

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

February 14, 2014

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

PSF#14MD-009

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 (Firing Site Area)
210 foot radius (Safety Firing Zone during display)

RENTAL:

Fee: \$600.00 (Rental based on \$.10 per square feet per day).

\$100.00 – Firing site and logo burn (1,000 sq. ft.)

\$500.00 – Radius of 210 ft. for discharge site, total area exceeds 5,000 sq. ft., flat rate fee applied.

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 12:00 p.m. to 11:45 p.m. on March 23, 2014.
(firing window from 8:30 p.m. to 9:30 p.m.)

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:

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 March 23, 2014. 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 8:30 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.

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.

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:

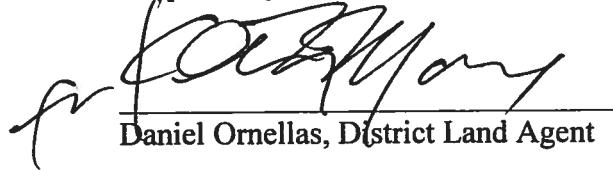
1. There will be no entry or trespass onto the Honokahua Preservation Site at any time by the fireworks staff members and/or guests. Security will be provided by the Ritz-Carlton Hotel at the preservation site to prevent any unauthorized uses of the area.
2. Hawaii Explosives & Pyrotechnics, Inc. will set up their control boxes on the Honolulu 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:

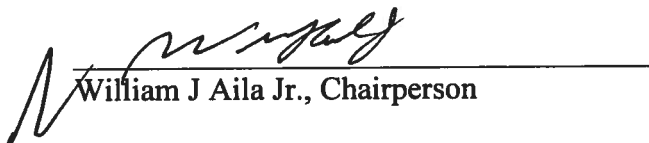
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

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,


Daniel Ornellas, District Land Agent

APPROVED FOR SUBMITTAL:


William J Aila Jr., Chairperson

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

February 14, 2014

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#14MD-009

Project Location: Honolua, Lahaina, Maui, TMK: (2) 4-2-004; Seaward of 015, fronting Fleming Beach Park.

Project Description: Aerial Fireworks Display (March 23, 2014)

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

Date: 1/24/14

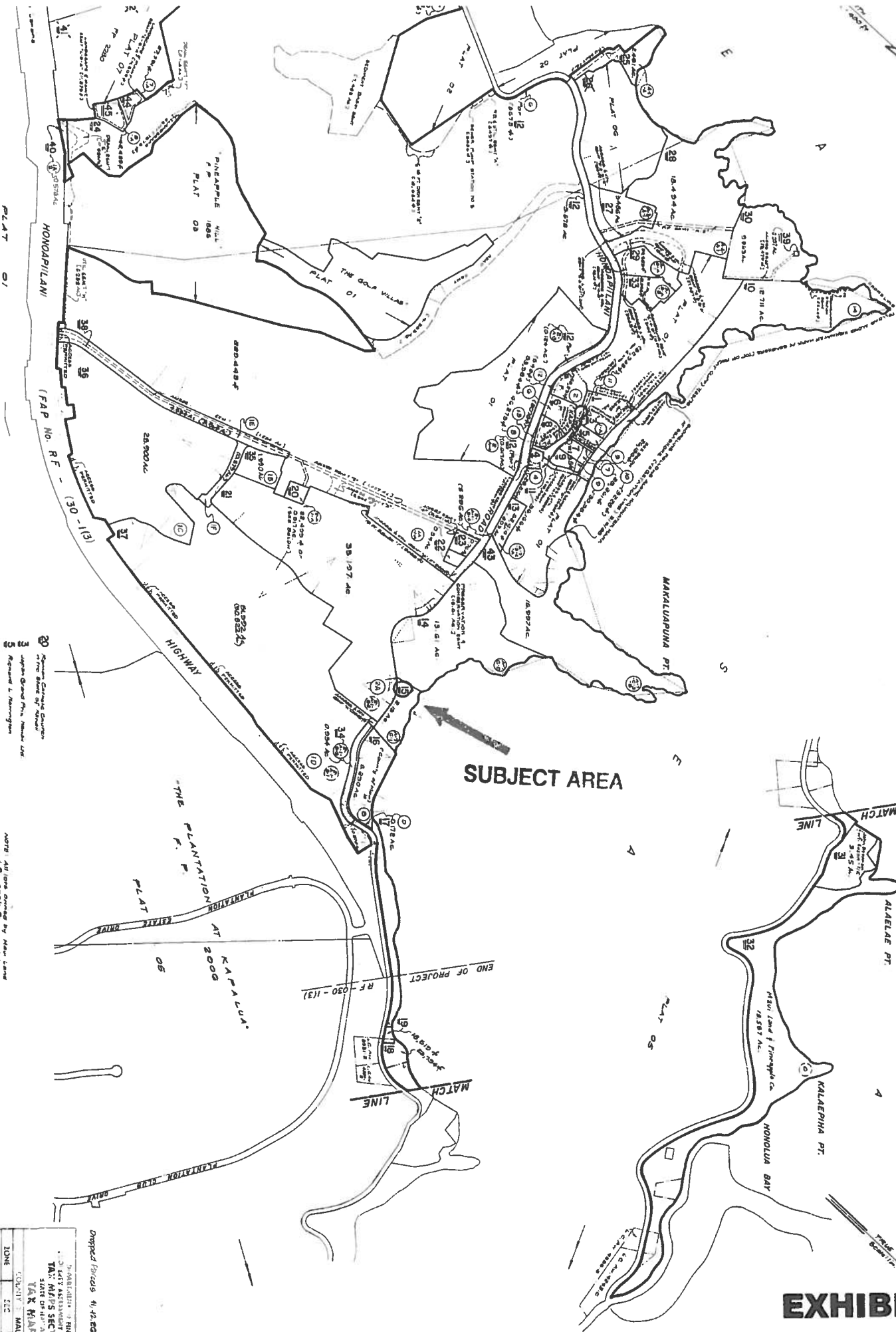


EXHIBIT A

ZONE	4	2	0
COUNTY	MAUI		
PL.			

Dropped Parcels 4, 12, 25.
 NARRATIVE & FINANCIAL ASSESSMENT DIVISION
 TAX MAPS SECTION
 STATE OF HAWAII
 TAX MAP

MAP NO. 1421 ASSESSMENT PURPOSES
 SUBJECT: 09 CHALGET

NOTE: All lots shown by Map Lines & Perimeter Co. Owners/Reverend

10.000 AC. (30-1-11)
 28,900 AC.
 35,197 AC.
 19.61 AC.
 16,597 AC.
 18,378 AC.
 16,597 AC.
 35,197 AC.
 19.61 AC.
 16,597 AC.
 18,378 AC.
 16,597 AC.

HONOHUILANI
 FAP No. RF - 130-1-11
 PLANTATION AT KAPAOLO
 PLANTATION DRIVE
 PLANTATION DRIVE
 PLANTATION DRIVE

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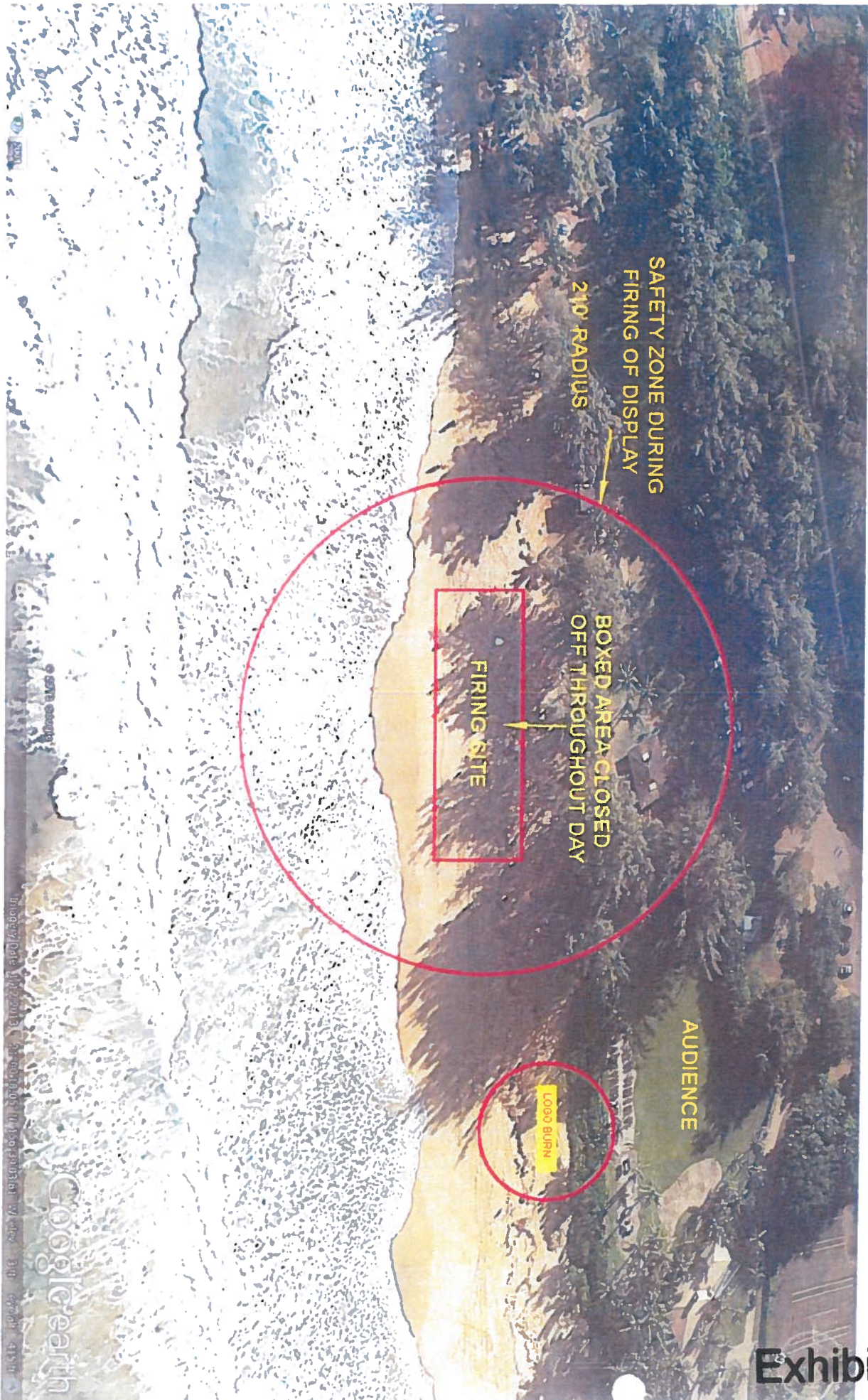


Exhibit B