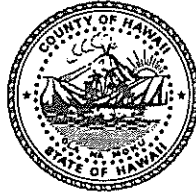


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL

September 2, 1994

Ms. Ginger G. Peterson
Location Manager
King Kona Productions, Inc.
P. O. Box 111333, Suite 263
Kamuela, HI 96743-0050

Dear Ms. Peterson:

Special Management Area Use Permit Assessment
Application (SMAA 94-54) and
Special Management Area Minor Permit (SMM 21)
Applicant: King Kona Productions, Inc.
Proposed Construction of Temporary Structures and Filmmaking
TMK: 4-9-2: Portion of 1; Waipio Valley, Hamakua, Hawaii

We have reviewed your proposal and have determined that this project requires a Special Management Area (SMA) Permit. The project is not expected to have any significant adverse impacts on the coastal zone, and it does not exceed \$125,000 in value. Therefore, the project requires an SMA Minor Permit. We hereby issue Special Management Area Minor Permit No. 21 to allow the construction of the temporary structures and the filmmaking activities.

PROJECT DESCRIPTION

1. King Kona Productions, Inc. is proposing to construct temporary structures and conduct filmmaking activities for the motion picture "Waterworld" on portion of the subject property located in Waipio Valley. The proposed filming area will be utilized for a short term between September and November 1994. According to the SMA application, the use of the project area will be a maximum of 4 weeks. The actual filming is scheduled to take place for 5 to 7 days. The applicant presently has set-up and is currently filming "Waterworld" at Port of Kawaihae in South Kohala for nearly nine months.

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2. Three to five pre-fabricated indigenous grass/rock/stone huts with entry are proposed to be brought down in the valley in sections. The huts will be assembled and situated within the Ironwood Trees/ground cover cluster area, approximately 1/4 mile from the beach. Greenery (fake silk plants) and flowers/plants are proposed to be added to the background of the hut area to enhance the filming. The applicant will not utilize any stones or greenery from the valley itself. Several fallen trees at the site that are old and rotting are proposed to be hand cleared. Portable luas will be brought in for use by the film crew. These luas will be emptied daily by a professional pumping crew. All proposed temporary structures and greenery plants will be completely removed from the valley upon completion of filming. The project area will be restored to its original or satisfactory natural condition.
3. The applicant also proposes to place two local Security Guards on duty 24 hours a day to guard the huts and project area. Local residents and businesses are planned to be utilized during the filming production. If necessary, "off duty" police officers will be hired to direct traffic at the Waipio Valley Road so as not to impede the normal traffic flow to and from the valley for any longer than 10-15 minutes intervals.
4. The subject property is owned by Bishop Museum. A Limited Use Agreement, which permits the applicant to utilize the project area, has been executed between Bishop Museum and the applicant on September 1, 1994.

STATE AND COUNTY PLANS

5. The subject property is located in the State Land Use Conservation District. The proposed filming activities and placement of the temporary structures will be situated within the Conservation District. On June 9, 1994, the State of Hawaii Department of Land and Natural Resources approved a Film Permit, through the State of Hawaii Film Office, for the proposed film production at the project area. The approved permit is subject to a Memorandum of Agreement which includes twenty (20) standard conditions of use of conservation lands. Additional conditions imposed include 1) "The applicant must obtain the landowners permission to utilize the private property." and 2) "The applicant must remove all of the temporary structures (rock/wood huts etc.) within six months, and restore the land to its original condition."

6. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject area as Open as well as Flood Plain. The County zoning is Agricultural-40 acres (A-40a).
7. The project area is within the Special Management Area; therefore, the project is subject to SMA review.
8. Due to the temporary nature of the film activities and structures, the project has been determined to be exempt from further environmental review under Chapter 343, Hawaii Revised Statutes (HRS), relating to Environmental Impact Statements. Therefore, this project does not require the preparation of an environmental assessment, a negative declaration, or an environmental impact statement.
9. On August 17, 1994, the County of Hawaii Department of Public Works Building Division approved a permit for temporary structures. Condition No. 6 of the permit stated that the temporary structures shall be removed from the premises by November 30, 1994.

SITE DESCRIPTION

10. Waipio Valley is important in traditional Hawaiian literature as it was the seat of government for the traditional founder of the Big Island alii line which culminated in the Kamehameha's. Waipio Valley contains extremely valuable historical, cultural and natural resources. Bishop Museum's landholdings at Waipio is estimated at approximately 600 acres or 85% of the valley. The placement of the temporary structures will occur within the existing Ironwood Trees area. There are no known historic sites at the project area.
11. The subject property in Waipio Valley is located approximately 9 miles northwest of Honokaa. The project area is immediately on the southeast side of the Wailoa River.
12. The Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency designates the area as Zone VE, or within an area subject to coastal flooding with tsunami inundation hazards. The base flood elevation of the area is 27 feet above mean sea level.
13. The beach has an average width of about 200 feet. A gentle sloping cobble boulder berm extends shoreward to the base of the sand dune. The temporary structures will be located more than 80 feet from the top of the sand dune.

INFRASTRUCTURE

14. Access to the property is via the 4-wheel drive Waipio Valley Road.
15. Water, electricity and other essential services are not available at the project area.

ASSESSMENT

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 island's coastal zone areas. Special controls on development in these areas have been enacted, to prevent permanent loss of valuable resources. Upon review of the applicant's request for a Special Management Area Permit, the Planning Director finds that the proposed filmmaking activities and construction of temporary structures are consistent with State and County SMA policies, as outlined below:

- a) **Recreational Resources:** The project should not cause more than a temporary disturbance to recreational uses of the Waipio Valley beach area. Beach access will be only limited when filming a shot along the beach. Filming will be conducted only during the weekdays.
- b) **Historic and Natural Resources:** The project will not have any adverse effect on historical and natural resources. The huts will only be temporary structures that will be completely removed from the valley upon completion of filming. Any dead wood or leaves will be "hand cleared" to protect the environment, etc..
- c) **Scenic and Open Space Resources:** The proposed grass/rock/stone hut temporary structures will be placed within the existing Ironwood Trees area. They will be removed out of the valley immediately upon completion of filming. The project area will be left in its natural state. Therefore, the temporary structures will not interfere with the coastal view plane.
- d) **Coastal Ecosystems:** The proposed temporary structures and a major portion of the filming activities will be situated over 80 feet from the top of the sand dune and over 100 feet from the shoreline. Portable luas will be utilized and will be pumped daily. Trash and craft service items will be carried out of the valley daily. Therefore, there will be no impact to the coastal ecosystems.

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- e) **Economic Uses:** The proposed filming activities is temporary in nature and therefore would not be contrary to the site's State Land Use designation, County General Plan, and County Zoning Code. The film production will create some jobs for the local residents as well as utilize existing commercial businesses in the area.
- f) **Coastal Hazards:** Although the temporary structures and filming activities will be situated within an area which is subject to tsunami inundation, the project will not intensify coastal hazards at the site. The project will not involve any permanent above-ground features.

DETERMINATION

Based on the preceding assessment, the Planning Director has determined that this proposal will not be contrary to State and County policies governing the Special Management Area. The Planning Director hereby approves a Special Management Area Minor Permit, subject to the following conditions:

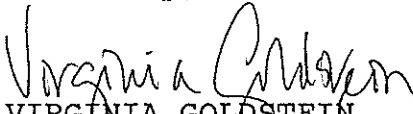
1. The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The applicant, successors, or assigns shall comply with all other applicable laws, rules, regulations and requirements.
3. The applicant, successors, or assigns shall take photographs of the project area prior to commencing any activities and after the site has been restored to its original or satisfactory state. The photographs shall be submitted to the Planning Department for its records by December 31, 1994.
4. An extension of time for the performance of conditions may be granted by the Planning Director only when a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns, and that are not the result of their fault or negligence; and b) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and c) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

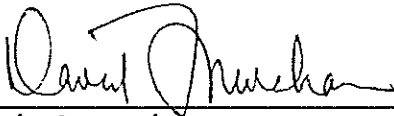
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Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

Please feel free to contact Alice Kawaha of this office at 961-8288 if you have any questions.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director



Chief Engineer

9/2/94

Date

AK:mjh
smm21

xc: Ms. Donna Kiyosaki, Chief Engineer
Planning Commission
SMA Section