

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

October 27, 2017

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

PSF No.: 17HD-129  
HAWAII

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Set Up, Firing, and All Other Pre-Display and Post-Display Activities for a Special Corporate Event Hosted by Mauna Kea Beach Resort on November 9, 2017, on Unencumbered State Lands, Ouli, South Kohala, Hawaii, Tax Map Key: (3) 6-2-002: seaward of parcel 004.

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc., a Hawaii corporation.

LEGAL REFERENCE:

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

LOCATION:

Kauna`oa Beach coastline located on portion of Government lands of Ouli situated at Waimea, South Kohala, Hawaii, identified by Tax Map Key: (3) 6-2-002: seaward of parcel 004, as shown on the attached map labeled Exhibit A1.

AREA:

1,000 square feet, more or less for set-up and firing site area, plus a safety zone with a radius of approximately 230 feet around the firing site. The total estimated area including the firing site and the safety zone on unencumbered State lands is approximately 110,800 square feet, as shown on the attached aerial view photo labeled Exhibit A2.

ZONING:

State Land Use District:	Conservation
County of Hawaii CZO:	Un-zoned beach adjacent to parcel with V-1.25 Resort Hotel Zoning; also within County of Hawaii Special Management Area.

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ☐ NO ☒

CURRENT USE STATUS:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Set-up, firing, and clean-up of Aerial Fireworks Display.

TERM:

From 10:00 am, November 9, 2017, to 10:00 am November 10, 2017.

RENTAL FEES:

\$100.00 – Set-up and Firing Site Area

500.00 – Safety Zone Area (Flat fee when area exceeds 5,000 square feet)

\$600.00 – Total Rental Fee

COLLATERAL SECURITY DEPOSIT:

\$2,500.00 – Clean-up Deposit

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawai'i Administrative Rules Section 11-200-8 and the "Exemption List for the State of Hawai'i, Department of Land and Natural Resources, approved 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 1, No. 51, that states " Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." Please see Chapter 343 Exemption Notification Memo, attached as Exhibit B.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Registered business name confirmed:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Applicant in good standing confirmed:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

REMARKS:

Hawaii Explosives & Pyrotechnics, Inc. (HIE&P) has requested a right-of-entry permit onto the subject land for purposes of conducting a special events aerial fireworks display for a corporation associated with Mauna Kea Beach Resort at Kauna'oa Beach on the coastline seaward of Mauna Kea Beach Resort on November 9, 2017. The term of the Right-Of-Entry permit will be from 10:00 AM, November 9, 2017, to 10:00 AM, November 10, 2017.

DLNR's Office of Conservation and Coastal Lands (OCCL) has been solicited for comments. Due to the late request by Applicant, OCCL has not had sufficient time to respond prior to this board submittal being drawn and forwarded for further processing. If a response is received that will impact the status of this request, it will then be included into the submittal and addressed, if necessary, prior to its presentation at the expected Board meeting.

Additionally, pursuant to BLNR meeting of March 24, 2016, under agenda item D-4, a \$2500.00 deposit via certified check is required to ensure the timely clean-up following the event. The certified check will be held by DLNR for seven (7) calendar days following the event, and, if not forfeited, will be returned to HIE&P. To avoid forfeit, HIE&P must turn in evidence of clean-up including photos and signed certificates (forms provided by the Department) to DLNR within three (3) calendar days following the event. If staff determines the clean-up was unsatisfactory, a cure period of 48 hours will be allowed to correct the default, however, if the default is not cured as allowed, the \$2500.00 deposit shall be forfeited.

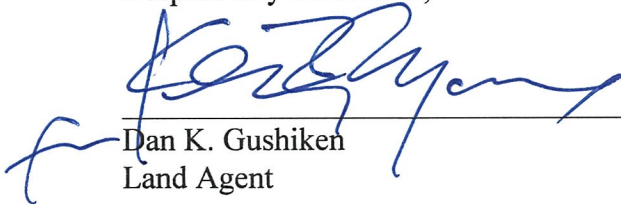
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

RECOMMENDATION: That the Board

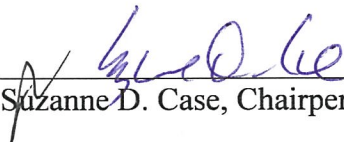
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Hawaii Explosives & Pyrotechnics, Inc. covering the subject area 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.
- C. Authorize the Chairperson to issue future right-of-entries to the Applicant in relation to its set-up, firing, and clean-up of aerial fireworks display.

Respectfully Submitted,

  
\_\_\_\_\_  
Dan K. Gushiken  
Land Agent

APPROVED FOR SUBMITTAL:

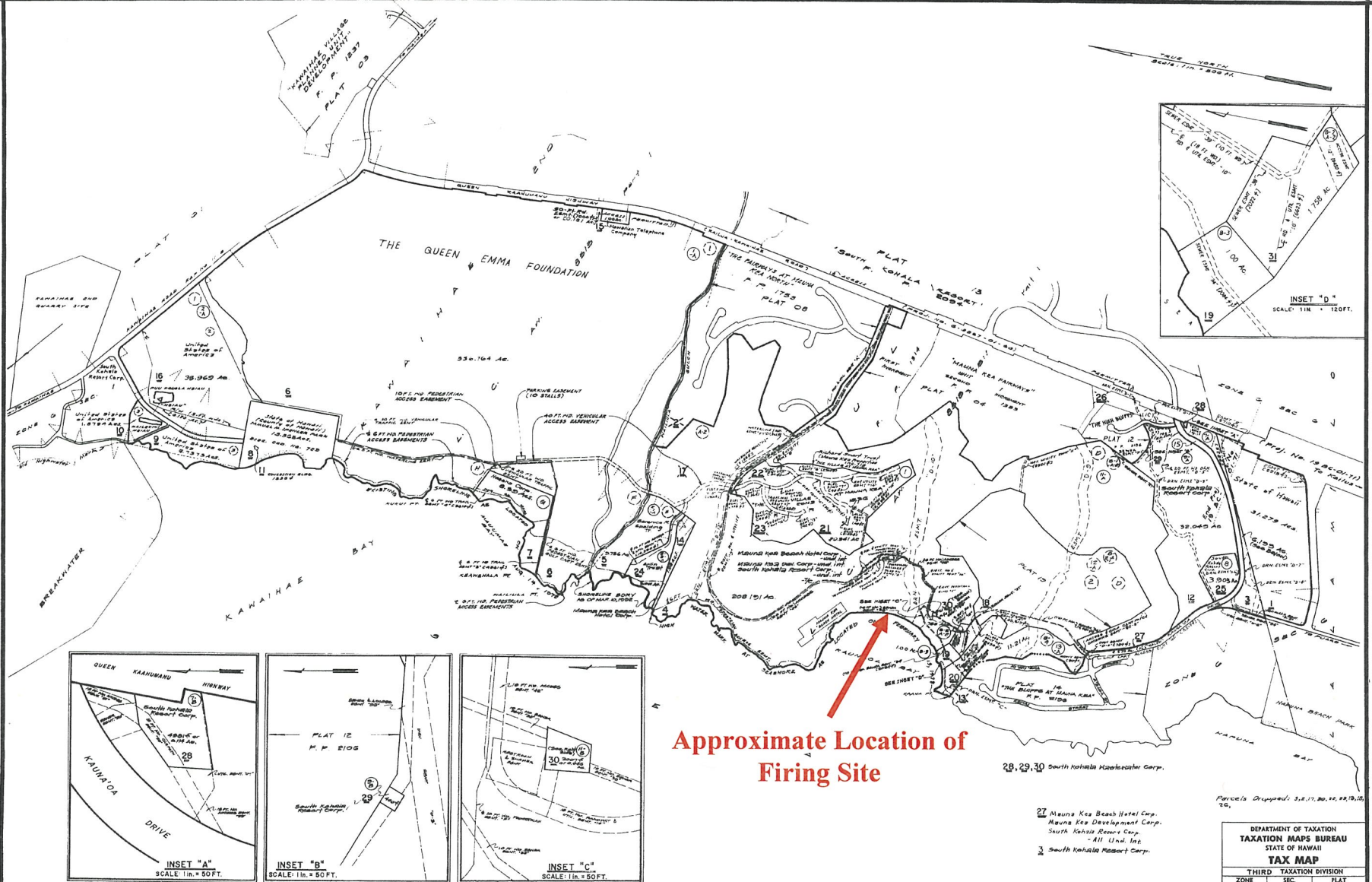
  
\_\_\_\_\_  
Suzanne D. Case, Chairperson

# HI Explosives & Pyrotechnics ROE Permit

## Mauna Kea Beach Resort – Special Corporate Event

November 9, 2017, 10:00 AM – November 10, 2017, 10:00 AM

6 - 2 - 02 3RD DIV



# HI Explosives & Pyrotechnics ROE Permit

## Mauna Kea Beach Resort – Special Corporate Event

November 9, 2017, 10:00 AM – November 10, 2017, 10:00 AM

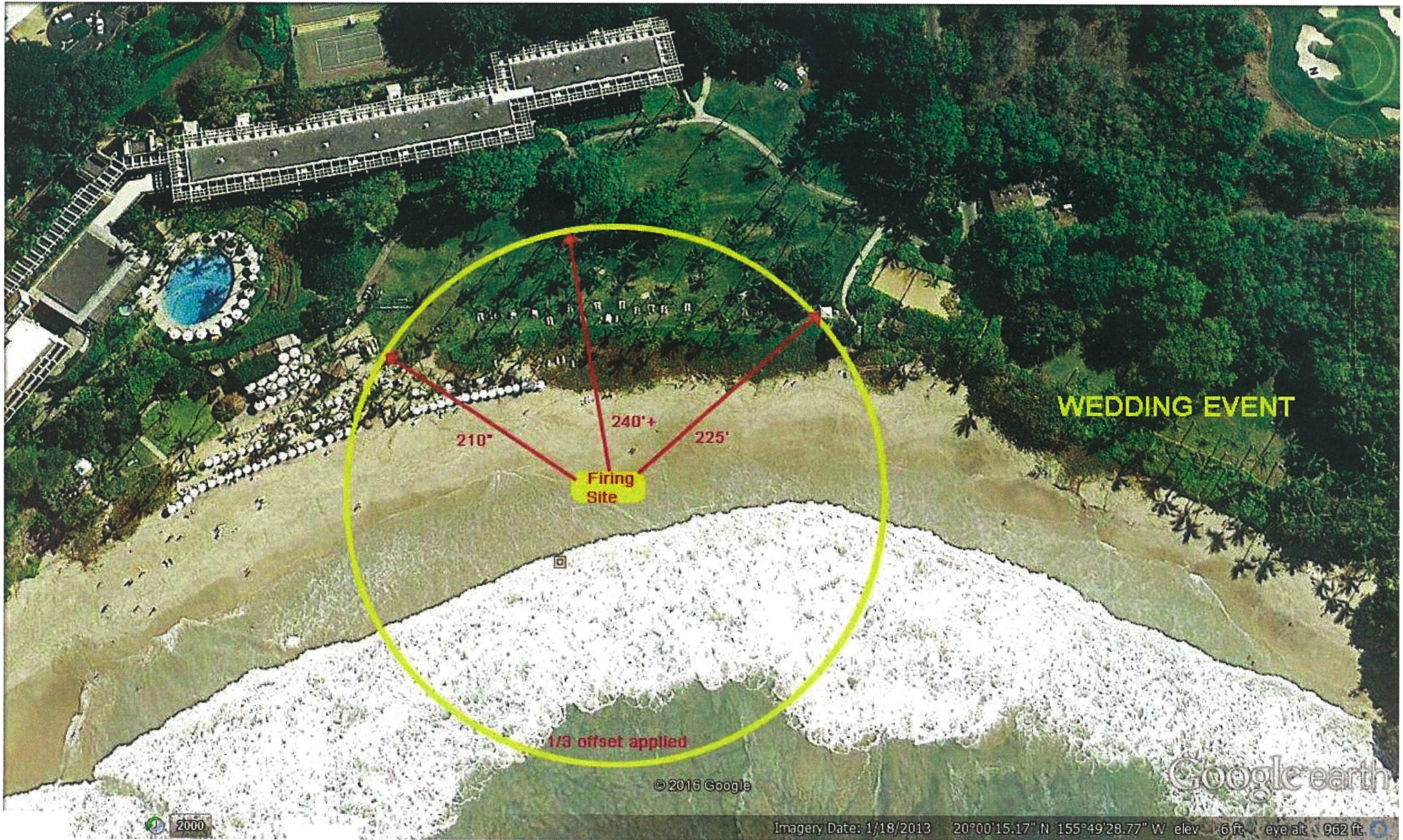
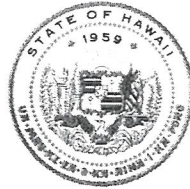


EXHIBIT A2

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

JEFFREY. T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**EXEMPTION NOTIFICATION**

From the preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR

**Project Title:** Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Set Up, Firing, and all other Pre-display and Post-display activities for a Special Corporate Event hosted by Mauna Kea Beach Resort

**Project Number:** PSF No. 17HD-129

**Project Location:** Kauna`oa Beach coastline located at Ouli, Waimea, South Kohala, Hawaii Tax Map Key: (3) 6-2-002: portion seaward of 004

**Project Description:** Fireworks Display for Special Corporate Event hosted by Mauna Kea Beach Resort on November 9, 2017

**Chapter 343 Trigger(s):** Use of State land

**Consulted Parties:** DLNR Office of Conservation and Coastal Lands (OCCL)

**Exemption Class No.:** In accordance with Hawai`i Administrative Rules Section 11-200-8 and the "Exemption List for the State of Hawaii, Department of Land and Natural Resources, as Reviewed and Concurred Upon 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, which states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

**Exemption Item No. And Description:** Item 51, which states "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.

**Recommendation:**

It is recommended that the Board find that the issuance of a revocable permit to Hawaii Explosives & Pyrotechnics, Inc. will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.