

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

February 14, 2014

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

PSF No.: 14OD-010

Oahu

After-the-Fact Issuance of Right-of-Entry Permit to Fireworks by Grucci, Inc. for Aerial Fireworks Display Purposes on February 11, 2014, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:Portion of 021.

APPLICANT:

Fireworks by Grucci, Inc., a foreign profit corporation.

LEGAL REFERENCE:

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

LOCATION:

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

AREA:

1,000 square feet, more or less.

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:

Aerial fireworks display purposes

TERM:

3:00 p.m. to 11:00 p.m. on February 11, 2014

RENTAL:

\$850 (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:

Fireworks by Grucci-Hawaii is requesting a right-of-entry permit over portions of the Duke Kahanamoku Lagoon area as depicted on exhibit A2 for aerial fireworks display purposes in connection with the reception to be held on the adjacent hotel on February 11, 2014.

Written request was submitted by the applicant and received by the Department on January 17, 2014, i.e. request was submitted in the fourth week prior to the event date. Pursuant to the policy adopted by the Board of June 14, 2013, Item D-11, staff recommends the Board impose a surcharge of \$250 for this belated request.

Similar to other fireworks display requests, the applicant asks for a 210-foot radius safety

zone. Staff recommends the Board impose a flat fee of \$500 for the requested safety zone. The total cost for this right-of-entry, including the \$100 fee for the staging area, will be \$850. A right-of-entry was issued prior to this Board date, following the June 2013 policy. Staff brings the request today seeking for an after-the-fact approval.


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 other pertinent issues or concerns, and staff does not have any 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 an after-the-fact right-of-entry permit to Fireworks by Grucci, Inc. 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,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


William J. Aila Jr., Chairperson

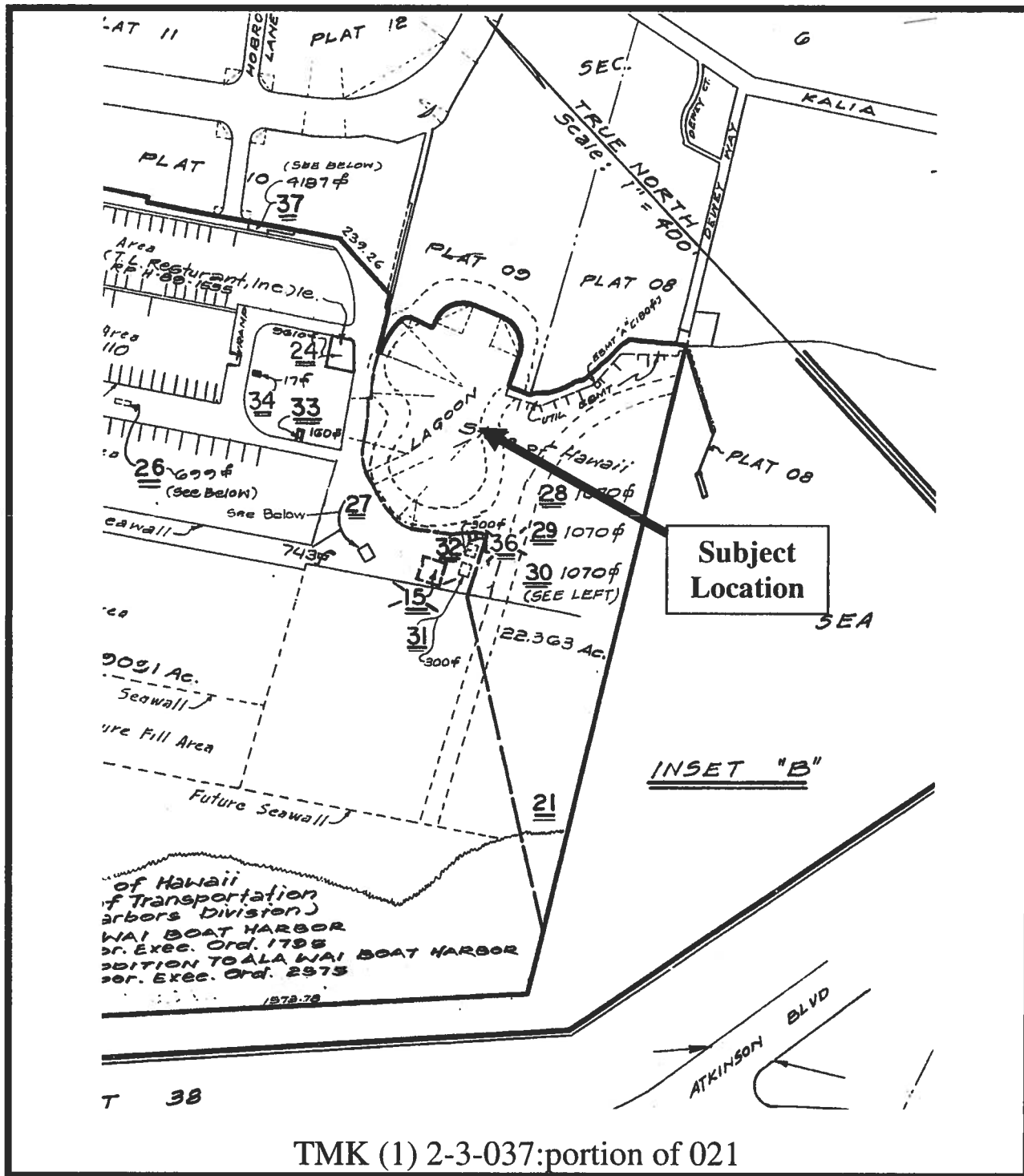


EXHIBIT A1



FIREWORKS BY GRUCCI, INC.

SITE INSPECTION REPORT

Program: NuSkin-Japan	Event Date: 11 Feb. 2014	Event Time: 2030 HST	Rain Date: None
Pyrotechnic Contact: Thomas Likos, Fireworks by Grucci	Phone: 808.696.5909	Cell: 808.348.5000	
Event Contact: Gifford Chang, Extravaganza Productions	Phone: 808.953.9776	Cell: 808.306.4570	
Location Coordinator: Linda Iwasaki	Phone: 808.947.7830		
Fire Marshal: Chuck Perry, Honolulu Fire Department	Phone: 808.723.7174	Cell: 808.228.0050	



Maximum Shell Diameter: 3"		Maximum Height : 700'		Proximate Pyrotechnics: No	
SITE INSPECTION:			DISTANCES:		
Inspected by:	Thomas Likos	Audience	>500'	Vehicles:	>240'
Date:	January 10, 2014	Occupied Building	210'	Overhead Obstructions:	N/A
Time:	1700 HST	Building Unoccupied:	N/A	Trees/Shrubs:	N/A

EXHIBIT "A2"

EXEMPTION NOTIFICATION

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

Project Title: Aerial Firework Display Purposes on Duke Kahanamoku Beach
Project / Reference No.: PSF 14D-010
Project Location: Waikiki, Honolulu, Oahu, TMK (1) 2-3-037:portion of 021.
Project Description: Aerial fireworks display purposes
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 Division 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: 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.



William J. Aila Jr., Chairperson

Date 1/29/14

EXHIBIT B