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

April 25, 2025

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, Kawailoa, Waialua, Oahu: TMK: (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:

Portion of Government lands at Kawailoa, Waialua, Oahu: TMK: (1) 6-2-001: seaward of 001 as shown on **Exhibits A1** to **A3**. The lifeguard tower has a footprint of about 12 feet by 12 feet, and rises about 14.5 feet above ground.

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.

TERM OF RIGHT-OF-ENTRY:

November 1, 2025 until March 31, 2026.

CONSIDERATION:

$1,500 per filming day; and

One-time payment of $13,872 for the lifeguard tower to be placed on the State land during the right-of-entry permit.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR")§ 11-200.1-15 and -16 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, Part 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," 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 is a de minimis action that will probably have minimal or no significant effect on the environmental and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR. Additionally, see Exemption Notification for *Rescue HI Surf* Production Activities prepared by the Department of Business, Economic Development & Tourism, Creative Industries Division, attached as **Exhibit B**.

DCCA VERIFICATION:

Place of business registration confirmed:	YES _x_	NO ___
Registered business name confirmed:	YES _x_	NO ___
Applicant in good standing confirmed:	YES _x_	NO ___

REMARKS:

At its meeting of January 12, 2024, under agenda item D-6, the Board of Land and Natural Resources (Board) approved the issuance of a right-of-entry permit (#4588) covering the period from January 17, 2024 to May 31, 2024 to Bumper Productions LLC for film production purposes, subject to a payment of $1,500 per each filming day, in addition to a one-time payment of $13,872 for the life guard tower to be placed on the State land during the right-of-entry permit. The right-of-entry permit was subsequently extended to August 31, 2024, pursuant to the Board approval of April 26, 2024, under agenda item D-5.

Recently, applicant reached out to the department for a similar request for the upcoming Season 2 production of same series, "Rescue HI Surf".

Applicant proposes to conduct the following activities on the subject land for the production: (1) place temporary lifeguard tower and set dressing elements; (2) use motorized vehicles (ATVs/mules, gators, jetskis, trailers, gradalls) to assist with filming activities and place jetskis on shore as props if required for a scene; and (3) utilize special effects and stunts elements for filming purposes.

The production crew will use the adjoining private parcel for parking or staging of other vehicles and equipment used in support of the production. Staff believes that the temporary placement of the lifeguard tower on the land will not interfere with public recreational use of the beach.

In addition to the subject location, Applicant's production may involve State and City and County of Honolulu parks on the north, west, and south shores of Oahu, as well as the unencumbered beaches seaward of these parks. Filming at these locations will not involve the placement of a lifeguard tower or other props on the beach for an extended period of time. Accordingly, any film permits required for the unencumbered beaches in these areas will be handled by Land Division in accordance with the film permit procedure approved by Board at its meeting on January 8, 1988, under agenda item H-11.

Staff understands the Applicant has also contacted other regulatory divisions of the department for their respective authorizations, if appropriate. It is up to the Applicant to ensure compliance of any terms and conditions as determined by other divisions.

Applicant indicates that it will ensure adequate personnel on site to ensure all compliance relating to the cultural and natural resources during the filming.

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

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 and -16, 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 as a de minimis activity.

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. 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

EXHIBIT A1


Papa'iloa Beach
62-330 Kamehameha Hwy. (approx.) Haleiwa 96712
Approx. Lifeguard Tower Location
KAMEHAMEHA HWY
North Pacific Ocean
Parking Areas
Bumper Productions, LLC, 400 Kahelu Avenue, Mililani 96789

EXHIBIT A2

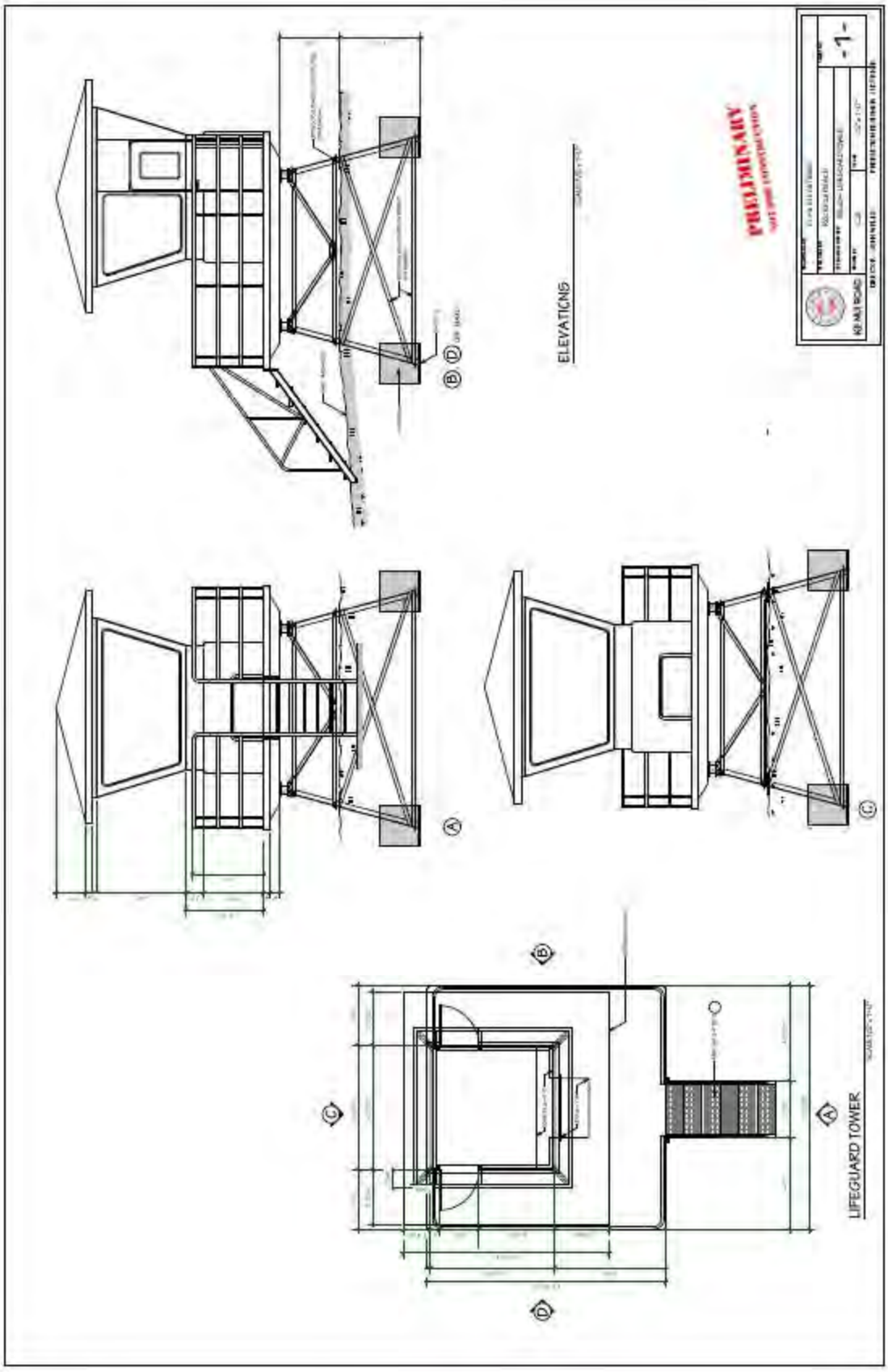

EXHIBIT A3

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

JAMES KUNANE TOKIOKA
DIRECTOR

DANE K. WICKER
DEPUTY DIRECTOR

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
KA ʻOIHANA HOʻOMOHALA PĀʻOIHANA, ʻIMI WAIWAI A HOʻOMĀKAʻIKAʻI

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
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Telephone: (808) 586-2355
Fax: (808) 586-2377

April 7, 2025

Determination of Exemption for *Rescue: HI Surf* Production Activities

Pursuant to administrative rules promulgated under the authority of Section 343-6(5), Hawaiʻi Revised Statutes; and under sections 11-200.1-15, 11-200.1-16, and 11-200.1-17, Hawaiʻi Administrative Rules, this letter serves as notification that the Department of Business, Economic Development and Tourism (DBEDT) has determined that this Project is exempt from the preparation of an environmental assessment.

The *Rescue: HI Surf* production will take place at several approved locations on Oʻahu, including Camp Erdman, from June 2025 through March 2026 and Papaʻiloa, from November 2025 through March 2026. Filming activities involve the temporary installation of small structures, use of natural and planted greens, and water-based filming, all of which are designed to have minimal environmental and cultural impacts. Detailed environmental and cultural protection protocols will be followed, as outlined in the attached memorandum.

After careful analysis, as described in the attachment, DBEDT has considered the project's primary, secondary, and cumulative impacts and has determined that the Project is not anticipated to have significant environmental impacts.

☑ APPROVED ☐ DISAPPROVED

James Kunane Tokioka
DBEDT Director

April 08, 2024
Date

Attachment

EXHIBIT B

Rescue HI Surf: Season 2 Environmental Assessment Exemption Notice

Pursuant to Chapter 343, Hawaii Revised Statutes (HRS 343) and Section 11-200.1, Hawaii Administrative Rules (HAR 11-200.1)

Applicant Action: This exemption act is an **applicant action** as defined by HRS 343-5(e) and HAR 11-200.1-9

Exemption Type

Pursuant to HAR §11-200.1-16, the DBEDT, as the accepting authority, may exempt certain actions from HRS Chapter 343 when it is determined that these activities have minimal or no significant effect on the environment. The Creative Industries Division (CID) serves as the approving agency of this exemption notice and has determined this to be subject to a Part 2 exemption and will follow the publication requirements of such an exemption.

Project Address

400 Kahelu Ave, 2nd Floor, Mililani, HI 96789

Tax Map Key (TMK)s: Various (see maps)

General Exemption Type 3

The activities fall under General Exemption Type 3, which allows for the construction and location of single new, small facilities or structures and the alteration and modification of the same. In this case, the temporary installation of the lifeguard tower, along with other small, temporary structures necessary for filming, fits within the allowed exemptions.

General Exemption Type 4

The activities also fall under General Exemption Type 4, which allows for minor alterations in the conditions of land, water, or vegetation. In this case, such minor alternations are necessary to production, subject to the conditions outlined herein.

Executive Summary

The *Rescue HI Surf* production, set in Hawaii, involves several activities that require careful consideration of environmental and cultural resource protections. This memorandum outlines the protocols and mitigation measures that will be implemented to ensure compliance with Hawaii Revised Statutes (HRS) Chapter 343, as well as other applicable federal and state laws designed to protect the natural and cultural resources of the Hawaiian Islands.

The production will take place in coastal areas, including beaches and marine environments that are home to endangered species such as Hawaiian monk seals, sea turtles, and seabirds. To avoid the impact on these species, the production team will adhere to strict guidelines for avoiding disturbances to wildlife. These include maintaining safe distances, avoiding interaction with animals, implementing lighting restrictions to prevent seabird disorientation, and vacating filming locations during critical nesting or pupping seasons.

A trained team of environmental monitors will be onsite to conduct regular surveys of filming areas, ensuring that any sensitive species present are identified and protected. Special protocols will be followed to safeguard coral reefs, prevent pollution, and protect the coastal vegetation that provides habitat for native species.

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Introduction

This memorandum documents exemption from the Hawaii Revised Statutes (HRS) Chapter 343 Environmental Assessment (EA) process for production activities related to Season 2 and potential future seasons of the television series *Rescue HI Surf*. As per the statutory requirements, the Department of Business, Economic Development, and Tourism (DBEDT) and its Creative Industries Division (CID) are responsible for overseeing film production activities in Hawai‘i, particularly ensuring that all activities comply with relevant environmental regulations. The exemption is sought based on the project's alignment with previously established criteria, including the small-scale and temporary nature of the production and its minimal environmental impact.

The need for a state film permit triggers HRS 343. This memo will cover the permitted activities for Season 2 of *Rescue HI Surf and* any future seasons, provide the anticipated locations and environments where filming will take place, and substantiate the justification for exempting this project from HRS Chapter 343 requirements.

Overview of Production Activities

The television series *Rescue HI Surf* is primarily set on the beaches and waters of Oahu, focusing on lifeguard activities and the surfing culture native to Hawai‘i. Production activities include temporary installations, filming, and related logistical support across several designated sites. As stipulated in the permits issued by the Department of Land and Natural Resources (DLNR), the production will operate under strict guidelines to minimize any potential impact on the environment and cultural resources.

Permitted Locations

The following locations are anticipated for filming activities under permits granted for Season 2 and future seasons:

Papa‘iloa Beach (Waialua, Oahu)

- **Filming Period**: November 2025 to March 2026
- **Approved Activities**: Installation of a temporary lifeguard tower as part of the film set. The lifeguard tower is approximately 15.5 feet high, 15 feet wide, and 16.6 feet long, with a 17-foot ramp. Sand redistribution and stabilization of the tower are allowed as necessary to maintain the structure. Filming is permitted to occur intermittently, and security will be

provided on-site 24/7. Biological and cultural monitors will ensure the protection of endangered species and cultural sites.

Camp Erdman (Waialua, Oʻahu)

- **Filming Period**: June 2025 to March 2026
- **Approved Activities**: Temporary use of the site for filming, including beach scenes, water rescue operations, and actor staging. Any structures or sets erected at the location will be temporary and removed by the end of the filming period. The production will take precautions to avoid disturbance to marine life and surrounding vegetation.

Additional Filming Sites

- Permits, including but not limited to a Right of Entry (ROE), will be sought for filming on submerged lands seaward of TMK: (1) 6-2-001:001, adjacent to Papailoa Beach, which allows for the use of marine areas for water-based filming activities.

Additional Anticipated Permits

Master SPA (Site Plan Application)

- The production team will develop a Master Site Plan Application (SPA) for all areas under the jurisdiction of the Office of Conservation and Coastal Lands (OCCL), which is part of the Hawaii Department of Land and Natural Resources (DLNR). OCCL manages and regulates the state's conservation districts, ensuring that activities and land use within these areas adhere to state regulations.

  OCCL Jurisdiction: This includes beaches, nearshore areas, and other conservation lands where the film production might take place.
  Action: The Master SPA outlines the specifics of how production activities will be conducted on these lands, ensuring they comply with OCCL guidelines.
  Application Process: The SPA must be submitted, reviewed, and approved before production activities can take place.

Master SUP (Special Use Permit):

- This permit will cover areas within State Parks that are under the jurisdiction of the Division of State Parks (DSP), which is also part of DLNR. DSP oversees Hawaii's state parks, monuments, and historical sites, ensuring that public use, including special uses like filming, aligns with park regulations and conservational efforts.

  State Parks Jurisdiction: This includes locations where the production may need to access or film within state parks.

Action: The Master SUP must outline the specific activities that will take place in these parks and demonstrate how they will avoid or mitigate any environmental impacts or disruptions to the public.

Master ROE (Right of Entry):

- The production team will also develop a Master Right of Entry (ROE) for all areas under the jurisdiction of the Land Division, another division of DLNR that manages state-owned lands. An ROE is a legal agreement that grants the production temporary access to state land for filming or other activities.

  Land Division Jurisdiction: This typically includes unencumbered state lands (not under a specific lease or easement), where filming or access may be required.
  Action: The ROE ensures that the production has legal access to these lands for a specified period.

  DOBOR Jurisdiction: This includes locations where the production may need to access or film within DOBOR juridiction (example: Harbors, boat slips, parking areas, etc)
  Action: The ROE ensures that the production has legal access to these lands for a specified period.

Master MEP (Marine Event. Permit):

- The production team will also develop a Master Marine Event Permit (MEP), or, in the alternative, a series of Marine Event Permits, for all areas under the jurisdiction of DOBOR, another division of DLNR that manages state-owned waters. An ROE is a legal agreement that grants the production temporary access to state land for filming or other activities.

  DOBOR Jurisdiction: This includes locations where the production may need to access or film within DOBOR jurisdiction (Waters off Oahu)
  Action: The ROE ensures that the production has legal access to these lands for a specified period.

Justification for HRS Chapter 343 Exemption

Pursuant to HAR §11-200.1-16, the DBEDT, as the accepting authority, may exempt certain actions from HRS Chapter 343 when it is determined that these activities have minimal or no significant effect on the environment. After reviewing the scope of the *Rescue HI Surf* production activities, the following justifications support the exemption:

General Exemption Type 3

The activities fall under General Exemption Type 3, which allows for the construction and location of single new, small facilities or structures and the alteration and modification of the same. In this case, the temporary installation of the lifeguard tower, along with other small, temporary structures necessary for filming, fits within the allowed exemptions.

General Exemption Type 4

The activities also fall under General Exemption Type 4, which allows for minor alterations in the conditions of land, water, or vegetation. In this case, such minor alternations are necessary to production, subject to the conditions outlined herein.

Minimal Environmental Impact

The production has committed to adhering to stringent environmental safeguards, including the presence of biological and cultural monitors during all filming activities. Best Management Practices (BMPs) will be employed to protect endangered species and prevent damage to cultural sites. Sand redistribution will be minimal and conducted in a manner that does not disturb the natural environment.

Alignment with Conservation Objectives

The location of the filming activities on submerged lands and beaches is subject to conservation laws. The proposed activities will strictly comply with regulations governing conservation districts.

Existing Conditions

The production of *Rescue HI Surf* takes place in a unique and ecologically sensitive environment, rich in natural resources. To ensure avoiding disturbance to these resources, particularly to endangered and protected species such as Hawaiian monk seals, sea turtles, and native sea birds, environmental protection measures will be implemented. These species frequent the beaches and waters of O‘ahu, including the filming sites.

Sea Turtles

The waters and beaches of Hawai‘i are home to two prominent species of sea turtles: the green sea turtle (*Chelonia mydas*), which is listed as threatened, and the hawksbill sea turtle (*Eretmochelys imbricata*), which is classified as endangered under the U.S. Endangered Species Act (ESA). While green sea turtles are frequently observed in Hawaiian waters, hawksbill turtles are much rarer, making any potential disturbance or harm to these species of significant concern.

Sea Turtle Nesting Season

The sea turtle nesting season typically runs from May through October, with peak nesting activities occurring in the summer months. During this time, female sea turtles come ashore to dig nests in the sand and lay their eggs. Sea turtles exhibit natal homing, which means they return to the same beach where they were born to nest.

They typically lay multiple clutches of eggs during the nesting season, with each clutch containing between 80 and 120 eggs. The eggs are buried in the sand to incubate for a period of about 50-70 days, depending on environmental factors such as temperature. Once the eggs hatch, the hatchlings make their way to the ocean, facing numerous natural and human-made hazards along the way.

Conditions

Given the sensitivity of sea turtle nesting activities, *Rescue HI Surf* production activities at Papa‘iloa Beach will be regulated at all times and no production activities will occur on Papa‘iloa Beach during sea turtle nesting season. The production will vacate the beach immediately prior to the start of the sea turtle nesting season to avoid disturbing these endangered species.

Outside the nesting season, the production activities will take place under strict environmental monitoring. Environmental monitors will be onsite daily to survey the beach before any activities commence. If any basking turtles are found, production activities in that area will be halted immediately, and a buffer zone of at least 100 feet will be established around the individual animal to ensure no disturbances. Production will relocate as necessary to ensure no disturbance to these animals. Trained environmental monitors will be responsible for documenting all basking activity and ensuring compliance with federal and state protection guidelines.

In addition, all production personnel will be trained on sea turtle protection protocols, and signage will be placed around the set to inform the public of ongoing conservation efforts.

These measures, along with close coordination with local conservation groups such as Hawaii Marine Animal Response (HMAR) and the National Oceanic and Atmospheric Administration (NOAA), will ensure that *Rescue HI Surf* production activities do not interfere with sea turtle nesting behaviors or negatively impact hatchlings. NOAA and HMAR will be consulted regularly to monitor sea turtle activity and ensure that production activities are adapted as needed to protect these endangered species.

Hawaiian Monk Seals

Hawaiian monk seals (*Monachus schauinslandi*) are critically endangered marine mammals endemic to the Hawaiian Islands. With an estimated population of only 1,400 individuals, these seals are among the rarest marine mammals in the world and are protected under the Endangered Species Act, the Marine Mammal Protection Act, and Hawaii state law. Given their endangered status and their reliance on Hawaiian beaches for resting, pupping, and nursing, it is crucial to minimize human disturbance during production activities.

Habitat and Behavior

Monk seals spend a significant amount of time resting on sandy beaches, where they bask in the sun to conserve energy. In addition to using the beach as a resting area, Hawaiian monk seals also give birth to and nurse their pups on land. The pupping season typically occurs from March through August, although monk seals may give birth throughout the year. Monk seal pups are completely dependent on their mothers for several weeks and remain on land during this time, making them particularly vulnerable to human disturbances.

The presence of monk seals on beaches can sometimes coincide with film production activities. Their tendency to haul out onto the shore for rest or pupping means that any production activity near these animals could cause significant stress or even lead to the abandonment of pups. Additionally, monk seals can be highly sensitive to noise, movement, and the presence of unfamiliar objects or people, which could further disturb their natural behavior.

Conditions for Avoidance

To ensure the protection of monk seals during *Rescue HI Surf* production activities, environmental monitors will be onsite at all times. These trained professionals will conduct regular surveys of the beach and nearby waters to detect any monk seal activity before production begins each day. Should a monk seal be found in the vicinity of the production, all activities will cease immediately. The production will implement a 150-foot buffer zone around the seal to prevent any interaction or disturbance. This

buffer will be enforced until the seal voluntarily departs the area.

In the event that a monk seal pup is present, HMAR will be immediately notified, and additional protective measures will be taken. Filming may be postponed or relocated to avoid any interference with the mother and pup. Regular consultations with NOAA will be essential to ensure that production activities do not interfere with monk seal behavior or violate federal and state protection laws.

The production team will also implement best management practices to reduce noise levels, limit the number of people on set, and ensure that all personnel are aware of the sensitivity of monk seals. These practices will be essential during both daytime and nighttime filming to avoid disturbing the seals' natural behaviors. Furthermore, all lighting used during night shoots will be shielded to prevent disorientation or disruption to monk seals that may haul out at night.

Working with Conservation Agencies

Collaboration with conservation groups like HMAR will be a critical component of the production's strategy to protect monk seals. These organizations provide valuable expertise in monitoring and responding to monk seal activity, and their guidance will ensure that *Rescue HI Surf* production activities adhere to all legal requirements. The production will also provide daily reports to NOAA and HMAR on monk seal sightings and any actions taken to mitigate potential impacts.

By implementing these comprehensive mitigation measures and maintaining open communication with conservation experts, the production of *Rescue HI Surf* will ensure that Hawaiian monk seals are protected throughout the filming process, particularly during their vulnerable pupping season.

Sea Birds

Hawaiian seabirds, particularly the wedge-tailed shearwater (*Puffinus pacificus*) and the Hawaiian petrel (*Pterodroma sandwichensis*), play an important role in the island's ecosystem. These species are highly sensitive to human activity and are vulnerable to artificial lighting, habitat disruption, and other disturbances. Both species are protected under state and federal law due to their declining populations, and their nesting and fledging behaviors make them especially vulnerable during certain times of the year.

Nesting and Fledging

Seabirds such as the wedge-tailed shearwater nest in coastal vegetation, typically burrowing into sandy areas or under native plants to lay their eggs. Nesting season generally occurs between March and November, with fledging occurring from September to December. Fledging is a critical period for young seabirds as they take their first flight from their nest to the ocean. During this time, they are highly susceptible to artificial light, which can disorient them and lead to "fallout" — a phenomenon where birds become confused by artificial lighting, land in unsafe areas, and are unable to reach the ocean.

Artificial lighting is particularly problematic for these species, as seabirds are attracted to bright lights and can become disoriented, leading them to circle the light source and eventually crash into structures or the ground. This behavior is especially prevalent in young birds that are making their first journey from the nest to the sea. Once on the ground, they are vulnerable to predation, starvation, and other dangers.

Conditions for Avoidance

To protect Hawaiian seabirds during the filming of *Rescue HI Surf*, the production will implement several key mitigation measures. First and foremost, all lighting used during production will be shielded and directed away from the shoreline to prevent disorienting seabirds. Nighttime lighting will be minimized, and whenever possible, motion sensors and timers will be used to ensure that lights are only active when necessary. These measures will be particularly important during the seabird fledging season, from September to December, when young birds are most vulnerable to light pollution.

Environmental monitors will also be present to conduct daily surveys of the area to identify any seabird nesting sites near the production. If nests are found, a buffer zone will be established around the site to prevent disturbance, and production activities may be relocated if necessary. Additionally, any seabird fallout incidents will be reported to the appropriate authorities and fallen birds will be safely recovered and transported to rehabilitation centers.

The production will also coordinate closely with the U.S. Fish and Wildlife Service (USFWS) and local conservation groups to ensure that all activities comply with federal and state seabird protection laws. These agencies will provide guidance on best management practices to protect seabirds and assist in monitoring the production area for any signs of seabird activity.

The coastal vegetation where seabirds nest, such as naupaka (*Scaevola sericea*), is vital to maintaining the health of seabird populations. This vegetation provides shelter and protection for nests, helping to shield eggs and chicks from predators and

environmental elements. As part of the production's commitment to environmental stewardship, no coastal vegetation will be removed or disturbed during filming activities. Vehicles and equipment will be kept at least 10 feet away from vegetation, and any areas with known seabird nests will be clearly marked to avoid accidental damage.

By implementing these measures, the production of *Rescue HI Surf* will protect Hawaii's seabirds from potential disturbances associated with filming activities, particularly during the critical nesting and fledging periods. Collaboration with USFWS and local conservation groups will ensure that seabird populations are preserved, and their natural behaviors are not disrupted.

Coastal Vegetation

Coastal vegetation plays a vital role in the ecological health of Hawaii's shoreline environments. These plants form a crucial buffer zone between land and sea, providing protection against erosion, acting as a natural barrier to high winds and waves, and maintaining the structural integrity of beaches and dunes. Coastal vegetation is also essential as habitat for a variety of species, both terrestrial and marine, many of which are native to Hawaii and rely on these plants for shelter, food, and reproduction. The *Rescue HI Surf* production will focus on preserving and protecting this essential ecosystem, ensuring that the integrity of coastal vegetation is maintained throughout the filming process.

Key Coastal Vegetation Species

One of the most common and important coastal plants in Hawai‘i is *naupaka* (*Scaevola sericea*), a hardy shrub that grows along the shoreline. Naupaka thrives in sandy, salty environments and helps to stabilize dunes and beaches, preventing erosion caused by wind and water. Its dense root system binds the sand, while its broad leaves protect the soil from the harsh sun, reducing evaporation and helping retain moisture in the coastal environment.

Other coastal plants include the *beach morning glory* (*Ipomoea pes-caprae*), which has long, creeping vines that also play a role in dune stabilization. Additionally, native grasses such as *akiaki* (*Sporobolus virginicus*) can often be found growing in the sandy soils of Hawaii's beaches. These plants, along with native trees like the coastal ironwood (*Casuarina equisetifolia*), provide important shade and shelter for both wildlife and coastal ecosystems.

Coastal Vegetation as Habitat

Coastal vegetation serves as a critical habitat for a wide range of species. Many seabirds, such as the wedge-tailed shearwater (*Puffinus pacificus*), rely on coastal plants for nesting. These birds burrow into sandy soils beneath the protection of vegetation like naupaka, which shields their nests from predators and environmental factors. The presence of dense vegetation also helps maintain cooler temperatures in the soil, which is crucial for the proper incubation of bird eggs.

In addition to seabirds, coastal vegetation provides shelter and nesting sites for the endangered Hawaiian green sea turtle (*Chelonia mydas*). Female turtles often choose vegetated dunes to lay their eggs, as the stability and protection offered by coastal plants reduce the likelihood of nest disruption due to environmental factors such as storms or human activity.

Coastal plants also support a rich community of insects and other small creatures. Insects such as the native Hawaiian yellow-faced bees (*Hylaeus anthracinus*), an endangered species, rely on coastal vegetation for both food and nesting sites. These bees collect nectar and pollen from native flowers, making coastal ecosystems critical for their survival. Without the presence of healthy coastal vegetation, the survival of many native species would be at risk.

Human Impacts and Conservation

Human activities, including construction, recreational use, and coastal development, can significantly degrade coastal vegetation. Trampling by foot traffic, removal of plants for development, and pollution can all have detrimental effects on these ecosystems. As coastal plants are disturbed or removed, beaches and dunes become more vulnerable to erosion, and the animals that rely on these plants lose their habitat.

To avoid these impacts, the *Rescue HI Surf* production will implement strict guidelines to protect coastal vegetation during filming. No plants will be removed or damaged, and vehicles or heavy equipment will be kept at least 10 feet away from vegetation. Any set construction near vegetation will be done with minimal disruption, and any necessary restoration efforts will be conducted after filming to ensure the recovery of disturbed areas.

The preservation of coastal vegetation is essential not only for protecting Hawaii's beaches but also for maintaining the biodiversity and health of its coastal ecosystems. By protecting plants like naupaka, beach morning glory, and coastal grasses, the *Rescue HI Surf* production will help ensure the long-term stability of the shoreline and the survival of the many species that rely on these habitats.

Native Hawaiian Yellow-Faced Bees

The native Hawaiian yellow-faced bees (*Hylaeus anthracinus*) are a crucial yet endangered component of Hawaii's ecosystem. These small, solitary bees are unique to the Hawaiian Islands and play an essential role in pollinating native plants, which in turn supports the island's biodiversity. Often overlooked, these bees are vital to the survival of many native plant species, and their protection is crucial for maintaining ecological balance in Hawaii's unique environments.

Habitat and Behavior

Hawaiian yellow-faced bees are primarily found in coastal areas, where they nest in small cavities, such as in twigs or the ground, often within native coastal vegetation like naupaka. They forage for nectar and pollen from native plants, which makes healthy coastal ecosystems critical for their survival. Unlike social bees like honeybees, Hawaiian yellow-faced bees are solitary, with each female creating and provisioning her own nest. They do not produce honey or live in large colonies, but they are just as important for pollinating native flora.

Conditions for Avoidance

The Hawaiian yellow-faced bee populations have been declining due to habitat loss, primarily caused by coastal development, invasive species, and human activities. The introduction of non-native species, such as ants and wasps, has further threatened their existence by preying on them or competing for food resources. Additionally, the destruction of coastal vegetation due to development or recreational activities diminishes their nesting sites and food sources.

As part of the environmental protections for the *Rescue HI Surf* production, steps will be taken to avoid disturbing habitats that support these endangered bees. Environmental monitors will ensure that vegetation cutting or set construction does not interfere with the bees' nesting sites, and any signs of bee activity will prompt additional mitigation measures to ensure their protection. By safeguarding the native Hawaiian yellow-faced bees, the production will contribute to the preservation of Hawaii's unique biodiversity.

Avoiding Marine Species While Filming in the Water

Hawaii's marine environment is home to an extraordinary array of species, many of which are protected under federal and state law. These include endangered marine mammals, sea turtles, and a variety of fish and invertebrates that contribute to the

ecological richness of the islands' waters. During the production of *Rescue HI Surf*, ensuring that no harm comes to marine species while filming in the water is a priority. This requires careful planning, adherence to best practices, and collaboration with environmental experts to minimize any potential impact on marine life.

Protected Marine Species

Hawaii's waters are home to a variety of protected marine species, including the Hawaiian monk seal (*Monachus schauinslandi*), humpback whales (*Megaptera novaeangliae*), spinner dolphins (*Stenella longirostris*), and several species of sea turtles, such as the green sea turtle (*Chelonia mydas*) and the hawksbill sea turtle (*Eretmochelys imbricata*). Many of these species are either threatened or endangeredand are protected under the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and state regulations.

In addition to larger marine mammals and turtles, Hawaii's coral reefs are home to a multitude of fish, crustaceans, and other invertebrates, which play a crucial role in maintaining the health of the marine ecosystem. Coral reefs themselves are sensitive and can be easily damaged by physical contact, pollution, or sedimentation, making it essential to avoid any disturbance while working in or near these areas.

Conditions During Filming

To avoid any disruption or harm to marine species, the production of *Rescue HI Surf* will follow several key mitigation measures:

1. **Marine Species Surveys Before Filming**: Before any in-water filming begins, a trained marine biologist or environmental monitor will survey the area to identify the presence of marine species. This survey will ensure that no protected species are in the vicinity of the filming location. If marine mammals, turtles, or other sensitive species are detected, filming will be delayed or relocated until the animals have left the area voluntarily.
2. **Maintaining Safe Distances**: If marine species such as monk seals, dolphins, or turtles are observed in the area, strict guidelines will be followed to maintain safe distances. According to NOAA's regulations, vessels and individuals must remain at least 100 yards away from Hawaiian monk seals and sea turtles, and 200 yards away from humpback whales. These guidelines will be enforced to prevent any disturbance to these animals while they are in their natural habitat.
3. **No Physical Interaction with Marine Life**: Under no circumstances will crew members or actors engage with marine life during filming. This includes feeding, touching, or attempting to interact with animals such as dolphins, turtles, or fish.

Any unintentional interaction, such as marine animals approaching crew members in the water, will be immediately reported to environmental monitors, and the animals will be given the opportunity to move away from the area without interference.

4. **Minimizing Noise Pollution**: Noise from boats, equipment, and human activity can disrupt marine species' behaviors, including feeding, resting, and communication. To minimize noise pollution, the production will use electric or quieter engines where possible and avoid unnecessary loud noises. For scenes involving motorized vessels, care will be taken to reduce engine use in sensitive areas, especially near coral reefs or during times when marine mammals are likely to be present.
5. **Pollution Prevention and Spill Response**: To protect the marine environment from pollution, the production will follow strict guidelines to prevent any chemicals, oils, or debris from entering the ocean. Spill prevention measures will be in place on all boats and in coastal areas where equipment is used near the water. In the event of a spill or accident, a rapid response plan will be executed, including the deployment of spill containment materials and notifying relevant authorities immediately.
6. **Coral Reef Protection**: Coral reefs are highly sensitive to disturbance, and even minor physical contact can cause lasting damage. During any filming in or near coral reefs, all crew members and equipment will avoid touching or disturbing the coral. Any anchoring will be done in sandy areas away from reefs, and floating platforms or buoys will be used to keep equipment from coming into contact with the seafloor.

Collaboration with Marine Experts

Throughout the filming process, the production team will work closely with marine biologists, environmental agencies, and organizations such as the Hawaii Marine Animal Response (HMAR) and NOAA to ensure compliance with all marine protection regulations. Regular updates and reports will be shared with these organizations to document the presence of marine species and any actions taken to mitigate potential impacts.

By implementing these practices, *Rescue HI Surf* will ensure that no harm comes to Hawaii's valuable marine species during the filming process. This commitment to marine protection not only adheres to legal requirements but also aligns with the broader goal of preserving Hawaii's unique and fragile ecosystems for future generations.

Use of Greens and Plant Materials: Ensuring Invasive Species Protection

The use of greens and plant materials in film production, especially in a unique and sensitive environment like Hawaii, requires careful consideration and management to prevent the spread of invasive species. Invasive species such as the little fire ant (*Wasmannia auropunctata*), coconut rhinoceros beetle (*Oryctes rhinoceros*), and other pests pose a significant threat to Hawaii's native ecosystems, agriculture, and public health. Given the state's delicate biodiversity and the devastating impacts of non-native species, strict protocols must be in place when using any plant materials in the production of *Rescue HI Surf*. These protocols aim to prevent the inadvertent transportation or spread of invasive species during the film production process.

Use of Plant Materials in Film Production

Greens and plant materials play an essential role in creating natural sets for film production. They can be used to enhance or modify the appearance of the environment, add authenticity to specific scenes, or provide greenery in controlled indoor settings. These materials often include trees, shrubs, ferns, grasses, and flowers, which may be transported between various locations during the production.

However, the movement of plant materials across different locations can unintentionally spread invasive species, which can hitch a ride on plants, soil, or plant debris. To mitigate this risk, it is essential to implement stringent protocols that ensure all plant materials used in production are free from pests and pathogens.

Testing Protocols and Conditions

The little fire ant (LFA) is one of Hawaii's most invasive species, posing significant ecological, agricultural, and health risks. These ants can form large colonies and inflict painful stings on humans and animals, causing economic damage to farms and threatening native wildlife. LFA colonies are easily transported on plant materials, soil, and equipment, making it crucial to inspect and test all greens used in the production. The following protocols will be implemented to test for the presence of little fire ants:

1. **Visual Inspection**: All plant materials will undergo a thorough visual inspection by trained personnel before being brought to any filming location. This inspection will focus on the plant's leaves, stems, soil, and pots (if applicable) to detect the presence of ants or ant colonies. Any signs of LFA will result in the immediate quarantine of the affected plant materials and further investigation.
2. **Peanut Butter Stick Test**: To supplement visual inspections, the peanut butter stick test will be conducted on all plant materials. Small sticks or chopsticks with peanut butter applied to the tip will be placed in the plant's soil or nearby vegetation. After approximately one hour, the sticks will be checked for the

presence of little fire ants, which are attracted to the peanut butter. Any positive identification will trigger quarantine measures, and the plants will be treated or removed as needed.

3. **Quarantine and Treatment**: If LFA is detected, the affected plant materials will be quarantined, and appropriate treatment methods will be applied. This could include the use of bait stations or chemical treatments that specifically target LFA without harming non-target species. The quarantined plants will not be used in production until they are confirmed to be pest-free.
4. **Collaboration with HDOA**: The production team will collaborate with the Hawaii Department of Agriculture (HDOA) to ensure compliance with LFA prevention protocols. HDOA can provide guidance on the latest methods for detecting and eradicating LFA, and the production will adhere to any additional state-mandated requirements for preventing the spread of these invasive ants.

The coconut rhinoceros beetle (CRB) is another invasive pest threatening Hawaii's ecosystems. This beetle targets coconut palms and other palms, boring into the crowns of trees and causing significant damage. The spread of CRB can occur through the transportation of infested plant materials, particularly palms, mulch, and compost, which provide suitable breeding grounds for the beetles.

The following protocols will be implemented to prevent the spread of coconut rhinoceros beetles:

1. **Inspection of Palm Trees and Green Materials**: Any palm trees or large plant materials used in the production will be thoroughly inspected for signs of CRB infestation, such as boreholes in the crowns of palms or frass (a sawdust-like substance) around the base of the tree. Any plant material showing signs of CRB will be quarantined and removed from the site.
2. **No Transport of Palm Materials from Infested Areas**: To further reduce the risk of spreading CRB, the production will avoid sourcing palm materials from areas known to be infested with coconut rhinoceros beetles. Plant suppliers will be required to certify that their materials come from CRB-free areas, and documentation will be provided to confirm this.
3. **Chipping and Composting**: Any plant debris generated during production, especially from palms, will be chipped and composted in compliance with HDOA guidelines. This process helps to destroy CRB eggs and larvae that may be present in the plant material. Composting piles will be monitored to ensure that they reach temperatures high enough to kill any remaining beetles or larvae.
4. **Regular Monitoring and Reporting**: During production, regular monitoring for CRB will be conducted, especially in areas where palms or other large plant materials are used. Any sightings of the beetle will be reported immediately to HDOA, and the affected area will be quarantined until the infestation is under control.

In addition to the little fire ant and coconut rhinoceros beetle, there are several other invasive species and pests that can spread through plant materials. These include coqui frogs, various plant pathogens, and other pest insects. The following general protocols will help prevent the spread of these species:

1. **Pre-Arrival Inspection**: Before any plant materials are transported to the filming site, a pre-arrival inspection will be conducted to identify any pests, pathogens, or invasive species that may be present. This inspection will be carried out by certified horticulturists or pest management specialists familiar with Hawaii's invasive species.
2. **Use of Certified Nurseries**: To ensure that plant materials used in the production are pest-free, the production team will source greens and plant materials only from nurseries that are certified by the HDOA. These nurseries follow strict guidelines for pest management and are regularly inspected for compliance with state regulations. Suppliers will be required to provide certification that their plants are free from invasive species.
3. **Soil and Mulch Treatment**: Soil, mulch, and compost used during production are potential carriers of invasive species, including ants, beetles, and frogs. Any soil or mulch brought to the set will be treated and certified free of pests before use. This may involve heat treatment or chemical fumigation to eliminate any larvae, eggs, or adult pests that may be present.
4. **Ongoing Monitoring During Production**: Throughout the filming process, ongoing monitoring of plant materials and greens will be conducted by environmental monitors. These monitors will check for any signs of new infestations or the presence of invasive species. Should any pests be detected, the affected area will be treated immediately, and appropriate agencies will be notified.

The use of greens and plant materials in film production requires careful attention to invasive species management, especially in a fragile ecosystem like Hawaii. By implementing strict inspection protocols, collaborating with local agencies like HDOA, and using certified nurseries, the *Rescue HI Surf* production team will ensure that invasive species such as the little fire ant, coconut rhinoceros beetle, and other pests are not inadvertently transported or spread. These measures will help protect Hawaii's unique ecosystems while allowing the production to use plant materials responsibly and sustainably.

Environmental Management and Monitoring

Although the *Rescue HI Surf* production is being exempted from the full HRS 343 process, several conditions have been integrated as part of the production's standard protocols to ensure environmental and cultural protection:

- **Biological and Cultural Monitoring**: Trained monitors will be on-site during all phases of the production to identify and mitigate any impacts on endangered species or culturally sensitive areas.
- **Endangered Species Protection**: In the event that endangered birds or marine animals are detected near the production site, work will halt until the species have left the area. A 50-foot buffer zone will be enforced, and any nesting areas will be avoided.
- **Stormwater and Pollution Control**: The production team will implement BMPs to prevent pollutants from entering the ocean. This includes avoiding silt or debris runoff during set construction and ensuring that all temporary installations are removed at the end of the filming period.
- **Restoration of Sites**: Upon the completion of filming, all sites will be restored to their original condition, including the removal of the lifeguard tower and any temporary sets or equipment. The shoreline will be returned to its natural state, and any displaced sand will be redistributed as necessary.

Cultural Resources

Cultural resource protection is a vital component of any project conducted in Hawaii, where historical, archaeological, and cultural significance permeates the landscape. Preserving these cultural resources is not only a legal obligation under the state's regulations but also a moral responsibility to protect the heritage of Native Hawaiians. The *Rescue HI Surf* production will prioritize the protection of these cultural resources through adherence to established guidelines and practices and by ensuring that all crew members are educated on the importance of preserving Hawaii's cultural heritage.

Conditions for the Protection of Cultural Resources

Rescue HI Surf has a permitted archaeological firm on retainer and has since the start of production. The following conditions will be applied to ensure the protection of archaeological resources during the *Rescue HI Surf* production:

1. Pre-Production Survey: A permitted archaeological firm will conduct a survey of all filming locations before production begins. This survey will identify any known archaeological sites and assess the potential for encountering additional resources. Based on the findings, specific areas may be designated as "off-limits" to production activities.
2. Avoidance of Sensitive Areas: If any known archaeological sites are located within the vicinity of filming, they will be clearly marked and cordoned off to prevent accidental entry or damage. No vehicles, equipment, or construction materials will be allowed within a designated buffer zone around these sites.

By following these protocols and working closely with archaeologists and Native Hawaiian practitioners, the *Rescue HI Surf* production will ensure that Hawaii's cultural resources are respected and protected throughout the filming process. HRS 6E will be strictly adhered to at all times. The team is committed to upholding both the legal and ethical obligations required to safeguard these invaluable assets, ensuring that they remain preserved for future generations.

Consultation

Community Consultation

The production has reached out to numerous community groups prior to and over the course of production in Season One. These have included, but are not limited to, the following:

Mike Biechler – North Shore Chamber of Commerce
Racquel Achiu – North Shore Neighborhood Board
Kathleen Pahinui– North Shore Neighborhood Board

The community groups consulted with have not expressed concern regarding the environmental impacts of the project.

Agency Consultation

A draft copy of this memo, along with drafts of all the relevant permits, was shared with the Department of Land and Natural Resources (DLNR). These materials were distributed to the relevant divisions. No comments specific to this exemption were received.

Comments on the relevant draft applications were received from DLNR. This agency input will be integrated into the final applications. Additionally, the project, through the various DLNR applications discussed herein, will go before the Board of Land and Natural Resources for review and approval.

EXEMPTION DECLARATION

Potential impacts of the Project have been evaluated in accordance with the significance criteria of HAR 11-200.1-13, and a discussion of the Project's conformance to the criteria is presented below:

1. **Irrevocably commit a natural, cultural, or historic resource.** Through the conditions outlined herein, the project will avoid any impacts to threatened or endangered species or critical habitats within the Project site. There are no known cultural, archaeological, or historic resources of significance within the Project site. In the event of unexpected discovery of archaeological or historic resources, SHPD will be notified pursuant to HAR 13-280-3.

2. **Curtail the range of beneficial use of the environment.** The Project will not curtail the range of beneficial uses of the environment such as natural habitats, or areas of biological significance.

3. **Conflict with the State's environmental policies or long-term goals established by law.** The Project does not conflict with the policies and guidelines of HRS 343.

4. **Have a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State.** In the short term, production expenditures will positively benefit the local economy through production-related jobs. Additionally, the project will promote the islands and increase awareness regarding ocean safety, providing economic and social benefits.

5. **Have a substantial adverse effect on public health.** No identifiable adverse effects on public health or welfare are anticipated to result from the Project.

6. **Involves adverse secondary impacts, such as population changes or effects on public facilities.** The Project is not anticipated to induce population growth in the state.

7. **Involves a substantial degradation of environmental quality.** The Project is not anticipated to impact environmental quality. Best Management Practices (BMPs) and the conditions herein will be utilized during the Project.

8. **Be individually limited but cumulatively have substantial adverse effect upon the environment or involves a commitment for larger actions.** There are no commitments for further action beyond the scope presented within this EA Exemption Notice.

9. **Have a substantial adverse effect on rare, threatened, or endangered species, or its habitat.** The Project has developed extensive conditions in consultation with the appropriate agencies. Therefore, the Project is not anticipated to substantially affect rare, threatened, or endangered species, or their habitat.

10. **Have a substantial adverse effect on air or water quality or ambient noise levels.** No long-term significant impacts to air or water quality, or noise levels within the Project site are anticipated because of the Project.

11. **Have a substantial adverse effect on or likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters**. No significant impacts are anticipated to environmentally sensitive area.

12. **Have a substantial adverse effect on scenic vistas and view planes, during day or night, identified in county or state plans or studies.** The Project will not result in significant impacts to view planes.

13. **Requires substantial energy consumption or emits substantial greenhouse gases.** The Project will not require more energy than used for comparable projects.

Conclusion

The production of *Rescue HI Surf* falls within the scope of exemptions outlined in HRS Chapter 343's exemption list. The temporary nature of the installations, coupled with the strong environmental and cultural protection measures in place, ensures that the project will have minimal impact on O'ahu's natural and cultural resources. The justification for the exemption is solidly grounded in existing regulatory frameworks, and the DBEDT, acting as the accepting authority, can proceed with granting the exemption.

It is recommended that the project be approved under the exempt status, contingent upon continued adherence to the environmental protections and mitigation measures outlined in this memo.