

DAVID Y. IGE
GOVERNOR



**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097**

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A. S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:

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

KAUAI

ISSUANCE OF MONTH-TO-MONTH PERMIT TO MARINE SPILL RESPONSE CORPORATION, SITUATED AT PIER 2, NAWILIWILI HARBOR, KAUAI, TAX MAP KEY NO. (4) 3-2-004:034 (P), GOVERNOR'S EXECUTIVE ORDER NO. 1332

LEGAL REFERENCE:

Sections 171-6, 171-13, 171-17, 171-55, and 171-59, Hawaii Revised Statutes (HRS), as amended.

APPLICANT:

Marine Spill Response Corporation (Applicant) is a foreign nonprofit corporation whose business registration address is 220 Spring Street, Suite 500, Herndon, Virginia 20170 and mailing address is 1136 Union Mall, Suite 301, Honolulu, Hawaii 96813.

CHARACTER OF USE:

Container storage of spill response gear for emergency oil pollution response and environmental remediation and mitigation.

LOCATION:

Portion of governmental lands at Pier 2, Nawiliwili Harbor, Kauai, Tax Map Key No. (4) 3-2-004:034 (P), Governor's Executive Order No. 1332, as shown on the attached map labeled Exhibit A.

AREA: See attached Exhibits A and B

AREA	DESCRIPTION	TYPE	SQ. FT.	RATE PER SQ. FT.	MONTHLY RENTAL CHARGE	SECURITY DEPOSIT
1	Container Storage of spill response gear	Improved – Unpaved Land	160	\$ 0.24	\$ 38.40	\$ 76.80

ITEM M-11

CONSIDERATION:

Determined by appraisal as of March 20, 2019, for Revocable Permits in Nawiliwili Harbor.

ZONING:

State Land Use Commission:	Urban
County of Kauai:	Industrial General

COMMENCEMENT DATE:

To be determined by the Director of Transportation.

TRUST LAND STATUS:

Subsection 5(a) of the Hawaii Admission Act (Non-ceded Lands).

CURRENT USE STATUS:

The Applicant assumed ownership of equipment currently on the premises from previous permittee, Clean Island Council. The Department of Transportation, Harbors Division (DOT Harbors), has been reviewing all month-to-month permits to ensure compliance with and applicability to Sections 171-17 and 171-55, HRS. The DOT Harbors is updating the Applicant's permit with current appraised rates and updated permit terms (as applicable).

LAND TITLE STATUS:

Acquired by the DOT Harbors, through eminent domain proceedings by issuance of Governor's Executive Order No. 1332.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This use is exempt from Office of Environmental Quality Control (OEQC) requirements pursuant to Chapter 11-200.1, Hawaii Administrative Rules, "Exemption Class 1: 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."

Previous permittee, Clean Island Council, utilized the portions of the lands to run a similar spill response operation. There is no change of use beyond that previously

existing. Declaration of Exemption was published on September 23, 2019 with the OEQC in *The Environmental Notice*.

REMARKS:

The Applicant is a not-for-profit company designated as a Federal Oil Spill Response Organization, and is the largest, dedicated oil spill and emergency response organization in the United States. The Applicant provides their services nationwide in the form of trained personnel, equipment and resources to respond to oil spills and mitigate damage to the environment.

The Applicant has been operating in the Hawaiian Islands since 1993, providing spill response, training and regulatory compliance services statewide. The Applicant's personnel are continuously participating in oil spill response preparation, safety drills, and other training throughout the State.

RECOMMENDATION:


That the Board authorize the DOT Harbors to issue the Applicant a month-to-month revocable permit for the above-stated purposes, subject to the terms and conditions outlined above and incorporated herein by reference, and such terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State.

Respectfully submitted,



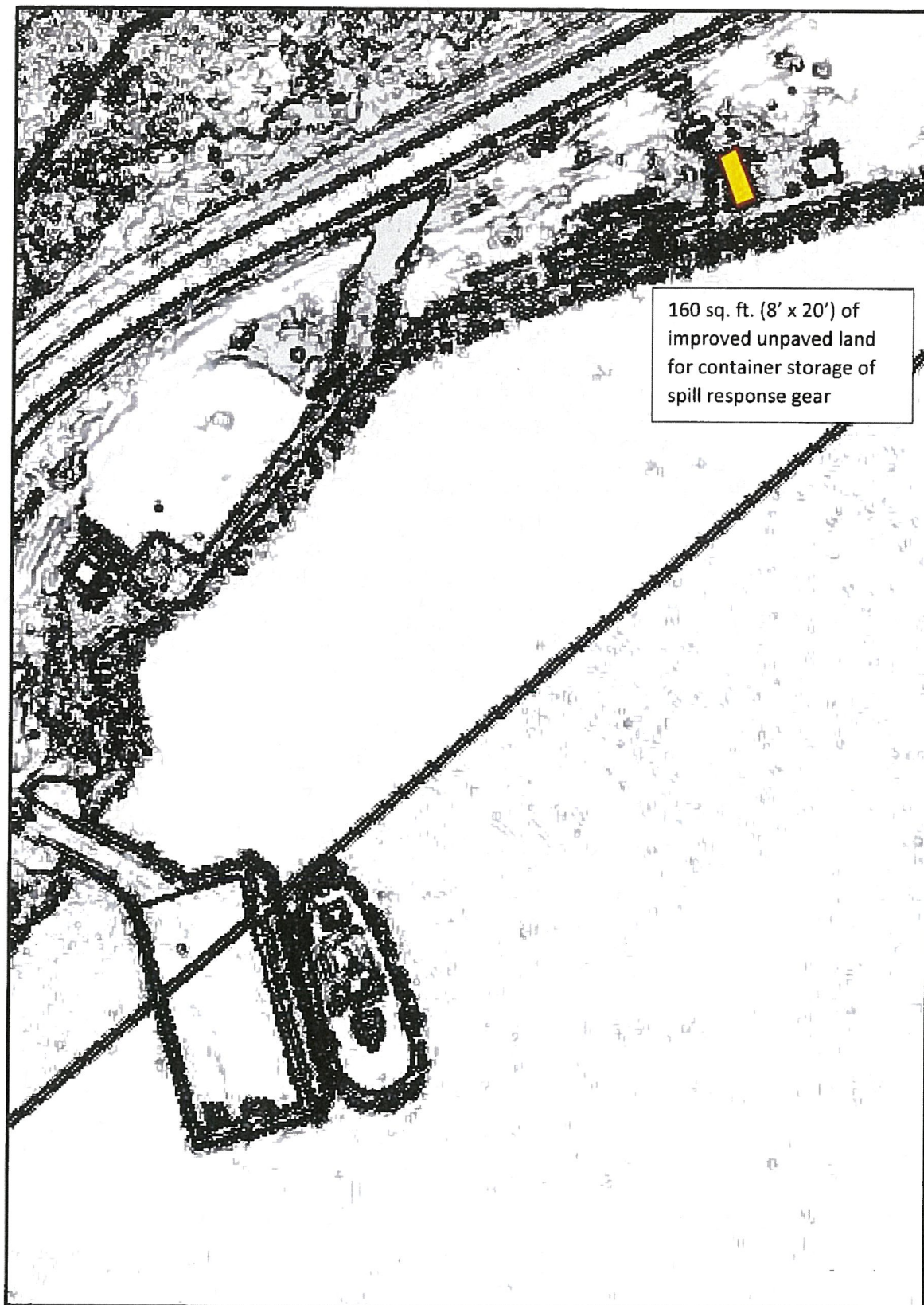
JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:

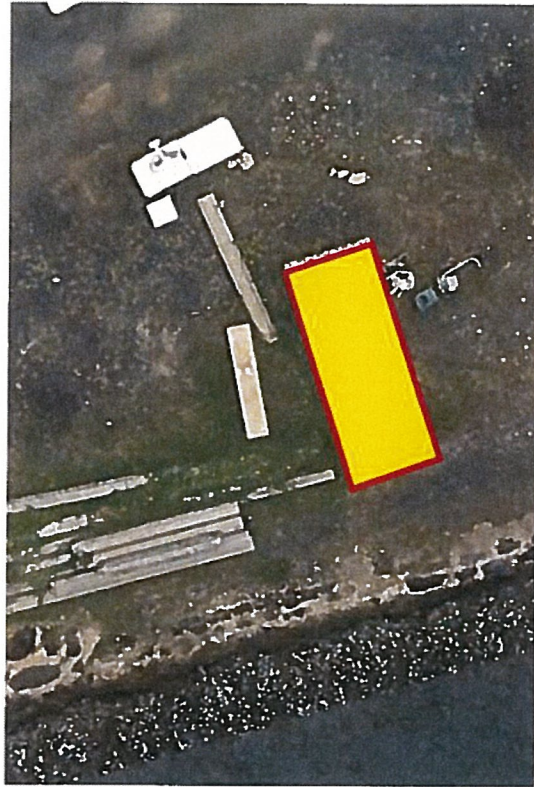
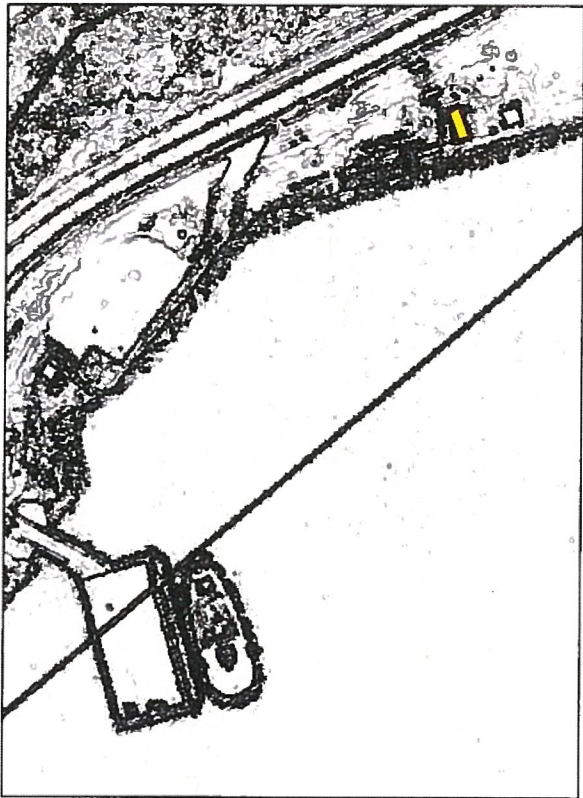


SUZANNE D. CASE
Chairperson and Member
Board of Land and Natural Resources

Attachments: Exhibits A and B



Area 1 - Container Storage of Spill Response Gear



AREA	DESCRIPTION	TYPE	DIMENSIONS		SQ. FT.
1	Container Storage of spill response gear	Improved - Unpaved Land	8	20	160

