

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

November 10, 2016

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

PSF No 16OD-142

Oahu

After-the-Fact Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display on Encumbered State lands off Ko Olina Beach on October 29, 2016, Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-1-057:seaward of 003.

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Honouliuli, Ewa, Oahu, identified by Tax Map Key:(1) 9-1-057:seaward of 003, as shown on the map attached as **Exhibit A-1** and **A-2**.

AREA:

Safety zone area around the firing site depicted on Exhibit A2.

ZONING:

State Land Use District: Conservation

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:

Requested area is encumbered by Grant of Easement No. 5160, Ko Olina Intangibles, LLC, for non-exclusive public recreation easement. For the creation, construction, repair

and maintenance of public beaches, swimming lagoons, lagoon channels and other public recreational areas and to provide public rights-of-way and/or access along the shoreline, on, over, under and across State beaches, tidal and submerged.

CHARACTER OF USE:

Set up a safety zone area for the aerial fireworks display.

TERM:

Between 8:00 a.m. to 11:45 p.m. on October 29, 2016.

RENTAL:

\$500 (One time payment - See Remarks Section for breakdown of cost).

COLLATERAL 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 B**.

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) conducted a fireworks display along the coastline outside of the lagoon at Ko Olina Beach on October 29, 2016 for the Honolulu Food & Wine Festival.

The request for the firework show was initially submitted by the applicant and received by the Department on October 7, 2016. The applicant intended to set-up two firing sites along the shoreline of the lagoon and two other firing sites along the shoreline outside of the lagoon on encumbered State land (easement GL-5160), for a total of four firing sites as shown on Exhibit A-2. The firing sites along the lagoon were projected towards the lagoon and the firing sites along the State's shoreline projected towards the ocean.

However, during a site meeting with the applicant, hotel event promoter, and staff on October 11, 2016, the applicant and the event promoter decided to relocate the two firing sites that were initially planned to be along the State's shoreline onto the hotel's property and have all the fireworks launchers be projected towards the lagoon (**Exhibit A-3**). By moving the two firing sites off State land the applicant did not require a right-of-entry permit (ROE) for the firing area.

Subsequently, it was determined that the safety zone area would include a portion of State land makai of the shoreline and an ROE would be needed for the use of the area. The timing in determining that an ROE was needed for the safety zone precluded approaching the Board before the event for an authorization to issue the ROE. Since the request was routine in nature, staff recommended the Chairperson to approve an ROE to allow the fireworks show to proceed and approach the Board for an after-the-fact authorization, pursuant to the prevailing policy. Chairperson approved a right-of-entry dated October 24, 2016, for the request.

Also, staff is recommending that the Board approve an after-the-fact charge of \$500 to HE for the use of the safety zone area.

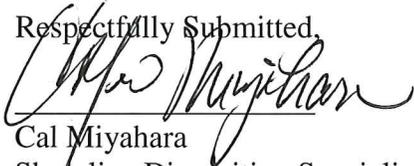
Pursuant to the authority delegated by the Board on June 14, 2013, Item D-11, the Chairperson declared the request exempt from the preparation of an environmental assessment and issued a right-of-entry for the requested event, subject to a payment of \$500 for the safety zone fee.

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. There are no pertinent issues or concerns. Staff does not have any objection to this request.

RECOMMENDATION: That the Board:

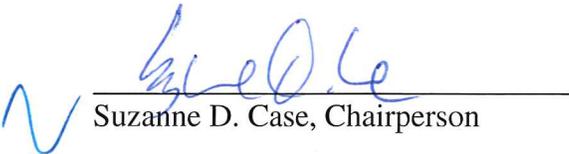
1. Authorize an after-the-fact right-of-entry permit to Hawaii Explosives & Pyrotechnics, Inc. covering the subject area for aerial fireworks display under the terms and conditions cited above.

Respectfully Submitted,



Cal Miyahara  
Shoreline Disposition Specialist

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

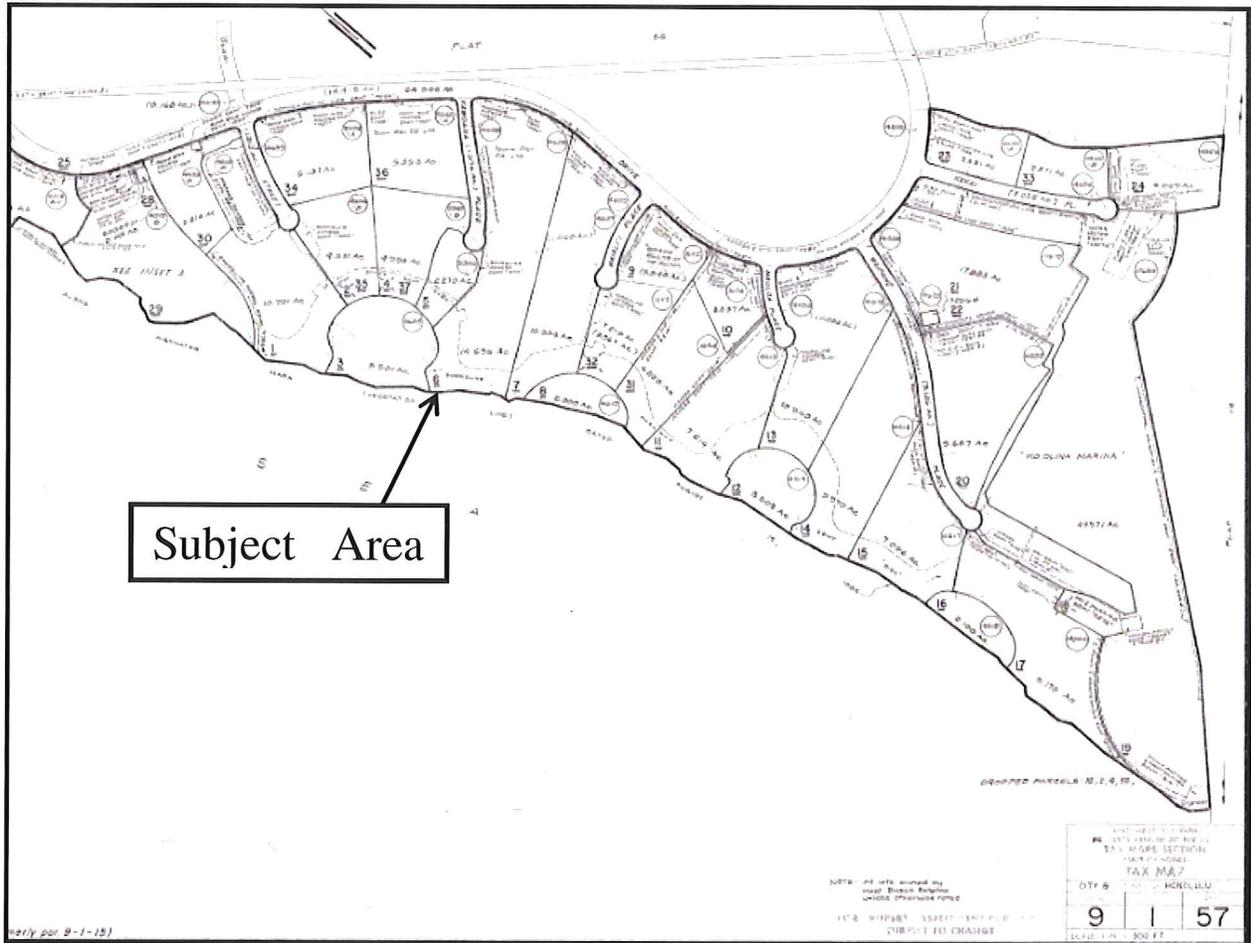


Exhibit A-1





**EXEMPTION NOTIFICATION**

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

Project Title: Fireworks Display at Ko Olina Beach on October 29, 2016

Project / Reference No.: PSF 16OD-142

Project Location: Honouliuli, Ewa, Oahu, TMK:(1) 9-1-057: seaward of: 003.

Project Description: Aerial Fireworks Display at Ko Olina Cove 1B

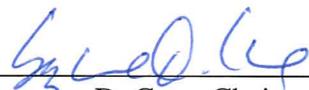
Chap. 343 Trigger(s): Use of State Land

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".

In the past, permits were periodically issued for conducting aerial fireworks displays on the beach in this area, which have resulted in no known significant impacts to the natural and environmental resources in the area. As such staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties: Office of Conservation and Coastal Lands.

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.

  
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Suzanne D. Case, Chairperson

Date 10/27/16

**Exhibit B**