

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

August 25, 2017

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

PSF No 17OD-099

Oahu

Issuance of Right-of-Entry Permits to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display on Encumbered State lands off Ko Olina Beach on October 2, November 4, and December 31, 2017, Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-1-057:seaward of 006.

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc.

LEGAL REFERENCE:

Section 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 006, as shown on the map attached as **Exhibit A-1, A-2, and A-3.**

AREA:

Staging area and a safety zone as shown on the map attached as **Exhibit A-2 and A-3.**

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:

Show Date	Requested Time
October 2, 2017	8:00 am to 11:00 pm
November 4, 2017	8:00 am to 11:59 pm
December 31, 2017	8:00 am (12/29/17) to 4:00 pm (1/1/18)

RENTAL:

One-time payment. See Remarks Section for breakdown of costs.

October 2, 2017	\$ 550
November 4, 2017	\$ 550
<u>December 31, 2017</u>	<u>\$1,400</u>
Total:	\$2,500

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 a 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 October 2, November 4, and December 31 2017 for Special Event fireworks display events.

October 2 and November 4

The set-up and firing of the aerial fireworks display for the events 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 October 2 and from 8:00 a.m. to 11:59 p.m. on November 4, 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 are located on Ko Olina property and do not require an ROE.

December 31

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. (12/29/31) to 4:00 p.m. (1/1/18) at Ko Olina as shown on the attached map labeled Exhibit A-3. All of the batteries will be projected away from the ocean, either Mauka or towards the Cove. Firing Site B will have a total of 4 battery locations; 3 of the batteries will be on Ko Olina's property along the Cove 1 shore, and the other battery will be along the oceanfront outside of the cove on encumbered State land (easement GL-5160). The battery on encumbered State land will require a right-of-entry permit (ROE). Firing Site C will be located between Ko Olina's Coves 2 and 3, and will be located on Ko Olina's property, however, the applicant is requesting the use of State lands along the oceanfront which will 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 1 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, it 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.

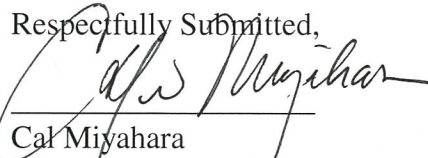
Also, staff is recommending that a charge of \$500 each for the October 2 and November 4 shows be imposed to cover the exclusive use of the safety zone as shown on Exhibit A-2, and a \$1,000 safety zone fee be imposed for the December 31 show for the two firing sites as shown on Exhibit A-3. The total cost for this right-of-entry, which includes the staging area of \$500 (\$50 each for October 2 and November 4, and \$400 for December 31 for the two staging areas over 4 days) will be \$2,500.

Office of Conservation and Coastal Lands has no objections/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.

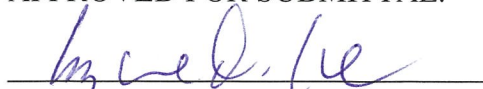
RECOMMENDATION: That the Board:

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.

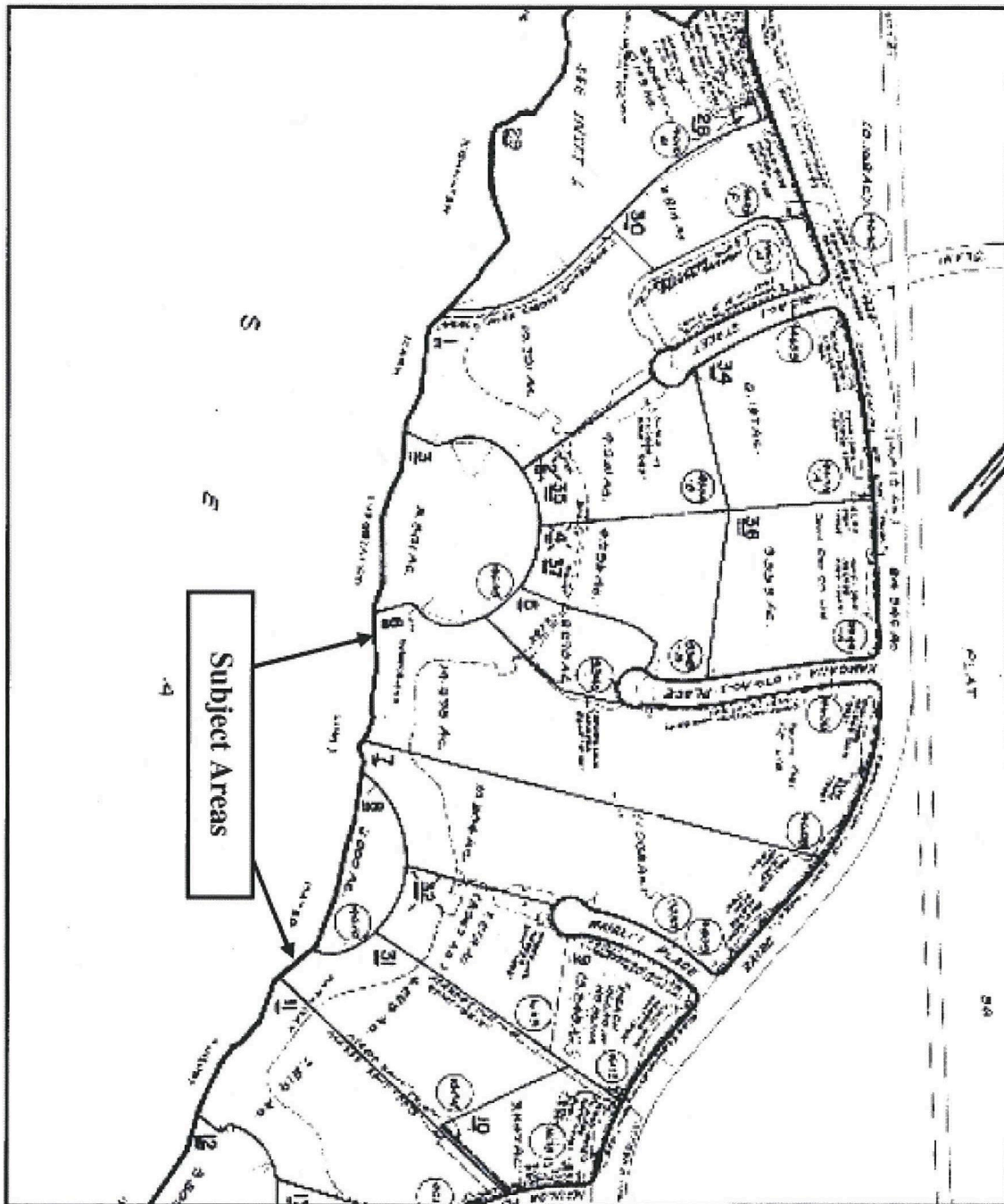
Respectfully Submitted,


Cal Miyahara
Shoreline Disposition Specialist

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



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



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

Exhibit A-2



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

Exhibit A-3

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 2, November 4, and December 31, 2017.

Project / Reference No.: PSF 17OD-099.

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 the Office of Conservation and Coastal Lands, who had no objections/comments.

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.

Exhibit B