

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

January 13, 2017

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

PSF No 16OD-168

Oahu

Issuance of Right-of-Entry Permit to Fireworks by Grucci, Inc. for Aerial Fireworks Display at Unencumbered State lands on Fort DeRussy Beach on January 16, 2017, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-6-005:seaward of 001.

APPLICANT:

Fireworks by Grucci, Inc., a foreign profit corporation.

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) 2-6-005:seaward of 001, as shown on the map attached as **Exhibit A-1** and **A-2**.

AREA:

225 square feet, more or less – Staging area, and a safety zone with a radius of approximately 210 feet around the firing site.

ZONING:

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

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 vacant and unencumbered.

CHARACTER OF USE:

Set up and conducting aerial fireworks display.

TERM:

Between 12:00 p.m. to 11:45 p.m. on January 16, 2017.

RENTAL:

\$522.50 (One time payment).

225 square feet x (10 cents per square feet per day) = \$ 22.50

Safety zone fee = \$500.00

Total = \$522.50

CLEAN-UP DEPOSIT:

\$2,500.00.

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:

Fireworks by Grucci, Inc. (Grucci) is requesting the issuance of a right-of-entry permit for the set-up and firing of fireworks display at the subject location for a Special Event Fireworks Display.

The set-up and firing of the aerial fireworks display for this event will include the staging area and the firing of the aerial fireworks display from a platform along the shoreline consisting of 225 square feet from 12:00 p.m. to 11:45 p.m. on January 16, 2017 at Fort DeRussy Beach as shown on the attached map labeled Exhibit A-2.

Grucci is requesting the use of the area of State land to launch the fireworks for two

reasons. First, the attendees will be observing the display from the Hale Koa Park (just Mauka of the beach). Secondly, according to the Hale Koa Hotel, they do not want the safety zone to block or interfere with the public walkway on the Makai edge of the parcel.

To maintain the integrity of the environment, Grucci noted in their Operations Procedures their intent to clean-up the beach, shoreline, and off-shore area (see **Exhibit C**). Also, the Environmental Standards section within the Operations Procedures notes that all fireworks debris is bio-degradable.

At its meeting on March 11, 2016, under agenda item D-7, the Board required a \$2,500 cash deposit via certified check for clean-up deposit relating to fireworks displays. The Board added that the deposit check shall be held by the staff for up to 30 days after the scheduled event. During this interim 30 day¹ period Applicant will be afforded the opportunity to do additional clean-up, to the satisfaction of the staff, within 48 hours of a notice of findings of additional fireworks debris. The Board also approved staff's recommendation that Applicant provide evidence of the clean-up in the form of date and time stamped photographs of the premises taken before and after the fireworks display, and signed certificates from Applicant and a representative from the abutting property attesting to the satisfactory clean-up. These requirements have now been inserted in the right-of-entry permit.

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 \$22.50 will be \$522.50.

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. 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 Fireworks by Grucci, 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:

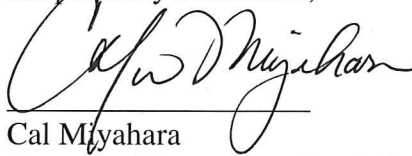
A. The standard terms and conditions of the most current right-of-entry permit

1. At its meeting on March 24, 2016, under agenda item D-4, the Board set the turn-around period to 7 calendar days.

form, as may be amended from time to time;

- B. Posting of \$2,500 clean-up deposit and clean-up protocol;
- C. 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-1



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 Fort DeRussy on January 16, 2017

Project / Reference No.: PSF 16OD-168

Project Location: Waikiki, Honolulu, Oahu, TMK:(1) 2-6-005: seaward of: 001-A.

Project Description: Aerial Fireworks Display at Fort DeRussy 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 12/21/16

Exhibit B

Fireworks by Grucci-Hawaii
Fireworks Display Operations Procedures
Fair Play Events, VIP Welcome Reception
January 16, 2017

This document provides operations, communications, and emergency procedures in accordance with NFPA 1123, 33CFR 160.101-115, 33CFR 126.15, and 49CFR 177.800-854.

Schedule of Events

16 January 2017, Monday

- 0800 CDL driver gets truck from Ryder.
- 0830 Crew loads equipment and product into truck.
- 1130 Crew arrives at Hale Koa, unloads truck
- 1200 Crew moves equipment onto beach and begins set-up of display
- 1300 Crewmember dons snorkel gear and takes photos of ocean floor in fallout zone as well as beach area.
- 1700 Crew completes setup of equipment.
- 1800 Crew completes loading of fireworks, conducts system tests.
- 2030 Fallout zone is closed to all unauthorized personnel. Area is patrolled by Grucci security.
- 2040 Firing system is activated.
- 2050 Display commences.
- 2053 Display is complete. Crew secures firing system.
- 2130 Crew inspects mortars for any unfired product. If any product is found, it is boxed to be returned to the magazine in accordance with 49 CFR. Crew removes all equipment from beach location and completes cleaning of beach and shoreline area. All debris is saved in a box.
- 2300 Crew departs site.

17 January 2017, Tuesday

- 0700 Chief Pyrotechnician arrives on site and inspects beach area for cleanliness. Crew dons snorkel gear and with scoop nets retrieves all debris from ocean portion of fallout zone. Crew then takes pictures of ocean floor and box containing all debris collected. Photos must be submitted to DLNR within 72 hours of display. If any debris is found on beach or in water after cleanup, crew must return to the site and remove it.
- 0900 Crew unloads truck, cleans equipment and returns truck to Ryder.

Exhibit C

Emergency Procedures

1. Should an incident occur during the setup the Chief Pyrotechnician will call 911 and request the appropriate assistance.
2. If an incident occurs during firing, the crew will use appropriate firefighting equipment on site under the direction of the Chief Pyrotechnician. HFD will be notified if their assistance is required

Communication

Command Post: Cell phone: 808 306.4584, 808 348-5000, Company Radio channel 4.

Termination of the Display

If at any time, the Chief Pyrotechnician, security or the sponsor, feel that starting or continuing the display would result in an unsafe condition, the display will be not be commenced or will be terminated immediately. It will not be restarted until all parties agree that the unsafe condition has been corrected.

Environmental Standards

Any unfired product is returned to the magazine where it is prepared for re-use.

Fireworks by Grucci ensures that all fireworks debris is biodegradable. The Chief Pyrotechnician is responsible for ensuring area is cleaned of all retrievable debris. Debris is taken to H-Power for recycling. Any cardboard, wire, metal fabrications, etc., that are able to be recycled are taken to Island Recycling.