

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

April 26, 2013

Board of Land and Natural Resources  
PSF#13MD-049  
State of Hawaii  
Honolulu, Hawaii

Maui

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for  
Aerial Fireworks Display Purposes at Honuaula, Makena, Maui, Tax Map Key:(2) 2-  
1-006: seaward of 036.

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 Honuaula, Makena, Maui identified by Tax Map Key: (2) 2-  
1-006: seaward of 036, 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:

500 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: NO x

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Aerial Fireworks Display

TERM:

From 12:00 p.m. to 11:45 p.m. on May 3, 2013.  
(firing window from 8:15 p.m. to 9:15 p.m.)

RENTAL:

\$50.00 (Rental based on \$.10 per square feet per day). Total area of requested use is 500 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 <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. is requesting a right-of-entry permit to perform a fireworks display as part of a private event. The event is scheduled for May 3, 2013. Set up will start at 12:00 p.m. and breakdown by 11:45 p.m. The fireworks display will run for approximately 15 minutes between the hours of 8:15 p.m. and 9:15 p.m.

After discussion about different types of commercial activities and any associated requirements, staff brings the request to the Board for disposition.

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.

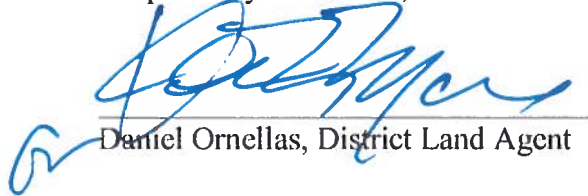
The proposed activity is of a similar type and scope for fireworks display activities that historically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental 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.

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

Respectfully Submitted,



Daniel Ornellas, District Land Agent

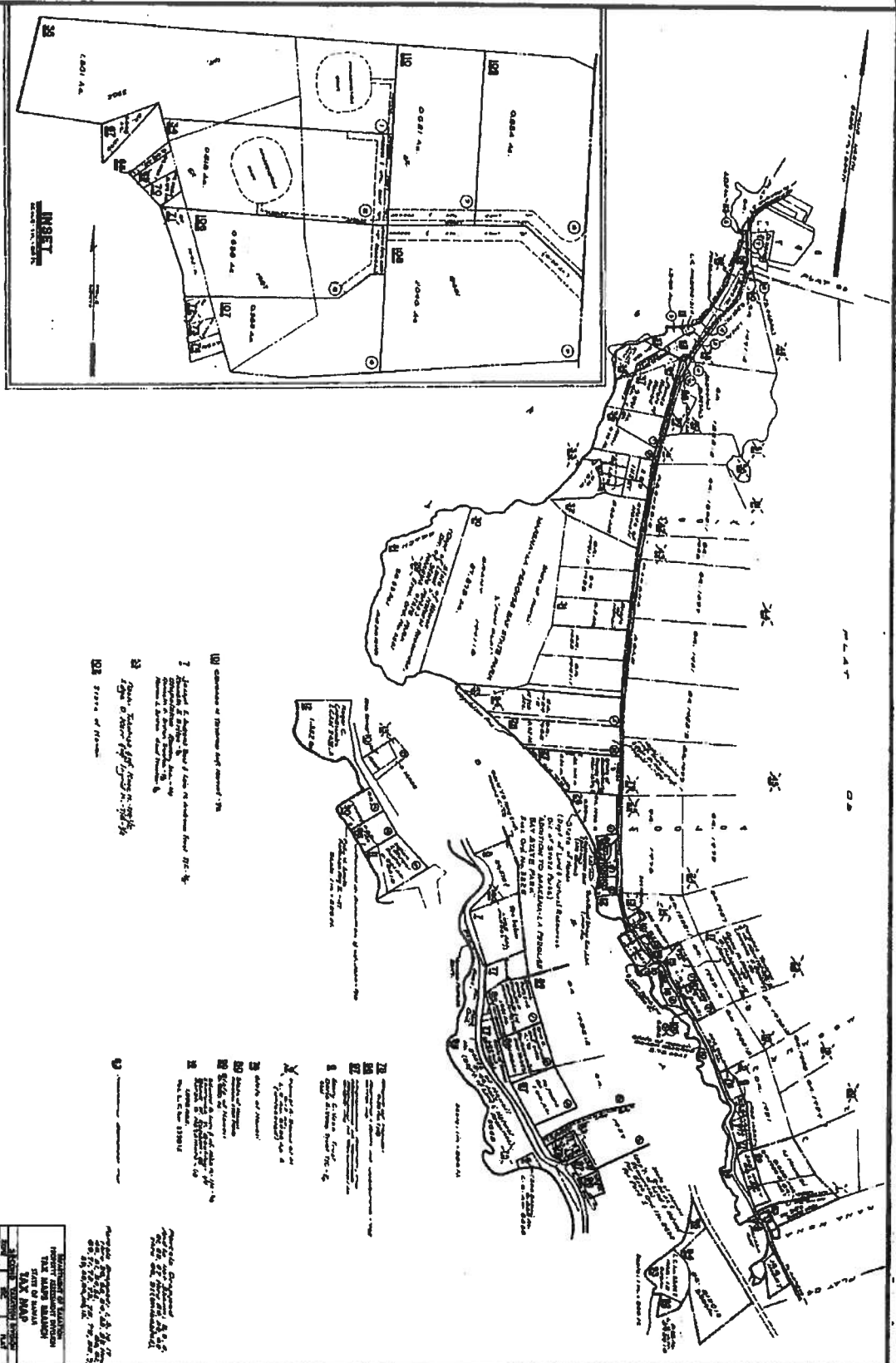
APPROVED FOR SUBMITTAL:



William J Aila Jr., Chairperson



FOR MALAYA, INDON. BORNEO, AUSTRALIA, HONGKONG, S. AMERICA, A. MEXICO, MALTA



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FOR MAL PROPERTY STATISTICS PURPOSES

MALAYSIAN FEDERAL GOVERNMENT TAX MAP 2106
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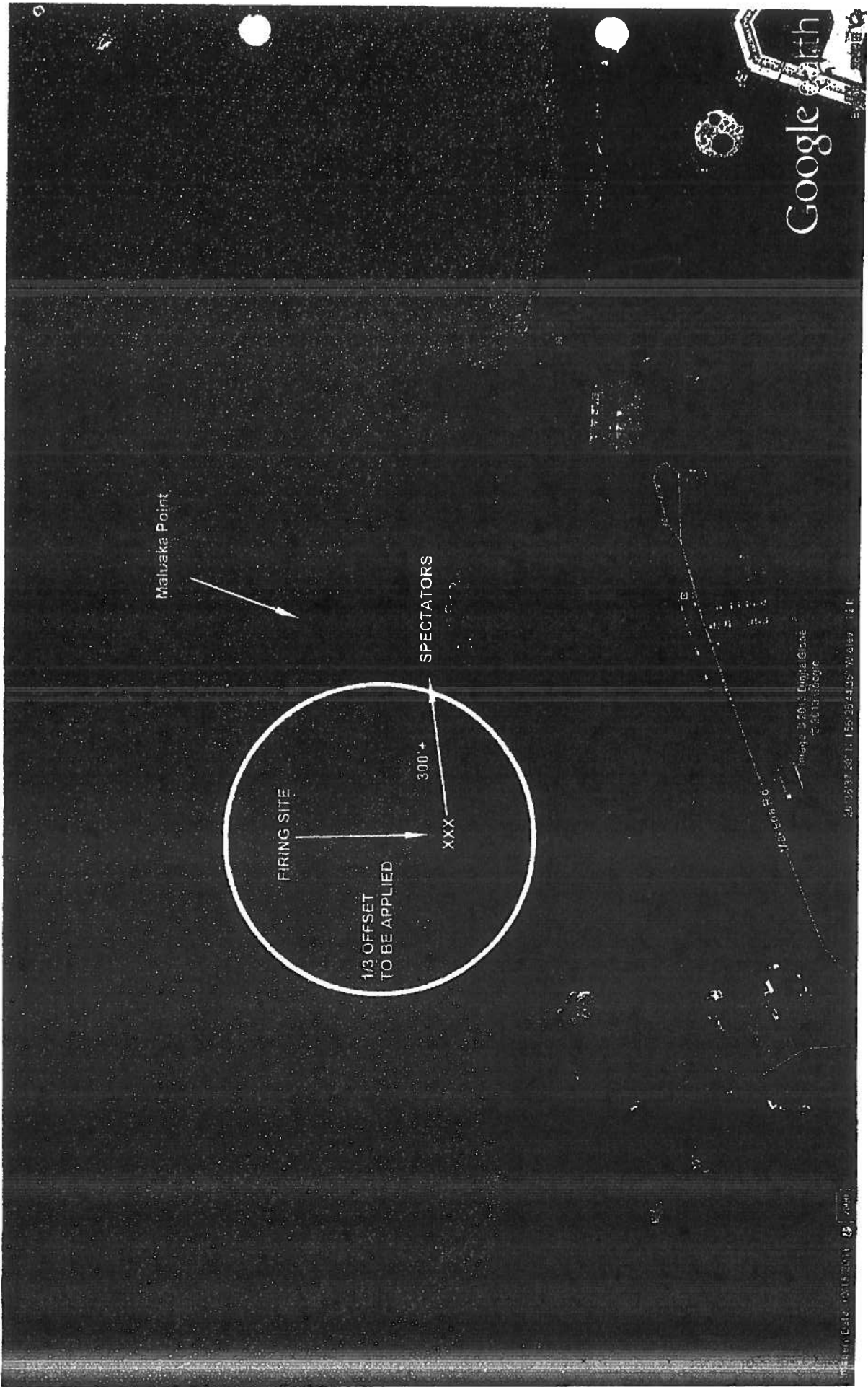


Exhibit B

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

April 26, 2013

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#13MD-049

Project Location: Honuaula, Makena, Maui, TMK: (2) 2-1-006: Seaward of 036, fronting the Makena Golf Course.

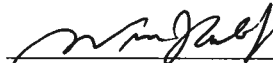
Project Description: Aerial Fireworks Display (May 3, 2013)

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 event 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

4/17/13  
Date