

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

April 8, 2022

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

PSF No.: 22MD-021

MAUI

Issuance of Right-of-Entry Permit to Pyro Spectaculars North, Inc. for Aerial Fireworks Display on April 11, 2022 at Fleming Beach, Honolua, Lahaina, Maui, Tax Map Key: (2) 4-2-004: seaward of 016.

APPLICANT:

Pyro Spectaculars North, Inc.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Fleming Beach, Honolua, Lahaina, Maui, identified by Tax Map Key: (2) 4-2-004: seaward of 016, as shown on the attached map labeled **Exhibit A**.

AREA:

400 square feet, more or less, and a safety zone with a radius of approximately 280 feet around the firing site at the time of the display.

ZONING:

State Land Use District:	Conservation
Maui LUO:	Not zoned

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Unencumbered beach.

CHARACTER OF USE:

Set up and firing of aerial fireworks display.

TERM:

Between 10:00 a.m. to 11:59 p.m., Monday, April 11, 2022.

RENTAL:

\$540 (One-time payment. See Remarks Section for breakdown of costs).

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-15, Hawaii Administrative Rules (HAR), and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, Part 1, Item 44, which states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." The request is a de minimis action that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of §11-200.1-17, HAR.

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>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Obtain all permits and approvals from the County of Maui required for the use of Fleming Beach Park, if any; and
2. Post a deposit of \$2,500 to ensure timely clean-up after the event described above.

Payment shall be in the form of a certified check payable to the Department of Land and Natural Resources. The deposit may be held by the Department for up to seven (7) days after the scheduled fireworks event, and if not forfeited under the conditions discussed below, will be returned to permittee.

REMARKS:

Pyro Spectaculars North, Inc. (PSN) is requesting the issuance of a right-of-entry permit for the set-up and firing of a fireworks display on the unencumbered beach fronting Fleming Beach Park for a special event fireworks display occurring on April 11, 2022. PSN is requesting the use of 400 square feet of State land to set-up a platform for the staging and firing of the fireworks. The event duration will be from 10:00 a.m. to 11:59 p.m., Monday, April 11, 2022.

Also, staff is recommending that a charge of \$500 be imposed to cover the exclusive use of the safety zone as shown on Exhibit A. The total cost for this right-of-entry, which includes the staging area of \$40, will be \$540. In addition, PSN will be required to comply with the standard terms and conditions for rights-of-entry for fireworks displays including, without limitation, submission to the Department of satisfactory evidence of post-event clean-up, consisting of: (i) date-stamped photographs of the premises taken during the daytime on the day of the event and on the day immediately following the event; (ii) a certification regarding the clean-up of the premises in the form used for these types of events completed by PSN; and (iii) a certification regarding the clean-up of the premises in the form used for these types of events completed by the property owner or operator who contracted for the event, or who accommodated guests who contracted for the event.

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. Staff does not have any objection to this request. There are no pertinent issues or concerns.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, 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 as a de minimis action.
2. Authorize the issuance of a right-of-entry permit to Pyro Spectaculars North, 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; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to

best serve the interests of the State.

Respectfully Submitted,

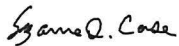


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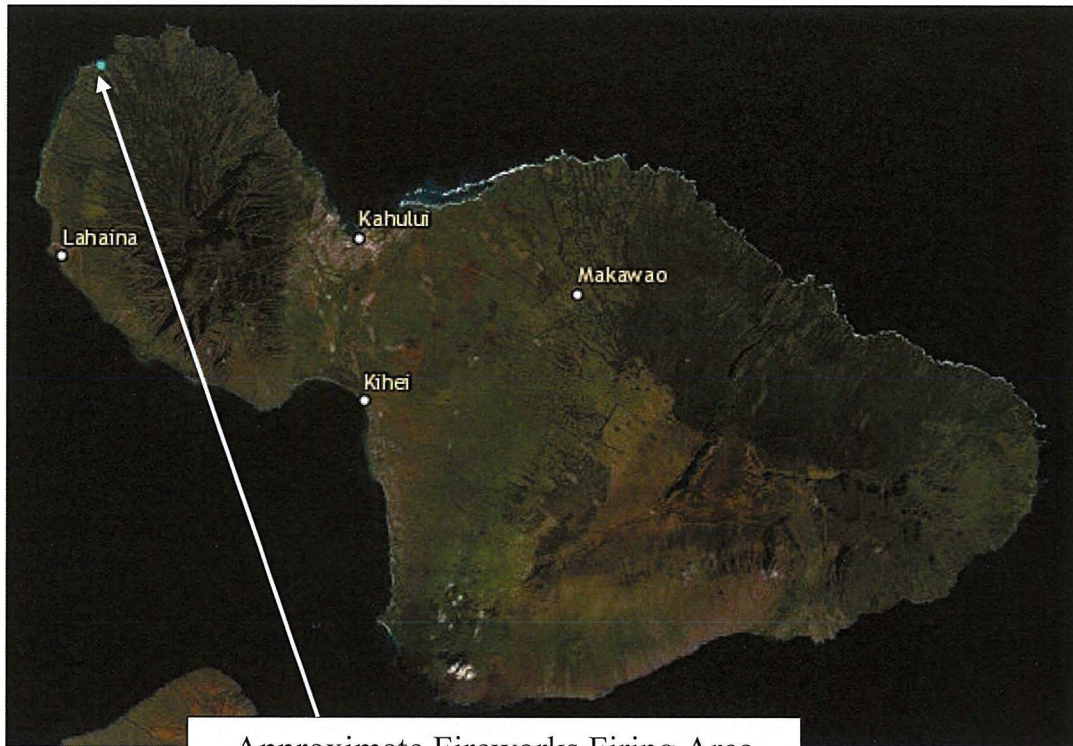
Daniel L. Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:

RT



Suzanne D. Case, Chairperson



Approximate Fireworks Firing Area
TMK: (2) 4-2-004: seaward of 016



EXHIBIT A

Prevailing Trades

Flemings Beach Park

Picnic Tables

190

Picnic Tables

Rest
Room

Beach
House
Lawn
Audience

BEACH HOUSE RESTAURANT

RITZ-CARLTON
KAPALUA

Flemings Beach

30° mortar
angle toward
the room