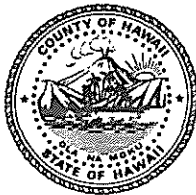


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
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CERTIFIED MAIL

February 1, 1994

Mr. Gene Levy
King Kona Productions, Inc.
100 Universal City Plaza, Bldg. 110
Universal City, CA 91608

Dear Mr. Levy:

Special Management Area (SMA) Minor Permit No. 1
Applicant: King Kona Productions, Inc.
Proposed Shoreside Staging Area for Filmmaking
TMK: 6-1-3:26 (Por.); Kawaihae, South Kohala, Hawaii

This is to acknowledge receipt on January 28, 1994, of a Special Management Area (SMA) Use Permit Assessment Application (SMAA 94-04) for the proposed temporary shoreside staging area on portion of the subject property at Kawaihae Small Boat Harbor in order to conduct motion picture filming offshore.

We have reviewed the proposed project and have determined that a Special Management Area (SMA) Minor Permit is required for the proposed activity. Accordingly, based on the following background and findings we hereby issue SMA Minor Permit No. 1 with conditions.

BACKGROUND INFORMATION

The applicant, King Kona Productions, Inc., is requesting a Special Management Area (SMA) Minor Permit to allow the proposed temporary shoreside staging area for its crew and film personnel during the making of a motion picture. The property is portion of the Kawaihae Small Boat Harbor area located in South Kohala, Tax Map Key: 6-1-3:26 (Por.).

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On October 26, 1993, the Planning Director issued SMA Minor Permit No. 93-21 to DLNR-DOBOR for a staging area in conjunction with the construction of the proposed offshore small boat harbor. However, construction activities are proposed to commence in late 1994 or early 1995.

At its November 19, 1993 meeting, the Board of Land and Natural Resources approved issuance of Revocable Permit No. B-93-54 to the applicant for use of open, unpaved land on the subject property as well as an exclusive easement for approximately 25 acres of submerged land. The timeframe of the motion film production activities will be from February 1, 1994 through December 31, 1994.

Letter of authorization dated December 30, 1993 from the State Department of Transportation Harbors Division states the following:

"...we have authorized Ms. Robin Black, Managing Director for the Big Island Film & Video Association, Inc., to proceed with the filing and processing of the SMA Use Permit application assessment through your Department. This is in conjunction with the filming/production of 'Waterworld' by King Kona Productions, Inc. at Kawaihae Harbor.

"The subject activity will be temporary and no permanent structure will remain upon completion of the film production."

DESCRIPTION OF PROJECT

In order to conduct motion picture filming offshore, King Kona Productions, Inc. will need a shoreside staging area for its crew and film personnel during the making of the motion picture, for equipment, and vehicle parking area. Temporary shade structures for crew and personnel are proposed to be constructed and located at least 50 feet mauka of the existing shoreline revetment. Some minor land grading/leveling of the staging area will also be necessary. Temporary fencing to secure the staging area will be installed to insure public safety and for insurance requirements. Upon completion of the motion film production, the staging area will be restored to its original or satisfactory condition.

The proposed staging area will encompass approximately 6 acres of land mauka of the existing mooring basin area. It will be temporary as it is needed in conjunction with the proposed filming production.

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According to the applicant, "The objective of this project is to conduct and produce a motion picture utilizing Hawaii's unique environment. The production company has stated their intent to work cooperatively as 'good neighbors' with the Federal, State, and County agencies and the community to insure safe conditions at all times."

LAND USE

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the majority of the property as Industrial, portion as Medium Density Urban, and along the shoreline as Open. The County Zoning designation is General Industrial - 1 acre (MG-1a), and Open along the shoreline. The State Land Use District classification is Urban. The property is situated within the Special Management Area (SMA).

According to its February 1, 1994 letter, State Department of Land and Natural Resources, Division of Boating and Ocean Recreation (DLNR-DOBOR) has determined that the proposed action is exempt from the requirements of Chapter 343, HRS, relating to Environmental Impact Statements.

DESCRIPTION OF PROPERTY AND SURROUNDING AREA

Much of the project area is bare coral fill land created from the dredging of the adjacent draft harbor and Operation Tug Boat. The project area is presently sparsely vegetated with coconut trees, beach naupaka, and a few small kiawe trees. No known threatened or endangered species nor critical habitats were identified within the project area.

There are no archaeological features within the project area. As stated earlier, the area is coral fill land. The shoreline is the existing rock revetment which has not changed since the Kawaihae Harbor development in 1970.

Existing recreational and fishing activities occur at the breakwater seaward of the proposed staging area, at the breakwater north of the project site and along the shoreline area to the south of the property.

The Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency (FEMA), classifies along the shoreline area as Zone VE, coastal flood with velocity hazard and base flood elevation determined to be 9 feet. A major portion of the property, however, is classified Zone X, area determined to be outside the 500-year flood plain.

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Lands in the surrounding area are zoned for open, commercial and general industrial uses. Land uses to the south include the Pu'ukohala Heiau National Historic Site and the Samuel Spencer County Park. Lands to the east and north of the project site are in commercial activities.

FINDINGS AND DETERMINATION

Upon review of the request against the guidelines for granting a Special Management Area Permit, the Planning Director hereby approves a Special Management Area Minor Permit based on the following findings:

The purpose of Chapter 205A, HRS, and Planning Commission Rule No. 9, Special Management Area Rules and Regulations of the County of Hawaii, is to preserve, protect and, where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

The total valuation of the proposed shoreside staging area will not exceed \$125,000; and the proposal will not result in a significant adverse effect on the Special Management Area.

The proposed action is consistent with the Objectives, Policies and SMA Guidelines which were established to provide guidance for the preservation, protection, and development of coastal resources of the State and County. They identify several areas of management concerns including historic, recreation, scenic resources, coastal ecosystems, economic use, and coastal hazards.

The proposed temporary shoreside staging area will be located mauka of and at a considerable distance from the existing shoreline revetment. However, in conjunction with the motion film production there will be transiting activities occurring between the proposed staging area and to and makai of the shoreline revetment.

Access to the shoreline south of the small boat harbor ramp is provided by the existing mauka access road. While fishing from the breakwater makai of the staging area will temporarily not be accessible during the months of motion film production, fishing activities from the breakwater north of the staging area and the area to the south of the property will be unaffected.

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The project area will be cleared or leveled to provide the staging area. However, as previously mentioned, the area is sparsely vegetated and much of the area is bare coral material. To minimize impact, King Kona Productions, Inc. will be required to restore the area to its original or better condition.

Based on the above findings, the nature of the proposed temporary shoreside staging area and given the proposed conditions, it is determined that the granting of this request will not impact the identified resources. Therefore, the granting of this request will not be contrary to the purpose and intent of Chapter 205A, HRS, relating to Coastal Zone Management; Rule No. 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code; or the General Plan.

A Special Management Area Minor Permit is further approved subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant, its successors or assigns shall comply with all other applicable laws, rules, regulations and requirements.
3. A grading and/or grubbing permit shall be obtained, if applicable, from the County Department of Public Works.
4. Building permit shall be obtained, if applicable, from the County Department of Public Works.
5. Prior to commencing any staging activities, the Planning Department shall be notified to conduct a site inspection of the proposed staging area.
6. The project area shall be restored to its original or satisfactory state upon completion of the proposed motion film production. Within two weeks after completion, the Planning Department shall be notified to conduct a post site inspection for compliance.

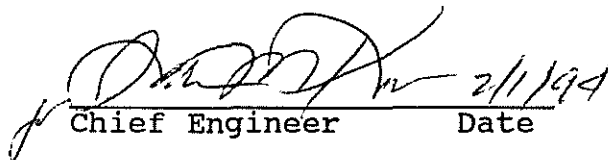
Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

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Should you have any questions, please feel free to contact Alice Kawaha or Rodney Nakano of this office.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director


Chief Engineer Date 2/1/94

AGK

xc: Ms. Donna Kiyosaki, Chief Engineer
Ms. Robin Black
Mr. David E. Parsons, DLNR-DOBOR
West Hawaii Office
Planning Commission
SMA Section