



County of Kauai
Office of Economic Development
Kauai Film Office
4444 Rice Street, Suite 200
Lihue, HI 96766
808-241-2953
info@filmkauai.com

COUNTY OF KAUAI GENERAL FILM PERMITTING INFORMATION

The Kauai County Film Office provides assistance with permitting for federal, state and county jurisdictions within the County of Kauai. All production activity that takes place on Kauai County rights-of-way requires a film permit. Below is information for County, State and Federal permitting:

County Property: Covers general access to county roads, county sidewalks and public areas, including some beach parks and county facilities. Although there are exceptions, most beach parks (the grassy areas fronting sandy beaches) are on county property.

County Parks Permits: Cover any production activities taking place in a county park or recreation area. Currently Kauai does not charge a fee for filming on County property, however Insurance is required.

State Permits: Cover all sandy beaches, airports, harbors, certain beach parks and any filming of marine activities. Contact the State of Hawaii Film Office for further details.

Federal Permits: Cover any production activity within the Pacific Missile Range Facility, Kilauea Point National Wildlife Refuge and Hanalei National Wildlife Refuge.

TRAFFIC ASSISTANCE AND STREET CLOSURES

Each request is reviewed on a case-by-case basis. It is highly recommended you work through the Maui Police Department to assist with coordination of projects of this nature. Depending on the activity, you are usually required to post adequate signs and safety aids several days in advance and hire special duty police officers to facilitate traffic flow. You may be required by permit to obtain a special duty police officer or may want a police presence during filming.

FLEDGLING SEASON LIGHTING REQUIREMENTS (SEPT 15 TO DEC 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 Kauai, 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.

HELICOPTER FILMING

All airspace over Kauai is under the jurisdiction of the FAA (Federal Aviation Administration). All 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.

Applicant agrees to notify the following person(s) of any film flight activity:

- 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 activities in anticipation of calls from Kauai residents.

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.

INSURANCE

A Certificate of Liability Insurance is required for all filming activities that take place on County of Kauai property (as well as State and Federal). Required Liability Limits are:

- General Liability (\$1 million per occurrence, \$2 million aggregate)
- Automobile Liability (\$1 million bodily injury per person, \$1 million bodily injury per accident and \$1 million property damage per accident)

- **Waiver of Subrogation – each policy MUST include a Waiver of Subrogation**
- Please click [here](#) for a sample Certificate of Insurance that meets these requirements.

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
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SUBMISSION DEADLINES

The County of Kauai encourages you to submit your film permit as soon as possible, but no less than three days before production begins, whether your production is complex or not. The minimum turn around for a film permit is 2 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

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.

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 www.filmkauai.com

GENERAL PERMIT CONDITIONS

1. The permit is valid only for the County of Kauai owned properties only. For State and Federal areas, a permit from the appropriate government agency is required. Private areas require permission from the land owner or his/her agent.
2. The applicant shall indemnify and hold harmless the County, its officers and employees and agents from claims, costs and liabilities for injury to or death of any person or for damage to any property arising out of, or in any way connected with the use of County areas by the applicant, his/its agents and/or employees.
3. The applicant must obtain and maintain continuously in force for the duration of this permit, and any extension thereof, a liability insurance policy or policies as required. Click [here](#) for Insurance Requirement Information.
4. The permit shall be valid only for the locations, dates, and times indicated thereon. Any changes or extensions to the location, dates and times must have prior approval from the County of Kauai Office of Economic Development which administers the permit.
5. The applicant shall, at all times, while filming activities are taking place, have a contact person on site available to County personnel to ensure compliance with all conditions of this permit.
6. Applicant or applicants on-site contact will have a copy of the permit at all times and present it to County officials upon request.
7. Public passage over public areas being used by the applicant shall be allowed at all times.
8. The applicant, its Hawaii representative or agent shall be jointly and severally liable for any damages, penalties, or fines incurred from the production. The applicant, its Hawaii and/or Kauai representative shall also be responsible for clean-up and restoration of areas used.
9. The applicant shall comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and County governments, including but not limited to those relating to noise, air and water pollution, and public health and safety.
10. The applicant, while on location, shall adhere to County traffic and parking regulations in order to minimize inconveniencing the surrounding community and the public-at-large.
11. The applicant shall be responsible for all appropriate security measures for both the public and the filming company and cast while on location.
12. The applicant is aware that Shearwater Fledgling Season begins in late September and runs through December. This requires lighting to be adjusted during this time. For more information, please go the [Seabird Fallout Season](#) website.
13. The applicant understands that certain areas may be culturally and/or environmentally sensitive and must be respected at all times:
 - 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), *heiau* (religious temple) or other archaeological sites.
14. Weekend and holiday filming which impacts the general public (particularly at popular sites) is highly discouraged.

CODE OF CONDUCT

The State of Hawaii and the County of Kauai Film Office appreciates your cooperation in upholding the Code of Conduct while filming in the State of Hawaii. Please call this office, or the appropriate county office, if you have any questions.

1. When filming in a neighborhood or business district, proper notification is to be provided to each merchant or neighbor who is directly affected by the company (this includes parking, base camp, and meal areas). The filming notice should include:

- a) Name of company
- b) Name of production
- c) Kind of production (eg. feature film, television series, commercial, etc.)
- d) Type of activity and duration (times, dates, number of days, including prep and strike)
- e) Company contact (first assistant director, unit production manager, location manager)

2. This Code of Conduct should be attached to the filming notification which is distributed to the neighborhood.

3. Productions vehicles arriving on location in or near a residential neighborhood should enter the areas at a time no earlier than that stipulated in the permit, and park one by one, turning off engines as soon as possible. Cast and crew shall observe designated parking areas.

4. Production passes identifying the crew are recommended. If issued, every member of the crew shall wear it while at the location.

5. The removal, moving or towing of the public's vehicles is prohibited without the express permission of the municipal jurisdiction or the owner of the vehicle.

6. Do not park production vehicles in, or block driveways without the express permission of the municipal jurisdiction or driveway owner.

7. Cast and crew meals shall be confined to the areas designated in the location agreement or permit. Individuals shall eat within their designated meal area, during scheduled crew meals. All trash must be disposed of properly upon completion of the project.

8. Recycling and/or donation of all used materials at the end of production is highly recommended due to the limits of our current landfill.