

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-158

Oahu

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. from December 30, 2016 to January 1, 2017 for Aerial Fireworks Display on Encumbered State lands off Ko Olina Beach on New Year's Eve 2017, Honouliluli, Ewa, Oahu, Tax Map Key: (1) 9-1-057:seaward (see **Exhibit A-1** and **A-2** for location).

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc.

LEGAL REFERENCE:

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

LOCATION:

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

AREA:

Staging area and a safety zone as shown on the map attached as **Exhibit A-2**.

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 and firing of aerial fireworks display.

TERM:

Between 8:00 a.m. on December 30, 2016 to 4:00 a.m. on January 1, 2017.

RENTAL:

\$600 (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), is requesting the issuance of a right-of-entry permit for the set-up and firing of fireworks display along the coastline outside of the lagoon coves at Ko Olina Beach on December 31, 2016 for a New Year's Eve event.

The set-up and firing of the aerial fireworks display for this event will include 3 separate firing sites (B, C, and D) as shown on Exhibit A-2. All of the fireworks launchers will be projected away from the ocean, either Mauka or towards the coves. Firing Site B will have a total of 5 launch platforms; 3 launch platforms will be on Ko Olina's property along the cove shore, and 2 launch platforms will be along the shoreline outside of the cove on encumbered

State land (easement GL-5160). The 2 launch platforms on encumbered State land require a right-of-entry permit (ROE). Firing Sites C and D will be located between Ko Olina's coves 2 and 3, and coves 3 and 4, respectively; both firing sites will be located on Ko Olina's property and will not require an ROE. The staging area for the 2 launch platforms on encumbered State land will consist of a total of 500 square feet and is being requested from 8:00 a.m. on December 30, 2016 to 4:00 a.m. on January 1, 2017. Two days of State land use is being requested, because of the increase in quantities of platform launchers and time that is needed to prepare for the event.

HE is requesting the use of encumbered State land for the 2 launch platforms for two reasons. First, larger diameter shells (5" and 6") will be fired from the 2 platforms, and therefore, is required to be at a greater distance from the attendees. Secondly, during a previous show in the same vicinity problems were encountered when launchers were placed on Ko Olina's property (just Mauka of the shoreline). The abundance and close proximity of coconut trees in the vicinity created a challenge as there were very limited open spaces between tree tops. Accordingly, there were difficulties in attempting to angle the launcher to fire towards the cove. This situation created an increased risk for fire, potential damage to vegetation or private property, increased the risk factor for HE personnel and attendees, and reduced the trajectory angle that could be safely achieved.

Also, staff is recommending that a charge of \$500 be imposed to cover the exclusive use of the safety zone as shown on Exhibit A-2. The total cost for this right-of-entry, which includes the staging area of \$100 (\$50 per event date; for 2 days) will be \$600.

Office of Conservation and Coastal Lands has no comments to the request.

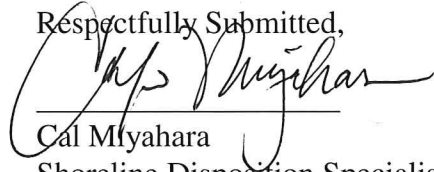
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions. There are no pertinent issues or concerns. Staff does not have any objection to this request.

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. 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;

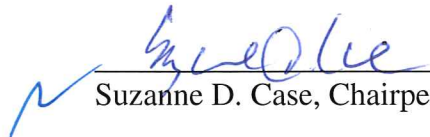
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Cal Miyahara
Shoreline Disposition Specialist

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

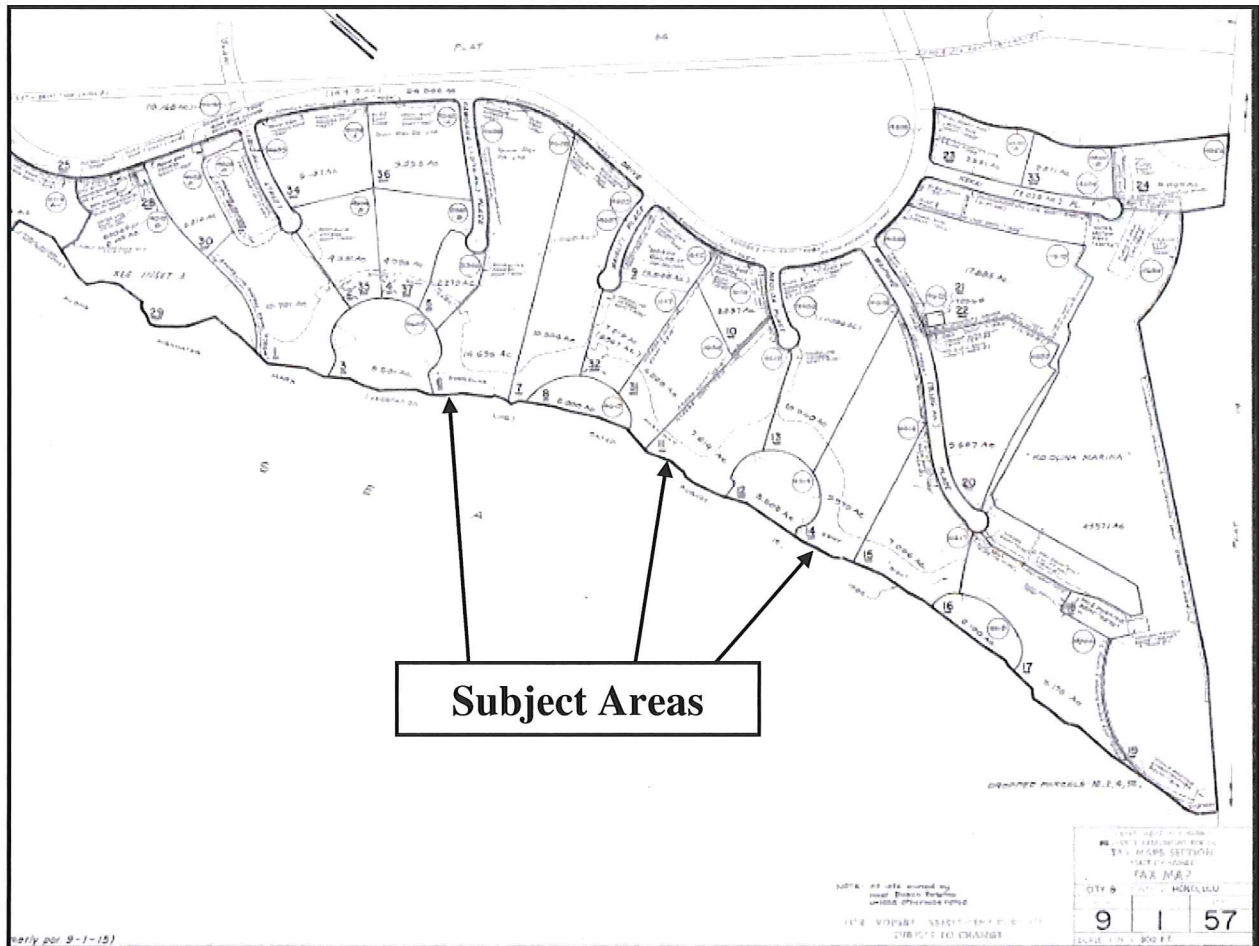




Exhibit A-2

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 December 31, 2016.

Project / Reference No.: PSF 16OD-158

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

Project Description: Aerial Fireworks Display at Ko Olina Beach

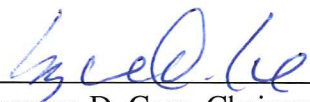
Chap. 343 Trigger(s): Use of State Land

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 display 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.



Suzanne D. Case, Chairperson
Date 11/28/16

Exhibit B