

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96819

March 22, 2024

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

SUBJECT: Issuance of Right-of-Entry Permit (“ROE”) to Pyro Spectaculars North, Inc., for proximity fireworks and stage-effects display on Waikiki Beach, on June 4, 2024, between 8:00 p.m. to 9:15 p.m., Waikiki, Honolulu, O’ahu, Seaward of Tax Map Key: (1) 2-6-002:005 (por.)

And

Declare Project Exempt from Environmental Assessment Requirements of Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawaii Administrative Rules.

APPLICANT:

Pyro Spectaculars North, Inc. (“PSN”), whose mailing address is 5301 Lang Avenue, McClellan, California 95652.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands at Waikiki, Honolulu, O’ahu, situated at 2259 Kalakaua Ave, Honolulu, HI 96815, Honolulu, Island of O’ahu, identified by the Tax Map Key: (1) 2-6-002:005 (POR).

AREA:

13,500 square feet, more or less, for set-up and firing site, a safety zone with a radius of approximately 250 feet wide by 54 feet section of beach extending from sea-wall to water-line, as shown and delineated on the attached map labeled Exhibit A.

ZONING:

State Land Use District: Conservation

CURRENT USE STATUS:

Unencumbered

CHARACTER OF USE:

Beach display set up and conducting a close-proximity fireworks and stage effects display in conjunction with its offshore aerial fireworks display.

TERM OF RIGHT OF ENTRY:

Between 8:00 a.m. to 10:00 p.m. on June 04, 2024.

CONSIDERATION:

\$3,375.00 (13,500 sq. ft. at Twenty-five cents (\$0.25) per sq. ft.).

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 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, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," Part 1, Item No. 44, 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."

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:

PSN is requesting the issuance of a right-of-entry permit ("ROE") for a fireworks display in front of the Royal Hawaiian Hotel. The event is in celebration of Royal Cosmetics Anniversary. The stage and pyrotechnic effects displayed at the landsite that is the subject of this application will be fired in conjunction with a display of aerial fireworks fired from three barges and two vessels which will be anchored approximately 2,000 feet offshore directly in front of the Royal Hawaiian Hotel. All permits for the marine event are being procured under separate applications to DLNR, DOBOR's Oahu District Office and the Department of Health.

No aerial firework shells will be discharged from the shoreline that is the subject of this application. PSN is required to set up a perimeter to ensure the safety of the public at least one-

half hour prior to the commencement of the display at 8:00 p.m. The display will be conducted between 8:30 p.m. and approximately 8:50 p.m. The safety-perimeter will be removed approximately 20 minutes after the conclusion of the fireworks display, or upon the “all clear” signal from the pyrotechnic operator in charge.

PSN will hire, two (2) officers to be billed separately from this ROE by the Department of Land and Natural Resources (“DLNR”), Division of Conservation and Resources Enforcement (“DOCARE”) to close the beach at 8:00 p.m. and maintain the safety-perimeter during the display. Said DOCARE officers will arrive on site at 6:00 p.m. and remain on duty until 10:00 p.m., approximately 45 minutes after the safety-perimeter’s removal from the beach.

At 8:00 p.m., on the night of June 4, 2024, approximately one half-hour prior to the display, PSN will erect a temporary barrier marking the boundaries of the safety exclusion zone. Said barrier will consist of T-posts and caution tape, or snow fence or another suitable material at the discretion of the permitting agency (DLNR). DOCARE officers will maintain the security of the safety exclusion zone during and for 20 minutes after the conclusion of the display. At the end of the 20-minute post-display "cooling off" period, PSN crewmembers will remove the barrier in its entirety to allow for re-opening of the beach. DOCARE officers will be dismissed at 10:00 p.m.

PSN proposes to discharge a selection of close-proximity pyrotechnic stage effects from directly behind the stage as an integral part of the fireworks display, see **Exhibit B**. The devices to be discharged include mines; comets; gerbs; lance work; flame effects; and pry effects. These proximity pyrotechnic devices, see **Exhibit C**, produce little or no debris. The nature of the small amount of debris that will be produced is as follows:

- Each of the two 20-foot-long set pieces will drop small amounts of ash directly below their mounting locations. PSN will mitigate this debris by placing plywood on the sand directly below the lance work. The plywood and ash will be removed during the post-display cleanup.
- Some mines contain a single paper "pusher" disk in each device that is the same diameter of the device. PSN cleanup crew will collect and dispose of all mine debris during the post display cleanup.
- Comets are free of fallout and do not produce debris of any kind.
- Gerbs and fountains are fallout free and do not produce debris of any kind.
- The propane and butane fueled name units that will be utilized in this display do not produce any fallout or debris of any kind.
- The CO2 jets that will be utilized in this display do not produce any fallout or debris of any kind.

PSN crewmembers will pick up all visible debris within the entire 250-foot length of the area closed for the display from the seawall to the water line immediately after the conclusion of the

display and re-opening of the beach. The following morning, PSN crewmembers will return to the beach to perform a daylight search of the area for any debris that may have been missed the night before.

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 PSN on the specified dates mentioned above covering the subject areas on Exhibit A, for 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;
 - C. PSN shall be responsible for cleaning and restoring the area to its original condition or a condition satisfactorily to the Department of Land and Natural Resources upon completion of the day's event. All trash and items shall be removed from the beach;
 - D. PSN will apply for a Marine Event Permit through the Division of Boating & Ocean Recreation Oahu District Office, pursuant to HAR 13-244-19, Authorization Required to Hold Regatta, Marine Parade, Boat Race or Exhibition;
 - E. PSN shall hire four (4) DOCARE officers from 6:00 p.m. to 10:00 p.m., as agreed. The cost of which is not included in the ROE fee and will be billed by DOCARE to PSN; and
 - F. PSN shall procure, at its own expense, and maintain during the entire period this right-of-entry, from an insurance company or companies licensed to do business in the State of Hawaii, a policy or policies of comprehensive public liability insurance in an amount acceptable to the Department (\$500,000 per incident/ \$500,000 aggregate insuring the State of Hawaii against all claims for personal injury, death and property damage; that said policy shall cover the entire right-of-entry area.

BLNR – ISSUANCE OF ROE TO
PYRO SPECTACULARS NORTH, INC.

March 22, 2024

Respectfully submitted,



Edward R. Underwood
Administrator

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang
Chairperson

Attachments:

Exhibit A – Map of Event Area

Exhibit B – PSN Stage Layout with square footage

Exhibit C – Shell Summery/Recap

EXEMPTION NOTIFICATION

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

Project Title:	Issuance of Revocable Permit to Pyro Spectaculars North, inc. for proximity fireworks and stage-effects display on Waikiki Beach, on June 04, 2024 with beach closing between 8:00 p.m. to 9:15 p.m., Waikiki, Honolulu, Oahu. Tax Map Key: (1) 2-6-002-005 (por.)
Project / Reference No.:	
Project Location:	Waikiki, Honolulu, Oahu. Tax Map Key: (1) 2-6-002-005 (por.)
Project Description:	Issuance of Revocable Permit for proximity fireworks and stage-effects display on Waikiki Beach
Chap. 343 Trigger(s):	Use of State lands
Exemption Class No(s).:	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 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, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," Part 1, Item No. 44, 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."
Cumulative Impact of Planned Successive Actions in Same Place Significant?	There are no permanent above ground structures. Activities in the subject area have resulted in no known significant impact to the natural and environmental resources in the area.
Action May have Significant Impact on Particularly Sensitive Environment?	Staff is not aware of any particularly sensitive environmental issues and use of the area would not change negligently from what is existing.
Analysis:	Based on the above mentioned, staff believes there would be no significant impact to the environment.
Consulted Parties:	None

Declaration:

The Board find that this project will probably have minimal or no significant effect on the environment and declares that this project is exempt from the preparation of an environmental assessment.

EXHIBIT A

Map of Event Area

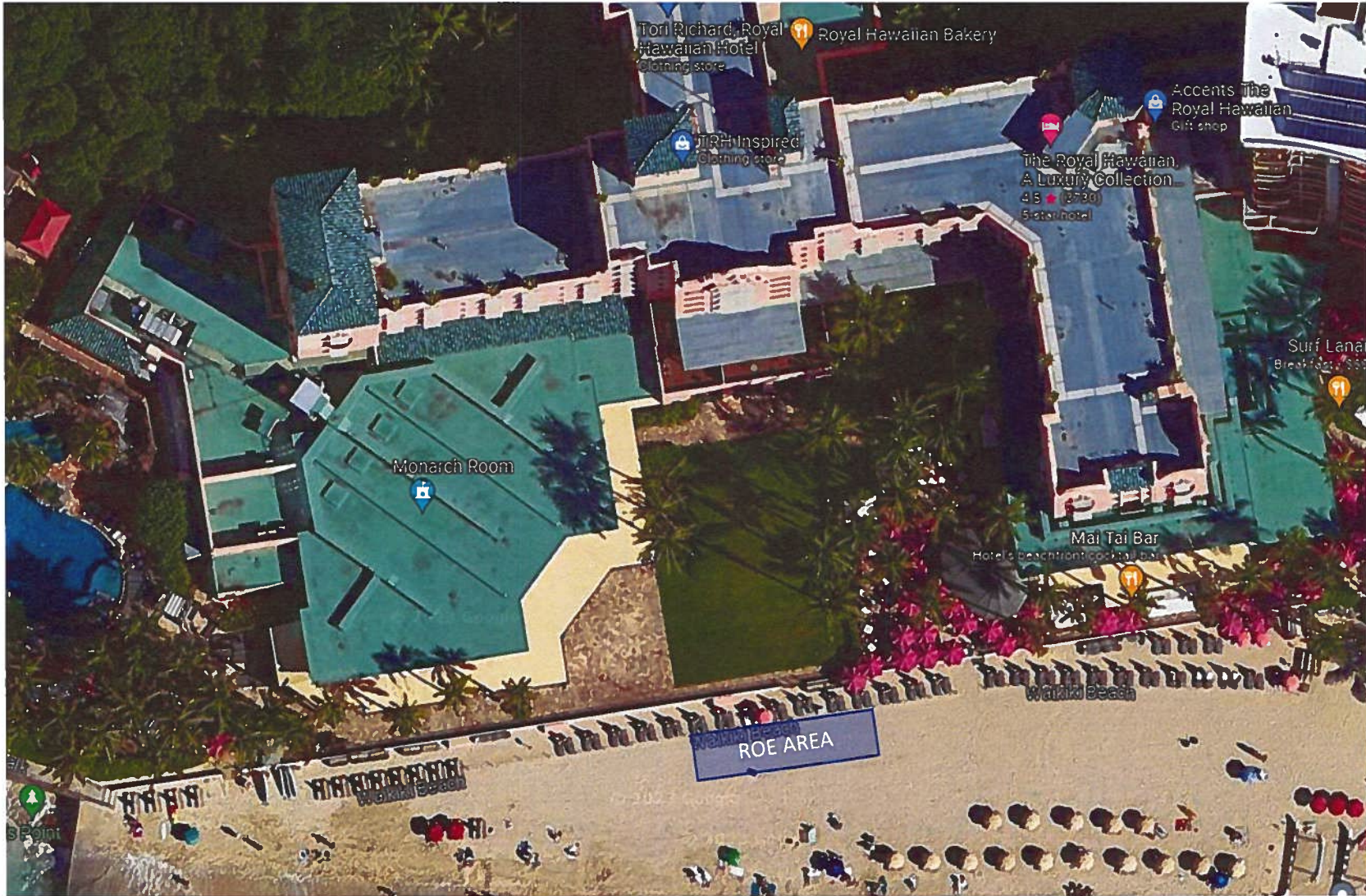


Exhibit B

Pyro Spectaculars by Souza
 Detail View of Land Site for Special Effects and Close Proximity Pyrotechnics
 Land Site for Royal Cosmetics Display on June 4, 2017
 Latitude: 21°16'35.83"N – Longitude: 157°49'44.38"W

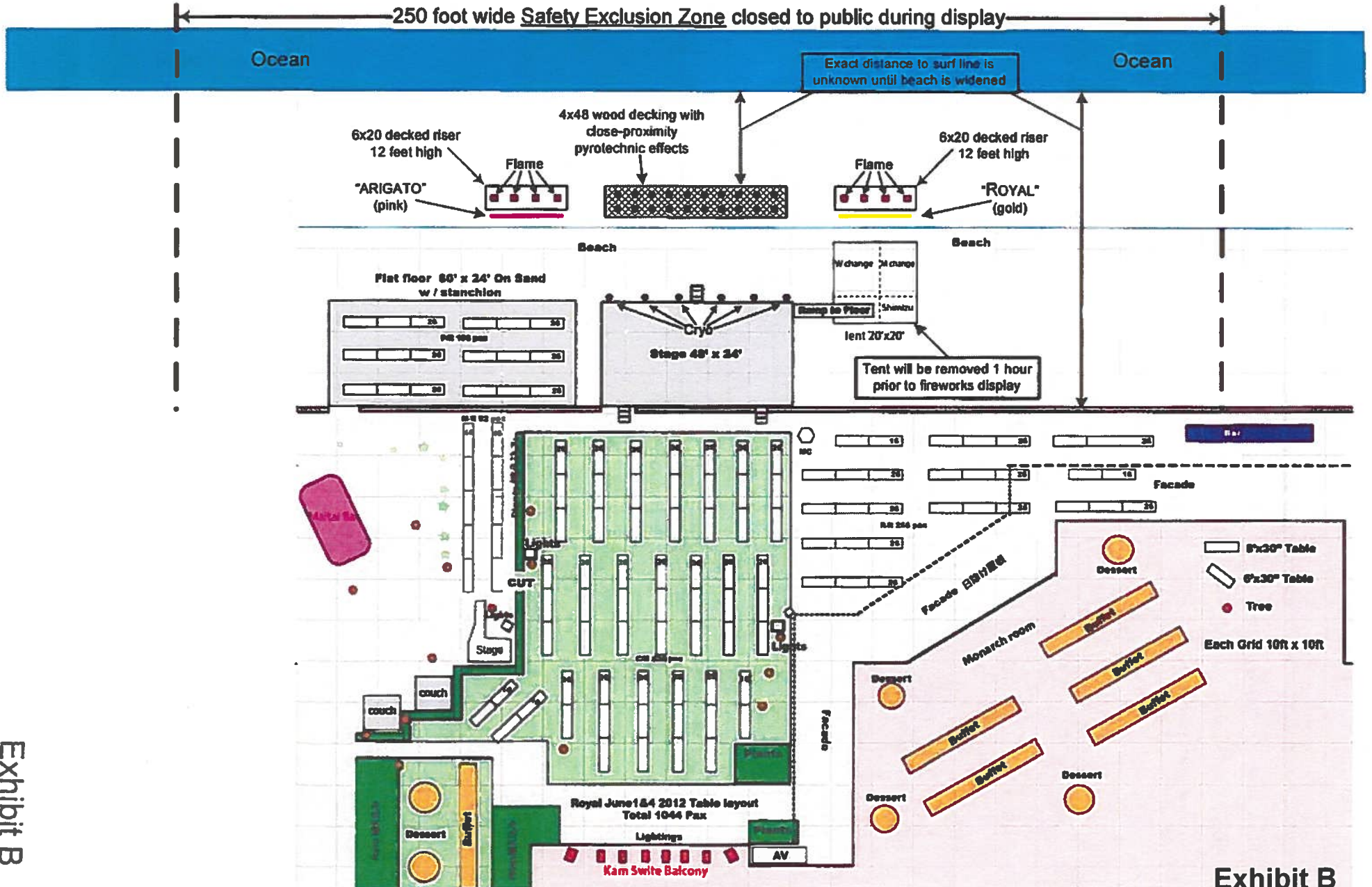


Exhibit B

Exhibit B

Shell Summary/Recap

Show Date: **06/04/2017**

Show Sponsor: **Bright City Productions**

Status: **WO Issued**

Order No: **9819394-17-4A**

Number of Times to Pack: **2**

Manual Electric

Show Type: **Theatrical**

	.75"	1.5"	1.75"	2"	2.5"	3"	4"	5"	6"	7"	8"	10"	12"
Salute	0	0	0	0	0	0	0	0	0	0	0	0	0
Finale	0	0	0	0	0	0	0	0	0	0	0	0	0
Comet	72	0	0	0	0	0	0	0	0	0	0	0	0
Mines	22	0	20	0	0	0	0	0	0	0	0	0	0
Aerial	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	94	0	20	0	0	0	0	0	0	0	0	0	0
114													

5	1.75	- 1.75" Mine(s)
5		- 44mm Mines
70		- 44mm Comets
7	8"	- Device
34	1.5"	- Multi-Shot Device(s)
7	10"	- Brightworks
80		- Gerb
4		- Set Piece
52		- Strobe(s)

Show Location: **Royal Hawaiian, Honolulu**

Frid: 06/04/2017 08:52:00 AM

Exhibit C