



April 9, 2026

Re: K-4 Request for Approval of Proposed Settlement Agreement in Conservation District Contested Case OA 24-01, relating to 59-181 Ke-Nui LLC and Eric and Moniza Freeman and alleged violations on State land located makai of 59-181 D Ke Nui Road, Tax Map Key No. (1) 5-9-002:034.

Hearing: Board of Land and Natural Resources Meeting, Friday April 10, 2026 9AM

To: Chair Kanaka'ole and Members of the Board,

On behalf of the Surfrider Foundation Hawai'i Region, we respectfully oppose approval of the proposed settlement agreement for Conservation District Contested Case OA 24-01.

Surfrider Foundation is dedicated to the protection of our oceans, waves, and beaches for all. For years, we have been actively engaged in protecting public trust beaches within this coastal erosion hot spot. We strongly appreciate DLNR-OCCL and the Attorney General's ongoing efforts to enforce shoreline protections and safeguard public trust resources along this highly dynamic and erosion-prone coastline.

While we support strong enforcement to protect our shorelines, this proposed settlement raises serious concerns regarding accountability, transparency, and precedent-setting for coastal violations on public trust lands.

First, the submittal before the Board is insufficient. Critical information documenting compliance with the settlement terms—such as relocation of the structure, shoreline certification, removal of materials from state lands, dune restoration, and payment of fines—is not included in the submittal. Without clear, verifiable documentation, the Board cannot make an informed decision.

Second, under the terms of the agreement itself, failure to meet the December 31, 2025 compliance deadline triggers the full fine of \$937,000. In the absence of documented compliance, the Board should not approve a reduced settlement.

Third, the proposed penalty structure is far too lenient given the scale and duration of violations. Extensive unauthorized shoreline armoring, sand manipulation, and encroachment onto public lands have caused harm to coastal resources and undermined the public trust. A minimum cash fine as low as \$10,000 fails to reflect the severity of these impacts. Approval of this agreement as-is would set a dangerous precedent—that prolonged violations of shoreline protections can result in minimal financial consequence, even where public trust resources are degraded.

At minimum, if the Board is inclined to consider approval, Surfrider urges the following:

- Require full documentation of compliance with all settlement terms prior to approval

- Reevaluate the minimum fine to reflect the severity of violations
- Include robust public transparency and notification requirements for shoreline restoration activities

Hawai'i's shorelines are public trust resources. Enforcement outcomes must uphold that trust, deter future violations, and ensure meaningful restoration.

Mahalo for the opportunity to testify.

Sincerely,

Hanna Lilley
Hawai'i Regional Manager
Surfrider Foundation