

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

December 11, 2015

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

PSF No.: 15HD-192  
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 2015 Mauna Kea Beach Hotel New Year's Eve Aerial Fireworks Display on December 31, 2015, until January 1, 2016, 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<sup>1</sup>.

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

<sup>1</sup> Exhibit A includes 2 documents: 1) TMK map of plat with highlighted subject parcel; and 2) Aerial photo of subject request with identified firing site and safety zone.

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES  NO

CURRENT USE STATUS:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Set-up and firing of Aerial Fireworks Display.

TERM OF RIGHT-OF-ENTRY:

From 10:00 am, December 31, 2015 to 3:00 am, January 1, 2016.

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  NO

Registered business name confirmed: YES  NO

Applicant in good standing confirmed: YES  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 New Year's Eve at Kauna'oa Beach near the Mauna Kea Beach Hotel. The specific location of the fireworks display firing site is shown on the two maps included in Exhibit A, 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;
  - B. Review and approval by the Department of the Attorney General; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



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 Dan K. Gushiken  
Land Agent

APPROVED FOR SUBMITTAL:

  
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Suzanne D. Case, Chairperson

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Google earth

Imagery Date: 1/18/2013 20°00'13.90" N 155°49'30.42" W elev. 1. ft. eye alt. 1524. ft

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DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

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CHAIRPERSON  
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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAIHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
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 Right-Of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc.

**Project Number:** PSF No. 15HD-192

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

**Project Description:** Special Events aerial fireworks display for New Year's Eve 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 (approved on June 5, 2015), 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:** Item No. 51: "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts 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 routinely for such displays in recent years without significant impact on the environment.

**EXHIBIT B**

The grant of a Right-Of-Entry 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 Right-Of-Entry 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.

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Suzanne D. Case, Chairperson

11/20/15  
\_\_\_\_\_  
Date