

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

March 14, 2014

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

PSF No.: 14OD-013

OAHU

Amend Prior Board Action of February 14, 2014, Item D-11, by Revising the Date of Event to February 18, 2014; Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc., for Aerial Fireworks Display at Duke Kahanamoku Beach on February 17, 2014, Waikiki, Honolulu, Oahu, TMK: (1) 2-3-037:021 (Portion).

BACKGROUND:

The subject request was approved by the Board at its meeting of February 14, 2014, (D-11) for a fireworks display to be conducted on February 17, 2014. The above date was cancelled due to rain. A copy of the approved submittal is attached as **Exhibit 1**.

On February 18, 2014 morning, Hawaii Explosives & Pyrotechnics, Inc. verbally requested the fireworks display be conducted on February 18, 2014, due to the cancellation. The applicant did not change any particulars for the revised request other than the event date. Pursuant to the authority delegated by the Board at its meeting of June 14, 2013, (D-11), the Chairperson issued a right-of-entry permit to the applicant approving the request for February 18, 2014, and staff brings the request to the Board for after-the-fact approval pursuant to the same policy.

RECOMMENDATION: That the Board amend its prior Board action of February 14, 2014, under agenda item D-11, by revising the date to February 18, 2014,

Respectfully Submitted,

Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:


William J. Aila Jr., Chairperson

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

February 14, 2014

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

PSF No 14OD-013

Oahu

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on February 17, 2014, 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 – Staging area. Plus a safety zone with a radius of approximately 250 feet around the firing site. The total area including the staging area and the safety zone is approximately 196,750 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

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
February 14, 2014 *uo*

D-11

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 noon to 11:00 p.m. on February 17, 2014.

RENTAL:

\$800 (one-time payment. See Remarks Section for breakdown of costs).

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 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>

REMARKS:

Hawaii Explosives & Pyrotechnics, Inc., is requesting the issuance of a right-of-entry permit for the set-up and firing of fireworks display within the lagoon at Duke Kahanamoku Beach for the Special Event Fireworks Display.

The set-up and firing of the aerial fireworks display for this event will include the staging area and the firing of the aerial fireworks display from a platform within the lagoon consisting of 500 square feet. from 12:00 noon to 11:00 p.m. on February 17, 2014 at Duke Kahanamoku Beach as shown on the attached map labeled Exhibit A. Firing time will be at approximately between 7:00 p.m. and 9:00 p.m. and breakdown by 11:00 p.m.

Written request was submitted by the applicant and received by the Department on January 24, 2014, i.e. request was submitted in the fourth week prior to the event date. Pursuant to the policy adopted by the Board of June 14, 2013, item D-11, staff recommends the Board impose a surcharge of \$250 for this request.

In addition, staff is recommending that a charge of \$500 be imposed to cover the exclusive use of the safety zone as shown on Exhibit A. The total cost for this right-of-entry, which includes the staging area of \$50 will be \$800.

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 government or community agencies. There are no pertinent issues or concerns. Staff does not have any 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 February 17, 2014 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;

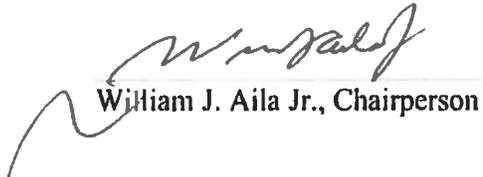
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila Jr., Chairperson



Google

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Regular Firing Site
Special Event Fireworks Display
Monday February 17, 2014
8 00 p m (approximately)
Platform positioned in Lagoon

Event
Date
Firing Time
Locations

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Staging Area

EXHIBIT "A"



**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 on February 17, 2014

Project / Reference No.: PSF 14OD-013

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."

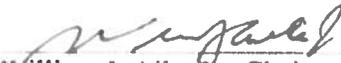
This Division has permitted similar events in the past. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate 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 "B"

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





Date