

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

September 9, 2010

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

PSF No.10OD-143

Oahu

Issuance of Revocable Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach, Waikiki, Honolulu, Oahu, Tax Map Key:(1) 2-3-037:portion of 021.

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc.

LEGAL REFERENCE:

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

LOCATION:

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

AREA:

500 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.

TERM:

Between 4:00 p.m. and 9:00 p.m. on the dates shown in Exhibit B. Also see Remarks Section for Random Dates.

RENTAL:

Rental will be based on 10¢ per square feet per day.

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 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>

REMARKS:

Hawaii Explosives & Pyrotechnics, Inc. (HEP) is contracted with Hilton Hawaiian Village to conduct aerial fireworks display every Friday at Duke Kahanamoku Beach.

At its meeting of August 28, 2009, under agenda item D-19, the Board authorized the issuance of a revocable permit to HEP, Inc. for the setting-up and conducting of aerial fireworks display at Duke Kahanamoku Beach every Friday between October 2009 and October 2010 (inclusive). Revocable Permit (RP) 7465 was issued subsequently.

By way of letter dated July 16, 2010, HEP requests the issuance of a revocable permit for the setting-up and conducting of aerial fireworks display at Duke Kahanamoku Beach every Friday between October 2010 and October 2011, with the dates shown in Exhibit B.

In addition, HEP plans to have 24 random dates to accommodate special events by visiting groups or conventions had some special event dates. At the time of writing this submittal, none of these 24 dates is confirmed. HEP wants flexibility can be built in the revocable permit document to allow approval for these random dates, if and when it is confirmed.

Subsequent to the issuance of RP 7465, staff had discussion with the Department of Attorney General and noted that any permit for commercial activities on the beach scheduled for the Board's consideration requires specific date(s). The 24 random dates as requested by HEP, therefore, cannot meet this criteria. Staff recommends the Board deny the request for such random dates.

HEP needs to submit its request for any dates other than those shown in Exhibit B to the Board for consideration when the information on the date(s) is available. For the Board's information, the Department has been scheduling other similar request, including those one-day events, to the Board for approval of a permit.

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 other government or community agencies.

For housekeeping purpose, staff recommends the Board authorize the cancellation of RP 7465 upon issuance of the subject revocable permit. There are no other pertinent issues or concerns. Staff has no objection to this request.

RECOMMENDATION: That the Board

1. Authorize the issuance of a revocable permit to Hawaii Explosives & Pyrotechnics, 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 revocable 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.

2. Authorize the cancellation of Revocable Permit No. 7465 upon issuance of the subject revocable permit.

Respectfully Submitted,

Steve Lau

Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 

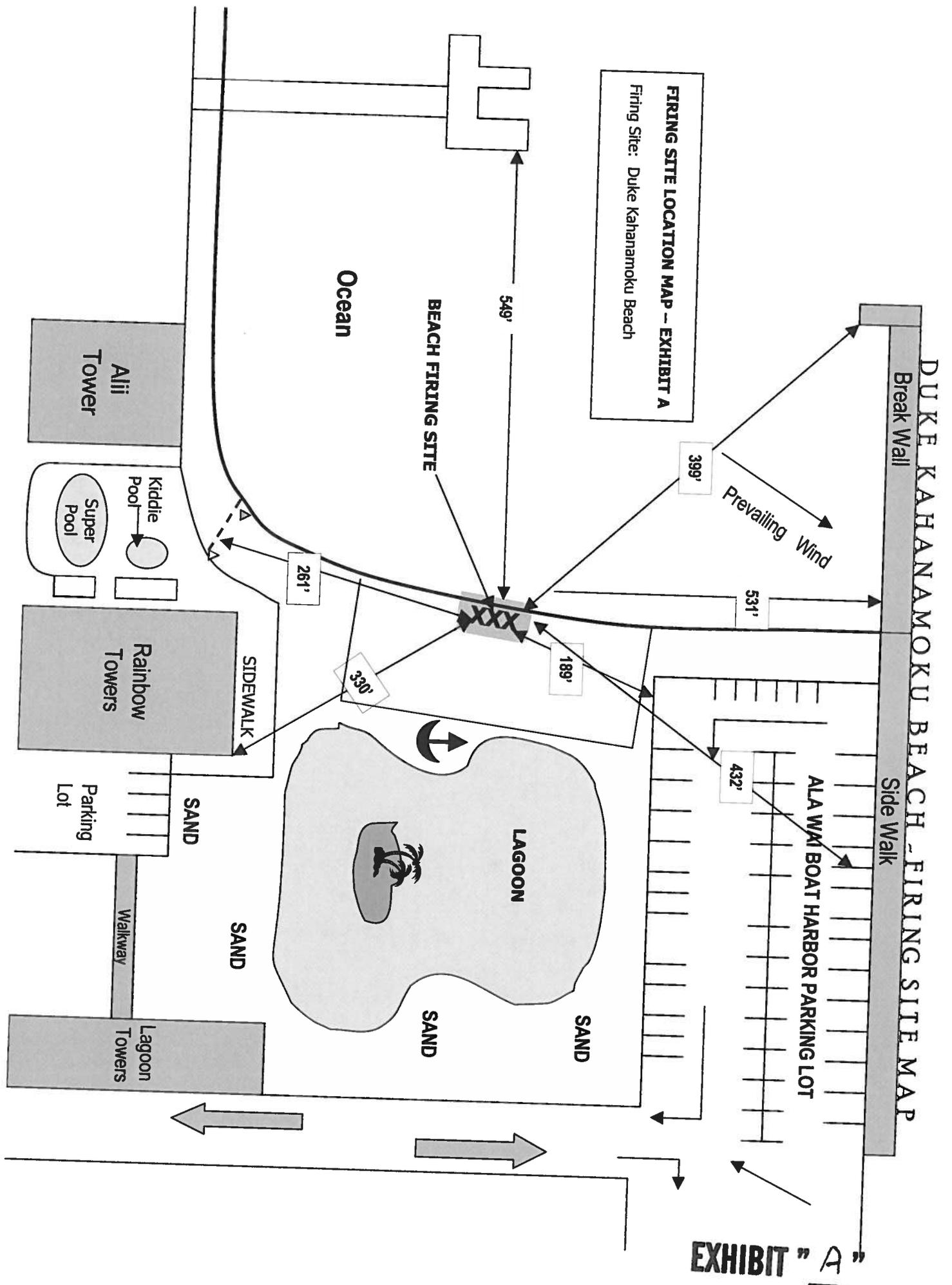


EXHIBIT "A"

Hawaii Explosives & Pyrotechnics, Inc.

P. O. Box 1244 Keaau, Hawaii 96749
Phone: (808) 968-0600 (Big Island) Fax: (808) 968-0800 (Big Island)
Toll Free: (800) 240-6064 Email: hepinc@hipyro.com

July 16, 2010

Mr. Stephen Lau, Oahu District Representative
Department of Land and Natural Resources
Division of Land Management
P.O. Box 621
Honolulu, HI 96809-0621

Subject: Request for Renewal
Right of Entry for Duke Kahanamoku Beach
Revocable Permit No. S-7465

Dear Mr. Lau,

Hawaii Explosives & Pyrotechnics, Inc. would like to request Right-of-Entry for Duke Kahanamoku Beach in order to provide fireworks display services in conjunction with the weekly Rockin' Hawaiian Rainbow Revue at the Hilton Hawaiian Village. The displays are to be held every Friday throughout the months of October 2010 through October 2011. We are also requesting this Right-of-Entry include 24 additional dates during the permit period to accommodate requests for fireworks by the Hilton Hawaiian Village for special occasions and requests received by visiting groups for conferences, incentive meetings and corporate functions. Details are as follows:

Event:	Hilton Hawaiian Village
Location:	Rockin' Hawaiian Rainbow Revue Fireworks Displays
Display Dates:	Waikiki, Oahu
	October 1, 8, 15, 22, 29, 2010
	November 5, 12, 19, 26, 2010
	December 3, 10, 17, 24, 31, 2010
	January 7, 14, 21, 28, 2011
	February 4, 11, 18, 25, 2011
	March 4, 11, 18, 25, 2011
	April 1, 8, 15, 22, 29, 2011
	May 6, 13, 20, 27, 2011
	June 3, 10, 17, 24, 2011
	July 1, 8, 15, 22, 29, 2011
	August 5, 12, 19, 26, 2011
	September 2, 9, 16, 23, 20, 2011
Firing Time:	7:45 p.m. (approximately)
Hours of Operation:	Between 4:00 p.m. and 9:00 p.m. (each date)
Firing Site:	Duke Kahanamoku Beach (Exhibit A)

Request

Authorization to conduct all procedures associated with display operations to include closure, security and monitoring of the display site and adjacent safety zone, positioning of mortar racks and firing equipment on the beach, setup and wiring of pyrotechnics, display ignition and discharge from the specified area, and the completion of all post-display operations as related to each pyrotechnic display.

Plan of Action

Duke Kahanamoku Beach firing site (Exhibit A):

Our personnel will close and secure an area surrounding the intended display discharge site prior to the unloading of equipment and pyrotechnics. Approximately 500 square feet will be utilized for the setup of display equipment, positioning of racks containing 3" mortars, loading and wiring of pyrotechnics into mortars, and conduct of all other applicable display operations. A security perimeter will be established to include the beach area adjacent to the Ala Wai Boat Harbor parking lot down to the ocean, along the Hilton Lagoon to the area fronting the Ewa side corner of the Hilton Rainbow Tower, and across the beach back down to the ocean, forming a semi-circle around the discharge site. Security personnel will monitor the established safety/fallout zones to prevent entry into the area by the general public and unauthorized personnel during display preparations, ignition, and post-display breakdown.

Required: We will require approximately 500 square feet of the beach area for the setup of our equipment and as the display discharge site for each fireworks production.

Standard Safety & Security Procedures

Hawaii Explosives & Pyrotechnics, Inc. practices safety and security procedures within industry standards to do our very best to minimize risk to the general public, tourists and hotel guests as we prepare for, fire, and clean up after our displays. Our personnel and the private security officers are trained to be courteous to everyone while being firm in preventing entry into any potentially hazardous area. It is our ultimate goal to present every display in a manner that is absolutely safe, yet spectacular and enjoyable for all.

Hawaii Explosives & Pyrotechnics, Inc. – Important Contact Names & Numbers:

Main Office	(808) 968-0600
Charlene Pascual, President	(808) 960-6833 (cell)
Stephanie Pascual, Vice President	(808) 960-8880 (cell)
Donald Pascual, Safety Coordinator	(808) 960-5985 (cell)
Bruce Albrecht, Operations Manager	(808) 960-6574 (cell)
Benjamin Pascual, Display Operator	(808) 896-0456 (onsite cell)
Conrad Baker, Display Operator	(808) 224-2501 (onsite cell)
Edward Amina, Display Operator	(808) 342-8010 (onsite cell)

Enclosed please find copies of firing site location map (Exhibits A) and a certificate of insurance pertaining to the weekly Rockin' Hawaiian Rainbow Revue Fireworks Displays covering the period March 2010 to 2011. (A new certificate of insurance for the weekly displays will be forwarded upon renewal of the policy in February of 2011 to cover displays through October 2011.)

All required permits from appropriate agencies for the conduct of each fireworks display will be obtained.

We appreciate your consideration of this request for renewal of our Revocable Permit No. S-7465. Thank you in advance for your assistance for us to provide fireworks display services for the enjoyment of visitors and residents alike.

Sincerely,



Stephanie Pascual
Vice President

Enclosures



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

Project / Reference No.: PSF 100D-143

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

Project Description: Aerial Fireworks Display at Duke Kahanamoku8 Beach

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

Exemption Class No.: 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."

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: Office of Conservation and Coastal Land

EXHIBIT "C"

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.

Laura H. Thielen, Chairperson

Date