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

February 22, 2013

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

PSF No.13HD-029

Hawaii

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Set up and Firing of Aerial Fireworks Display on March 12, 2013, Ouli, South Kohala, Hawaii, Tax Map Key: (3) 6-2-02: seaward of 04.

APPLICANT:

Hawaii Explosives & Pyrotechnics Inc., a Hawaii 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) 6-2-2: portion seaward of 4, as shown on the attached map labeled Exhibit A.

AREA:

1,000 square feet, more or less.

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 Special Management Area

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:

From 12:00 p.m. to 11:45 p.m. on Tuesday, March 12, 2013

RENTAL:

$100.00 (one-time payment)

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exhibit B attached.

DCCA VERIFICATION:

Place of business registration confirmed:	YES X	NO __
Registered business name confirmed:	YES X	NO __
Applicant in good standing confirmed:	YES X	NO __

REMARKS:

Hawaii Explosive & Pyrotechnics, Inc. (Applicant) has requested a right-of-entry onto the subject land for purposes of conducting a special events aerial fireworks display at Kauna'oa Beach near the Mauna Kea Beach Hotel. The specific location of the fireworks display firing site is shown on Exhibit C attached.

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. A revocable permit is more appropriate than a long-term disposition in light of the single date requested for the fireworks display.

No comments were solicited from other government 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 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. 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,

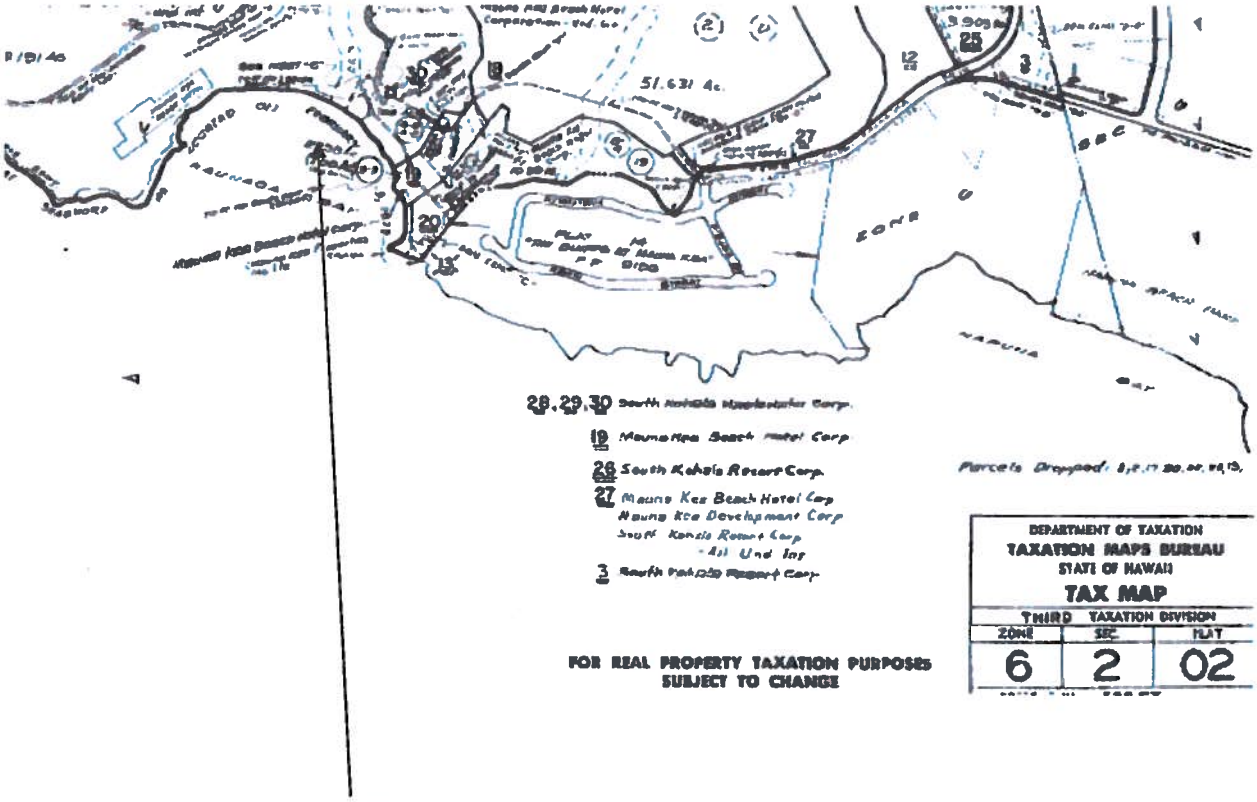
Gordon C. Heit
District Land Agent

APPROVED FOR SUBMITTAL:

William J. Aila Jr., Chairperson

EXHIBIT A

TMK; 3RD/6-2-02: POR. 4



LOCATION OF FIREWORKS
FIRING SITE

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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 Revocable Permit to Hawaii Explosives & Pyrotechnics, Inc.
Project Number:	PSF No. 13HD-029
Project Location:	Ouli, Waimea, South Kohala, Hawaii Tax Map Key: (3) 6-2-02: portion seaward of 04
Project Description:	Special Events aerial fireworks display for March 12, 2013
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 (Docket 91-EX-2, December 4, 1991), 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:	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."

EXHIBIT B

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 periodically for such displays in recent years without significant impact on the environment.

The grant of a revocable 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 revocable 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.

William J. Aila, Jr., Chairperson

2/8/13
Date

EXHIBIT B

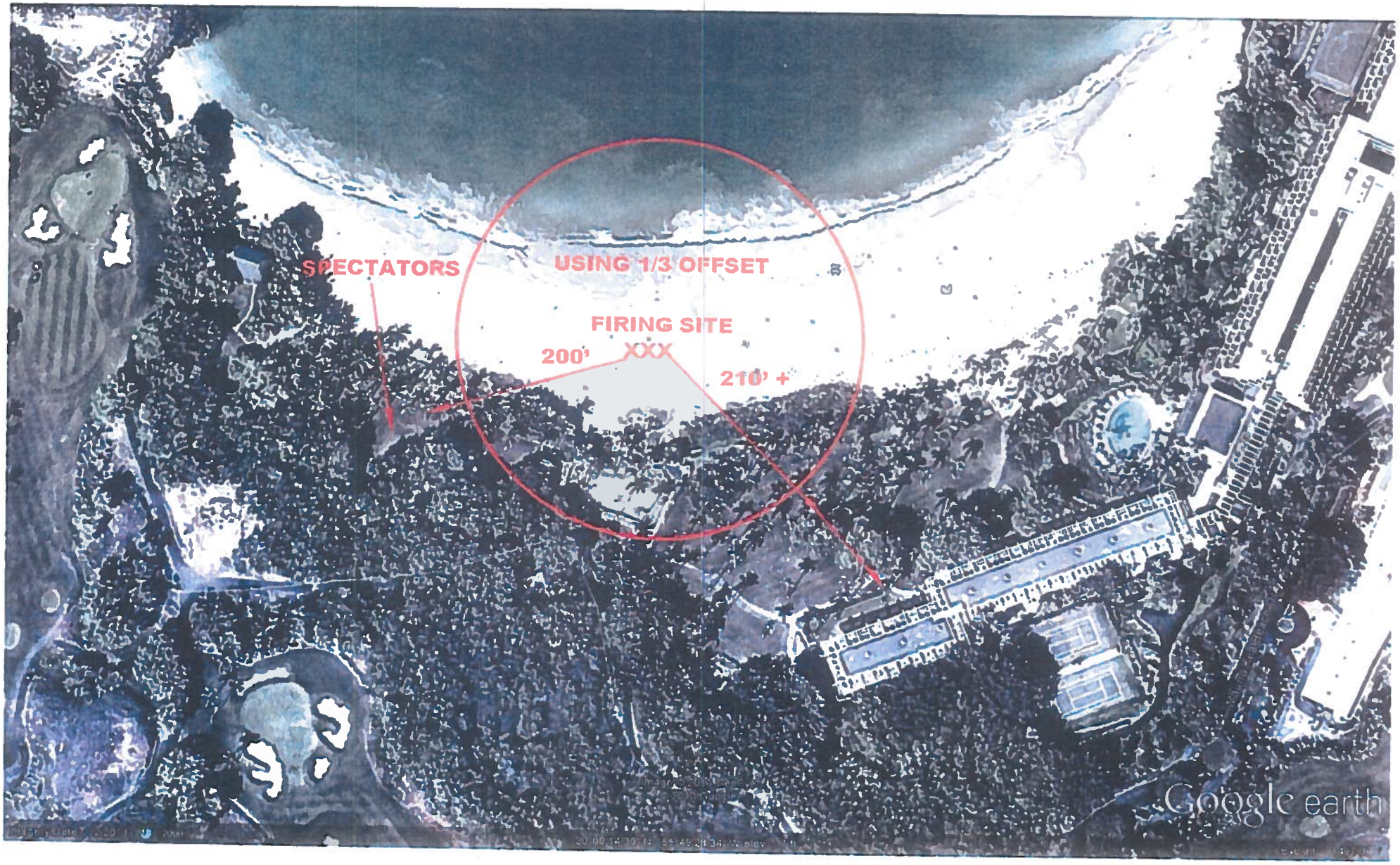

SPECTATORS
USING 1/3 OFFSET
FIRING SITE
XXX
200'
210' +
Google earth

EXHIBIT C