

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

October 24, 2025

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

REGARDING: Request for Administrative Fines and Other Penalties Against the Hawai‘i Loa Ridge Preserve (John Guagliardo, Executive Director) and John Guagliardo “Individually” for Conservation District Enforcement Case OA 25-01 Regarding Unauthorized Land Uses in the Conservation District Located at 184 Pu‘uikena Drive, ‘Āina Haina, Honolulu, Island of O‘ahu, Tax Map Keys: (1) 3-6-004:023 and (1) 3-6-013:121.

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

AGAINST: Hawai‘i Loa Ridge Preserve (John Guagliardo, Executive Director), and John Guagliardo “Individually”

LANDOWNERS: Hawai‘i Loa Ridge Preserve (Parcel 023) and the Hawai‘i Loa Ridge Owners Association (Parcel 121/driveway)

LOCATION: 184 Pu‘uikena Drive, Wailupe, Honolulu, Island of O‘ahu

**TAX MAP KEYS
(TMK)s:** (1) 3-6-004:023 & (1) 3-6-013:121

SUBZONE: General

EXHIBITS: Exhibit A: Site location and subzone map (Exhibit page 1-2)
Exhibit B: Boundary Interpretation (Exhibit page 3)
Exhibit C: DCCA Company Information (Exhibit page 4)
Exhibit D: Site Plan Approval OA 18-48 (Exhibit page 5-9)
Exhibit E: Notice of Civil Resource Violation ENF OA 19-11
(Exhibit page 10-13)

Item K-1.

Exhibit F: MLS Listing Correspondence (Exhibit page 14-16)

Exhibit G: CCH Violation (Exhibit page 17)

Exhibit H: Notice of Alleged Violation (ENF OA 25-10) & Site Visit
Images (Exhibit page 19-31)

Exhibit I: Email from John Guagliardo (Exhibit page 32-34)

Exhibit J: Penalty Schedule (Exhibit page 35-46)

SUMMARY:

The Office of Conservation and Coastal lands (OCCL) alleges that the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, conducted unauthorized land uses on parcels TMK (1) 3-6-004:023 ("Parcel 023") and Parcel (1) 3-6-013:121 (Driveway parcel/ Parcel 121). OCCL notes that the majority of the alleged violations occurred on Parcel 023, owned by the Hawai'i Loa Ridge Preserve, while Parcel 121 is owned by the Hawai'i Loa Ridge Owners Association. The subject parcels lie within the General and Limited Subzone of the State Land Use Conservation District.

The alleged violations include the construction of structures and accessory structures, landscaping on Parcel 023 without prior authorization, as well as the storage of discarded construction materials on Parcel 121 exceeding a period of 30 days. According to the Conservation District Penalty Schedule, OCCL alleges that these alleged unauthorized land uses are considered "Major", "Moderate", and "Minor" violations due to their potential harm to resources and the potential permit that may have been required prior to the alleged violator/landowner conducting the work.

BACKGROUND/DESCRIPTION OF AREA:

The subject parcels are located below Hawai'i Loa Ridge, adjacent to residential homes consisting of the 'Āina Haina and the gated Hawai'i Loa Ridge neighborhoods. (**Exhibit A**). Parcel 023 and Parcel 121 are located in the Wailupe Valley on the south/southeast side of the island of O'ahu. Parcel 023 lies within the General and Limited Subzone of the State Land Use Conservation District and the Urban State Land Use District. While the majority of Parcel 023 is zoned Conservation (74.696 acres), there is approximately 1.017 acres zoned Urban along the edges of the 'Āina Haina neighborhood. Parcel 121 lies within the General Subzone of the Conservation District, and the Urban District (**Exhibits A and B**).

The area is located on the west facing hillside below Hawai'i Loa, with moderate to steep slopes and is currently dominated by invasive species such as haole koa, kiawe, and various non-native grasses such as California grass. The slopes are classified as "highly erodible" land by the U.S. Geological Survey. A majority of Parcel 023 is rendered inaccessible due to overgrowth of vegetation and steep slopes.

Parcel 023 is owned by the Hawai'i Loa Ridge Preserve, managed by executive director, John Guagliardo¹ (**Exhibit C**). The Hawai'i Loa Ridge Preserve is a 501(c)(3) nonprofit, created for the purpose of managing the property. In 2017, the land was purchased with a \$400,000 donation from the World Library Foundation, an international organization that provides an online collection of books where John Guagliardo acts as the director.

The Hawai'i Loa Ridge Preserve has been granted an access easement in the form of a driveway (Parcel 121) to Parcel 023, that connects to Manuwea Street, by the landowner, Hawai'i Loa Ridge Owners Association, as set forth by Land Court Order No. 56847 filed on June 10, 1980.

There are drainage facilities, designed and constructed in 1949 by the City and County of Honolulu (CCH). On February 13, 1981, the Board of Land and Natural Resources (BLNR) approved Conservation District Use Permit (CDUP) OA-1291 for the construction of a relief storm drain system from the base of the channel to Wailupe Stream, granted to Developer HMF Inc., subject to nine conditions.

HISTORY – CONSERVATION DISTRICT:

- | | |
|----------------|--|
| April 12, 2018 | Site Plan Approval (SPA) OA 18-48 (Exhibit D) is granted to the Hawaii Loa Ridge Preserve, and its Executive Director John Guagliardo, for the following: <ul style="list-style-type: none">• 8' x 12' prefabricated polycarbonate greenhouse;• 12' x 31' prefabricated vinyl storage shed;• Propagation and transplanting of select native species; and• 9.5' wide, 4' high chain link rockfall catchment fence along the bottom of the driveway. |
| May 3, 2018 | SPA OA 18-48 is amended to include six, 26.4" x 40", 100-watt solar panels to the roof of the storage shed. See page 9 of Exhibit D . |
| May 29, 2018 | The Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, submits community outreach report to OCCL, and requests to not meet with the 'Āina Haina Community Association due to safety concerns. |

¹ Staff notes that in correspondences between OCCL and the Hawai'i Loa Ridge Preserve, John Guagliardo has represented himself as the Executive Director of the Hawai'i Loa Ridge Preserve and landowner of Parcel 023.

Department receives complaint regarding failure of the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, to comply SPA OA 18-48 conditions, and construction of alleged unauthorized structures on Parcel 023. The complaint claims the property is not being utilized as a nature preserve and restoration area.

September 28, 2018

Notice of Civil Resource Violation (CRVS) (ENF OA 19-11) is issued to the Hawaii Loa Ridge Preserve and its Executive Director John Guagliardo (**Exhibit E**). Unauthorized work includes concrete masonry unit (CMU) retaining walls along portions of the driveway perimeter, a concrete pad and entry for the shed, and a framework of solar panels on the ground.

To resolve matters, an administrative fine of \$250 is assessed, and the Hawaii Loa Ridge Preserve and its Executive Director John Guagliardo are presented the options of either obtaining after-the-fact authorization(s) from OCCL for the unauthorized land uses, or removal of the unauthorized structures if they did not want to pursue after-the-fact permits.

Staff notes that the \$250 fine was paid; however, the after-the-fact SPA application was incomplete. No subsequent after-the-fact applications appear to have been submitted for the alleged unauthorized land uses.

November 19, 2018

Multiple Listing Services (MLS) posts containing inaccurate information regarding the property are forwarded to OCCL. The Department informs John Guagliardo that the MLS listing details new and additional unauthorized land uses, including a car port, water catchment system, and two gazebos. The Department notes these alleged unauthorized land uses remain under investigation (**Exhibit F**).

February 26, 2019

John Guagliardo submits an after-the-fact SPA application for the construction of the CMU wall. The SPA application does not contain landowner's (Hawaii Loa Ridge Preserve) signature or a filing fee, nor information on additional land uses associated with ENF OA 19-11 that include the concrete pad and entry for the toolshed as well as installation of framework for solar panels on the ground. As the after-the-fact application was incomplete, the SPA application is not processed, and after-the-fact SPA authorization is not issued. No follow-up on the application status from John Guagliardo is received.

- June 10, 2021 John Guagliardo requests by email to build a “mini house” on the 023 parcel. The Department replies that a CDUA would be required.
- May 1, 2024 The Department receives a copy of an October 3, 2023, CCH Department of Planning and Permitting (DPP) violation (**Exhibit G**) issued to the Hawai'i Loa Ridge Preserve, with John Guagliardo listed as an agent, for not obtaining building permits for the following:
- CRM retaining wall being more than 30” in height in front of the parking area; and
 - Windows added onto an existing storage building. The building permit fee was tripled for starting work without first obtaining a permit.

ALLEGED UNAUTHORIZED LAND USES IN THE CONSERVATION DISTRICT:

- June 19, 2024 The Department is in receipt of a complaint requesting the immediate revocation of SPA OA 18-48, expressing concerns regarding alleged unauthorized construction activities occurring on the property.
- June 24, 2024 The Department contacts the Hawai'i Loa Ridge Preserve to schedule a site visit to the property. John Guagliardo responds.
- July 15, 2024 Staff conducts a site inspection to the property, and identifies the following structures (See **Exhibit H, and Exhibit pages 27-31**):
- A treehouse
 - Concrete staircase
 - An additional vinyl storage shed
 - Paddleboard storage rack
 - Water catchment system
 - Evidence of dumping construction materials including but not limited to wood pallets, ceramic tiles, metal shelving and wires within the driveway parcel
 - Rock wall terracing

- An outdoor kitchen facility
- A deck made of concrete blocks

Staff finds no evidence of the propagation and transplanting of native species within the property, or any restoration work being done that would require the storage of tools on site. John Guagliardo is verbally instructed to stop any and all work within the Conservation District at this time.

- August 1, 2024 Notice of Alleged Violation (ENF OA 25-10) is issued John Guagliardo (**Exhibit H**).
- August 20, 2024 Certified mail receipt is never returned, but John Guagliardo confirms receipt through email. He requests a permit for beekeeping, and staff informs him that until matters are resolved regarding ENF OA 25-10, OCCL cannot entertain any new proposed land uses on the properties (**Exhibit I**).
- August 30, 2024 No response is received to address ENF OA 25-10 within the 30-day timeline.

CONSERVATION DISTRICT RULES AND STATUTES:

The Board has statutory authority to impose civil administrative fines for the above-discussed violations, as further discussed below.

Land uses in the Conservation District are regulated by Hawai'i Revised Statutes (HRS) Chapter 183C and the administrative rules promulgated thereunder, which are found in Hawai'i Administrative Rules (HAR) Chapter 13-5.

The Department and Board, through OCCL, regulates land use in the Conservation District by the issuance of permits and site plan approvals. Land uses, and associated permit or site plan approvals required by the State, in the General subzone of the Conservation District are governed by HAR Chapter 13-5. HAR §13-5-2, defines "land use" as:

1. The placement or erection of any solid material on land if that material remains on the land more than thirty days, or which causes a permanent change in the land area on which it occurs;
2. The grading, removing, harvesting, dredging, mining, or extraction of any material or natural resource on land;
3. The subdivision of land; or

4. The construction, reconstruction, demolition, or alteration of any structure, building, or facility on land.

In addition to the general definition of "land use", HAR Chapter 13-5 further describes specific land uses allowed within the Conservation District and what level of departmental review for such uses is required.

Staff has assessed the land uses in the Conservation District at the subject property and identified the alleged unauthorized land uses to be as follows:

Land uses not otherwise identified is identified as a land use regulated under HAR §13-5-30 ("Land uses not otherwise identified in section 13-5-22, 13-5-23, or 13-5-24, which are consistent with the objectives of the general subzone.") Land uses not otherwise identified in the Conservation District requires a Board permit approved by the BLNR prior to any work being conducted. HAR §13-5-30, G-2, (D-1).

Landscaping is identified as a land use regulated under HAR §13-5-23 ("Landscaping (including clearing, grubbing, and tree removal), including chemical and mechanical control methods, in accordance with state and federal laws and regulations, in an area of less than 10,000 square feet. Any replanting shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawai'i. The introduction of invasive plant species is prohibited.") Landscaping in an area of less than 10,000 square feet involving grubbing in the Conservation District requires a Departmental permit approved by the DLNR prior to any work being conducted. HAR §13-5-23, L-2, (C-1).

Structures, accessory is identified as a land use regulated under HAR §13-5-22 ("Construction or placement of structures accessory to existing facilities or uses.") Structures, accessory in the Conservation District requires a Site Plan Approval, approved by the DLNR prior to any work being conducted. HAR §13-5-22, P-9, (B-1).

Photographic evidence clearly illustrates that the above land uses have occurred, and the dumping of construction materials that have remained on the land for more than thirty days.

PENALTIES:

Any person, firm, government agency, or corporation violating any provision of the Conservation District statutes or rules is subject to the penalties prescribed in HRS §183C-7.

HRS §183C-7 **Penalty for violation** notes (a) The department shall prescribe administrative procedures as it deems necessary for the enforcement of this chapter and (b) Any person violating this chapter or any rule adopted in accordance with this chapter shall be fined not more than \$15,000 per violation in addition to administrative costs, costs associate with land or habitat restoration, and damages to public land or natural

resources, or any combination thereof. After written or verbal notification from the department, willful violation of this chapter or any rule adopted in accordance with this chapter may incur additional fines of up to \$15,000 per day per violation for each day in which the violation persists.

Based on the **Conservation District Violation Penalties Schedule Guidelines and Assessment of Damages to Public Land or Natural Resources (Exhibit J)** the unauthorized land uses are considered to be the following:

- A “Major” unauthorized land use since the treehouse, outdoor kitchen facility, deck made of concrete blocks, paddleboard and surfboard storage rack, and water catchment system attached to the toolshed appear to be unidentified land uses. The Penalties Schedule Section 2.1.2 Non-Identified Land Use Penalties, states: *To categorize the violation as a “harm to resource” when no similar use is identified in HAR §13-5, Staff will refer to Table 1 and the definitions of the four violation types of “harm to resource”.*
- A “Moderate” unauthorized land use since the rock wall terracing appear to be an identified land use pursuant to HAR §13-5-23, L-2 LANDSCAPING, (C-1) *Landscaping including clearing, grubbing, and tree removal), including chemical and mechanical control methods, in accordance with state and federal laws and regulations, in an area of less than 10,000 square feet. Any replanting shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawai‘i.* This would have required the filing of a Departmental Conservation District Use Application; and
- A “Minor” unauthorized land use since the concrete staircase and vinyl storage shed appear to be an identified land use pursuant to HAR §13-5-22, P-9 STRUCTURES, ACCESSORY (B-1) *Construction or placement of structures accessory to existing facilities or uses.* This would have required the filing of a site plan approval.

These violations follow a penalty range of \$2,000 to \$15,000.

The alleged unauthorized land uses occurred in the Conservation District without approval and therefore allegedly violated the above referenced chapters and rules.

DISCUSSION:

Staff notes that the alleged unauthorized work being done within Parcels 023 and 121 have been the subject of numerous complaints received by the OCCL. The Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually and as the organization’s Executive Director, have been made aware of the rules of the Conservation District through various written correspondences, submitted applications, issued Notices, and in person meetings on site. Staff has explained the process required to obtain Conservation District authorizations prior to conducting land uses and work within Parcel

023 and Parcel 121, yet the Hawaii Loa Ridge Preserve and John Guagliardo continue to conduct land uses and work on the properties without authorization.

Due to the steep and sloped nature of both parcels, heavy rainfall within the area could pose serious risk of flooding. The unauthorized landscaping has cleared areas of groundcover that could potentially contribute to erosion due to the soils being denuded of vegetation and exposed. There are residential properties located directly below parcel 023 and Parcel 121. The construction materials dumped on the driveway area could become hazardous to neighboring landowners and their properties in the event of a flood or a high wind event such as a tropical storm or hurricane as well as potential fire fodder.

During the July 14, 2024 site visit, staff found the storage shed to be filled with household items and furniture, such as barstools, ceiling fans, and couches. Staff also notes that a water catchment system was installed to the back of the shed. It is staff's opinion that the storage shed is being used for primarily for personal storage, rather than an accessory structure to support the propagation and transplanting of native species. Additionally, staff observed that the polycarbonate greenhouse approved under SPA OA 18-48 was never constructed.

The storage shed and polycarbonate greenhouse approved under SPA OA 18-48 were intended to support the propagation and transplanting of select native species on the Parcel 023. In the areas of the parcel that Mr. Guagliardo describes as restoration sites, by SPA 18-48 and during the site inspection, staff did not find evidence of native plants, propagation, or transplanting activities.

Staff notes that OCCL considers SPA OA 18-48 to be inactive, pursuant to condition #5 which states the following: *"Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed"*. Any new land uses on this parcel would not be considered a permitted action under SPA OA 18-48 and would require additional review from OCCL and potentially authorization from the Department or Board prior to the work being conducted. At this time or until the alleged unauthorized land uses described in this report are resolved, staff notes that Conservation District regulations prohibit the Department and Board from entertaining any proposals or applications for new land uses on the parcels. See HAR §§ 13-5-6 (c) and (d), and 13-5-31 (e).

In addition, the presence of the treehouse, outdoor kitchen area that includes a refrigerator, and barbeque, as well as paddleboard and surfboard storage, and a treehouse with a swing and hammock would suggest that the area is used recreationally, rather than a restoration area. Staff would like the Board to order the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, to remove all unauthorized structures on Parcel 023 and Parcel 121.

FINDINGS AND CONCLUSIONS:

Based on the above information, OCCL staff has reached the following findings and conclusions regarding the alleged violation:

1. That the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, have conducted and constructed the following alleged unauthorized land uses:
 - Treehouse;
 - Concrete staircase;
 - Additional vinyl storage shed;
 - Paddleboard storage rack;
 - Water catchment system;
 - Rockwall terracing;
 - Outdoor kitchen facility; and
 - Deck made of concrete blocks;
2. That the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, did not obtain approval for the after the fact SPA application for CMU walls, creation of a concrete pad and entry to the shed, and installation of framework for solar panels outside of his shed to close Enforcement Case OA 19-11;
3. That the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, have been dumping construction materials within the Conservation District such as but not limited to wood pallets, ceramic tiles, metal shelving and wires within the driveway parcel, owned by the Hawai'i Loa Ridge Owners Association;
4. That the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, are not actively propagating and transplanting native species on the site, that would require storage and tool sheds, and SPA OA 18-48 permitting such activities is considered inactive by the Department;
5. That John Guagliardo was informed on multiple occasions verbally and through writing on the rules and permit requirements for land uses within the Conservation District;
6. That the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, continue to conduct and propose uses in the Conservation District after verbal and written request was given to stop work; and
7. That the unauthorized land uses occurred within the State Land Use Conservation District, General Subzone.

STAFF RECOMMENDS:

That pursuant to HRS, §183C-7, the Board finds the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, in violation of HAR, §13-5-25, and is subject to the following:

1. That the Board adopt the findings and conclusions set forth above and impose the following administrative fines:
 - a. Pursuant to HRS §183C-7, the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, are fined \$15,000 for violating provisions of HAR, §13-5-25, for the placement of the following unidentified land uses: a treehouse, outdoor kitchen facility, and deck made of concrete blocks on land within the Conservation District General Subzone;
 - b. Pursuant to HRS §183C-7, the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, are fined \$10,000 for violating provisions of HAR, §13-5-25, for landscaping through rock wall terracing, resulting in permanent change to the land within the Conservation District General Subzone;
 - c. Pursuant to HRS §183C-7, the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, are fined \$2,000 for violating provisions of HAR, §13-5-25, for the construction and placement of one accessory structure containing a vinyl storage shed on land within the Conservation District General Subzone;
 - d. Pursuant to HRS §183C-7, the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, are fined \$2,000 for violating provisions of HAR, §13-5-25, for the construction and placement of one accessory structure consisting of a rainwater catchment tank on land within the Conservation District General Subzone;
 - e. Therefore, that the total fines and administrative costs that may be levied against the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, may be \$29,500, and that the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, shall pay all designated fines and administrative costs within ninety days from the date of the Board's action;
2. That the Board authorize the Department of the Attorney General to file a Notice of Pendency of Action with the deed or deed instrument of Parcel 023 at the Bureau of Conveyances pursuant to HRS §171-6.4(c), 501-151, and 634-51;
3. That the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, shall remove all unauthorized structures constructed or placed on Parcel 023, as addressed in ENF OA 19-11, including the concrete pad and entry for toolshed, solar panels outside of the toolshed, and CMU walls along the driveway area. Additionally, that the Hawaii Loa Ridge Preserve, and its officers,

and John Guagliardo, individually, shall remove all unauthorized structures constructed or placed on Parcel 023, including the treehouse, concrete staircase, additional vinyl storage shed, water catchment system, outdoor kitchen facility, and deck made of concrete blocks, and the area be restored to a more natural state or to the Department's satisfaction within six months from the date of the Board's action by and at the expense of the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually.

4. That the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, shall remove and properly dispose of all discarded materials on Parcel 121, such as but not limited to wood pallets, tiles, metal shelving and wires to the Department's satisfaction within six months from the date of the Board's action by and at the expense of the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually;
5. That in the event of a failure of the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, to comply with any order imposed in connection with this enforcement action, the defendants shall be fined an additional \$15,000 per day, pursuant to HRS §183C-7, until the order is complied with;
6. That in the event of failure of the Hawaii Loa Ridge Preserve, and its officers, and John Guagliardo, individually, to comply with any order herein, this matter shall be turned over to the Attorney General for disposition, including all administrative costs;
7. That the Board delegate authority to the Chairperson to effectuate the above recommendations, subject to such conditions as may be prescribed by the Chairperson to best serve the interest of the State, without further consultation with the Board, subject to review and approval by the Department of the Attorney General; and
8. The above noted conditions of the enforcement file, ENF OA 25-01, shall be recorded with the deed instrument by the Hawai'i Loa Ridge Preserve at the Bureau of Conveyances pursuant to HAR, §13-5-6(e).

Respectfully submitted,

Mari Kurosawa

Mari Kurosawa, Staff Planner
Office of Conservation and Coastal Lands *mc*

Approved for submittal:



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

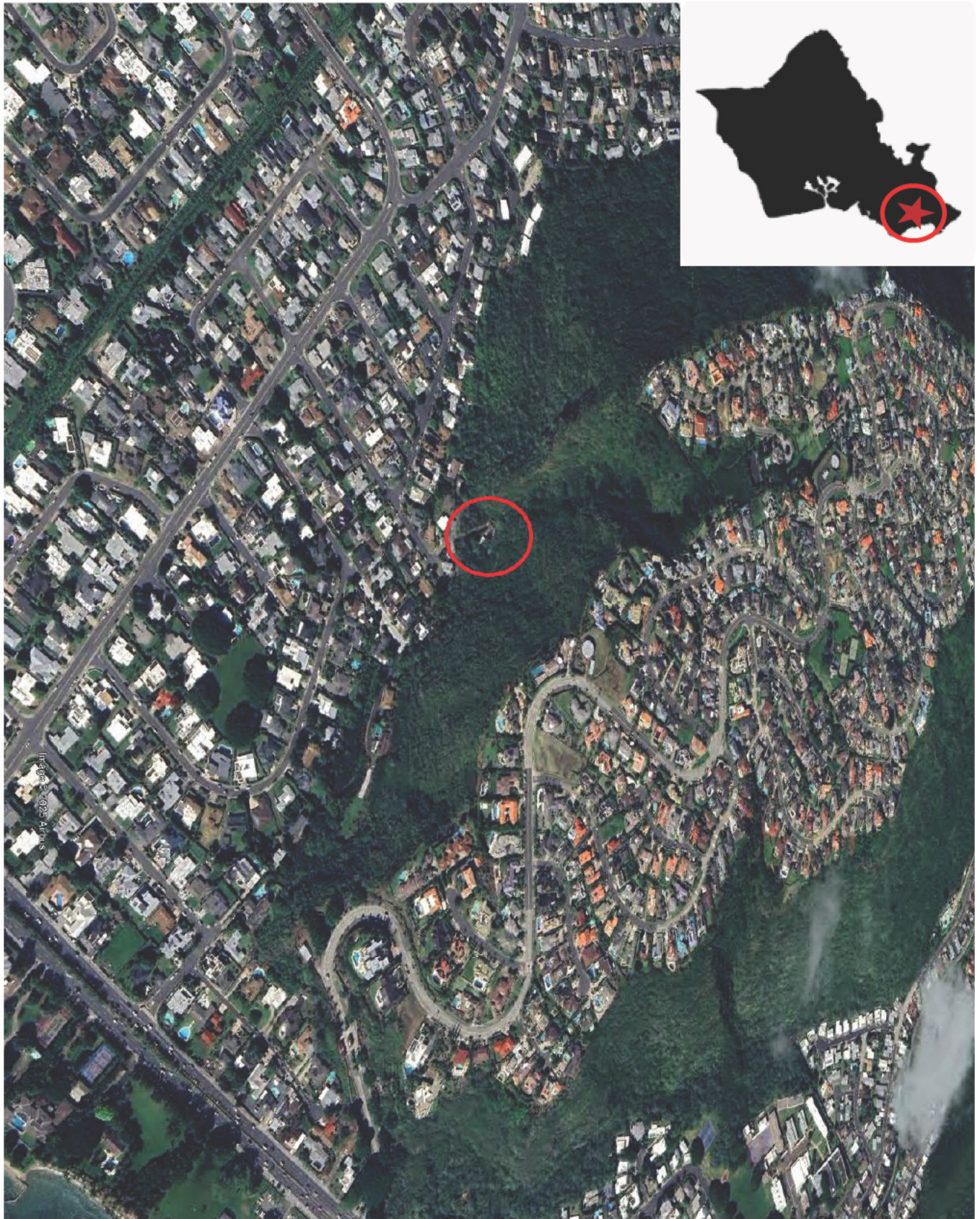
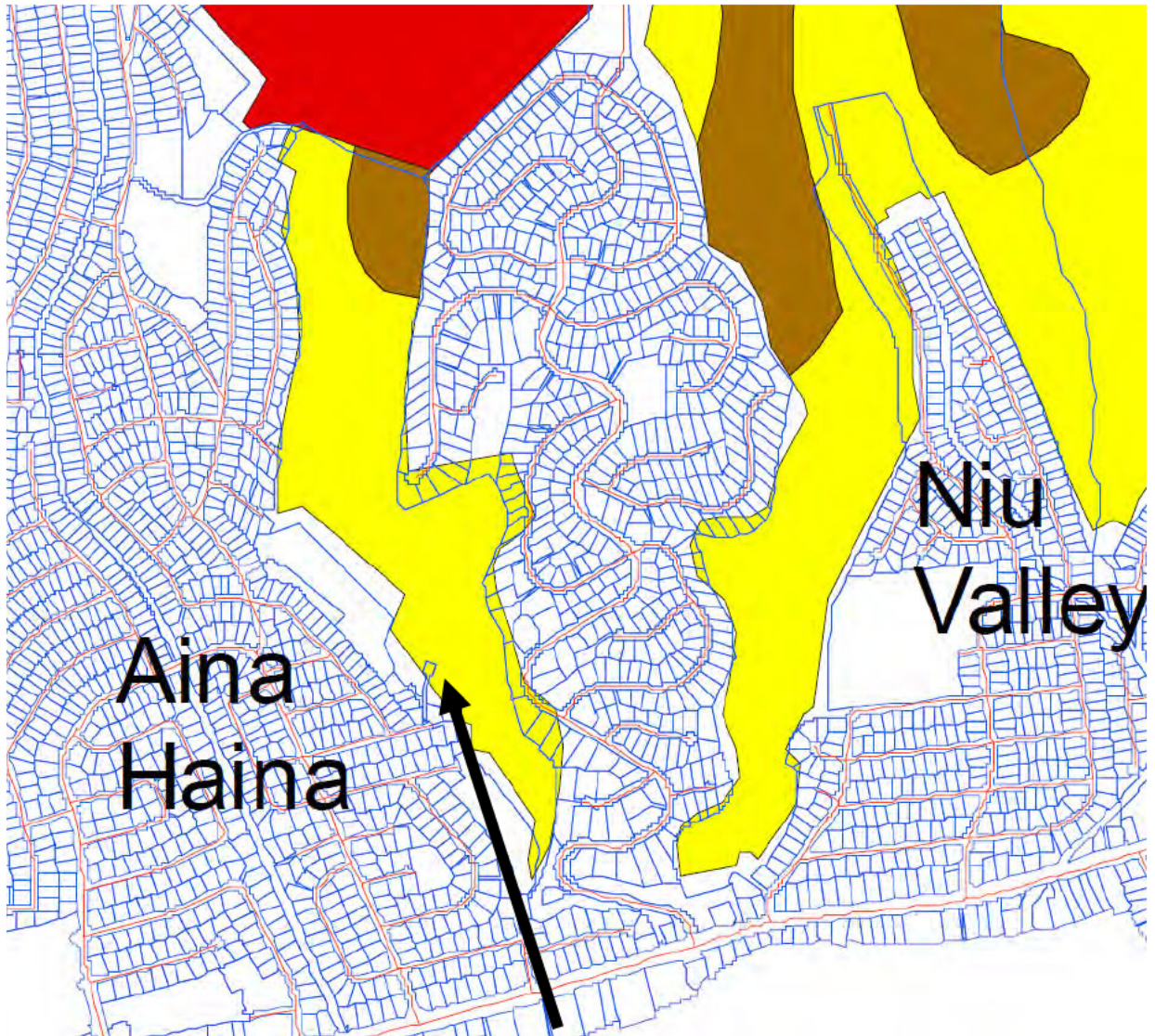



Exhibit A: Site Location and Subzone Map




Legend

 Oahu Tax Map Key - 2012


Conservation Subzone

 Conservation

 GENERAL

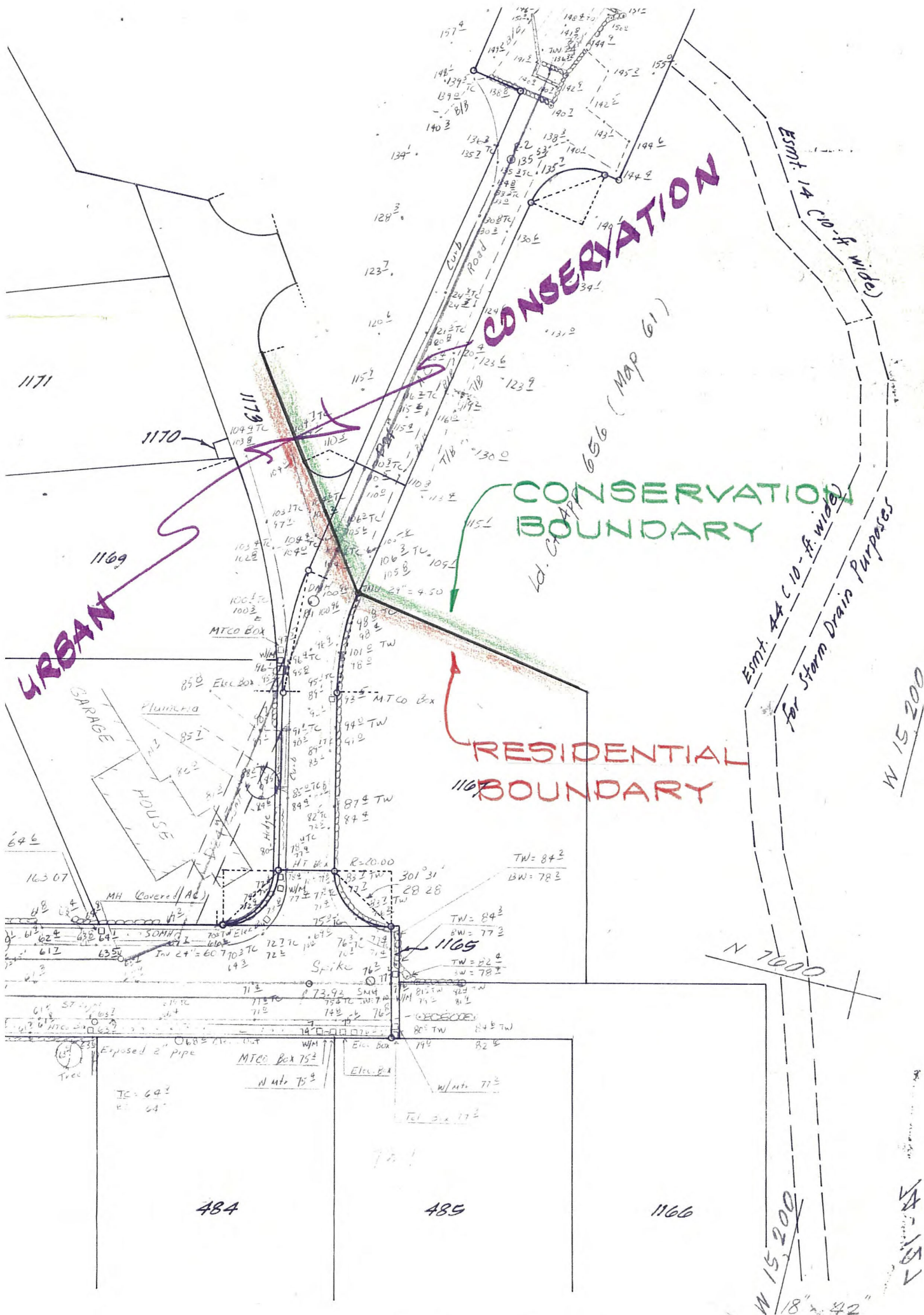
 LIMITED

 PROTECTED

 RESOURCE

 SPECIAL

Exhibit A: Site Location and Subzone Map



The boundary as located, named and delineated is hereby certified as the actual Land Use District Boundary adopted by the State Land Use Commission, Honolulu, Hawaii.

8/20/80 *[Signature]*
 Date Executive Officer

AUG 18 4 12 PM '80
 LAND USE COMMISSION
 STATE OF HAWAII

Exhibit B: Boundary Interpretation

DCCA State of Hawaii

Downloaded on August 7, 2025.

The information provided below is not a certification of good standing and does not constitute any other certification by the State.

Website URL: <http://hbe.ehawaii.gov/documents>

Business Information

MASTER NAME	HAWAII LOA RIDGE PRESERVE
BUSINESS TYPE	Domestic Nonprofit Corporation
FILE NUMBER	275252 D2
STATUS	Active
PURPOSE	TO PROTECT THE NATURAL, CULTURAL, AND SCIENTIFIC RESOURCES OF HAWAII AND THE ISLAND COMMUNITY THROUGH COMMUNITY-LED EDUCATIONAL AND CONSERVATION PROGRAMS; (SEE AMRS FILED 03/09/2018)
ORGANIZED IN	Hawaii UNITED STATES
INCORPORATION DATE	Feb 14, 2017
MAILING ADDRESS	P O BOX 22687 HONOLULU, Hawaii 96823 UNITED STATES
TERM	PER
AGENT NAME	JOHN GUAGLIARDO
AGENT ADDRESS	[REDACTED]

Annual Filings

FILING YEAR	DATE RECEIVED	STATUS
2025	Jun 7, 2025	Processed
2024	Aug 16, 2024	Processed
2023	Mar 23, 2023	Processed
2022	Sep 4, 2022	Processed
2021	Aug 6, 2021	Processed
2020	Dec 3, 2020	Processed
2019	Dec 18, 2019	Processed
2018	Mar 13, 2018	Processed

Officers

NAME	OFFICE	DATE
MILLER,RICHARD	S/D	Jan 1, 2019
GUAGLIARDO,JOHN	T/D/AS/ED	Jan 1, 2024
DELA CRUZ, JOSEPHINE	D/AS	Jan 1, 2024
GUAGLIARDO, JOHN IV	D/AT	Jan 1, 2024
GUAGLIARDO, AIWA	D	Jan 1, 2024
MCGARRY, MARIA	D	Jan 1, 2024
WARREN, EUGENIA	D	Jan 1, 2024

Exhibit C: DCCA Company Information

DAVID Y. IGE
GOVERNOR OF HAWAII



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

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

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

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

2018 APR 31 P 2:49
OFFICE OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Ref OCCL:MC

SPA OA-18-48

John Guagliardo, Executive Director
Hawai'i Loa Ridge Preserve



APR 12 2018

APR 12 2018

Dear Mr. Guagliardo,

SUBJECT: SITE PLAN APPROVAL OA-18-48
Hawai'i Loa Ridge Preserve Native Hawaiian Habitat Restoration Program
Wailupe, O'ahu
TMK: (1) 3-6-004:021 and 023

The Office of Conservation and Coastal Lands (OCCL) has received the information you provided regarding the proposed Native Hawaiian Habitat Restoration Program on the above subject parcel. The project area is in the General Subzone of the State Land Use Conservation District.

The parcel is located along the ridge between the 'Aina Haina and the Hawai'i Loa Ridge neighborhoods. It is moderately to steeply sloped, and is currently dominated by invasive species such as hale koa (*Leucana leucocephala*), kiawe (*Prosopis pallida*), and various non-native grasses. The slopes are classified as "highly erodible" land by the U.S. Geological Survey.

There is a large rainwater channel that runs through the property. On February 13, 1981 the Board of Land and Natural Resources approved Conservation District Use Permit (CDUP) OA-1291 for the construction of a relief storm drain system from the base of the channel to Wailupe Stream.

In December 2017 OCCL found that the clearing of invasive species, tree trimming, and removal of dead wood and brush were considered routine land and resource management activities that did not trigger the need for a permit from DLNR. You have now submitted a Site Plan Approval application for the following additional activities:

1. The placement of an eight-foot by twelve-foot prefabricated polycarbonate greenhouse on a flat area alongside the access road to the site;
2. The placement of a twelve-foot by thirty-one-foot prefabricated vinyl storage shed on a flat area near the entrance to the property;
3. The propagation and transplanting of select native species on the site.

Exhibit D: Site Plan Approval OA 18-48

4. The installation of a 9.5 wide, 4-foot high chain link fence at the entrance to the property to catch small rocks that might roll off the slope; and

The first three items are related to the Native Hawaiian Habitat Restoration Program. According to the application you submitted, and based upon the site visit OCCL conducted on March 28, 2018, we understand that you propose to initiate a test project to determine what types of endemic and indigenous plants can grow best naturally in the Preserve. The pilot program will take about a year in which you propose to conduct research, basic data collection, and resource evaluation that will result in minor disturbance to the land. The types of plants proposed for testing include nioi, *Lobelia monostachya*, 'awikiwiki, *Lobelia rollandia crispa*, ōpuhe, kolomona, *Bonamia menziessii*, and keahi which were identified in a 1998 *Plant Survey of Wailupe*. Other endemic and rare plants proposed for testing include 'a'ali'i, alahe'e, wiliwili, lama, koa, 'ōhi'a lehua, loulou, lonomea, pili grass, 'uhaloa, 'akoko, 'ākia, 'ilima, u'uilei, ko'oko'olau, carex wahuensis, maile, 'āwikiwiki, koki'o ke'oke'o, and 'ēkaha fern.

The seedlings will be raised in the greenhouse until they are ready for out-planting. You have been working with DLNR's Division of Forestry and Wildlife, the Lyon Arboretum, and local nurseries to source seedlings appropriate to the parcel.

The gate is intended to prevent small rocks from rolling off the hillside, down the access drive, and onto neighboring streets and houses. Existing earthen berms serve the same purpose on the undeveloped portions of the property.

After reviewing the proposal, OCCL finds that:

1. The proposed work is an identified land use in the Conservation District pursuant to Hawai'i Administrative Rules (HAR) §13-5-22, P-9 STRUCTURES, ACCESSORY (B-1) *Construction or placement of structures accessory to existing facilities or uses*. This use requires a Site Plan Approval from OCCL.
2. The project as described is identified as exempt pursuant to HAR §11-200-8 EXEMPT CLASSES OF ACTION, Exemption Class 6, Construction or placement of minor structures accessory to existing facilities; Subclass 13, Placement or construction of accessory structures such as utility sheds, storage or maintenance sheds, office trailers, trash enclosures, comfort stations or sanitation facilities and related individual wastewater disposal systems, bus shelters, pavilions or picnic shelters, parking and fee collection facilities, checking stations, interpretive kiosks and displays, dock boxes, mooring cleats, bumpers, and mooring buoys, blocks and piles, and other similar structures accessory to existing facilities on state lands and waters. The project would not need an Environmental Assessment.

OCCL is basing this exemption on the fact that the proposal does not involve any grading or grubbing, that the structures are small in scale, and that they will be used to support ongoing land management, invasive species control, and native species planting on the parcel. It will not have a significant impact on a particularly sensitive environment. It is not an expansion of use, so there will be no cumulative impacts that come into play.

Exhibit D: Site Plan Approval OA 18-48

OCCL consulted with Land Division and the Division of Forestry and Wildlife on this exemption.

After careful review, OCCL approves Site Plan Approval OA-18-48 for the Hawai'i Loa Ridge Preserve Native Hawaiian Habitat Restoration Program at Wailupe, O'ahu, TMK: (1) 3-6-004:021 and 023, subject to the following conditions

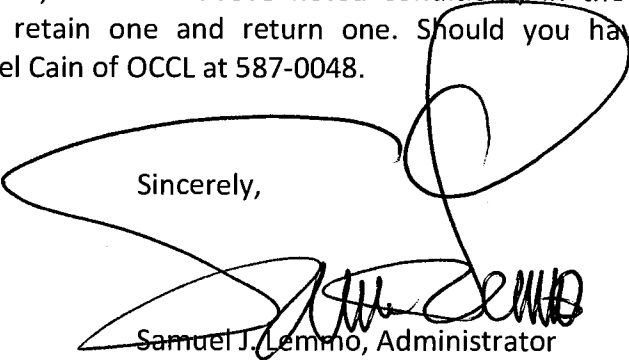
1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
3. The permittee shall obtain appropriate authorization from the department for the occupancy of state lands, if applicable;
4. The permittee shall comply with all applicable department of health administrative rules;
5. Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
6. All representations relative to mitigation set forth in the accepted environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;
7. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
8. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
9. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
10. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;

Exhibit D: Site Plan Approval OA 18-48

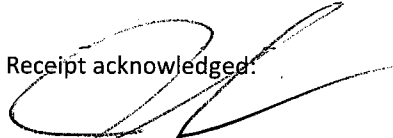
11. Cleared areas shall be revegetated, in accordance with landscaping guidelines provided in this chapter, within thirty days unless otherwise provided for in a plan on file with and approved by the department;
12. For all landscaped areas, landscaping and irrigation shall be contained and maintained within the property, and shall under no circumstances extend seaward of the shoreline as defined in section 205A-1, HRS;
13. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
14. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact HPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
15. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies, retain one and return one. Should you have any questions, please feel free to contact Michael Cain of OCCL at 587-0048.

Sincerely,


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

Receipt acknowledged:


Applicant's Signature

4/29/2017
Date

Exhibit D: Site Plan Approval OA 18-48

c: Chair; Honolulu Department of Planning and Permitting

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

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

Ref OCCL:MC

SPA OA-18-48

John Guagliardo, Executive Director
Hawai'i Loa Ridge Preserve

MAY - 3 2018

Dear Mr. Guagliardo,

SUBJECT: AMENDMENT TO SITE PLAN APPROVAL OA-18-48 – PHOTOVOLTAIC PANELS
Hawai'i Loa Ridge Preserve Native Hawaiian Habitat Restoration Program
Wailupe, O'ahu
TMK: (1) 3-6-004:021 and 023

The Office of Conservation and Coastal Lands (OCCL) has reviewed the information you provided regarding the placement of solar panels on the storage shed on your property at the above subject parcel.

The shed was approved as part of Site Plan Approval (SPA) OA-18-48 on April 12, 2018. You are proposing to install six 100-watt solar panels to the roof of the shed. Each panel measures 26.4 by 40 inches.

No further permitting is required for the solar panel installation, and OCCL has no objections to the proposal.

Should you have any questions, please feel free to contact Michael Cain of OCCL at 587-0048.

Sincerely,


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

Exhibit D: Site Plan Approval OA 18-48

DAVID Y. IGE
GOVERNOR OF HAWAII



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

SUZANNE D. CASE
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:MC

John Guagliardo, Executive Director
Hawai'i Loa Ridge Preserve



Dear Mr. Guagliardo

Subject: PERMIT COMPLIANCE WITH SITE PLAN APPROVAL OA-18-48
WAILUPE, O'AHU
TMK (1) 3-6-004:021 and 023

Enforcement OA-19-11

SEP 2 8 2018

The Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) has reviewed the Site Plan Approval (SPA) for improvements to the above subject property, and finds that there are certain discrepancies between the improved plans and the actual work that was conducted that need to be resolved.

SPA OA-18-48 permitted the following structures:

- The placement of an eight-foot by twelve-foot prefabricated polycarbonate greenhouse on a flat area alongside the access road to the site;
- The placement of a twelve-foot by thirty-one-foot prefabricated vinyl storage shed with a compacted vinyl base on a flat area near the entrance to the property; and
- The installation of a 9.5 wide, 4-foot high chain link fence at the entrance to the property

Based upon OCCL's visit with you on-site in August 2018, we found that the following work had been conducted: the placement of CMU retaining walls along portions of the driveway perimeter, the creation of a concrete pad and entry for the shed, and the installation of a framework for solar panels outside of the shed.

Please note that land uses in the Conservation District are regulated by DLNR pursuant to Hawai'i Revised Statutes Chapter 183C and Hawai'i Administrative Rules (HAR) Chapter 13-5. The discrepancies between what was built and what was approved present a potential land use violation as they were built without authorization from DLNR.

Exhibit E: Notice of Civil Resource Violation (ENF OA 19-11)

The penalty range for violations of conservation district rules is based on both the type of permit that would have been required for the land use and the potential harm to the State's natural and cultural resources.

In reviewing this case, OCCL finds that the stairway and deck would have required a Site Plan Approval, and that the level of impact to natural and cultural resources is very minor. While the Department's penalty schedule allows for fines of up to \$1000, OCCL is recommending a smaller fine of \$250 (one hundred dollars) due to the apparent minor impact on resources.

We have attached a Notice of Civil Resource Violation to this report. Note that you have the choice of complying with the notice, requesting mitigation, or contesting the notice and requesting a contested case hearing.

Should you choose to comply with the attached Notice, the next step will be to apply for an "after-the-fact" permit from OCCL for the additional work.

The CMU walls, concrete pad, and concrete entryway are identified land uses in the Conservation District pursuant to HAR §13-5-22, Identified Land Uses in the Protective Subzone, P-8 STRUCTURES AND LAND USES, EXISTING, (B-1) *Demolition, removal, or minor alteration of existing structures, facilities, land and equipment. Any historic property shall be evaluated by the department for historical significance.* This use requires a Site Plan Approval (SPA) from OCCL.

Applications for Site Plan Approvals can be found on our website at dlnr.hawaii.gov/occl/forms-2. The filing fee for SPAs is \$50 (fifty dollars).

Finally, OCCL notes that you can choose to remove any encroaching structures, in which case our office would consider that the potential violation has been resolved and which would negate the need for any permit.

Should you have any questions, please contact Michael Cain at 587-0048.

Sincerely,

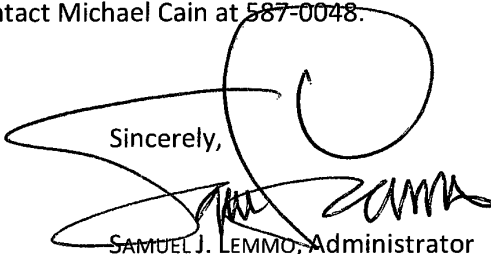

SAMUEL J. LEMMO, Administrator
Office of Conservation and Coastal Lands

Exhibit E: Notice of Civil Resource Violation (ENF OA 19-11)

Attachment: Notice of Civil Resource Violation



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
NOTICE OF CIVIL RESOURCE VIOLATION**



Notice No. CRVS 4 OCCL ENF OA-19-11 **Date:** Sept 16 , 2018

TO RESPONDENT: Any administrative proceedings instituted pursuant to this Notice shall not preclude the State from pursuing separate criminal prosecution against you for an offense committed in the same course of conduct.

COMPLAINT: The undersigned official/officer of the Department of Land & Natural Resources (DLNR) states that the named respondent did commit the civil resource violation(s) noted below.

A. RESPONDENT INFORMATION				
Last Name / Company Name Guagliardo		First Name, M.I. John		Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F
Street Address [REDACTED]		City [REDACTED]		State & ZIP (Country) [REDACTED]
ID Type	Issued By	ID No.	Juvenile <input type="checkbox"/>	Phone

B. VEHICLE / VESSEL INFORMATION (If applicable)			
<input type="checkbox"/> Vehicle	License Plate No., VIN / Vessel Type, ID, Name	License State	Year / Make / Model / Color
<input type="checkbox"/> Vessel			

C. STATEMENT OF FACTS		
Date	Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Violation Site: Island / Location / TMK Oahu Waiupe TMT (1) 3-6-004:021 and 023
DESCRIPTION: (Specify any witness, evidence, damage, injury and seizure. Attach additional sheet if needed.)		
<p>The alleged violation is located in the General Subzone of the State Land Use Conservation District. Landowner has a permit to install accessory structures related to land management on the parcel. A site inspection by OCCL revealed that the built structures were not built in accordance with the permit.</p> <p>The unauthorized work included the placement of CMU retaining walls along portions of the driveway perimeter, the creation of a concrete pad and entry for the shed, and the installation of a framework for solar panels outside of the shed.</p>		

D. CITATION(S)			E. FINES ASSESSED	
No.	Authority	Civil Resource Violation	Comply in 21 days	After 21 days
1	§183C-7(b)	Unauthorized structures pursuant to HAR 13-5-22, P-9	\$250	\$250
2	§		\$	\$
3	§		\$	\$
TOTAL ADMINISTRATIVE FINE ASSESSED >>>			\$250	\$250

F. OTHER SANCTIONS AND REQUIREMENTS
<p>TO RESPONDENT: In addition to any fines assessed in Section E, you must comply with the following sanctions and/or requirements within 21 days of the service of this Notice, unless a different period is provided in this section below:</p>

G. ISSUANCE AND SERVICE	
F.I. & Last Name S. Lemmo	Office OCCL
Signature 	Issued by APO:
Service: <input type="checkbox"/> Unoccupied vehicle/vessel <input type="checkbox"/> Personal	
<input type="checkbox"/> Certified Mail <input type="checkbox"/> First-Class Mail	

H. ACKNOWLEDGEMENT
I acknowledge the receipt of this Notice. This is not an admission of responsibility.
Respondent Signature

**Exhibit E: Notice of Civil Resource Violation
(ENF OA 19-11)**

I. SUMMONS TO RESPONDENT

Pursuant to §199D-1, HRS, and §13-1-63, HAR, you are hereby summoned and required to submit an answer to this Notice within twenty-one (21) days from the date of service of this Notice. Submit your answer, payment, statement and/or evidence to DLNR/APO, 1151 Punchbowl Street, Room 130, Honolulu, Hawaii 96813, or at http://dlnr.hawaii.gov/apo. If you fail to answer within 21 days after receiving this Notice, a default decision for the relief demanded in this Notice will be entered against you.

J. ANSWER BY RESPONDENT (Required)

INSTRUCTIONS:

1. You have three options in answering this Notice. **CHOOSE ONLY ONE** and check the corresponding box below. Sign and date your answer and return it to the DLNR Administrative Proceedings Office (DLNR/APO) at the address listed above. **You may also submit your answer and payment online at <http://dlnr.hawaii.gov/apo>.**
2. If you choose Option 1, include with your answer payment in the amount stated in the first column of Section E if you are answering within 21 days of receiving this Notice or in the amount stated in the second column if after 21 days. Make your check payable to DLNR. For credit/debit card payment, see Section K below. You are also required to comply with all sanctions and requirements specified in Section F. Your case will be concluded.
3. If you choose Option 2, include with your answer a statement and evidence showing the mitigating circumstances. A hearing officer will review your request and render a decision without holding a hearing, and may adopt, modify or reverse any sanctions assessed in this Notice. This decision is final and may not be contested or appealed.
4. If you choose Option 3, include with your answer a statement and evidence showing the reasons of your contest. A Notice of Administrative Hearing will be mailed to you within 30 days after your answer is received.
5. If answer by mail, return this original page to DLNR/APO. Retain a copy of everything you submit for your record. For inquiries, contact DLNR/APO at (808) 587-1496, DLNR.CO.APO@hawaii.gov or <http://dlnr.hawaii.gov/apo>.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Option 1: Comply	Option 2: Request Mitigation	Option 3: Contest
I <u>DO NOT</u> contest this Notice, and have complied with all sanctions assessed herein.	I <u>DO NOT</u> contest this Notice, but request mitigation in the assessed sanctions.	I <u>DO</u> contest this Notice, and request an administrative contested case hearing.

STATEMENT OF RESPONDENT: (Please type or write legibly. Use additional sheet if necessary.)

Print your name: _____ **Signature:** _____ **Date:** _____

K. CREDIT/DEBIT CARD PAYMENT

Card Type <input type="checkbox"/> VISA <input type="checkbox"/> MasterCard	Card Number _____ / _____ / _____	Exp. Date (MM/YYYY) ____ / ____
Name (as shown on card)	Billing Address (if different from Section A) _____	
Payment Amount \$ _____	Phone No. _____	Signature _____

U.S. Postal Service
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 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage \$		Postmark Here NOV 19 2018
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage		

Sent To: **MR. JOHN GUAGLIARDO**

Street & Apt. No. or PO Box No. [REDACTED]

City, State, ZIP+ [REDACTED]

PS Form 3800, July 2014



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

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

ROBERT K. MASUDA
 FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
 DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
 BOATING AND OCEAN RECREATION
 BUREAU OF CONVEYANCES
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 CONSERVATION AND COASTAL LANDS
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 FORESTRY AND WILDLIFE
 HISTORIC PRESERVATION
 KABOOLAWA ISLAND RESERVE COMMISSION
 LAND
 STATE PARKS

Enf OA-19-11

NOV 19 2018

John Guagliardo
 [REDACTED]

Dear Mr. Guagliardo

SUBJECT: MLS# 201822685
 WAILUPE, O'AHU
 TMT (1) 3-6-004:023

The State Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) wishes to bring to your attention certain inaccuracies regarding the above MLS listing.

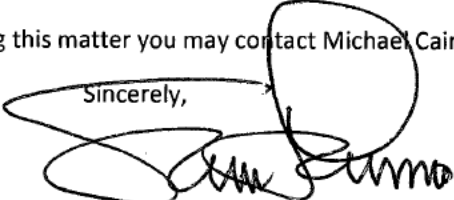
The remarks regarding the listing state that: *Hawaii Loa Ridge Preserve is part of the N'Ala Hele System. Existing DNLR approved Improvements include Aluminum Car Port, Aluminum garage/work shed, 3 PV panels with batteries, inverter and controller, water catchment system and 2 gazebo's. Provisions exist to build single family home of your dreams on R-7.5 land of 1.017 acres (44, 301 sqft). P-1/P-2 of 74.696 acres (3, 253, 758 sqft), DNLR chapter 13-5-41.*

OCCL notes that there are no Nā Ala Hele trails on the property, and that DLNR has not issued any permits on the subject parcel for a car port, solar photovoltaic system, water catchment system, or gazebo. We have issued one permit for a tool storage shed, but not for a shed / garage.

Please be advised that this matter remains under investigation.

Should you have any questions regarding this matter you may contact Michael Cain at 587-0048.

Sincerely,



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

copy: County of Honolulu Planning Department; Real Estate Commission; Honolulu Board of Realtors
 attachments: MLS Listing #201822685

Exhibit F: MLS Listing Correspondence

184 PUUIKENA DR HONOLULU, HI 96821

For Sale
List Price **\$1,000,000 (FS)**

Property Type:	Lots/Acres/Farms	Land Area (sf):	3,298,059
Bedrooms:	--	Living (sf):	--
Full Baths:	--	Lanai (sf):	--
Half Baths:	--	Other (sf):	--
Parking Stalls:	----		

Listing Agent Information:



Mark Guagliardo
R
License #: RB-21781
Hawaii Real Estate Team
 Phone: [808-747-9670](tel:808-747-9670)
[Send Me An Email](#)



Listing Agent Information:



Tauno Peters
RA
License #: RS-80335
Hawaii Real Estate Team
 Phone: [808-778-2110](tel:808-778-2110)
[Send Me An Email](#)

[PRINT LISTING](#)

Need Help Finding a Realtor®?
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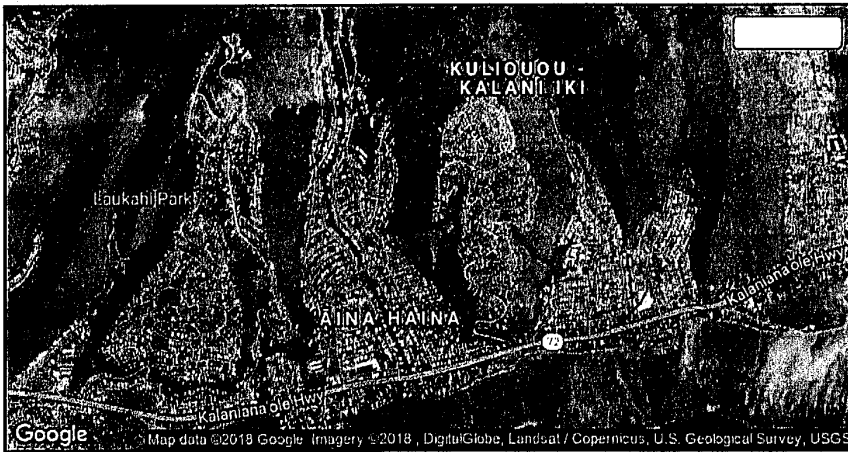
SHARE:

MLS #: 201822685 List Date: September 02, 2018
 Island: Oahu
 Region: Diamond Head
 Neighborhood: AINA HAINA AREA
 TMK: 1-3-6-004-023-0000

REMARKS:

Once in lifetime opportunity for a Oahu, Hawaii property of over 75 acres situated between Aina Haina Valley and Hawaii Loa Ridge with incredible views of the Pacific Ocean. Private and secluded yet close to town. Hawaii Loa Ridge Preserve is part of the N'Ala Hele System. Existing DNLR approved improvements include Aluminum Car Port, Aluminum garage/work shed, 3 PV panels with batteries, inverter and controller, water catchment system and 2 gazebo's. Provisions exist to build single family home of your dreams on R-7.5 land of 1.017 acres (44, 301 sqft). P-1/P-2 of 74.696 acres (3, 253, 758 sqft), DNLR chapter 13-5-41. Truly a rare and unique property.

Exhibit F: MLS Listing Correspondence



PROPERTY INFORMATION:

Zoning: 4 - R-7.5 Residential Year Built: --
 Furnished: -- Year Remodeled: --

FINANCIAL INFORMATION:

Assd. Val. Land: \$97,600 Tax Year: 2018
 Assd. Val. Imprv: \$0 Monthly Taxes: \$302
 Assd. Val. Total: \$97,600 Home Exempt.: --

SCHOOLS:

Elem. School: Aiea Haina
 Middle School: Niu Valley
 High School: Kalani

OTHER PROPERTY FEATURES:

Frontage: --
 View: City, Coastline, Garden, Mountain, Ocean, Sunset
 Pool: --
 Amenities: --
 Inclusions: --
 Security: --
 Assn. Fee Inclusions: --
 Other Fee Inclusions: --
 Lot Description: Clear, Irregular
 Topography: Other
 Number of Stories: --
 Building Style: --
 Property Condition: --
 Construction: --
 Roofing: --
 Floor Covering: --
 Disclosures: None
 Possession: --
 Terms Accept.: Cash, Conventional
 Land Recorded: Regular System
 Exclusions: --
 Easements: Other
 Set-Backs: Of Record

Based on information from the Multiple Listing Service of HiCentral MLS, Ltd. listings last updated on Saturday, November 17, 2018. Information is deemed reliable but not guaranteed. Copyright: 2018 by HiCentral MLS, Ltd. Listing courtesy of Hawaii Real Estate Team

Exhibit F: MLS Listing Correspondence



Notice of Violation

Violation No.: 2023/NOV-09-206 (BV)

Date: October 03, 2023

Owner(s)

Hawaii Loa Ridge Preserve
 Agent: John Guagliardo, Agent



Contractor(s)

Tenant/Violator

Architect/Plan Maker

Lessee

Agent

Engineer

TMK: 3-6-004:023 184 PUUIKENA DR Honolulu / Waialae Kahala 96821

Specific Address of Violation: 184 Puuikena Drive

I have inspected the above-described premises and have found the following violations of City and County of Honolulu's laws and regulations governing same:

Codes and/or Ordinance(s) and Section(s)	Violation(s)
ROH 2021, as amended, Chapter 18 Section 18-3.1	A building permit is required for: 1. The CRM retaining wall more than 30 inches in height located in front of the parking area. 2. The added windows on the existing storage building.
ROH 2021, as amended, Chapter 18 Section 18-6.2 (d)	The building permit fee shall be tripled for starting work without first obtaining a building permit.

You are hereby ordered to obtain permit(s) and/or correct violation by November 3, 2023. Please call the undersigned after the corrections have been made.

You are reminded that if no action is taken within the specified time:

1. A Notice of Order will be issued by the Department of Planning and Permitting imposing CIVIL FINES for the specified violations; and/or
2. This matter may be referred to the Prosecuting Attorney and/or Corporation Counsel for appropriate action.

Special Instructions:

Inspector 
 Pedro Marcelo Phone: (808) 768-8125
 for the Director Department of Planning and Permitting

Exhibit G: CCH Notice of Violation

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$	Postmark AUG - 2 2024
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$	
Sent To	JOHN GUAGLIARDO	
Street and Apt. No.	[REDACTED]	
City, State, ZIP+4	[REDACTED]	

PS Form 3800, January 2020



KA MOKU'ĀINA 'O HAWAII'
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 'ŌIHAŌA KUMUWAIWAI 'ĀINA
 P.O. BOX 621
 HONOLULU, HAWAII 96809

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

RYAN K.P. KANAKA'OLE
 FIRST DEPUTY

DEAN D. UYENO
 ACTING DEPUTY DIRECTOR - WATER

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

REF: OCCL: MK

ENF: OA 25-01
 Aug 1, 2024

NOTICE OF ALLEGED VIOLATION
 9589 0710 5270 2000 8322 37
CERTIFIED MAIL/RETURN RECEIPT

John Guagliardo
 [REDACTED]

SUBJECT: Alleged Unauthorized Land Use(s) in the Conservation District
 Located at 184 Puuikena Drive
 'Āina Haina, Honolulu, Island of O'ahu
 Tax Map Key (TMK): (1) 3-6-004:023

Dear Landowner:

The Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) has become aware of potentially unauthorized work and structures within the Conservation District on the above subject parcel. The parcel lies in the General and Limited Subzone of the State Land Use Conservation District.

The OCCL approved Site Plan Approval OA 18-48 on April 12, 2018, for an 8-ft by 12-ft prefabricated polycarbonate greenhouse, 12-ft by 31-ft vinyl storage shed, and the installation of a 9.5-ft-wide by 4-ft tall chain-link fence at the entrance to the property for the use of propagation and transplanting of select native species on the site. In addition, an amendment was made to SPA OA 18-48 on May 3, 2018, to include six 100-watt solar panels on top of the storage shed roof.

According to the file on Enforcement OA 19-11, on September 28, 2018, staff found the following unauthorized structures on the property: the placement of concrete masonry unit (CMU) retaining walls along portions of the driveway perimeter, the creation of a concrete pad and entry for the toolshed, and installation of a framework for solar panels, outside of the tool shed. Staff issued a Civil Resource Violation with a fine of \$250, and the requirement of filing of an after-the-fact SPA, with filing fee of \$50 (Exhibit 1).

**Exhibit H: Notice of Violation (ENF OA 25-10)
 and Site Visit Images**

The OCCL notes that while the landowner paid the \$250 fine, the after-the-fact SPA that he submitted did not address the concrete pad and entry for toolshed and installation of framework for solar panels outside of the tool shed and did not include the filing fee of \$50. Therefore, our office was unable to process this application or issue the permit.

On November 19, 2018, the OCCL sent a notice to the landowner, highlighting certain inaccuracies regarding an MLS listing. The landowner was informed that Enforcement OA 19-11 remains under investigation (**Exhibit 2**).

On June 9, 2021, the landowner requested a meeting with the OCCL in regard to building a "mini house" on the property. The landowner was informed by staff that the proposed land use would require the submittal of a Conservation District Use Application.

Present-Alleged Unauthorized Activity

On July 15, 2024, OCCL conducted a site inspection to the area and identified the following structures: a treehouse; staircase; an additional vinyl storage shed; water catchment system; evidence of dumping materials; rock wall terracing; an outdoor kitchen facility; and a deck made of concrete blocks (**Exhibit 3**).

There was no evidence of the propagation and transplanting of native species within the property, or any restoration work being done that would require the storage of tools on site. The presence of the treehouse, kitchen area including a refrigerator, barbeque, hammock, paddleboard and surfboard storage, and swing, would suggest that the area is used recreationally, rather than a restoration area (**Exhibit 4**).

According to OCCL files, there are no authorizations for these structures and land uses. Pursuant to Hawai'i Administrative Rules (HAR) §13-5-2, "land use" is defined as (1) the placement or erection of any solid material on land if that material remains on the land more than thirty days, or which causes a permanent change in the land area on which it occurs; (2) the grading, removing, harvesting, dredging, mining, or extraction of any material or natural resource on land; (3) the subdivision of land; or (4) the construction, reconstruction, demolition, or alteration of any structure, building, or facility on land.

NOTICE IS HEREBY GIVEN that you may be in violation of Hawaii Administrative Rules (HAR) Title 13, Chapter 5, entitled Conservation District. HAR, §13-5 contains the rules and regulations as well as the identified land uses within the State Land Use Conservation District and was enacted pursuant to Hawaii Revised Statutes (HRS), Chapter 183C. Under HAR §13-5-6, no land use(s) shall be conducted in the Conservation District unless a permit or approval is first obtained from the Department or Board. These land uses were not authorized by the Department or Board of Land and Natural Resources under HAR, Chapter 13-5.

We recommend that you cease any further activities within the Conservation District immediately. Please be aware, pursuant to HRS §183C-7 and HAR §13-5-6, the Board of Land and Natural Resources may subject landowners to conservation fines in addition

Exhibit H: Notice of Violation (ENF OA 25-10) and Site Visit Images

to administrative costs for unauthorized land uses in the Conservation District. After written or verbal notification from the Department, willful violation may incur additional fines of up to \$15,000 per day, per violation, for each day in which the violation persists.

In addition, we request that you provide our office with evidence that you are compliant with SPA OA 18-48, specifically the propagation and transplanting of select native species on the site.

By this letter, we are providing you with an opportunity to address these allegations. The OCCL requests that you respond to this notice in writing within 30 days. Please note any information provided may be used in civil proceedings. If we do not receive a response within 30 days, we will proceed with enforcement actions.

Should you have any questions regarding this matter, contact Mari Kurosawa of our Office of Conservation and Coastal Lands at mari.i.kurosawa@hawaii.gov.

Sincerely,



rc

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

CC: ODLO/DOCARE- Oahu
County of Honolulu Planning Department
'Āina Haina Community Association (AHCA)
Hawai'i Loa Ridge Owners Association

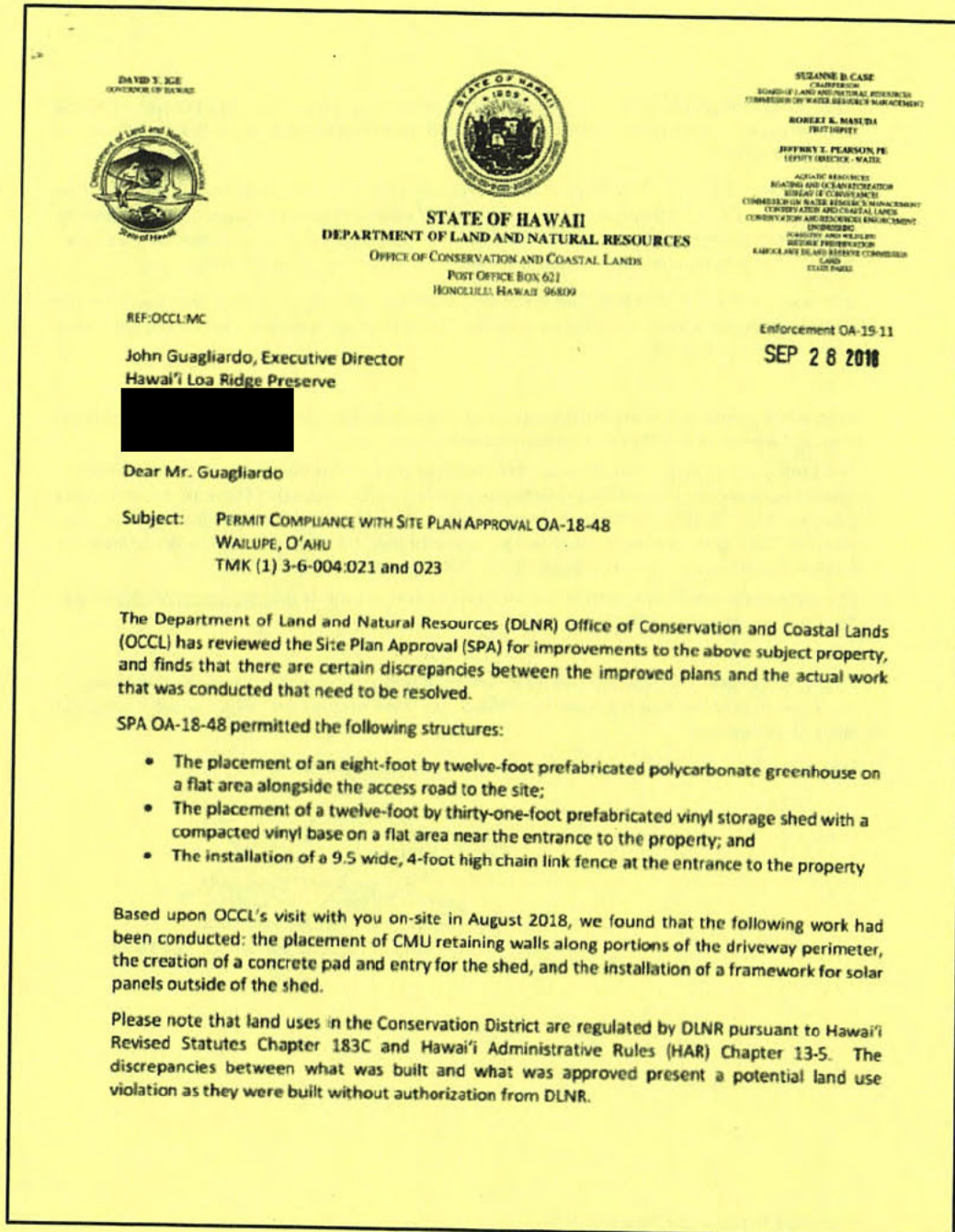


Exhibit 1

Exhibit H: Notice of Violation (ENF OA 25-10) and Site Visit Images

The penalty range for violations of conservation district rules is based on both the type of permit that would have been required for the land use and the potential harm to the State's natural and cultural resources.

In reviewing this case, OCCL finds that the stairway and deck would have required a Site Plan Approval, and that the level of impact to natural and cultural resources is very minor. While the Department's penalty schedule allows for fines of up to \$1000, OCCL is recommending a smaller fine of \$250 (one hundred dollars) due to the apparent minor impact on resources.

We have attached a Notice of Civil Resource Violation to this report. Note that you have the choice of complying with the notice, requesting mitigation, or contesting the notice and requesting a contested case hearing.

Should you choose to comply with the attached Notice, the next step will be to apply for an "after-the-fact" permit from OCCL for the additional work.

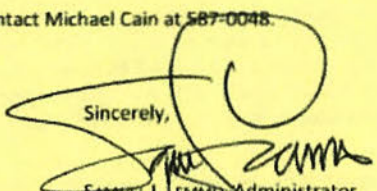
The CMU walls, concrete pad, and concrete entryway are identified land uses in the Conservation District pursuant to HAR §13-5-22, Identified Land Uses in the Protective Subzone, P-8 STRUCTURES AND LAND USES, EXISTING, (B-1) *Demolition, removal, or minor alteration of existing structures, facilities, land and equipment. Any historic property shall be evaluated by the department for historical significance.* This use requires a Site Plan Approval (SPA) from OCCL.

Applications for Site Plan Approvals can be found on our website at dlnr.hawaii.gov/occl/forms-2. The filing fee for SPAs is \$50 (fifty dollars).

Finally, OCCL notes that you can choose to remove any encroaching structures, in which case our office would consider that the potential violation has been resolved and which would negate the need for any permit.

Should you have any questions, please contact Michael Cain at 587-0048.


Sincerely,




SAMUEL J. LEMMO, Administrator

Office of Conservation and Coastal Lands

Attachment: Notice of Civil Resource Violation



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
NOTICE OF CIVIL RESOURCE VIOLATION



Notice No. CRVS 4 OCCL ENF OA-19-11 **Date:** Sept 16, 2018

TO RESPONDENT: Any administrative proceedings instituted pursuant to this Notice shall not preclude the State from pursuing separate criminal prosecution against you for an offense committed in the same course of conduct.

COMPLAINT: The undersigned official/officer of the Department of Land & Natural Resources (DLNR) states that the named respondent did commit the civil resource violation(s) noted below.

A. RESPONDENT INFORMATION

Last Name / Company Name: Guagliardo First Name, M.I.: John Sex: M F Date of Birth: _____
 Street Address: _____ City: _____ State & ZIP (Country): _____
 ID Type: _____ Issued By: _____ ID No.: _____ Juvenile: Phone: _____

B. VEHICLE / VESSEL INFORMATION (if applicable)

Vehicle License Plate No., VIN / Vessel Type, ID, Name License State Year / Make / Model / Color
 Vessel

C. STATEMENT OF FACTS

Date: _____ Time: _____ a.m. p.m. Violation Site: Island / Location / TMK
Oahu Waiole TMT (1) 3-6-004-021 and 023

DESCRIPTION: (Specify any witness, evidence, damage, injury and seizure. Attach additional sheet if needed.)

The alleged violation is located in the General Subzone of the State Land Use Conservation District. Landowner has a permit to install accessory structures related to land management on the parcel. A site inspection by OCCL revealed that the built structures were not built in accordance with the permit.

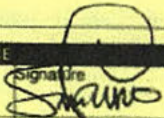
The unauthorized work included the placement of CMU retaining walls along portions of the driveway perimeter, the creation of a concrete pad and entry for the shed, and the installation of a framework for solar panels outside of the shed.

D. CITATION(S)			E. FINES ASSESSED	
No.	Authority	Civil Resource Violation	Comply in 21 days	After 21 days
1	§183C-7(b)	Unauthorized structures pursuant to HAR 13-5-22, P-9	\$250	\$250
2	§		\$	\$
3	§		\$	\$
TOTAL ADMINISTRATIVE FINE ASSESSED >>>			\$250	\$250

F. OTHER SANCTIONS AND REQUIREMENTS

TO RESPONDENT: In addition to any fines assessed in Section E, you must comply with the following sanctions and/or requirements within 21 days of the service of this Notice, unless a different period is provided in this section below:

G. ISSUANCE AND SERVICE

F.I. & Last Name: S. Lemmo Office: OCCL Signature: 
 Service: Unoccupied vehicle/vessel Personal Issued by APO: _____
 Certified Mail First-Class Mail

H. ACKNOWLEDGEMENT

I acknowledge the receipt of this Notice. This is not an admission of responsibility.


Respondent Signature

Form APO-1
Page 1 of 2
CONTINUE TO BACK PAGE >>>


Exhibit H: Notice of Violation (ENF OA 25-10) and Site Visit Images

I. SUMMONS TO RESPONDENT		
Pursuant to §199D-1, HRS, and §13-1-63, HAR, you are hereby summoned and required to submit an answer to this Notice within twenty-one (21) days from the date of service of this Notice. Submit your answer, payment, statement and/or evidence to <u>DLNR/APO, 1151 Punchbowl Street, Room 130, Honolulu, Hawaii 96813</u> , or at <u>http://dlnr.hawaii.gov/apo</u> . If you fail to answer within 21 days after receiving this Notice, a default decision for the relief demanded in this Notice will be entered against you.		
J. ANSWER BY RESPONDENT (Required)		
INSTRUCTIONS:		
1. You have three options in answering this Notice. CHOOSE ONLY ONE and check the corresponding box below. Sign and date your answer and return it to the DLNR Administrative Proceedings Office (DLNR/APO) at the address listed above. You may also submit your answer and payment online at http://dlnr.hawaii.gov/apo.		
2. If you choose Option 1, include with your answer payment in the amount stated in the first column of Section E if you are answering within 21 days of receiving this Notice or in the amount stated in the second column if after 21 days. Make your check payable to <u>DLNR</u> . For credit/debit card payment, see Section K below. You are also required to comply with all sanctions and requirements specified in Section F. Your case will be concluded.		
3. If you choose Option 2, include with your answer a statement and evidence showing the mitigating circumstances. A hearing officer will review your request and render a decision without holding a hearing, and may adopt, modify or reverse any sanctions assessed in this Notice. This decision is final and may not be contested or appealed.		
4. If you choose Option 3, include with your answer a statement and evidence showing the reasons of your contest. A Notice of Administrative Hearing will be mailed to you within 30 days after your answer is received.		
5. If answer by mail, return this original page to DLNR/APO. Retain a copy of everything you submit for your record. For inquiries, contact DLNR/APO at (808) 587-1496, DLNR.CO.APO@hawaii.gov or http://dlnr.hawaii.gov/apo .		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Option 1: Comply	Option 2: Request Mitigation	Option 3: Contest
I <u>DO NOT</u> contest this Notice, and have complied with all sanctions assessed herein.	I <u>DO NOT</u> contest this Notice, but request mitigation in the assessed sanctions.	I <u>DO</u> contest this Notice, and request an administrative contested case hearing.
STATEMENT OF RESPONDENT: (Please type or write legibly. Use additional sheet if necessary.)		
Print your name:	Signature:	Date:
K. CREDIT/DEBIT CARD PAYMENT		
Card Type <input type="checkbox"/> VISA <input type="checkbox"/> MasterCard	Card Number _____	Exp. Date (MM/YYYY) ____/____
Name (as shown on card)	Billing Address (if different from Section A)	
Payment Amount \$ _____	Phone No. _____	Signature _____
Form APO-1 Page 2 of 2		

Exhibit H: Notice of Violation (ENF OA 25-10) and Site Visit Images



DAVID Y. IGE
GOVERNOR OF HAWAII



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

SUZANNE B. CASE
COMMISSIONER
BOARD OF LAND AND NATURAL RESOURCES
CONSERVATION AND COASTAL LANDS MANAGEMENT

ROBERT S. MARUDA
FIRST DEPUTY

JEFFREY T. HANSON, P.E.
DEPUTY DIRECTOR - WATER

ADRIAN BRONKHORST
BOATREPAIR/CLAN ASSOCIATION
RECREATION DEVELOPMENT
MANAGER OF ON-WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RECREATION MANAGEMENT
MANAGEMENT
FORESTRY AND WILDLIFE
RECREATION PRESERVATION
HAWAIIAN BEACHES/BEACH MANAGEMENT
LAND
STATE PARKS

REF:OCCL:MC

CERTIFIED MAIL / RETURN RECEIPT
7014 2120 0003 1908 2697

Enf OA-19-11
NOV 19 2018

John Guagliardo
[REDACTED]

Dear Mr. Guagliardo

SUBJECT: MLS# 201822685
 WAILUPE, O'AHU
 TMT (1) 3-6-004:023

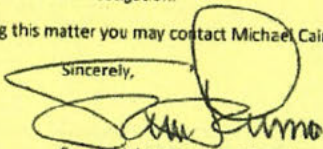
The State Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) wishes to bring to your attention certain inaccuracies regarding the above MLS listing.

The remarks regarding the listing state that: *Hawaii Loa Ridge Preserve is part of the N'Ala Hele System. Existing DNLR approved Improvements include Aluminum Car Port, Aluminum garage/work shed, 3 PV panels with batteries, inverter and controller, water catchment system and 2 gazebo's. Provisions exist to build single family home of your dreams on R-7.5 land of 1.017 acres (44, 301 sqft). P-1/P-2 of 74.696 acres (3, 253, 758 sqft), DNLR chapter 13-5-41.*

OCCL notes that there are no Nā Ala Hele trails on the property, and that DLNR has not issued any permits on the subject parcel for a car port, solar photovoltaic system, water catchment system, or gazebo. We have issued one permit for a tool storage shed, but not for a shed / garage.

Please be advised that this matter remains under investigation.

Should you have any questions regarding this matter you may contact Michael Cain at 587-0048.

Sincerely,

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

copy: County of Honolulu Planning Department; Real Estate Commission; Honolulu Board of Realtors
attachments: MLS Listing #201822685

Exhibit 2

Exhibit H: Notice of Violation (ENF OA 25-10) and Site Visit Images

11/16/2018 propertysearch.hicentral.com/HBR/ForSale/?/201822685


Market Info REALTOR® Info Consumer Info About HBR

184 PUUKENA DR
HONOLULU, HI 96821

For Sale
List Price: **\$1,000,000 (FS)**

Property Type:	Lots/Acres/Farms	Land Area (sf):	3,298,059
Bedrooms:	--	Living (sf):	--
Full Baths:	--	Lama (sf):	--
Half Baths:	---	Other (sf):	--
Parking Spots:	----		

Listing Agent Information:
Mark Guagliardo
RA
License #: RB-21781
Hawaii Real Estate Team
Phone: (808) 431-2027
Send Me A Email



Listing Agent Information:
Tauno Peters
RA
License #: RS-80335
Hawaii Real Estate Team
Phone: (808) 782-1111
Send Me A Email




PHOTO LISTING

Need Help Finding a Realtor®?
Click here.

SHARE:

HLS #: 201822685 List Date: September 02, 2018
Island: Oahu
Region: Diamond Head
Neighborhood: AINA HANA AREA
TMK: 1-3-6-004-025-0000

DESCRIPTION:
Once in lifetime opportunity for a Oahu, Hawaii property of over 75 acres situated between Aiea Haina Valley and Hawaii Loa Ridge with incredible views of the Pacific Ocean. Private and secluded yet close to town. Hawaii Loa Ridge Preserve is part of the N'Ala Hale System. Existing DNR approved improvements include Aluminum Car Port, Aluminum garage/work shed, 3 PV panels with batteries, inverter and controller, water catchment system and 2 gazebo's. Provisions exist to build single family home of your dreams on R-7.5 land of 1,017 acres (44, 801 sqft). P-1/P-2 of 74,696 acres (3, 253, 758 sqft). DNR chapter 15-5-41. Truly a rare and unique property.

<http://propertysearch.hicentral.com/HBR/ForSale/?/201822685> 1/3

Exhibit H: Notice of Violation (ENF OA 25-10) and Site Visit Images

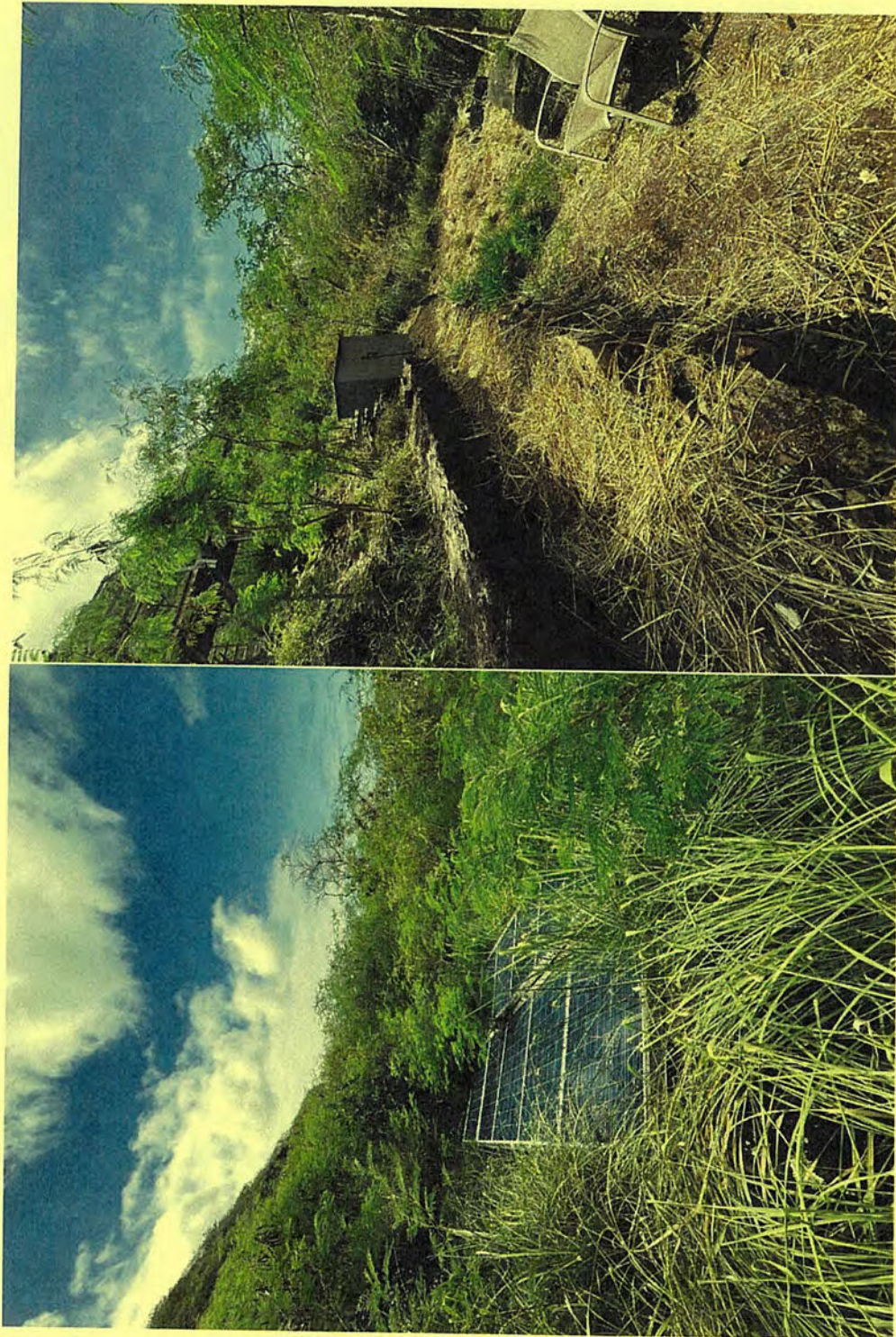


Exhibit 3

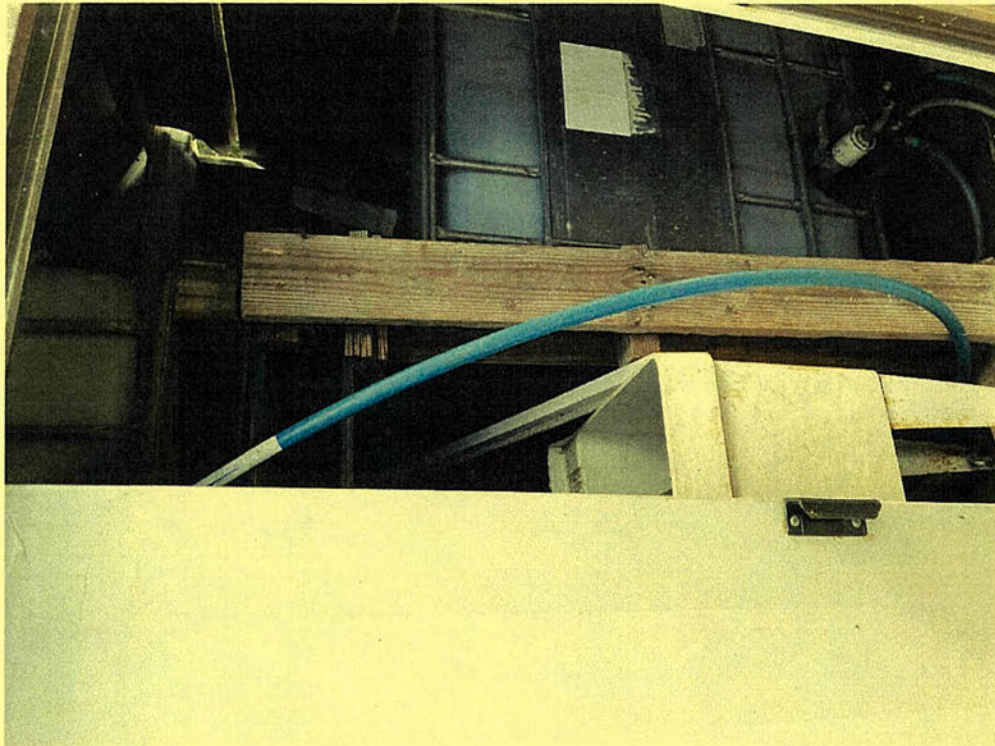
**Exhibit H: Notice of Violation (ENF OA 25-10)
and Site Visit Images**



**Exhibit H: Notice of Violation (ENF OA 25-10)
and Site Visit Images**



**Exhibit H: Notice of Violation (ENF OA 25-10)
and Site Visit Images**



**Exhibit H: Notice of Violation (ENF OA 25-10)
and Site Visit Images**



Exhibit 4

**Exhibit H: Notice of Violation (ENF OA 25-10)
and Site Visit Images**

On Aug 19, 2024, at 8:41 AM, Kurosawa, Mari I
<Mari.I.Kurosawa@hawaii.gov> wrote:

Hi John,

Our office sent the attached notice to you on August 1st, 2024, but note that we have multiple addresses listed on file for you. Please confirm if [REDACTED] address is your current mailing address. If not, please provide an updated address to ensure your receipt of this notice in a timely manner.

Mahalo,

Mari

Mari Kurosawa | Planner

State of Hawai'i

Department of Land and Natural Resources

Office of Conservation and Coastal Lands

P.O. Box 621

Honolulu, Hawai'i 96809

www.dlnr.hawaii.gov/occl

On Aug 20, 2024, at 3:20 PM, Volunteers Hawaii
<hawaiioloaridges@gmail.com> wrote:

Dear Mari,

Thank you for the follow up. Yes that is our correct address and we are reviewing the mail.

We will begin preparing a response to address all of the concerns mention.

In an effort to begin better communication to avoid any further concern, we will start emailing DNLR questions and begin discussion as HLRP actions are needed. For example yesterday, our neighbor to the bottom of our driveway, located at [REDACTED] had the beehive removal and rescue folk come and help rid his property of 3 large beehives. The preservation and health of a native bee population is essential for our Hawaiian islands to maintain our endemic ecosystem. We would request DNLR's to allow us to relocate the native beehives to a more appropriate location, and permit us to relocate the bees to the Hawaii Loa Ridge Preserve rather than just have the thriving beehives destroyed. We have in contact with the bee rescuers and we are awaiting your response.

Please find below the photo of the proposed location of the beehives at the preserve.

Best regards,

John

Exhibit I: Email from Landowner

On Aug 26, 2024, at 10:21 AM, Kurosawa, Mari I <Mari.I.Kurosawa@hawaii.gov> wrote:

Hi John,

Until matters are resolved regarding the unauthorized land uses on your property, we would not entertain any new proposed land uses.

Mahalo,

Mari

Mari Kurosawa | Planner

State of Hawai'i

Department of Land and Natural Resources

Office of Conservation and Coastal Lands

P.O. Box 621

Honolulu, Hawai'i 96809

www.dlnr.hawaii.gov/occl

<Outlook-DLNR and S.png>

Exhibit I: Email from Landowner

Re: [EXTERNAL] Re: ENF OA 25-01 Alleged Unauthorized Land Uses in the Conservation District at 184 Puuikena Drive

From Kurosawa, Mari I <Mari.I.Kurosawa@hawaii.gov>
Date Tue 8/27/2024 8:22 AM
To Volunteers Hawaii <hawaiioloaridges@gmail.com>

It is not a matter of our opinion; we are just following the law. As our enforcement letter stated, we recommend you cease any further activities within the Conservation District immediately.

Mari Kurosawa | Planner

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



From: Volunteers Hawaii <hawaiioloaridges@gmail.com>
Sent: Monday, August 26, 2024 5:08 PM
To: Kurosawa, Mari I <Mari.I.Kurosawa@hawaii.gov>
Subject: Re: [EXTERNAL] Re: ENF OA 25-01 Alleged Unauthorized Land Uses in the Conservation District at 184 Puuikena Drive

Dear Mari,

I assume that was the case, and I appreciate DNLRs position. However, I'm just trying to save some bees being exterminated. I'm only moving the three beehives 200 feet, where they can be safe.

Could you folks reconsider?

Best regards,

John

Dr. John Guagliardo
Executive Director
Hawaii Loa Ridge Preserve
<https://www.facebook.com/HawaiiLoaRidge>

Exhibit I: Email from Landowner

Conservation District Violation Penalties Schedule: October 14, 2022

Guidelines and assessment of damages to public land or natural resources, relating to Act 217

Introduction

Hawaii Revised Statutes (HRS) §183C-7 was amended on July 7, 2008 to increase the maximum penalty for a Conservation District violation to up to \$15,000 per violation, in addition to administrative costs, costs associated with land or habitat restoration, and damages to public land or natural resources, or any combination thereof.

This document is intended to provide the Office of Conservation and Coastal Lands (OCCL) with a framework to systematically carry out its enforcement powers, in the determination and adjudication of civil and administrative penalties. These guidelines are to be used for internal staff guidance, and should be periodically reviewed to determine their effectiveness, and whether refinements are needed. These guidelines are consistent with HAR §13-1, Subchapter 7, Civil Resource Violation System (CRVS).

Conservation District Violation Penalties Schedule

The charging and collecting of penalties is an enforcement tool that may be used to ensure future compliance by the responsible party and others similarly situated. The penalty amount(s) shall be enough to ensure immediate compliance with HAR §13-5 and HRS §183C, and cessation of illegal activities. Penalties will be assessed for each action committed by an individual(s) that conducts an unauthorized land use and that impairs or destroys natural resources protected under Chapter §183C, HRS.

The Staff will treat each case individually when assigning conservation district penalties using the following framework, and additional considerations and factors for upward or downward adjustments. The staff of the OCCL (Staff) will use these penalty schedule guidelines to issue violation notices and to make recommendations to the Board of Land and Natural Resources (Board), Chairperson of the Board of Land and Natural Resources (Chairperson), or Presiding Officer, whom may ultimately adjudicate the Conservation District penalties. These guidelines presume that all cases in which a violation has occurred, the Chairperson, Board, or Presiding Officer may also assess administrative costs, damages to public land or natural resources, and costs associated with land or habitat restoration.

Penalty Calculation

The penalty range for these actions will be substantially determined based on the type of permit that would have been required if the individual had applied to the Department of Land and Natural Resources (Department) or Board for pre-authorization to conduct the identified use, under Hawaii Administrative Rules

Exhibit J: Penalty Schedule

Chapter 13-5. Assessing the penalties according to the Conservation District permit type accounts for the level of review or scrutiny the unauthorized use would have received by the Department or Board in order to avoid damage to the natural resource. This graduated permit review framework corresponds to the level of actual or potential “harm to the resource” caused by the violation.

Once the baseline for the penalty range has been established the penalty may be adjusted appropriately upward or downward according to the “harm to resource” caused or potentially caused by the violator’s action and additional considerations and factors within the assigned penalty range. Where Staff was unable to associate the unauthorized use with a typical land use identified in Chapter 13-5, Staff may try to associate the action with the most similar identified land use in Chapter 13-5, or according to the “harm to the resource” caused by the violation. Table 1 was created to demonstrate the penalty ranges for the type of required permit and “harm to resource.”

The first two of the following sections explain the identified and non-identified land use framework. The next four sections: Tree Removal, Additional Considerations and Factors, Continuing Violations and Permit Non-Compliance, and In-Kind Penalties, provide guidance for the upward or downward adjustment of penalties based on the initial framework.

Identified Land Use Penalties

The violation penalty range associated with each required permit will be assessed in accordance with the following harm to resource indices:

Table 1. Penalty Guideline Framework

Harm to resource or potential for harm to resource	Identified land use permit	Penalty Range
Major	Board	\$10,000-\$15,000
Moderate	Departmental	\$2,000-\$10,000
Minor	Site Plan	\$1,000-\$2,000
Very Minor	Site Plan	Up to \$1,000

Major Harm to the Resource/ Board Permit

Violations may incur a penalty of \$10,000 to \$15,000 as a Board permit would have been required to minimize the possibility of causing “major harm to the resource.” Examples of “major harm(s) to the resource” may include actions that cause substantial adverse impact to existing natural resources within the surrounding area, community, ecosystem or region, or damage to the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics. Such actions may include, but are not limited to, unauthorized single-family residences or unauthorized structures, grading or

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alteration of topographic features, aquaculture, major marine construction or dredging, unauthorized shoreline structures, major projects of any kind, mining and extraction, etc.

Moderate Harm to the Resource / Departmental Permit

Violations may incur a penalty of \$2,000 to \$10,000, as a Departmental permit would have been required, due to the possibility of causing “moderate harm to the resource.” Examples of “moderate harm(s) to the resource” may be adverse impacts that degrade water resources, degrade native ecosystems and habitats, and/or alter the structure or function of a terrestrial, littoral or marine ecosystem. Such actions may include, but are not limited to, unauthorized landscaping causing ground disturbance, unauthorized alteration, renovation or demolition of existing structures or facilities, such as buildings and shoreline structures, maintenance dredging, agriculture, and animal husbandry, etc.

Minor Harm to the Resource / Site Plan Approval

Violations may incur penalties as a site plan approval would have been required to assure that “minor harm(s) to the resource” are minimized. “Minor harm(s) to the resource” may incur a penalty of \$1,000 to \$2,000 and could be actions causing limited to short-term direct impacts including, but not limited to, small-scaled construction, construction of accessory structures, installation of temporary or minor shoreline activities or similar uses.

Minor Harm to the Resource / Site Plan Approval

In instances in which a Site Plan Approval should have been sought but are considered to have only caused “very minor harm to resource” a penalty of up to \$1,000 may be incurred. These “very minor harm(s) to the resource” could be actions in which the impact on the water resource or terrestrial, littoral or marine ecosystem was temporary or insignificant, and was not of a substantial nature either individually or cumulatively.

Non-identified land uses

Violations in which an unauthorized use is not identified in Chapter 13-5, staff may try to associate the action with the most similar identified land use in the chapter or according to the “harm to the resource” caused by the violation. Refer to the above section, *Identified Land Use Penalties*, for the most similar required permit prefix. To categorize the violation as a “harm to resource” when no similar use is identified in Chapter 13-5, staff will refer to Table 1 and the definitions of the four violation types of “harm to resource” (See Appendix B: Definitions).

Tree Removal

Violation penalties for the removal of any federal or state listed threatened, endangered, or commercially valuable tree may incur a fine of up to \$15,000 per tree. Removal of any native tree may incur a fine of up to \$1,000 per tree. The removal of any invasive tree shall be considered as removal/clearing of vegetation.

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The Board, Department, or Presiding Officer also has the option of considering the removal of more than one tree as a single violation, similar to the removal/clearing of vegetation.¹ If violation is considered as one violation, a fine amount of up to \$15,000 may be incurred, utilizing the guidelines for Major, Moderate, Minor, and Very Minor outlined in this schedule. However, the removal of any federally or state listed threatened or endangered tree shall be considered on a one violation per tree basis, with a maximum penalty of up to \$15,000 per tree.

Vegetation removal / vegetation clearing

Past Staff recommendations and Board decisions have treated some cases of tree or removal as one citation of vegetation clearing/vegetation removal, this practice may be continued in violations resulting in minor or very minor harm to the resource. In accordance with the identified land uses within Chapter 13-5 the assessment of vegetation removal has been based on a single citation of removal/clearing determined by the square footage of vegetation removed (See Table 3 Vegetation Removal). However, the Department may see fit to assess the removal/clearing of threatened, endangered, or commercially valuable plants similar to the modified tree removal framework and may be penalized on an individual plant basis of up to \$15,000 per plant.

Table 3. Vegetation Removal

Action	Harm to Resource	Penalty Range
Removal of more than 10,000 sq. ft.	Major	\$10,000-\$15,000
Removal of Vegetation or of 2,000-10,000 sq. ft of vegetation	Moderate	\$2,000-\$10,000
Removal of less than 2,000 sq. ft. vegetation	Minor	\$1,000-\$2,000
Clearing of Invasive or noxious vegetation	Very Minor	Up to \$1,000 ²

Note: The clearing of threatened, endangered or commercially valuable plants will be addressed on a case-by-case basis, but depending on the importance of the species may incur a penalty of up to \$15,000 per plant.

According to Table 2, the clearing of vegetation may incur a penalty of up to \$1/sq.ft., as clearing 10,000 sq.ft. Staff could assess a penalty of \$10,000.

Additional Considerations and Factors

¹ While Staff and Board decisions in MA-01-09, OA-05-40 and HA-06-08 have treated the removal of non-native, invasive, or noxious trees as one citation of "clearing" with mandatory remediation plans.

² Provided the harm to the resource and offsite damage were minimal.

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After Staff applies the Conservation District violation graduated penalty framework to identify the violation penalty range (1, 2, and 3 found above), the Staff may incorporate several considerations into the final assessed conservation district penalty including but not limited to, those factors identified in HAR §13-1-70 Administrative Sanctions Schedule; Factors to be Considered.

Continuing Violations and Permit Non-Compliance

Each day during which a party continues to work or otherwise continues to violate conservation district laws, and after the Department has informed the violator of the offense by verbal or written notification, the party may be penalized up to \$15,000 per day (penalties for every day illegal actions continue) by the Department for each separate offense.

Violation of existing approved Conservation District Use Permit (CDUP) conditions will be assessed on a case-by-case basis. Existing permit violations, in which deadlines are not met, may be individually assessed by the Staff as to prior violator conduct, knowledge, and compliance. Violation of permit conditions involving initiation and/or completion of project construction, notification of start and completion dates, failure to file legal documents, etc., may be considered very minor within the existing framework, although it should be noted that such actions may result in permit revocation. Failure to perform proper cultural, archeological, or environmental impact studies or failure to implement proper best management practices as identified in the standard permit conditions may be assessed more severely by Staff, as a moderate or major harm to the resource, due to the potential of greater adverse impacts to natural resources from the violator's failure to comply with the permit conditions, may have occurred.

In-Kind Penalties

Once the penalty amount has been established through the framework above, the Department may determine that the full payment or some portion of the penalty may be paid as an in-kind penalty project.³ This would not serve as a way to avoid payment but as a way to reduce the cash amount owed while allowing the Department to consistently enforce its rules. The in-kind penalty project is not designed to credit the violator for restoration or remediation efforts that may be already required, but to offset a portion of the cash penalty assessed. The in-kind penalty should be enough to ensure future compliance with HAR §13-5 and HRS §183C, by the violator and to deter other potential violators from non-compliance.

In-kind penalties will only be considered if the responsible party is a government entity, such as a federal agency, state agency, county agency, city agency,

³ In-Kind Penalty framework has been adapted from Florida Department of Environmental Protection. 2007. Program Directive 923, Settlement guidelines for civil and administrative penalties.

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university, or school board, or if the responsible party is a private party proposing an environmental restoration, enhancement, information, or education project. In-kind penalties are limited to the following specific options:

- a. **Material and/or labor support for environmental enhancement or restoration projects.** The Department will give preference to in-kind projects benefiting proposed government-sponsored environmental projects. For shoreline violations, this may include state beach nourishment projects and dune restoration projects.
- b. **Environmental Information and Environmental Education projects.** Any information or education project proposed must demonstrate how the information or education project will directly enhance the Department's, and preferably the OCCL's, mission to protect and conserve Hawaii's Conservation District Lands.
- c. **Capital or Facility improvements.** Any capital or facility improvement project proposed must demonstrate how the improvement will directly enhance the Department's and/or public's use, access, or ecological value of the conservation property.
- d. **Property.** A responsible party may propose to donate land to the department as an in-kind penalty. Donations will be handled by the Department's Legacy Lands program or similar program.

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Penalty Adjudication

Violation penalties may be adjudicated similarly to the harm to resource indices in the penalty guideline framework.

Harm to Resource	Penalty Range	Penalty Adjudicator
Major	\$10,000-\$15,000	Board
Moderate	\$2,000-\$10,000	Board
Minor	\$1,000-\$2,000	Chair or Presiding Officer
Very Minor	up to \$1,000	Chair or Presiding Officer

Major and Moderate Harm to the Resource

The Board may adjudicate penalties to violations categorized as causing or potentially causing major or moderate harm(s) to the resource. The Board may also adjudicate cases in which repeat violations, repeat violators, or egregious behavior were involved, or moderate to significant actual harm to the resource occurred. The Board may also adjudicate the payment of part or all, of the penalty as part of an In-kind penalty.

Minor and Very Minor Harm to the Resource

The Board may delegate to the Chairperson or a Presiding Officer the power to render a final decision in minor and very minor conservation district violations in order to provide expeditious processing and cost-effective resolution. The Chairperson or appointed Presiding Officer may adjudicate penalties to minor and very minor violations characterized by inadvertent or unintentional violations and those violations which caused minor or very minor harm to the resource.

Assessment of Damages to Public Land or Natural Resources

Penalties to recoup damages to public lands or natural resources for the purposes of enforcement and remediation may be assessed in addition to Conservation District violation penalties assessed by the aforementioned guidelines. The assessed total value of the initial and interim natural resource(s) damaged or lost (compensatory damages) and the cost of restoration or replacement of the damaged natural resource(s) (primary restoration cost) along with any other appropriate factors, including those named in HAR §13-1-70, may be adjudicated by the Board. The total value may be estimated on a per annum basis, and then may be used to calculate the net present value of the initial and interim loss of natural resource benefits, until the ecosystem structure, function, and/or services are restored.

The cost of a full-scale damage assessment by the Department would be an administrative cost, which could be recouped by the Board from the landowner or

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offender pursuant §HRS 183C-7. In some cases, the damage to public lands or natural resources may occur on more than one ecosystem or habitat type, (e.g., sandy beaches, seagrass beds, and coral reefs). In such instances, damages for all impacted systems will be handled cumulatively.

Since all the ecosystem services provided by the ecosystem in question cannot be quantified (e.g., the aesthetic value), the values obtained are lower bound estimates, and may be applied to systems similar to the referenced ecosystem using the benefit transfer method. These valuations, to account for the loss of ecosystem services and the cost to restore them, may be applied to Hawaiian ecosystems on public lands: such as Koa and Ohia forests, coral reefs, seagrass beds, wetlands, dune and beach ecosystems, and other important Hawaiian ecosystems.

While each case is unique and individual in nature, the Department may not be able to conduct detailed damage assessments in each case, and may refer to past precedent, economic ecosystem valuations, and other published environmental valuations to estimate and assess damages on smaller scales (for valuations and publication examples see Appendix C: References and Appendix D: Damages Examples). Using the benefit transfer method to apply past precedents and published valuations in some situations would allow the Department to focus its administrative duties and time on remediation and restoration efforts. However, as ecological valuation and research continue, more comprehensive estimates may be produced and utilized.

The Board may allow restoration activities and damage penalties to be conducted and/or applied to a site different from the location of the damaged area where similar physical, biological and /or cultural functions exist. These assessed damages are independent of other, city, county, state and federal regulatory decisions and adjudications. Thus, the monetary remedies provided in HRS §183C-7 are cumulative and in addition to any other remedies allowed by law.

Primary Restoration Damages

The cost of land or habitat restoration or replacement, the cost of site monitoring, and site management may be assessed and charged as primary restoration damages. Restoration efforts will aim to return the damaged ecosystem to a similar ecological structure and function that existed prior to the violation. In cases in which the damaged ecosystem was predominately composed of non-native species, restoration efforts must re-vegetate Conservation District land and public lands with non-invasive species, preferably native and endemic species when possible. The use of native and endemic species may thus result in the restoration of ecological structure and function critical for the survival of endemic Hawaiian species.

Returning the damaged and or severely degraded site to a condition similar to or better than its previous ecological structure and function (e.g., a terrestrial

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system such as a koa (*Acacia koa*) forest) would include: (1) calculating the level of ecosystem services to be restored from carbon sequestration, climate regulation, nutrient cycling, air and water purification, erosion control, plant and/or wildlife habitat, and any other services which may be valued; (2) purchase, production and out-planting of koa seedlings; and (3) monitoring, maintenance, and management for the time period of mature growth of ~40-60 years, to achieve mature canopy structure, native under-story, and an acceptable level of lost ecosystem structure, function and/or services restored.

Compensatory Damage Calculation

Compensatory damages to public lands or natural resources may be assessed and charged to the violator to compensate for ecosystem damage and lost initial and interim ecosystem services to the public. All Divisions of the Department may coordinate their resources and efforts along with existing ecosystem valuations and publications (See Appendix C and D for examples) to derive the estimated total value of the natural resource damaged until the ecosystem structure, function, and services are estimated to be recovered.

The total value of the natural resource that is lost or damaged may include the initial and interim values of the ecosystem services provided by the natural resource or habitat, and the social-economic value of the degraded site, until the ecosystem structure, function, and/or services are restored. Assessing the damages to the resource could include: estimating the loss of ecosystem services of carbon sequestration, climate regulation, nutrient cycling, plant and/or wildlife habitat, biodiversity, air and water purification, erosion control, coastal protection, the loss of benefits to tourism, fisheries, society, cultural inspiration and practices, and any other services which may be valued.

These natural resource damages may be assessed using economic valuation techniques to estimate the total value of the natural resource(s) damaged on a per area basis, including: total ecosystem service value, total annual benefits, the market value of the natural resource, or any other factor deemed appropriate. The total value of the present and interim natural resource damage may be estimated by calculating the net present value of these lost benefits, values and services. The net present value may be calculated using a discount rate to scale the present and future costs to the public, of the interim losses of ecosystem services over the restoration time. The restoration time may be estimated as the number of years for the damaged natural resource or ecosystem to reach maturity and/or the ecosystem structure and function to be restored similar to the pre-violation state. The discount of future losses and accrued benefits may be used in the valuation of mitigation efforts performed by the violator. For example the restoration conducted immediately after damage occurred may be calculated to have a higher present benefit worth than the benefit of restoration activities undertaken a year or two later.

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In other instances, a habitat equivalency analysis (HEA) or a resource equivalency analysis (REA) may be used to scale equivalent habitat or wildlife losses for estimating both ecosystem damage penalties and restoration efforts.

Adjudication of Damages

The adjudication of primary restoration damages and compensatory damages will be adjudicated by the Board due to the complexity of the assessment process and to assure proper checks and balances, including adequate public notice and a public hearing.

In addition to the damages and penalty violations assessed, the Department is allowed to recoup all administrative costs associated with the alleged violation pursuant to HRS §183C-7(b). All penalties assessed will be in compliance with HRS §183C-7(c) and will not prohibit any person from exercising native Hawaiian gathering rights or traditional cultural practices.

Definitions

“Baseline” means the original level of services provided by the damaged resource.

“Benefit Transfer Method” estimates economic values by transferring existing benefit estimates from studies already completed for another location or issue.

“Board” means the Board of Land and Natural Resources.

“Board Permit” means a permit approved by the Board of Land and Natural Resources.

“Chairperson” means the chairperson of the board of land and natural resources

“Civil Resource Violations System” or “CRVS” means a system of administrative law proceedings as authorized under chapter 199D, HRS, and further prescribed in Subchapter 7, 13-1, HAR, for the purpose of processing civil resource violations.

“Compensatory Damages” means damages for compensation for the interim loss of ecosystem services to the public prior to full recovery.

“Contested Case” means a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for an agency hearing.

“Department” means the Department of Land and Natural Resources.

“Departmental Permit” means a permit approved by the Chairperson.

“Discounting” means an economic procedure that weights past and future benefits or costs such that they are comparable with present benefits and costs.

“Ecosystem Services” means natural resources and ecosystem processes, which may be valued according to their benefits to humankind.

“Grossly negligent” violation means conscious and voluntary acts or omissions characterized by the failure to perform a manifest duty in reckless disregard of the consequences.

“Harm to resource” means an actual or potential impact, whether direct or indirect, short or long term, acting on a natural, cultural or social resource, which is expected to occur as a result of unauthorized acts of construction, shoreline alteration, or landscape alteration as is defined as follows:

“Major Harm to resource” means a significant adverse impact, which can cause substantial adverse impact to existing natural resources within the surrounding area, community or region, or damage the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics

“Moderate Harm to Resource” means an adverse impact which can degrade water resources, degrade native ecosystems and habitats, and/or reduce the

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structure or function of a terrestrial, littoral or marine system (but not to the extent of those previously defined as those in (a)).

“Minor Harm to Resource” means limited to short-term direct impacts from small scale construction or vegetation alteration activities.

“Very Minor Harm to Resource” means an action in which the impact on the water resource or terrestrial, littoral or marine ecosystem was insignificant, and was not of a substantial nature either individually or cumulatively.

“Knowing” violation means an act or omission done with awareness of the nature of the conduct.

“Net Present Value” means the total present value (PV) of a time series of cash flows.

“OCCL Administrator” means the Administrator of the Office of Conservation and Coastal Lands.

“Party” means each person or agency named or admitted as a party.

“Person” means an appropriate individuals, partnership, corporation, association, or public or private organization of any character other than agencies.

“Presiding Officer” means the person conducting the hearing, which shall be the chairperson, or the chairperson’s designated representative.

“Primary Restoration Damages” means the costs to restore the damaged site to its prior baseline state.

“Site Plan” means a plan drawn to scale, showing the actual dimensions and shape of the property, the size and locations on the property of existing and proposed structures and open areas including vegetation and landscaping.

“Willful violation” means an act or omission which is voluntary, intentional and with the specific intent to do something the law forbids, or fail to do something the law requires to be done.

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