

An excerpt from a typical Notice of Alleged Violation from DLNR-Land Division

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GOVERNOR | KE KIA'ĀINA

SYLVIA LIJKE
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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'ŌI'HANA KUMUWĀWĀI 'ĀINA
Office of Conservation and Coastal Lands
P.O. BOX 621
HONOLULU, HAWAII 96809

(actual wording varies based on the offense being cited)

We recommend that you stop all work and remove the erosion control structures and other unauthorized materials located within the shoreline area within 30 days of receipt of this order. Pursuant to HRS, 171-6, the Board of Land and Natural Resources may bring such actions as may be necessary to remove or remedy encroachments upon public lands. Any person causing an encroachment upon public land shall: (a) Be fined not more than \$1,000 a day for the first offense; (b) Be fined not less than \$1,000 nor more than \$4,000 per day upon the second offense and thereafter; (c) If required by the board, restore the land to its original condition if altered and assume the costs thereof; (d) Assume such costs as may result from adverse effects from such restoration; and (e) Be liable for administrative costs incurred by the Department and for payment of damages. Additionally, with regards to alleged unauthorized land use(s) in the State Land Use Conservation District, pursuant to 183C-7(b), HRS, the Board of Land and Natural Resources (Board) may subject you to fines of up to \$15,000.00 per violation in addition

Generally, the offices of DLNR-Land Division and OCCL simply want owners to comply with the requirements listed in the Notice of Alleged Violation.

Owners who make the effort to supply the required information, applications for respective permits, and meet additional requirements set forth by these two jurisdictions often find themselves receiving a kinder attitude from these jurisdictions. I have been advised that when owners do these things then the fine associated with the Alleged Violation can be either reduced or just go away.

But, 'fighting the system' will only make their decision to proceed to a more advanced level of enforcement; i.e. turns into a type of Court Order.