

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

January 25, 2013

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

OAHU

Consent to Revocable Permit between the Department of Business, Economic Development and Tourism and CBS Corporation/Eye Productions Inc. over Portions of Lands under Governor’s Executive Order No. 4097, Honolulu, Oahu, Tax Map Key (1) 3-1-042:portion of 009.

CONTROLLING AGENCY (of subject executive order):

Department of Business, Economic Development and Tourism (DBEDT)

APPLICANT (requesting permit):

CBS Corporation/Eye Productions Inc.

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: R-10

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Governor’s Executive Order No. 4097 to Department of Business, Economic Development and Tourism for Film Studio and Related Purposes.

PERMIT TERMS & CONDITIONS:LOCATION:

State Film Studio facility situated at Honolulu, Oahu, identified by Tax Map Key: (1) 3-1-042:portion of 009, as shown on the attached map labeled Exhibit A.

AREA:

7.5 acres, more or less.

CHARACTER OF USE:

Film studio and related activities related to the production of the television series “Hawaii Five-O”

TERM:

Month-to-month basis, tentatively scheduled to commence on or about February 1, 2013

RENT AMOUNT:

To be determined and approved by the Director of DBEDT. See Remarks.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 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." See **Exhibit B**.

DCCA VERIFICATION:

Film Office advised the staff that they will inform CBS Corporation/Eye Productions Inc. that they will need to be registered with DCCA.

REMARKS:

DBEDT requests the Board consent to the issuance of a monthly revocable permit to CBS Corporation/Eye Productions Inc. over portions of the film studio for activities related to the production of the television series, “Hawaii Five-O.”

As of the time of writing this submittal, staff understands that the name of the applicant may be changed, as it is not uncommon for the studio to set up a separate production company to handle a TV series. In addition, rent for the proposed permit is being

negotiated between DBEDT and the applicant. In view of the scheduled commencement date of the permit and the Board schedule, DBEDT will not have time to bring the issue of applicant name and rent to the Board for approval. Therefore, staff recommends the Board authorize the director of DBEDT to accept any change in the applicant's name, provided the applicant is related to the production of the subject television series, and approve the rent of the proposed permit.

The proposed permit is consistent with the purpose of the set aside. There are no other pertinent issues or concerns. Staff has no objection to the request.

RECOMMENDATION:

That the Board consent to the revocable permit between the Department of Business, Economic Development and Tourism and CBS Corporation/Eye Productions Inc., subject to any applicable conditions cited above which are by this reference incorporated herein and further subject to the following:

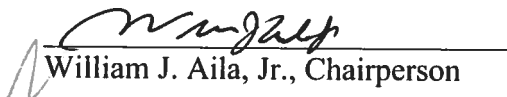
1. Authorize the subject requests to be applicable in the event of a change in the name of the applicant, provided the succeeding applicant is related to the production of the subject television series;
2. Authorize the Director of the Department of Business, Economic Development and Tourism to determine the rent;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

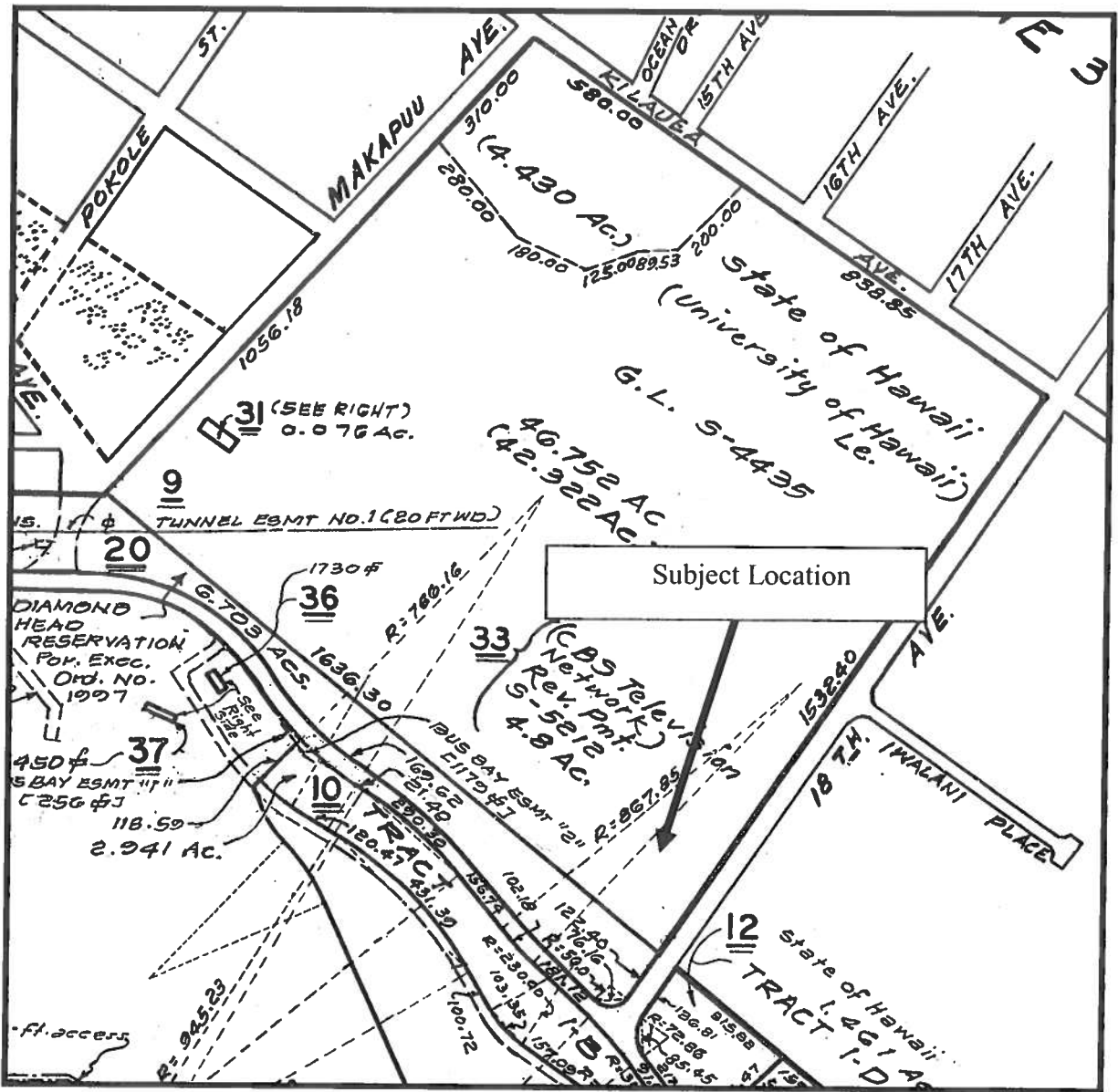


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



TMK (1) 3-1-042:portion of 009

EXHIBIT A

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Consent to Issuance of Revocable Permit over Lands setting aside under Governor’s Executive Order

Project / Reference No.: EO 4097

Project Location: Honolulu, Oahu, Tax Map Key (1) 3-1-042:portion of 009.

Project Description: Film Production Studio

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 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"

The proposed permit pertains to the use of the existing film studio. As such staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties Not applicable

Recommendation: That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.





William J. Aila, Jr., Chairperson

1/15/13

Date

EXHIBIT B