



Surfrider Foundation, O'ahu Chapter
P.O. BOX 283092
Honolulu, HI, 96828

To: Board of Land and Natural Resources
1151 Punchbowl St. Room 132
Honolulu, Hawaii 96809

Testimony on Item [K-1: In Support of OCCL Submittal - Enforcement Action](#)

Dear Chair Chang and Members of the Board of Land and Natural Resources,

On behalf of the Surfrider Foundation and the Surfrider Foundation O'ahu Chapter, we support the Office of Conservation and Coastal Lands' (OCCL) recommendation to levy \$937,000 in fines and administrative costs on homeowners Eric and Moniza Freeman of 59-181 D Ke Nui Rd. In addition, we support the OCCL's requirements that the Freemans remove unauthorized erosion control measures and encroachment, remove or relocate the portions of the dwelling makai of the shoreline, and return the shoreline area to a more natural state by July 1, 2024.

As an organization dedicated to the protection of ocean, waves, and beaches, Surfrider Foundation strongly believes in the need to enforce fines for actions that are illegally conducted in the conservation district of the coastal zone. Lack of enforcement or minimizing fines serves to endorse actions that threaten public resources and public safety.

A few years ago I was with my (then 2 year old) daughter on the beach fronting the Freeman's property (January 2022). See the attached photo of the "beach" we got to enjoy while my husband surfed Rocky Point. I saw this same scene just last week when walking the stretch of beach from Rocky Point to Sunset Beach. It was further frustrating to read through DLNR's submittal that details the ongoing erosion and illegal actions taken by the current and previous property owners of 59-181 D Ke Nui Road, dating back nearly a decade. The amount of materials that have been discarded, buried, uncovered, and left on the public beach and in the environment is appalling. The ongoing impacts to the adjacent public beach access also should be immediately addressed.

The actions of the Freemans further highlight the ability of coastal property owners to manipulate, modify, and even commodify the public beach to suit their needs as property owners. The beach, however, is a public trust resource, one that exists for the enjoyment and use of the community. Sandy beaches also provide important wildlife habitat, improve water quality, and offer other benefits of great economic value. Yet, they are a fragile resource; one that exists in a delicate balance between ocean and landward forces. The Freeman's actions have repeatedly threatened this resource.

DLNR/OCCL has made it clear that their responsibility as a state agency is to maintain and protect the public shoreline. HRS Chapter 205 (A) additionally directs state agencies to (A) *Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.*

Surfrider Foundation thus implores you to levy meaningful fines and further send a clear message to the Freemans and other coastal homeowners who flagrantly violate the law and impact the coastal resources of Hawai'i. As is abundantly clear, coastal erosion is only going to worsen in the coming years. Without clear consequences, we can expect to see the Freemans and others continue to take actions that threaten our beaches and sandy coastlines.

Sincerely,

Lauren Blickley
Hawai'i Regional Manager
Surfrider Foundation

January 2022



November 2, 2023

