

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

February 13, 2015

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

PSF No.: 15KD-010

Kauai

After-the-Fact Approval of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Set up and Firing of Aerial Fireworks Display at St. Regis Princeville Beach on February 5, 2015, Poipu, Kauai, Hawaii, Tax Map Key: (4) 5-4-004: seaward of 035.

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc., a domestic profit corporation, 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 Poipu situated at Koloa, Kauai identified by Tax Map Key: (4) 5-4-004: seaward of 035, as shown on the attached map labeled Exhibit A.

AREA:

500 square feet, more or less – Set-up and firing area, plus a safety zone with a radius of approximately 230 feet around the firing site. The total area including the firing site and the safety zone is approximately 41,548 square feet.

ZONING:

State Land Use District:	Conservation
County of Kauai CZO:	Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 25% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Set-up, firing and clean-up of aerial fireworks display purposes.

TERM:

From 10:00 a.m. to 11:45 p.m. on February 5, 2015.

RENTAL:

\$ 50.00 – set-up and firing site area

\$500.00 – safety zone area (flat fee when exceeds 5,000 sq. ft.)

\$250.00 – late request surcharge

Total: \$800.00 – one-time payment

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Pursuant to the authority delegated by the Board on June 14, 2013, item D-11, as amended, Chairperson declared the request exempt from preparation of an environmental assessment, and signed the exempt notification.

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 the issuance of a right-of-entry permit for fireworks display services in conjunction with the St. Regis Princeville Resort Special Event. The aerial fireworks display is scheduled for February 5, 2015 at St. Regis Princeville Beach as shown on the attached map labeled Exhibit 'A'. Set-up will start at 10:00am and breakdown by 11:45pm. Firing time window is between 7:00pm and 9:00pm.

Written request was submitted by the applicant and received this request via email on January 15, 2015 i.e. request was submitted in the fourth week prior to the event date. Pursuant to the policy adopted by the Board on June 14, 2013, item D-11 as amended, Chairperson declared the request exempt from the preparation of an environmental assessment and issued a right-of-entry for the requested event.

Staff brings the request to today's agenda asking for an after-the-fact approval of the request and recommends the Board impose a surcharge of \$250.00 for this request.

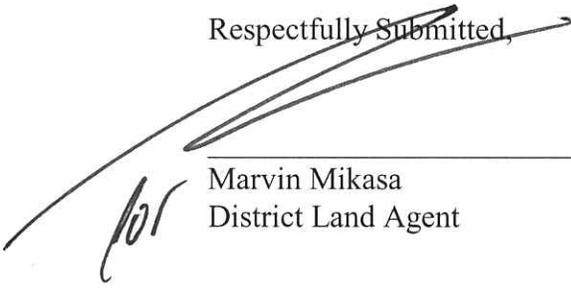
In addition, staff is recommending that a charge of \$500.00 be imposed to cover the exclusive use of the safety zone as shown on Exhibit A. The total cost for this right-of-entry permit, which included the staging area of \$50.00 will be a total cost of \$800.00.

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

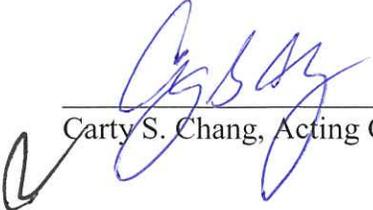
There are no other pertinent issues or concerns. Staff has no objection to the request.

RECOMMENDATION: That the Board authorize the issuance of an after-the-fact right-of-entry permit to Hawaii Explosives & Pyrotechnics, Inc. on February 5, 2015 covering the subject area for aerial fireworks display purposes under the terms and conditions cited above.

Respectfully Submitted,

  
\_\_\_\_\_  
for Marvin Mikasa  
District Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Carty S. Chang, Acting Chairperson



**EXHIBIT 'A'**