

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

May 26, 2023

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

PSF#ROE2023

OAHU

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Private Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on Tuesday, June 6, 2023, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

APPLICANT:

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

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 **Exhibit A**.

AREA:

Staging area (approximate)	500	square feet
Safety zone (approximate)	<u>173,494</u>	square feet
Total area	173,994	square feet

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 12:00 p.m. to 11:45 p.m. on Tuesday, June 6, 2023.

RENTAL:

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

COLLATERAL SECURITY DEPOSIT:

\$2,500.00

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR") §11-200.1-15 and -16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1 for "[o]perations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing", specifically under Part 1, Item 44, which exempts "[p]ermits, licenses, registrations, and rights-of entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." It is expected that the subject request will have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR (**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>

APPLICANT REQUIREMENTS:

Applicant will be required to post a deposit of \$2,500 to ensure timely clean-up after the event described above. Payment shall be made in the form of a certified check payable to the Department of Land and Natural Resources. The deposit may be held by the Department for up to seven (7) days after the scheduled fireworks event and, if not forfeited under the conditions discussed below, will be returned to the Applicant.

REMARKS:

Hawaii Explosives & Pyrotechnics, Inc. ("HE") is requesting the issuance of a right-of-entry permit for the setup and firing of a fireworks display at Duke Kahanamoku Lagoon on June 6, 2023 for a private event being hosted at the adjacent Hilton Hawaiian Village. The public will be able to view the private event show, provided they remain outside of the safety zone during the event.

The setup 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 12:00 p.m. to 11:45 p.m., at Duke Kahanamoku Lagoon as shown on the map (**Exhibit A**). According to HE, the approximate firing time is between 8:00 p.m. to no later than 9:00 p.m., and the show will last for about four (4) minutes.

Applicant has provided the Department with a certificate of liability insurance documenting the following current policies:

- | | |
|---------------------------------|-------------------------------|
| 1. Commercial General Liability | Aggregate amount: \$2,000,000 |
| 2. Automobile Liability | Combined Limit: \$1,000,000 |
| 3. Umbrella Liability | Aggregate amount: \$4,000,000 |

Staff is recommending that a charge of \$500 be imposed to cover the exclusive use of the safety zone and a charge of \$50 be imposed to cover the exclusive use of the staging area, which are both shown on **Exhibit A**. The total cost for this right-of-entry will be \$550.

HE will be required to comply with the standard terms and conditions for rights-of-entry for fireworks displays including, without limitation, submission to the Department of satisfactory evidence of post-event clean-up, consisting of: (i) date-stamped photographs of the premises taken during the daytime on the day of the event and on the day immediately following the event; (ii) a certification regarding the clean-up of the premises in the form used for these types of events completed by HE; and (iii) a certification regarding the clean-up of the premises in the form used for these types of events completed by the property owner or operator who contracted for the event, or who accommodated guests who contracted for the event.

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.

The Office of Conservation and Coastal Lands had no objection to the issuance of this right-of-entry permit. OCCL concurred with the proposed Environmental Assessment exemption.

There are no additional pertinent issues or concerns.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Sections 11-200.1-15 and -16, 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 for aerial firework displays, 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,



Rebecca L. Anderson
Shoreline Specialist

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson

KAM

RT



Tax Map Key: (1) 2-3-037:portion of 021

EXHIBIT A

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 on Tuesday, June 6, 2023, at Duke Kahanamoku Lagoon.

Reference No.: PSF# ROE2023

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 Hawaii Administrative Rules ("HAR") Sections 11-200.1-15 and -16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1 for "[o]perations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing." The subject request is specifically exempt under Part 1, Item 44, which applies to "[p]ermits, licenses, registrations, and rights-of entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." It is expected that the subject request will have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of Section 11-200.1-17, HAR.

Cumulative Impact of Planned Successive Actions in Same Place Significant?

No. Similar events occur at the same location from time to time. However, 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.

EXHIBIT B

Consulted Parties: As noted in the submittal.

Analysis: The Board has permitted similar events in the past at the Duke Kahanamoku Lagoon site. The proposed activity is of a similar type and scope of beach activities that have periodically occurred and continue 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.