

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

July 12, 2013

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

PSF No.: 13kd-082  
Kauai

Issuance of Right-of-Entry Permit to The Kauai Lifeguard Association on Unencumbered Beaches of Kauai District and within the Na Pali Coast State Wilderness Park for the placement and maintenance of Water Rescue Tubes, Various locations along the shoreline of Kauai and at the stream crossing at Hanakapiai Stream.

APPLICANT:

Kauai Lifeguard Association, a Domestic Non-profit Association

LEGAL REFERENCE:

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

LOCATION:

Unencumbered Beaches of Kauai District, various locations along the shoreline of Kauai, as shown on the attached map labeled Exhibit A.

AREA:

840 square feet, allowing 4 square feet for each of the 210 water rescue tubes in various locations

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:

The Water Rescue Tubes are installed at various unencumbered beaches, on the Island of Kauai

CHARACTER OF USE:

Placement of a Water Rescue Tube on a 1 ½ inch PCV pole on various beaches to assist distressed swimmers

TERM OF RIGHT-OF-ENTRY:

One year, renewable

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a) (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

Also see Exhibit B attached

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 all requirements of the DLNR Office of Conservation and Costal Lands (OCCL), State Parks Division (Parks) and State Historic Preservation Division (SHPD)

REMARKS:

The Kauai Lifeguards Association in association with the Rotary Clubs on Kauai has installed approximately 210 Water Rescue Tubes (WRTs) on or adjacent to unencumbered beaches in the District of Kauai. The WRTs are flotation devices that can be used to help rescue distressed swimmers. The WRTs are typically installed on a 1 ½ PVC pipe that is pounded into the sand at the edge of the vegetation line along the beach. In some locations where there is a long expanse of beach, there may be more than one WRT installed at intervals. A photo of a typical WRT is attached as Exhibit "C".

Each WRT costs about \$90.00 and is installed by volunteers in association with the Kauai Lifeguard Association. Instructions for proper use of the WRT are printed on the device and the foremost instruction is "If you can't swim do not use this device, do not go in the water." The second instruction is to activate the emergency response system by calling 911. Kauai Lifeguard Association is aware of 55 usages of the WRT in critical situations that may have saved a life. The program was started in 2010 and has been broadly supported by the public. The WRTs have a useful life of 12-30 months and are maintained and monitored by Kauai Lifeguard Association volunteers. The Kauai Lifeguard Association maintains a general liability insurance policy for the WRTs and will add the State of Hawaii to their policy at our instruction.

Comments were requested from DLNR State Parks Division, State Historic Preservation Division (SHPD), Office of Conservation and Costal Lands (OCCL) and County of Kauai Planning Department. No comments were received from SHPD or County of Kauai Planning Department by June 17, 2013.

On June 17, 2013 the State Parks Division submitted comments that they have no objections and that the placement of the WRTs should be within the Shoreline as defined by HRS 205A-1, with the exception of the two WRTs that are at either side of the Hanakapiai Stream crossing, that need to be properly installed on posts.

On June 13, 2013 OCCL submitted comments that they had no objections and that "the replacement and maintenance of the existing WRTs is an identified land use pursuant to HAR 13-5-22 P-8."... and that "Pursuant to HAR 13-5, these are uses for which no such permit is required." Subject to the following conditions:

1. That in issuing this letter, the Department and Board has relied on the information and data that the correspondent has provided in connection with the letter. If, subsequent to this letter, such information and data prove to be false, incomplete or inaccurate, this letter may be modified, suspended or revoked;
2. The correspondent shall implement typical Best Management Practices (BMP)

- while conducting any land use in the conservation district;
3. The proposed project is minor in scope and may be considered an exempt action pursuant to Hawaii Revised Statutes (HRS), §343, as amended, and Hawaii Administrative Rules (HAR), §11-200-5, Environmental Impact Statement Rules and §11-200-8, Exempt Classes of Action; and
  4. If the scope of the project changes or the cumulative natural resource impacts is perceived to be moderate or major, the department may require additional authorizations or approvals for the proposed land use.

The Kauai Lifeguard Association is a non-profit organization that helps provide life safety tools to the Kauai County Lifeguards and to the public. We are recommending that the Right-of-Entry Permit be provided Gratis because the WRT program provides a life safety service to the public.

Staff recommends below that the Board of Land and Natural Resources approve the issuance of a one year right-of-entry permit for the installation and maintenance of the Water Rescue Tube Stations, and authorize the Chairperson to extend the right-of-entry permit for additional one-year periods.

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, 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 Kauai Lifeguard Association covering the subject area 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 in his discretion.
  - d. Special terms and conditions required by OCCL.


Respectfully Submitted,



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Milo Spindt  
District Land Agent

APPROVED FOR SUBMITTAL:

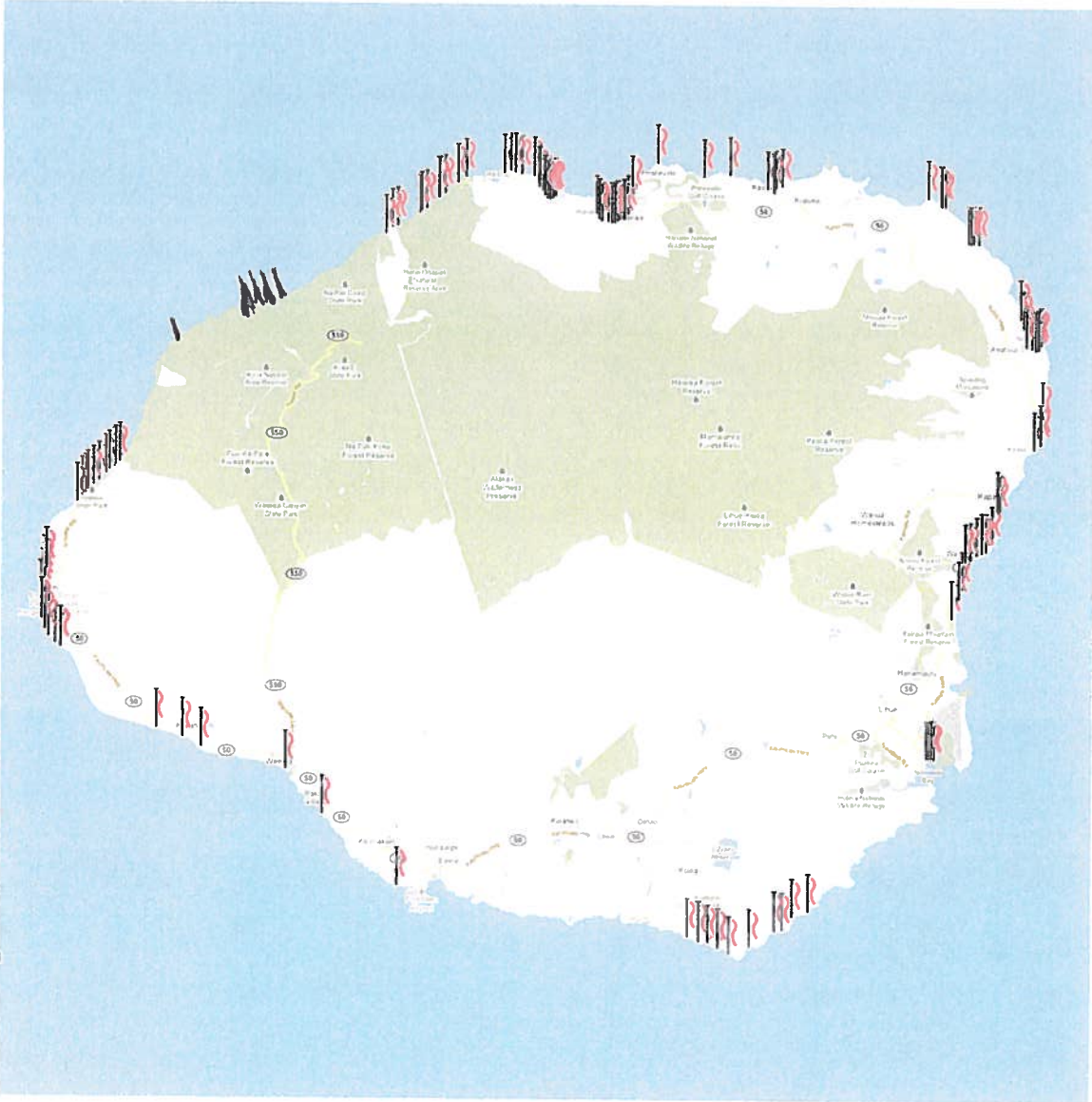


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William J. Aila, Jr., Chairperson



# Rescue Tube Installations on Kauai





**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**LAND DIVISION**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 12, 2013

## **EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

**Project Title:** Issuance of Right-of-Entry Permit to The Kauai Lifeguard Association on Unencumbered Beaches of Kauai District and within the Na Pali Coast State Wilderness Park for the placement and maintenance of Water Rescue Tubes, Various locations along the shoreline of Kauai and at the stream crossing at Hanakapiai Stream.

**Project / Reference No.:** PSF No. 13KD-082

**Project Location:** Unencumbered Beaches of Kauai District, various locations along the shoreline of Kauai

**Project Description:** Issuance of Right-of-Entry Permit to The Kauai Lifeguard Association for the placement and maintenance of Water Rescue Tubes

**Consulted Parties:** State of Hawaii Department of Land and Natural Resources (State Historic Preservation Division, Division of State Parks, Office of Conservation and Coastal Lands) and County of Kauai Planning Department.

**Exemption Class No. and Description:** In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."


**Exhibit B**

Exemption Notification for Right-of-Entry Permit to Kauai Lifeguard Association  
Unencumbered Beaches of Kauai.

Page 2

Exemption Item Description: The proposed exemption is appropriate because the Applicant is requesting a right-of-entry permit to conduct placement and maintenance of a Water Rescue Tube on a 1 ½ inch PCV pole on various beaches to assist distressed swimmers. According to the Applicant, the proposed project maintains the existing topography and is a minor alteration of the condition of the land and vegetation and should result in no material change or significant impact to the beach environment. If further actions are taken that result in a material change, Applicant will be required to be in compliance with Chapter 343

Recommendation: It is recommended that the Board find that the issuance of an access easement to Applicant will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
\_\_\_\_\_  
William J. Aila, Jr. Chairperson

*A*

*7/3/13*  
\_\_\_\_\_  
Date





EXHIBIT "C"

# Rescue Tubes Save Lives

If you can't swim, do not use this Device. Do not go in the water.

Stay safe. Only use a Rescue Tube if you are a competent swimmer

Get help Call and yell **911**

Get others involved in the rescue. Call 911, blow whistle, be noticed

Pull rescue tube behind you

With strap over shoulder, swim to victim and pass the Rescue Tube to them. Do not make physical contact

Stay calm

Wait to be rescued by lifeguards

Kick across current towards shore

If there are no lifeguards, swim carefully across the rip current and then to shore

More people on Kauai have died in the ocean than on the highway. It's hard to imagine, but it's true.

Kauai's rip currents are killers. They have created the highest drowning rate in Hawaii.

The Rescue Tubes on Kauai's beaches are personal flotation devices to be used to stabilize distressed swimmers before rescue by our lifeguards.

Since the first Rescue Tube was installed more than two years ago, 45 Rescue Tube saves have been reported, and it is estimated that 15 to 18 drownings may have been prevented.

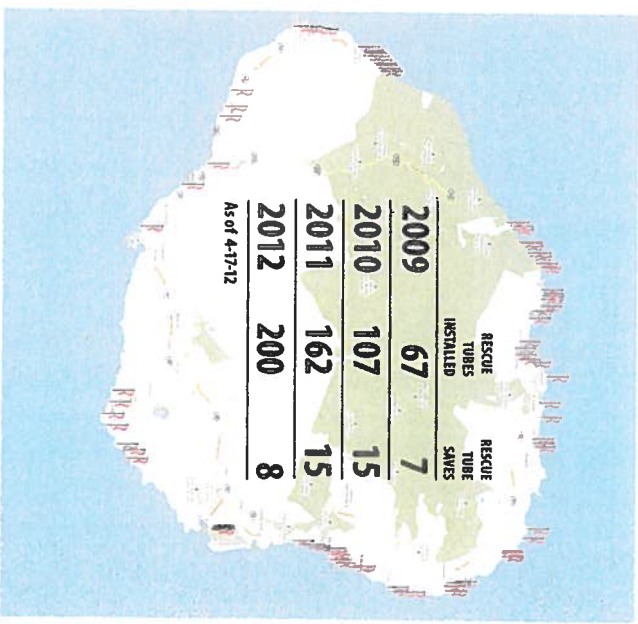
There are over 200 Rescue Tubes surrounding Kauai today.

Coming later this year, the number on top of each Rescue Tube station will indicate the GPS position of that station and will be used by 911 to properly dispatch emergency responders to that exact location.

This map shows the current location of Kauai's Rescue Tubes. With the continued support of the community, more will be installed where needed.

When you see a Rescue Tube, take a closer look and become familiar with it. Explain them to your family and friends. Tell visitors. Rescue Tubes are there for all of us.

Let's enjoy our beautiful beaches and stay safe Kauai!



Thanks to  
The Rotary Club of Hanalei Bay  
The Rotary Club of Poipu Beach  
Other Kauai Rotary Clubs

Kauai Lifeguard Association  
North Shore Lions Club  
Kong Radio

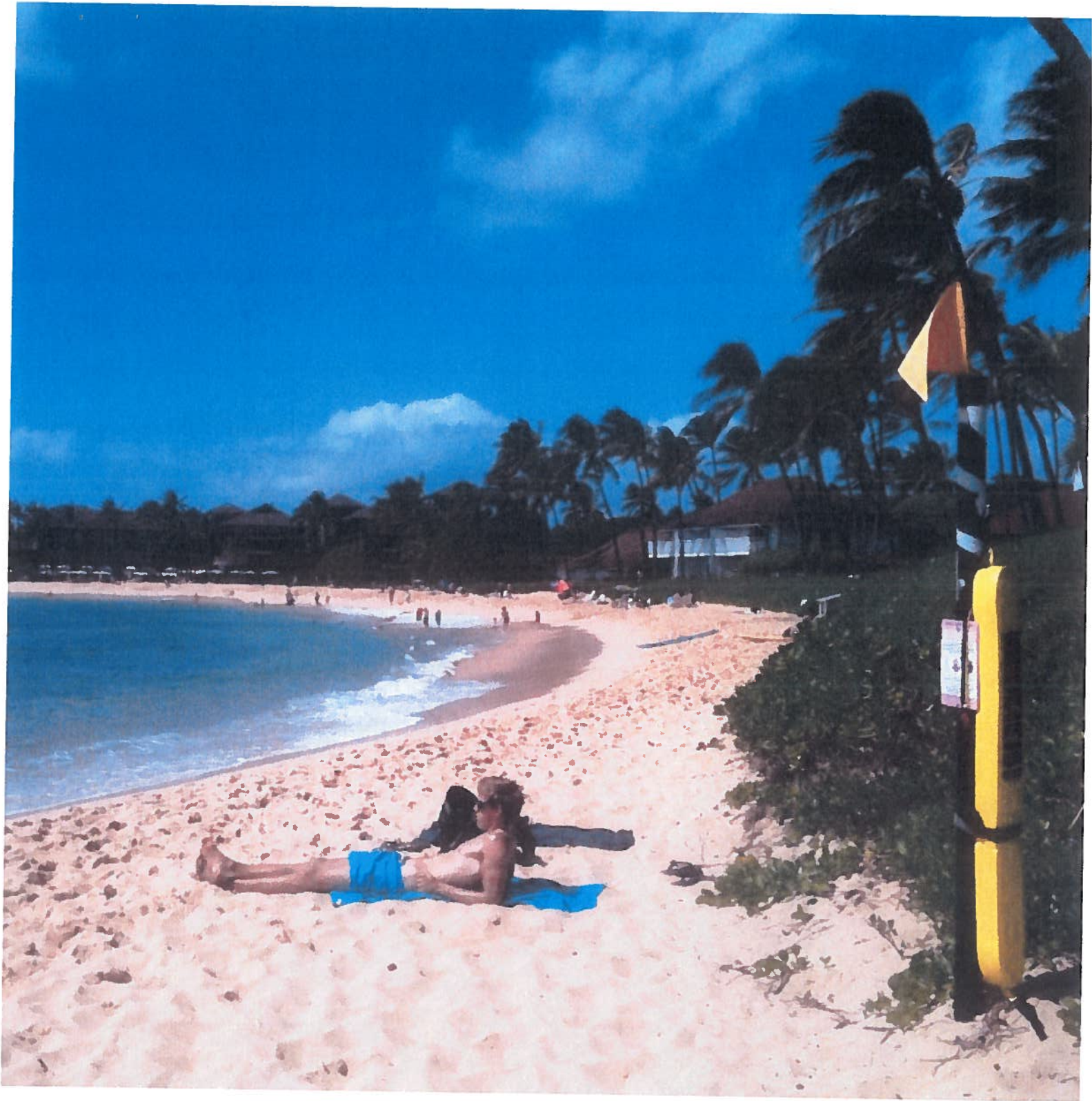
RescueTubeFoundation.org



RESCUETUBEFOUNDATION.ORG

40 lbs eq  
(10-26) lbs person





Thursday June 13 2013

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12:05 am - June 13, 2013 — Updated 12:05 am - June 11, 2013

# Family rescued from ocean in Polulu Valley

By CHELSEA JENSEN

Stephens Media

A North Carolina family of five has an off-duty firefighter aware beachgoers and well-placed rescue tubes to thank for their lives following a harrowing rescue Sunday morning at Pololu Valley in North Kohala.

About 11 a.m. Sunday, Jeff Maki, a North Kohala firefighter, heard people calling for help as he and his family ascended the second switchback on their hike out of Pololu. He quickly turned around and headed back to the valley floor to help the visitors struggling in the waters.

The five people, who were about 150 feet offshore, had been pulled out in a rip current generated by a wind swell, Maki said. The group had also been split by that time with two people located 20 yards away from the others.

"It was dragging, it just sucked them out," he said. "And, they were getting beaten."

Maki, who also has experience as a lifeguard on Oahu and Florida, quickly grabbed two rescue tubes from aware beachgoers like Waimea.

resident Kelly Hoyle, who had already detached the life-saving devices and tried to help the struggling swimmers. He then headed out in the water, only able to see three of the victims at the time.

"This guy (Maki) just came out of thin air, comes up to me and asks if these people were in distress," Hoyle said of the rescuer she later learned was a Hawaii County first responder. "He then said, 'I'm going,' grabbed the rescue tubes and headed out."

The valley, which has no lifeguard on duty, currently has four rescue tubes, or personal flotation devices used to stabilize distressed swimmers before rescue. Two were installed by resident Mike Varney and two by the Kohala Swim Club. The nonprofit Alex and Duke De Rego Foundation is taking over efforts to install the tubes at 15 West Hawaii beaches.

When Maki eventually got through the pounding waves and to the first three people, he said he gave them the two rescue tubes and helped them into shallower waters, where bystanders and Hoyle helped them to shore.

Maki then went back out farther in the water to assist the remaining two people, a father and daughter, who had become visible again to Maki after they were pushed in from the rip current and into the surf zone. He then helped the two to shore.



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A photo shows the Hawi resident hoisting the father atop his shoulders, carrying him to a safe, dry spot on the beach



"He was so weak that he couldn't stand — he couldn't even talk," Hoyle said of the near-drowning victim. "He was breathing, but in and out of consciousness."

Luckily, Maki and Hoyle said, two doctors were hiking in the valley and able to assist the man. Hoyle's husband ran to the top of the valley to summon medical help because inside the valley there is no cell phone service. Maki also made the trek up the less-than-a-mile trail out of Pololu Valley to ensure that help was coming.

The man was eventually air-lifted from the valley and rushed to a hospital. Stephens Media was unable to track down the man or other victims involved in the rescue as of press time Wednesday.

Maki, Hoyle and Varney each said the rescue tubes played an important role in saving the family from the rough waters at Pololu.

"If it wasn't for those rescue tubes, I don't know what would have happened," said Hoyle, who added many swimmers who find themselves in trouble rely on surfers for rescue since the valley has no lifeguard on duty.

Kauai's Rescue Tube Foundation, where Varney said the idea to install the devices on Hawaii Island came from, has more than 200 rescue tubes stationed around the island that as of September 2011 had helped save nearly 40 lives.

That's why Shirley De Rego, of the Alex and Duke De Rego Foundation, is taking Varney's efforts to install the rescue tubes at beaches to the next level. The foundation's mission is to bring awareness to and educate about ocean safety and first-aid, she said.

The nonprofit has already ordered 15 rescue tubes, each costing about \$87, to install at beaches around West Hawaii, including Kawaihae Harbor, Beach 69, Paniau, Mahukona and others. De Rego said she is in the final stages of paperwork to get county approval to install the signs.

"If it can save one life, it's worth every penny," said De Rego, whose son, Alexander, died at age 12 after falling into the ocean in 2005. Her other son, Duke, died at age 14 following a golf cart accident in 2010.

For more information on rescue tubes and the Alex and Duke De Rego Foundation, visit alexanddukederegofoundation.com, or email De Rego at [sderego@sandwichisles.net](mailto:sderego@sandwichisles.net).

Email Chelsea Jensen at [cjensen@westhawaii.com](mailto:cjensen@westhawaii.com)

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