

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

January 22, 2016

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

PSF No.: 16OD-004

OAHU

Issuance of Right-of-Entry Permit to Hawaii Explosives and Pyrotechnics, Inc. for Aerial Fireworks Display on January 28, 2016 at the beach fronting Turtle Bay Resort, Kahuku, Koolauloa, Oahu, Tax Map Key: (1) 5-7-001:Seaward of 013.

APPLICANT:

Hawaii Explosives and Pyrotechnics, Inc.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands fronting Turtle Bay Resort, Kahuku, Koolauloa, Oahu, Tax Map Key: (1) 5-7-001:Seaward of 013, as shown on the maps attached as **Exhibit A1** and **A2**.

AREA:

500 square feet, more or less.

ZONING:

State Land Use District: Conservation
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:

Unencumbered.

CHARACTER OF USE:

Set up and firing of aerial fireworks display.

TERM:

Between 12:00 noon to 11:45 p.m. on January 28, 2016, Thursday.

RENTAL:

\$1,050 (One-time payment, including \$500 surcharge for late application and \$500 for the safety zone fee. See Remarks Section below).

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51. 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:

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 beach fronting the Turtle Bay Resort in conjunction with the Pro Bowl family dinner event on January 28, 2016

The request pertains to the staging area and the firing of the aerial fireworks display from a platform consisting of 500 square feet from 12:00 noon to 11:45 p.m., with the firing time scheduled around 9:30 p.m.

Land Division received the application on January 8, 2016, i.e. less than three (3) weeks prior to the requested dates. Pursuant to the policy authorized by the Board at its meeting

on June 14, 2013, Item D-11, as amended, staff recommends the Board impose a late surcharge of \$500 in addition to the normal fee payable for similar event. Further, staff recommends the Board impose a \$500 safety zone fee for the proposed event.

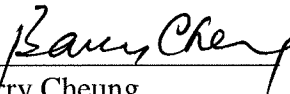
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions. No comments were solicited from government or community agencies. There are no pertinent issues or concerns.

Staff does not have any objection to this request.

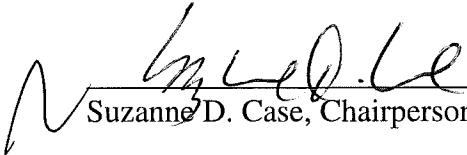
RECOMMENDATION: That the Board:

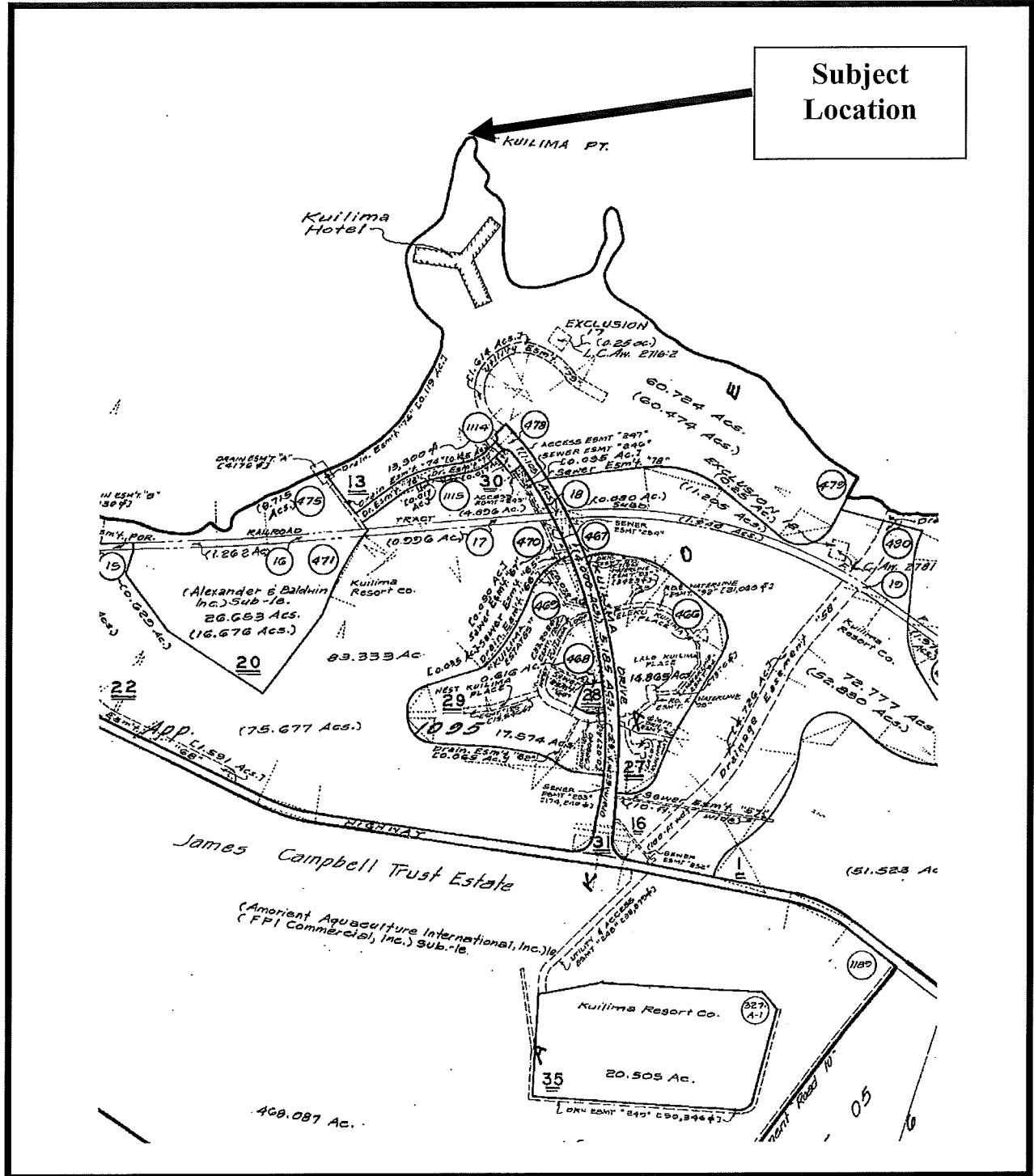
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Hawaii Explosives and Pyrotechnics, Inc. on January 28, 2016 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; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK (1) 5-7-001:Seaward of 013

EXHIBIT A1

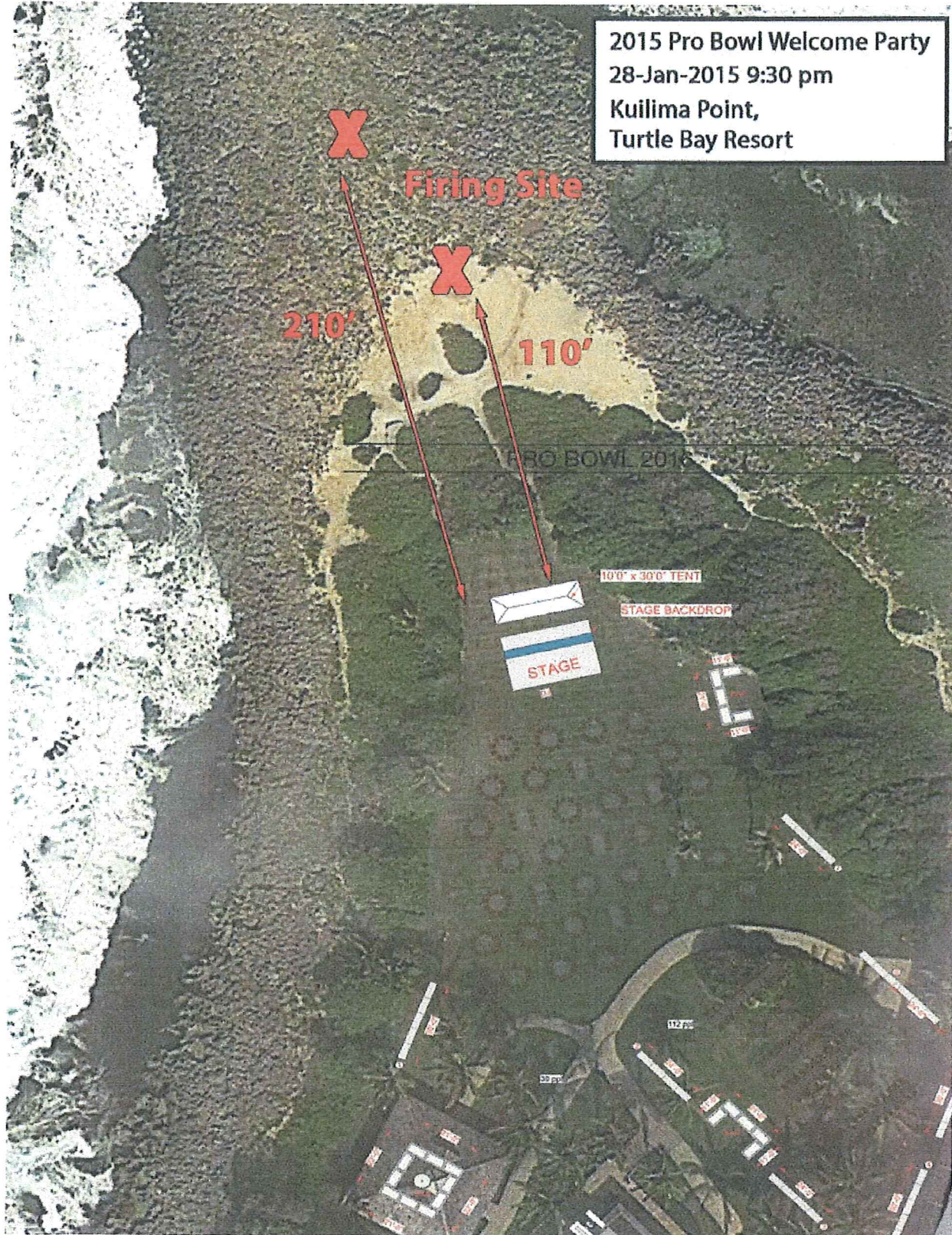


EXHIBIT A2

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 Turtle Bay Resort on January 28, 2016.

Project / Reference No.: PSF 16OD-004

Project Location: Kahuku, Koolauloa, Oahu, TMK (1) 5-7-001:seaward of 013.

Project Description: Aerial Fireworks Display on January 28, 2016.

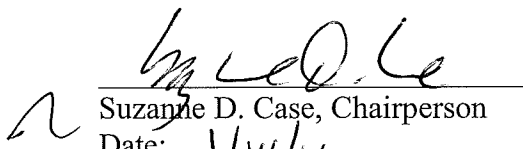
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51.

In the past, permits were periodically issued for conducting aerial fireworks display on the beach, 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: 1/14/16

EXHIBIT B