

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

February 28, 2020

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

PSF No.20OD-016

Oahu

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach Every Friday From June 19, 2020 to June 11, 2021, Waikiki, Honolulu, Oahu, TMK: (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, for set-up and firing site, plus a safety zone with a radius of approximately 250 feet around the firing site.

ZONING:

State Land Use District: Urban
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 4:00 p.m. and 9:00 p.m. on the dates shown in **Exhibit B**.

RENTAL:

\$250.00 per event day – Set-up, Firing site area, and Safety Zone (see Remarks Section).

Prior to June 2013, no safety zone fee was imposed. On June 14, 2013 (Item D-5), the Board approved the staff's recommendation of a \$500 safety zone fee on the premise that the safety zone excludes public access. The \$500 fee was an alternative to the standard 10 cents per square foot fee which would have equaled to approximately \$20,000 (per event) for the safety zone. On February 14, 2014 (Item D-12), the Board exempted the \$500 fee for the regular Friday shows, based on the argument of community benefit put forth by the adjoining hotel. On October 23, 2015 (Item D-9), the Board revisited the safety zone fee, but decided that no safety zone fee would be imposed for the 2015-2016 ROE. However, at its meeting on June 9, 2017, item D-14, the Board approved implementing a \$200 safety zone fee, in addition to the \$50 firing site fee, for the regular Friday firework shows.

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, reviewed and concurred with 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". See **Exhibit C**.

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 contracted with Hilton Hawaiian Village (HHV) to conduct aerial fireworks display every Friday for a period of 12 months from June 2020 to June 2021 at Duke Kahanamoku Beach. The subject request is a continuance of the same firework display held at the same location since the initial display over 25 years ago.

By its email dated February 4, 2020, HE requested the issuance of a right-of-entry permit (ROE) for the aerial fireworks display at Duke Kahanamoku Beach occurring every Friday from June 19, 2020 through June 11, 2021, with the dates shown in Exhibit B.

Alternate Firing Site

At its meeting on October 28, 2016, under agenda item D-7, the Board requested that HE and HHV host 3 of the shows at the HHV lagoon site to see if it was feasible to relocate the Friday night shows to the lagoon site and to report to the Board its findings. The 3 lagoon site shows were held on February 3, 10, and 17, 2017.

From HE's perspective, they concluded that the lagoon site had a higher risk of failure due to a limited fallout zone for hazardous debris, unfavorable wind and weather conditions were more likely to have an impact on the success of a show, securing the lagoon site was difficult and it took more manpower since there are multiple entry-ways, troubleshooting and fixing problems were more difficult on the water, and a limited type of product could be used within the limited space. Also, HE reported that the viewing locations were reduced for the local spectators as they were forced to leave the beach area to view the show from the parking lot, the show was not visible down the coastline, and there was also decreased visibility of the display from HHV hotel rooms. As a result of HE's findings and additional discussions, the Board approved the weekly Friday shows remaining at the requested location.

At the same meeting, the Board approved a charge of \$200 be imposed to cover the exclusive use of the safety zone as shown in Exhibit A. The total cost for this right-of-entry, covering 52 dates, which includes the staging area of \$50 (per event date) will be \$13,000.

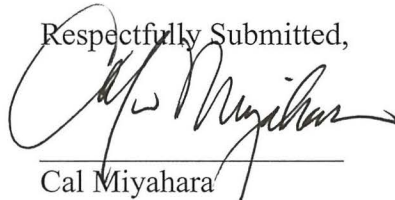
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

OCCL has no objections to the subject request and concurs with the exemption for an environmental assessment. Staff has no objection to this request.

RECOMMENDATION: That the Board:

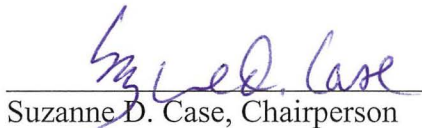
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Hawaii Explosives & Pyrotechnics, Inc. on specified dates mentioned above 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; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

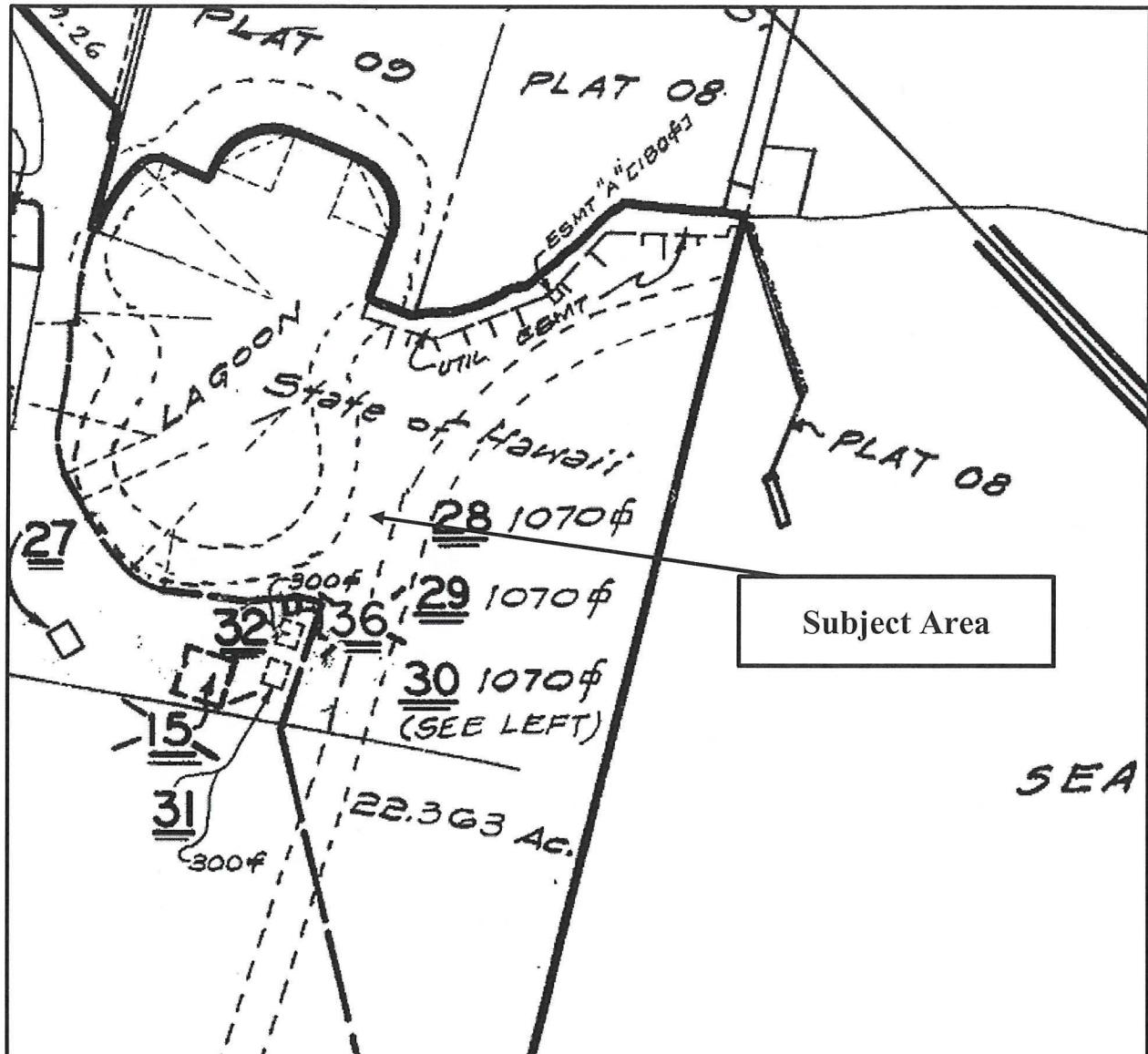


Cal Miyahara
Shoreline Disposition Specialist

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



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

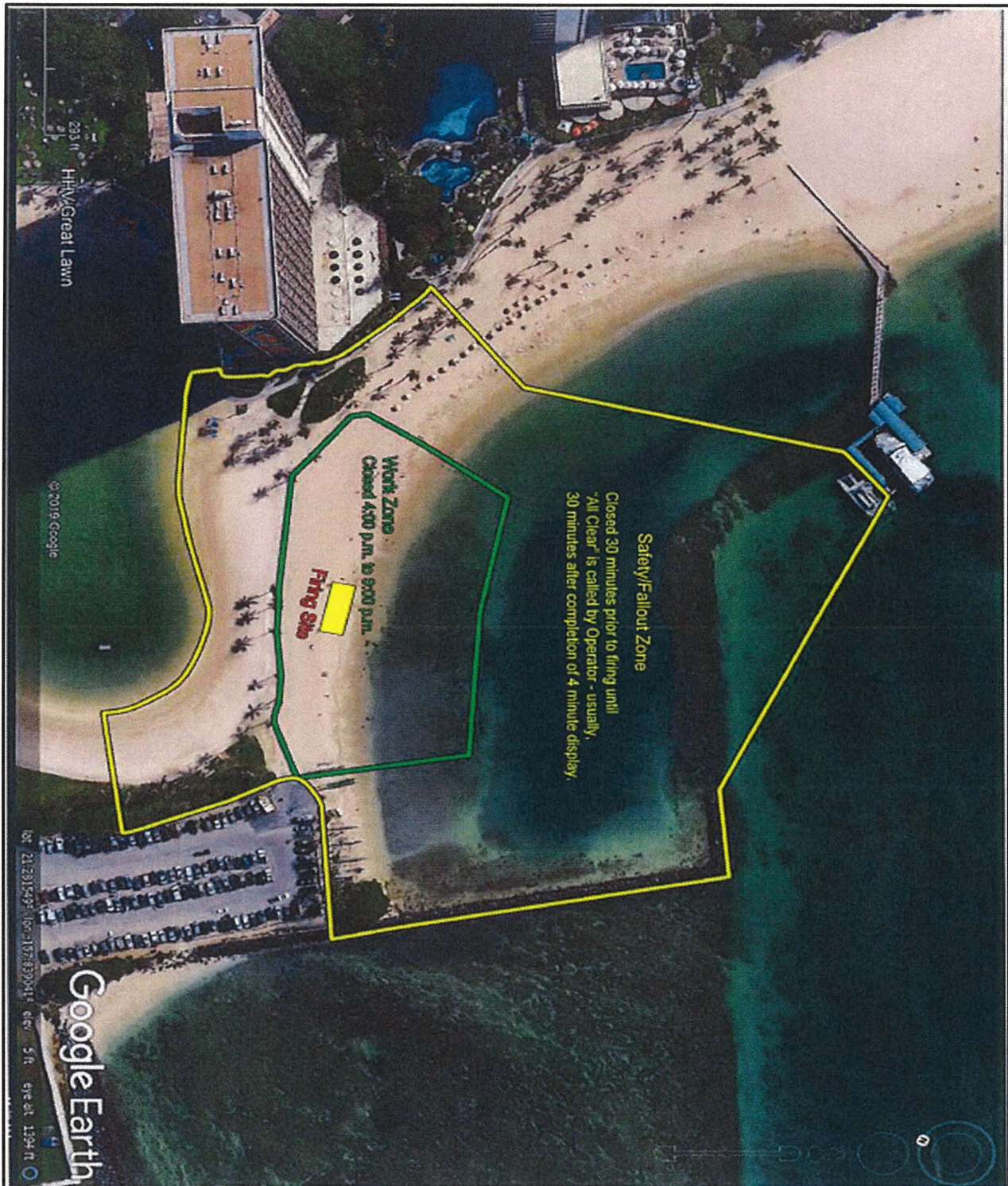


Exhibit A-2

Hawaii Explosives & Pyrotechnics, Inc.

800.240.6064

www.hipyro.com

February 3, 2020

Calen Miyahara
DLNR Land Division
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Miyahara,

Hawaii Explosives & Pyrotechnics, Inc. (HEP) is requesting renewal of a Right-of-Entry for Duke Kahanamoku Beach to provide fireworks display services in conjunction with the weekly Hilton Hawaiian Village Friday Night Fireworks. Details are as follows:

Event: Hilton Hawaiian Village Friday Night Fireworks
Display Site: Duke Kahanamoku Beach
Display Dates: Friday Nights June 19, 2020 through June 11, 2021

| MONTH | FRIDAYS | | | | |
|-----------|---------|----|----|----|----|
| June | | | 19 | 26 | |
| July | 3 | 10 | 17 | 24 | 31 |
| August | 7 | 14 | 21 | 28 | |
| September | 4 | 11 | 18 | 25 | |
| October | 2 | 9 | 16 | 23 | 30 |
| November | 6 | 13 | 20 | 27 | |
| December | 4 | 11 | 18 | 25 | |
| January | 1 | 8 | 15 | 22 | 29 |
| February | 5 | 12 | 19 | 26 | |
| March | 5 | 12 | 19 | 26 | |
| April | 2 | 9 | 16 | 23 | 30 |
| May | 7 | 14 | 21 | 28 | |
| June | 4 | 11 | | | |

Display Firing Time: 8:00 p.m. (approximately) – July through September
7:45 p.m. (approximately) – October through June
Hours of Operation: Between 4:00 p.m. and 9:00 p.m. (each date)

Authorization to conduct all procedures associated with display operations to include:

- Closure, security, and monitoring of the display site and adjacent safety/fallout zone.
- Access to the firing site via small box truck carrying pyrotechnics and equipment.
- Positioning of mortar racks and firing equipment on the beach.
- Setup and wiring of pyrotechnics; display ignition from the specified area.
- Completion of all post-display operations as related to each pyrotechnic display.

Exhibit B

Plan of Action

Duke Kahanamoku Beach firing site (Exhibit A):

Our personnel will close and secure an area surrounding the intended display discharge site prior to the unloading of equipment and pyrotechnics. Approximately 500 square feet will be utilized for the setup of display equipment, positioning of racks containing 3" mortars, loading and wiring of pyrotechnics into mortars, and conduct of all other applicable display operations.

A security perimeter will be established to include the beach area adjacent to the Ala Wai Boat Harbor parking lot down to the ocean, along the Hilton Lagoon to the area fronting the Ewa side corner of the Hilton Rainbow Tower, and across the beach back down to the ocean, forming a semi-circle around the discharge site. Security personnel will monitor the established safety/fallout zones to prevent entry into the area by the general public and unauthorized personnel during display preparations, ignition, and post-display breakdown.

We will access the discharge site (beach area within secured perimeter) via a small box truck carrying pyrotechnics, racks, and firing equipment. As an additional public safety measure and in keeping with best practices, the locked box of the truck will serve as protected temporary storage for pyrotechnic articles until it is time to fully install the devices into our firing equipment. The box truck will remain on the beach during set up, firing, and throughout post display procedures. We feel these measures combined with the secured safety zone provide an added buffer between the public and the discharge site in the event an incident should occur.

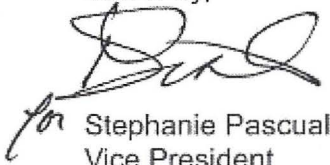
Standard Safety & Security Procedures

Hawaii Explosives & Pyrotechnics, Inc. practices safety and security procedures within industry standards to do our very best to minimize risk to the general public, tourists and hotel guests as we prepare for, fire, and clean up after our displays. Our personnel and the private security officers are trained to be courteous to everyone while being firm in preventing entry into any potentially hazardous area. It is our ultimate goal to present every display in a manner that is absolutely safe, yet spectacular and enjoyable for all.

All required permits from appropriate agencies for the conduct of each fireworks display will be obtained.

We appreciate your consideration for renewal of our Revocable Permit. The fireworks displays are enjoyed by visitors and residents alike.

Sincerely,



for Stephanie Pascual
Vice President

Enclosures: Exhibit A: Firing Site Location Map
Exhibit B: Certificate of Insurance

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1-15, HAR

| | |
|--|---|
| Project Title: | Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach Every Friday From June 19, 2020 to June 11, 2021, Waikiki, Honolulu, Oahu, TMK: (1) 2-3-037:portion of 021. |
| Reference No.: | PSF 200D-016 |
| Project Locations: | Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:portion of 021. |
| Project Description: | Aerial Fireworks Display every Friday night from June 19, 2020 to June 11, 2021. |
| 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, reviewed and concurred with 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". |
| Cumulative Impact of Planned Successive Actions in Same Place Significant? | Yes, being the events occur each Friday night at the same location there will be successive actions in the same place on a weekly basis. However, based on the multiple environmental clean-ups conducted after each display, to remove debris from the beach shoreline and off-shore areas, 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.

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.