

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawaii 96813

October 9, 2015

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

Land Board Members:

**SUBJECT: APPOINTMENT AND SELECTION OF A HEARING OFFICER TO CONDUCT HEARINGS FOR A CONTESTED CASE HEARING REGARDING ADMINISTRATIVE AND CIVIL PENALTIES PURSUANT TO CHAPTER 195, HAWAII REVISED STATUTES, TO AHIU HAWAII LLC FOR VIOLATIONS OF CHAPTER 13-209, HAWAII ADMINISTRATIVE RULES, AT KAHAUALEA NATURAL AREA RESERVE, PUNA, HAWAII, TMK (3) 3-1-001:001**

On June 26, 2015, the Board approved staff's recommendation to issue administrative and civil penalties to Ahiu Hawaii LLC, based on evidence that the tour company has been operating unpermitted commercial tours in the closed Kahaualea Natural Area Reserve. After the Board's action, Mr. Orion-Independence Enocencio, manager of Ahiu Hawaii LLC, verbally requested a contested case hearing. Mr. Enocencio provided a written request on July 5, 2015 (Attachment 1).

Ahiu Hawaii LLC is entitled to a contested case hearing regarding the Board's decision.

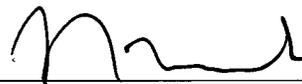
CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board does not constitute a use of State lands or funds, and therefore, Chapter 343, HRS, relating to environmental impact statements, is not applicable.

RECOMMENDATION: That the Board:

- 1) Determine that Ahiu Hawaii LLC has standing and is entitled to a contested case, and
- 2) Authorize the appointment of a Hearing Officer to conduct all the hearings relevant to the subject petition for a Contested Case Hearing, and
- 3) Delegate the authority for selection of the Hearing Officer to the Chairperson.

Respectfully submitted,



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SCOTT FRETZ, Acting Administrator  
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



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SUZANNE D. CASE, Chairperson  
Board of Land and Natural Resources



STATE OF HAWAII  
BOARD OF LAND AND NATURAL RESOURCES

PETITION FOR A CONTESTED CASE HEARING

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

**INSTRUCTIONS:**

- File (deliver, mail or fax) this form within ten (10) days of the Board Action Date to:  
 Department of Land and Natural Resources  
 Administrative Proceedings Office  
 1151 Punchbowl Street, Room 130  
 Honolulu, Hawaii 96813  
 Phone: (808) 587-1496, Fax: (808) 587-0390
- DLNR's contested case hearing rules are listed under Chapter 13-1, HAR, and can be obtained from the DLNR Administrative Proceedings Office or at its website (<http://hawaii.gov/dlnr/rules/Ch13-1-Official-Rules.pdf>). Please review these rules before filing a petition.
- If you use the electronic version of this form, note that the boxes are expandable to fit in your statements. If you use the hardcopy form and need more space, you may attach additional sheets.
- Pursuant to §13-1-30, HAR, a petition that involves a Conservation District Use Permit must be accompanied with a \$100.00 non-refundable filing fee (payable to "DLNR") or a request for waiver of this fee. A waiver may be granted by the Chairperson based on a petitioner's financial hardship.
- All materials, including this form, shall be submitted in three (3) photocopies.

A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
1. Name Opion-Independence Eneconco	2. Contact Person Opion-Independence Eneconco	
3. Address [REDACTED]	4. City [REDACTED]	5. State and ZIP [REDACTED]
6. Email [REDACTED]	7. Phone [REDACTED]	8. Fax [REDACTED]

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

**SUBJECT MATTER**

**17. Board Action Being Contested**

Contesting the boards approval for fining 'Ahiu Hawaii  
Fees, % administrative cost, % officers incorrect & falsified report  
given to the board.

**18. Board Action Date**

June 26, 2015 (Friday)

**19. Item No.**

G-1

**20. Nature and Extent of Petitioner's Interest That May Be Affected by the Board Action**

'Ahiu Hawaii feels that the company should not be required  
to pay the fees % administrative cost.

**21. Any Disagreement Petitioner May Have with an Application before the Board**

**22. Any Relief Petitioner Seeks or Deems Itself Entitled to**

as a local % Native Hawaiian owned company % Hawaii  
being illegally overthrown. we as Native Hawaiians have the right  
to freely go to any public property.

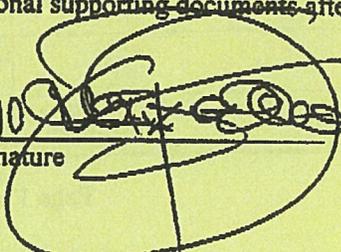
**23. How Petitioner's Participation in the Proceeding Would Serve the Public Interest**

**24. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets the Criteria to Be a Party under Section 13-1-31, HAR**

- 'Ahiu Hawaii was unaware of situation
- No notification from DNR; therefore no time to properly prepare
- officers incorrect & falsified report
- Continued harassment towards guest guides & company.
- No support, help, or response from DNR through multiple emails

Check this box if Petitioner is submitting supporting documents with this form.

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

Orion-Independence Encencio  07.04.15  
 Petitioner or Representative (Print Name)      Signature      Date