

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

November 13, 2015

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

PSF No.: 15KD-163

Kauai

Issuance of Right-of-Entry Permit to J & M Displays, Inc. on Unencumbered State Beach Lands seaward of Poipu Beach Park on December 31, 2015, for Aerial Fireworks Display, por. of Koloa Beach, Poipu, Kauai, Tax Map Key: (4) 2-8-017: seaward of 001.

APPLICANT:

J & M Displays, Inc.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Koloa situated at por. of Koloa Beach, Koloa, Kauai, identified by Tax Map Key: (4) 2-8-017: seaward of 001., as shown on the attached maps labeled Exhibits A & B.

AREA:

1,100 square feet, more or less – Set-up and Firing area.  
6,000 square feet, more or less – Safety Zone

ZONING:

State Land Use District: Urban  
County of Kauai CZO: Hotel & Resort

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:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Set-up and conducting aerial fireworks display.

TERM:

Between 12:00 noon to 11:59 p.m. on December 31, 2015  
[Firing window approximately between 9:30 p.m. to 11:30 p.m.]

RENTAL:

\$110.00 - area of request to use is 1,100 square feet.  
( rental based on \$.10 per square feet per day )

\$500.00 - area of safety zone exceeds 5,000 square feet and duration is about one (1)  
hour – flat fee rate.

\$610.00 - Total fee

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See 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>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from County of Kauai, Department of Parks and Recreation on contingency plan and safety zone area.

REMARKS:

J & M Displays, Inc. is requesting a right-of-entry permit for set-up and firing of fireworks display on a sand island located within Poipu Beach Park for Poipu Beach Resorts Association's New Year's Eve Celebration.

The set-up and firing of the aerial fireworks display consisting of 1,100 square feet of a sand island from 12:00 p.m. to 11:59 p.m. on December 31, 2015 as shown on the attached map labeled Exhibit B. A firing time will be at approximately between 9:30 p.m. and 11:30 p.m. and breakdown by 11:59 p.m.

A contingency plan has been worked out with the County of Kauai, Department of Parks and Recreation to use a portion of Poipu Beach Park if the tide or surf conditions prevent using the sand island for a firing area.

The proposed activity is of a similar type and scope for fireworks display activities that historically 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.

In the past, the Applicant was only charged for the area of the firing site, which is 1,100 square feet (or a charge of \$110.00). But to conduct a display safely, Applicant needs to exclude the public from a much larger area extending for a radius of approximately 6,000 square feet from the firing site. This safety zone is located on unencumbered beach and submerged lands. If the daily rent for commercial right-of-entry were applied to the safety zone, the charge per event would be 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.

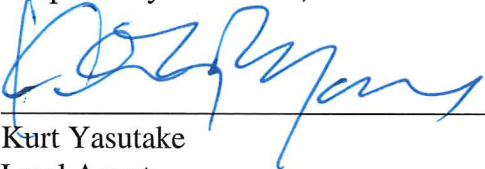
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

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 J & M Displays, Inc. on December 31, 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. Contingency plan signed with the County of Kauai, Department of Parks and Recreation for alternate firing site and safety zone area; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

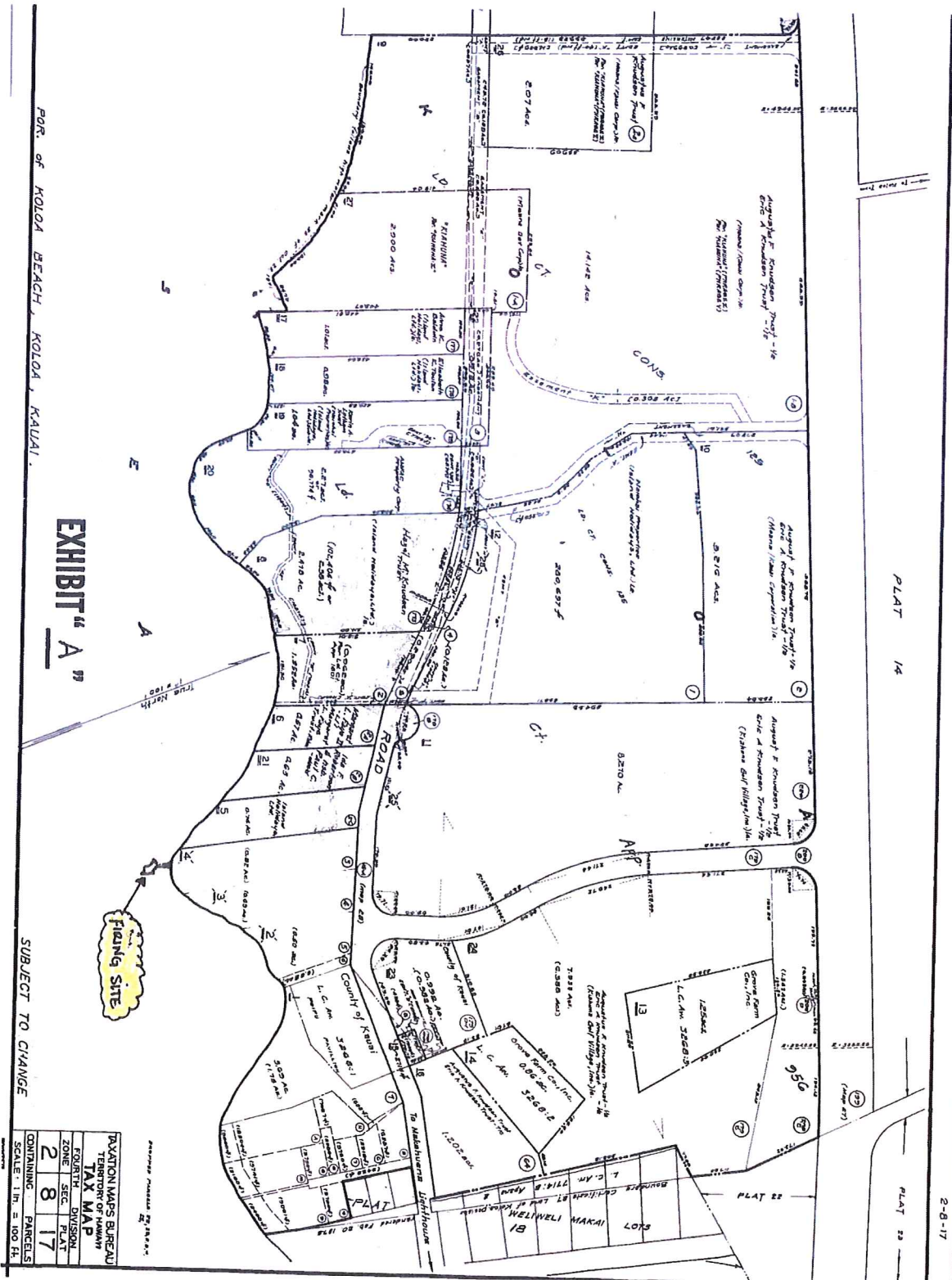
Respectfully Submitted,

  
\_\_\_\_\_  
Kurt Yasutake  
Land Agent

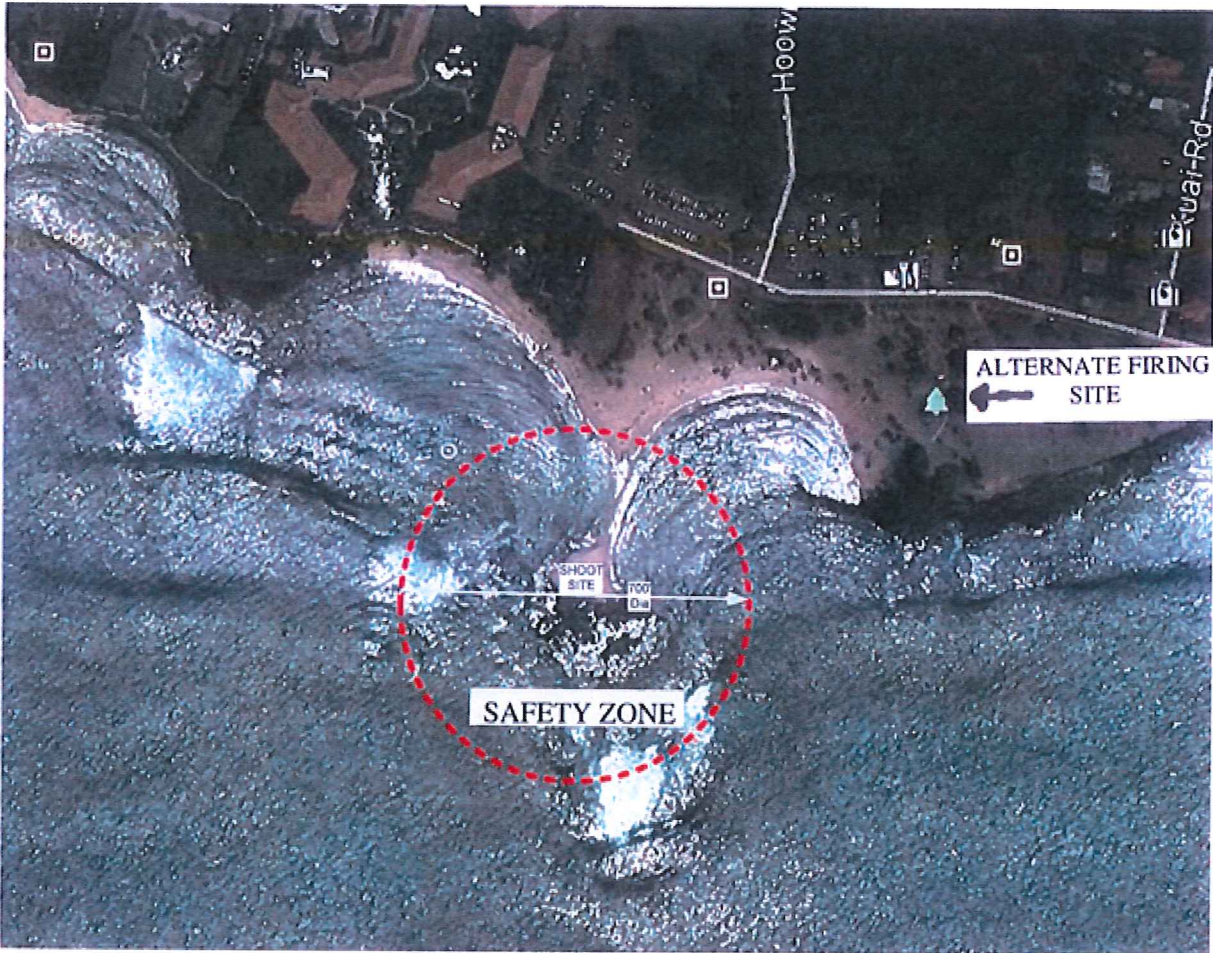
APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Suzanne D. Case, Chairperson







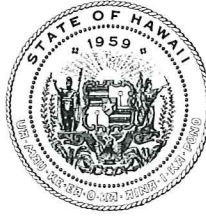


TMK: (4) 2-8-017:seaward of 001

**J & M Displays, Inc.**

**Exhibit B**

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON  
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 OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**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 Right-of-Entry Permit to J & M Displays, Inc. on Unencumbered State Beach Lands seaward of Poipu Beach Park on December 31, 2015, for Aerial Fireworks Display.

Project Number: PSF No. 15KD-163

Project Location: Poipu, Kauai, TMK: (4) 2-8-017: seaward of 001.

Project Description: Right-of-Entry for Aerial Fireworks Display at Poipu Beach

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



Exemption Class No. In accordance with the Exemption List for the Department of Land and Natural Resources, as Reviewed approved by the Environmental Council on June 5, 2015, 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) (46)]".

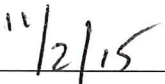
This Division has permitted similar events on the past. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the nature, 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 None

Recommendation:

It is recommended that the Board declare 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