

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

October 28, 2016

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

PSF No.16OD-103

Oahu

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach Every Friday From November 18, 2016 to September 29, 2017, Waikiki, Honolulu, Oahu, TMK: (1) 2-3-037:021 (Por).

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waikiki, Honolulu, Oahu, identified by Tax Map Key:(1) 2-3-037:portion of 021, as shown on the map attached as **Exhibit A**.

AREA:

500 square feet, more or less, for set-up and firing site, plus a safety zone with a radius of approximately 250 feet around the firing site.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: Public Precinct

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Set up and conducting aerial fireworks display.

TERM:

Between 4:00 p.m. and 9:00 p.m. on the dates shown in **Exhibit B**.

RENTAL:

\$50.00 per event date.

At its meeting of February 14, 2014, under agenda item D-12, the Board exempted the Friday night fireworks shows at the subject location from the \$500 safety zone fee.¹

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51. See **Exhibit C**.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

REMARKS:

Hawaii Explosives & Pyrotechnics, Inc. (HE) is contracted with Hilton Hawaiian Village to conduct aerial fireworks display every Friday for a period of 12 months from October 2016 to September 2017 at Duke Kahanamoku Beach. The subject request is a continuance of the same firework display held at the same location since the initial

¹ Prior to June 2013, no safety zone fee was imposed. On June 14, 2013 (Item D-5), Board approved the staff's recommendation of a \$500 safety zone fee on the premise that the safety zone excludes public access. The \$500 fee was an alternative to the standard 10 cents per square foot fee which would have equaled to approximately \$20,000 for the safety zone. On February 14, 2014 (Item D-12), Board exempted the \$500 fee for the regular Friday shows, based on the argument of community benefit put forth by the adjoining hotel. On October 23, 2015 (Item D-9), the Board revisited the safety zone fee, but decided that no safety zone fee will be imposed for the 2015-2016 ROE.

display over 25 years ago.

By its letter dated August 10, 2016, HE request the issuance of a right-of-entry permit for the aerial fireworks display at Duke Kahanamoku Beach occurring every Friday between October 2016 and September 2017, with the dates shown in Exhibit B. Staff notes that the subject request does not pertain to the dates already approved by the Board at its meeting on September 9, 2016 as described below.

At its meeting on September 9, 2016, under agenda item D-4, the Board approved as amended the fireworks show from October 7, 2016 to November 11, 2016 without the imposition of the safety zone fee. The Board also directed staff to return to the Board on with a right-of-entry request that covers the period from November 18, 2016 to September 29, 2017. At the September 9, 2016 meeting, Board Member Downing indicated a desire to talk with stakeholders regarding a fair rent to charge for the use of the safety zone area.

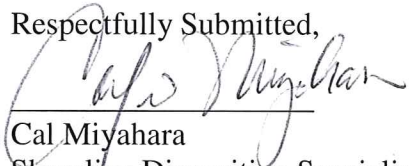
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

OCCL has no comments on the subject request. Staff has no objection to this request.

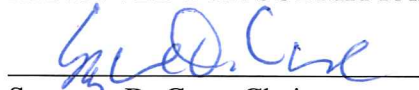
RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Hawaii Explosives & Pyrotechnics, Inc. on specified dates mentioned above covering the subject area for aerial fireworks display purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Cal Miyahara
Shoreline Disposition Specialist

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson

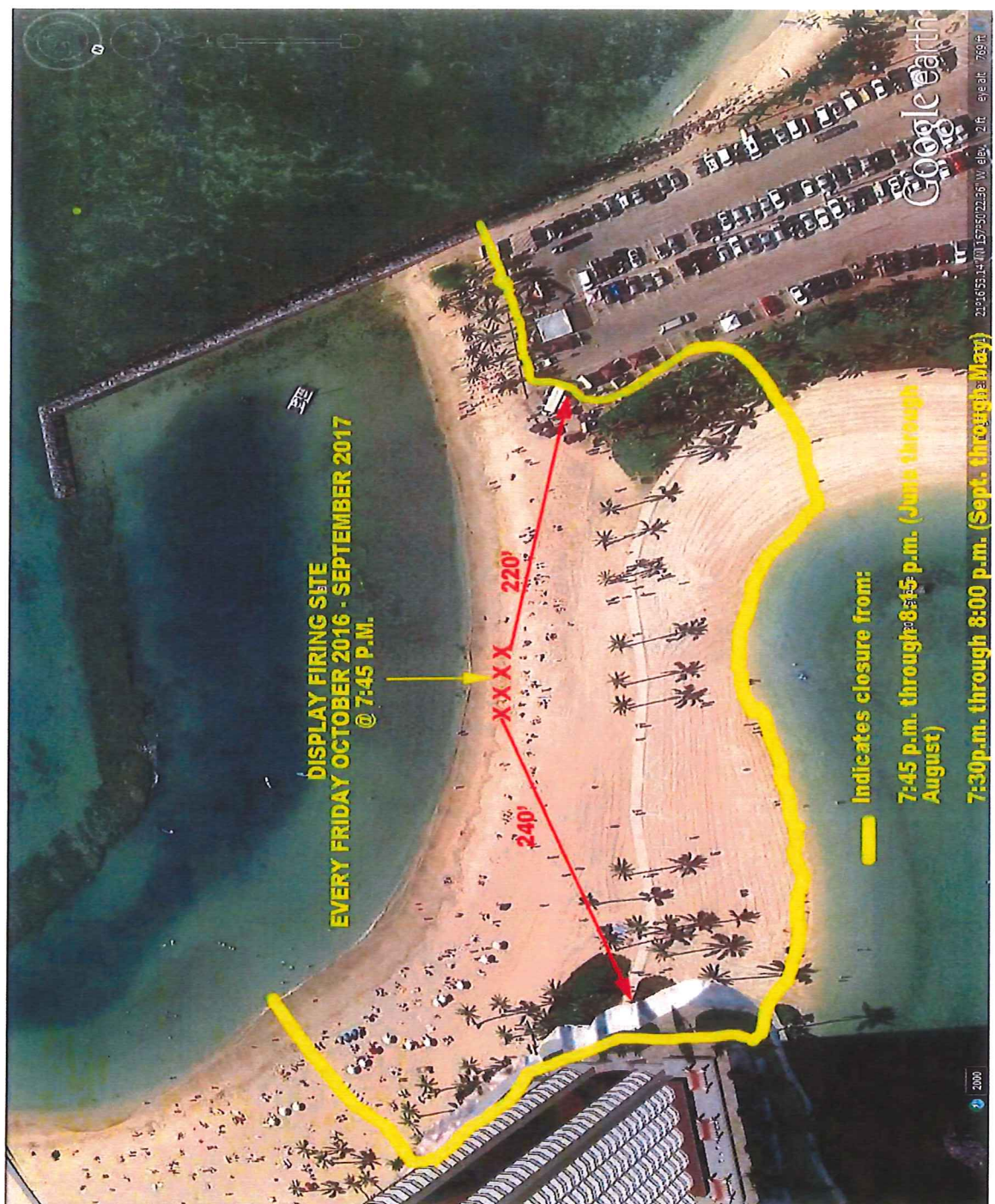


Exhibit A

Hawaii Explosives & Pyrotechnics, Inc.

P. O. Box 1244 Keaau, Hawaii 96749
Phone: (808) 968-0600 (Big Island) Fax: (808) 968-0800 (Big Island)
Toll Free: (800) 240-6064 Email: hepinc@hipyro.com

August 10, 2016

Mr. Calen Miyahara, Oahu District Representative
Department of Land and Natural Resources
Division of Land Management
P.O. Box 621
Honolulu, HI 96809-0621

Subject: Request for Renewal
Right of Entry for Duke Kahanamoku Beach

Dear Mr. Miyahara,

Hawaii Explosives & Pyrotechnics, Inc. would like to request Right-of-Entry for Duke Kahanamoku Beach in order to provide fireworks display services in conjunction with the weekly Rockin' Hawaiian Rainbow Revue at the Hilton Hawaiian Village. The displays are to be held every Friday throughout the months of October 2016 through September 2017. Details are as follows:

Event:	Hilton Hawaiian Village Rockin' Hawaiian Rainbow Revue Fireworks Displays
Location:	Waikiki, Oahu
Display Dates:	Every Friday: October 7, 14, 21, 28, 2016 November 4, 11, 18, 25, 2016 December 2, 9, 16, 23, 30, 2016 January 1, 6, 13, 20, 27, 2017 February 3, 10, 17, 24, 2017 March 3, 10, 17, 24, 31, 2017 April 7, 14, 21, 28, 2017 May 5, 12, 19, 26, 2017 June 2, 9, 16, 23, 30, 2017 July 7, 14, 21, 28, 2017 August 4, 11, 18, 25, 2017 September 1, 8, 15, 22, 29, 2017
Firing Time:	7:45 p.m. (approximately) – October through April 8:00 p.m. (approximately) – May through September
Hours of Operation:	Between 4:00 p.m. and 9:00 p.m. (each date)
Firing Site:	Duke Kahanamoku Beach (Exhibit A)

Request for Renewal
Right of Entry for Duke Kahanamoku Beach

Request

Authorization to conduct all procedures associated with display operations to include:

- *Closure, security and monitoring of the display site and adjacent safety zone
- * Access to discharge site (beach area within secured perimeter) via a small box truck carrying pyrotechnics, racks, and firing equipment.
- *Positioning of mortar racks and firing equipment on the beach
- *Secure area for pyrotechnics prior to set up and wiring
- *Setup and wiring of pyrotechnics, display ignition and discharge from the specified area
- *Completion of all post-display operations as related to each pyrotechnic display.

Plan of Action

Duke Kahanamoku Beach firing site (Exhibit A):

Our personnel will close and secure an area surrounding the intended display discharge site prior to the unloading of equipment and pyrotechnics. Approximately 500 square feet will be utilized for the setup of display equipment, positioning of racks containing 3" mortars, loading and wiring of pyrotechnics into mortars, and conduct of all other applicable display operations. A security perimeter will be established to include the beach area adjacent to the Ala Wai Boat Harbor parking lot down to the ocean, along the Hilton Lagoon to the area fronting the Ewa side corner of the Hilton Rainbow Tower, and across the beach back down to the ocean, forming a semi-circle around the discharge site. Security personnel will monitor the established safety/fallout zones to prevent entry into the area by the general public and unauthorized personnel during display preparations, ignition, and post-display breakdown. We will access the discharge site (beach area within secured perimeter) via a small box truck carrying pyrotechnics, racks, and firing equipment. As an additional public safety measure and in keeping with best practices, the locked box of the truck will serve as protected temporary storage for pyrotechnic articles until it is time to fully install the devices into our firing equipment. The box truck will remain on the beach during set up, firing, and throughout post display procedures. We feel these measures combined with the secured safety zone provide an added buffer between the public and the discharge site in the event an incident should occur.

Standard Safety & Security Procedures

Hawaii Explosives & Pyrotechnics, Inc. practices safety and security procedures within industry standards to do our very best to minimize risk to the general public, tourists and hotel guests as we prepare for, fire, and clean up after our displays. Our personnel and the private security officers are trained to be courteous to everyone while being firm in preventing entry into any potentially hazardous area. It is our ultimate goal to present every display in a manner that is absolutely safe, yet spectacular and enjoyable for all.

Request for Renewal
Right of Entry for Duke Kahanamoku Beach

Hawaii Explosives & Pyrotechnics, Inc. – Important Contact Names & Numbers:

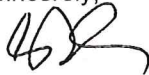
Main Office (808) 968-0600 (office)
Charlene Pascual, President
Stephanie Pascual, Vice President
Donald Pascual, Safety Coordinator
Bruce Albrecht, Operations Manager

Enclosed please find copies of firing site location map (Exhibit A) and a certificate of insurance pertaining to the weekly Rockin' Hawaiian Rainbow Revue Fireworks Displays covering the period March 2016 through March 2017. (A new certificate of insurance for the weekly displays will be forwarded upon renewal of the policy in March of 2017 to cover displays through September 2017.)

All required permits from appropriate agencies for the conduct of each fireworks display will be obtained.

We appreciate your consideration of this request for renewal of our Revocable Permit. Thank you in advance for your assistance for us to provide fireworks display services for the enjoyment of visitors and residents alike.

Sincerely,



Stephanie Pascual
Vice President

Enclosures

EXEMPTION NOTIFICATION

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

Project Title: Aerial Fireworks Display at Duke Kahanamoku Beach

Project / Reference No.: PSF 16OD-103

Project Location: Waikiki, Honolulu, Oahu, TMK:(1) 2-3-037: portion of: 021.

Project Description: Aerial Fireworks Display every Friday night from November 18, 2016 to September 29, 2017.

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51, which states the "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing".

This Board has permitted similar events in the past. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. 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: Comments requested from OCCL.

Recommendation: It is recommended that the Board find that 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.


Suzanne D. Case, Chairperson


9/27/16
Date

Exhibit C