



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

September 19, 2007
Honolulu, Hawaii

Application for a Stream Channel Alteration Permit (SCAP.1749.2)
Ms. LeeAnn Stonebreaker/Mr. Michael Bermeister
Tropic Works Productions, Inc.
Construction of a Temporary Movie Set
Wainiha Stream, Wainiha, Kauai
(TMK: (4) 5-8-003:003)

APPLICANT:

Ms. LeeAnn Stonebreaker/Mr. Michael Burmeister
Tropic Works Productions, Inc.
4-1191 Kuhio Highway, PMB #293
Kapaa, HI 96746

LANDOWNER:

McBryde Sugar Company, Limited
5531-A Wainiha Power House Road
Hanalei, HI 96714

AGENT:

Mr. Tom Fee/Mr. Rob James
Helber Hastert & Fee, Planners
733 Bishop Street, Suite 2590
Honolulu, HI 96813

SUMMARY OF REQUEST:

Application for a Stream Channel Alteration Permit (SCAP) to construct a temporary movie set on the west bank of Wainiha Stream.

LOCATION: Exhibit 1.

The site is located approximately 1.6 miles up Wainiha Valley from Kuhio Highway at an elevation of approximately 100 feet above sea level. Access to the site is via Powerhouse Road.

Approved by Commission on
Water Resource Management
at the meeting held on
SEP 19 2007

Item D4

BACKGROUND:

The property (TMK 5-8-03:3) is owned by McBryde Sugar Company, Ltd, leased to tenant Walter Scott Osborne, and is within the State's Rural Land Use District. Staging and other support activities would be accommodated within private property set back from the stream. The property across the stream to the east (TMK 5-8-02:02) is owned by Keith Robinson and is within the State Conservation Land Use District. Wainiha Stream is approximately 80 feet wide at the site location. The set would be utilized between the end of September and early October, 2007 and then all improvements would be removed and the site returned to its original condition.

DESCRIPTION OF REQUESTED IMPROVEMENTS:

1. Construct the "River Bank" set adjacent to the stream bank (see Exhibits 2 - 5).
2. Temporarily place no more than 25 imitation rocks in the water near the shoreline each weighing approximately 15 pounds. The rocks will be made from wire or wood framing covered with a cement-based material and a vinyl, water-based exterior house paint.
3. Placement of approximately 300 fifty pound sand bags in the stream so that actors can walk across the stream if necessary. The sand will be obtained from Glover Inc. located on Kauai. The bags are a grey/black plastic "burlap/mesh" material. The bags are to be used by the actors as stepping stones during the in-stream filming. The bags would be spaced apart so as not to form a continuous barrier and would be intentionally placed below water level so as to be invisible to the camera. The bags would provide a safer way for the actors to move about in the stream (vs. using the slipperier stream rocks).
4. Construct a temporary, lightweight camera platform in the middle of the stream. The platform would be an approximately 12' x 12' steel frame platform attached to 2" steel or aluminum piping that will run from the platform base to the stream bed. The platform deck would be about 12 inches above the waterline.
5. Construct a temporary lightweight ramp from the camera platform to the west bank. The ramp would be approximately 6' wide by 25' long and rest on a 2" steel or aluminum pipe framing.
6. Draping/hanging of a light weight silk screen (approximate dimensions: 20 ft x 20 ft) suspended in the vicinity of actors while filming. The silk screen is used to soften the effects of sunlight on the actors. It can be suspended via tripod, strung from tree limbs or other available uprights.
7. Trimming or removal of two large rose apple bushes/clumps near the shoreline of the adjacent property (see Exhibit 6) to open up views of existing palm trees. The rose apple (*Syzygium jambos* Alston) was introduced to Hawaii in the mid 19th century and is consider to be an invasive species. The bush grows back rapidly after cutting to a stump. Trimming or removal will be done by hand; the green waste will be properly disposed of; care will be taken not destabilize the bank; the area will quickly be overgrown by riparian vegetation; no erosion/sedimentation is expected to occur from trimming and or removal.

All work within the stream channel would be by hand; no heavy equipment would be utilized within the stream channel. Materials to be temporarily placed in the stream are considered benign (e.g., metal framing and cement-like material used for the fake rocks, etc.), and when removed will leave no lasting footprint.

ANALYSIS:

Agency Reviews

The U.S. Army Corps of Engineers determined that a Department of the Army (DA) permit is not required for the temporary movie set structures and the temporary placement of sand bags in the stream in the discontinuous pattern described.

The State Department of Health, Clean Water Branch waives its requirements for a Section 401 WQC application because a DA permit is not required.

The Office of Conservation and Coastal Lands, Division of Forestry and Wildlife, State Historic Preservation Division, and Engineering Division had no objections to the project.

The Kauai Department of Public Works (DPW) commented that these temporary structures are uninsurable and there are no flood requirements. Although there may be localized increases in the base flood elevations during the base flood discharge, these sites are remote enough so that such increases in elevation will level out and not affect downstream structures.

The Division of Aquatic Resources, Land Division, State Parks, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, University of Hawaii Environmental Center and U.S. Fish and Wildlife Service did not submit comments as of the date of preparation of this submittal.

RECOMMENDATION:

That the Commission approve a Stream Channel Alteration Permit to construct a temporary movie set on the west bank of Wainiha Stream, Wainiha, Kauai, (TMK: (4) 5-8-003:003. The permit shall be valid for two years subject to the Commission's standard conditions in Exhibit 7 .

Respectfully submitted,



KEN C. KAWAHARA, P.E.
Deputy Director

- Exhibits: 1. Location Map
- 2. Conceptual Plan of River Bank Set
- 3. Artist's Conception of River Bank Set
- 4. Wainiha Stream Site Photos
- 5. Wainiha Stream Site Photos
- 6. Wainiha Stream Site Photos
- 7. Standard Stream Channel Alteration Permit Conditions

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN
Chairperson