

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

February 11, 2011

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

Maui

Issuance of a Revocable Permit to Pyro Spectaculars, Inc. for Aerial Fireworks Display Purposes, Honolua, Lahaina, Maui, Tax Map Key:(2) 4-2-004: seaward of 015.

APPLICANT:

Pyro Spectaculars, Inc. whose business and mailing address is P.O. Box 2329, Realto, California. 92377.

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 map labeled Exhibit A.

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

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Aerial Fireworks Display

TERM:

From 8:30 a.m. on February 27, 2011 to 12:00 a.m. on February 28, 2011.

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 Sections 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
Registered business name confirmed:	YES <u>x</u>	NO
Applicant in good standing confirmed:	YES <u>x</u>	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 form of disposition could be in form of a revocable 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.

Pyro Spectaculars, Inc. is requesting a right-of-entry permit for a Fireworks Display via its Agent Envisions Entertainment & Productions Inc. The event is scheduled for February 27, 2011. Set up will start at 8:30 a.m. and breakdown by 12:00 a.m. on February 28, 2011. The fireworks display will start at 8:30 p.m. and run for approximately 3 to 5 minutes.

The proposed activity is of a similar type and scope of 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.

Based on discussions with Mr. Clifford J. Naeole, Cultural Advisor for The Ritz-Carlton, Kapalua Hotel, staff is recommending the following conditions must be complied with to prevent any 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. 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. Authorize the issuance of a revocable permit to Pyro Spectaculars, 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 revocable permit form, as may be amended from time to time;

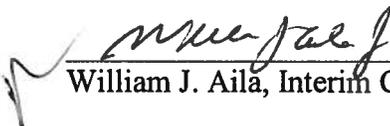
- b. There will be no entry or trespass onto the Honokahua Preservation Site at any time by the fireworks staff members and/or guests. Security will be provided by The Ritz-Carlton Hotel at the preservation site to prevent any unauthorized uses of the area.
- c. Pyro Spectaculars, Inc. will set up their 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.
- 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.
- e. Review and approval by the Department of the Attorney General; and
- f. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

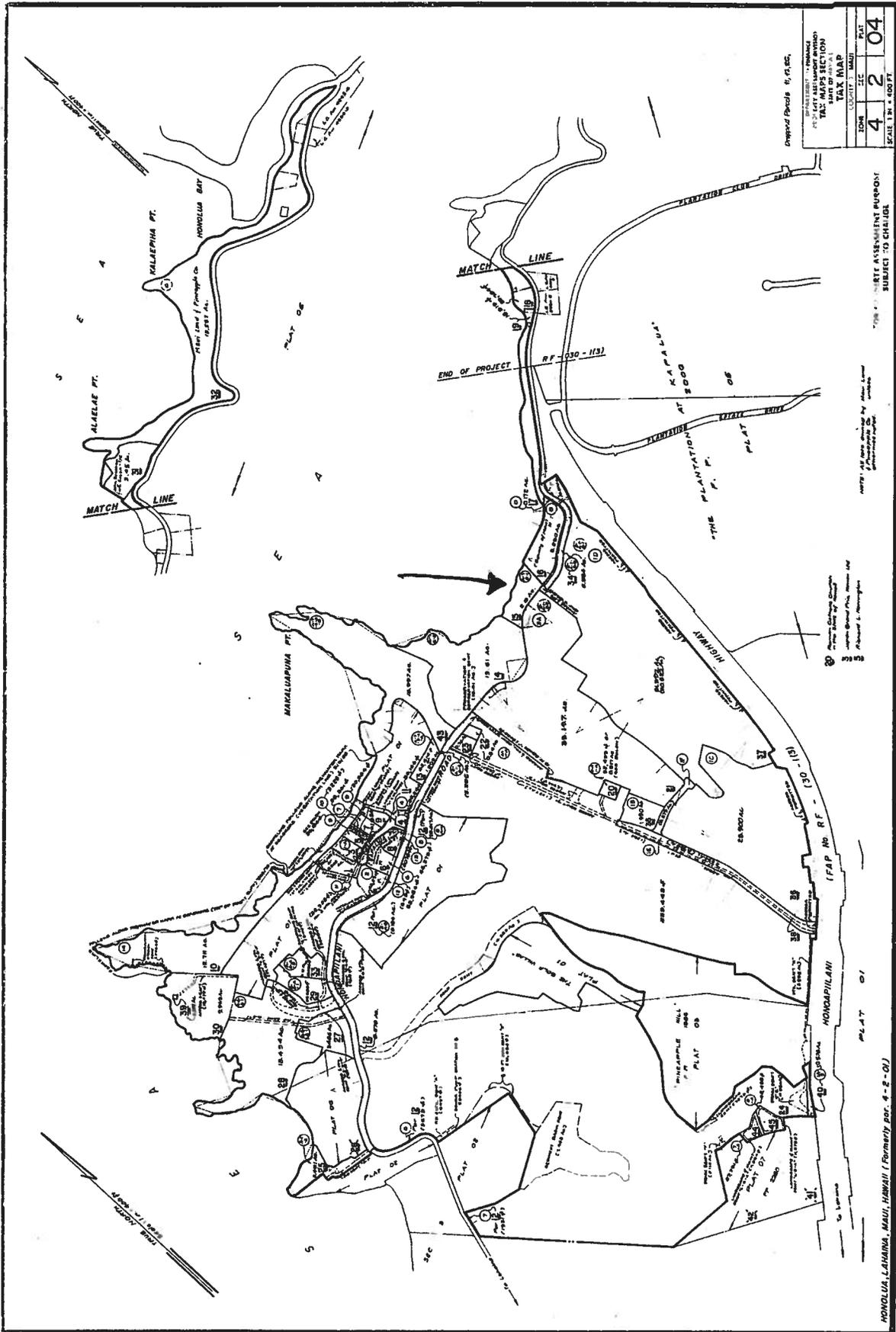
Respectfully Submitted,



 Larry Pacheco  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
William J. Aila, Interim Chairperson



**EXHIBIT "A"**

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

February 11, 2011

WILLIAM J. AILA, JR.  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
INTERIM DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
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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 Revocable Permit to Pyro Spectaculars, Inc. for aerial fireworks display purposes

Project / Reference No.: None

Project Location: Honolua, Lahaina, Maui, TMK: (2) 4-2-004: seaward of 015

Project Description: Aerial fireworks display

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Sections 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."

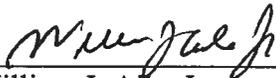
The proposed activity has historically and routinely occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed event use would involve negligible or no expansion or change in use beyond that previously existing.

Consulted Parties: Mr. Clifford Naeole, Cultural Advisor, The Ritz-Carlton Kapalua.

**EXHIBIT "B"**

Recommendation:

It is recommended that the Board find that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
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William J. Aila, Jr.  
Interim Chairperson

1/31/11  
\_\_\_\_\_  
Date