

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

May 22, 2015

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

PSF No.: 15HD-079
HAWAII

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Set Up, Firing, and all other Pre-display and Post-display activities for the Fourth of July Aerial Fireworks Display on July 4, 2015 on unencumbered State lands, Ouli, South Kohala, Hawaii, Tax Map Key: (3) 6-2-002: seaward of parcel 004.

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc., a Hawaii Domestic Profit Corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Ouli situated at Waimea, South Kohala, Hawaii, identified by Tax Map Key: (3) 6-2-002: seaward of parcel 4, as shown on the attached maps labeled Exhibit A.

AREA:

1,000 square feet, more or less for set-up and firing site area, plus a safety zone with a radius of approximately 200 feet around the firing site. The total estimated area including the firing site and the safety zone on unencumbered State lands is approximately 82,896 square feet.

ZONING:

State Land Use District: Conservation
County of Hawaii CZO: Un-zoned beach adjacent to parcel with V-1.25 Resort Hotel Zoning; also within County of Hawaii Special Management Area

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:
YES ___ NO X

CURRENT USE STATUS:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Set-up and firing of 4th of July Aerial Fireworks Display.

TERM OF RIGHT-OF-ENTRY:

From 10:00 am to 11:45 pm on Saturday, July 4, 2015.

RENTAL

\$100.00 – Set-up and Firing Site Area
500.00 – Safety Zone Area (Flat fee when area exceeds 5,000 square feet)
\$600.00 – Total Rental Fee

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exhibit B attached.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO ___
Registered business name confirmed:	YES <u>X</u>	NO ___
Applicant in good standing confirmed:	YES <u>X</u>	NO ___

REMARKS:

Hawaii Explosives & Pyrotechnics, Inc. (Applicant) has requested a right-of-entry onto the subject land for purposes of conducting a special events aerial fireworks display for the Fourth of July at Kauna'oa Beach near the Mauna Kea Beach Hotel. The specific location of the fireworks display firing site is shown on Exhibit C attached.

In the past, Applicant was only charged for the area of the firing site, which is 1,000 square feet (or charge of \$100 for one day). But to conduct a display, Applicant needs to exclude the public from an area extending for a radius of approximately 200 feet from the firing site. The size of the area circumscribed by the safety zone is approximately 125,600 square feet, of which about two-thirds, or 82,896 square feet, are located on unencumbered State land. If the daily rent for commercial rights-of-entry were applied to

the 82,896 square feet of safety zone on State land, the charge per event would be about \$8,289.00, 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 and near-shore waters. Accordingly, as a compromise, staff is recommending that an additional charge of \$500.00 be imposed to cover Applicant's exclusive use of the safety zone around the firing site.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. No comments were solicited from other government agencies or community agencies because there is no change to the use of the area from prior years. There are no other pertinent issues or concerns. Staff has no objection to the 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. covering the subject area 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; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Dan K. Gushiken
Land Agent

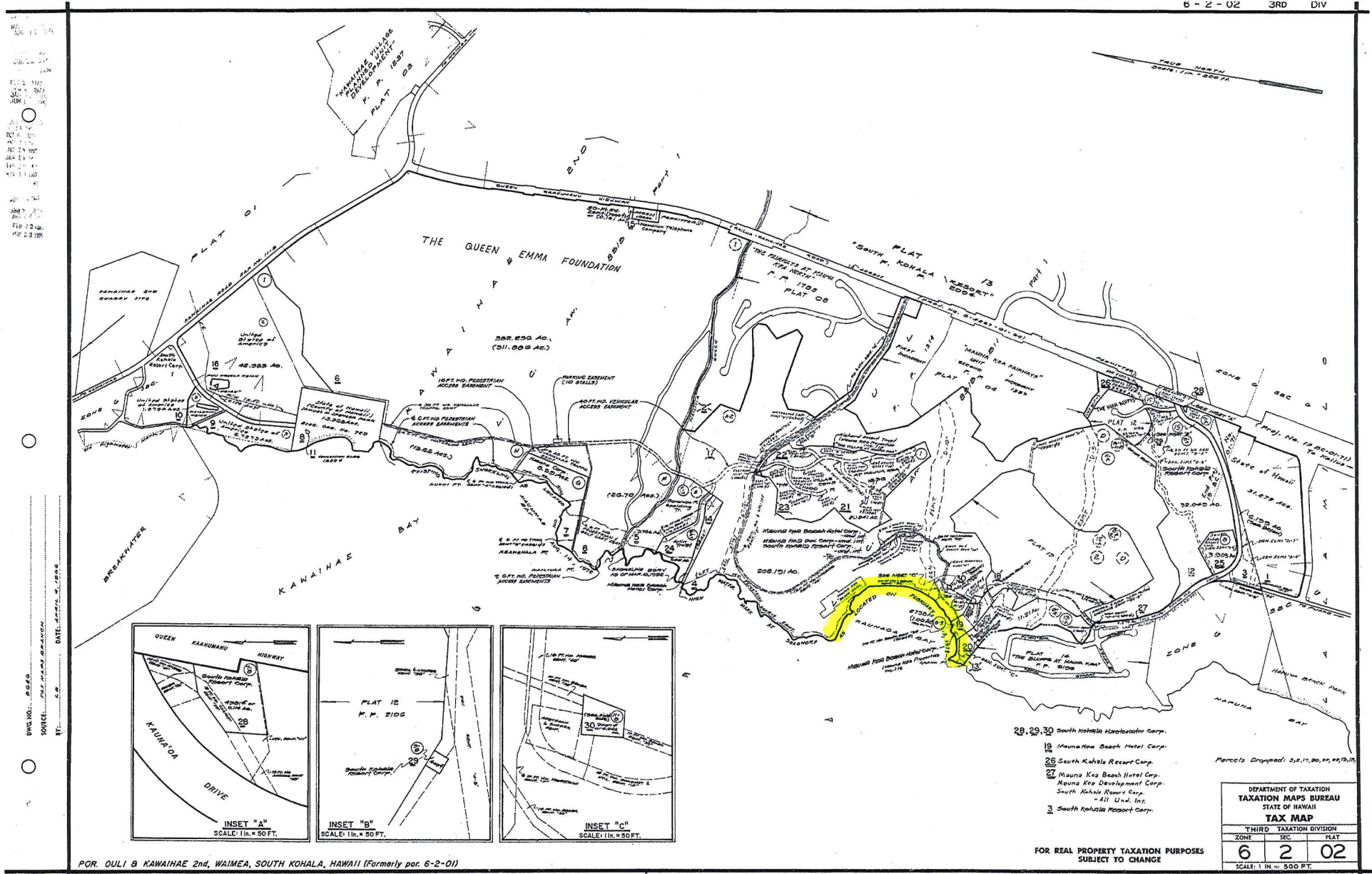
APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

EXHIBIT A

6-2-02 3RD DIV



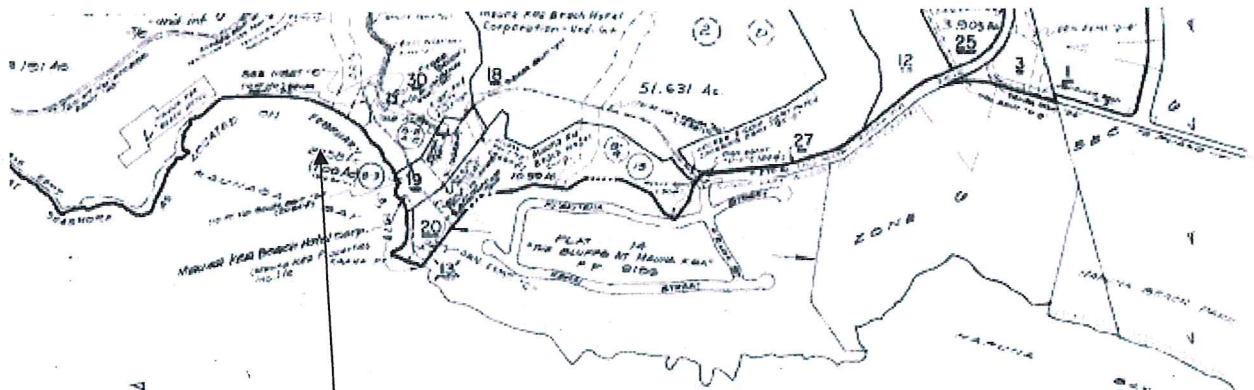
POR. OULI & KAWAIHAE 2nd, WAIMEA, SOUTH KOHALA, HAWAII (Formerly par. 6-2-01)

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

DEPARTMENT OF TAXATION TAXATION MAPS BUREAU STATE OF HAWAII		
TAX MAP		
THIRD TAXATION DIVISION		
ZONE	SEC.	PLAT
6	2	02
SCALE: 1 IN. = 500 FT.		

EXHIBIT A

TMK; 3RD/6-2-02: POR. 4



- 28, 29, 30 South Kohala Maalekaia Corp.
- 19 Mauna Kea Beach Hotel Corp.
- 26 South Kohala Resort Corp.
- 27 Mauna Kea Beach Hotel Corp.
Mauna Kea Development Corp.
South Kohala Resorts Corp.
- All Land Inc.
- 3 South Kohala Resort Corp.

Parcels Dropped: 1, 2, 17, 20, 22, 24, 15.

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

DEPARTMENT OF TAXATION		
TAXATION MAPS BUREAU		
STATE OF HAWAII		
TAX MAP		
THIRD	TAXATION	DIVISION
ZONE	SEC	PLAT
6	2	02

**LOCATION OF FIREWORKS
FIRING SITE**

EXHIBIT B

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS
STATE PARKS

EXEMPTION NOTIFICATION

From the preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of Revocable Permit to Hawaii Explosives & Pyrotechnics, Inc.

Project Number: PSF No. 15HD-079

Project Location: Ouli, Waimea, South Kohala, Hawaii Tax Map Key: (3) 6-2-002: portion seaward of 004

Project Description: Fourth of July aerial fireworks display for July 4, 2015

Consulted Parties: None

Exemption Class No.: In accordance with the "Exemption List for the State of Hawaii, Department of Land and Natural Resources, as Reviewed and Concurred Upon by the Environmental Council (Docket 91-EX-2, December 4, 1991), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, "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 [HAR § 11-200-8(a)(1)]."

Exemption Item No. And Description: Class No.1, "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."

This exemption is appropriate because the permittee, Hawaii Explosives & Pyrotechnics, Inc. (HEPI) has requested the use of a small area for a single aerial fireworks display. The location has been used periodically for such displays in recent years without significant impact on the environment.

The grant of a revocable permit for the limited purpose will result in no material change or significant cumulative impact. If further actions are taken that result in a material change, HEPI will be required to be in compliance with Chapter 343.

Recommendation:

It is recommended that the Board find that the issuance of a revocable permit to Hawaii Explosives & Pyrotechnics, Inc. will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



Suzanne D. Case, Chairperson



5/9/15

Date

EXHIBIT C

