



**OFFICE OF ECONOMIC DEVELOPMENT
THE COUNTY OF KAUA'I**

**DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR**

**ROBBIE MELTON
DIRECTOR**



REVOCABLE FILM PERMIT GUIDELINES

1. COMPLETION OF THE REVOCABLE KAUA'I FILM PERMIT:

Primary Contact:

- The Applicant listed on the Revocable Film Permit Application is the legal and responsible party.
- An individual must be identified on the Revocable Film Permit Applicant as the representative of the Applicant.
- The Applicant's representative will serve as primary contact for all communication, requirements and authorizations from the County of Kauai. The representative must have authority to make operational decisions on behalf of the Applicant.

2. FORM COMPLETENESS

- All applications must be legible and include all information requested. Incomplete or illegible forms will not be processed.
- Proof of insurance meeting the requirements of the County of Kauai must be provided before processing can begin.
- If an application section does not apply to the production, please indicate so by entering N/A. The Applicant will be responsible for resolving all community and operational issues associated with production and the location prior to beginning of filming.

3. OTHER REQUIRED COUNTY PERMITS

- If the production requires that equipment (e.g. generators) are stored in the public right-of-way, or requires traffic control, lane or street closures, "No Parking" signage, or safety equipment, you will need to contact the Kauai Police Department at 241-1622.
- If the production is using pyrotechnics or open flame you must contact the Kauai Fire Department at 808-241-1622.

4. SPECIAL NIGHT FILMING REQUIREMENTS FOR THE PERIOD OF SEPTEMBER 15 THRU DECEMBER 15.

The Applicant acknowledges that the fledgling season for the endangered 'U'au or Hawaiian Petrel and threatened 'A'o or Newell's Shearwater is from September 15 – December 15. The Applicant acknowledges and understands that it is responsible to comply with the Endangered Species Act of 1973 (16 U.S.C. sect. 1531 et seq.) and Hawai'i Revised Statutes Chapter 195D for any activities that could cause any take of endangered or threatened species, including the use of any lights while filming during the fledgling season. To minimize adverse impacts on listed endangered and threatened species, the applicant shall use only the following types of external lights: shielded lights, cut-off luminaries, or indirect lighting, all preferably having a 90 degree cut-off. Spotlights aimed upward or spotlighting of structures, landscaping, or the ocean are prohibited.

The applicant agrees and understands that the requirement to defend, indemnify, and hold harmless the County of Kaua'i, its officers, agents, assigns, and employees from and against any and all claims arising directly or indirectly out of the applicant's includes activities that affects any endangered or threatened species.

5. HELICOPTER/FILMING:

- All airspace over Kauai is under the jurisdiction of the FAA (Federal Aviation Administration)
- A flight company must comply with federal aviation regulations, enforced by FAA Flight Standards District Office (FSDO)
- FAA Air Traffic is responsible to portions of flight occurring within certain controlled airspace, such as the area around Lihue Airport and federal airways.
- A flight company must advise the Lihue FSDO, especially if it involves special circumstances or variances.
- Minimum altitudes for helicopters are different than for fixed wing airplanes and depend on the nature of the operation.
- It's a good practice for the company to issue a press release and ensure it goes to the affected neighborhood boards advising of the flight activity, to head off some of the complaints.

The Applicant must notify the following individuals/organizations of each flight:

- Pete Martin – Manager of the FAA, Lihue Air Traffic Control Tower – 245-3454 / cell 250- 4786
- Hank Bruckner - General Aviation Officer, State of Hawaii DOT Airports Division - 838- 8701
harry.p.bruckner@hawaii.gov
- Dennis L. Neves - Kauai Airports District Manager, State of Hawaii DOT Airports Division 274-3805
dennis.l.neves@hawaii.gov
- Thomas J. Ka'iakapu - Kauai Wildlife Manager, State of Hawaii Department of Land & Natural Resources 274-3433 thomas.j.kaiakapu@hawaii.gov
- Ina Lejins - Kauai Air Tour Help Line 530-913-4553 inamanukai@gmail.com
- The County Film Office, will provide Ina Lejins with all the details of the flying mission in anticipation of calls from Kauai residents.

6. DRONES: Using Unmanned Aircraft Systems (Drones)

Please review the following information from the U.S. Department of Transportation as it relates to rules regarding Unmanned Aircraft Systems (UAS, 'Drones') as of June 21, 2016:

If the Applicant plans to use an unmanned aircraft system (aka drone) in its production shoot on state property, the Applicant may have to get a state film permit for this activity.

The State will review the request to use drones on a case-by-case basis and only approve a permit if: a) the production is working with one of the aerial production companies granted an FAA exemption to operate unmanned aircraft systems (drones) for commercial use; and b) the use of the unmanned aircraft system (drone) is limited to the exemption allowed by the FAA, which is for "scripted, closed-set filming." Visit the [FAA - Unmanned Aircraft Systems Information \(Drones\)](#) for more information. Keep in mind that the state agency that has jurisdiction over the location (Department of Land and Natural Resources, Department of Transportation, etc.) may have their own requirements regarding the use of drones on their properties, including higher insurance levels.

7. CERTIFICATE OF INSURANCE

Applicant must maintain and keep continuously in force for the duration of the filming period listed on the permit and any extension thereof, a liability insurance policy or policies, (including aircraft insurance if aircraft/drones are used), providing for coverage of any and all film production activities in the County of Kaua`i in an amount of not less than one million dollars for general liability, which includes bodily harm and property damage, one million dollars for automobile insurance (or Hired and Non-Owned Automobiles if automobiles being used are not owned by the Applicant), and one million dollars for workers compensation & employers liability (if applicable); to name the County of Kauai as an additionally insured party and provide a waiver of subrogation on all automobile and general liability insurance policies. Applicant agrees to provide a certificate of insurance to the County of Kaua`i at the time this permit application is submitted (attach Certificate of Insurance).

Required Certificate Language

In the "Description of Operations/Locations/Vehicles/Special Items" section:

"The County of Kauai, including all of its departments and attached agencies, their officers, employees and agents are named as additional insured with respect to the named insured's filming activities."

In the "Certificate Holder" section:

County of Kauai
Office of Economic Development
4444 Rice Street #200
Lihue, HI 96766

8. SUBMISSION DEADLINES

The County of Kauai encourages you to submit your film permit as soon as possible, but no less than one week before production begins, whether your production is complex or not. The minimum turn around for a film permit is between 3 and 7 days. Your permit **MUST** be submitted with the required Certificate of Insurance (see above for specific requirements). These requirements cannot be amended or adjusted. If the COI is incomplete or incorrect, we will notify you as soon as possible. We cannot process your permit until such time that the correct COI is received.

Other Permits – The Kauai Police Department or the Kauai Fire Department may have different timeframes and requirements. Please contact them directly at:

Kauai Police Department: 241-4958; Kauai Fire Department: 241-1622

9. FILMING IN SENSITIVE KAUAI LOCATIONS:

Hawai'i has a stellar reputation as the world's premier tropical filming location. We want to keep it that way. The Kauai Film Commission are here to assist productions with their filming goals while helping to protect our delicate resources. Kauai is an amazing place to film for so many reasons: Unparalleled beauty, a talented and hardworking labor pool, diverse locations that range from remote rainforests to urban landscapes, and a unique host culture that sets Hawai'i apart from the rest of the world.

Our most precious resources are our native culture and our islands' diverse natural environment. Hawai'i's cultural history dates back some 1,500 years. The geologic age of these islands goes back millions more.

For decades, Hawai'i and its cultural and environmental landscapes have made an impression on visitors from around the globe. But as many are discovering, Hawai'i is more than Hawaiian music, hula and balmy weather. We are proud of our centuries-old traditions in history, language and culture that are thriving in today's modern world. 'Ōlelo Hawai'i, the native language of our people, is an official language of the state alongside English. Hawai'i now boasts the first Hawaiian language digital station, 'Ōiwi TV, as well as a Hawaiian language immersion program, through 'Aha Pūnana Leo, that is recognized globally for its success in bringing 'ōlelo Hawai'i back from near extinction. Hawai'i now has more than 6,000 fluent native speakers throughout our community. And for the first time ever, students are being educated from preschool to the post-graduate level, all in 'ōlelo Hawai'i.

As with the uniqueness of their language, Hawaiians have a special relationship with the 'āina (land) which really sets the Hawaiian culture and our Islands apart from the rest of the world. In essence, ancient Hawaiians believed they were directly related to the plants and animals that shared their world and that both animate and inanimate objects possessed spiritual power, or mana. These beliefs continue today for many of Hawai'i's people.

Our fragile natural environment is just as precious. Hawai'i is not solely made up of the eight main Hawaiian Islands that most people know. We exist within the Hawaiian Archipelago, a series of 132 islands, reefs, shoals, atolls, and seamounts which stretch 1,500 miles across the North Pacific Ocean, from the Island of Hawai'i in the southeast to Kure Atoll in the northwest. These tiny islands represent the most isolated land mass on Earth. Selective migration and evolution on these isolated islands, mean that 90% of the native plant and animal species of Hawai'i (more than 10,000 in total) are found no where else in the world.

In 2006, Papahānaumokuākea Marine National Monument—comprised of the Northwest Hawaiian Islands—was established by presidential proclamation. The Monument was expressly created to protect an exceptional array of natural and cultural resources. It is the single largest conservation area under the U.S. flag and one of the largest marine conservation areas in the world.

Papahānaumokuākea encompasses 139,797 square miles of the Pacific Ocean (362,073 square kilometers) -an area larger than all the country's national parks combined.

The Kauai Film Office will help productions understand and navigate the cultural and environmental sensitivities that make Kauai such a special place. When choosing a location, it's easy to get caught up in the beauty of the place or how perfectly it fits within the script. Producers and location managers should be aware though, that depending on the location, there *may* be cultural or environmental sensitivities to consider:

- Certain public lands are adjacent to communities who have concerns about using the area for filming.
- Some areas are nature preserves, wildlife sanctuaries or home to endangered marine life.
- Ancient burial sites are not uncommon, especially in undeveloped areas.

- Many forested areas shroud ancient *lo'i kalo* (taro terraces), *heiau* (religious temple) or other archaeological sites.
- There are certain places that require a special process when being requested for filming. These include Natural Area Reserves, marine reserves and any filming in proximity of endangered marine mammals and other certain species.

10. CULTURAL AWARENESS

A common tradition in Hawai'i is to have a blessing performed on the first day of filming at a particular location to properly ask permission for the use of the site and protection from injury during the filming process. In some cases, productions coordinate blessings at each location they intend to use. The *kahu*, or priest performing the blessing may also serve as a cultural resource as to the proper protocol expected at the location. We also are able to refer productions to historical, cultural and language experts who can provide critical guidance for any given film production, whether or not the content of the project is specific to Hawai'i or the Hawaiian culture.

So we ask that you consider yourself an honored guest in our home. And before you fall in love with a location, please check with the State of Hawai'i Film Office or the Kauai Film Commission to see if it is, in fact, available for filming. We are happy to assist productions in determining what areas may be sensitive and refer inquiries to specific resources that can assist with location requests. Feel free to contact the staff at the Kauai Film Office at 808-241-4953 or visit us online at filmkauai.com

11. FURTHER INFORMATION

For any further information, please contact the Kauai Film Commission at 808-241-4953 or at info@filmkauai.com

