

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

September 11, 2015

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

PSF#15MD-137

Maui

Issuance of Right-of-Entry Permit to Envisions Entertainment & Productions, Inc.,
for Aerial Fireworks Display Purposes at Kapalua, Lahaina, Maui, Tax Map Key:(2)
4-2-004: seaward of 015 and 016.

APPLICANT:

Envisions Entertainment & Productions, Inc. whose business and mailing address is 381
Hukulii Place, Suite #3, Kihei, Hawaii 96753.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kapalua, Lahaina, Maui identified by Tax Map Key: (2) 4-2-
004: seaward of 015 and 016, as shown on the attached Tax map labeled Exhibit (A). Also,
refer to the attached map of the subject area, which was provided by the applicant labeled
Exhibit (B).

AREA:

Firing Site: 1,000 square feet, more or less.
Safety Firing Zone During Display: Radius of 200 feet.

ZONING:

State Land Use District: Conservation

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:

Vacant and unencumbered.

CHARACTER OF USE:

Aerial Fireworks Display

TERM:

From 9:00 a.m. to 11:55 p.m. on October 6, 2015.
(firing window from 9:50 p.m. to 10:00 p.m.)

RENTAL:

Firing Site Area - Area of requested use is 1,000 square feet.
\$100.00 (Rental based on \$.10 per square feet per day).

Safety Firing Zone - \$500.00 (Flat fee when area exceeds 5,000 sq. ft. and duration is less than one hour).

Total Fee: \$600.00

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, 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 Item No. 51, that states "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."

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:

Envisions Entertainment & Productions, Inc. is requesting a right-of-entry permit to perform a fireworks display as part of a private program on October 6, 2015. Set up will start at 9:00 a.m. and breakdown by 11:55 p.m. The fireworks display will run for approximately 10 minutes between the hours of 9:50 p.m. and 10:00 p.m.

The proposed activity is of a similar type and scope for fireworks display activities that historically occurred and continue 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/use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

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.

In the past, the Applicant was only charged for the area of the firing site, which is 1000 square feet (or a charge of \$100.00). But to conduct a display, Applicant needs to exclude the public from a much larger area extending for a radius of approximately 200 feet from the firing site. This safety zone area is located on unencumbered beach and submerged lands. If the daily rent for commercial rights-of-entry were applied to the safety zone, the charge per event would be 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.

No comments were solicited from government or community agencies.

Mr. Clifford Naeole, Cultural Advisor for The Ritz-Carlton, Kapalua Hotel, has recommended that the following conditions must be complied with to prevent any potential negative impacts to the nearby Honokahua Preservation Site:

1. There will be no entry or trespass onto the Honokahua Preservation Site at any time by the fireworks staff members and/or guests. Security will be provided by the Ritz-Carlton Hotel at the preservation site to prevent any unauthorized uses of the area.

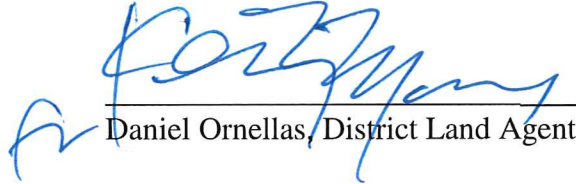
2. Envisions Entertainment & Productions, Inc. the Hawaii, representative for Pyro Spectaculars Inc. will set up their control boxes on the Honolua side (north end) of The Beach House Restaurant and D.T. Fleming Beach, thus steering clear of the Honokahua Preservation Site.
3. If any fallout/debris from the fireworks display should make it to the Honokahua Preservation Site, it will be cleared at the start of the next day by The Ritz-Carlton, Kapalua Hotel's maintenance staff. Presently the hotel maintenance staff is responsible for landscaping and caring for the entire preservation site.

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 Envisions Entertainment & Productions, 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. There will be no entry or trespass onto the Honokahua Preservation Site at any time by the fireworks staff members and/or guests. Security will be provided by The Ritz-Carlton Hotel at the preservation site to prevent any unauthorized uses of the area.
 - c. Envisions Entertainment & Productions, Inc. will set up their control boxes on the Honolua side (north end) of The Beach House Restaurant and D.T. Fleming Beach, thus steering clear of the Honokahua Preservation Site.
 - d. If any fallout/debris from the fireworks display should make it to the Honokahua Preservation Site, it will be cleared at the start of the next day by the Ritz-Carlton, Kapalua Hotel's maintenance staff. Presently the hotel's maintenance staff is responsible for landscaping and caring for the entire preservation site.

- e. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



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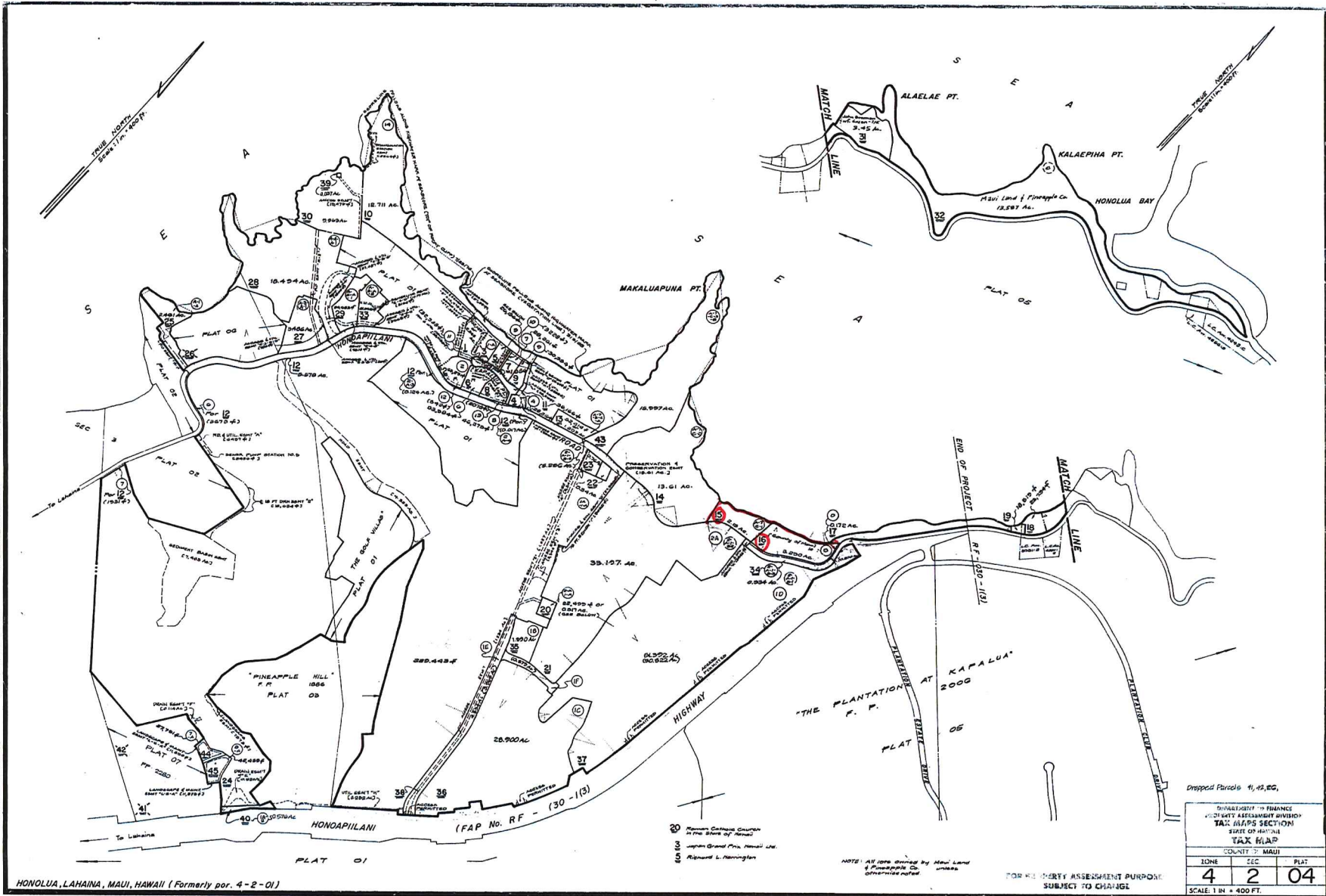
Daniel Ornellas, District Land Agent

APPROVED FOR SUBMITTAL:



A handwritten signature in blue ink, appearing to read "Suzanne D. Case", is written over a horizontal line.

Suzanne D. Case, Chairperson



HONOLUA, LAHAINA, MAUI, HAWAII (Formerly por. 4-2-01)

20 Roman Catholic Church
in the State of Hawaii
21 Roman Grand Pri. Naval Sta.
Richard L. Harrington

NOTE: All lots shown by Maui Land & Pineapple Co. unless otherwise noted.

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

Dropped Parcels 41, 42, 20.

| | | |
|---|-----|------|
| DIVISION OF FINANCE PROPERTY ASSESSMENT DIVISION TAX MAPS SECTION STATE OF HAWAII TAX MAP | | |
| COUNTY OF MAUI | | |
| ZONE | SEC | PLAT |
| 4 | 2 | 04 |
| SCALE: 1 IN. = 400 FT. | | |

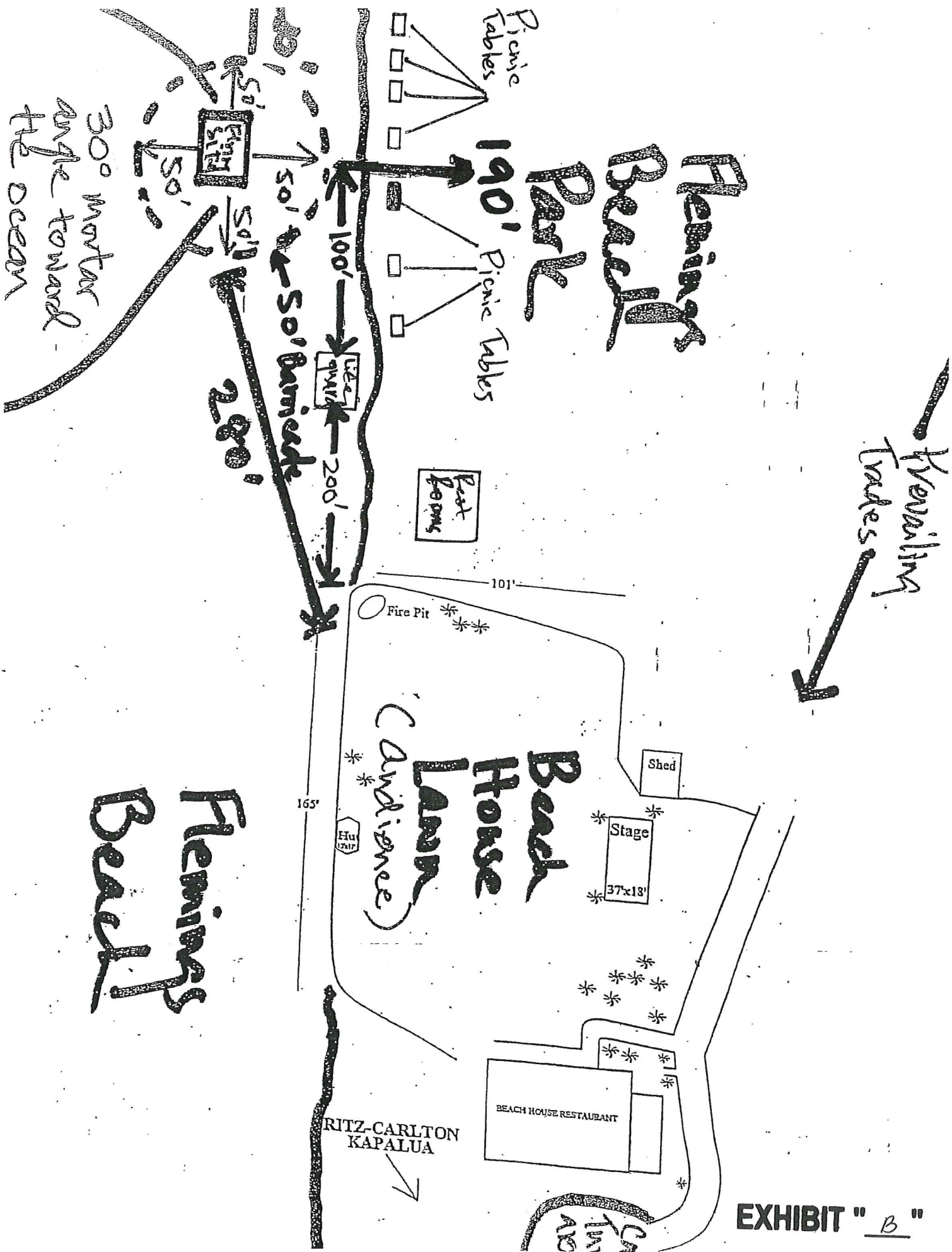


EXHIBIT " B "

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 11, 2015

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

W. ROY HARDY
ACTING 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

EXEMPTION NOTIFICATION

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

Project Title: Issuance of a Right-of-Entry Permit to Envisions Entertainment & Productions, Inc., for Aerial Fireworks Display Purposes.

Project / Reference No.: 15MD-137

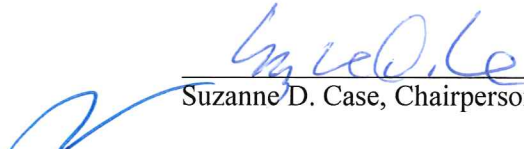
Project Location: Kapalua, Lahaina, Maui, Tax Map Key:(2) 4-2-004: seaward of 015 and 016.

Project Description: Fireworks display Event for Microsoft.

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

Exemption Class No. and Description: 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, 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 Item No. 51, that states "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."

Recommendation: It is anticipated that the requested use 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