

Department of Land and Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl St., Room 325; Honolulu, HI 96813
(808) 587-0063, (808) 587-0064 (Fax)
Application for NARS Special Use Permit



Name: **PAUL ATKINS**

Title of Proposed Activity: **FILMING BY MOANA PRODUCTIONS, INC.**

The following activities require a Special Use Permit under HAR §13-209-5. If your work in the Natural Area Reserve (NAR) will involve one or more of the following, please indicate with an 'X' below:

- remove, injure, or kill any form of plant or animal life, except game mammals and birds hunted according to department rules*
- introduce any form of plant or animal life*
- remove, damage, or disturb any geological or paleontological features or substances*
- remove, damage or disturb any historic or prehistoric remains*
- engage in any construction or improvement*
- engage in any camping activity
- establish a temporary or permanent residence
- start or maintain a fire
- litter, or to deposit refuse or any other substance
- operate any motorized or nonmotorized land vehicle or air conveyance in any area (including roads and trails) not designated for its use
- operate any motorized water vehicle of any shape or form in freshwater environments or marine waters, except as otherwise provided by DLNR's boating rules
- enter into, place any vessel or material on, or otherwise disturb a lake or pond
- engage in commercial activities, defined as "the use of or activity on state lands for which compensation is received by any person for goods or services or both rendered to customers or participants in that use or activity"
- have or possess the following tools, equipments or implements: fishing gear or devices (in `Ahihi-Kina`u NAR), cutting or harvesting gear (in any NAR), and hunting gear or tools (except as permitted by the hunting rules of the department)
- hike or conduct nature study **with a group larger than 10**
- presence in an area closed pursuant to HAR §13-209-4.5 or after visiting hours established by §13-209-4.6
- anchor any motorized or non-motorized water vehicle in the marine waters of `Ahihi-Kina`u NAR
- other (please explain): **FILMING LAVA FLOWS AND SKYLIGHTS.**

* May require additional State or Federal permits. Applicants are responsible for identifying and securing all approvals that may be required.

** The NARS rules and recent rule amendments can be viewed on-line at
<http://www.state.hi.us/dlnr/dofaw/Unofficial%20compilation%20HAR%2013.209.pdf>

*** Please allow for a minimum permit processing time of three months***

All permits will have the following standard conditions, pursuant to HAR § 13-209-5. Additional conditions may apply.

- 1) The permittee shall adhere to the specifications given in the permit application
- 2) Disturbance of vegetation and wildlife shall be avoided as much as possible
- 3) Precautions shall be taken to prevent introductions of plants or animals not naturally present in the area. The permittee is responsible for making sure that participants' clothing, equipment, and vehicles are free of seeds or dirt to lessen the chance of introducing any non-native plants or soil animals. Should an infestation develop attributable to the permittee, the permittee is responsible for eradication by methods specified by the department
- 4) Once approved, the permit is not transferable
- 5) Once approved, the permit does not exempt the permittee from complying with any other applicable rule or statute
- 6) The State of Hawaii shall be released and held harmless from any and all liability for injuries or death, or damage or loss of property however occurring during any activity related to the permit

I certify that the information contained in this application is true and correct.

Applicant's Signature

If approved, copies of the permit will be provided to:

- Applicant
- NARS Commission Executive Secretary
- NARS Branch staff
- DLNR-DOCARE

For internal use only:

Application received on: _____

Distributed to District staff for review on: _____

Approval () recommended () not recommended by NARS Commission or authorized representative on: _____ () with the attached special conditions.

() Approved

() Not Approved

Chairperson, DLNR

Date

Applicant Contact Information

Name:

If you are applying on behalf of an organization, the organization and your title:

Title of Proposed Activity: **FILMING lava flows**

Primary contact person for this permit application: **PAUL ATKINS, Moana Productions, Inc.**

Mailing Address: PO BOX `25955, HONOLULU, HI 96825

Phone: (808) 284-1395 (cell) (808) 395-6662 (office), (808) 341-6662 (additional cell)

Fax: (808) 395-7418

Email: moanaprods@aol.com

Supporting Information

Please provide the following information about your proposed activity that requires a special-use permit (“proposed special-use”). Failure to provide responses to the following questions may result in your application being rejected.

1. What is the period of time for which the permit is requested (e.g., the date of a proposed single event or an ongoing research project from when to when)?
** Please note: research permits are limited to one year in length, except where waived for permits to other governmental agencies where the board determines the waiver to be in the best interest of the State. Proposals for multi-year projects are advised of the need to apply for a new permit EACH year.*

June 6, 2008 – Dec. 31, 2008

THE EXACT FILMING SCHEDULE IS DEPENDENT ON THE VOLCANIC ACTIVITY, SO WE NEED THE FLEXIBILITY OF AN “ON GOING PROJECT.”

2. List the individual Natural Area Reserve(s) involved:

KAHAUALE`A, HAWAII

3. Attach a map that illustrates where in the Natural Area Reserve(s) you propose to conduct your special-use. *The map should be legible and reproducible in black and white. The map should also be at the appropriate scale for the type of activity proposed and of sufficient detail to allow the Division to identify activity sites within 10 meters. For any activity off established trails, entry and exit routes should be marked.*
4. Provide a thorough and detailed description of the proposed special use. *The description should be detailed enough so that those reviewing your application understand what you propose to do and the scope of your proposal. As part of your description, please include: a) a description of the planned method of transportation to and within the Natural Area Reserve, and b) if other people than you will participate in the proposed special-use, please note how many people, and whether they are volunteers, students, research assistants, paying customers, etc...*

The purpose is to film lava flows and lava tube skylights connected with Kilauea volcano. The footage will be used for two films: 1) "Tree of Life", an IMAX film about the evolution of life on earth, co-produced by National Geographic.; and 2) "Kilauea: Cauldron of Life", an episode of the PBS series "Nature" about the 25-year old eruption of Kilauea.

In addition to natural history footage, we will be cooperating with HVO and at times filming their research activities for the PBS "Nature" special.

My team consists of myself, my assistant cameraman, a production assistant, and helicopter pilot David Okita. We will also be accompanied, as required, by personnel designated by Lisa Hadway.

We will be helicoptered in and out of the filming areas, after an initial survey from the air, by David Okita. The plan is for David to stay with us, or to leave us with confirmed pickup location and time. We will stay connected by cell phone and radio. Filming will be between the hours of sunrise to just after sunset.

As mentioned above, our exact filming schedule is dependent on the volcanic activity. One of the prime objectives will be to film surface lava flows in early morning and late afternoon (dusk) lighting, so we'll be watching Kilauea's deformation and attempt to coincide our trips with a significant deflation/inflation event, increasing the probability of catching surface flows.

5. *For research proposals,*
 - a) *please explain your objectives, your methods, and why the proposed special-use is necessary to your research;*
 - b) *if the research is part of your undergraduate or graduate studies, please include the name and affiliation of your major professor;*
 - c) *if you are seeking permission to remove or introduce any form of plant or animal life, please list all species involved and specifically identify which are threatened, endangered, or candidate species.*
 - d) *if you are seeking permission for the collection of any specimens, please note type of specimen (species and parts collected, if less than entire specimen), quantities to be collected, storage methods, and ultimate disposition.*

Failure to provide sufficient information may result in your application being returned for additional information or rejected. Please feel free to attach additional sheets as necessary.

The filming is not for research purposes, but for educational entertainment.

6. Please answer the following questions about your proposed special use:
- a. Can your proposed special use be conducted elsewhere? If not, why not?

NO; WE NEED TO FILM WHERE THE LAVA FLOW IS HAPPENING. KILAUEA'S FLOWS ARE CURRENTLY GOING THROUGH THE NAR.

- b. Is your proposed special-use consistent with the purpose and objectives of the Natural Area Reserves System (the purpose and objective of the NARS is to protect in perpetuity specific land and water areas which support communities, as relatively unmodified as possible, of the natural flora and fauna of Hawai'i)? If so, how?

THE PURPOSE OF THE FILMING IS TO EDUCATE VIEWERS ABOUT THE PROCESS OF NATURE AND LIFE; IN PARTICULAR THE LAVA FLOWS ON KAHUALEA ARE ACTIVE AND REPRESENT THE EARTH AS A "BLANK SLATE" AND HOW LIFE HAS AN OPPORTUNITY TO TAKE HOLD AND EVOLVE. ONE OF THE FILMS WILL SHOW HOW KILAUEA SHAPES THE EVOLUTION OF RARE, ENDEMIC HAWAIIAN SPECIES.

- c. Is your proposed special-use consistent with the management plan developed for the individual Reserve(s) (*Management plans are available for review at www.dofaw.net/nars or by contacting the NARS office*)?

YES.

- d. Does your proposed special-use provide a benefit (direct or indirect) to the Natural Area Reserves System or to the individual Reserve(s) or both? (*For research, please note whether any studies have previously been made similar to the one proposed and how you will convey your research findings to the Department*).

THE PURPOSE OF OUR PROJECT IS EDUCATIONAL. IT WILL CERTAINLY BENEFIT THOSE SEEING THE FOOTAGE BY GIVING THEM A BETTER UNDERSTANDING OF HOW LIFE IN HAWAII AND ELSEWHERE EVOLVED. AND A MORE INFORMED CITIZENRY SHOULD LEAD TO MORE SUPPORT FOR PROTECTING OUR NATURAL RESOURCES.

- e. Will the proposed special-use damage or threaten to damage the integrity or condition of the natural, geological, or cultural resources in the individual Natural Area Reserve(s) and adjacent area or region? If so, how? If not, why not?

NO, BECAUSE WE WILL NOT ALTER ANYTHING, NOR LEAVE ANYTHING BEHIND, INSTEAD OUR IMAGES WILL PROVIDE A

RECORD AND VISUAL ILLUMINATION OF WHAT IS PRESENT IN THE RESERVE; WE GO WITH RESPECT, WORK AND LEAVE WITH RESPECT.

- f. Does the proposed special-use comply with the provisions and guidelines contained in HRS Chapter 205A, entitled ‘Coastal Zone Management,’ where applicable? *HRS Chapter 205A can be accessed at:*
http://www.capitol.hawaii.gov/hrscurrent/Vol04_Ch0201-0257/HRS0205A/

YES

- g. Have you (the applicant) previously received a NARS Special Use Permit? If so, did you comply with the conditions of any previously approved permit (including providing a final report as requested)?

NO, BUT WE HAVE RECEIVED other DLNR PERMITS TO FILM IN SENSITIVE HAWAII FOREST AREAS (INCLUDING HANAWI NAR) AND IN THE NORTHWESTERN HAWAIIAN ISLANDS. ALSO NMFS AND NOAA PERMITS FOR FILMING ENDANGERED SPECIES SUCH AS NATIVE SEA BIRDS, MONK SEALS AND HUMPBACK WHALES. WE HAVE ALWAYS ABIDED BY THE CONDITIONS OF OUR PERMITS.

- h. Do you (the applicant) have any other current NARS special-use permits? If so, please list and state whether you are currently in compliance with the conditions of those permits.

NO

7. Is the proposed special-use expected to have an environmental impact on the Natural Area Reserve(s) or the surrounding area? If, so please elaborate. If not, why not? *Please include discussion of any off-trail work, such as mist-netting, setting of traps, removal of vegetation, etc. and any measures planned to mitigate any short and long-term damage.*

NO

8. There is an application fee of \$50 to cover the cost of processing; please attach a check made out to: *Department of Land and Natural Resources.*
9. For research proposals, please list any local collaborators or contacts (if any).