

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

June 14, 2013

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

PSF No.13OD-094

Oahu

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Displays at Duke Kahanamoku Beach Every Friday From October 4, 2013 to September 26, 2014, and Every Tuesday From July 2, 2013 to December 31, 2013, Waikiki, Honolulu, Oahu, TMK: (1) 2-3-037:021 (Portion).

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc.

LEGAL REFERENCE:

Section 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 for a set-up and firing site area, plus a safety zone with a radius of approximately 250 feet around the firing site. The total approximate area including the firing site and the safety zone is approximately 196,250 square feet.

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 – Set-up & Firing site area

\$500.00 per event day – Safety Zone

Total: \$550.00 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 October 26, 2012, under agenda item D-7, the Board authorized the issuance of a right-of-entry permit to HEP, Inc. for the setting-up and conducting of aerial fireworks display at Duke Kahanamoku Beach every Friday between October 2012 and September 2013 (inclusive).

By way of letter dated May 20, 2013, HEP request the issuance of a right-of-entry permit for aerial fireworks display at Duke Kahanamoku Beach every Friday between October 2013 and September 2014, with the dates shown in Exhibit B.

In addition, HEP is requesting the issuance of a right-of-entry permit for a period of 6 months (trial basis) for aerial fireworks display at Duke Kahanamoku Beach every Tuesday between July 2013 and December 2013, with the dates shown in Exhibit B-1.

In the past, Applicant was only charged for the area of the firing site, which is 500 square feet (or a charge of \$50 per event day). But to conduct a display, Applicant needs to exclude the public from an area extending for a radius of 250 feet from the firing site. The size of the area circumscribed by the safety zone is approximately 196,250 square feet. If the daily rent for commercial rights-of-entry were applied to the safety zone, the charge per event would be about \$19,625, which is likely cost prohibitive for fireworks displays. The exclusion of the public is necessary for their safety but also poses a substantial interference with public use of the beach. Accordingly, as a compromise, staff is recommending that an additional charge of \$500 be imposed to cover Applicant's exclusive use of safety zone around the firing site per event day.

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.

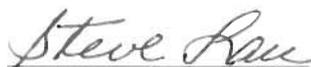
No comments were solicited from other government or community agencies. Staff has no objection to this request.

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. 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:



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William J. Aila Jr., Chairperson





**FIRING SITE LOCATION MAP**

**DATES: EVERY TUESDAY BEGINNING JULY 2, 2013  
THROUGH DECEMBER 31, 2013**

**FIRING TIME: 7:45 P.M. (APPROX.)**

**FIRING SITE: DUKE KAHANAMOKU BEACH**

© 2013 Google

Image Date: 6/16/2013 21:16:53.204 -157:50:21.007 W elev: 27 ft of 627 ft

Google earth

**EXHIBIT "A"**

# Hawaii Explosives & Pyrotechnics, Inc.

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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](mailto:hepinc@hipyro.com)

May 20, 2013

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

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 2013 through September 2014. Details are as follows:

Event:	Hilton Hawaiian Village Rockin' Hawaiian Rainbow Revue Fireworks Displays
Location:	Waikiki, Oahu
Display Dates:	October 4, 11, 18, 25, 2013 November 1, 8, 15, 22, 29, 2013 December 6, 13, 20, 27, 2013 January 3, 10, 17, 24, 31, 2014 February 7, 14, 21, 28, 2014 March 7, 14, 21, 28, 2014 April 4, 11, 18, 25, 2014 May 2, 9, 16, 23, 30, 2014 June 6, 13, 20, 27, 2014 July 4, 11, 18, 25, 2014 August 1, 8, 15, 22, 29, 2014 September 5, 12, 19, 26, 2014
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  
Stephanie Pascual, Vice President  
Donald Pascual, Safety Coordinator  
Bruce Albrecht, Operations Manager  
Michael Malo, Display Operator

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 2013 through February 2014. (A new certificate of insurance for the weekly displays will be forwarded upon renewal of the policy in February of 2014 to cover displays through September 2014.)

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. 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

# 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](mailto:hepinc@hipyro.com)

May 20, 2013

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

Dear Mr. Lau,

Hawaii Explosives & Pyrotechnics, Inc. would like to request Right-of-Entry for Duke Kahanamoku Beach in order to provide a second weekly fireworks display on behalf of Hilton Hawaiian Village. The displays are to be held every Tuesday throughout the months of July 2013 through December 2013. Details are as follows:

Event: Hilton Hawaiian Village Fireworks Display  
Location: Waikiki, Oahu

Display Dates: **EVERY TUESDAY BEGINNING:**

July 2, 9, 16, 23, 30, 2013  
August 6, 13, 20, 27, 2013  
September 3, 10, 17, 24, 2013  
October 1, 8, 15, 22, 29, 2013  
November 5, 12, 19, 26, 2013  
December 3, 10, 17, 24, 31, 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.

### 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  
Stephanie Pascual, Vice President  
Donald Pascual, Safety Coordinator  
Bruce Albrecht, Operations Manager  
Michael Malo, Display Operator

Enclosed please find copies of firing site location map (Exhibits A) and a certificate of insurance pertaining to the weekly Fireworks Displays covering the period July 2013 through December 2013. All required permits from appropriate agencies for the conduct of each fireworks display will be obtained.

We appreciate your consideration of this request. Thank you in advance for your assistance towards allowing 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 13OD-094

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

**Project Description:** Aerial Fireworks Display every Tuesday night from July to December 2013, and every Friday night from October 2013 to September 2014.

**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 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. Although the subject request cover one more weekday for a six-month period, staff believes that the additional requested event dates 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

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

6/3/13

\_\_\_\_\_  
Date