

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

January 12, 2024

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

OAHU

Issuance of Right-of-Entry Permit to Bumper Productions LLC for Film
Production Purposes, Kawailoa, Waialua, Oahu: Tax Map Key: (1) 6-2-001:
seaward of 001.

APPLICANT:

Bumper Productions LLC, a Delaware Limited Liability Company (“Applicant”).

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes (“HRS”), as amended.

LOCATION and AREA:

15,000 square feet, more or less, of Government lands at Kawailoa, Waialua, Oahu: TMK:
(1) 6-2-001: seaward of 001 as shown on **Exhibits A1 to A2**.

ZONING:

State Land Use District: Conservation
Land Use Ordinance: AG-2 (for abutting private property)

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Requested area is unencumbered land.

CHARACTER OF USE:

Film production for upcoming television series production, "Rescue: HI Surf".

TERM OF RIGHT-OF-ENTRY:

January 17, 2024 to May 31, 2024.

CONSIDERATION:

\$0.10 per square foot per day was adopted by the Board at its meeting of September 28 2001 (item D-4), as the rent for any right-of-entry permit. Using this unit rate, the applicable rent for the subject request would be 15,000 sf x \$0.10 x 136 days = \$204,000, or \$1,500 per day.

\$1,500 per day for 15,000 square feet of exclusive use along shoreline property does not seem unreasonable. Staff understands that permit fees for film production on private land can generate \$1,000 per prep and wrap day and \$4,000 per shoot day.

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 negligible or no expansion or change of use beyond that previously existing," Part 1, Item 44, that 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:

Recently, State Film Office advised the division about a new television series called *Rescue: HI Surf*, which is officially set to start filming on January 17, 2024. It is a 12-episode production anticipated to air in fall 2024. One of the filming locations targeted by the production is the Papailoa Beach in Haleiwa. The main theme of the series is lifeguards in Hawaii with a lifeguard tower placed on the subject location being the main set of the upcoming series.

In addition, Applicant plans to place a stationary jet ski (on trailer) and cars, and other

equipment next to the lifeguard tower to create the background for the lifeguard daily activities. An ATV will also be filmed operating during the production. Actual filming will not be conducted every day and the applicant will provide 24/7 security to maintain set dressing items and equipment. No nighttime filming will be allowed as bright production lights may be pointed out to sea at night and generate some negative impact to birds. Lateral access for the public along on the beach will not be prohibited other than actual rolling of the camera. The production will utilize the adjacent (mauka) private parcel for staging and parking purposes during the production, leaving only the lifeguard tower on the beach at night and on non-production days.

Further, the production indicated that they received support from the community including the business sector about the upcoming production. A local consulting firm hired by the applicant was tasked to reach out to the community for any comments on the production. At the time of writing this submittal, staff did not receive any formal communications between the applicant and the community, e.g., neighborhood board, about the latter comment on the subject request. In view of the tight timeline between the commencement of the production and the Board meeting schedule, staff reminded the applicant bring the comments from the community to the Board meeting.

Office of Conservation and Coastal Lands authorized the placing of the lifeguard tower via its Site Plan Approval (SPA OA-24-21) dated December 28., 2023 (**Exhibit C**).

Office of Conservation and Coastal Lands and the Division of Boating and Ocean Recreation do not have any comment or objection to the request.

There are no other pertinent issues or concerns, and staff recommends the issuance of the requested right-of-entry permit.

RECOMMENDATION: That the Chairperson:

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 Bumper Productions LLC, 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; and
 - B. Terms and conditions of Site Plan Approval (SPA OA-24-21) dated December 28, 2023;
 - C. Lateral shoreline access shall not be prohibited except during the actual rolling of the camera;

- D. No filming or setting up lighting pointed out to the sea at nighttime is allowed; and
- E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Barry Cheung

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson *PCM*

RT



EXHIBIT A1

RESCUE: HAWAII SURF SEASON ONE
Papa'iloa Beach

Jan. 2, 2024 thru May 31, 2024, 7am - 10pm

DOCARE Officer will be onsite at all times during filming

TMK: makai of 162001001



Area crew/cast will be filming during production. Access will be available to public between filming.

Req ATV to drive on sand, stationary jetski on trailer near Lifeguard tower for pic.

Path of travel for ATV

Req. Picture car, stationary jetski on trailer, ATV parked next to lifeguard tower and surrounding area.

Req. Equip. next to lifeguard tower.

ATV arrive and stop at lifeguard tower.

Parking for picture cars and additional Equipment

Working with Kamehameha Schools

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 Bumper Productions LLC for Film Production Purposes, Kawailoa, Waialua, Oahu: TMK: (1) 6-2-001: seaward of 001.

Project / Reference No.: Not applicable

Project Location: Kawailoa, Waialua, Oahu

Project Description: Issuance of Right-of-Entry Permit to Bumper Productions LLC for Film Production Purposes

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: 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 negligible or no expansion or change of use beyond that previously existing," Part 1, Item 44, that 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". The subject request will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR.

Cumulative Impact of Planned Successive Actions in Same Place Significant: No, the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Action May Have Significant Impact on Particularly Sensitive Environment: Staff is not aware of any particularly sensitive environmental issues and use of the area would involve negligible change from what is existing.

Consulted Parties: Agencies as noted in the submittal.

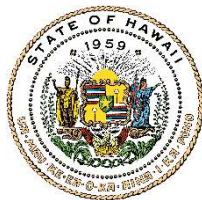
EXHIBIT B

Analysis: Staff believes there would be no significant impact to sensitive environmental or ecological receptors.

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.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
OFFICE OF CONSERVATION AND COASTAL LANDS
P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
LAURA H.E. KAAKUA
FIRST DEPUTY
M. KALEO MANUEL
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

SPA: OA 24-21

Kevin Foster
Bumper Productions, LLC
400 Kahelu, 2nd Floor
Mililani, HI 96789

December 28, 2023

SUBJECT: Site Plan Approval for the Installation of a Lifeguard Tower for the Rescue Hi Surf Film Set Located at Kawailoa, Waialua O'ahu, Makai of Tax Map Key: (1) 6-2-001:001

Dear Kevin Foster:

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your Site Plan Approval (SPA) application regarding the installation of a lifeguard tower in the vicinity of Papailoa Beach. (**Exhibit 1**). For reference, the project area is located on submerged lands seaward (*makai*) of the subject parcel within the State Land Use (SLU) Conservation District, Resource Subzone.

The proposed project site is located on the northern coast of the island of O'ahu. There are no existing building or structures nearby on the beach. There is naupaka and shoreline vegetation that separates the beach from the vacant private property. The beach is used for recreation with all manner of water activities (i.e., swimming, snorkeling, fishing) being enjoyed, as well as contemplation. Cultural and traditional uses practiced here would most likely be similar to other beaches in the vicinity.

PROPOSED LAND USE

The proposed land use is to install a lifeguard tower as part of the film set to produce a television series currently entitled "Rescue: HI Surf". The lifeguard stand is approximately 15.5-ft high; 15-ft wide; and 16.6' long with a 17' ramp and will be occupying space of approximately 260-ft². (**Exhibit 2**) The stand is made of fiberglass and requires little maintenance. The set is proposed to be on the beach until May 31, 2024. All evidence of the land use shall be removed upon completion of filming. While filming will not take place every day, the set will be maintained. Security shall be provided 24 hours/ 7 days a week.

Sand may be redistributed to level the area of the placement of the lifeguard stand. The skid attached to the platform will aid in keeping the tower in place. Water barrels as well as reinforced steel from the platform may also be used to stabilize the tower. Should extra high

EXHIBIT C

tides affect the stability of the tower, the following protocols will be taken: 1) Communication with water safety officiates; 2) Implement best management practices; and 3) if required, relocate the tower until the high tide event is over.

Biological and cultural monitors shall be on site to notify the crew of any endangered fauna that may visit the site; bird activity; and cultural finds. For endangered species, the federal buffer of 50-feet shall be observed and no actions within the buffered area will take place until the animal leaves the area. For endangered bird nesting activities and burrows, all work will stop in the area and a buffered area will be created. The area will be avoided, or the monitors will advise on the next course of action. Bird Best Management Practices shall be observed. **(Exhibit 3)**. While cultural monitors will be present, given the dynamic shoreline processes that take place, burials are not expected makai of the shoreline.

ANALYSIS

The temporary installation of a lifeguard tower as part of a film set is considered an identified land use in the State Land Use Conservation District pursuant to the Hawai'i Administrative Rules (HAR) §13-5-22, P-8 (B-1) Demolition, removal, or minor alteration of existing structures, facilities, land, and equipment.

In conformance with Hawai'i Revised Statute (HRS), Chapter 343, as amended, and HAR §11-200.1-16(a)(1), the proposed use falls under **General Exemption Type 3**, which applies to "Construction and location of single new, small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same..."; and pursuant to the Exemption List for the Department of Land and Natural Resources (DLNR) dated 11/10/2020, specifically: **Part 1 #9**, "Construction and location of new, small facilities or structures necessary to support or enhance public recreational use of lands and waters, such as outdoor showers, signage, interpretive kiosks, viewing platforms, tables, grills, **lifeguard stations**, improvements necessary for compliance with the Americans with Disabilities Act, and other similar structures; and HAR §11-200.1-16(a)(1) **General Exemption Type 4** Minor alteration in the conditions of land, water, or vegetation; and DLNR exemption list, **Part 1 #7**. Minor ground adjustments (e.g., grading, grubbing, cutting, clearing, or filling) that do not require grading permits. The Land Division concurred with the proposed exemption.

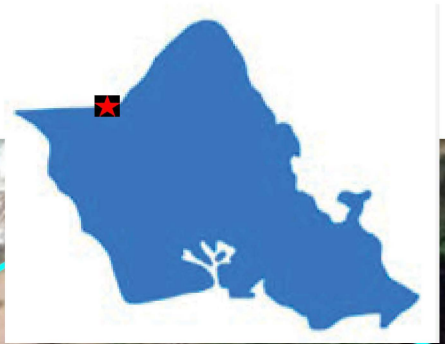
Site Plan Approval authorization is hereby granted to Kevin Foster of Bumper Productions, LLC for the installation of a Lifeguard Tower for the Rescue Hi Surf Film Set located at Kawailoa, Waialua, O'ahu, Makai of Tax Map Key: (1) 6-2-001:001, subject to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;

3. The permittee shall obtain appropriate authorization from the department for the occupancy of state lands;
4. The permittee shall comply with all applicable department of health administrative rules;
5. Unless otherwise authorized, the duration of the placement of the lifeguard tower as part of the film set shall be completed by July 1, 2024. All introduced materials shall be removed and the site restored to a condition acceptable to the department;
6. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
7. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
8. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
9. Obstruction of public roads, trails, **lateral shoreline access**, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the department;
10. For the duration of the project, appropriate mitigation measures shall be implemented to minimize impacts to the land, ocean, flora and fauna, and other natural and cultural resources;
11. The activity/use shall not adversely affect a federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat;
12. The activity/use shall not substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species, which normally migrate through the area;
13. When the Chairperson is notified by the public that an individual activity deviates from the scope of the activity/uses, or activities are adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the applicant(s) to undertake corrective measures to address the condition affecting these resources. The applicant(s) must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;
14. When the Chairperson is notified by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service or the State Department of Land and Natural Resources that an individual activity/use or activities conducted under this authorization is adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the



Search for an address or location



Kawaihoa Beach



Parcel Quick View ✕

TMK: (1) 6-2-001:001
 County Address of Parcel: Address Not Found
 Coordinates of Point Clicked: -158.097838, 21.608547
 Owner(s) per CCH Tax Office: B P BISHOP TRUST ESTATE


Resource Mapping Hawaii | Esri, HERE, Garmin 

Exhibit 1

LEFT
LATERAL
RAAD



Exhibit 2



Division of Forestry and Wildlife
Oahu Wildlife Branch
2135 Makiki Height Drive · Honolulu · Hi · 96822
(808) 492-9398
Tiana.R.Bolosan@hawaii.gov

**Seabird Best Management Practices for Shoreline Vegetation Management
For OCCL Shoreline Encroachment Enforcement**

October 20, 2021

Background

There are about 20 different indigenous seabird species on O'ahu--all protected by state and federal law. The most common is the Wedge-tailed Shearwater (*Adrenna pacifica*). Wedge-Tailed Shearwaters (WTSH) are seasonal ground nesting seabirds. LA majority of the larger colonies are located on State managed offshore islet Wildlife Sanctuaries (<https://dlnr.hawaii.gov/wildlife/sanctuaries/>). Smaller sub-colonies often pop up in areas that are close in proximity to the large offshore islet colonies. Nesting colonies generally seen on the main island of Oahu are composed of WTSH, which are the most numerous and tolerant species in regard to urban interactions.

Naupaka (*Scaevola taccada*) is a common coastal shrub that provides the most common WTSH nesting habitat. Birds may nest directly in the shrub or dig burrows in and around shrubs. Burrow collapses caused by walking in a nesting area is an extremely detrimental activity that can directly kill birds. Burrows are not always easily visible, so it is imperative to conduct proper and comprehensive surveys when looking at potential nesting colonies.

Per Hawaii Revised Statutes, §13-124 the following activities are prohibited in regard to Wedge-Tailed Shearwaters:

- Catch, possess, injure, kill, destroy, sell, offer for sale, or transport any such species, or any young or egg, or the dead body or skin thereof;
- No person shall remove, damage, or disturb the nest of any indigenous wildlife except as provided in subsection

A full set of the rules can be found here: <https://dlnr.hawaii.gov/dofaw/files/2013/09/Chap124a.pdf>

In order to avoid violations to the Administrative Rules, the following Best Management Practices (BMPs) are recommended:

Best Management Practices

- All work should be done non-nesting season for seabirds (December – March)
- If work must proceed during the nesting season (March – November) the area must be surveyed to ensure there are no signs of nesting or no birds present.
 - Use of a qualified Wildlife Biologist to conduct the survey is suggested
 - If survey is not done by qualified personnel, conditions should be documented by photo with proof of date included.
 - Inspect the encroaching vegetation for signs: seabird poop, webbed footprints, grayish/white brood feathers, burrows, and other obvious indicators

- If a seabird is found while trimming vegetation, all activities shall be immediately postponed until nesting season is done or under the direction of a qualified wildlife biologist.
- If a seabird is injured during work the bird should be immediately taken to Feather and Fur Animal Hospital. (25 Kane’ohe Bay Dr Ste 132, Kailua, HI 96734). All costs for care and rehabilitation of the bird will be assumed by the violating party.
- Property managers can contact DOFAW for additional questions and concerns. Contact for DOFAW is:
 - Tiana Bolosan, Oahu Seabird Biologist, (Tiana.R.Bolosan@hawaii.gov) // (808) 492-9398

Any work conducted that results in take of a protected species is subject to enforcement action.

The goal of these guidelines is to provide information to ensure that both native seabird species can be protected and shoreline access can be maintained. For more info regarding Wildlife Management, please visit: <https://dlnr.hawaii.gov/wildlife/>.



Wedge-tailed Shearwater (above). Typically burrow profile (below)

