

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

November 9, 2012

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

PSF#12MD-152

Maui

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display Purposes at Honolua, Lahaina, Maui, Tax Map Key:(2) 4-2-004: seaward of 015.

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc. whose business and mailing address is P.O. Box 1244, Keaau, Hawaii 96749.

LEGAL REFERENCE:

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

LOCATION:

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

AREA:

1,000 square feet, more or less.

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: YES \_\_\_ NO x

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Aerial Fireworks Display

TERM:

From 10:00 a.m. to 11:45 p.m. on December 14, 2012.  
(firing window from 8:30 p.m. to 9:30 p.m.)

RENTAL:

\$100.00 (Rental based on \$.10 per square feet per day). Total area of requested use is  
1,000 square feet.

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, 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."

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:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for fireworks display in the past.

After discussion about different types of commercial activities and any associated requirements, staff brings the request to the Board for disposition. The requested disposition could be in form of a Right-of-Entry 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 government or community agencies.

Hawaii Explosives & Pyrotechnics, Inc. is requesting a right-of-entry permit to perform a fireworks display as part of a private wedding program. The event is scheduled for December 14, 2012. Set up will start at 10:00 a.m. and breakdown by 11:45 p.m. The fireworks display will run for approximately 5 to 10 minutes between the hours of 8:30 p.m. and 9:30 p.m.

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

Mr. Clifford Naeole, Cultural Advisor for The Ritz-Carlton, Kapalua Hotel, staff is recommending 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. Hawaii Explosives & Pyrotechnics, 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

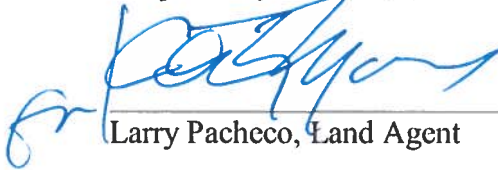
The Ritz-Carlton, Kapalua Hotel's maintenance staff. Presently the hotel maintenance staff is responsible for landscaping and caring for the entire preservation site.

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 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 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. Hawaii Explosives & Pyrotechnics, Inc. will set up their control boxes on the Honolulu 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 maintenance staff is responsible for landscaping and caring for the entire preservation site; and

- 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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Larry Pacheco, Land Agent

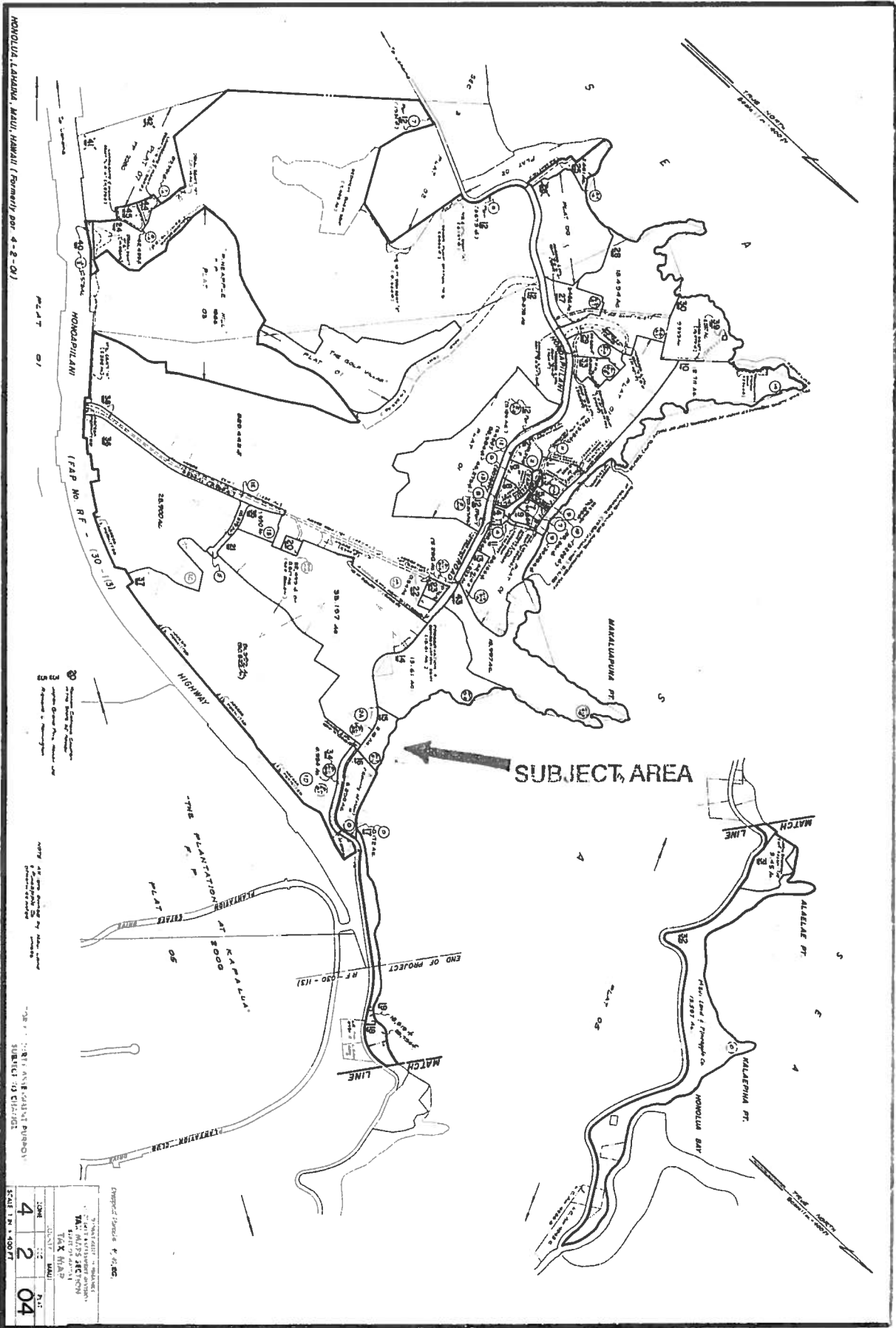
APPROVED FOR SUBMITTAL:



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William J Aila Jr., Chairperson





HONOLULU, HAWAII, MAUI, HAWAII (Formerly par. 4-8-01)

PLAT NO. 07

ENCL. 02

PLANTATION AT SOGO

PLANTATION AT KAMAPUNA

4	2	04
4	2	04

SUBJECT AREA

**EXHIBIT A**

**Display Firing Site Location Map**  
**Private Wedding Fireworks Display**

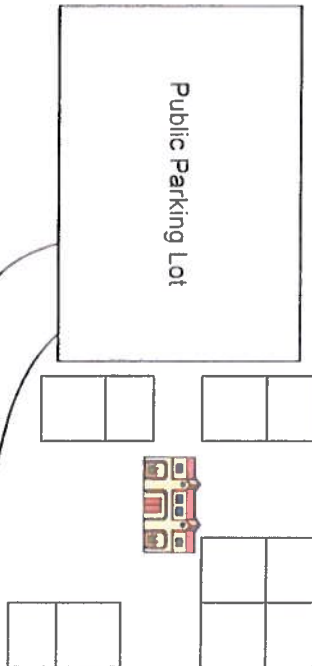
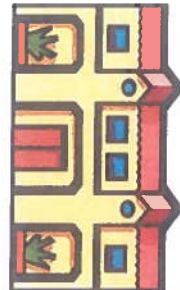
Display Date: Friday, December 14, 2012

Display Location: Beach area adjacent to Beach House Lawn  
 fronting Fleming Beach Park

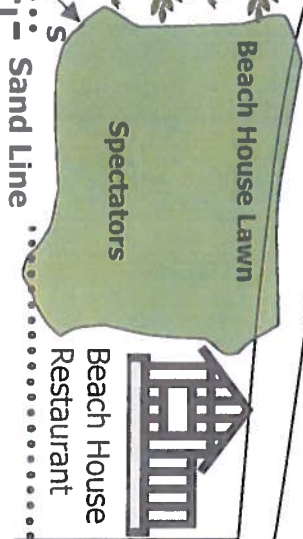
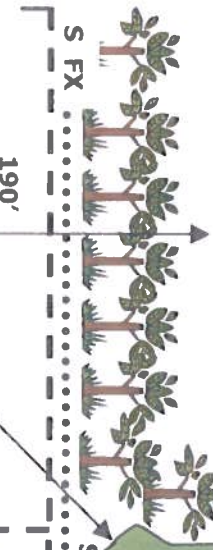
Firing Time: 8:45 p.m. (firing window of 8:30 p.m. to 9:30 p.m.)

Village Tennis Center

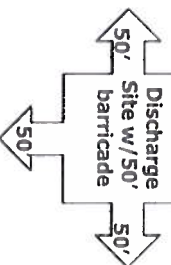
# Ritz Carlton Kapalua Hotel



Fleming Beach Park



Honokahua Preservation Site



3" largest diameter shell- Minimum distance required with 1/3 offset is 187' Mortars angled toward ocean 30°

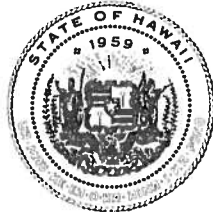
Stephanie Pascual – COF# O-363

Bruce Albrecht – COF #367

# OPERATION

**Legend:**  
 S = Security  
 FX = Fire Extinguisher

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

October 21, 2012

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

## EXEMPTION NOTIFICATION

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

**Project Title:** Hawaii Explosives & Pyrotechnics Inc.

**Project / Reference No.:** PSF#12MD-152

**Project Location:** Honolua, Lahaina, Maui, TMK: (2) 4-2-004: seaward of 015, fronting Flemings Beach Park.

**Project Description:** Aerial Fireworks Display (December 14, 2012)


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

**Exemption Class No. and Description:** In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that state "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."

**Exemption Item Description from Agency Exemption List:** Exemption Class No. 1 of the Department of Land and Natural Resources, Approved Exemption List, dated December 4, 1991. Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for these types of beach activities in the past.

**Recommendation:** It is anticipated 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 10/29/12