

From: [Randall Myers](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Blattau Jim and Sue](#); [Denise Antolini](#); [Lauren Blickley](#); [chip hartman](#); [Karen Gallagher](#); [randolph moore](#); [Randall Myers](#)
Subject: [EXTERNAL] 12/08-12/09/2023 BLNR Meeting Testimony Item K.1
Date: Tuesday, December 5, 2023 2:50:29 PM

Aloha,

This testimony is directed to the OCCL and DOCARE enforcement of serious illegal beachfront construction by owners Eric and Moniza Freeman, owners of a beachfront property located at 59-181D Ke Nui Rd. on Sunset Beach. I have provided previous testimony about this violation at the last two BLNR meetings, but this agenda item was postponed both times. I also plan to attend the 12/08/23 meeting to express the urgency of removing plastic sandbags from the beach before they are swept into the ocean.

It was fortunate that the Thanksgiving swell with sets over 40' did not wash out the sandbags. Indeed, the swell direction (NNW) added some sand to the immediate area. The current swell (12/4-12/5,) is more westerly and in the 20' range, scouring sand and making the Freeman's sandbags, especially a sand groin of plastic bags well onto the public beach, extremely vulnerable. The beach is ramped up and when a moderate to large west swell sweeps in, probably within days or a few weeks, hundreds of the sandbags will wash into the ocean. I urge immediate action by BLNR to require the Freemans to remove the sandbags, especially in the groin, within days.

I also urge BLNR to impose the large fine recommended by OCCL. The Freemans chose to ignore enforcement actions and continued their beachfront construction using inferior materials. The advantage of PVC bags is that they are initially quite strong and cheap, but they cause terrible harm because they degrade rapidly, especially when exposed to sunlight. BLNR needs to get tough with the culture of rogue beachfront owners who chose to put the public beach and ocean at risk for illegal short-term schemes to harden the shoreline.

Mahalo,

Randy Myers
59-191 Ke Nui Rd.
Haleiwa, HI 96712
(808)295-8674

From: [KEILI MCEVILLY](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR Item K-1 and BLNR K-5 - Strongly Support Proposed Fines and Penalties for Shoreline Violations
Date: Tuesday, December 5, 2023 2:35:17 PM

To Whom it May Concern,

My name is Ke‘ili and I am a coastal advocate, surfer, and native Hawaiian. It breaks my heart to see people, who are lucky enough to live in and experience these coastal areas, be the very ones who destroy it.

As coastal erosion increases faster and faster. We, as Hawai‘i need to create unified, clear, and respected guidelines that ensure homeowners are accountable for their actions. It is not acceptable for homeowners on the North Shore to put such harmful materials into the marine ecosystems that should be preserved, protected and respected for the entire community. Bottom line: Homeowners should be held accountable for their actions and impacts on the public shoreline.

Sincerely,
Ke‘ili

From: [Ryan Dadds](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item K-1
Date: Tuesday, December 5, 2023 8:59:41 PM

Hello,

I am writing to submit testimony for Item K-1 to recommend fines and penalties against 59-181 Ke Nun LLC for illegal shoreline structures. Mahalo.

Ryan Dadds

From: [John Shockley](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Rita Shockley](#); [Lauren \(Surfrider\) Blickley](#); [Sen. Gil Riviere](#); [Kate Thompson](#)
Subject: [EXTERNAL] LIVE NOTE: Regarding agenda items K-1 and K-5
Date: Tuesday, December 5, 2023 10:29:57 AM

Aloha!

The Free Access Coalition favors fines and restrictions on the private home-owners who have encroached on public beaches to preserve their properties. These people have known for years the nature of the shoreline but chose to buy coastal land anyway. They cannot expect the public to pay for any losses they occur. There are risks to any real estate, be it cliff-side, coastal, tsunami tide, earthquake, or fire. Each member of the community needs to handle the risks on their own, especially if they bought the property knowing the hazards.

When the public beaches are blocked off by private structures, the free access to the shore is a major public concern. We need to keep our shorelines open to the public.

Mahalo for your time.

**John & Rita Shockley Free Access Coalition coordinators.
www.freeaccesscoalition.weebly.com
808 210-9433. (cell)**

From: [Marva Chun](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Marva Chun](#)
Subject: [EXTERNAL] Testimony to preserve our ocean
Date: Tuesday, December 5, 2023 4:15:42 PM

Subject line: Testimony for agenda item F-1

Testimony:

Aloha Chair Chang and members of the Board of Land and Natural Resources,

I kindly urge the board to approve the final adoption of the Ocean Stewardship Fee rules. With millions of people visiting and enjoying our ocean waters every year, when implemented, this fee will help generate much needed funds to support Hawai'i's marine conservation and protection, and importantly the Department of Land and Natural Resources' work.

I'm in the water almost every day, surfing, kayaking, swimming, and walking the beaches.

Our nearshore waters are a key foundation of Hawai'i's environment, culture, climate resiliency, and economy and deserve proper management to ensure our island's health for generations to come.

Thank you for this opportunity to testify on this important matter.

Sincerely,

Marva Chun

Aquarium fish collection petition

Agenda item: F-3

What is happening: Community groups including Kalanihale, KUPA Friends of Ho'okena Beach Park, Moana 'Ohana, Ko'olaupoko Hawaiian Civic Club, and For the Fishes, have petitioned the Department of Land and Natural Resources to establish rules prohibiting the taking of marine life for commercial aquarium purposes.

The commercial take of marine life for the aquarium market has been a

concern of Kānaka Maoli subsistence communities, ecologists, recreational fishers, and reef enthusiasts for decades. However, the DLNR has been unable to properly manage this industry, with O‘ahu rules that are not about environmental protection but to reduce waste, and West Hawai‘i Island rules that were continually violated until a recent lawsuit invalidated all commercial aquarium collection permits, albeit temporarily. These community groups have finally said that enough is enough, and that a commercial aquarium collection ban is the only way to prevent this industry from further impacting our coral reefs.

Reef fish are essential components of a healthy nearshore ecosystem. They help to maintain the coral reefs that protect our shorelines from rising seas and coastal erosion; are a critical component of traditional fishing practices; have cultural and spiritual significance; and are a precious resource for residents and visitors alike. Commercial aquarium collection, driven by the immense profit to be made by selling certain reef fish - such as kole and lau‘ipalā, herbivores that are critical to coral reef health - may have a disproportionate impact on reef biodiversity and ecological function, yet has not been properly managed in spite of decades of concern. As our economy rebuilds, the temptation to see our reef fish as nothing more than swimming dollar bills will only entice more and more companies to enter the trade - even further impacting our ecological integrity, cultural practices, food security, and climate resilience.

Community groups across the islands have long fought to stop the take of marine life for commercial aquarium purposes. This is your opportunity to support these groups and help protect our precious life sustaining coral reefs for generations to come!

Testimony:

Email: blnr.testimony@hawaii.gov

Subject line: Testimony for agenda item F-3

Testimony:

Aloha Chair Chang and members of the Board of Land and Natural Resources,

I kindly urge you to reject the staff recommendation, and approve the petition submitted by Kalanihale, KUPA Friends of Ho‘okena Beach Park, Moana ‘Ohana, Ko‘olaupoko Hawaiian Civic Club, and For the Fishes to

enact the administrative rulemaking process to prohibit the take of marine life for commercial aquarium purposes.

Reef fish are essential components of a healthy near-shore ecosystem including the coral reefs that protect our shorelines from degradation by rising seas and coastal erosion, and are a critical component of traditional fishing practices, have cultural and spiritual significance, and are a precious resource for residents and visitors alike.

Commercial aquarium collection, driven by the immense profit to be made by selling certain reef fish - such as kole and lau'ipalā, herbivores critical to coral reef health - may have a disproportionate impact on reef biodiversity and ecological function, yet has not been properly managed in spite of decades of concern. As our economy rebuilds, the temptation to see our reef fish as nothing more than swimming dollar bills will only entice more and more companies to enter the trade - even further impacting our ecological integrity, cultural practices, food security, and climate resilience.

I stand with the Kānaka Maoli and other community groups calling for a ban on commercial aquarium collection and urge you to do the same.

Thank you for your consideration of this important matter.

Sincerely,

Marva Chun

Herbivore rules

Agenda item: F-5

What is happening: The BLNR will consider granting final approval to a set of rule changes intended to better steward our coral reefs, by establishing greater protections for certain herbivorous surgeonfish and uhu (parrotfish).

Herbivorous fish play key roles in the health and maintenance of our reef ecosystem, particularly in “grazing” algae and limu that can smother coral or prevent coral from growing. This in turn helps to enhance our climate resilience and reduce coastal erosion, while ensuring a healthy and abundant ecosystem for fishers, cultural practitioners, ocean enthusiasts, and all who have a stake in our ecological and cultural integrity.

By increasing size limits for kole and manini, setting more reasonable bag limits for kala (unicornfish) and uhu (parrotfish), and establishing annual commercial catch limits and additional commercial restrictions on the take of kala and uhu, these rules will help to better steward essential building blocks of a healthy coral reef ecosystem. These modest proposals will also still allow fishers to harvest more than enough of the targeted species to feed their families (and maybe a neighbor or two).

There has been some concern about the final proposed draft rules not including stricter bag limits on kala, a highly sought-after and long-lived species (studies on wild fish have shown that they may attain over 50 years of age), nor a ban on the taking of “blue” uhu that can disrupt reproductive cycles and lead to diminished reproductive output.

Testimony:

Email: blnr.testimony@hawaii.gov

Subject line: Testimony for agenda item F-5

Testimony:

Aloha Chair Chang and members of the Board of Land and Natural Resources,

I support, with amendments, the proposed rule changes to better protect herbivorous fish species that play a vital role in our reef ecosystems.

By increasing size limits for kole and manini, setting more reasonable bag limits for kala (unicornfish) and uhu (parrotfish), and establishing annual commercial catch limits and additional commercial restrictions on the take of kala and uhu, these rules will help to better steward critical species that are essential building blocks of a healthy coral reef ecosystem.

I appreciate that there have been many changes made to these rules since they were originally proposed, including the removal of nenu, wana, and several surgeonfish species from potential regulation, and the removal of bag limits for kole and manini. I do respectfully ask that the board consider reinstating the original proposed bag limit of 2 for kala - a long-lived and highly sought after species that may merit stronger protections. In addition, I also ask that you consider reinstating the proposed protection of “blue” uhu or supermales, given that the taking of these individuals can have a

disproportionate impact on reproductive cycles and reproduction rates of these particularly important species.

Accordingly, I ask that you vote in favor of adopting these rules, with the amendments requested above. Thank you for your consideration of this important matter.

Sincerely,
Marva Chun

Fines for illegal beach modifications

Agenda items: K-1 and K-5

Position: Support proposed fines and penalties

What's happening (from our friends at Surfrider O'ahu): The Board of Land and Natural Resources will be evaluating recommendations from the Office of Conservation and Coastal Lands to bring fines and penalties against homeowners who have ignored notices of violation and expired temporary permits. Although Hawai'i has a strong policy against shoreline hardening, it is only in more recent years that OCCL has taken a stronger stance in ensuring that private property owners are held accountable for their actions. One of the homeowners on the agenda is Joshua VanEmmerik who laid rebar and poured concrete on the public beach in the fall of 2022. [Read more from Surfrider O'ahu here.](#)

Denise Antolini
59-463 Alapi‘o Road
Pūpūkea, HI 96712
antolinid@gmail.com

To: blnr.testimony@hawaii.gov

For BLNR Meeting on Dec. 7-8, 2023

Testimony on K-1: Request for Administrative Fines and Other Penalties Against 59-181 Ke-Nui LLC, including members Eric and Moniza Freeman, for Conservation District Enforcement Case OA 22-18 Regarding the Alleged Permit Noncompliance, Construction of Shoreline Erosion Control Device, and Encroachment Upon State Land Located Makai of 59-181 D Ke Nui Rd., Tax Map Key: (1) 5-9-002:034

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

1. I strongly support the OCCL enforcement action, submittal, and the proposed fines/costs of \$937,000 against this homeowner.
2. If any kind of activity is allowed by DLNR for this homeowner in the shoreline at a future date, I strongly suggest that the Board include the same
 - (a) community notification (neighbors, signs, Sunset Beach Community Association) and
 - (b) BROW restoration provisions that were included in the McNamara settlement Emergency CDUP approval (Board meeting date: Oct. 27, 2023).

The Freeman property is on "the other side" (Hale‘iwa side) of the BROW that is adjacent to the McNamaras' property, so it makes sense to require coordinated action and collaboration with the County on this BROW restoration.

3. If a contested case is requested by the Freemans and granted by the Board, I strongly suggest mediation be pursued instead of a prolonged contested case process.
4. If mediation is pursued, I recommend that representatives of the North Shore community and the North Shore Community Resilience Working Group (2022 report here: https://20811975.fs1.hubspotusercontent-na1.net/hubfs/20811975/web-North-Shore-Coastal-Erosion-Report_102122_Web.pdf) be invited to participate in the mediation to reach a more comprehensive, longer-term solution to the complex issues of this particular parcel and its neighbors, and the protection of this beach.

Mahalo,

Sincerely,



Denise Antolini