

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

December 9, 2016

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

PSF No 16OD-157

Oahu

After-the-Fact Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on December 5, 2016, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:021 (Portion).

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 – Staging area, and 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 12:00 p.m. to 10:00 p.m. on December 5, 2016.

RENTAL:

\$800 (One-time payment - See Remarks Section for breakdown of costs).

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 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 within the lagoon at Duke Kahanamoku Beach on December 5, 2016 for an event commemorating the 75th anniversary of the Pearl Harbor attack.

The set-up and firing of the aerial fireworks display for the event included the staging area and the firing of the aerial fireworks display from a platform within the lagoon consisting of 500 square feet, from 12:00 p.m. to 10:00 p.m. on December 5, 2016, at Duke Kahanamoku Beach as shown on the attached map labeled Exhibit A.

The request for the firework show was submitted by the applicant on November 14, 2016, four weeks prior to the event date, but after the sole November 10, 2016 Land Board meeting. The late request 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 approve an ROE to allow the fireworks show to proceed,

and subsequently, approach the Board for an after-the-fact authorization pursuant to the prevailing policy. The Chairperson approved a right-of-entry permit dated November 15, 2016, for the request.

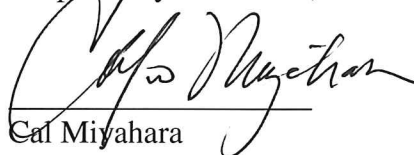
Pursuant to the authority delegated by the Board on June 14, 2013, Item D-11, the Chairperson declared the request exempt from the preparation of an environmental assessment and issued a right-of-entry for the requested event, subject to a payment of \$800 for the safety zone area (\$500), firing site (\$50), and a late request charge (\$250) as the request was made in the fourth week prior to the event date.

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:

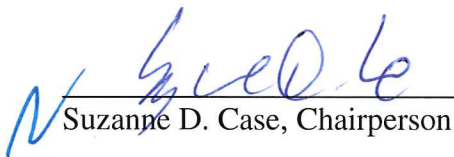
1. Authorize an after-the-fact right-of-entry permit to Hawaii Explosives & Pyrotechnics, Inc. covering the subject area for aerial fireworks display under the terms and conditions cited above.

Respectfully Submitted,



Cal Miyahara
Shoreline Disposition Specialist

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

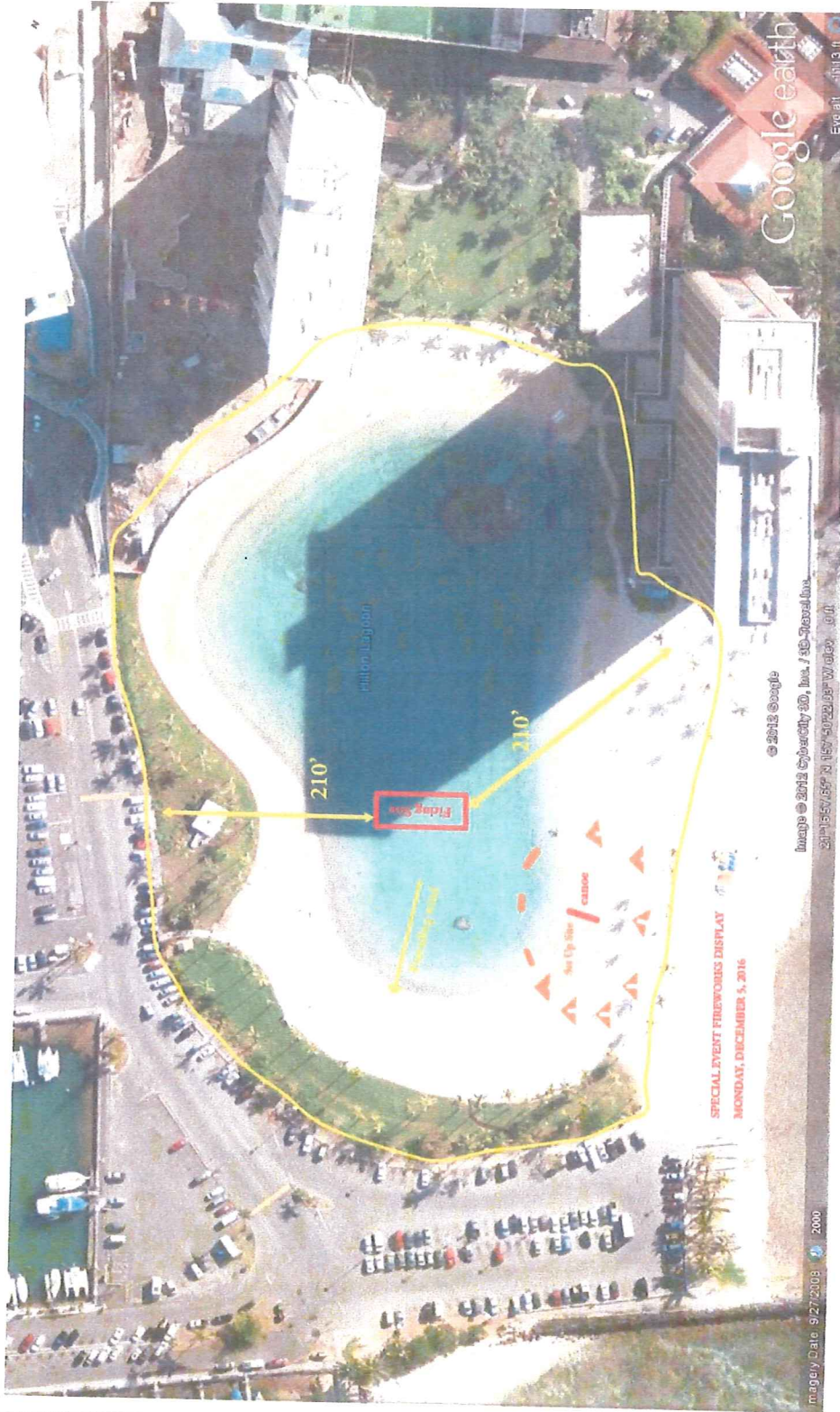


Exhibit A

EXEMPTION NOTIFICATION

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

Project Title: Fireworks Display at Duke Kahanamoku Beach on December 5, 2016

Project / Reference No.: PSF 16OD-157

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

Project Description: Aerial Fireworks Display at Duke Kahanamoku Beach


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: 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
Date: Nov. 21, 2016

Exhibit B