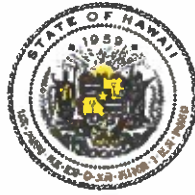


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
Office of Conservation and Coastal Lands
P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
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FIRST DEPUTY
M. KALEO MANUEL
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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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

ENF KA-23-30

NOTICE OF ALLEGED VIOLATION & ORDER

Apr 19, 2023

RP21 Coco Palms LLC
2600 N Ashton BLVD, Suite 200
Lehi, UT 84043

Subject Alleged unauthorized land uses in the Conservation District
Kapa'a, Kawaihau, Kaua'i
Tax Map Key Parcel (4) 4-1-003:004

Dear Landowner,

It has come to the Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands' (OCCL) attention that there appears to have been work done within the Hawai'i State Land Use Conservation District without proper authorization.

OCCL has received evidence that machinery has been used to clear trees and vegetation, and to grub and grade, on tax map key parcel (4) 4-1-003:004.

Land uses in the Conservation District are regulated by OCCL pursuant to Hawai'i Revised Statutes (HRS) Chapter 183C, Conservation District and Hawai'i Administrative Rules (HAR) Chapter 13-5.

The Protective Subzone in the subject area is shaded green in Exhibit 1. Exhibit 2 shows the approximate location of the alleged work. Exhibit 3 contains drone footage from April 7, 2023 showing an excavator pushing green waste on the property. Exhibit 4 shows photos from April 13, 2023 showing cleared land, piles of vegetation, and dirt road.

Our office does not have any records of any permit being sought or secured for any land use on the subject parcel. This constitutes a potential land use violation, which may subject you as landowner to fines pursuant to HRS 183C-7, HRS.

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

Pursuant to §13-5-2, HAR, "Land use" means:

- (1) The placement or erection of any solid material on land if that material remains on the land more than thirty days, or which causes a permanent change in the land area on which it occurs;
- (2) The grading, removing, harvesting, dredging, mining, or extraction of any material or natural resource on land;
- (3) The subdivision of land; or
- (4) The construction, reconstruction, demolition, or alteration of any structure, building, or facility on land.

The Department of Land and Natural Resources (DLNR) has reason to believe that:

1. The clearing of vegetation, grubbing, and grading has occurred on TMK: (4) 4-1-003:004, located within the State Land Use Conservation District, Protective Subzone; and
2. These land uses were not authorized by the Department of Land and Natural Resources under Chapter 13-5, HAR.

We recommend that you stop all work. Please provide our office with a statement regarding these allegations within thirty days of this letter.

Pursuant to 183C-7(b), HRS, the Board of Land and Natural Resources (Board) may subject you to fines of not more than \$15,000.00 per violation in addition to administrative costs and costs associated with land or habitat restoration, or both, if required.

Should you fail to immediately cease such activity after written or verbal notification from the department, willful violation may incur an additional fine of up to \$15,000.00 per day per violation for each day in which the violation persists.

Should you have any questions pertaining to this letter, please contact Michael Cain at the Office of Conservation and Coastal Lands at michael.cain@hawaii.gov.

Sincerely,



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

Copy: City & County of Honolulu Department of Planning and Permitting; DOCARE (Kaua'i); Land Division (Kaua'i)
Note: A prior notice was sent on Friday April 14 c/o Stillwater, 160 W Canyon Crest Rd, Alpine, UT 84004