

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 14, 2025

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

PSF No.: 25KD-011

KAUAI

Issuance of Right-of-Entry Permit to The Surfrider Foundation onto Various Unencumbered Kauai District Beaches for Natural Resource Protection Purposes, Various Unencumbered State-Owned Lands Located at Various Locations Seaward of the Shorelines of Kauai. See Exhibit A Attached.

APPLICANT:

The Surfrider Foundation, a California nonprofit corporation.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Unencumbered beaches of Kauai District, various locations along and seaward of the shorelines of Kauai.

ZONING:

State Land Use District: Conservation
County of Kauai, CZO: NA

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Unencumbered.

CHARACTER OF USE:

Natural Resource Protection Purposes.

TERM OF RIGHT-OF-ENTRY:

One year.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1 that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," and Part 1, Item 1 that states, "Removal of boulders, rocks, hazardous trees, marine debris, and other similar hazards necessary to maintain lands and waters in a safe condition." Part 1, Item 44 that states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." See Exhibit B.

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Comply with the requirements of all municipal, state, and federal authorities and observe all municipal, state and federal laws applicable to the right-of-entry area or premises, now in force or which may be in force.
- 2) Carry a current policy of general liability insurance meeting State minimum coverage standards.

REMARKS:

The Surfrider Foundation (SF) is leading efforts at the federal, state, and local levels to protect our shorelines on every coast. SF is dedicated to the protection and enjoyment of the world's ocean, waves, and beaches, for all people, through a powerful activist network. They also organize regularly scheduled beach cleanups throughout the year and pick up all plastics, nets, and trash from large stretches of beach and dispose at county landfills. Larger derelict nets average 1000-3000 lbs. and more commonly wash up on the east side of the Island of Kauai where motorized vehicles and equipment are needed for the removal.

On Kauai's windward shores, thousands of pounds of plastic pollution wash ashore every year – most from commercial fishing operations, with fishing nets being the main culprit. The tides bring in tangled masses of ropes and lines, many weighing over 1,000 pounds. SF launched the "Net Patrol" program in response to the growing problem of debris on outlying

beaches and coastlines. Removing the net masses requires digging, cutting, dragging, and hauling. It is important to get to the nets before the next high tide, so SF will mobilize Net Patrol to remove them. If left on the coastline, the ocean will wash them out again, where they can entangle fish, monk seals and turtles, or ensnare coral heads.

Since 2020, SF has partnered with the State’s Division of Aquatic Resources (DAR). Together they have organized a “Marine Debris Rapid Response Program” with a public hotline used to report garbage and nets and do marine debris cleanup. The Kauai SF team responds and recovers all marine debris items, especially derelict fishing net and line bundles that present entanglement hazards for native wildlife, in a safe and swift manner.

For over a decade, SF’s Kauai Chapter has been removing thousands of pounds of ocean-based debris from the island's shorelines. Ocean-based debris, as compared to land-based debris, originates from sources outside of our islands. For example, fishing gear from large-scale commercial fishing vessels, aquaculture debris, debris lost from offshore oil and gas work, trash dumped off of cruise ships, and containers that fall off of large shipping vessels that transport products across the ocean. The debris is collected by hand, size permitting. In some cases, the debris weighs hundreds or even thousands of pounds and large equipment or machinery is necessary for the removal.

Office of Conservation and Coastal Lands (OCCL) was also consulted with and they have no objections as they don’t consider this as land use.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

The proposed activity is of a similar type and scope of beach activity that routinely has occurred and continues to be held on this and other beaches across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. Applicant will confer with Office of Conservation and Coastal Lands, Division of Aquatic Resources and Division of Forestry and Wildlife before doing any beach cleanups. As such staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Various government agencies and interest groups were solicited for comments.

AGENCIES	COMMENTS
County of Kauai:	
Public Works Department	No Response by suspense date.
State of Hawaii:	
Office of Conservation and Coastal Lands	No Objections
Dept. of Aquatic Resources	No Objections
Dept. of Forestry and Wildlife	No Response by suspense date.
Office of Hawaiian Affairs	No Response by suspense date.

RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

2. Authorize the issuance of a right-of-entry permit to The Surfrider Foundation covering various Beaches on the Island of Kauai, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State;
 - C. Authorize the Chairperson to approve one-year extensions of the right-of-entry permit for good cause shown; and
 - D. Special terms and conditions required by OCCL, DAR or DOFAW.

Respectfully Submitted,

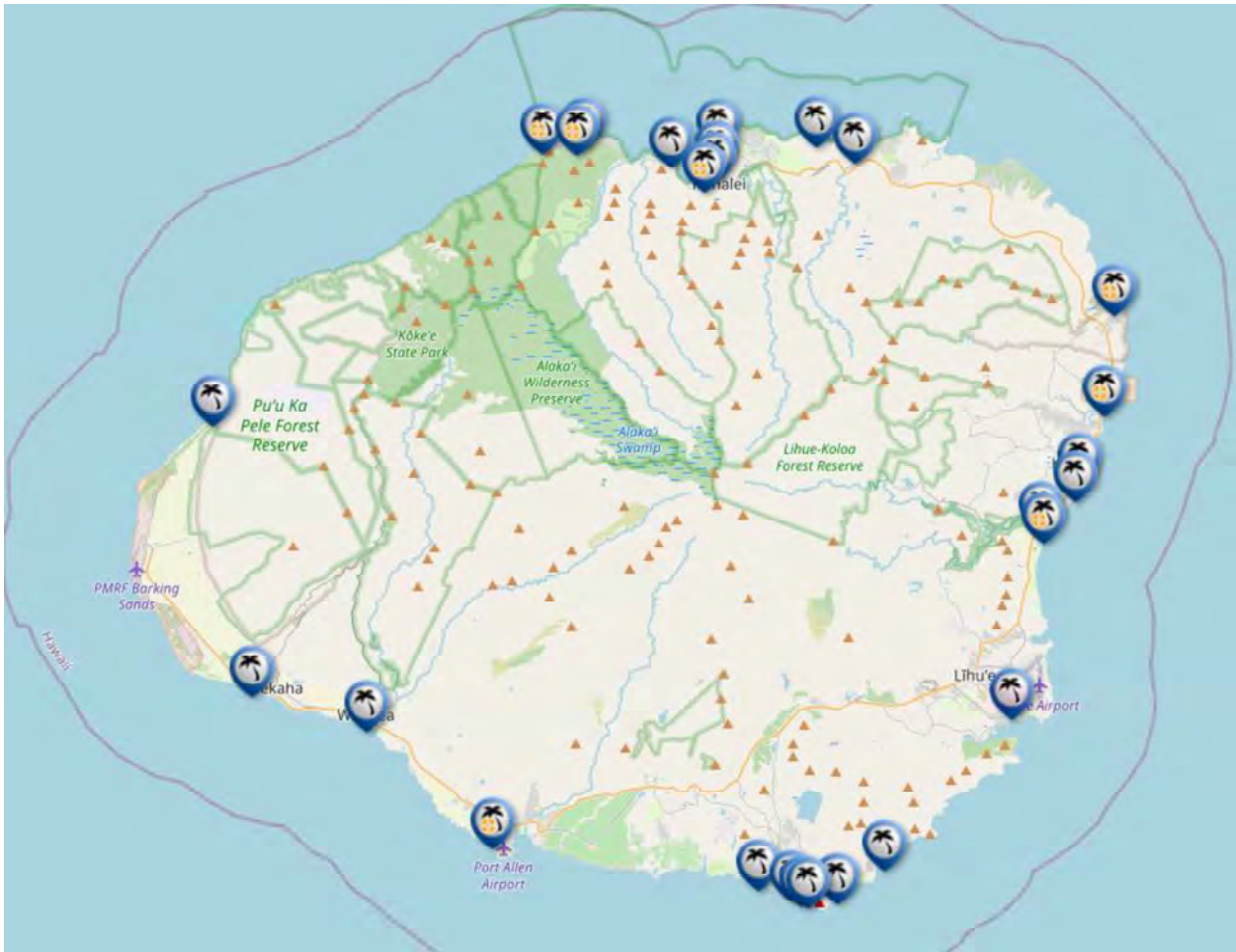


Reynold Lee
Land Agent

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson *et*



Kauai Beaches

Anahola Beach
 Anini Beach
 Beach House Beach
 Cannons Beach
 Donkey Beach
 Fuji Beach
 Haena Beach
 Hanalei Beach
 Hideaway Beach
 Hoona Beach
 Kalapaki Beach
 Kalihiwai Bay Beach
 Kanaha Beach
 Kaonohi Beach
 Kapaa Beach
 Kawaiiloa Bay Beach
 Kealia Beach

Kee Beach
 Keiki Cove
 Kekaha Beach
 Kiahuna Beach
 Kikiaola Beach
 Kilauea Bay
 Kuhio Beach
 Kukuiula Beach
 Kumukumu Beach
 Larson's Beach
 Lawai Beach
 Leolani Cove
 Lydgate Beach
 Lumahai Beach
 Mahaulepu Beach
 Makaiwa Beach
 Moloaa Beach

Nukolii Beach
 Pakala Beach
 Pilaa Beach
 Poipu Beach
 Princeville Beach
 Puu Poa Beach
 Salt Pond Beach
 Secret Beach
 Shipwrecks Beach
 Tunnels Beach
 Waiakalua Beach
 Waikoko Beach
 Wailua Beach
 Waimea Beach
 Wainiha Beach
 Waioli Beach
 Waipouli Beach



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
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DAWN H. E. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

Project Title:	Issuance of Right-of-Entry Permit to The Surfrider Foundation on Unencumbered Beaches of Kauai District for Cleaning and Maintenance, Various beach locations along the shoreline of Kauai.
Project / Reference No.:	25KD-011
Project Location:	Various Beach locations along the shoreline of Kauai.
Project Description:	Unencumbered State land.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1 that states, “Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing,” and Part 1, Item 44 that states, “Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.”
Cumulative Impact of Planned Successive Actions in Same Place Significant?:	No. The temporary use of the land for beach cleaning and maintenance will not result in any significant cumulative impact.

Action May Have Significant Impact on

No. There are no sensitive environmental issues involved with the proposed use of the property.

Particularly Sensitive Environment?: Analysis:

In the past, permits were issued for similar types of events on the beach in the area, which have resulted in no known significant impacts to the natural and environmental resources in the area. As such, staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties:

Office of Conservation and Coastal Lands, DAR, DOFAW, Kauai County Public Works Department.

Recommendation:

That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.