

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

July 12, 2024

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

SUBJECT: Request for contested case hearing by Ohana Kayak Rentals and Ms. Janell Jensen, both individually and as owner of Ohana Kayak Rentals, regarding the Board's April 26, 2024 decision to impose fines and prohibit Ohana Kayak Rentals and Ms. Jensen from obtaining any Division of Boating and Ocean Recreation use permits for 24 months, for alleged violations described in the staff submittal for Item J-1 on the Board's April 26, 2024 meeting agenda.

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.

BACKGROUND:

At the April 26, 2024 regularly scheduled Board of Land and Natural Resources (Board) meeting, as Agenda Item J-1, the Board approved civil penalties against Ohana Kayak Rentals and Janell Jensen, both individually and as owner of Ohana Kayak Rentals, regarding illegal rentals of commercial ocean recreational equipment for use in Kaneohe Bay ocean waters, for pre-positioning of that equipment within 1,000 feet of any shoreline of Kaneohe Bay, and for advertising these illegal activities, all without the required permit, on at least seven (7) separate dates, two of which were Sundays and/or federal holidays, in violation of Hawaii law.

Ms. Jensen did not request a contested case hearing (CCH) before the close of the April 26, 2024 meeting, as is required by Hawaii Administrative Rules (HAR) Section 13-1-29(a). Although she did call a Division of Boating and Ocean Recreation (DOBOR) office before the close of the meeting to ask whether she could appeal the Board's decision, Ms. Jensen *did not* contact the Board's Secretary or otherwise inform the *Board* that she wished to request a CCH before the close of the meeting, as was clearly instructed on the April 26, 2024 meeting Agenda itself and also read aloud at the April 26, 2024 Board meeting. On April 30, 2024, Ms. Jensen submitted a written petition for a contested case hearing for this matter (attached as **Exhibit A**).

ITEM J-1

DISCUSSION:

At the April 26, 2024 regularly scheduled Board meeting, DOBOR brought a civil enforcement action against Ohana Kayak Rentals and Ms. Janell Jensen, individually, and as owner of Ohana Kayak Rentals, for offering illegal rentals of commercial ocean recreational equipment, namely kayaks, 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 for 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 of Hawaii Revised Statutes (HRS) Section 200-39 and HAR Sections 13-256-3 and 13-256-73.¹

Ms. Jensen appeared in person at the April 26, 2024 Board meeting. Ms. Jensen was present in the Board’s meeting room when the meeting began and the CCH statement appearing on the Board’s agenda was read out loud.² When Ms. Jensen’s item was called, she acknowledged that she received notice of the meeting and that she had reviewed the meeting Agenda as well as the staff submittal detailing the allegations against her. Ms. Jensen provided oral testimony during the meeting, but she did not submit written testimony prior to the end of the meeting, as allowed by HRS Section 92-3.

During the discussion on Item J-1, Ms. Jensen also informed the Board that she consulted an attorney earlier that same week regarding the pending enforcement action against her. Following testimony and discussion, the Board voted unanimously to accept the recommendations in the staff submittal, which included imposing the following penalties: (1) a civil fine of \$35,000.00; and (2) a prohibition on both Ohana Kayak Rentals and Ms. Jensen, individually and as owner of Ohana Kayak Rentals, from obtaining any type of DOBOR use permit for a period of 24 months from the date of the decision.³

¹ The staff submittal for Item J-1 on the Board’s April 26, 2024 meeting agenda, which describes at least seven (7) separate alleged violations, is publicly available at <https://dlnr.hawaii.gov/wp-content/uploads/2024/04/J-1-1.pdf>.

² The agenda for the Board’s April 26, 2024 meeting is publicly available at <https://dlnr.hawaii.gov/wp-content/uploads/2024/04/Agenda-240426.pdf>. The contested case hearing statement appearing on page 2 of the Agenda reads as follows:

In some of the matters before the Board, a person may wish to request a contested case hearing. If such a request is made before the Board’s decision, then the Board will consider the request first – before considering the merits of the item before it. A person who wants a contested case may also wait until the Board decides the issue, then request the contested case after the decision but before the close of the board meeting. It is up to you. Any request must also be made in writing within ten calendar days. If no request for contested case is made, the Board will make a decision. The Department will treat the decision as final and proceed accordingly.

³ Item J-1 can be found on the YouTube recording of the April 26, 2024 Board meeting available at <https://www.youtube.com/watch?v=PpnJ8CNIRbg>, from approximately 1:09:49 to 1:51:34.

Ms. Jensen did not request a CCH before the close of the April 26, 2024 Board meeting, as required by law. Ms. Jensen submitted a written petition for CCH regarding Item J-1 on April 30, 2024 (attached as **Exhibit A**).

The rules setting forth the required procedure for requesting a contested case hearing are set forth in the HAR. Specifically, HAR Section 13-1-31.1 provides, in relevant part:

[W]hen a violation is alleged for which an administrative remedy is provided and with respect to which the alleged violator is entitled to a contested case hearing, a contested case shall be held upon the petition of the alleged violator, provided that the petition is made in accordance with the provisions of section 13-1-29(a).

Section 13-1-29(a), HAR, provides, in relevant part:

An oral or written request for a contested case hearing must be made to the board no later than the close of the board meeting at which the subject matter of the request is scheduled for board disposition. An agency or person so requesting a contested case must also file (or mail a postmarked) written petition with the board for a contested case no later than ten calendar days after the close of the board meeting at which the matter was scheduled for disposition.

(Emphasis added.) Thus, under the relevant HAR, a proper request for a CCH must be made *during* the relevant Board meeting and must be made *to the Board*. The request must also be followed up with a written petition to the Board within ten days of the board meeting in question.

Here, as mentioned above, no oral or written request for CCH was made before the close of the April 26, 2024 Board meeting. Although Ms. Jensen did call DOBOR's office during the meeting to inquire about how to appeal from the Board's decision,⁴ she did not contact *the Board* at all, nor did she orally request a *contested case hearing* at any time before the close of the meeting. *After* the close of the April 26, 2024 meeting, Ms. Jensen submitted a written petition for CCH within ten calendar days (on or about April 30, 2024). Ms. Jensen therefore did not comply with HAR Section 13-1-31.1 because she failed to make an oral or written request for a CCH to the Board no later than the close of the April 26, 2024 meeting. That Ms. Jensen followed up with the required written CCH petition within ten (10) days cannot cure her procedural defect.

Notwithstanding any incomplete information provided *by DOBOR* during the brief phone call with Ms. Jensen on April 26, 2024 (see n.4, above), Ms. Jensen had ample notice of the proper, legally required procedures for making her request in the form of prior written

⁴ During Ms. Jensen's call to the DOBOR office for instructions on appealing the Board's decision on Item J-1 of the April 26, 2024 meeting agenda, DOBOR staff may have inadvertently provided Ms. Jensen with only partially correct instructions for requesting a CCH (by referring her to the website where she could find the written form for requesting a CCH petition).

notice of the meeting, which included a copy of the Board agenda with the CCH statement (reproduced in n.2, above) and in-person, verbal notice of the contested case hearing procedure given at the start of the Board meeting when Ms. Jensen was present. Staff also notes that Ms. Jensen appeared to be in possession of a written copy of the Board agenda while present in the meeting room on April 26, 2024 and therefore would have been in possession of the CCH statement detailing the procedure for requesting a CCH.

In its discretion, the Board *may* choose to grant Ms. Jensen's improper request for a CCH; if the Board chooses to do so, the Board must first vote to waive the procedural requirements of HAR Section 13-1-29(a).

RECOMMENDATION:

That the Board *deny* Ms. Jensen's procedurally defective request for a CCH. However, if the Board is inclined to grant the CCH request despite Ms. Jensen's procedural defects, then staff recommends that the Board vote to:

1. Waive the requirement for making a request for a contested case hearing to the Board no later than the close of the board meeting at which the subject matter of the request is scheduled for board disposition, as contained in HAR Section 13-1-29(a) and approve Ms. Jensen's request for contested case hearing; and
2. Authorize the Chairperson to take any and all actions necessary to effectuate its decision including, but not limited to, appointing a hearing officer for this matter.

Respectfully submitted,



MEGHAN L. STATTS, Administrator
Division of Boating and Ocean Recreation

APPROVED FOR SUBMITTAL:



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

Attachment:

- A. Petition for Contested Case, dated April 30, 2024, submitted by Janell Jensen

Exhibit A



**STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES**

PETITION FOR A CONTESTED CASE HEARING

OFFICIAL USE ONLY	
Case No.	Date Received
Board Action Date / Item No.	Division/Office

INSTRUCTIONS:

1. File (deliver, mail or fax) this form within ten (10) days of the Board Action Date to:

Department of Land and Natural Resources
Administrative Proceedings Office
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813
Phone: (808) 587-1496, Fax: (808) 587-0390
2. DLNR's contested case hearing rules are listed under Chapter 13-1, HAR, and can be obtained from the DLNR Administrative Proceedings Office or at its website (<http://dlnr.hawaii.gov/forms/contested-case-form/>). Please review these rules before filing a petition.
3. If you use the electronic version of this form, note that the boxes are expandable to fit in your statements. If you use the hardcopy form and need more space, you may attach additional sheets.
4. Pursuant to §13-1-30, HAR, a petition that involves a Conservation District Use Permit must be accompanied with a \$100.00 non-refundable filing fee (payable to "DLNR") or a request for waiver of this fee. A waiver may be granted by the Chairperson based on a petitioner's financial hardship.
5. All materials, including this form, shall be submitted in **three (3)** photocopies.

A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
1. Name Janell Jensen	2. Contact Person	
3. Address 47-183 IUIU st	4. City Kaneohe	5. State and ZIP HI 96744
6. Email Ohana.kayaks@gmail.com	7. Phone 808 940 4569	8. Fax

B. ATTORNEY (if represented)		
9. Attorney Name	10. Firm Name	
11. Address	12. City	13. State and ZIP
14. Email	15. Phone	16. Fax

Possible meet with attorney May 7th

See next 3 pages

C. SUBJECT MATTER	
17. Board Action Being Contested <i>See print out</i>	
18. Board Action Date <i>4-26-2024</i>	19. Item No. <i>J-1</i>
20. Any Specific Statute or Rule That Entitles Petitioner to a Contested Case <i>the \$35,000 fine is excessively high 1st amendment rights not all kayakers for business or profit Public water rights, correspondence is not commercial or advertisement</i>	
21. Any Specific Property Interest of Petitioner That Is Entitled to Due Process Protection <i>law of impossibility to comply CUOS told not needed and unobtainable - vague unclear cease desist I did not understand how I violated any statutes / violation</i>	
22. Any Disagreement Petitioner May Have with an Application before the Board <i>I have many disagreements if the Petitioner contest the multiple violations all presented 4/22/24 Vague & unknowing unintentional no thought how this all happened, if did so did so unknowing, unclear guidance</i>	
23. Any Relief Petitioner Seeks or Deems Itself Entitled to <i>Right to Privacy - law of impossibility invasion of privacy before fair trial defamation - Civil Rights Admenowment rights Grand father Clause</i> <i>with facts violation finds never covered of prior to 4/22/24</i>	
24. How Petitioner's Participation in the Proceeding Would Serve the Public Interest <i>NAVIGABLE water for equal footing purpose for use travel trade Profit Rental Not Exclusive to only owners of water craft to sacred rights to recreate enjoy practice culture and Religion</i>	
25. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets the Criteria to Be a Party under Section 13-1-31, HAR <i>I dont understand this may Id like Fair officers help to examine not fair and dishonest dealings Misrepresentations</i>	

20.
 200-39c
 Har 13-254-3
 200-39c
 13-256-
 73(c)(1)
 200-39(c)
 Har 13-254-3
 200-39c
 13-256-3
 73(c)(1)
 13-256-3
 200-39(c)
 13-256-3

Check this box if Petitioner is submitting supporting documents with this form. *False police report request contested here*

Check this box if Petitioner will submit additional supporting documents after filing this form.

Jarell Jensen
 Petitioner or Representative (Print Name)

Jarell Jensen
 Signature

4/30/2024
 Date

C. Subject MATTER

17. Board action being contested

Based on information I received by Bruce Swartz DOBAR district manager and Jenna, and inquiries, it was interpreted/ misinterpreted by me Janell Jensen that the cease and desist notice did not apply to my business, that I considered not in within state waters as stated by Jenna and Bruce they did not have jurisdiction outside of water numerous times including Kahaluu neighborhood board meeting February 2024 I think. Please be advised, Janell Jensen did not intend to disrespect and or disregard the cease and desist letter. Based on my misunderstanding the letter cease and desist October 16th 2023 it was not followed based on the fact I interpreted the information I received from Bruce that I was not in violation of the said 2 statutes. That I did not need a commercial Use Permit for my business that did not operate in or on said within state waters and that I could rent kayaks from my home and that I could go over information at home. I also stopped delivering kayaks as it said I could not deliver within 1000 feet new law 7/23 hb 1134. I assumed I was further than 1000 feet even when I asked Bruce in person if I was or not he declined to answer. I did not think I was advertising. The definition of advertisement is not correspondence. At this time I have Ceased doing business, based on having no income and an inventory that is no longer being used for any profit. I hope and pray the BLNR could reduce the imposed fine and please accept my sincere apology for the actions that took place.

21. Any specific property interest of petitioner that is entitled to do process protection

and

24. How petitioners participation in the proceeding would serve the public interest

Legal rights to Inland Waters and applicable laws for Lakes bays and rivers
certain areas of water are owned by the public as a matter of law such as title zones and navigable areas of ocean bays and rivers that law is as old as the Republic and of course had its basis in the interest of the Commonwealth and protecting common access to the ocean and rivers for use and transport attempts, by private parties to limit access are use and conflicts between the federal government and local governments as to regulations of the water natural bodies of water are classified as either navigable or non-navigable. Navigable Waters embrace all bodies of water public in their nature according to common law all waters are divided either public waters or private waters -navigable or

C. Subject MATTER

un-navigable. The title of sovereign is in trust for the benefit of the public. this means that the state must not utilize the water rights for purposes other than the benefit of the public as a whole the right of the public to navigate water is supreme and it includes the right of boating for pleasure is considered navigation with full rights use equal to boating for profit navigability for pleasure is as sacred in the eye of the law, as navigability for other purposes. This is one of the few areas of law in the United States in which use for enjoyment is put on an equal plane as use for profit. someone once put it well as he watched pleasure boats drift down a river that crossed his land he commented that when one buys a navigable front one buys a front on a public Highway and that was all and note that the navigation issue derives from commercial history but now applies equally to pleasure craft.

Definition of Grandfather Clause<

1. A legal provision that exempts a business, enterprise, or class of persons from a new rule, regulation, or law that would affect rights or privileges previously held.
2. **Origin** 1895-1900 Americanism

Correspondence is direct communications with a client or prospective (potential) client. This type of communication can be meant for one person (e.g. an email or letter) or written for a group of clients (e.g. an email to all clients). Advertising is a general communication intended for a broad audience.

22. Any disagreement petitioner may have with an application before the board

I barely got to share or explain anything had no offering of rebuttal. I request a fair contested hearing examination of allegations of witness that led up to this by hopefully an unbiased jury or officer, I do not fully understand this process.

23. Any relief positioner seeks are deems itself entitled to

Letters in support of me for my relief of fine to be heard. I do not fully understand the process or know how best to respond with a right humble attitude. My anxiety in these upsetting stressful proceedings is affecting the wellbeing of me and my family. My debilitating migraine negatively affects me to timely interpret and respond. I will try to make the best out of this for myself,

C. SUBJECT MATTER

children and the community. All this the boards unanimous decision to fine me is disheartening, depressing, incapability of compassion or regard for a single mother trying to support boys. I made a poverty wage yet don't seek food stamps. I will seek employment. As well the way the board broadcast me on webpages instagrams facebook is a very intrusive invasion of my privacy and safety not thought about.

23. continued

broadcasting of fines, misrepresentations, my house address name and pictures of where I live. Boards never considered me or my best attempts to do the best I could with the knowledge I had. Boards bought into ironeos arbitrary false testimonies. I also did cease business although it was said in the meeting I didn't when he called because the voicemail said don't come unless you have a reservation was a soft way to not do business. I will still offer free kayaks to family neighbors friends veterans and community friends acquaintances.

C Subject Matter

24.

Kayak rentals are for the benefit of the community

Just about everyday I see fishermen walking all over the barrier reef in Kaneohe bay, the reef is all flat and broken on top. I educate to not kayak over the reef to use channels to not ever touch the reef or anchor to it. There's a lot more i go over and educate as well i spend alot of time starting out with kayakers about a hour each group. Most people that go kayaking are people seeking peace and enjoyment for recreation, a break from their normaal hustle and bustle of life. It's a great de-stressor. Most locals/ residents can't afford a boat or have space to keep one. Boat Recreation is not just for people with exclusive rights and entitlements that don't want to share the public navigable water. Some locals see it that no one besides them should be able to visit the bay. They're not going out there to bother anyone. They are not lingering on the shoreline. They're going out to likely find space with themself friends, family and loved ones. Residents rent as well as more when they have family visits. What the neighbors have said has far stretched the truth. I can not see how a kayak can cause safety hazards to people fishing and practicing. I'd responsibly go over weather wind and share a wind website that's not an app that takes space on phone windalert.com that meters wind on the map all over the world and shows the direction of wind as well to know not to get blown out or into reefs. None of my kayakers have ever got hurt or hurt anyone. I educate as well to not interfere with commercial zones. They are keeping head count to not interfere with that. I go over snorkel safety. I ask if they will snorkel and go over snorkeling safely so that will not damage them or the reef. I do so in a way that makes sense and is understandable. As well if they are not relaxed calm flat surface swimmers they should not snorkel by reefs. Treading water is the worst thing you can do next to a reef. The public access away from the harbor near Hunalepo on kamehameha highway is likely a safer place to kayak out the chanel, than the harbor; as well with all the boats big tour boats carrying stuff would be safety hazard to kayakers if they don't stay away from boats especially big ones.

It's not right to allow activities for other companies that commercialize Kaneohe Bay advertising and then not allow me to share information is discriminatory to business and implies unfairness in what business is allowed. I deserved better communication and clarity. I shared pictures in the beginning of business before laws changed. I also learned where there were areas of improvement to share to help people be best respectful stewards of the area to not bother anyone. People should have a right to rent from anyone to access the Kaneohe Bay. **I had great reviews as well as I was /am a good steward of God, people, the land and ocean.** I want all businesses to flourish, not just mine. I want people to be successful. I don't want to see business shut down. That's such an overreach of power. I love being involved in the community and even native studies and practice as well. Also I give free kayak use to church and neighbors.

Free use kayaks neighbors/church/veterans
RAM, Clean and Sober / Friends / Family
P+sd / Veterans

C.

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HC.10

Kaneohe Bay. I had great reviews as well as I was /am a good steward of God, people, the land and ocean. I want all businesses to flourish, not just mine. I want people to be successful. I don't want to see business shut down. That's such an overreach of power. I love being involved in the community and even native studies and practice as well. Also I give free kayak use to church and neighbors.

Aloha Im Samuel Jensen

4/26/24

I received a letter regarding a BLNR meeting packet first examples of how i did anything wrong just a couple of days ago. However, I haven't had enough time to react appropriately and respond. The situation has been very confusing and misrepresented. As a result, I have been exploring other avenues of revenue. In fact, just this week, I had a meeting with a college advisory council to seek advice on other potential career interests." I had assumed that everything was over after the state prosecuting attorney dismissed the criminal case. On what looks to be the same proceedings.

I request a continuance so that I can provide exhibits as well as seek professional counsel. Though I'd like to share a few minutes of my side of the story.

I would suggest community service time Instead of fines. you can't bleed a turnip. I am very interested in serving the community. May it be in beach clean-up services and volunteering work to the loi's and ahupua'a's watering plants along Kahekili hyw or weed eating and pulling invasive weeds. Anything I can do to help the environment marine or land.

I had a meeting with my previous attorney who informed me that he is unable to represent me in the civil case. So, I contacted another attorney and I have a meeting to be scheduled with him after May 7th to see if I can get put on the schedule somewhere. Initially, I thought this would be a meeting to discuss the possibility of implementing fines, but I am not familiar with the legal proceedings.

Exhibit A

cease desist letter I considered void because my questions and emails were not answered what I did wrong and how I broke the law was unclear vague ambiguous void.

It was stated that Jenna didn't have jurisdiction out of the water i sent email for further clarification how i violated law never was stated.

I do not do business within state waters and consider myself not guilty of all the accusations of the law they said I violated.

complaint by Howard Grassle Greg Mehus false accusations police reports.

undercover cop was offered to kayak for free 2/24/24

In the neighborhood board meeting one of the guys Greg Meus lied on the police report saying I ChainSaw down trees at the coastline which I didn't I don't even own a non-electric chainsaw he also said, that when he called to complain about me because people had walked on the road in front of his yard. Still, when he called to complain to DPP and dlnr/DOBAR he said in the neighborhood board meeting they told him what I was doing was legal.

{When I listened to the board meetings of Bruce Schwartz it didn't seem like I was doing anything illegal that was out of his jurisdiction there are many agency of different agencies with different jurisdictions. this has been very confusing with running my business. I have been trying and assuming that I have followed all rules and checked in with all government agency people to be under all regulations with respect and understanding to serve the community.)

I will say there was a lot, of lies misconstrued about me in the letter. I/We do not have time to go into full detail.

I have gathered several declarations from my neighbors who believe that I should be allowed to run my business, as they think it doesn't change the character of the neighborhood. They have never been bothered by kayakers nor have they seen any traffic blocked by them. Additionally, I have a letter from a lady who lives near the public access area where I was accused of chainsawing trees. Her friend Wayne falsely accused me of doing such and even claimed that, I poisoned the water. Wayne was the same person who keyed my car while I was kayaking with my friend Marcy before her heart surgery. The lady named Anne informed me through email that she saw a white Caucasian man sawing the trees at the public access area. I am confused as to why people are so eager to falsify police reports and defame me. I have tried to seek answers to simple questions, but the process has been confusing. I even emailed DLNR, but they never got back to me.

I was also told by DLNR managers they didn't have jurisdiction outside of the water on a few occasions. as well as a recording transcript left a voice message. I have a voice-to-text transcript. That it is not required of me to have a permit as long as I'm renting from my house and not in the water.

All this could have been avoided if simple questions could have been answered. I sought it out but, I didn't receive the answers and understanding.

Now, recently, I received this long letter this week more so the packet that details things that I didn't understand before such as not being able to say Sandbar in a review response why couldn't they just plainly tell me that before?? I would've never thought a review response would be considered an advertisement. I had assumed that the advertisement meant an Advertisement a cost mentioning something like kayaking Kaneohe Bays Coral Reefs for such and such price as many of the other rental companies advertise kayaking for Kaneohe Bay like that. I have many examples of what I thought was an advertisement too with me. I don't want to point the finger. I think all kayaking businesses are doing a good service and should be allowed to conduct their business in fitting safe caring ways. I, believe that Hawaii's anti-trust laws, grandfather clauses, and 1st amendment rights, along with constitutional rights should not be infringed on.

I'm getting the book of new law thrown At me without any explanation regardless if it's false. At least if I know I'm doing something wrong I could make corrections or adjustments accordingly. I'll gladly do my best to make corrections and maintain respect among all even the few disrespectful liars. At least, now I can respond and interject on misleading false statements in the letter.

I did not think people taking a picture in the bay and posting it on reviews was advertising as well. This is a new law and there are lots of previous pictures anyone could review them at any time with an old picture as well when they, please. I do not always review at the time of review sometimes I look at my Google reviews and realize I didn't review a place I like and then I go back and review them months later maybe years later. I assumed I was not breaking any of the laws because nobody would talk to me from DLNR.

I don't have to or need to say anything about Kane'ohe Bay or the sandBar Ahu O' Laka but people are still going to rent kayaks to access the bay regardless. If that's where they wanted to go as long as I wasn't steering them there or telling them to go there. Sometimes people ask me what I suggest and I say I can't you have to know where you want to go then if they need help I help them as far as possible suggestions to have kualena to malama the area. My opinion is not an advertisement it's my first amendment right as well.

This law passed really seems to go against statehood's sacred rights to freedom to recreate and enjoy navigable water rights wouldn't you say?? -----

-----If you Don't want to say yes at least think about this.

It's not right to make bay access exclusive to only people who own a kayak, outrigger, canoe, boat, or sup which are expensive. It is like privatizing the bay for only such people. And detouring people from accessing sacred human rights.

I do not deliver Or transport again another new law that you can't transport was passed the grandfather clause should apply. If that law hadn't passed, I would have helped deliver occasionally if needed for the people, Greg was complaining about. People that took the bus. IF LAW WASNT CHANGED I COULD OF HELPED TRANSPORT DELIVER help

occasionally if needed, Instead, a few kayaks got carried down the road that had, severely bothered Greg and Ward. I do not instruct in the water I do not do business in the water i did not think to be considered as in water.

I go to church on Sundays and spend the Day with my kids. Sunday belongs to God and my savior Jesus and my family.

However many rental shops rent on Sunday to people that go to Kaneohe Bay that are not on or in the water. Kama'aina Eco Tours were on the waters edge and did not rent on Sundays or holidays. it's a shame they are not in business now, lots of big business event outings would rent from them that no one else could accommodate I know because I referred big groups to them.

nobody spoke plainly and simply to me and the law didn't make sense to me. It was incomprehensible. I think the term advertising is unclear but when getting an example it helps me to understand better and could of been avoided. If I'm doing something wrong I need to be told if it can be corrected and or if it can not be corrected.

It's difficult when someone refuses to answer questions. I'm not sure what might have changed regarding the permit for renting kayaks from my house, but it might be worth trying to reach out to Bruce again to see if he can provide any clarification. Perhaps there was a misunderstanding or miscommunication that can be cleared up.

By the way, if kayakers were educated properly and told what they need to know it would have a very low impact on the environment if any at all. not allowing people to have or rent access to water equipment for navigable water is very strange. Saying I need a permit when they are not given for Kane'ohe Bay for any business since 1993; and saying you need one after they tell you don't need one is deceitful obscure practice. No kayak businesses have permits for Kaneohe Bay. If places would and were allowed to go over things in such a way that people understand they'd behave better and be more caring towards the environment and the reef. There are good ways to get the point across It's important to be mindful of the reef when snorkeling or swimming in the ocean. Touching the reef can actually damage its protective mechanism and make it more susceptible to disease, which can ultimately kill the reef. Additionally,

touching the reef can be dangerous for humans as it can cause cuts that may lead to infections. It's also important to note that damaging the reef can result in fines. And, if you accidentally bump into the reef, you wouldn't want to bump into a moray eel as they have sharp teeth that can cause serious injury. To avoid drifting into the reef while snorkeling, it's best to avoid treading water and swim flat with straight legs, even when emptying your snorkel. It's important to protect the environment and be mindful of its delicate ecosystem.

Janell Jensen

47-183 lulu street

Kaneohe HI 96744

STATE OF HAWAII

DEPARTMENT OF LAND NATURAL RESOURCES

DEPARTMENT OF BOATING AND RECREATION

BOARD OF LAND AND NATURAL RESOURCES

April 26, 2024

REGARDING: CONTESTED CASE

PETITION: Administrative Enforcement Action against Janell Jensen for violations of HRS section 200-39 and Section 13-256-3

For lack of clarity interpretation that is your own that was not shared or clear prior to receiving of j1 packet 4/22/2024 still with misrepresentation of said facts

A contested hearing that may involve oaths evidence examining witnesses certifying acts.

I have stopped business rentals I am seeking other employment

I hope and pray finds will be greatly reduced

If you want to hear my side of the story please read on

I want a contested case hearing because i feel my rights to fair hearing has been violated

Clarification of laws was not provided when asked and emailed.

(i)

Sacred water rights to navigable water are being infringed based false allegations of misconduct

I suspect the state is still figuring this out and does not fully understand for lack of clarification and subject to own interpretation

I loved sharing kayaking and did a good service to the community to share necessary information equipment needed to know to be safe and enjoy.

There was No regard for my privacy. As my name home address blasted all over your websites fb instagram shared so forth with blatant disregard and immense misrepresentation. Hopefully I am not hurt due to how this was treated and how I was unfairly treated through all this

I hope I never go through anything like this again

I loved sharing kayaking and did a good service to the community to share necessary information needed to know to be safe and enjoy.

I will freely speak for no gain or profit off Kaneohe Bay
New laws would not allow any commerce water activity purchases to enter Kaneohe bay would be in violation if boats are sold and recommended use of Kaneohe bay so forth even. This is an unfair abuse of a too powerful government agency. Laws are too strict and are not natural law. To impossible for all to follow and not enforceable for all to comply so its pick and choose or go after based on complaints versus evidence or real advertisement. Not right in my opinion..to not be able to purchase for use to take ocean activities to Kaneohe bay not allowed to enter the bay or its considered advertisement.. Burden is too great. It's like you'll only be able to purchase rent from the black market. **That's likely going to create an excess trash problem. People will still kayak Kaneohe Bay without knowing what they need to know with no regard or understanding of their surroundings. Tourists kayaking out there not knowing anything will likely be a greater public safety risk to the community and reefs.**

God bless and Malama

Janell Jensen

I received a letter regarding a BLNR meeting packet 4/22/24 first examples of how I did anything wrong ever after several tries to inquire what I had done wrong.

I called Jenna after the cease and desist letter in October. She would not answer how I broke any laws, only that she received complaints. I emailed DOBAR MANAGERS and they never responded back to me about what I had done wrong. I'm not proud of our conversation but I was genuinely trying to figure

out and understand though I lacked the mental capability to know what I don't know and don't understand.

I received criminal citation 2/24/24 I pleaded not guilty and it was dismissed

Cease Desist order went briefly on laws not detailed addressed like in packet!

I made every attempt to understand and comply to cease and desist order. I even stopped working while gathering information.. Loren, one of my neighbor friends on luiu, told me I should throw it away and never respond to it, less is more. I don't know I don't feel that way but I wish I knew how to respond better in the heat of the moment and anxiety.

When I called to simply ask how I was breaking laws I was also very off topic. I was frustrated I didn't get a response. I wasn't trying to grill or bother Jenna. I think I was just trying to gather information to comply. But I asked more unnecessary questions wasting time because I didn't get the answer or understanding I was seeking wasn't provided.. I feel I overstepped and was too hot headed , because of the lack of no jurisdiction out of water confusion in my mind. I was thinking it had no merit. No jurisdictions and different jurisdictions again stated by Bruce so forth even in the January Kahaolu neighborhood board meeting..

I was not counseled well fairly by agency by dobar (I KEEP CALLING DOBAR DLNR THINKING ITS SAME AS DOBAR GETTING AGENCY STRAIGHT IS CONFUSING) DOBAR managers BRUCE SWARTZ AND JENNA said they did not have jurisdiction and did not answer my email regarding question the laws on cease desist letter was unclear as to how I broke those laws. No other rental shops stopped and were clearly advertising Kaneohe bay. I did not want to eat any one out. I was only on the defense. I believed fair business was violated which felt discriminatory but not shared emailed in best way again. I know I should know better but I have no wit and I am awkward in saying too much.

Word of mouth is a first amendment right. Prima facie guilty until proven innocent WHAT? WHERE'S the CIVIL RIGHT in that? where's THE RIGHT that guilty before proven innocent.

Cease all illegal activity when illegal activity though illegal activity stated did not pertain to me and was not clear though stated on letter doesn't mean anyone could understand.

Even the lawyer said I didn't seem to break any laws just to not advertise which I thought I was compliant on but my definition of advertisement is different from said interpretations in packet. I didn't not know my 1st amendment rights could be considered illegal?

Catamaran registration LAW stated on what? IN STATE WATER COMMERCIAL PERMIT WHAT?

WHEN I WAS advised BEFORE BY BRUCE I DID NOT NEED A CUP I DID NOT UNDERSTAND WHAT or how that CHANGED.

WHY ALL OTHER PLACES COULD OPERATE KAYAK RENTALS WITHOUT CUP

I DID NOT THINK I WAS ADVERTISING EITHER AND DID NOT GET EXAMPLES OF THAT how i was clearly if i did i would of fixed it

SAID ADVERTISEMENT COULD OF LIKELY COMMENCED BEFORE CEASE DESIST LETTER, CORRESPONDENCE IS NOT AN ADVERTISEMENT.

THIS ALL IS SO FAR FETCHED! I TRIED TO COMPLY IN EVERYWAY I could UNDERSTOOD TO. I DON'T KNOW HOW TO STOP ILLEGAL ACTIVITY IF I'M NOT GIVEN EXAMPLE OF HOW WHAT I was DOING IS/ was ILLEGAL WHEN IT DID NOT SEEM TO PERTAIN.



MARCH 2024 I also went in person to DOBAR SAND ISLAND TO asK **BRUCE SWARTZ** if I was within 1000 feet of water. Was it via road or way bird flies in March 2024 after law passed into effect that kamaaina kids shut down because of new law. They never had a permit CUP to do business in state waters. I went to try to understand what had changed seeking council understanding of what had changed district manager **Bruce said he did not wish to answer my questions.** He did answer one of my questions though I had also emailed about the citation about being required to have registration on boats. I thought maybe it was a new sticker system for kayak renters. It was for people that obtained commercial use permits but it was impossible for me or anyone to get. Because I did not hold a commercial use permit to do business in water it was unobtainably **impossible to get registration for kayaks. Blnr found me noncompliant although I did everything in my power to understand what most lawyers don't even understand.**

Correspondence is my first amendment right to be "matter of fact" and doing right to provide safety needs to know, while answering questions is not an advertisement. An advertisement was charged merely because people were photographed going to from the bay with kayaks. They charge me for operating on holiday and Sunday which is illegal for In water business that hold CUP. I Didn't think or know I was operating in state water because I wasn't. They find me for not having CUP and they find me all based on pictures the neighbor **Ward Graessle** provided. Totaling 35k presented to me only 4/22/24

Background which led up to this in the beginning I delivered kayaks and kayaked with friends from the **Pokole Point** area as(I was familiar with that area from living there and living there many years ago as well before, I lived at my current residence. My oldest son is 18 and both my kids went to Heeia elementary.) some people went to the board and some of the information was a complete lie and false accusation as well as board hearings have had complete lies and false testimony as to the amount of kayaks I have when all actuality I am not a busy business some months I did not rent at all on too windy of conditions. I have less than 5 kayaks going out daily and 6 at the most. One neighbor did not like anyone parking on the public easement to access the bay where there is a ramp that several people park there and use. I never blocked her way. I was **always courteous. I am a courteous person.** I only parked there briefly sometimes and **later started asking people to not park there** because it bothered her. **Mr. Kam** next to her said **it did not bother him if people parked in front of his house second house in from Hunakona on Kamehameha highway and he also owns house on corner of Honekoa**, someone parked there once and Neighbor across from him called me that they didn't want anyone parking in front of Kams on Honekoa because they have a big trailer and need to park there and have space to pull in driveway, so I **respected that and told people to not Park**

there. I have delivered to the shoreline but not after the law changed, also I stopped sending people to Pokole Point area out of respect about a year and half ago. People told anyone kayaking in the area saying what they were doing was illegal, telling them to not visit to go back where they came from even to locals that grew up here. That lady from in she filmed me anytime I was around from the 3rd house in on kamehameha from Honakoa she complained to Wayne German is what he told me and he keyed my car with a metal leash chain he had with his dog, when I was kayaking with my friend before her heart surgery. I confronted him because Marcy and I saw him go in the back of my car up against it close against it with no space. When he saw us out there we kayaked back in and there was the scratch **4k damage all the way across my car.** He did it because I was the kayak lady. I recorded **saved on youtube video** him saying you betcha when I asked if he keyed my car because I was the kayak lady. I alternatively used the public beach access by Hunalepo where there is no parking next to anyone's house that seemed to work well. When people wanted to go to the bay. Some people knew what they wanted to do and knew where they wanted to go and just went because they were already familiar. But if they have questions I'd be helpful to go over and answer questions for them, (my first amendment rights). I also ask questions and tell people what they need to know for where they are going, Also to respect the area, wherever they are going and be courteous to not obstruct the road way. I've done my best to do my best and be patient and go over things with people. people have rented boats and have gone all over with them as well kailua wilson lake Kahana bay ect. If i was able to deliver for people that took a bus that didn't have a car i think that would have caused less havoc of people carrying kayaks down the road that is really difficult to carry a kayak down road and was recommended to not rent from me without a vehicle. So people walking down the road was not a common occurrence.

The Kaneohe Bay is a great sacred place that people should not be prevented from renting. Its a safe place to kayak with the calmest waters with many good weather days. People should not be deprived of being able to rent if they don't own Water mode of transportation. Business should not be prevented from renting to people that want to **recreate and enjoy navigable water rights.**

Exhibit # C.11 I was Inspected 3 times DPP they never told me I did anything wrong from inspections. From those 3 business inspections inside. I never denied them to go anywhere else like Jacki said. on property like **Jacolyn** said. I was not told I needed anything further from dpp.. until later I received violations plants rocks kayak unloading of kayak. I addressed the situation with a long letter and went into dpp. Also corrected violations to remedy. **Catherine Weinhardt** mentioned kayakers have to pull into my driveway. I complied and asked people to pull in when they did not from there on out. I have letters of support from email correspondence of things senator gill had said about me without seeking my side but I did call him and have a chat with him. Which is more than I can say for our council members I have reached out to. She

also said I had not been inspected in a long time and I gave her permission to inspect the full property anytime.

Neighbors wrote in letters of support. Exhibit # C.11

I was unaware I was violating any laws that were on the cease and desist letter and citation. one of the laws on the citation was about registering for stickers for commercial use in water operators that was irrelevant and not applicable to me stated by DLNR/DOBAR again because I didn't have CUP. violations were unclear. I'm supposed to have my boats registered but it's only for tour boats that have permits. I'm not a lawyer but I did my best to try to understand but **was incapable of doing so and found it very impossible no matter how much I tried and thought I understood I was compliant.**

11/23/24 I did not know I could not rent on holiday or sunday as I am not in the water like I thought. I thought that was only for water business as stated by laws I read. Maybe that changed to I don't know i can't keep up with all the law changes and no council on laws changing. The path to the beach is about 1500 feet from my house. Meanwhile while Kamaaina kids were still renting they rented till march 2024. I assume they got the courtesy to get the law explained to them that they could no longer operate no matter what like I didn't get the courteous explanation. I wish I got the same courtesy to be told how I'm doing something wrong. And no way to comply no matter what. I wish there was an opportunity to comply and continue business in full compliance.

I should have got a cease and desist letter that said I can not rent kayaks from my house no way, no can, whatsoever. if I continue I'd be find endlessly like a drug dealer. Not a bunch of laws, I don't understand that aren't and weren't clear how i'm violating them. For a law of extended boundary and extended use activity and changed revisions is confusing'

How was I supposed to know people picking up kayaks from my house would be considered delivering or prepositioning kayaks within 1000 feet of shore??? when its my residence how does DLNR/DOBAR/BLNR have jurisdiction over my rights?

I've called for days for lawyers and only found one previously that is not avail to help till after may 7th

BLNR/DLNR to blast me my house with address business name my name all over DLNR/BLNR websites facebook instagrams.

THIS IS ALL VERY MISCONSTRUED

I feel my civil rights, rights to privacy, saying I've done illegal business and many people talking are derogatory who knows their intent nowadays, there's much violence. ONE PERSON SAID I SHOULD BE SUED FOR THE DEATH OF A KAYAKER THAT HAS NOTHING TO DO WITH ME! people saying TALKING WHAT THEY DON'T KNOW things I should have started procedures correctly etcetera and lying about what they don't know and they don't know the full story.. The worst anyone slightly got hurt was stung my man o' war or a cut on the foot or finger and needed cleaning and maybe a bandaid.

**I DID MY BEST TO ADHERE COMPLY TO EVERY RULE REGULATION AND DID DUE DILIGENCE BY CHECKING IN WITH DOBAR DLNR DPP AND DCCA.
I GOT BAD GOVERNANCE BY THEM**

I have several declarations from neighbors that my business did not bother them. I HAVE SOM LETTERS OF SUPPORT FROM NEIGHBORS AS WELL..When I brought that up in the BLNRmeeting they said I should of submitted them and testimony with less than a weeks notice and made it sound like I had as much time as oct 26 23 how would that be possible when I didn't even get notice of this civil preceding received 4/22/24. I should be allowed extension and a fair contested hearing with an unbiased jury that's not the government. Not knowing how the procedures work and I am expected to know... definitely not a fair trial at all. I did my best to do my due diligence to do my best to understand without being pesky. Forgive my repetition. I am stressed and anxious over this. It's not like I was doing business without checking in with all departments.. departments

my rights have been violated: the right to freedom, the pursuit of happiness, including jurisdictions extending boundaries.. the right of first amendment freedom of speech without being considered an advertisement breaking the law 5k each pictured offense. **The right to a fair trial as I am responding within 10 days.**

Arbitrary government enlarging its boundaries allocating horizontal agreements of exemption of permitting to advertise Kaneohe bay by other companies not affected like I have been the perpetuation of a witch hunt. Other same businesses with no permit advertise and continue to advertise Kaneohe bay and Mokolii within Kaneohe bay without commercial use permit very clearly.

DOBAR Bruce Swartz district manager say I can do business withOUT a cup. \$300 or 3% OR whichever is more. It is als pretty unobtainable to insure people its easy to insure equipment but not possible to get enough make enough to enough to satisfy state requirement insurance for kayak rentals.. That's why there are waivers and it is safer for people to know they are responsible for

(9)

themselves rather than the possibility of relying on or thinking they can get hurt and sue for their carelessness..

By saying I need a cup is like implying I can get one?

in state waters implying I can get one though I can't ! nobody can!

cups have not been obtainable since the 1990's!

So are they trying to be sneaky because it says they don't want to allow me to get a permit in j-1??

As well either within a few years is there something else I don't know about???

are they not telling me something? I need to know is it possible or was it possible for me to get a CUP? **Are they impeding my rights by not being honest forthright fair in dealings?** I'd like to know why they couldn't just come out and tell me in plain simple language?? And why do they recommend in j1 that I should be barred from getting one??

Why not send cease desist letter stating no rental of kayaks at all whats so ever all oahu or you can but only here and never Kaneohe Bay, kind of example??!!!

This all brings in the law of impossibility.

I have done everything to comply best of ability. Other continuing kayak business and to not allow me to continue business regardless of not advertising. **unfair everyone is saying if i was brown no one would have bothered me.** The board had their mind up and appeared to buy into every false witness false accusation and arbitrary testimony. Dlnr/dobar chose to not administer clear guidance of any examples of what I had done wrong.

Bad governance creates localism no one's welcome. You didn't grow here lets send her to hell and mistreat her best as possible.. only allow Hawaiian commerce is allowed underlying attitude.

I have never had an accident to report. I have been adamant to promote safety of paddling and protection of reefs and rights to recreate and enjoy. **Navigable Sacred water rights.** I went over reasons to not touch reefs or kayak over them, in reason that every customer will understand for fear of not treading or kayaking too close to reefs for fear of getting bit by an eel or rolled and injured on reef. I set clear safety guidelines. As well not to bother commercial areas or commercial boats to steer clear away from them so they can keep count of their commercial people area. Showing a picture of an eel with jagged teeth really works to keep people off and away from reefs. Importance to follow and understand basic law otherwise might not of known to follow local laws if not told. People may not know like Kapapa island is prohibited to not go behind the sandbar. It could be dangerous. I ask people to not anchor to reef and show proper way to anchor to sand. shared windalert.com could be used anywhere to be a good one to use. It shows the direction of wind and updates often within 20 mins to an hour behind. I asked

people to drive slowly and carefully in the neighborhood, not to unload or walk on the highway, it's even on the contract. It's important people know they are responsible for themselves not to be dangerous. any rescue charge ect if I have to call the coast guard if they don't return on time they are responsible for charges if any. it's important to be careful and have an understanding of the area, they intend to go. A few people have not liked the mere sight of anyone using the bay. Some don't even like seeing locals use the bay. One didn't like me using the public easement though I was respectful and never in her way she didn't like it and I stopped sharing her near by entrance to the bay over about a year and half ago or so along time anyway. I can be respectful to people that are disrespectful to me. I do have respect for my neighbors. I certainly do not ask customers to demonize and look in Joclyns windows , howards wife, where much of this stir comes from. I am a christian. They have followed and stalked me for over a year and half on numerous occasions even stopped on hwy to take pictures of me and other car I was driving like a **neighborhood mafia gang** thugs vandalizing threatened to hurt me again. They get off on it; while feeding my friend's dog and enjoying the view no kayak business going on. I did confront **Ward** and called him a psychopath. I video him back and told him to stop stalking me. I should be careful what I say. Its not fun being followed and stalked often.

He's a liar even proven with all his false stated dates of pictures presented said to be after cease desist letter Oct 2023 come to find out there not but he presented in a way as so. Untrue even shown untrue and some not used and some were used with previous date then said to be the start of complaint **fabricated** als decided to be used for a different purpose.. that was said by him all pics were after cease and desist he so graciously provided. He is a proven liar. The truth is in the evidence stated and shown to be false Ward provided. I should sue ward Jacki there friends that falsely testified for defamation. He had presented to neighborhood board meeting #29 January 2024 1;16 minutes. In the presentation he stated all pictures were after cease desist letter hes a liar. They all lied. lied about dates and **lied about how many kayaks I have and lied about the road constantly being blocked. Lied that I chainsaw trees in police report Greg and testimony Wayne I chainsawed trees and poisoned the water.** They'd drive up and down in front of my house out of their way several times, daily and often. Falsified police reports. **Exhibit #** Funny their friend said i cut down trees then **Greg falsified police report** saying he saw me cut down trees with a chainsaw why didn't he take a picture? of me then?? that he saw me with a chainsaw called ward to take pics of cuttings. really?? **I have an email from Anne who lives at the public access** saying she saw white caucasian man sawing trees. I Think you should watch the **Kahaluu board meetings January #29 as a Exhibit # C13**

Also, Greg said when he called to complain he was advised my business was legal as well as stated on **Kahaluu neighborhood board meeting.**

Exhibit B Jenna fails to admit she did not give me an example of what I had done wrong and failed again to respond to my email, This all could have likely been cleared up if I was given clarification. Or counseled correctly by a government agency.

It was a witch hunt. Jiro dpp deputy director even said he was going to ticket people with kayaks. Patrols by HPD were done for months by HPD and no violations found from kayakers stated in Kahaluu board meetings. dpp inspected me 3xs no violations found. There other friend

that keyed my car with his dog leash and flips off my 10 year old son off when walking dog by himself. Wayne flips me off with rage. **neighborhood board Rocky Kaluhiwa said her friend wanted to beat me up then when I message her that I'm janell Jensen with ohana kayak rentals she brought up in a board meeting she didn't even know who I am in the neighborhood board meeting I went up to talk then they muted me . John Rapun got close in my face mad and yelled what is wrong with me that I was stupid and what's wrong with me that I spoke out of turn. I have anxiety and don't always respond correctly and people close mad in my face triggers abuse from my past. Then they all had recess and all decided it didn't matter they didn't want to hear anything I said. That it was done and already in play.**

I was originally told by collin that i I did not have to make people pull in to my property, but since talking to **Cathrine Weihnheart** cheif at **DPP** I did my best to do so and I asked that if people were dropping off at same time to not linger nearby to drive away for 5 minutes then come back. Mostly people pull into my property sometimes on unloading they used public easement in my driveway and slightly on road alot like everyone else how they park on iuiu. When dlNr enforcement pulled into easement parking they left there rear of truck angled in the street at dpp I asked as well to if I did need any further permit for declared home occupation they told me dcca was sufficient

I wrote a letter prior to blnr board meeting thinking id get a chance to read it. These are not fair proceedings with time limits no opportunity to respond to arbitrary false testimonies. exhibit# C.9

I was advised by DLNR that I did not need a cup to do business from my home. **Exhibit #C4**

I have email **Exhibit # C.4a** asking for further clarification from DLNR **how I was violating laws** stated on cease and desist letter? Answer was never provided.

I have some video of interaction undercover cop that he did not give me money. I offered him to kayak free. Not sure if much help though or need

I have some video Cam of DOBAR DLNR officer interaction many small clips. Nest cam videos

I asked **Bruce** in person if my house was within 1000 feet of the shoreline he did not wish to further answer my questions. I have an email draft to him that I sent to my attorney that attorney advised me not to send that he'd handle everything.

I did not know when the law changed kamaaina kids stopped doing business around march i also had thought that my residence was more than a 1000 feet away from the shoreline

Officer Tompson Said I was still operating based on voicemail. I recently took it down to say nothing of rental business. This is what it did say

"Hello you reached Janell Ohana kayaks please don't stop at the house without checking in for availability or a reservation thank you and God bless ! I changed it when I was notified my criminal citation had been dismissed because I had assumed not broke any laws. I was under the impression I was legal and everything was ok from my attorney that saw the cease desist letter as well.

It seems the law of impossibility may be in play here. They say I now need a cup when before they said I cant get one then they say I can but come to find out I still can't when inquiring also about law i was sited needing registration.

I stopped doing business after I receive the packet saturday j-1 april 22 2024

A correspondence is not a advertisement

I was fined by BLNR different laws that were not stated on cease desist letter

Bruce at DOBAR manager I ask him in person he would not answer my question about if i was within 1000 feet of the shoreline if it was via the way a bird flies above that you cant through with kayak above private residences or via the road . he stated he did not wish to answer my questions.

I had a counseling zoom meeting with ku'ulei to attend windward college to get aa in liberal arts to take special certification classes like the agriculture or marine electives.
I hope and pray you can reduce the charges

Scrambling to respond to all this has taken much of my life from my family and community.

This was dropped by inspector
in my garage

Ishikawa, Colin K.

From: Weinhardt, Catherine
Sent: Friday, September 30, 2022 11:38 AM
To: 'Sen. Gil Riviere'
Cc: Ishikawa, Colin K.
Subject: RE: Ohana Kayak Rental on Iuli St

Aloha Senator,

Inspector Colin Ishikawa went to the property but only their minor child was home, not the adults. He also left a phone message for Janell Jensen, one of the owners that we think is the girlfriend of the homeowner. He will be going out again today. I have added him on this email since Monday will be my last day with Residential Code Enforcement. I will still be in touch with you for all the STR issues when we start up the new branch. My email will be the same, just my phone number will change.

Catherine "Cathy" Weinhardt
Residential Code Enforcement Branch
Department of Planning & Permitting
City & County of Honolulu
Phone 768-8161

From: Sen. Gil Riviere <senriviere@capitol.hawaii.gov>
Sent: Friday, September 30, 2022 11:02 AM
To: Weinhardt, Catherine <cweinhardt@honolulu.gov>
Subject: RE: Ohana Kayak Rental on Iuli St

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

Aloha, Cathy.

Any news on this? I am sure they exceed the 250 cf storage limitation.

Gil Riviere
Senator, District 23
Oahu's North and Windward Shores

Phone: 586-7330

From: Weinhardt, Catherine <cweinhardt@honolulu.gov>
Sent: Friday, September 23, 2022 2:50 PM
To: Sen. Gil Riviere <senriviere@capitol.hawaii.gov>
Subject: FW: Ohana Kayak Rental on Iuli St

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Aloha Senator,

Clay has asked me to respond directly to you. I am quite familiar with this issue. We received a complaint through Councilmember Heidi Tsuneyoshi this past April. I have attached that response just as an FYI. I have also created a new request for investigation. An inspector will be going out early next week and I will notify you of the outcome.

1

C.V

Compose

Mail

Inbox

Chat

Starred

Spaces

Snoozed

Important

Sent

Meet

Drafts

Categories

More

Labels

2021 kw taxes

2524 house important

bad renter



Janell Jensen

Thank you I called City and county and explained my situation, that I rent from my house people pick up on there car go to other beaches like chinamens nat traverse park go they said that's fine and that I also deliver to nearby beach after meeting at my house paying singling rental agreement and brief the beach to AVOIDE Mano'war, ~~the work~~ and harming the reef and one way in and out best way low tide to not hurt the reef". Since I'm not setting up on public beach they said I don't require a permit from them. The lady I spoke with also spoke with supervisor. I will start working on. All this thank you Mahalos

Sent from Gmail Mobile



Janell Jensen

jaine



Janell Jensen

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IN THE DISTRICT COURT OF THE FIRST CIRCUIT
KANEHOHE DIVISION
STATE OF HAWAI'I

STATE OF HAWAI'I,

vs.

JANELL JENSEN,

Defendant.

CASE NO. 1DCC-24-0001430

ATTEMPTED KANEHOHE BAY COMMERCIAL
OCEAN USE ACTIVITIES; PERMITS;
RESTRICTIONS
(§705-500 and 200-39(c), HRS)
CITATION NO. 6572330LNR

ORDER GRANTING EX PARTE MOTION TO
NOLLE PROSEQUI WITHOUT PREJUDICE

ORDER GRANTING EX PARTE MOTION TO NOLLE PROSEQUI WITHOUT PREJUDICE

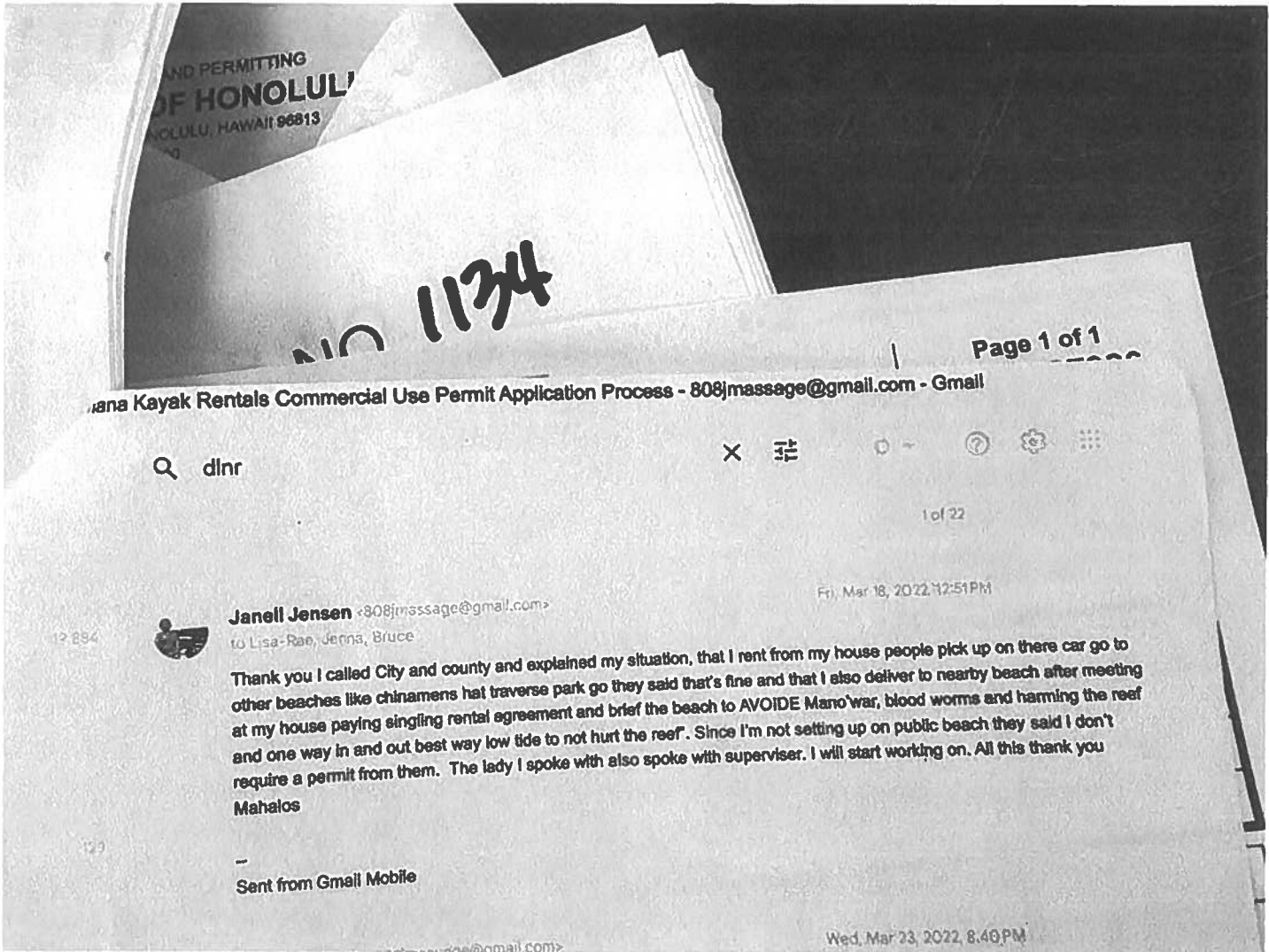
IT IS HEREBY ORDERED that the Ex Parte Motion to Nolle Prosequi Without
Prejudice be and the same is hereby granted.

Dated: APR 17 2024



Judge of the above entitled court

Exhibit C.1
A



C-2
A-B



On Wed, Mar 30, 2022 at 10:44 AM Janell Jensen <808jmessage@gmail.com> wrote:

Hi Lisa-Rae, nice meeting you yesterday! I was mixed up with your name sorry because my I was only remembering the Rae part of your name and was thinking Rene.

I just worked on the safety protocol page also I provided, working on sharing and providing maps as well.

I'm wondering if there are any violations fines I can incur if renting from my house, because one person from DLNR said they don't regulate home-based kayak rental businesses? Also if I rent from my house and people take kayaks and enter state waters do I need a permit? I have a flat rate kayak rental fee. I would like to deliver for free to the nearby shoreline entrance path to Sandbar two blocks from my house on to public side road, but is that where I need to have a permit? Do I still have to have a permit if I'm in public parking areas and in and out of public parking not state waters no longer than 10 -20 mins? I know there's a guy that parks outside of chinamen's hat vending and people carry kayaks in. I don't and won't solicit or vend or set up on public parking side roads. I just want to provide free delivery if needed and be in and out, for people that don't have the proper vehicle to carry a kayak. I am still working on getting my liability insurance regardless. I was denied by USAA Philadelphia insurance company that typically insures adventure boaters because my boyfriend rents his scuba gear out to other certified divers mostly friends rarely occasionally a couple of times a year as he has a regular job at camp smith for DOD. They denied me based on him having an LLC Scuba company that is practically non-existent other than for our hobbies, so I'm bumbled but seeking other business insurance. If you wouldn't mind recommending any insurance companies I'd really appreciate it.? Thank you for your help, time and thoughtfulness toward me. I will reply to this email with google maps also.

On Wed, Mar 23, 2022 at 8:40 PM Janell Jensen <808jmessage@gmail.com> wrote:

----- Forwarded message -----
 From: **Janell Jensen** <808jmessage@gmail.com>

C.3

5/2/24, 6:38 PM

Gmail - Re: large are Google map

Date: Fri, Mar 18, 2022 at 12:51 PM

Subject: Re: Ohana Kayak Rentals Commercial Use Permit Application Process

To: Martin, Lisa-Rae M <lisa-rae.m.martin@hawaii.gov>

CC: Kawasugi, Jenna M <jenna.m.kawasugi@hawaii.gov>, Swartz, Bruce L <bruce.l.swartz@hawaii.gov>

Thank you I called City and county and explained my situation, that I rent from my house people pick up on there car go to other beaches like chinamens hat traverse park go they said that's fine and that I also deliver to nearby beach after meeting at my house paying singling rental agreement and brief the beach to AVOIDE Mano'war, blood worms and harming the reef and one way in and out best way low tide to not hurt the reef". Since I'm not setting up on public beach they said I don't require a permit from them. The lady I spoke with also spoke with supervisor. I will start working on. All this thank you Mahalos

On Fri, Mar 18, 2022 at 12:32 PM Martin, Lisa-Rae M <lisa-rae.m.martin@hawaii.gov> wrote:

Aloha Janelle,

I hope you are doing well and I appreciate the time you took out of your day to speak with me regarding the process of obtaining a commercial use permit. Per our telephone conversation, I will list the required documents below so you are able to begin gathering all the necessary paperwork.

- Commercial Use Questionnaire (pdf attached)
 - Please list the exact locations you plan to operate
 - Page (3) lists all the required documents that we've discussed
- Commercial Use Application (pdf attached)
- Inventory sheet (pdf attached)
- Copy of GE Tax License
- Certificate of Insurance
 - Please list our division as the additional insurer with the following address:

State of Hawaii

DLNR, Division of Boating and Ocean Recreation

4 Sand Island Access Road

Honolulu, HI 96819

- Certificate of Good Standing from the DCCA
 - Certificate needs to be dated within (30) days of submitting application
- Certificate of Vendor Compliance from HCE
 - Website: <https://vendors.ehawaii.gov/hce/>
- Letter of authorization
 - This letter will be based on the location you plan to operate
 - If you plan to operate on city and county property, you would need to obtain a permit through City and County Parks Permit
 - If you plan to operate in a private area, you will need to obtain a letter from that property owner
- Copy of Articles of Incorporation or Articles of Organization
- Detailed map on how you will be accessing state ocean waters
- Copy of the owners' DL/identification

Here is our homepage should you have any other questions or concerns: <https://dlnr.hawaii.gov/dobor/>

Please do not hesitate to give our office a call should you have any other questions or concerns.

Mahalo,

2/27/24, 7:09 PM

Gmail - Ohana kayaks



Ohana Kayaks <ohanakayaks@gmail.com>

Ohana kayaks
1 message

UNANSWERED BY DLNR

Ohana Kayaks <ohanakayaks@gmail.com>

Mon, Oct 30, 2023 at 12:39 PM

To: jenna.m.kawasugi@hawaii.gov, "bruce.l.swartz@hawaii.gov" <bruce.l.swartz@hawaii.gov>

Call 10/25/23 no answer told I had to email.

Real quick Jenna , Im having a difficult time processing and understanding the letter and what it is that I am in violation of. Im trying to find fault and figure out what my fault evidence of violation is?

Could you please give me an actual example or actually what I have done that is in violation to section 200-39 c and rule 13-256-3 and **How so?**

You said I received the letter because of complaints received yet you wouldn't tell me any of the complaints and how do they pertain to evidence against me?

I'm genuinely trying to come to the table to come to a solution for all to cease and desist commercial activity in state waters: (which I do not do business in water since I don't this is out of your jurisdiction per our conversation) letter issues versus going to litigation.

It does not say to cease and desist my kayak rental business and it is unclear to me how I have violated any of the statutes?

I rent kayaks, can't people go where they want? I think it would be illegal and discriminatory for any company selling or renting to say they can't go in the Kaneohe Bay, that would be absurd right? It would be illegal for DLNR to prevent people from doing such only having exclusivity for certain business to do so, especially deceptive because no kayak rental business has a permit in Kaneohe Bay right? Since 1992 there are only 7 boat tours that have permits per Heela Harbor Master. To tell or detour people that they can't go in the water of Kaneohe Bay is down right illegal right?

If unable to answer questions please get someone that is able to answer my questions.

<https://mail.google.com/mail/u/0/?ik=2f1eb2a61f&view=pt&search=all&permthid=thread-az-26265596569811679364&siml=msg-az-35130925711332...>

C.4 (←)

4:21

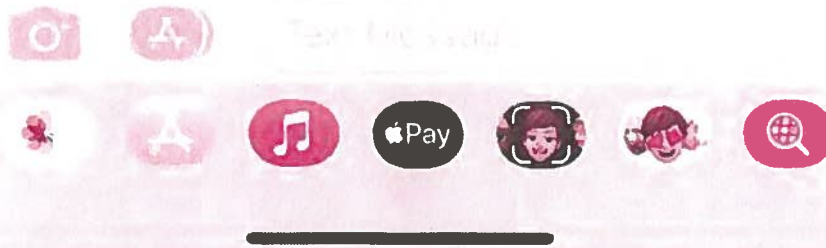


Bruce Dlnr

18088323521 Deposited a new message:

"Hello ~~Donald~~ ^{James}, This is Bruce calling back from the district voting division. Uh just wanted to give you an update uh since we spoke um we did confirm that if you're not doing tours in the water or um uh any type of instruction there in the water.

The uh our permits, the commercial use permits from the boating division for ocean waters is not applicable or not required. So um just to make sure you understand that there have been other inquiries from I think the local representative's office uh representative and they've um they've been directed to um well they've been advised that if there are, you know, other people, they receive uh other complaints or other uh questions that really the um these issues will be directed to



C.4

4:22

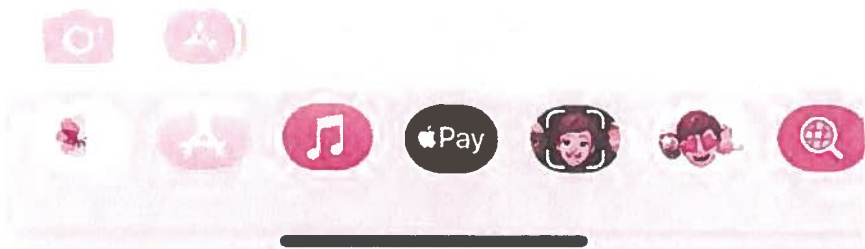


Bruce Dlnr

waters is not applicable or not required. So um just to make sure you understand that there have been other inquiries from I think the local representative's office uh representative and they've um they've been directed to um well they've been advised that if there are, you know, other people, they receive uh other complaints or other uh questions that really the um these issues will be directed to whomever the property owner is where uh you want to drop off the kayaks. Yeah so as we discussed previously um if you're just renting out of your home, you do not need a commercial use permit from the building division. Alright. Do you have any questions feel free to call back that number? [8088323521](tel:8088323521). Thank you." Click here: [14699825006](tel:14699825006) to listen to full voice message.

again you don't need a commercial permit renting from here

C.4



5:49



Cheating

Edit

Voicemail

waters not applicable are not required so
 him just to make sure you understand
 → that there I have another inquiries from I
 think the local representatives office to
 represent _____ and _____ they've
 been directed to him well they've been
 advised that if there are any other people
 they receive other complaints or other
 questions that really the him please
 issues will be directed to whomever the
 property owner is where you want to drop
 off the kayaks and so as we discussed
 previously um if you're just renting out of
your home you need to not need to
commercial use permit from the building
division but if you have any questions feel
 free to call back that number
 808-832-3521 thank you..."

acting

Was this transcription useful or not useful?

+1 (808) 979-1502

11:34 AM

Maybe Osna Weich

02/28

+1 (808) 369-3307

9:36 AM

Maybe Samantha

02/28

Kaleheo High school

Monday

unread

02/14



C.4

5:41



Greeting

Edit

Voicemail

Bruce [redacted]

phone

April 4, 2022 at 4:17 PM



0:04

-1:30



Swartz

Transcription

"Hello Jenelle this is Bruce calling back from the district building division I just wanted to give you an update... We spoke him __ did confirm that if you're not doing tours in the water or him __ any type of ~~construction~~ construction there in the water the our permits the commercial use permits for the building division for ocean waters not applicable are not required so him just to make sure you understand that there I have another inquiries from I

Permit not applicable not required

+1 (808) 979-1502 11:34 AM
 Maybe Olivia Welch 00:28

+1 (808) 369-3307 9:36 AM
 Maybe Sapientha 00:20

Kaleheo High school Monday
 mobile 00:14



C.4

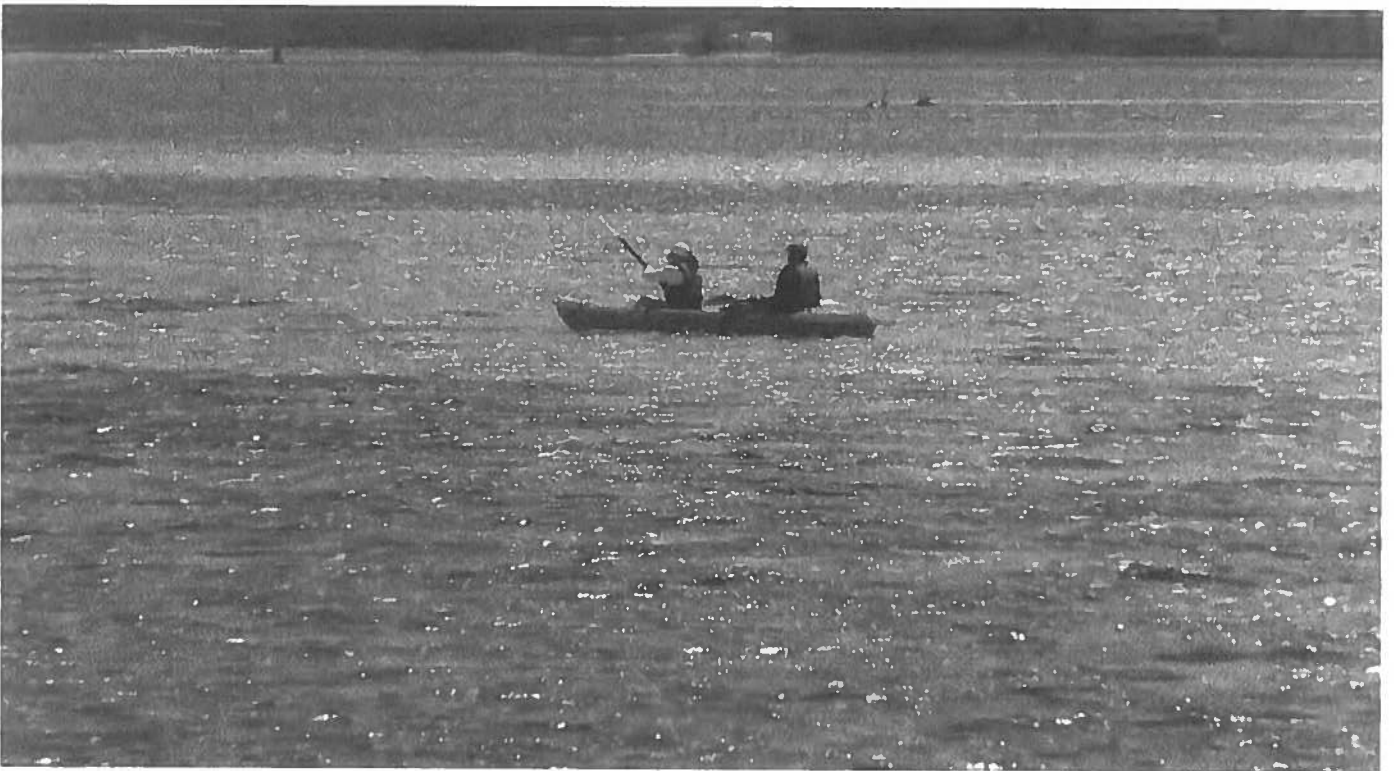
KULEANA: | Connect & Learn

BEST OF HAWAII: | Best of Hawaii

https://www.kitv.com/news/kayak-and-other-rental-opportunities-at-kaneohe-bay-being-discontinued/article_e90331fe-e800-11ee-8302-4760350b812c.html

Kayak and other rental opportunities at Kane'ohe Bay being discontinued

By Eric Naktin
Mar 21, 2024



If you head to Kaneohe Bay, you'll need to bring along kayaking and other gear because renting won't be an option starting next week. With Act 232 being signed into law, the new policy will be enforced.

KANEOHE, Hawaii (Island News) -- If you head to Kaneohe Bay, you'll need to bring along kayaking and other gear because renting won't be an option starting next week.

With Act 232 being signed into law, the new policy will be enforced.

It's frustrating news for renters that don't want to carry equipment, but there are local residents in favor of it.

Kaneohe Bay remains one of the most breathtaking spots on the island and preserving it is a rising priority.

"Kama'aina Kids announces the cessation of all kayak and marine equipment rentals at He'eia State Park, effective March 24th - this decision comes as a result of a new law prohibiting watercraft rentals within 1,000 feet of Kaneohe Bay's shoreline. This legislation prevents us from operating waterfront recreation programs that help us to care for He'eia State Park," said Kama'Aina Kids President and CEO Dana Vela.

CS

"This program offered eco-friendly recreational access to Kane'ohē Bay for the community in an educational, sustainable, and nonprofit way, with proceeds directly funding the park," Vela adds.

Caroline Cruz lives close to Kaneohe Bay and told Island News, "Sometimes it's nice to be able to paddle or snorkel and be able to rent that kind of stuff, but I do agree it's nice not having this parking lot full of tourists."

Visiting from Chicago, Charles Lahew said, "All I can say is it really works for us, we couldn't bring our kayaks here from the mainland and we would not be able to go kayaking if we couldn't rent here."

Reservations for family kayak outings and other groups scheduled after Saturday, will be canceled, and payments will reportedly be refunded.

He'eia State Park will still remain open to the public for all other activities daily from 8 a.m. to 5 p.m.



Bipartisan deal brings billions in Federal funding to Hawaii
By Island News Web Staff

Do you have a story idea? Email news tips to news@kitv.com

Tags

- Kayak Snorkel Rent
- Human-powered Watercraft
- Kayak
- Hawaii
- Kaneohe Bay
- Kama'aina Kids President And Ceo
- Kaneohe
- Chicago
- Dana Vela
- Kane'ohē Bay
- Caroline Cruz
- Charles Lahew

Eric Naktin

Reporter

Growing up in the Midwest, Eric graduated from Chicago's Columbia College and began his broadcasting career as a news anchor-sports announcer at WSHW/WILO radio in Indiana. He later moved on to television and has devoted over a decade to working full-time at TV affiliates in several states across the country.



Ohana Kayaks <ohanakayaks@gmail.com>

(no subject)

4 messages

Ohana Kayaks <ohanakayaks@gmail.com>
To: chris@kaneshirolaw.com

Mon, Apr 8, 2024 at 12:24 PM

Hi Chris, I want to continue business, I am concerned about the new law act 232 if I'd be grandfathered in if I'm not a 1000 feet from the shore line as the crow Flies. Via roadway I'm approximately 1600 feet away. I'd like more clarifications, more so why I hired you is to make sure I can continue business legaly not just to get rid of citations that I believe I'm not guilty of. Do you forsee any concern to for me to continue business? I know windward sports is renting kayaks to people going to the sandbar.

Christopher Phillips <chris@kaneshirolaw.com>
To: Ohana Kayaks <ohanakayaks@gmail.com>

Tue, Apr 9, 2024 at 5:23 PM

Hi Janell,
Based on my reading of Act 232, as long as you do not advertise your kayaks for use in Kaneohe Bay you would not seem to be in violation of Act 232.

Christopher M. Phillips

Associate Attorney | Law Office of Alen M.K. Kaneshiro

Davies Pacific Center
841 Bishop Street, Suite 2201
Honolulu, HI 96813

P: (808) 521-7720 | F: (808) 566-0347

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From: Ohana Kayaks <ohanakayaks@gmail.com>
Sent: Monday, April 8, 2024 12:24 PM
To: Christopher Phillips <chris@kaneshirolaw.com>
Subject:

[Quoted text hidden]

Ohana Kayaks <ohanakayaks@gmail.com>
To: Christopher Phillips <chris@kaneshirolaw.com>

Mon, Apr 15, 2024 at 8:35 AM

Aloha ,

C.L

Have you received anything from prosucuting attourney state attourney General on my case?
[Quoted text hidden]

5/2/24, 6:20 PM

Gmail - (no subject)

Wed, May 1, 2024 at 8:28 PM

Ohana Kayaks <ohanakayaks@gmail.com>
Bcc: Louise.giuseffi@gmail.com

[Quoted text hidden]

C. b



Ohana Kayaks <ohanakayaks@gmail.com>

I composed this as a draft for dlnr I have not sent it

3 messages

Ohana Kayaks <ohanakayaks@gmail.com>
To: chris@kaneshirolaw.com

Fri, Mar 22, 2024 at 9:28 PM

Hello regarding citation for 13-251-36 from DLNR thank you for response as detailed below;

I went into DLNR today 3/22/04 trying to seek answers and better understand. I was unable to find answers online. I was thinking it was a sticker system that, I could register at DLNR and get kayaks set up as needed. I also recently received an email back that I did not realize, I got a reply back that it is not applicable to me because I don't hold a commercial use permit.

As Well i was and am trying to seek out if there is a way to run a kayaks business in full compliance.

I was also trying to evaluate if my business by law is vulnerable to any future attacks.

I do not understand or believe I have violated any regulations including the ones on the cease-and-desist letter. I believe myself to be innocent.

I requested further information to evaluate the claim, I never received a response or any evidence I've done anything wrong.

A cease-and-desist letter does not mean I have done anything wrong.

The merits of the claim are far from clear. I still have yet to get a response back email regarding evidence of fault on the cease desist letter.

Bruce although you do not like being quoted on what we have spoke about, you are a person of reference and a person through the administration DLNR, whom I seek information from. I do believe it is ok to seek information through the DLNR administration.

Hey I understand DLNR is investigating on working on building a case against me and you do not wish to further answer my questions and to take it up through the court process and with my attorney.

I do get the impression you are trying to detour me from kayak rentals from my house as best you can possibly for my own good.

because of the neighborhood board however people lying and complaining to the neighborhood board does not make what they are saying true. It is defamation and lacks no merit or evidence to the claim.

I simply asked what I did wrong and what evidence was there to support the claim and was told there was none other than the department receiving complaints.

I do not understand what has changed? I am not doing business within Kane'ohe Bay. I was told I was allowed to rent kayaks from my home and share information as long as I wasn't doing so within the Kane'ohe Bay for commercial purposes from the high water mark in 3 miles. Yes I also asked Jenna after receiving a cease and desist letter if she said DLNR has no jurisdiction out of the water.

Although I was told I do not need a commercial permit to rent kayaks from my house.

I am unaware what has changed and unaware of what I am in violation of and unaware what I have done wrong. I have not violated any of the laws on the cease and desist letter from October. I am not doing business in the water. I do not advertise Kaneohe bay. I do want to be in compliance in order to do that, I have to understand what it is that I've done wrong which has not been answered.

Christopher Phillips <chris@kaneshirolaw.com>
To: Ohana Kayaks <ohanakayaks@gmail.com>

Sat, Mar 23, 2024 at 6:34 AM

5/2/24, 12:46 PM

Gmail - I composed this as a draft for dlrr I have not sent it

Don't send anything at this point, if we need to send something I'll do so

Get Outlook for iOS

From: Ohana Kayaks <ohanakayaks@gmail.com>
Sent: Saturday, March 23, 2024 1:28:04 AM
To: Christopher Phillips <chris@kaneshirolaw.com>
Subject: I composed this as a draft for dlrr I have not sent it

[Quoted text hidden]

Ohana Kayaks <ohanakayaks@gmail.com>
To: Christopher Phillips <chris@kaneshirolaw.com>

Sat, Mar 23, 2024 at 6:51 AM

Got it.

[Quoted text hidden]

C. 8

Ishikawa, Colin K.

From: Weinhardt, Catherine
 Sent: Friday, September 30, 2022 11:38 AM
 To: 'Sen. Gil Riviere'
 Cc: Ishikawa, Colin K.
 Subject: RE: Ohana Kayak Rental on Iuiu St

Aloha Senator,

Inspector Collin Ishikawa went to the property but only their minor child was home, not the adults. He also left a phone message for Janell Jensen, one of the owners that we think is the girlfriend of the homeowner. He will be going out again today. I have added him on this email since Monday will be my last day with Residential Code Enforcement. I will still be in touch with you for all the STR issues when we start up the new branch. My email will be the same, just my phone number will change.

Catherine "Cathy" Weinhardt
 Residential Code Enforcement Branch
 Department of Planning & Permitting
 City & County of Honolulu
 Phone 768-8161

From: Sen. Gil Riviere <senriviere@capitol.hawaii.gov>
 Sent: Friday, September 30, 2022 11:02 AM
 To: Weinhardt, Catherine <cweinhardt@honolulu.gov>
 Subject: RE: Ohana Kayak Rental on Iuiu St

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

Aloha, Cathy.

Any news on this? I am sure they exceed the 250 cf storage limitation.

Gil Riviere
 Senator, District 23
 Oahu's North and Windward Shores

Phone: 586-7330

From: Weinhardt, Catherine <cweinhardt@honolulu.gov>
 Sent: Friday, September 23, 2022 2:50 PM
 To: Sen. Gil Riviere <senriviere@capitol.hawaii.gov>
 Subject: FW: Ohana Kayak Rental on Iuiu St

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Aloha Senator,

Clay has asked me to respond directly to you. I am quite familiar with this issue. We received a complaint through Councilmember Heidi Tsuneyoshi this past April. I have attached that response just as an FYI. I have also created a new request for investigation. An inspector will be going out early next week and I will notify you of the outcome.

This business is effectively a sporting goods operation out of a residence. Clearly, the drafters of the ordinance did not envision this type of activity as a permissible home occupation. This business activity at this location should not be allowed.

Please let me know if I can provide additional information or if you would like to talk with any of the neighbors. There is a growing tension between the business operator and the neighbors. DPP's prompt attention to this matter would be greatly appreciated.

Mahalo.

Brian Aguigui
91-1068 Hamana St
Ewa Beach, HI 96706

2 May 2024

State of Hawaii
Board of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

SUBJECT: Testimony in Support of Janell Jensen, Ohana Kayak Rentals (Agenda Item J.-1., BLNR 26 April 2024 Meeting)

Aloha,

First and foremost, I would like to thank you for taking the time to consider my late testimony. I am making this statement as a private citizen and resident of the state of Hawaii, on behalf of Ms. Janell Jensen doing business as "Ohana Kayak Rentals." Ms. Jensen was recently the subject of agenda item J.-1., during the Board of Land and Natural Resources 26 April 2024 meeting. To my understanding, Ms. Jensen was found to be in violation of *Hawaii Revised Statute 200-39 – Kaneohe Bay Commercial Ocean Use Activities; Permits; Restrictions*, and that the board had unanimously voted in favor of imposing a \$35,000 fine against Ms. Jensen.

My intent in submitting this testimony to the board is to request reconsideration to the extent of the fines being imposed against Ms. Jensen. I find that the \$35,000 fine is disproportionate to the effect of Ms. Jensen's violations. It would be reasonable if she had damaged personal property or had placed the safety of the public at risk. However, in comparison, not even individuals that are convicted of a second DUI offense receive such an exorbitant amount of a fine. I beg the board to reconsider the amount of fines that are being imposed to be commensurate with the violations found.

Furthermore, as a former client of one of Ms. Jensen's past business practices and personal acquaintance, I would like to personally testify that my observations of her character would not suggest someone with outright disregard of the law or public safety.

Lastly, I would like to acknowledge the level of difficulty that the BLNR undertakes in its duties to enhance, protect, conserve, and manage Hawaii's unique and limited natural, cultural, and historic resources. I would also like to thank you again for taking the time to consider my late testimony in opposition to the Board of Land and Natural Resource's decision regarding Ms. Janell Jensen d.b.a. Ohana Kayak Rentals (Subject of agenda item J.-1., BLNR 26 April 2024 meeting).

Sincerely,
Brian Aguigui



Ohana Kayaks <ohanakayaks@gmail.com>

(no subject)

4 messages

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To: chris@kaneshirolaw.com

Mon, Apr 8, 2024 at 12:24 PM

Hi Chris, I want to continue business, I am concerned about the new law act 232 if I'd be grandfathered in if I'm not a 1000 feet from the shore line as the crow Flies. Via roadway I'm approximately 1600 feet away. I'd like more clarifications, more so why I hired you is to make sure I can continue business legaly not just to get rid of citations that I believe I'm not guilty of. Do you forsee any concern to for me to continue business? I know windward sports is renting kayaks to people going to the sandbar.

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To: Ohana Kayaks <ohanakayaks@gmail.com>

Tue, Apr 9, 2024 at 5:23 PM

Hi Janell,
Based on my reading of Act 232, as long as you do not advertize your kayaks for use in Kaneohe Bay you would not seem to be in violation of Act 232.

Christopher M. Phillips

Associate Attorney | Law Office of Alen M.K. Kaneshiro

Davies Pacific Center
841 Bishop Street, Suite 2201
Honolulu, HI 96813

P: (808) 521-7720 | F: (808) 566-0347

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From: Ohana Kayaks <ohanakayaks@gmail.com>
Sent: Monday, April 8, 2024 12:24 PM
To: Christopher Phillips <chris@kaneshirolaw.com>
Subject:

[Quoted text hidden]

Ohana Kayaks <ohanakayaks@gmail.com>
To: Christopher Phillips <chris@kaneshirolaw.com>

Mon, Apr 15, 2024 at 8:35 AM

Aloha ,

C.7

Have you received anything from prosucuting attouney state attouney General on my case?

[Quoted text hidden]

1 Kris Matsumoto Wong true to my knowledge declare;
2

3 I live on or near Iuiu Street Kane'ohe, Ahupua'a of Kahalu'u.

4 47-184 Iuiu St

5 I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 Jensen

7

8 I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 the neighborhood.

10

11 Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 occupation.

14

15 I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 traffic and she and her kayakers have never blocked my way or driveway.

17

18 I've noticed when kayakers load and unload kayaks it happens pretty quick usually within a few
19 minutes.

20

21 Her business does not bother me or interfere with normal traffic flow, from what I can see.

22

23 I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing is true
24 and correct.

25

26 Date 4/30/24

27

28

29 Printed Name Kris Matsumoto Wong

30

31

32 Signature Kris Matsumoto Wong

33

34

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: 808jmessage@gmail.com

Wed, Nov 2, 2022 at 2:39 PM

[Quoted text hidden]

Final-Recipient: rfc822;
Action: failed
Status: 5.7.8
Remote-MTA: dns; (54.200.129.228, the relay for the domain.)
Diagnostic-Code: smtp; 535 5.7.8 Authentication rejected
Last-Attempt-Date: Wed, 02 Nov 2022 17:39:13 -0700 (PDT)

Forwarded message

From: Janell Jensen <janell.jensen@exprealty.com>
To: krismatsumotowong6@gmail.com
Cc:
Bcc:
Date: Wed, 2 Nov 2022 14:39:08 -1000
Subject: Fwd: Note to Gil
Message truncated

kris matsumoto wong <krismatsumotowong6@gmail.com>
To: Janell Jensen <808jmessage@gmail.com>

Wed, Nov 2, 2022 at 10:26 PM

Hi Janell,
What do you think? If you have no objections I'm going to send it to the Planning Dept, Gil and Heidi. When dealing with government or corporations I tend to lead with rage. It's cleansing to the soul, hah! Aloha, Kris
[Quoted text hidden]

kris matsumoto wong <krismatsumotowong6@gmail.com>
To: Janell Jensen <808jmessage@gmail.com>

Wed, Nov 2, 2022 at 10:29 PM

Hi Janell,
What do you think? If you have no objections I'm going to send it to the Planning Dept, Gil and Heidi. When dealing with government or corporations, I tend to lead with rage. It's cleansing to the soul, hah! Aloha, Kris

To: Catherine Weinhardt, Residential Code Enforcement Branch Department,
Department of Planning and Permitting, City and County of Honolulu

Dear Ms. Weinhardt,

Janell Jensen and Ohana Kayak Rental have been good neighbors and a positive addition to Iuiu Street. Iuiu Street has several questionable residents- ones who loiter on the street and in their parked cars, who park too close to driveways and impeded use and disrupt trash collection, and other inconsiderate behaviors. Ohana Kayak and her guest never do any of these things. In fact, I am grateful that the family is an active friendly presence on the street and has befriended many, many of the neighbors. Do not believe the lies being spread about "ruining the character of the neighborhood." It is your responsibility to investigate all sides of this story. As you have found on your multiple visits, Ohana Kayak is in compliance with all current rules and laws.

There is talk of further restricting residents using public spaces for "any commercial gain." This is very wrong headed. Yoga in the park, couples taking wedding their wedding photos, and, yes, tourist (and locals) experiencing Kaneohe Bay's unique ecology after learning how

C.12

to respect and protect it adds to the beautiful vitality of the islands. Hawaii shorelines and other spaces are a resource for public use- all of us, not just those with money and connections.

Entrepreneurship should be encouraged by the State of Hawaii and the City and County of Honolulu. Not just because these small business owners are vital to the economy, but also because competition make these services more affordable for both locals and tourist. One of 25 small business owners will more willing to throw in free rental of car racks, life jackets, and snorkel equipment than one big corporate entity (like Kamaaina Kids) that nickle-and-dimes customers, charging extra for each piece of equipment. There should, of course, be discussion of how to protect resources but this is not the way.

This issue is indicative of the rise of some very ugly attitudes of a few entitled, privileged individuals who seem to think that Kaneohe Bay belongs only to them. Under the deceptive guise of "protecting the environment" they refuse to share Hawaii with others, both visitors and locals. Some individuals have gotten violent, keying Janell's vehicle. On several occasions he has screamed obscenities made rude finger gestures at Janell's guest and her family including her 10-year son. He's tried to intimidate her by filming in her garage in search of "proof" of imagined mischief. Another time, he approached an Indian-American family with several vicious, racist slurs that will not be repeated here. This is not the Aloha Spirit or any Hawaii that I recognize. We can disagree, but we must be respectful.

Additionally, the weaponizing of political power is wrong. Gil Rivera and Heidi Tsuneyoshi have allied themselves with these NIMBYs, these "Hawaii for me only" people. Communication with these politician's offices has been combative and intimidating for Janell, who is a very gentle, easy-going person. Gil and Heidi forget that Janell is also a constituent, as am I, as are the other neighbors of Iuiu Street. We do not approve of these bullying attacks and will share our disgust with Gil and Heidi arrogant actions. We will make sure all our friends and family in the district know. We must stop voting for incumbents out of habit. Sometimes after all that time in power, they start to rot- like Gil and Heidi.

Sincerely,

Kris Matsumoto Wong,

.292.4383

[Quoted text hidden]

C.12

4/3/23, 8:57 AM

Gmail - Note to Gil

Aloha, Loren

808-239-6155

Sen. Gil Riviere <senriviere@capitol.hawaii.gov>

Sat, Oct 29, 2022 at 2:14 PM

To: Loren Lasher <loren@lorenlasher.com>

Cc: "gil@gilriviere.com" <gil@gilriviere.com>, Janell Jensen <808jmassage@gmail.com>, "ohanakayaks@gmail.com" <ohanakayaks@gmail.com>

Aloha, Loren.

I am glad HECO are finally getting to the pole removal, and I appreciate your support.

I share your concern about Kamaaina Kids expansion of commercial activity on the Bay through their kayak rentals. I am sure you remember I submitted legislation to require licensing of all commercial activity on the bay, which might have improved enforcement of the K-Bay Master Plan had it passed. I introduced the Senate version of the bill that established a study to update the planning within the NERR, and we passed Legislative Resolution SCR 205 that calls on DLNR to work on getting the proliferation of unpermitted (illegal) commercial activity under control. I have met few people who want more commercial activity on the bay.

Janell may be a nice person, but her business is driving a lot of people crazy. I attended a meeting a few weeks back with about 20 people in attendance and they are not happy. I regularly get complaints about the kayak rental at Kualoa, and I have had multiple meetings with other area residents who demand action.

DLNR presently chooses to not go after kayak rentals on the bay, provided there are no guided tours. I think that is a bit lazy because rentals intended to be used on the bay is clearly an expansion of commercial activity on the bay, which is against the law.

As far as I can tell, Janell and Kamaaina Kids are doing the same business: individual kayak rentals on the bay. If we are to prevent one, then are we not bound to prevent all such businesses?

I am very interested in all opinions and possible solutions for this growing conflict that affects not just Kaneohe, but the entire state. I welcome this discussion.

Gil Riviere
Senator, District 23
Oahu's North and Windward Shore

On Oct 29, 2022, at 9:58 AM, Loren Lasher <

> wrote:

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

Loren Lasher <loren@lorenlasher.com>

Sat, Oct 29, 2022 at 6:29 PM

To: "Sen. Gil Riviere" <senriviere@capitol.hawaii.gov>

Cc: "gil@gilriviere.com" <gil@gilriviere.com>, Janell Jensen <808jmassage@gmail.com>, "ohanakayaks@gmail.com" <ohanakayaks@gmail.com>

Thank you Gil,

C. R

Janell Jensen <808jmessage@gmail.com>

Note to Gil

13 messages

Loren Lasher <loren@lorenlasher.com>

Sat, Oct 29, 2022 at 9:56 AM

To: "gil@gilriviere.com" <gil@gilriviere.com>, "Gil Riviere (senriviere@capitol.hawaii.gov)" <senriviere@capitol.hawaii.gov>

Cc: Janell Jensen <808jmessage@gmail.com>, "ohanakayake@gmail.com" <ohanakayake@gmail.com>

Hi Gil,

I trust this note finds you and your family well. I hope my vote supports your reelection.

Are you looking for 'low hanging fruit'?

My neighbor and friend, Janell Jensen is doing a small rental business. And although I am against more commercial operations in the bay, I am not offended by Janell's business.

She is a good, respectful neighbor. She does not speed, she does not block driveways, she is doing her best to be respectful. Please back off as you are off base on you allocations of her being naughty.

Please back off from her and put your ATTENTION and ENERGY on things that are totally unacceptable.

1. A commercial operation running a State Park. Really, Integrity?
2. Kamaiana Kids running a commercial rental business from a State Park? Really?
3. Hawaii Homeless

On a side note, I have been talking with Gary Sumada from HE and he has begun to remove the extra poles on Iuiu Street. I appreciate your effort on this.

Gil, I believe that as a politician you are doing your best which I appreciate. You Energy is best used where there are real problems.

C. R

I appreciate your information and for sure, I would like to get your newsletter. Loren Lasher

I don't think at all that Janell and Kamaaina Kids are doing the same type of business, not at all. I don't understand how you see that?????

But if DLNR is not enforcing anything then why not let Janell go.

Kamaaina Kids are making much money off the PARK as well as the Rentals. EVENTS, Catering, etc are all big bucks. Did you know they hold events, do catering and rent furniture? I don't see Janell and Kamaaina Kids as the same.

I always appreciate being able to reach out to you.

Thanks,

Loren

[Quoted text hidden]

Janell Jensen <808jmassage@gmail.com> Sun, Oct 30, 2022 at 9:03 AM
To: Loren Lasher <loren@lorenlasher.com>
Cc: "Sen. Gil Riviere" <senriviere@capitol.hawaii.gov>, "gil@cityofhawaii.com", "gil@cityofhawaii.com", "shandleyjane@gmail.com", <ohanakayaks@gmail.com>

Good morning Gill,,

Happy Sunday God bless too,,

C. 12

Really what this is all about is a few neighbors that live by public right ways and have public city parking just as I do in front of my house or beside it or in the area are entitled and feel the bay should be privatized for only they're use and to and not to be used by public or even locals to rent a kayak. They scoff in unapproval as to anyone using the bay. Many people do not go kayaking often on a regular basis. It is a occasional recreational entertainment activity. It makes more sense for most more than the complainers to rent kayaks, then to store them. [Not that I care I'm not against people doing business, just compared to my business a wedding venue home business up the road they have a lot more equipment and people coming to the home congesting parking with A lot of gear and equipment is used for a wedding. I also think those doing the best with what they have because they have to be smart to the where they live just like I am, to share the beauty of what we have., as what you say I'm essentially a sporting good store that when ordinances were made they didn't take that into account however I think they did ordinance are meant to be vague to allow more types of businesses and not limit or allow only certain types of businesses. Why are you singling out one person business owners? There are alot of home business they are not changing the character of the neighborhood they are helping the character and providing good economic needed services. I saw the new law of no photographers in parks and yoga teachers and no fitness boot

an easy one to get by in with the rising price of well everything it's the worst not to mention the cost of our kilowatt

1 | Loren Lasher true to my knowledge declare,
2

3 | I live on Iuiu Street.
4

5 | I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 | Jensen
7

8 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 | the neighborhood.
10

11 | Picking up loading/unloading/transporting kayaks on the road does not change the character of
12 | the neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 | occupation.
14

15 | I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 | traffic and she and her kayakers have never blocked my way or driveway.
17

18 | I've noticed when kayakers load and unload kayaks it goes by pretty quick.
19

20 | Her business does not bother me or interfere with normal traffic flow, from what I can see.
21

22 | I declare under penalty of perjury of the laws of the State of Hawaii that the forgoing is true and
23 | correct.
24

25 | Date 3-17-24
26

27 | Printed Name Loren Lasher
28

29 | Signature Loren Lasher
30
31
32
33

2:58

HONOLULU
CIVIL BEAT

SUPPORT US

Resources over commercial activities in the bay since 2013.

Loren Lasher can see the bay from his front lanai. He's an avid kayaker, and began launching complaints when he saw Holokai bringing tourists into the water.

He said Kama'aina Kids overstepped its bounds by considering Holokai Snorkel and Kayak Adventures part of its educational nonprofit venture when he said it is clearly a commercial operation with round-trip transportation from Waikiki.

Current Hawaii law does not allow for any increase in commercial activity in Kaneohe Bay. It does allow for a nonprofit organization to obtain a permit from the DLNR to conduct educational activities on the bay.

Kama'aina Kids has never had either a commercial use permit or an educational permit, but its activities were grandfathered in through a provision in the Kaneohe Bay Master Plan. The state-implemented plan was created ~~by a task force of~~ community

1 | Anne Van Wagener true to my knowledge declare,
2

3 | I live on or near Iuiu Street Kane'ohē, Ahupua'a of Kahalu'u.
4

5 | I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 | Jensen
7

8 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 | the neighborhood.
10

11 | Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 | neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 | occupation.
14

15 | I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 | traffic and she and her kayakers have never blocked my way or driveway.
17

18 | I've noticed when kayakers load and unload kayaks it happens pretty quick usually within a few
19 | minutes.
20

21 | Her business does not bother me or interfere with normal traffic flow, from what I can see.
22

23 | I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing is true
24 | and correct.
25

26 | Date 3-17-24
27

28
29 | Printed Name Anne Van Wagener
30

31
32 | Signature 
33

34

47-147 KAM HWY - Right next to
@ public access.

avanwagener@gmail.com

C.13



from:(avanwagener@gmail.com)



Compose



1 of 1

Inbox 1,395

Starred

Snoozed

Sent

Drafts

More

Labels

Janell Jensen Ohana Kayaks inbox x



Ohana Kayaks

Sun, Mar 17, 4:44 PM (13 days ago)

Yes please email me something about the guy you saw cutting the coast trees that it wasn't me. Ward about 1:16 mins in give a whole ..



Anne Van Wagener

Sun, Mar 17, 6:06 PM (13 days ago)

to me

Hey Janell,

I think it was in December or early January that I saw an older man down in the public access area, cutting trees and mangroves. I didn't think much of it because so many storms had been going by and branches were falling everywhere.

But it definitely was a caucasian man doing it with a hand saw. There was no chain saw. Looking back now, it seems very weird/random.

.....
Anne Van Wagener

C. 13

kayak+kaneohe+bay&dq=kayak+kaneohe+bay&pgs=1&crp=egzjaHjvD



kayak kaneohe bay



Waikiki Adventures

https://waikikiadventures.com/Adventures/

Kaneohe Bay Coral Reef Self-Guided Kayaking Adventure

Kaneohe Bay Coral Reef Self-Guided Kayaking Adventure ... Head out on a self-guided adventure to Kaneohe Bay, for some great paddling and amazing views. On this 4 ... \$82.00



adrenaline.com

https://www.adrenaline.com/Water-Sports/Kayak

Oahu Self-Guided Kayaking Kaneohe Bay Sandbar, 4 Hrs

Control your schedule on your own kayaking escape and discover some of the most amazing views and the famous 3 mile long Kaneohe Bay Sandbar. You will be ... Rating: 4.6 · 11 reviews · \$96.00 · Free delivery over \$199 · In stock



YouTube · Denny and Nikki
105.2K+ views · 3 years ago

THIS PLACE IS ABSOLUTE PARADISE (Kayaking the ...

This week is an adventure to the beautiful town of Kaneohe to kayak ...

This is what I thought would be considered a advertisement for kaneohe bay.

They dont have permits yet they can advertis in such a way

C. IS

It's with a heavy heart that we announce the discontinuation of kayak and snorkel rental activities at He'eia State Park, with the last day of operation ...

HawaiiActivities.com
<https://www.hawaiiactivities.com> · travelguide · kaneohe ...

A Complete Beginner's Guide to Kayaking at Kaneohe ...

Are you looking for a fun and exciting outdoor adventure? Look no further than kayaking at Kaneohe Sandbar! Located in the beautiful Kaneohe Bay, ...

Kama'aina Kayak and Snorkel Eco-Ventures
<https://www.kamaainakidskayaking.org> · about-us ...

Kayak and Snorkel Rentals on Kaneohe Bay, Oahu

With all your kayaks and equipment set up right on the water's edge at He'eia State Park, your Kaneohe Bay kayak and snorkel adventure awaits!

People also ask :

Can you kayak in Kaneohe Bay?

How far is it to kayak to Kaneohe Sandbar?

Can you swim in Kaneohe Bay?

Where is the best place to kayak in Oahu?

Postfeedback

KITV
<https://www.kitv.com> · news · kayak and other rental o...

Kayak and other rental opportunities at Kaneohe Bay ...

Mar 21, 2024 — If you head to Kaneohe Bay, you'll need to bring along kayaking and other gear because renting won't be an option starting next week.

HawaiiActivities.com
<https://www.hawaiiactivities.com> · Kaneohe Sandbar ...

Kaneohe Bay Kayak & Snorkel Self-Guided Tour (Tour Not ...

Embark on a Kaneohe bay kayak and snorkel adventure to one of the best snorkel spots on Oahu's windward coast. Explore Kaneohe Bay on a self-guided kayak ...

Rating: 4.6 · 147 reviews

Viator
<https://www.viator.com> · Oahu Tours · Boat Rentals ...

Kaneohe Bay 2-Person Half-Day Kayak Rental 2024 - Oahu

Discover the beauty of Oahu and its Kaneohe Bay by kayak with this half-day rental. Head to He'eia State Park to get your gear and head out on the pristine ...

Rating: 4.5 · 107 reviews

Active Oahu
<https://activeoahutours.com> · Activities ...

East Oahu Self-Guided Kayaking, Kayak Rental & Snorkel ...

The entire kayaking excursion spans about 4 hours, but if you prefer, there's an option for an "All-Day" experience. The journey to offshore islands or other ...

Activities and tours :

CIS



kayak kaneohe bay



All Images Shopping Videos Maps More

Tools

SafeSearch

Rental Prices Tour 2 person Fishing Best Sandbar clear

About 148,000 results (0.42 seconds)

Results for Kaneohe Bay, Hawaii · Choose area



Kailua Beach Adventures

<https://www.kailua-beach-adventures.com> · kayaking in k...

Kayaking Kaneohe Bay | Sandbar - Chinaman's Hat

Chinaman's Hat, also known as Mokoli'i, is an iconic landmark in Kaneohe Bay, Oahu. This 200ft tall islet can be accessed by a short and exciting kayaking trip.



Kama'aina Kayak and Snorkel Eco-Ventures

<https://www.kamaainakidskayaking.org> · booking

Kayak Rental Oahu | Kama'aina

Book your kayak adventure at Kama'aina Kids in Kaneohe Bay. Enjoy safe, serene kayaking in Oahu's calmest waters, with proceeds supporting He'eia State ...

Places



HELTER

Map data ©2024 Google

Rating Hours

Kaneohe Bay Ocean Sports

4.6 (131) Boat tour agency

"Fun adventure snorkle kayak banana rides."



Ohana Kayaks

You manage this Business Profile

4.7 (72) Canoe & kayak rental service

Kaneohe, HI

Temporarily closed

"Janell was very helpful, she provided everything we may need for a relaxing tour"



Aloha Keto Company

No reviews · Nutritionist

Kaneohe, HI



Adventure Tours Hawaii

<https://www.adventuretoursHI.com> · kaneohe-bay-kaya...

Kaneohe Bay kayaks have been discontinued.

C / s

1 Todd Kalahiki true to my knowledge declare;

2

3 I live on Kamehameha highway near Iuiu Street, Kane'ohe.

4

5 I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and
6 or Janell Jensen

7

8 I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the
9 character of the neighborhood.

10

11 Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a
13 home occupation.

14

15 I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or
16 blocking traffic and she and her kayakers have never blocked my way or driveway.

17

18 I've noticed when kayakers load and unload kayaks it happens pretty quick usually
19 within a few minutes.

20

21 Her business does not bother me or interfere with normal traffic flow, from what I can
22 see.

23

24 I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing
25 is true and correct.

26

27 Date 3-18-2024

28

29

30 Printed
31 Name Todd T.K.K. Kalahiki

32

33

34 Signature Todd T.K.K. Kalahiki

35

36

#23 Bruce Testimony

Good Morning TO ALL members of
D.L.N.R. Council, My name is Bruce Raglin
I have known Janell for over 10 yrs,

Janell has on many occasions
shown concerns about the protection of
planet and animals. To think she
would knowingly cut down trees and
poison water is ludicrous.

If there was an issue with
a neighbor she would be reasonable.
And Janell is a very nice young
lady and is deserving of any consid-
-ation ~~the council~~ D.L.N.R. could give
her.

Thank You
for your attention
in this matter

Bruce Raglin
5/02/2024

1 I declare, I have kayaked with Janell Jensen Ohana Kayaks at no cost as a friend and
2 neighbor;
3
4 Janell cares about sharing the information needed to know when kayaking.
5
6 Sharing the daily current weather/wind conditions and not allowing people to go out in bad
7 conditions.
8
9 Educates the importance of knowing the area and channels and reefs to best navigate
10 safely as to not kayak over the reef or bump into the reefs.
11
12 She goes over: creatures, education on how to protect the reef, snorkel safety,
13 Safety precautions: Not to unload or load on highway or roadways
14 She goes over where not to go: To not go behind Mokolii, or to commercial zones, or
15 over reefs, or any unsafe areas out of paddlers capabilities, or to Kapapa island that is
16 prohibited and can be dangerous.
17 She gives tips on paddling anchoring and not anchoring to reefs.
18
19 All kayakers have an emergency plan if an occasion arises.
20
21 I don't think her business is changing the character of the neighborhood
22
23 I declare under penalty of perjury of the laws of the State Hawai'i, that the forgoing is
24 true and correct.

25
26 Date 3/21/2024

27
28 Printed
29 Name Paulette Nakamura

30
31 Signature Paulette Nakamura

1 | Paulette Nakamura true to my knowledge declare;

2

3 | I live near Janell Jensen/ Ohana kayak rentals on Iuiu street.

4

5 | I have personal knowledge of the following Ohana Kayak Rentals/Ohana Kayaks and
6 | or Janell Jensen

7

8 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the
9 | character of the neighborhood.

10

11 | Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 | neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a
13 | home occupation.

14

15 | I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or
16 | blocking traffic and she and her kayakers have never blocked my way or driveway.

17

18 | I've noticed when kayakers load and unload kayaks it happens pretty quick usually
19 | within a few minutes.

20

21 | Her business does not bother me or interfere with normal traffic flow, from what I can
22 | see.

23

24 | I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing
25 | is true and correct.

26

27 | Date 3/21/24

28

29

30 | Printed
31 | Name Paulette Nakamura

32

33 |
34 | Signature Paulette Nakamura

35

36

1 | Kimberly Naki true to my knowledge declare;

2

3 | I live on or near Iuiu Street Kane'ohe, Ahupua'a of Kahalu'u.

4

5 | I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 Jensen

7

8 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 the neighborhood.

10

11 Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 occupation.

14

15 | I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 traffic and she and her kayakers have never blocked my way or driveway.

17

18 | I've noticed when kayakers load and unload kayaks it happens pretty quick usually within a few
19 minutes.

20

21 Her business does not bother me or interfere with normal traffic flow, from what I can see.

22

23 | I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing is true
24 and correct.

25

26 Date 3/17/24

27

28
29 Printed Name Kimberly NAKI

30

31
32 Signature Kimberly Naki

33

34

1 | Kyle Dominguez true to my knowledge declare;

2 |
3 | I live on or near Iuiu Street Kane'ohe, Ahupua'a of Kahalu'u.

4 |
5 | I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 | Jensen

7 |
8 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 | the neighborhood.

10 |
11 | Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 | neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 | occupation.

14 |
15 | I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 | traffic and she and her kayakers have never blocked my way or driveway.

17 |
18 | I've noticed when kayakers load and unload kayaks it happens pretty quick usually within a few
19 | minutes.

20 |
21 | Her business does not bother me or interfere with normal traffic flow, from what I can see.

22 |
23 | I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing is true
24 | and correct.

25 |
26 | Date 3-18-2024

27 |
28 |
29 | Printed Name Kyle Dominguez

30 |
31 |
32 | Signature Kyle Dominguez

33 |
34 |

1 | John Feary true to my knowledge declare,

2 | Mawana
3 | I live on ~~the~~ Street.

4 |
5 | I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 | Jensen

7 |
8 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 | the neighborhood.

10 |
11 | Picking up loading/unloading/transporting kayaks on the road does not change the character of
12 | the neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 | occupation.

14 |
15 | I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 | traffic and she and her kayakers have never blocked my way or driveway.

17 |
18 | I've noticed when kayakers load and unload kayaks it goes by pretty quick.

19 |
20 | Her business does not bother me or interfere with normal traffic flow, from what I can see.

21 |
22 | I declare under penalty of perjury of the laws of the State of Hawaii that the forgoing is true and
23 | correct.

24 |
25 | Date 3-17-24

26 |
27 |
28 | Printed Name John Feary

29 |
30 |
31 | Signature [Handwritten Signature]
32 |
33 |

1 | Renee LeClair Feeney true to my knowledge declare,
2

3 | I live on Iuiu Street.
4

5 | I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 | Jensen
7

8 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 | the neighborhood.
10

11 | Picking up loading/unloading/transporting kayaks on the road does not change the character of
12 | the neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 | occupation.
14

15 | I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 | traffic and she and her kayakers have never blocked my way or driveway.
17

18 | I've noticed when kayakers load and unload kayaks it goes by pretty quick.
19

20 | Her business does not bother me or interfere with normal traffic flow, from what I can see.
21

22 | I declare under penalty of perjury of the laws of the State of Hawaii that the forgoing is true and
23 | correct.
24

25 | Date 3/17/2024
26

27
28 | Printed Name Renee Feeney
29

30
31 | Signature 
32

33

1 I CAITLYN RAMIREZ ☺ true to my knowledge declare,

2

3 I live on Iulu Street.

4

5 I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 Jensen

7

8 I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 the neighborhood.

10

11 Picking up loading/unloading/transporting kayaks on the road does not change the character of
12 the neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 occupation.

14

15 I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 traffic and she and her kayakers have never blocked my way or driveway.

17

18 I've noticed when kayakers load and unload kayaks it goes by pretty quick.

19

20 Her business does not bother me or interfere with normal traffic flow, from what I can see.

21

22 I declare under penalty of perjury of the laws of the State of Hawaii that the forgoing is true and
23 correct.

24

25 Date 3/17/2024

26

27

28 Printed Name CAITLYN RAMIREZ

29

30
31 Signature 

32

33

1 I declare, I have used Ohana Kayaks.

2

3 Janell cares about sharing the information needed to know when kayaking.

4

5 Sharing the daily current weather/wind conditions and not allowing people to go out in bad conditions.

6

7 Educates the importance of knowing the area and channels and reefs to best navigate safely as
8 to not kayak over the reef or bump into the reefs.

9

10 She goes over: creatures, education on how to protect the reef, snorkel safety,

11 Safety precautions: Not to unload or load on highway or roadways

12 She goes over where not to go: To not go behind Mokolii, or to commercial zones, or over reefs,
13 or any unsafe areas out of paddlers capabilities, or to Kapapa island that is prohibited and can
14 be dangerous.

15 She gives tips on paddling anchoring and not anchoring to reefs.

16

17 All kayakers have an emergency plan if an occasion arises.

18

19 Kayakers sign Waiver forms to not sue the State of Hawai'i or anyone, it is important that
20 kayakers conducting themselves are responsible for themselves and minors

21

22 I don't think her business is changing the character of the neighborhood

23

24 I declare under penalty of perjury of the laws of the State Hawai'i, that the forgoing is true and
25 correct.

26

27 Date 17 MARCH 2024

28

29 Printed Name MARTIN W CORNETT

30

31 Signature  47-133 Kamehameha Hwy

32

33 Printed Name _____

34

35 Signature _____

36

37 Printed Name _____

38

39 Signature _____

40

41

42

1 | Andre Campbell true to my knowledge declare,

2

3 | I live on Iuiu Street or visit Iuiu Street often and drive on Kamehameha Highway fronting
4 | Kane'ohe Bay.

5

6 | I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
7 | Jensen

8

9 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
10 | the neighborhood.

11

12 | Picking up loading/unloading/transporting kayaks on the road does not change the character of
13 | the neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
14 | occupation.

15

16 | I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
17 | traffic and she and her kayakers have never blocked my way or driveway.

18

19 | I've noticed when kayakers load and unload kayaks it goes by pretty quick.

20

21 | Her business does not bother me or interfere with normal traffic flow, from what I can see.

22

23 | I declare under penalty of perjury of the laws of the State of Hawaii that the forgoing is true and
24 | correct.

25

26 | Date 3-16-24

27

28 | Printed Name Andre Campbell

30

31 | Signature Andre Campbell

33

34

1 Allen K. Brown true to my knowledge declare,

2

3 I live on luiu street, or near luiu Street, and or visit luiu Street.

4

5 I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 Jensen

7

8 I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 the neighborhood.

10

11 Picking up loading/unloading/transporting kayaks on the road does not change the character of
12 the neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 occupation.

14

15 I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 traffic and she and her kayakers have never blocked my way or driveway.

17

18 I've noticed when kayakers load and unload kayaks it goes by pretty quick.

19

20 Her business does not bother me or interfere with normal traffic flow, from what I can see.

21

22 I declare under penalty of perjury of the laws of the State of Hawaii that the forgoing is true and
23 correct.

24

25 Date 3-16-24

26

27 Printed Name Allen K. Brown

29

30 Signature Allen K. Brown

32

33

1 George H Halas Jr true to my knowledge declare,
2

3 I live on or near Iuiu Street Kane'ohe, Ahupua'a of Kahalu'u.
4

5 I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 Jensen
7

8 I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 the neighborhood.

10

11 Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 occupation.

14

15 I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 traffic and she and her kayakers have never blocked my way or driveway.

17

18 I've noticed when kayakers load and unload kayaks it happens pretty quick usually within a few
19 minutes.

20

21 Her business does not bother me or interfere with normal traffic flow, from what I can see.

22

23 I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing is true
24 and correct.

25

26 Date 3/17/24

27

28

29 Printed Name George H. Halas JR

30

31

32 Signature George Halas JR

33

34

1 Naomi Matsuda true to my knowledge declare,
2

3 I live on or near Iuiu Street Kane'ohe, Ahupua'a of Kahalu'u.
4

5 I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 Jensen
7

8 I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 the neighborhood.

10

11 Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 occupation.

14

15 I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 traffic and she and her kayakers have never blocked my way or driveway.

17

18 I've noticed when kayakers load and unload kayaks it happens pretty quick usually within a few
19 minutes.

20

21 Her business does not bother me or interfere with normal traffic flow, from what I can see.

22

23 I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing is true
24 and correct.

25

26 Date 3/17/24
27

28

29 Printed Name Naomi Matsuda
30

31

32 Signature Naomi Matsuda
33

34

1 RUDOLPH ZIMBRA true to my knowledge declare,
2

3 I live on Iuiu Street Kane'ohe, Ahupua'a of Kahalu'u.
4

5 I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 Jensen
7

8 I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 the neighborhood.
10

11 Picking up loading/unloading/transporting kayaks on the road does not change the character of
12 the neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 occupation.
14

15 I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 traffic and she and her kayakers have never blocked my way or driveway.
17

18 I've noticed when kayakers load and unload kayaks it goes by pretty quick.
19

20 Her business does not bother me or interfere with normal traffic flow, from what I can see.
21

22 I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing is true
23 and correct.
24

25 Date MAR. 17, 2024
26

27
28 Printed Name RUDOLPH ZIMBRA
29

30
31 Signature 
32
33

1 STEVEN MATSUURA true to my knowledge declare,

2

3 I live on or near Iuiu Street Kane'ohe, Ahupua'a of Kahalu'u.

4

5 I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 Jensen

7

8 I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 the neighborhood.

10

11 Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 occupation.

14

15 I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 traffic and she and her kayakers have never blocked my way or driveway.

17

18 I've noticed when kayakers load and unload kayaks it happens pretty quick usually within a few
19 minutes.

20

21 Her business does not bother me or interfere with normal traffic flow, from what I can see.

22

23 I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing is true
24 and correct.

25

26 Date 3/17/24

27

28
29 Printed Name STEVEN MATSUURA

30

31
32 Signature [Signature]

33

34

1 | Martin W Cornett true to my knowledge declare,

2

3 | I live on or near Iuiu Street Kane'ohe, Ahupua'a of Kahalu'u.

4

5 | I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 | Jensen

7

8 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 | the neighborhood.

10

11 | Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 | neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 | occupation.

14

15 | I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 | traffic and she and her kayakers have never blocked my way or driveway.

17

18 | I've noticed when kayakers load and unload kayaks it happens pretty quick usually within a few
19 | minutes.

20

21 | Her business does not bother me or interfere with normal traffic flow, from what I can see.

22

23 | I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing is true
24 | and correct.

25

26 | Date 17 March 2024

27

28

29 | Printed Name Martin W Cornett

30

31

32 | Signature 

33

34

1 Clifford Allen true to my knowledge declare,
2

3 I live on or near Iuiu Street Kane'ohe, Ahupua'a of Kahalu'u.
4

5 I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 Jensen
7

8 I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 the neighborhood.
10

11 Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 occupation.
14

15 I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 traffic and she and her kayakers have never blocked my way or driveway.
17

18 I've noticed when kayakers load and unload kayaks it happens pretty quick usually within a few
19 minutes.
20

21 Her business does not bother me or interfere with normal traffic flow, from what I can see.
22

23 I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing is true
24 and correct.
25

26 Date 3-17-2024
27

28
29 Printed Name Clifford Allen
30

31
32 Signature Clifford Allen
33
34

1 | Peter James Long Jr. true to my knowledge declare;

2

3 | I live on or near Iuiu Street Kane'ohe, Ahupua'a of Kahalu'u.

4

5 | I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 | Jensen

7

8 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 | the neighborhood.

10

11 | Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 | neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 | occupation.

14

15 | I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 | traffic and she and her kayakers have never blocked my way or driveway.

17

18 | I've noticed when kayakers load and unload kayaks it happens pretty quick usually within a few
19 | minutes.

20

21 | Her business does not bother me or interfere with normal traffic flow, from what I can see.

22

23 | I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing is true
24 | and correct.

25

26 | Date Mar 17, 2024

27

28 | Printed Name Peter J. Long Jr.

29

30 | Signature Peter Long Jr.

31

32

33

34

1 | MINNIE Lou C. LONG true to my knowledge declare;

2

3 | I live on or near Iuiu Street Kane'ohe, Ahupua'a of Kahalu'u.

4

5 | I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 Jensen

7

8 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 the neighborhood.

10

11 Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 occupation.

14

15 | I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 traffic and she and her kayakers have never blocked my way or driveway.

17

18 | I've noticed when kayakers load and unload kayaks it happens pretty quick usually within a few
19 minutes.

20

21 Her business does not bother me or interfere with normal traffic flow, from what I can see.

22

23 | I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing is true
24 and correct.

25

26 Date 3-17-2024

27

28
29 Printed Name MINNIE Lou C. LONG

30

31
32 Signature MINNIE Lou C. LONG

33

34

1 EDWARD ANDRES true to my knowledge declare,
2

3 I live on or near Iuiu Street Kane'ohe, Ahupua'a of Kahalu'u.
4

5 I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 Jensen
7

8 I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 the neighborhood.
10

11 Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 occupation.
14

15 I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 traffic and she and her kayakers have never blocked my way or driveway.
17

18 I've noticed when kayakers load and unload kayaks it happens pretty quick usually within a few
19 minutes.
20

21 Her business does not bother me or interfere with normal traffic flow, from what I can see.
22

23 I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing is true
24 and correct.
25

26 Date 3-17-24
27

28
29 Printed Name EDWARD ANDRES
30

31 Signature [Handwritten Signature]
32
33
34

1 Karen Jensen declare (check initial if applicable) _____ I live near
2 or visit often Iuui street and or Kamehameha highway in front of the Kaneohe bay.
3 Or have used Ohana Kayaks. I have personal knowledge of the following Ohana
4 kayaks and or Janell Jensen
5 check if you used Ohana Kayaks
6
7 Janell cares deeply about sharing the information needed to know when kayaking
8 sharing the daily current weather conditions
9 not allowing people to go out in bad conditions
10 Directions maps
11 Creatures
12 Protection of the reef
13 Safety precautions like what not to do like don't go behind Mokolii, or commercial zones reefs
14
15 Kapapa island is prohibited and can be dangerous
16 Emergency plan if arise
17 Knowing the importance of the area and channels and reefs as to not kayak over the reef or
18 bumping into the reefs why it's important to avoid kayaking by reefs.
19 Tips on paddling anchoring loading unloading not on the highway
20
21 Waiver forms to not sue the state or anyone it is important that people conducting themselves
22 are responsible for themselves and minors
23
24 I don't feel Ohana kayaks or Janell Jensen is changing the character of the neighborhood
25 Picking up loading/unloading/transporting kayaks on the road does not change the character of
26 the neighborhood or violating any laws by running Ohana kayaks from her house
27
28 Janell and Ohana kayaks do not block the road
29
30 Her business does not bother us or interfere with typical road use traffic flow
31
32 I declare under penalty of perjury of the laws of Hawaii, that the foregoing is true and correct
33
34 Name Karen Jensen
35
36 Signature Karen Jensen
37 address _____

1 | Amber Tavares true to my knowledge declare;

2

3 | I live on Kamehameha highway near Iuiu Street, Kane'ohe.

4

5 | I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and
6 | or Janell Jensen

7

8 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the
9 | character of the neighborhood.

10

11 | Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 | neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a
13 | home occupation.

14

15 | I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or
16 | blocking traffic and she and her kayakers have never blocked my way or driveway.

17

18 | I've noticed when kayakers load and unload kayaks it happens pretty quick usually
19 | within a few minutes.

20

21 | Her business does not bother me or interfere with normal traffic flow, from what I can
22 | see.

23

24 | I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing
25 | is true and correct.

26

27 | Date 03/18/2024

28

29

30 | Printed Name Amber Tavares

31

32

33

34 | Signature 

35

36

Casey Kelley

1 | _____ true to my knowledge declare;

2

3 | I live on Kamehameha highway near Iuiu Street, Kane'ohe.

4

5 | I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and
6 | or Janell Jensen

7

8 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the
9 | character of the neighborhood.

10

11 | Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 | neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a
13 | home occupation.

14

15 | I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or
16 | blocking traffic and she and her kayakers have never blocked my way or driveway.

17

18 | I've noticed when kayakers load and unload kayaks it happens pretty quick usually
19 | within a few minutes.

20

21 | Her business does not bother me or interfere with normal traffic flow, from what I can
22 | see.

23

24 | I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing
25 | is true and correct.

26

27 | Date 03-18-24

28

29

30 | Printed

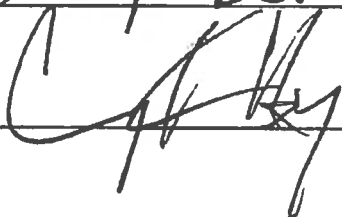
31 | Name

Casey Kelley

32

33

34 | Signature



35

36

1 | Haylee Barefoot true to my knowledge declare,
2

3 | I live on or near Iuiu Street Kane'ohe, Ahupua'a of Kahalu'u.
4

5 | I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and or Janell
6 | Jensen
7

8 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
9 | the neighborhood.
10

11 | Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 | neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
13 | occupation.
14

15 | I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or blocking
16 | traffic and she and her kayakers have never blocked my way or driveway.
17

18 | I've noticed when kayakers load and unload kayaks it happens pretty quick usually within a few
19 | minutes.
20

21 | Her business does not bother me or interfere with normal traffic flow, from what I can see.
22

23 | I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing is true
24 | and correct.
25

26 | Date March 17th, 2024
27

28 | Printed Name Haylee Barefoot
29

30 | Signature Haylee Barefoot
31
32
33
34

1 I true to my knowledge declare, I live on luiu street or visit luiu often and drive on kamehameha
2 highway fronting Kane'ohe Bay

3

4 I have personal knowledge of the following Ohana kayaks and or Janell Jensen

5

6 I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
7 the neighborhood.

8

9 Picking up loading/unloading/transporting kayaks on the road does not change the character of
10 the neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
11 occupation.

12

13 Janell and Ohana Kayaks do not block my way of the road or my driveway.

14

15 Her business does not bother me or interfere with normal traffic flow, from what I can see.

16

17

18 I declare the forgoing is true and correct.

19

20 Date 3/16/24

21

22 Printed Name Christine Brown

24

25 Signature 

26

27

28

1 I DANE SHARON true to my knowledge declare;

2

3 I live on Kamehameha highway near Iuiu Street, Kane'ohe.

4

5 I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and
6 or Janell Jensen

7

8 I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the
9 character of the neighborhood.

10

11 Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a
13 home occupation.

14

15 I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or
16 blocking traffic and she and her kayakers have never blocked my way or driveway.

17

18 I've noticed when kayakers load and unload kayaks it happens pretty quick usually
19 within a few minutes.

20

21 Her business does not bother me or interfere with normal traffic flow, from what I can
22 see.

23

24 I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing
25 is true and correct.

26

27 Date 3/18/24

28

29

30 Printed

31 Name DANE SHARON

32

33
34 Signature 

35

36

1 Lamar Richardson true to my knowledge declare;
2

3 I live on Kamehameha highway near Iuiu Street, Kane'ohe.
4

5 I have personal knowledge of the following Ohana Kayak Rentals/ Ohana Kayaks and
6 or Janell Jensen
7

8 I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the
9 character of the neighborhood.
10

11 Picking up, loading/unloading/transporting kayaks, does not change the character of the
12 neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a
13 home occupation.
14

15 I have never noticed Janell Jensen/Ohana Kayaks interfering with the flow of traffic or
16 blocking traffic and she and her kayakers have never blocked my way or driveway.
17

18 I've noticed when kayakers load and unload kayaks it happens pretty quick usually
19 within a few minutes.
20

21 Her business does not bother me or interfere with normal traffic flow, from what I can
22 see.
23

24 I declare under penalty of perjury under the laws of the State of Hawaii that the forgoing
25 is true and correct.
26

27 Date 3/18/24
28

29
30 Printed

31 Name Lamar Richardson
32

33
34 Signature [Handwritten Signature]
35
36

1 | E.C. declare
2 | I live near or visit Iuiu street and or Kamehameha highway in front of the Kaneohe bay.
3 | I have personal knowledge of the following Ohana kayaks and or Janell Jensen
4 |
5 | I don't feel Ohana Kayak Rentals/Ohana Kayaks or Janell Jensen is changing the character of
6 | the neighborhood.
7 |
8 | Picking up loading/unloading/transporting kayaks on the road does not change the character of
9 | the neighborhood. I feel she should be allowed to run Ohana kayaks from her house as a home
10 | occupation.
11 |
12 | Janell and Ohana Kayaks do not block the road.
13 |
14 | Her business does not bother me or interfere with normal traffic flow from what I can see.
15 |
16 |
17 | I declare under penalty of perjury of the laws of the StateHawai'i, that the forgoing is true and
18 | correct.
19 |
20 | Date March, 2024
21 |
22 |
23 | Printed Name Earl Correa
24 |
25 |
26 | Signature Earl Correa
27 |
28 |

1 I declare, I have used Ohana Kayaks.

2

3 Janell cares about sharing the information needed to know when kayaking.

4

5 Sharing the daily current weather/wind conditions and not allowing people to go out in bad conditions.

6

7 Educates the importance of knowing the area and channels and reefs to best navigate safely as
8 to not kayak over the reef or bump into the reefs.

9

10 She goes over: creatures, education on how to protect the reef, snorkel safety,

11 Safety precautions: loading unloading not on the highway or roadways

12 She goes over where not to go: To not go behind Mokolii, or to commercial zones, or over reefs,
13 or any unsafe areas out of paddlers capabilities, or to Kapapa island that is prohibited and can
14 be dangerous.

15 She gives tips on paddling anchoring and not anchoring to reefs.

16

17 All kayakers have an emergency plan if an occasion arises.

18

19 Kayakers sign Waiver forms to not sue the State of Hawai'i or anyone, it is important that
20 kayakers conducting themselves are responsible for themselves and minors

21

22 I don't think her business is changing the character of the neighborhood

23

24 I declare under penalty of perjury of the laws of the State Hawai'i, that the forgoing is true and
25 correct.

26

27 Date 3/16/24

28

29 Printed Name Abby Schmalz

30

31 Signature 

32

33 Printed Name Megan Wade

34

35 Signature 

36

37 Printed Name Elijah Finis

38

39 Signature 

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41 Lan Marshall

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2022/RFI-04-0101 (RFI file closed)

Docs

is related to : No.2171822 r 1 - 07-APR-22 - MEAGAN KIM[Scanned document] Incoming RISR# 2022-657Dated: 3/24/22

View Name

Type Old doc/job type Complaints

is related to : No.2185931 r 1 - 09-MAY-22 - MEAGAN KIM[Scanned document] RISR# 2022-657; Responded to [REDACTED] Signed/Closed 5/3/22

View Name

Type Old doc/job type Complaints

Notes

Note Type	Last Updated By	On	Locked
Inspector Notes	COLIN ISHIKAWA (Inactive 10/3/2023)	Apr 28, 2022 13:44:23	N

47-183 Iuii Street; TMK: 4-7-035:018 Inspection on 4/12/22 revealed the tenant, Janelle Jensen has a kayak rental business. She does not have any employees. There are 8 kayaks in the enclosed garage. The kayaks are less than 250 cubic feet. She stated that once in a while, about 3 to 5 customers come to the property. There is additional paved parking on the property for the customers. They do not have any business vehicles and they use their personal vehicles. This is permitted as a home occupation. The issue of the tourists with they kayaks crossing or parking near 47-256 Kamehameha Highway is under the jurisdiction of the Police Department. Referred this portion of the RISR to the Police Dept. Response drafted to [REDACTED] Janelle Jensen, 940-4569, girlfriend of owner / occupant Jamie Urbian, 546-9680

Project

Job	Type	Created	Issued	Completed	Status
101021901-001	Request for Investigation	Apr 07, 2022		Apr 18, 2022	RFI file closed

Operating Kayak business from residence. See attach.

2022/RFI-09-0307 (RFI file closed)

Notes

Note Type	Last Updated By	On	Locked
Inspector Notes	COLIN ISHIKAWA (Inactive 10/3/2023)	Oct 12, 2022 18:16:21	N

Inspection on 10/3/22 revealed the tenant, Janelle Jensen, has a kayak rental business. She does not have any employees. There are 8 kayaks in the enclosed garage. The kayaks are less than 250 cubic feet. There are also some diving fins, snorkels, scuba tanks, wetsuits, and 2 standup paddle boards in the garage. She said that these are her personal items and are not used for the business. She stated that once in a while, about 3 to 5 customers come to the property. There is additional paved parking on the property for the customers. She does not have any business vehicles and they use their personal vehicles. This is permitted as a home occupation. Complainant contacted by phone on 10/4/22.

Project

Job	Type	Created	Issued	Completed	Status
105083088-001	Request for Investigation	Sep 23, 2022		Oct 12, 2022	RFI file closed
	Operating Kayak business from residence.				

2023/RFI-05-0465 (RFI file closed)

Docs

Notes

Note Type	Last Updated By	On	Locked
Inspector Notes	JOSHUA YAP	Jun 07, 2023 09:04:25	N

5/24/23 - Per conversation with Christy Keller & Joyce Shoji (LUPD) the owner may operate a kayak rental business from home, provided that clients park their car on the property to load/unload equipment. Need to inform property owner of this condition. Any evidence provided by complainants with regard to off-street parking requirements will be considered a home occupation violation. 5/26/23 - Site inspection. Spoke to the operator of Ohana Kayak Rentals, Janelle Jensen who escorted me around the property. The carport is approximately 24.5' x 24.5' and there is additional parking inside the enclosed garage. Informed her of the conditions mentioned above and she understood. For additional details of this home occupation, see CI's notes from previous RFI inspections.

Inspector Notes	JOSHUA YAP	Jun 07, 2023 09:02:57	N
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Address: 47-183 Iui Street Tax Map Key: 4-7-035:018 Site inspection by Josh Yap on 5/26/23 revealed there is a permitted home occupation is being conducted from the property. Interviewed the operator, who explained how the kayak rental business operates. There is adequate parking however, any clients must load/unload equipment to their vehicles from the property. Explained this condition to the business operator. The complainant was notified by detailed voicemail on 6/7/23.

Project

Job	Type	Created	Issued	Completed	Status
112674965-001	Request for Investigation	May 24, 2023		Jun 07, 2023	RFI file closed

Operating Kayak business from residence, customers come to pick up kayaks and equipment; website ohana kayak rentals

Request for Investigation Report

2022/RFI-04-0101 (RFI file closed)

Job Edit

Type: Request for Investigation
Description: Operating Kayak business from residence. See attach.
Job Number: 101021901-001
External File Number: 2022/RFI-04-0101
Status: RFI file closed
Created By: MEAGAN KIM (Inactive 10/2/2023)
Date Created: Apr 07, 2022
Date Completed: Apr 18, 2022
Specific Location: 47-183 Iuiu Street; TMK: 4-7-035: 018

Details

Request Mode: Managing Director
Complaint No.: RISR# 2022-657; Due Date: 4/8/22
Date RFI Filed: Mar 24, 2022
Description of Request: Operating Kayak business from residence. See attach.
Building Code Branch: N
NPDES Branch: N
Electrical Code Branch: N
Enforcement Unit 1: Y
Enforcement Unit 2: N
Engineering Code Branch: N
Mechanical Code Branch: N
Code Compliance Branch: N
RFI Referred To:
Research Findings:
Last Bldg Insp Date:
Short Term Rental: N

Spec. Details

Date RFI Filed: Mar 24, 2022
Requestor: [REDACTED]
Requestor's Phone Number:
Requestor's Address:
Friday, May 3, 2024

2022/RFI-04-0101 (RFI file closed)

TMKs

TMKLookup: 47035018-

TMKs

associated with TMK 4-7-035:018 [7680 sq ft.] .176 ac. POID= 22303 47-183 IUIU ST Kaneohe
96744 01/01/1800 to Current TAXPIN = 22303
View Name r_TMKOnComplaints
Type Complaint to TMK

Warnings

Processes

Description	Assigned To	Status	Outcome	Scheduled		Actual	
				Start	Complete	Start	Complete
Log RFI and refer to appropriate branch	MKIM	Complete	Logged and referred	Apr 07, 2022			Apr 07, 2022
Monitor closure process	CISHIKAWA	Complete	Monitored				Apr 18, 2022
Assign to an enforcement unit 1inspector	CWEINHARDT	Complete	Assigned				Apr 08, 2022
Perform enforce. unit 1 inspect.	CISHIKAWA	Complete	Performed				Apr 18, 2022
Close RFI file	CISHIKAWA	Complete	RFI File Closed				Apr 18, 2022

Request for Investigation Report

2022/RFI-09-0307 (RFI file closed)

Job Edit

Type: Request for Investigation
Description: Operating Kayak business from residence.
Job Number: 105083088-001
External File Number: 2022/RFI-09-0307
Status: RFI file closed
Created By: CATHERINE WEINHARDT
Date Created: Sep 23, 2022
Date Completed: Oct 12, 2022
Specific Location: 47-183 Iuiu Street; TMK: 4-7-035: 018

Details

Request Mode: Phone
Complaint No.:
Date RFI Filed: Sep 23, 2022
Description of Request: Operating Kayak business from residence. See previous RFI.
Building Code Branch: N
NPDES Branch: N
Electrical Code Branch: N
Enforcement Unit 1: Y
Enforcement Unit 2: N
Engineering Code Branch: N
Mechanical Code Branch: N
Code Compliance Branch: N
RFI Referred To:
Research Findings:
Last Bldg Insp Date:
Short Term Rental: N

Spec. Details

Date RFI Filed: Sep 23, 2022
Requestor:
Requestor's Phone Number:
Requestor's Address:
Friday, May 3, 2024

Request for Investigation Report

2023/RFI-05-0465 (RFI file closed)

Job Edit

Type: Request for Investigation
Description: Operating Kayak business from residence, customers come to pick up kayaks and equipment; website ohana kayak rentals
Job Number: 112674965-001
External File Number: 2023/RFI-05-0465
Status: RFI file closed
Created By: COLIN ISHIKAWA (Inactive 10/3/2023)
Date Created: May 24, 2023
Date Completed: Jun 07, 2023
Specific Location: 47-183 Iuiu Street; TMK: 4-7-035: 018

Details

Request Mode: Phone
Complaint No.:
Date RFI Filed: May 24, 2023
Description of Request: Operating Kayak business from residence, customers come to pick up kayaks and equipment; website ohana kayak rentals
Building Code Branch: N
NPDES Branch: N
Electrical Code Branch: N
Enforcement Unit 1: Y
Enforcement Unit 2: N
Engineering Code Branch: N
Mechanical Code Branch: N
Code Compliance Branch: N
RFI Referred To:
Research Findings:
Last Bldg Insp Date:
Short Term Rental: N

2022/RFI-09-0307 (RFI file closed)

TMKs

TMKLookup: 47035018-

TMKs

associated with TMK 4-7-035:018 [7680 sq ft.] .176 ac. POID= 22303 47-183 IUIU ST Kaneohe
 96744 01/01/1800 to Current TAXPIN = 22303
 View Name r_TMKOnComplaints
 Type Complaint to TMK

Warnings

Processes

Description	Assigned To	Status	Outcome	Scheduled		Actual	
				Start	Complete	Start	Complete
Log RFI and refer to appropriate branch	CWEINHARDT	Complete	Logged and referred				Sep 23, 2022
Monitor closure process	CISHIKAWA	Complete	Monitored				Oct 12, 2022
Assign to an enforcement unit 1 inspector	CISHIKAWA, CWEINHARDT	Complete	Assigned				Sep 27, 2022
Perform enforce. unit 1 inspect.	CISHIKAWA	Complete	Performed				Oct 12, 2022
Close RFI file	CISHIKAWA	Complete	RFI File Closed				Oct 12, 2022

Docs

2023/RFI-05-0465 (RFI file closed)

Spec. Details

Date RFI Filed: May 24, 2023

Requestor:

Requestor's Phone Number:

Requestor's Address:

TMKs

TMKLookup: 47035018-

TMKs

associated with TMK 4-7-035:018 [7680 sq ft.] .176 ac. POID= 22303 47-183 IUIU ST Kaneohe
96744 01/01/1800 to Current TAXPIN = 22303
View Name r_TMKOnComplaints
Type Complaint to TMK

Warnings

Processes

Description	Assigned To	Status	Outcome	Scheduled		Actual	
				Start	Complete	Start	Complete
Log RFI and refer to appropriate branch	CISHIKAWA	Complete	Logged and referred				May 24, 2023
Monitor closure process	JYAP	Complete	Monitored				Jun 07, 2023
Assign to an enforcement unit 1 inspector	CISHIKAWA, CWEINHARDT	Complete	Assigned				May 24, 2023
Perform enforce. unit 1 inspect.	JYAP	Complete	Performed				Jun 07, 2023
Close RFI file	JYAP	Complete	RFI File Closed				Jun 07, 2023

Friday, May 3, 2024

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