually talk to you I texted you and that's not what my messages say. I am forth right and coming and speak the truth. If it was thunder and winds above 14mph I would of warned you. It's not my fault you got scared of a little wind and rain and lost my stuff that I had to take time out of my day to replace. I also have never had a single kayaker ever get injured out of many kayaker that rent from me to go to the popular destination. In my opinion yes fear can get the best of you and ruin your day. If you read the contract it goes over things like securing stuff to the boat.

things to do, nail salons, plumbers

Yelp for Business

Write a Review

Log In

Sign Up

Urban Honolulu, HI 96813

Categories

More

'Ohana Kayak Rentals

★★★★★ 5.0 (1 review)

Claimed • Rafting/Kayaking

Open 8:00 AM - 6:00 PM See hours

See all 21 photos

Write a review

Add photo

Share

Save

(808) 940-4569

Get Directions

47-183 Iuiu St Kaneohe, HI 96744

Message the business

Suggest an edit

Location & Hours

Suggest an edit



47-183 Iuiu St
Kaneohe, HI 96744

Get directions

Mon	8:00 AM - 6:00 PM
Tue	8:00 AM - 6:00 PM
Wed	8:00 AM - 6:00 PM Open now
Thu	8:00 AM - 6:00 PM
Fri	8:00 AM - 6:00 PM
Sat	8:00 AM - 6:00 PM
Sun	Closed

You Might Also Consider Sponsored



Kailua Beach Adventures

★★★★★ 1434

6.9 miles away from 'Ohana Kayak Rentals

Kayak Rentals and Tours, Paddleboards, Bikes, Surfing, Beach Chairs, Body Boards, Snorkeling [read more](#)
in Paddleboarding, Rafting/kayaking, Bike Rentals



Kama'aina Kayak and Snorkel Eco-Ventures

★★★★★ 218

1.1 miles away from 'Ohana Kayak Rentals

Myriellie W. said "Called them yesterday to ask if they had any 2-person kayak available and they did! Drove over - signed our papers, paid \$55 for 4 hours.. And we were out kayaking away to Kaneohe Sandbar which took us about 20 minutes.. Bonus - we..." [read more](#)
in Rafting/kayaking, Snorkeling

Living Ocean Tours

★★★★★ 545



Captain Castaway's Waikil Adventures

11.7 miles

We offer private sunset and day sailing tours in Waik friends and... [read more](#)



Dolphin Excursions Hawaii

★★★★★ 640

"My husband and I did this tour in May 2022, and it v our favorite..." [read more](#)



Amy R. said "My husband and I went out on the Two tank Turtle reef dive when we were in Honolulu in February. I want to begin with saying that this was only my 3rd open water dive since getting certified in September of last year and I was..." [read more](#)
in Boat Tours, Snorkeling

Amenities and More

✓ Accepts Credit Cards

Ⓘ Street Parking

🐕 Dogs Allowed

♿ Wheelchair Accessible

2 More Attributes

About the Business

Near my home business location, I have 2 of the closest channels out to the sandbar, away from all the many boats from the pair buzzing by. The channels go out to the bay and are to be followed so the fringing barrier reef is not damaged, the reef comes up to the near surface of the water even o...

Read more

Ask the Community

Ask a question +

Yelp users haven't asked any questions yet about 'Ohana Kayak Rentals.

Recommended Reviews



Your trust is our top concern, so businesses can't pay to alter or remove their reviews. [Learn more about reviews.](#)



Username

Location

@ 0 + 0



Select your rating

With so few reviews, your opinion of 'Ohana Kayak Rentals could be huge. Start your review today.

Overall rating



1 reviews

5 stars

4 stars

3 stars

2 stars

1 star

Yelp Sort ▾

Filter by rating ▾

Search reviews



Paul K.

Richardson, TX





@ 0 * 2

☆☆☆☆☆ Aug 26, 2023

🕒 First to Review

Janelle was so informative, friendly, and eager to answer any questions we had about the kayaks as it was one of our first times. We explored the sandbar and it was a difficult yet rewarding journey that Janelle provided thorough instructions with pictures to help us navigate there. Overall would recommend!

👍 Useful 🤔 Funny 😎 Cool



Janelle J.
Business Owner

Aug 29, 2023

Thank you for sharing I appreciate you both.

1 of 1

You Might Also Consider Sponsored ⓘ



Hawaii Ocean Charters

☆☆☆☆☆ 57

Elizabeth D. said "The guys were so professional, smart and fun! We really wished we had booked additional private days with them and on our next trip will for sure be repeat customers. I will recommend to anyone going to Oahu! - The McCowns" [read more](#)
in Boat Tours, Whale Watching Tours, Snorkeling



MANA Cruises & Charters

☆☆☆☆☆ 68

Sarah E. said "First let me say there are many catamaran companies out there offering sailing/snorkeling. However, this is the only company that offers sailing/snorkeling/drinks/pupus in an intimate setting (6people MAX) at about the same price as..." [read more](#)
in Boat Tours, Sailing, Boat Charters

People Also Viewed

Rainbow Watersports

☆☆☆☆☆ 300

Rafting/Kayaking, Paddleboarding, Surfing

Kama'aina Kayak and Snor...

☆☆☆☆☆ 218

Rafting/Kayaking, Snorkeling

Sea & Board Sports Hawaii

☆☆☆☆☆ 266

Rafting/Kayaking, Paddleboarding, Surfing

Kahana Adventures

☆☆☆☆☆ 18

Rafting/Kayaking, Paddleboarding

Ai...

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Trade Name

OHANA KAYAK RENTALS

File Number

484881 ZZ

Certificate Number

4261632

Status

Active

Purpose

KAYAK RENTALS AND SOME WATER EQUIPMENT SAFETY SOME CLOTHING AND RETAIL POSSIBLY.

Category

0 - NO CATEGORY SELECTED

Expiration Date

Mar 7, 2027

Registration Date

Mar 8, 2022

Mailing Address

47-183 IUIU STREET

KANEIOHE, Hawaii 96744

UNITED STATES

Registrant

JANELL JENSEN

Other Filings

Date	Description	Remarks
Mar 8, 2022	Application for Registration of TN/TM/SM	Application for Registration of TN/TM/SM

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Federal Holidays

Overview	2024	2025	2026	2027	2028	2029	2030	Historical Data
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Historical Data (2023-2011)

2023 Holiday Schedule

Date	Holiday
Monday, January 02 *	New Year's Day
Monday, January 16	Birthday of Martin Luther King, Jr.
Monday, February 20 **	Washington's Birthday
Monday, May 29	Memorial Day
Monday, June 19	Juneteenth National Independence Day
Tuesday, July 04	Independence Day
Monday, September 04	Labor Day
Monday, October 09	Columbus Day
Friday, November 10 *	Veterans Day
Thursday, November 23	Thanksgiving Day
Monday, December 25	Christmas Day