

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

July 26, 2024

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

PSF 24OD-078

OAHU

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Private Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on Monday, August 5, 2024, 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 and Chapter 343, Hawaii Revised Statutes (HRS), as amended. Chapter 11-200.1, Hawaii Administrative Rules (HAR), 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>151,976</u>	square feet
Total approximate area	152,476	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 unencumbered and open to public beach access.

CHARACTER OF USE:

Set up and conducting aerial fireworks display.

TERM:

Between 12:00 p.m. to 11:45 p.m. on Monday, August 5, 2024.

RENTAL:

One-time payment of \$683. 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, the subject request is 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."
(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 August 5, 2024, for a private event being hosted at the adjacent Hilton Hawaiian Village. HE submitted the request on June 26, 2024. 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 work zone/ staging area consisting of 500 square feet and the safety exclusion zone consisting of 151,976 square feet. Preparation, firing of the aerial fireworks display, and clean up takes place from 12:00 p.m. to 11:45 p.m., at Duke Kahanamoku Lagoon (**Exhibit C**). According to HE, the approximate firing window is between 8:00 p.m. to no later than 9:00 p.m., and the show will last for about five minutes. The safety exclusion zone will be closed from 8:00 through 9:00 p.m.

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

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

The rental amount is calculated as follows, to reflect the difference in time periods which the respective zones will be closed to the public:

Work zone/ Staging area		
\$0.10/ foot ² x 500 feet ² =	\$50	+
Safety exclusion zone		
\$0.10 foot ² x 151,976 feet ² x 1/24 =	\$633	
Total	\$683	

For these individual private events, staff is recommending that the Board adopt the same rental calculation method used for the weekly Friday night shows as previously approved by the Board at its meeting on April 26, 2024 under agenda item D-12 and amended on May 24, 2024 under agenda item D-6.

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 (OCCL) was consulted on this submittal. OCCL has no objections to the issuance of this ROE permit because lateral beach access is maintained and the clean-up area appears to be contained for display debris clean-up. OCCL also concurs with the proposed Environmental Assessment exemption pursuant to Chapter 343, HRS.

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:

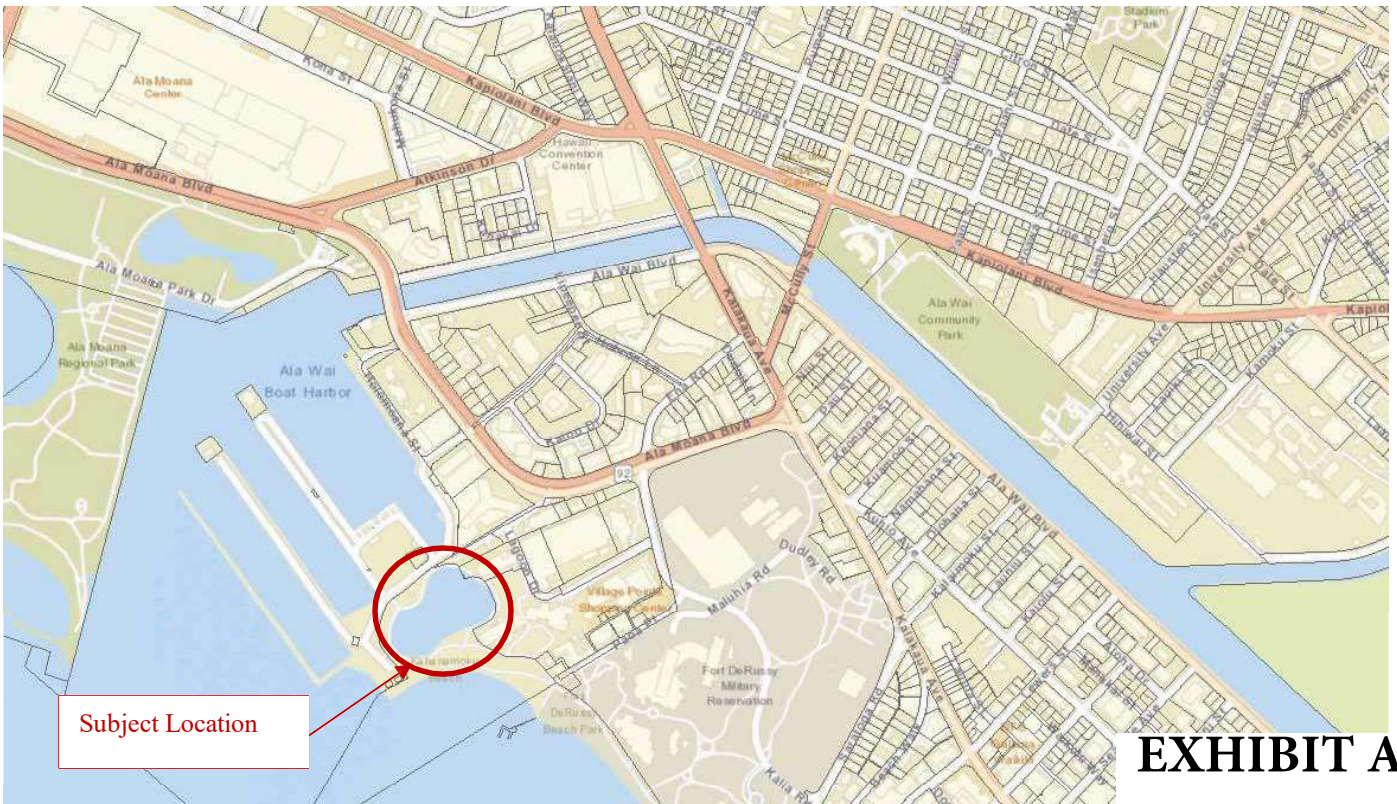
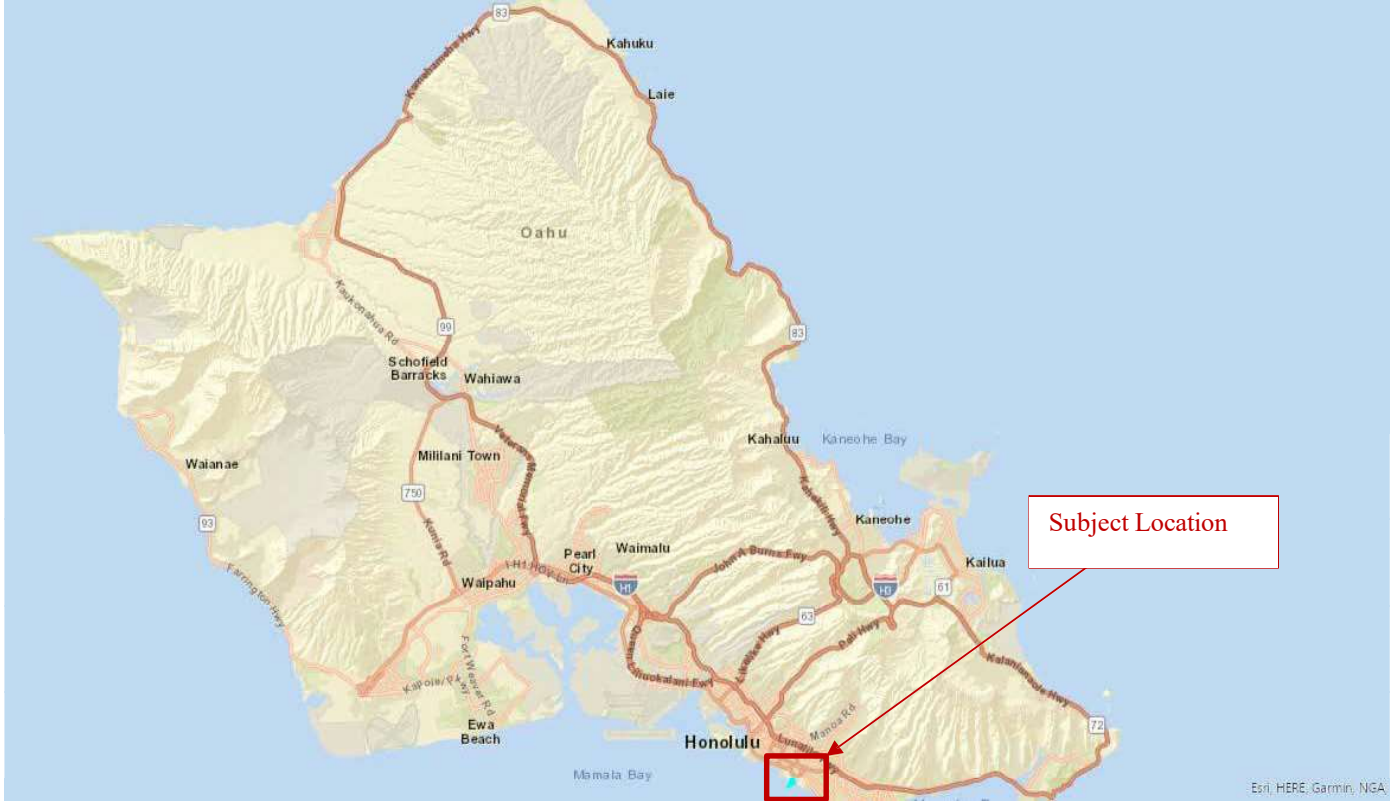


Dawn N. S. Chang, Chairperson



RT

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



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 Thursday, August 5, 2024, at Duke Kahanamoku Lagoon.

Reference No.: PSF# 24OD-078

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 Use of State Land

Trigger(s):
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." Specifically, the subject request is 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."

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.

- Consulted Parties: Office of Conservation and Coastal Lands (OCCL) concurs with the proposed exemption.
- Analysis: The Board has permitted similar events in the past. 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.

