

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

July 12, 2013

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

PSF No.13OD-101  
  
Oahu

RESUBMITTAL: Issuance of Right-of-Entry Permit to Fireworks By Grucci, Inc.,  
for Set up and Firing of Aerial Fireworks Display on July 24 & 25, 2013, Waikiki,  
Honolulu, Oahu, Tax Map Key: (1) 2-3-037:021 (Portion).

APPLICANT:

Fireworks By Grucci, Inc.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kalia, situated at Waikiki, Oahu, identified by Tax Map  
Key:(1) 2-3-037:021 portion, as shown on the map attached as Exhibits A1 and A2.

AREA:

1,000 square feet, more or less- Set-up and firing site area. Plus a safety zone with a radius of  
approximately 210 feet around the firing site. The total area including the firing site and the  
safety zone is approximately 138,474 square feet.

ZONING:

State Land Use District: Urban  
City and County of Honolulu LUO: Public Precinct

TRUST LAND STATUS:

Section 5(a) 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 firing of aerial fireworks display.

TERM:

July 24 & 25, 2013, during the hours of 3:00 p.m. to 11:00 p.m. on each day

RENTAL:

\$100.00 per event day – Set-up & Firing site area

\$500.00 per event day – safety Firing Zone

Total: \$1,200.00 (\$600 per event day x 2 days)

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.", as included in 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:

Fireworks By Grucci, Inc., is requesting the issuance of a right-of-entry permit for the set-up and firing of fireworks display within the lagoon at Duke Kahanamoku Beach for the Sony Life-HIT Tours event.

The event will include the staging area and the firing of the aerial fireworks display along the lagoon consisting of 1,000 square feet from 3:00 p.m. to 11:00 p.m. for July 24 & 25, 2013 on Duke Kahanamoku Beach as shown on the attached maps labeled Exhibit A1 and A2. Firing time will be at approximately between 8:45 p.m. and 9:00 p.m. and break down

by 11:00 p.m.

In the past, Applicant was only charged for the area of the firing site, which would be 1,000 square feet (or a charge of \$100 per event day) for the subject request. But to conduct a display, Applicant needs to exclude the public from an area extending for a radius of 210 feet from the firing site. The size of the area circumscribed by the safety zone is approximately 138,474 square feet. If the daily rent for commercial rights-of-entry were applied to the safety zone, the charge per event would be about \$13,847, 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. 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 per event day.

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.

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 Fireworks By Grucci, Inc., covering the subject area for set-up and firing of 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,

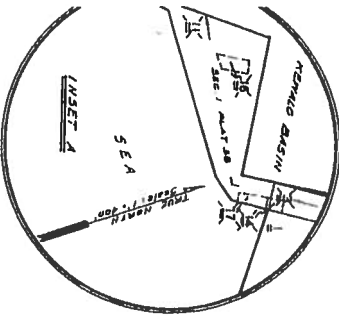


Steve Lau  
Land Agent

APPROVED FOR SUBMITTAL:

  
William J. Aila Jr., Chairperson

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SEA

City & County of Honolulu  
(Board of Public Parks & Recreation)  
ALA MOANA PARK  
75100 AL

ALA MOANA PARK

25

ADVANCE SHEET  
SUBJECT TO CHANGE

PARCELS OF PROPERTY	12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37
FIRST DIVISION	2
ZONE	3
SECTION	37
PLAT	37
CONTAINING 1 PARCEL	
SCALE: 1" = 1000'	

- 37 State of Hawaii (1954)
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EXHIBIT "A1"



**FIREWORKS BY GRUCCI, INC.**

**SITE INSPECTION REPORT**

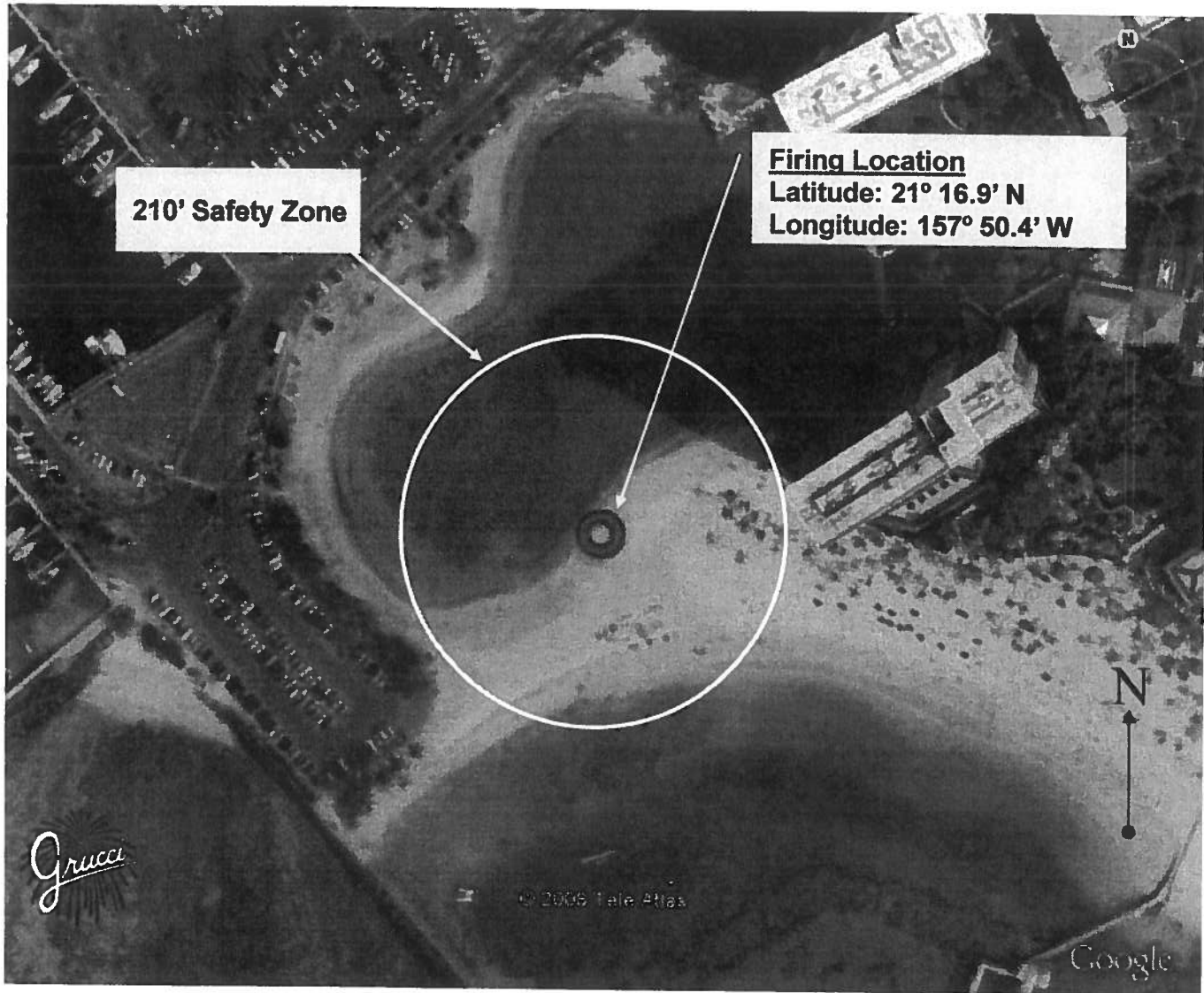
Program: Sony Life-HIT Tours    Event Date: 24,25 July 2013    Event Time: 2045 HST    Rain Date: None

Pyrotechnic Contact: Thomas Likos, Fireworks by Grucci

Event Contact: Mark Saruwatari, HIT Tours

Location Coordinator: Linda Iwasaki

Fire Marshal: Chuck Perry, Honolulu Fire Department



Maximum Shell Diameter: 3"		Maximum Height : 700'		Proximate Pyrotechnics: No	
SITE INSPECTION:			DISTANCES:		
Inspected by:	Thomas Likos	Audience	>500'	Vehicles:	>240'
Date:	June 2, 2013	Occupied Building	210'	Overhead Obstructions:	N/A
Time:	1700 HST	Building Unoccupied:	N/A	Trees/Shrubs:	N/A

**EXHIBIT "A2"**



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**EXEMPTION NOTIFICATION**

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

Project Title: Aerial Fireworks Display at Duke Kahanamoku Beach on July 24 & 25, 2013

Project / Reference No.: PSF 13OD-101

Project Location: Waikiki, Honolulu, Oahu, TMK:(1) 2-3-037: portion of: 021.

Project Description: Aerial Fireworks Display at Duke Kahanamoku Beach

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."

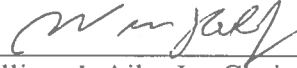
This Board has permitted similar events in the past. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the 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.

Consulted Parties: Office of Conservation and Coastal Land

**EXHIBIT "B"**

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.



\_\_\_\_\_  
William J. Aila Jr., Chairperson



6/10/13

\_\_\_\_\_  
Date