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

April 12, 2013

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

PSF#13MD-039

Maui

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

APPLICANT:

Envisions Entertainment & Productions, Inc. a Hawaii representative for Pyro Spectaculars, Inc. whose business and mailing address is 381 Hukuli'I Place, Suite #3, Kihei, Hawaii 96753.

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).

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 9:00 a.m. to 11:45 p.m. on April 18, 2013.
(firing window from 9:30 p.m. to 10:00 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.

Envisions Entertainment & Productions, Inc., Hawaii Representative for Pyro Spectaculars, Inc. is requesting a right-of-entry permit to perform a fireworks display as part of a private program. The event is scheduled for April 18, 2013. Set up will start at 9:00 a.m. and breakdown by 11:45 p.m. The fireworks display will run for approximately 10 minutes between the hours of 9:30 p.m. and 10:00 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. Envisions Entertainment & Productions, Inc. the Hawaii, representative for 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. 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 Envisions Entertainment & Productions, Inc. the Hawaii, representative for 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 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. Envisions Entertainment & Productions, Inc. the Hawaii, representative for 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. 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

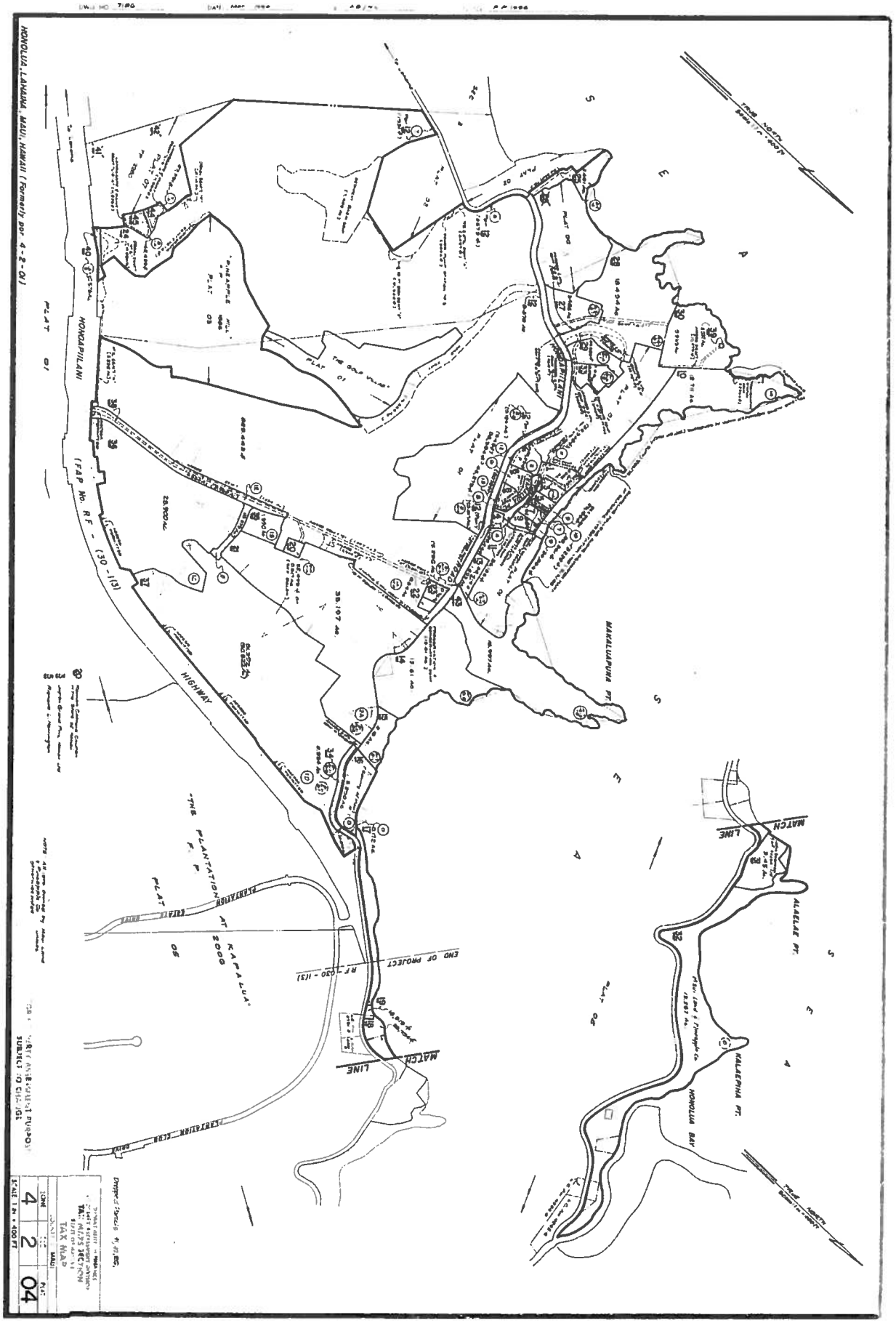
HONOLUA, LAHAINA, MAUI, HAWAII (Formerly por 4-2-01)
HONOAPIILANI
HIGHWAY
MAKALUAPUNA PT.
ALAELAE PT.
KALAEPIHA PT.
HONOLUA BAY
MATCH LINE
END OF PROJECT
PLANTATION AT KAPALUA
PLAT 01
PLAT 02
PLAT 03
PLAT 05
TAX MAP
4 2 04

EXHIBIT A

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

March 5, 2013

EXEMPTION NOTIFICATION

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

Project Title:	Envisions Entertainment & Productions, Inc. for Pyro Spectaculars, Inc.
Project / Reference No.:	PSF# 13MD-039
Project Location:	Honolua, Lahaina, Maui, Hawaii TMK: (2) 4-2-004: Seaward of 015
Project Description:	Aerial Fireworks Display
Chap. 343 Trigger(s):	Use of State Land
Exemption Class:	In accordance with the Division of Land Management Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No.4, that states: "Minor alteration in the conditions of land, water, or vegetation. Item #3, One time, short term (14 days or less) use of State lands.
Consulted Parties:	Mr. Clifford Naeole, Cultural Advisor, The Ritz-Carlton Kapalua.
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

3/12/13
Date