

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

October 26, 2012

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

PSF No.12OD-144

Oahu

After-the- Fact Approval for Aerial Fireworks Display on October 5, 12 and 19, 2012 and Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on Every Friday From October 26, 2012 to September 27, 2013, Waikiki, Honolulu, Oahu, Tax Map Key:(1) 2-3-037:021 (Portion).

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, 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.

AREA:

500 square feet, more or less.

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:

\$50.00 per event day.

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation", as included in 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. (HEP) is contracted with Hilton Hawaiian Village to conduct aerial fireworks display every Friday for a period of 12 months at Duke Kahanamoku Beach.

At its meeting of September 23, 2011, under agenda item D-7, the Board authorized the issuance of a revocable permit to HEP, Inc. for the setting-up and conducting of aerial fireworks display at Duke Kahanamoku Beach every Friday between October 2011 and September 2012 (inclusive).

Due to some misunderstanding in communication, HEP was not aware until recently the need

of a new authorization for the next 12 months. By way of letter dated October 4, 2012, HEP requests the after-the-fact approval for aerial fireworks displays which were held on October 5, 12 and 19, 2012 and request the issuance of a right-of-entry permit for aerial fireworks display at Duke Kahanamoku Beach every Friday between October 2012 and September 2013, with the dates shown in Exhibit B.

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.

No comments were solicited from other government or community agencies. 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, 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. Grant after the fact approval for aerial fireworks displays on October 5, 12 and 19, 2012;
3. Authorize the issuance of a right-of-entry permit to Hawaii Explosives & Pyrotechnics, Inc. on specified dates 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;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:

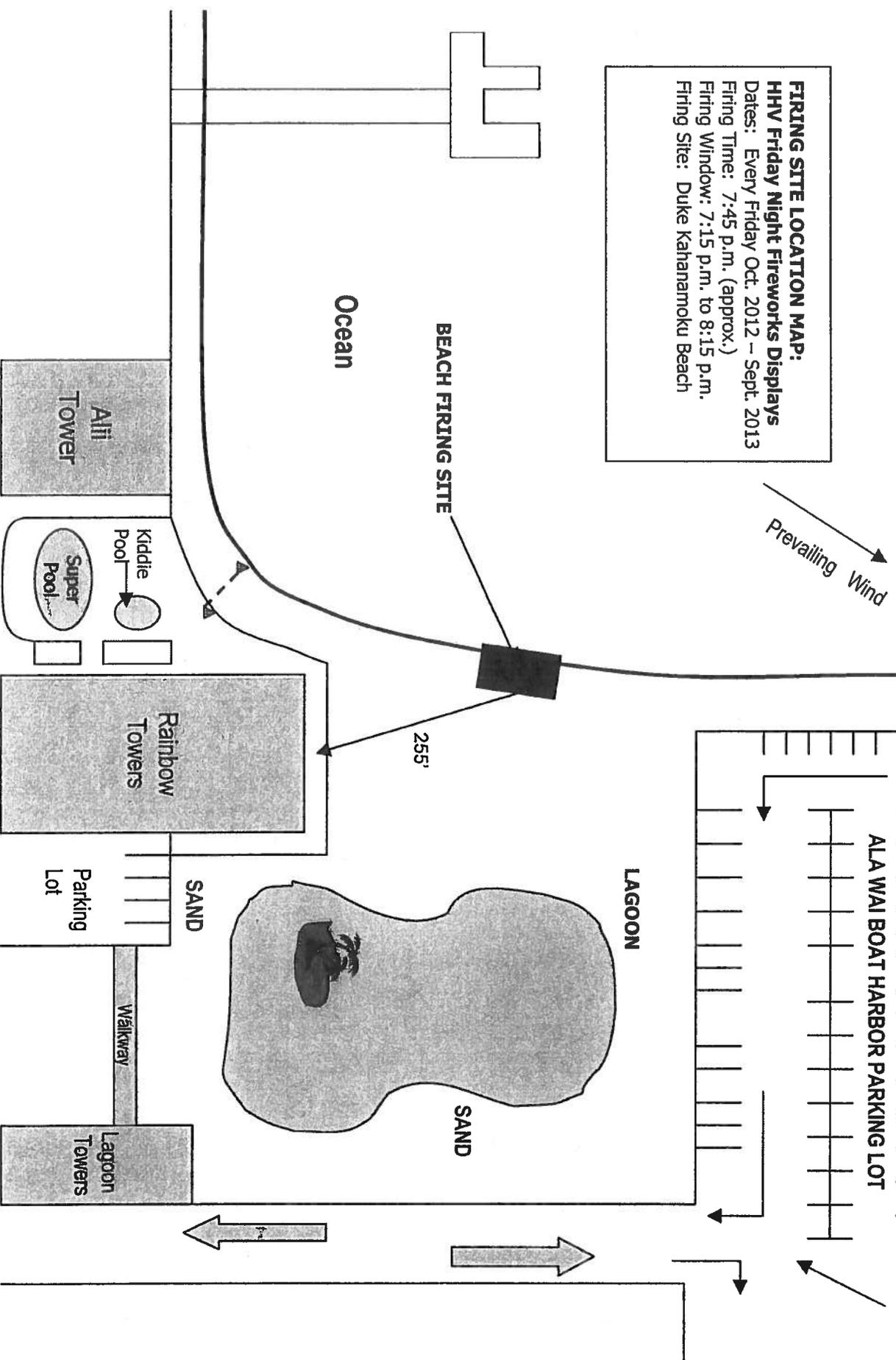


William J. Aila Jr., Chairperson

DUKE KAHANAMOKU BEACH - FIRING SITE MAP

EXHIBIT "A"

FIRING SITE LOCATION MAP:
HHV Friday Night Fireworks Displays
 Dates: Every Friday Oct. 2012 - Sept. 2013
 Firing Time: 7:45 p.m. (approx.)
 Firing Window: 7:15 p.m. to 8:15 p.m.
 Firing Site: Duke Kahanamoku Beach



Hawaii Explosives & Pyrotechnics, Inc.

P. O. Box 1244 Keaau, Hawaii 96749
Phone: (808) 968-0600 (Big Island) Fax: (808) 968-0800 (Big Island)
Toll Free: (800) 240-6064 Email: hepinc@hipyro.com

October 4, 2012

Mr. Stephen Lau, Oahu District Representative
Department of Land and Natural Resources
Division of Land Management
P.O. Box 621
Honolulu, HI 96809-0621

Subject: Request for Renewal
Right of Entry for Duke Kahanamoku Beach
Revocable Permit No. 7808

Dear Mr. Lau,

Hawaii Explosives & Pyrotechnics, Inc. would like to request Right-of-Entry for Duke Kahanamoku Beach in order to provide fireworks display services in conjunction with the weekly Rockin' Hawaiian Rainbow Revue at the Hilton Hawaiian Village. The displays are to be held every Friday throughout the months of October 2012 through October 2013. Details are as follows:

Event:	Hilton Hawaiian Village Rockin' Hawaiian Rainbow Revue Fireworks Displays
Location:	Waikiki, Oahu
Display Dates:	October 5, 12, 19, 26, 2012 November 2, 9, 16, 23, 30, 2012 December 7, 14, 21, 28, 2012 January 4, 11, 18, 25, 2013 February 1, 8, 15, 22, 2013 March 1, 8, 15, 22, 29, 2013 April 5, 12, 19, 26, 2013 May 3, 10, 17, 24, 31, 2013 June 7, 14, 21, 28, 2013 July 5, 12, 19, 26, 2013 August 2, 9, 16, 23, 30, 2013 September 6, 13, 20, 27, 2013
Firing Time:	7:45 p.m. (approximately)
Hours of Operation:	Between 4:00 p.m. and 9:00 p.m. (each date)
Firing Site:	Duke Kahanamoku Beach (Exhibit A)

Request

Authorization to conduct all procedures associated with display operations to include closure, security and monitoring of the display site and adjacent safety zone, positioning of mortar racks and firing equipment on the beach, setup and wiring of pyrotechnics, display ignition and discharge from the specified area, and the completion of all post-display operations as related to each pyrotechnic display.

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.

Required: We will require approximately 500 square feet of the beach area for the setup of our equipment and as the display discharge site for each fireworks production.

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.

Hawaii Explosives & Pyrotechnics, Inc. – Important Contact Names & Numbers:

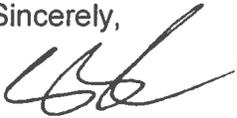
Main Office	(808) 968-0600
Charlene Pascual, President	(808) 960-6833 (cell)
Stephanie Pascual, Vice President	(808) 960-8880 (cell)
Donald Pascual, Safety Coordinator	(808) 960-5985 (cell)
Bruce Albrecht, Operations Manager	(808) 960-6574 (cell)
Michael Malo, Display Operator	(808) 230-6500 (cell)

Enclosed please find copies of firing site location map (Exhibits A) and a certificate of insurance pertaining to the weekly Rockin' Hawaiian Rainbow Revue Fireworks Displays covering the period March 2012 through February 2013. (A new certificate of insurance for the weekly displays will be forwarded upon renewal of the policy in February of 2013 to cover displays through October 2013.)

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

We appreciate your consideration of this request for renewal of our Revocable Permit No. S-7633. Thank you in advance for your assistance for us to provide fireworks display services for the enjoyment of visitors and residents alike.

Sincerely,



Stephanie Pascual
Vice President

Enclosures



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Aerial Fireworks Display at Duke Kahanamoku Beach

Project / Reference No.: PSF 12OD-144

Project Location: Waikiki, Honolulu, Oahu, TMK:(1) 2-3-037: portion of: 021.

Project Description: Aerial Fireworks Display at Duke Kahanamoku Beach

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

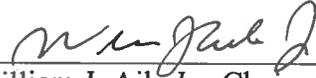
This Division has permitted similar events in the past. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties: Office of Conservation and Coastal Land

EXHIBIT "C"

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.



William J. Aila Jr., Chairperson

6/8/12

Date

