

**MINTUES OF THE JUNE 4, 2008 NATURAL AREA RESERVES SYSTEM
COMMISSION (NARSC) MEETING, HONOLULU**

COMMISSIONERS PRESENT:

DRAFT Subject to approval

Dr. Dale Bonar, Chair

Dr. Scott Rowland, Vice Chair

Dr. James Jacobi

Ms. Rebecca Alakai

Mr. Scott Derrickson, for Director, Office of Planning (OP)

Mr. Patrick Conant, for Director, Department of Agriculture

Mr. Ken Kawahara, for Director, Department of Land and Natural Resources (DLNR)

COMMISSIONERS ABSENT:

Ms. Sylvianne Yee

Mr. Richard Hoeflinger

Dr. Lloyd Loope

Dr. Richard Hughes

Dr. Sheila Conant, for President, University of Hawai'i

Ms. Colleen Murakami, for Superintendent, Department of Education

STAFF:

Ms. Linda Chow, Deputy Attorney General (AG)

Ms. Betsy Gagné, DOFAW

Ms. Christen Mitchell, DOFAW

Mr. Randy Kennedy, DOFAW

Mr. Bill Evanson, DOFAW

Ms. Lisa Hadway, DOFAW

Mr. Matt Ramsey, DOFAW

Ms. Emma Yuen, DOFAW

Mr. Brent Liesemeyer, DOFAW

Mr. Peter Lander, DOFAW

Mr. Bryon Stevens, DOFAW

VISITORS:

Ms. Donne Dawson, Hawai'i Film Office (HFO)

Mr. Brent Anbe, HFO

Ms. Page Else, Hawai'i Conservation Alliance

Ms. Nancy Cook Lauer, Stephens Media, LLC

Dr. Jonathan Price, UH Hilo

Mr. Jordan Jokiel, East Maui Watershed Partnership

Ms. Stephanie Lu, The Nature Conservancy

Dr. Steve Montgomery, Montane Matters

ITEM 1. Call to order and introduction of members. Chair Bonar called the meeting to order at 8:50 a.m., followed by Commissioners introducing themselves, and others in attendance.

ITEM 2. Special Use Permits.

ITEM 2.a. Special Use Permit Application: Paul Atkins, Moana Productions, to film in Kahauale`a Natural Area Reserve. Action by the NARS Commission to review, approve, defer, make other recommendations, or deny recommendation to the Board of Land and Natural Resources. Staff Hadway said that the Department is working on a Memorandum of Understanding with Hawaiian Volcanoes Observatory (HVO) on what they can or cannot do with respect to accompanying filmmakers into Kahauale`a. The permit application is really for two productions: one, a nature series on the 25 year history of Kilauea's eruption (HVO supports this production because it is within their mission statement which deals specifically with HVO-related matters); the second is an IMAX film on natural history, ecology and evolution and therefore is outside of HVO's mission statement. However, Hawai`i NARS staff consider it to be valuable and will work with HVO, National Park Service (NPS), and others to come up with "lava escorts" outside of HVO staff (who will be the only ones escorting in the vent area). Virginia Aragon, who is presently in the PCSU Hawai`i Island Na Ala Hele/Kipuka 21 Outreach position, could help as her schedule allows. She took Ken Hon's safe lava course, and he is going to provide a list of students who graded B or higher; in addition to Dr. Jack Lockwood and Mike Garcia, who could escort to other areas with skylights and such.

Chair Bonar asked how many days would be involved. Staff Hadway said it would be one or more days for each. Chair Bonar asked if there were any staff concerns. Staff Hadway said that OAS-certified helicopters and pilots would also be a requirement for helicopter access; also like to have lava escorts be able to have veto power if film crews exceed safety conditions.

Ms. Donne Dawson, Executive Director of HFO said that Paul and Grace Atkins have a long-standing relationship with HFO and Paul is one of the best cinematographers in the State. This is a situation where they are highly skilled and used to working in such environments.

Member Jacobi asked Staff Hadway whether they had formalized the escorts; she said that they would be a condition in Special Use Permits. Member P. Conant asked who it would be if not Virginia or HVO staff; she referred to Ken Hon's student list, plus Jack Lockwood, Scott Rowland, and Mike Garcia. Both Members Jacobi and P. Conant want to make sure that escorts have "veto power" AG Chow cautioned that they would then be agents of the State; need to think about this particular terminology.

Member Rowland said they have been working on lava escorts for 12 years and it is a box of worms, with the number one worry being liability. Staff Hadway said that the new head of Civil Defense (CD) is more receptive to solutions. Chair Bonar agreed liability is an issue. AG Chow said there needs to be a liability release, etc., and these need to be formalized.

Ms. Dawson said that the HFO requires million dollar insurance and assures wording has to match up with Permit Holder. Member Rowland suggested perhaps temporarily deputizing “escorts”, then they are covered if hurt while doing their job.

Chair Bonar said our job is to protect the NAR; AG Chow replied it is her job to protect the State. Member Rowland said that NPS was strict with flying; but Staff Hadway said that they are liberal with filming, though they cannot go into Park airspace.

MOTION: Jacobi/Kawahara moved that the NARSC recommend approval of the Special Use Application by Paul Atkins, Moana Productions to film in Kahauale`a, add a condition that asks for proof of indemnity, and proof of million dollar insurance. Motion carried unanimously.

ITEM 2.B. Discussion and action on delegation of authority: clarification of permits to be reviewed by the full Commission and those delegated to an authorized representative including permits to film, with criteria and explanation of process including staff review. Staff Hadway sent a list out to NARS Specialists for feedback on filming. Primarily, it cannot be detrimental to the environment. Recommendation is to delegate to Branches to determine if it is appropriate or not. Staff Mitchell said it is incredibly difficult to come up with wording such as “educational” and have descriptors that are not too subjective. Chair Bonar asked if they are money making in the NARS now. Staff Hadway replied that all filming involves making money: cameramen are paid money; but no “commercials” (such as cigarette ads) would ever be approved in a NAR. Timeliness is the issue though; need to work with HFO staff, need to see story lines/scripts first to review, but allow us time because the NARSC only meets every other month.

Staff Evanson said that he participated in the discussion; filming comes in all sizes from a few to hundreds of people. He cautioned that public access not be impeded (referring to the mantra of resources first, then public use, then commercial use). Ms Dawson agreed that film application come in all shapes and sizes and they are vetted within the office and ranked; HFO gets requests on a daily basis; some have to be turned away due to the NARSC meeting every other month. Larger projects have been turned away. In 1993, that was a MOU between HFO and DLNR that gave blanket conditions within the Conservation District for filming; it also included DOT and allowed filming to take place with specific conditions (general conditions and special conditions within certain districts. If they do not adhere, their permits can be revoked; they may ultimately be denied future permits. Chair Bonar was supportive of filming but was concerned about closing a NAR, blocking public access.

Ms. Dawson said that these are separate circumstances; Kahauale`a is already closed. The public is accommodated in other areas, such as Mokule`ia where portions of “Lost” are filmed, but also had to accommodate beach users. There is no exclusive access; however there are alternative accommodations to exclusive use such as alternate parking lots and so on. Film productions may also give back in kind (such as re-paving or building a road, signage, gates or donate to organizations caring for a specific area).

Member Jacobi felt comfortable delegating to staff. Member Rowland said it is important to have access to scripts to understand nature of what is being shot. AG Chow: also what kind of equipment. Staff Hadway is not in favor of filming that leads to environmental degradation or travelogues, such as one to Waiau to a broad spectrum that would then want to visit the area in large numbers.

Member Rowland asked if applications go to HFO first; Staff Hadway replied that some do. Ms. Dawson said that a permit process has been in place for 15 to 20 years and most film makers know that HFO is the first stop. Member Rowland asked Staff Hadway if they go to you first; she replied that the problem is when they approach HVO first.

Staff Mitchell reminded everyone that **all** commercial activity is prohibited without a permit; including kayakers. Staff Evanson wondered about ramifications. Chair Bonar felt that staff could turf concerns to the NARSC (i.e. something like Planet Earth selling footage that becomes a wild bikini movie). Staff Gagné pointed out that would be against permit terms; filming activity is specifically for the project being applied for.

MOTION: Rowland/Derrickson moved that the NARS Commission recommend approval of Special Use Permits for commercial filming be hereby delegated to the NARSC Executive Secretary, after discussion and approval by Branch staff. Motion carried unanimously.

Staff will amend the existing delegation authority approved at the May 21, 2007 NARSC Meeting for the NARS website, Film Office, and general distribution.

ITEM 3. Letter of support for introduction of *Tectococcus ovatus* as a specific biocontrol agent of *Psidium cattleianum* (Strawberry guava): discussion and action by the NARS Commission. Member P. Conant explained that the Draft Environmental Assessment (DEA) has been withdrawn because it was improperly cited at OEQC that Department of Agriculture was the contact; however it is the US Forest Service that is submitting this assessment. It will be resubmitted, so there is time for a letter of support. There has been a meeting called by Cliff Tsuji in Hilo on June 5. There is lots of fear out there because there is a lack of understanding of classic biocontrol. This particular agent is much like the psilids on `ohi`a (that cause little bumps on the leaves), resulting in a lot less fruit production but generally not killing the entire plant. When approved, they would then go to Department of Agriculture to mass-rear the agents for release. The first biocontrol agent was released back in 1902 and there have been 86 since then with few host cross-overs (notably the native *Tribulus*, or puncture vine, which was nearly wiped out. Blackberry has had biocontrol agents that have not appeared to damage the native raspberry species. Without classic biocontrol of weeds such as *Miconia*, there would be no hope.

Chair Bonar felt that some of the opposition comments were due to worry about cross-over or losing their favorite fruit; he also wondered why the EA was withdrawn. Member P. Conant deferred to member Alakai to explain that the EA did not meet all the Chapter

343 EA guidelines. Member P. Conant added that they were not clear about how the EA process worked. A public hearing was held on each island. AG Chow recommended that Commission delegate to Chair to write a letter of support with staff review. Member P. Conant felt it would be good to have the support.

MOTION: Jacobi/P. Conant moved that the NARS Commission provide the Chair authority to compose and sign a letter (with staff review) in support for the introduction of *Tectococcus ovatus* as a specific biocontrol agent of *Psidium cattleianum* (Strawberry guava).

Discussion: Member Derrickson said the letter of support is based on the fact that Strawberry guava is a threat to our NARS, but also with the understanding that there are those out there who view it as a food source.

Motion carried unanimously.

ITEM 4. Update on `Ahihi-Kina`u Natural Area Reserve access restriction and action plan. Staff Ramsey reported that the Board approved restricted access to portions of the Reserve for two years, beginning August 1, 2008 and running until July 31, 2010. Signage plan has just gone to AG Chow for review of closure signs and ones with maps. Education and Outreach staff working on website and notifying general public, visitor industry, and a packet to handout at the Reserve. Just held interviews for fourth Ranger, to come on board over the next month. Ordered fence material to close off Maonakala at request of Historic Preservation, as well as remote cove trails. Staff Evanson is working to set up a temporary repeater; monitoring will be actively done between now and August 1. Work with Chris Berg to monitor coastal `opihi picking in and out of closed areas. Hawaii Institute of Marine Biology (HIMB) will be conducting a study in less than 5 feet of water to assess impacts and changes in areas that will be more heavily impacted due to redirected visitors; but not sure how to measure impacts to lava (ask member Rowland). Working with State Historic Preservation on photo plots in and out of Maonakala.

Member Jacobi asked about funding; not clear. Staff Ramsey used up funds for this Fiscal Year and will see what have for FY09; will get the job done no matter what. Staff Evanson was concerned that the parking lot improvements might be more than needed. While this is a short turnaround before August 1, Staff Mitchell has been very helpful in drawing up detailed plans.

Chair Bonar said he gets a lot of calls (particularly the kiawe tree cutting); so the more outreach the better; critical to get accurate information out. Staff Evanson mentioned that there would be two more Rangers hired (just approved). Chair Bonar asked about guides and updates; Staff Ramsey responded that they will be sending out notices. Member Derrickson asked if the Advisory Group was still involved; Staff Ramsey said yes, they are antsy to get moving. Funding has ended for volunteer groups and they will not start up again until the volunteer plan is developed that follows the two year action plan.

Member Derrickson asked about buoys; Staff Ramsey replied he is still working on them, but Division of Boating and Ocean Recreation (DOBOR) has never done boundary buoys.

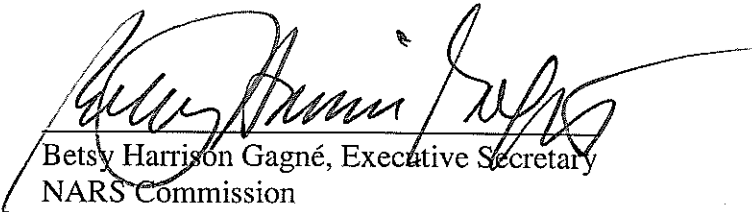
ITEMS 5. and 6. Minutes of the April 21, 2008 NARSC Workshop and April 21, 2008 NARSC Meeting.

MOTION: Rowland/P. Conant moved that the NARSC accept the Minutes of both the Workshop and Meeting of April 21, 2008. Motion carried unanimously.

ITEM 7. Announcements. Chair Bonar reminded all that the Subcommittee Meeting would begin at 10:30 a.m.

ITEM 8. Adjournment. Chair Bonar adjourned the meeting at 10:00 a.m.

Respectfully submitted,



Betsy Harrison Gagné, Executive Secretary
NARS Commission