

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

September 10, 2021

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

OAHU

Issuance of Right-of-Entry Permit to Eye Productions Inc. for Filming at the Beach fronting Kahala Hotel; Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023: portions of 041.

APPLICANT:

Eye Productions Inc., a Delaware for profit corporation

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes ("HRS"), as amended.

LOCATION:

Portion of Government lands situated Waialae, Honolulu, Oahu, identified by Tax Map Key: (1) 3-5-023: portions of 041 as shown on the map labelled as **Exhibit A**.

AREA:

3,000 square feet, more or less, based on location map provided in the film permit application.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: Resort (for abutting hotel property)

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:

Encumbered by Revocable Permit No. S-7915, Resorttrust Hawaii, LLC, Permittee, for cabana, hale, beach towel caddy, hammock and beach chair with accompanying tables.

CHARACTER OF USE:

Filming purposes.

COMMENCEMENT DATE/TERM:

Three (3) days, not on a weekend, from 7:00 am to 7:00 pm daily, with dates to be confirmed upon approval of the subject request. Staff notes the production will utilize the 3-day period for preparation of site, filming scene, and removal of the set.

RENTAL for ROE:

\$900.00 (One-time payment based on 10 cents per square foot, per day).

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule ("HAR") Section 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred with by the Environmental Council dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Type No. 1, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing", and Item 44, which states the "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 <u>x</u>	NO
Registered business name confirmed:	YES <u>x</u>	NO
Applicant in good standing confirmed:	YES <u>x</u>	NO

REMARKS:

The Hawaii Film Office received a film permit application from the applicant to film a scene for a television series. The application is attached as **Exhibit C**¹. The application involves staging tables/chairs for "interrogation" set along area between Kahala Hotel and

¹ Exhibit C was originally submitted for August 24 to 26, 2021. Staff advised the Film Office that Land Board approval is required as the requested area falls partially within the area encumbered by a revocable permit to the abutting hotel. Notwithstanding the dates will be changed, Exhibit C provides other information relating to the subject film production.

beach and to clear the area for background scenes at the location as needed. The requested area is partially within the Revocable Permit No. S-7915 to Resorttrust Hawaii, LLC and partially unencumbered beach area.

Staff brings to the attention of the Hawaii Film Office and thereby the Production the need to maintain public access through the requested area. Public access can only be temporarily restricted during the actual filming. Applicant will work with the hotel for access and equipment staging in RP7915 area. It will also provide 48 hours notification to the department and the adjacent condominium before the utilization of the requested right-of-entry. Applicant will post public notice boards about the filming at the location with 24-hour security. In addition, applicant will arrange for the presence of the department's enforcement office, at Production's expense, during the right-of-entry period to assist with the public, if necessary.

Division of Boating and Ocean Recreation concurs with the proposed environmental assessment exemption declaration and has no objection to the subject request. Staff also recommends the Board authorize the Chairperson to extend the requested right-of-entry for good cause, e.g. weather.

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

There are no other pertinent issues or concerns. Staff recommends the Board authorize the issuance of the requested right-of-entry.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15, 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 Eye Productions Inc. covering the subject area for filming purposes 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. Public access to the beach can only be temporarily restricted during the actual filming;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and

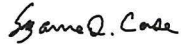
- D. Chairperson may extend the request right-of-entry for good cause.


Respectfully Submitted,



Darlene Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:

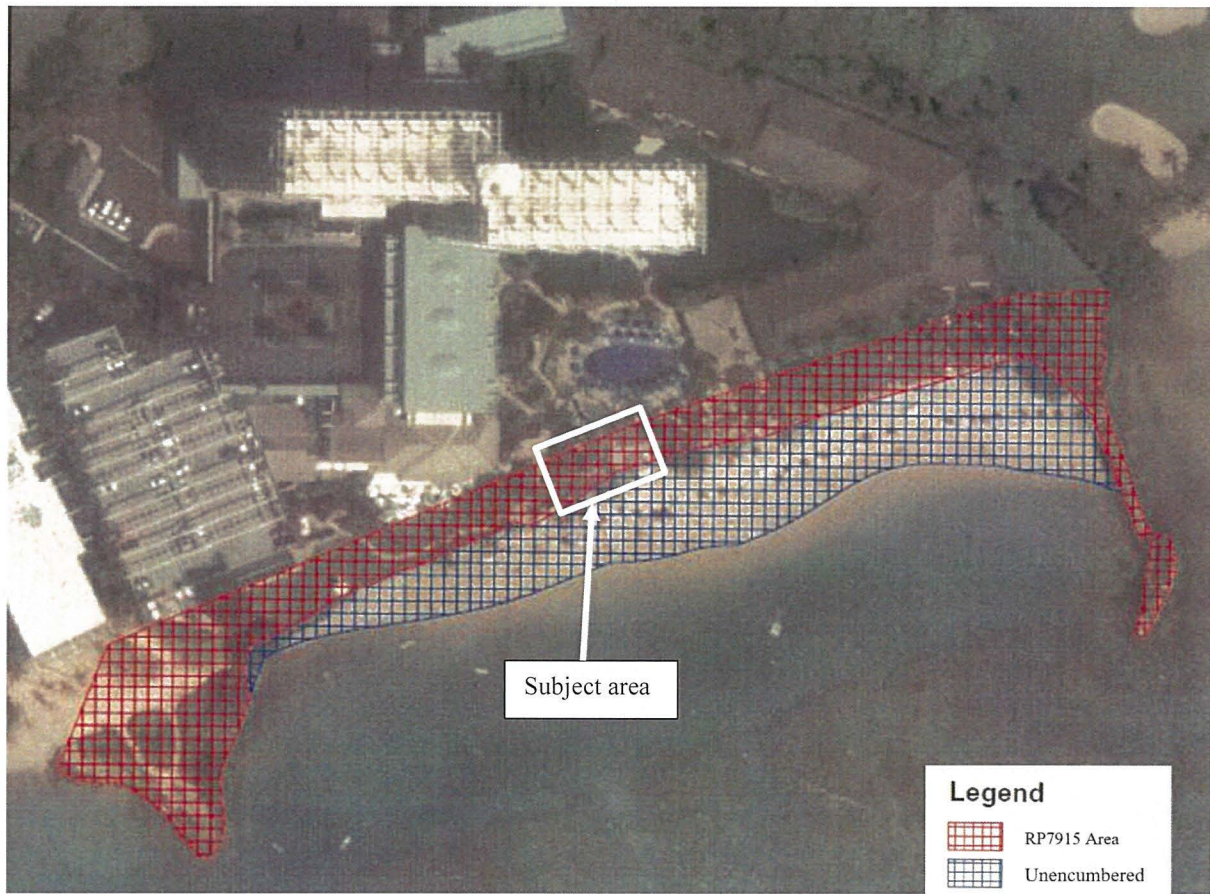


Suzanne D. Case, Chairperson 



TMK (1) 3-5-023:041

EXHIBIT A1



TMK (1) 3-5-023:041

EXHIBIT A2

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1-15, HAR

Project Title:	Issuance of right-of-entry permit for filming purposes for three (3) days in year 2021.
Reference No.:	Not applicable
Project Location:	Waialae, Honolulu, Oahu, TMK (1) 3-5-023: portions of 041.
Project Description:	Issuance of right-of-entry permit for filming purposes for three (3) days in year 2021.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with Hawaii Administrative Rules ("HAR") Section 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 No. 1, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing", and Item 44, which states the "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 area is currently being used by Kahala Hotel guests and community members for leisure activities. This is a three (3) day request and staged props will be removed and as described do not involve inground structures. Staff believes there will not be any excessive impact from what is previously existing.
Action May Have Significant Impact on Particularly Sensitive Environment?	The proposed filming activities do not differ from any normal beach activities happened daily at the subject site. Staff believes there would be no significant impact to sensitive environment.
Consulted Parties:	Agency as noted in the submittal.
Analysis:	Staff believes requested right-of-entry will have negligible expansion beyond that which is previously existing because the

EXHIBIT B

request is short in duration, requested props will not disturb the ground, and props will be removed after filming, leaving the area in as good or better condition.

Recommendation:

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



Hawaii Film Office - 250 South Hotel Street, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii, 96804-2359
Telephone: (808) 586-2570; Fax: (808) 586-2572

FROM: Hawaii Film Office TO:

FILM PERMIT APPLICATION: General Information Section
Viacom CBS Studios Inc/Eye Productions

1. **APPLICANT** (Company Name): _____
 2. **PROJECT NAME:** NCIS Hawaii Ep 105/106
 3. **ADDRESS:** 510 18th Ave
Honolulu, HI 96816
 4. **PHONE #:** _____ **FAX #:** _____
 5. **ON-SITE CONTACT** (Name & Phone #): Jess Cole _____
 6. **HAWAII ADDRESS** (if different from above): _____
- PHONE #:** _____ **FAX #:** _____ **Pgr. / Cel. #:** _____

STATISTICAL INFORMATION

- PROJECT TYPE:** ☐ TV Commercial ☐ Feature Film ☐ Print Ad. / Stock / Calendar / Mag.
☐ Music Video ☒ TV Episode / Special / MOW ☐ Documentary / Educational / News
☐ Travelog / Industrial / Video stock / Tour video ☐ Hawaii-based Network TV series
☐ Sports / Exercise ☐ Miscellaneous ☐ Multi Media CD ROM
- FORMAT:** ☐ Still ☐ 16mm; 35mm; 70mm movie film ☐ Video
- Budget:** \$ _____ **Hawaii Expenditure:** \$ _____ **# Local Employees:** _____ **# HI Shoot Days:** _____

7. **FILM LOCATION REQUESTED, DATES AND TIMES** (To make processing easier and faster, please attach a map of the exact location requested, or street address, Tax Map Key number, or describe in as much detail as possible. If necessary, attach a separate sheet with additional location information.):
- a) Kaimana Beach Oahu 8/12 10a - 10p
(Name of Location) (Island) (Dates and Time)
prep 8/11, strike 8/13 (7a - 7p)
 - b) Farrington Hwy Oahu 8/23 8a - 9p
(Name of Location) (Island) (Dates and Time)
ITC, VMS boards posted 48 hrs in advance
 - c) Kahala Beach Oahu 8/25 4a - 10p
(Name of Location) (Island) (Dates and Time)
prep 8/24 and strike 8/26 7a - 7p
 - d) _____
(Name of Location) (Island) (Dates and Time)
 - e) _____
(Name of Location) (Island) (Dates and Time)

Continued on "FILM PERMIT APPLICATION: Specific Information Section"

Revised on 3/17/00

FIPAC # 22-001

EXHIBIT C



FILM PERMIT APPLICATION: Specific Information Section

(Complete this section for EACH location requested.)

Applicant: <u>Viacom CBS Studios Inc</u>	Project Name: <u>NCIS Ep 106</u>	<small>Prep: 8/24 Ta - 7p</small>
<u>(C) Kahala Beach</u>	<u>Oahu</u>	<small>Shoot: 8/25 4a - 10p</small>
<small>(Name of Location)</small>	<small>(Island)</small>	<small>Strike: 8/26 Ta - 7p</small>
		<small>(Dates and Time)</small>

8. DESCRIBE ACTIVITY YOU WILL BE FILMING / TAPING AT THE LOCATION:

Request to stage tables/chairs for "interrogation" set along area between Kahala Hotel and beach. Request clear for picture of some background areas as well as needed. 48 hr notification and public notice boards posted. Working with hotel for access and equipment staging. 24 hour security and HPD on site if necessary to assist with public.

9. TOTAL NUMBER OF PEOPLE (CAST AND CREW) ON LOCATION? 85

10. DESCRIBE ALL EQUIPMENT AND VEHICLES ON LOCATION (Indicate Parking Plans):

a. Equipment: camera, lighting, sound and video gear, electrical & grip items and cables, dollies, carts, props and set items, misc production gear

b. Vehicles: n/a

c. Parking Plans: parking off site

11. DESCRIBE ANY USE OF BOATS / THRILL CRAFTS / PLANES / HELICOPTERS / RECREATIONAL VEHICLES / PYROTECHNICS / SPECIAL EFFECTS / ANIMALS AND / OR ANY OTHER PROPS (Attach a separate sheet if necessary):

n/a

Jess Cole, Location Manager

Applicant / Authorized Signature

8/11/21

Date

Both production company and its Hawaii representative or agent are responsible for the locations and activities listed herein.

FOR USE BY HAWAII FILM OFFICE AND / OR GOVERNMENT AGENCIES

SUBMITTED BY: Hawaii Film Office Staff Signature SENT TO: Agency Date:

APPROVED / DENIED BY: Signature Agency: Date:

Approved Subject to: ☐ Special / Standard Conditions ☐ General Conditions ☐ Additional Conditions
☐ Obtaining approval from County Gov't. / Federal Gov't. / Private Land Owner

INSURANCE: ☐ Required ☐ Not Required ☐ Attached ☐ On File with the Film Office

FAXED / SENT TO: ☐ Applicant ☐ DAGS ☐ DLNR (DAR / DOBOR / DOCARE / DOFAW / LM / NARS / Parks)
☐ DOT (Air. / Har. / Hwys.) ☐ DBEDT (HCDA) ☐ Judiciary ☐ UH (IfA) ☐ Other:

COMMENTS / ADD'L CONDITIONS / NOTES:

Fees \$ Make payable to STATE OF HAWAII FIPAC #

