

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

November 8, 2019

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

PSF No 19OD-129

Oahu

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Lagoon on December 31, 2019, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:portion of 021.

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Waikiki, Honolulu, Oahu, identified by Tax Map Key: (1) 2-3-037:portion of 021, as shown on the map attached as **Exhibit A-1** and **A-2**.

AREA:

500 square feet, more or less – Staging area, and a safety zone with a radius of approximately 250 feet around the firing site, as shown on Exhibit A-1.

ZONING:

|                                  |                 |
|----------------------------------|-----------------|
| State Land Use District:         | Conservation    |
| City and County of Honolulu LUO: | Public Precinct |

TRUST LAND STATUS:

Section 5(a) 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 2:00 p.m. to 11:59 p.m. (December 31, 2019).

RENTAL:

One-time payment of \$550. See Remarks Section for breakdown of costs.

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-15, Hawaii Administrative Rules (HAR), 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". 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 a fireworks display at Duke Kahanamoku Lagoon on December 31, 2019, for a New Year's Eve Fireworks Display event. The public will be able to view the special event show, provided they remain outside of the safety zone during the event.

The set-up and firing of the aerial fireworks display for the event will include the staging area, consisting of 500 square feet, and the preparation and firing of the aerial fireworks display from 2:00 p.m. to 11:59 p.m. (December 31, 2019), at Duke Kahanamoku Lagoon as shown on the attached map (see Exhibit A-2). According to HE, the approximate firing time is set to begin at 10:30 p.m.

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.

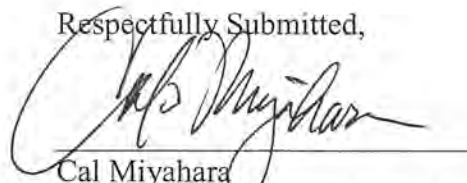
The Office of Conservation and Coastal Lands has no objections to the subject request and concurs with the exemption for an environmental assessment.

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.

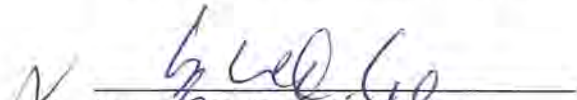
RECOMMENDATION: That the Board:

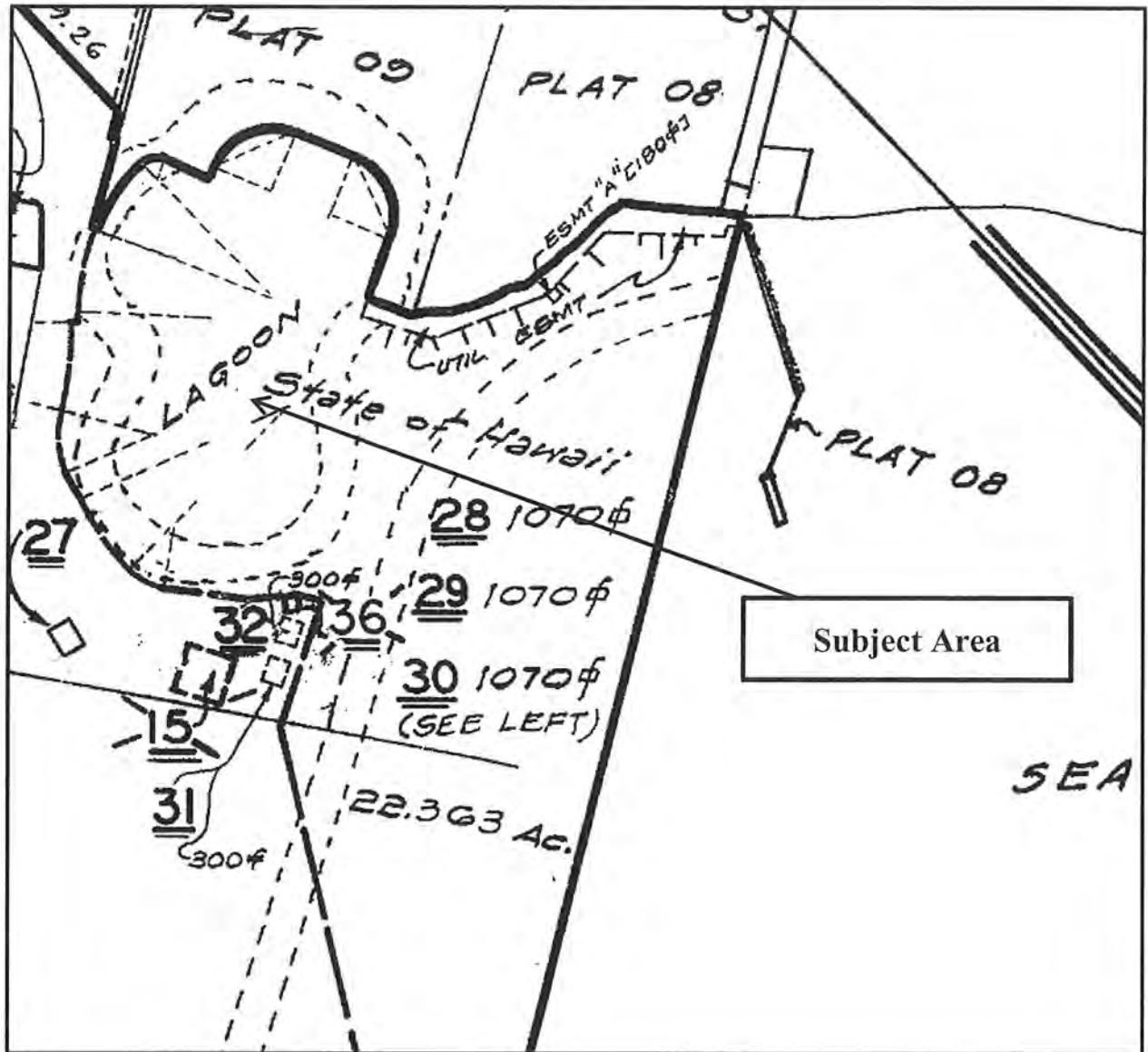
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Hawaii Explosives & Pyrotechnics, Inc. covering the subject location 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; and
  - 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:

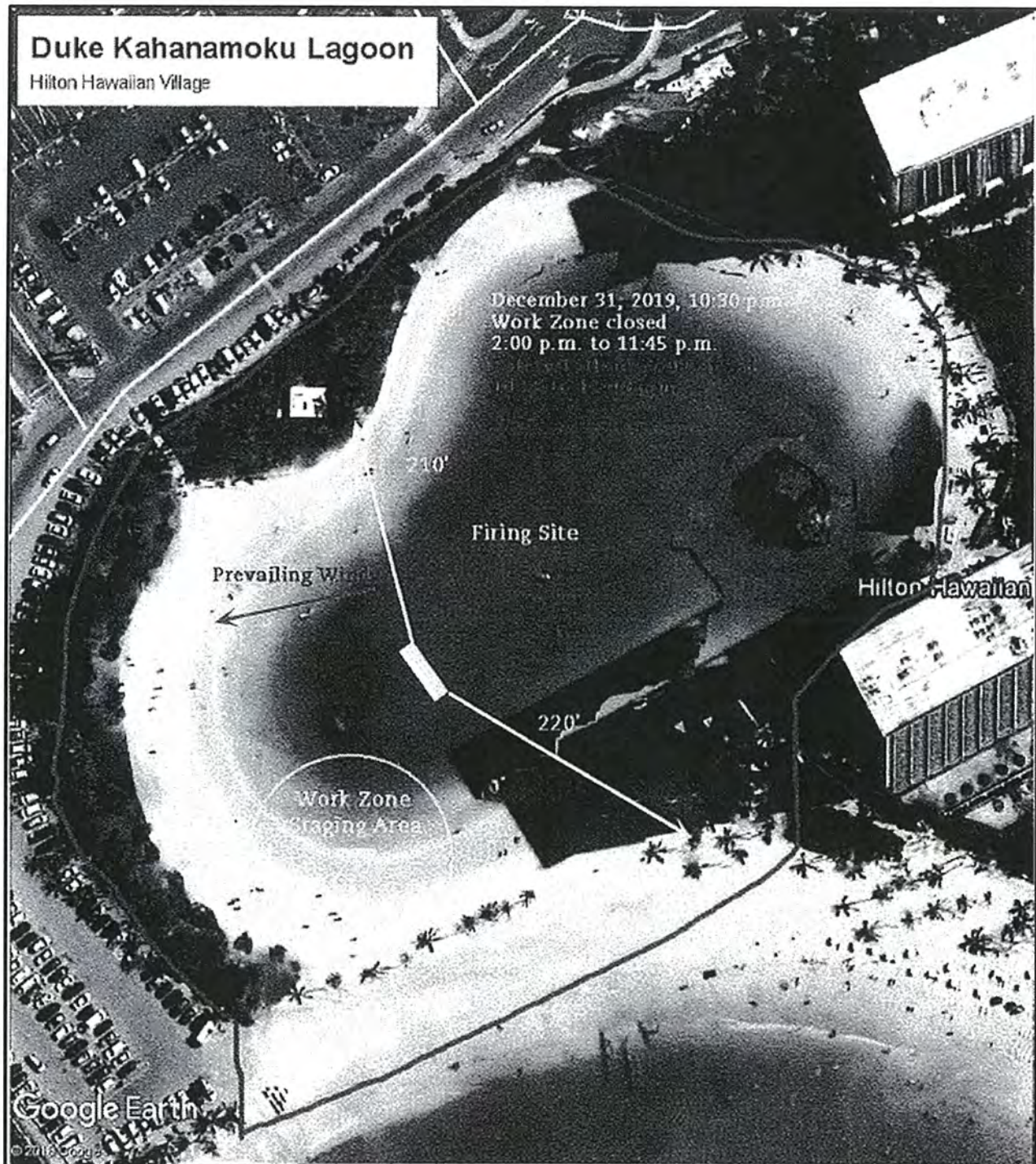
  
\_\_\_\_\_  
Suzanne D. Case, Chairperson



**Duke Kahanamoku Lagoon  
Tax Map Key: (1) 2-3-037:021 (Portion)**

**Exhibit A-1**





December 31, 2019 fireworks display

Exhibit A-2

### EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

Project Title: Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Lagoon on December 31, 2019, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:portion of 021.

Reference No.: PSF 190D-129

Project Locations: Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:portion of 021.

Project Description: Aerial Fireworks Display at Duke Kahanamoku Lagoon.

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

Exemption Class No.: In accordance with Section 11-200.1-15, Hawaii Administrative Rules 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".

Cumulative Impact of Planned Successive Actions in Same Place Significant? No, similar events occur at the same location from time to time, but not on a routine or regular basis (e.g., daily or weekly). However, the based on the multiple environmental clean-ups conducted after each display, to remove debris from the lagoon area, staff believes that there would be no significant cumulative impact.

Action May Have Significant Impact on Particularly Sensitive Environment? The requested area is a portion of State beach visited by tourists and residents, and is heavily impacted by human activity. Public access across the requested area is maintained by the Hilton Hawaiian Village staff. In addition, based on the analysis below, staff believes there would be no significant impact to sensitive environmental or ecological receptors.

Consulted Parties: Consulted with Office of Conservation and Coastal Lands who has no objections to the subject request and concurs with the exemption for an environmental assessment.

**Exhibit B**



Analysis:

The Board has permitted similar events in the past. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. Staff also believes that the request 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 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.