

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

July 10, 2015

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

PSF No.: 15OD-103

OAHU

Issuance of Right-of-Entry to Hawaii Explosives and Pyrotechnics , Inc.
for Aerial Fireworks Display on July 13, 2015 at Kahala Hotel,
Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023:seaward of 041 (Portion).

APPLICANT:

Hawaii Explosives and Pyrotechnics, Inc.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated Waialae, Honolulu, Oahu, identified by Tax Map Key:
(1) 3-5-023:seaward of 041(portion), as shown on the attached map labeled **Exhibit A**.

AREA:

500 square feet, more or less. Staging area, and a safety zone with a radius of
approximately 250 feet around the firing site.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: Resort (for abutting property)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by ROE 4126 to Resorttrust Hawaii LLC, Permittee, for recreational and maintenance purposes.

CHARACTER OF USE:

Set up and firing of aerial fireworks display.

TERM:

Between 12:00 p.m. to 10:00 p.m. on July 13, 2015.

RENTAL:

\$550 (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), 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.". See **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:

Around 1963, the developer of the abutting hotel parcel obtained the approval from the State to excavate the rock coastline and develop a beach and two small islets. The Board approved the agreement at its meeting on January 25, 1963. Subsequent to 1968, revocable permits were issued to the respective hotel owners over the subject location for recreational and maintenance purposes.

At its meeting of October 10, 2014, under agenda item D-5, the Board approved as amended the issuance of a revocable permit for recreational and maintenance purposes to Resorttrust Hawaii, LLC; and the issuance of a management right-of-entry during the interim period until the issuance of a new revocable permit is executed.

Hawaii Explosives & Pyrotechnics, Inc., is requesting the issuance of a right-of-entry permit for the set-up and firing of fireworks display on the seawall groin fronting the Kahala Hotel for the Special Event Fireworks Display on July 13, 2015.

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 on the seawall groin fronting the Kahala Hotel consisting of 500 square feet from 12:00 p.m. to 10:00 p.m. on July 13, 2015.

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 \$550.

Land Division received an email from Resorttrust Hawaii LLC. dated June 12, 2015 stating they have no objections to Hawaii Explosives' use of the subject area on July 13, 2015 for their aerial fireworks display.

Stephanie Pascual of Hawaii Explosives met with and had provided a Courtesy Notice to Nicholas Ross, Assistant General Manager of The Kahala Beach Condominium on July 19, 2015. Mr. Ross agreed to post the Notice on the bulletin board to inform the residents within the condominium of the July 13, 2015 event. Attached is a copy of the Notice and email sent on June 19, 2015 from Mr. Ross labeled **Exhibit C**.

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 and Pyrotechnics, Inc. on July 13, 2015 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:


Suzanne D. Case, Chairperson

HM International - Kahala Hotel
Mon. July 13, 2015

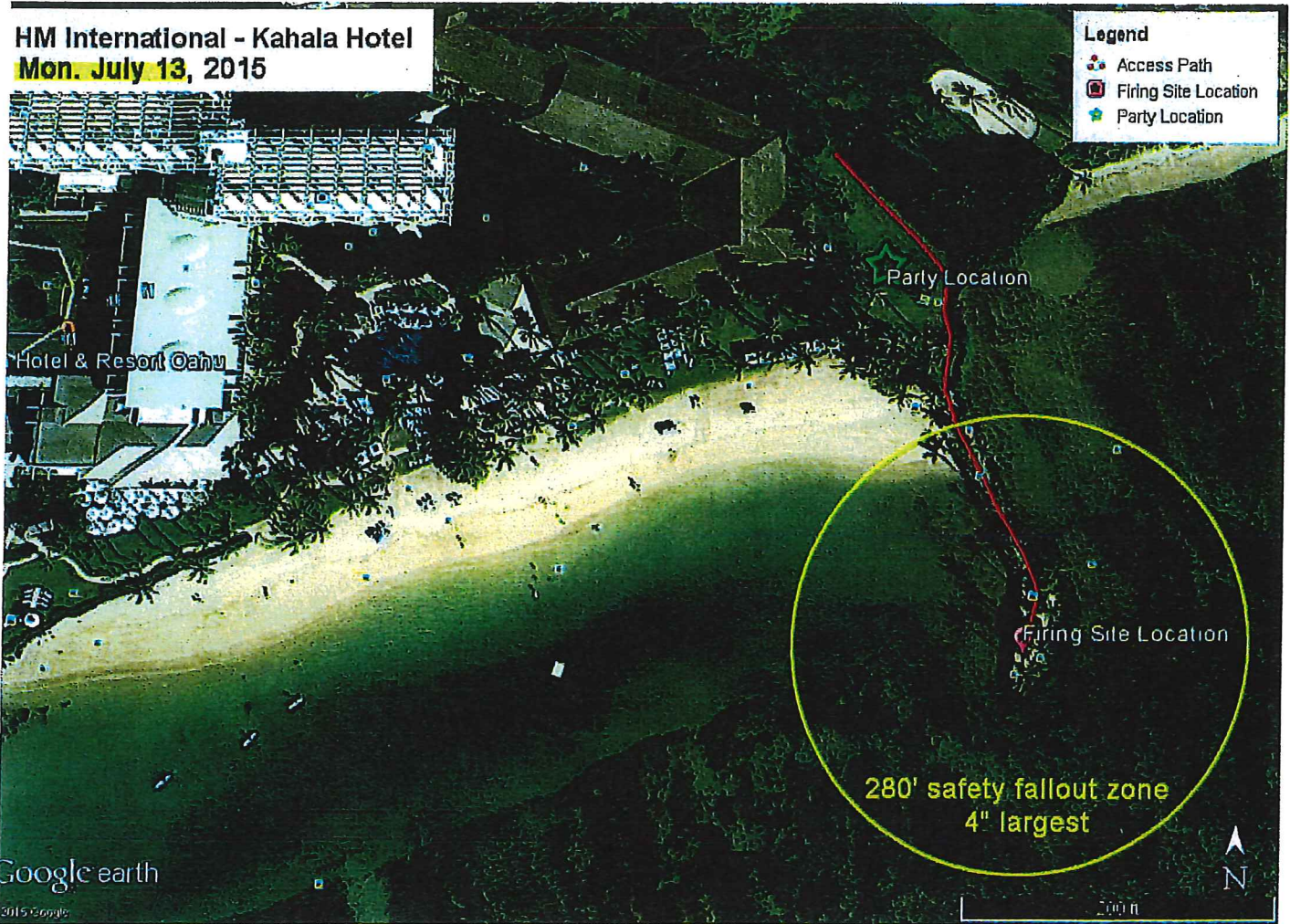


EXHIBIT "A"

EXEMPTION NOTIFICATION

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

Project Title: Issuance of right-of-entry for aerial fireworks display fronting the Kahala Hotel on July13, 2015.

Project / Reference No.: PSF 15OD-103

Project Location: Waialae, Honolulu, Oahu, TMK (1) 3-5-023:seaward of 041.

Project Description: Aerial Fireworks Display fronting Kahala Hotel on July 13, 2015.

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (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."

In the past, permits were periodically issued for conducting aerial fireworks display on the beach in this area, which have resulted in no known significant impacts to the natural and environmental 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: Not applicable

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.


Suzanne D. Case, Chairperson


 Date 6/24/15

EXHIBIT " B "



Fwd: Re: Courtesy Notice - Fireworks display July 13, 2015
Pascual, Stephanie
to:
Steve Lau
06/19/2015 10:08 AM
Hide Details
From: "Pascual, Stephanie"
To: Steve Lau <stephen.T.Lau@hawaii.gov>,

Correspondence from condo.

----- Forwarded message -----

From: "Nicholas Ross"
Date: Jun 19, 2015 9:44 AM
Subject: Re: Courtesy Notice - Fireworks display July 13, 2015
To: "Pascual, Stephanie"
Cc:

Stephanie, thanks for notifying us. I'll post it up on the bulletin.

-Nick

On Fri, Jun 19, 2015 at 9:35 AM, Pascual, Stephanie
Aloha Nick,

Thank you for taking my call this morning. In an attempt to provide as much notice as possible I am attaching a letter that can be used as a tool to notify the Kahala Beach residents of the intended fireworks display on July 13, 2015 at the Kahala Hotel and Resort. I appreciate your efforts in posting this information on the community board.

Kindly reply to this email so I know you received it and should you have any questions or concerns, please feel free to contact me on my cell phone listed below.

Mahalo and have a wonderful Aloha Friday!

Stephanie Pascual, Vice President
Hawaii Explosives & Pyrotechnics, Inc.
(808) 968-0600 ph.

www.hipyro.com

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Nicholas Ross
Assistant to the General Manager
The Kahala Beach
4999 Kahala Ave, Ste. 120
Honolulu, Hawaii 96816
Office (808) 732-5233
Facsimile (808) 735-3086
KahalaBeach@HawaiianTel.net
www.kahalabeachpts.com

EXHIBIT "C"

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

June 18, 2015

Aloha,

As a courtesy to surrounding neighbors, the staff of Hawaii Explosives & Pyrotechnics, Inc. would like to provide you with advance notice of a fireworks display to be performed as part of a function held at the Kahala Hotel and Resort. Specifics are as follows:

Event:	Fireworks Display
Date:	Monday, July 13, 2015
Time:	8:30 p.m. (approximately)
Firing Window:	8:00 p.m. through 8:55 p.m.
Length:	4 minutes (approximately)
Display Firing Site:	Peninsula on Kokohead side of hotel
Location:	Kahala Hotel & Resort

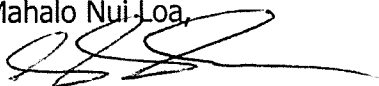
The fireworks will consist of devices that burst in the sky at varying heights between 75 and 200 feet. The devices will produce different effects. It is very likely that you may hear loud thundering booms and see flashes of light and colors across the sky.

Should you have children or other members of your family that are easily frightened by loud noise or bright lights, please advise them of the upcoming events and/or make any adjustments you feel necessary in your schedule or their location during the show. In the same vein, if you have any animals that are easily spooked or react adversely to sudden loud noise or bright flashes (somewhat similar to a thunder and lightning storm), please take any measures you feel are necessary to keep them comfortable during the timeframe indicated.

The police department and fire department have been provided with notification regarding the location, date and time for this scheduled fireworks usage and all necessary permits have been applied for.

Should you have any questions or concerns regarding this matter, feel free to contact our office at 968-0600 or myself who will be onsite at 960-8880.

Mahalo Nui Loa,



Stephanie Pascual, Vice President
Hawaii Explosives & Pyrotechnics, Inc.