

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

June 9, 2017

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

PSF No 17OD-064

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 May 31, 2017, Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-1-057:seaward of 006.

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 of 006, 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. to 11:00 p.m. on May 31, 2017.

RENTAL:

\$550 (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 reviewed and concurred by the Environmental Council on 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 an after-the-fact right-of-entry permit for the set-up and firing of fireworks display along the coastline outside of the lagoon cove at Ko Olina Beach on May 31, 2017 for a Special Event fireworks display event.

On May 23, 2017, the Applicant submitted a request for a right-of-entry permit to display a fireworks show on the subject date. The Applicant was informed that the Board would not be able to hear the late request at its May 26, 2017 meeting due to the Sunshine Law, and an after-the-fact right-of-entry permit would be pursued.

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 fireworks batteries on the shoreline outside of the lagoon consisting of 500 square feet from 8:00 a.m. to 11:00 p.m. on May 31, 2017 at Ko Olina as shown on the attached map labeled Exhibit A-2. All of the batteries will be projected away from the ocean, towards Cove 1. Staff notes that Exhibit A-2 identifies four battery locations; three of the batteries are adjacent to the cove and the other battery is along the oceanfront. This right-of-entry permit (ROE) is for the battery location along the oceanfront which will be located on State land that is encumbered by easement GL-5160, while the three other battery locations adjacent to the cove is located on Ko Olina property and does not require an ROE. According to the Applicant, the location of the oceanfront battery site cannot be placed adjacent to the other three battery sites along the cove's shoreline, because the oceanfront battery will be launching larger diameter pyrotechnic shells with a greater fallout area and therefore, needs to be at a greater distance from the audience location as shown in Exhibit A-2. Ko Olina has no objection to the discharge of fireworks in the area covered by easement GL-5160.

HE is requesting the use of encumbered State land for the battery location for two reasons. First, larger diameter shells (5" and 6") will be fired from that battery, and therefore, is required to be at a greater distance from the attendees. Secondly, problems were encountered during a previous show in the same vicinity 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 batteries 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.

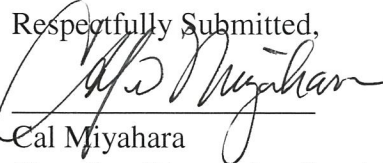
Also, staff is recommending that a charge of \$500 be imposed to cover the exclusive use of the safety zone as shown on Exhibit A-2. The total cost for this right-of-entry, which includes the staging area of \$50 will be \$550.

Pursuant to the authority delegated by the Board on June 14, 2013, Item D-11, staff requested that Chairperson issues a right-of-entry for the subject request.

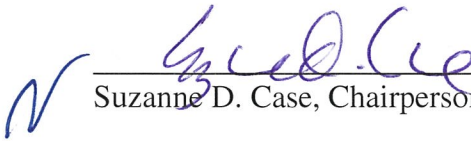
Office of Conservation and Coastal Lands has no comments to the request.

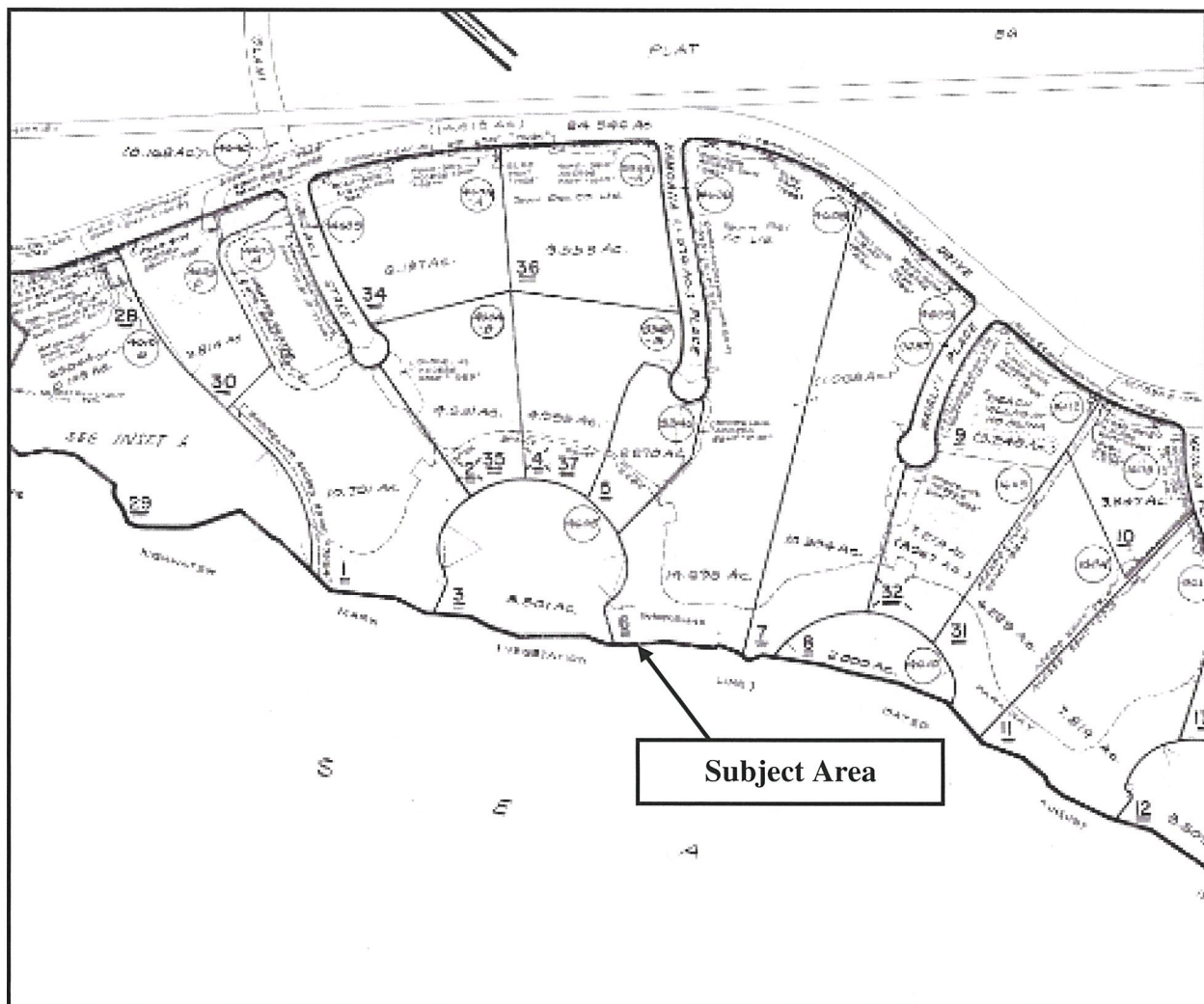
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions. There are no pertinent issues or concerns. Staff does not have any objection to this request.

RECOMMENDATION: That the Board authorizes the issuance of an after-the-fact 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.

Respectfully Submitted,

Cal Miyahara
Shoreline Disposition Specialist

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK (1) 9-1-057:seaward of 006

Exhibit A-1



TMK (1) 9-1-057:seaward of 006

Exhibit A-2

EXEMPTION NOTIFICATION

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

Project Title: After-the-Fact Fireworks Display at Ko Olina Beach on May 31, 2017.

Project / Reference No.: PSF 17OD-064.

Project Location: Honouliuli, Ewa, Honolulu, Oahu, TMK:(1) 9-1-057:seaward of 006.

Project Description: Aerial Fireworks Display at Ko Olina Beach

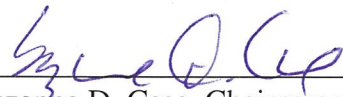
Chap. 343 Trigger(s): Use of State Land

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 reviewed and concurred by the Environmental Council on 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: Consulted with 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 5/30/17

Exhibit B