

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

HAWAII

ISSUANCE OF MONTH-TO-MONTH PERMIT TO BERTELMANN, INC.,
SITUATED AT KAWAIHAE HARBOR, HAWAII, TAX MAP KEY
NO. (3) 6-1-003:026 (P), GOVERNOR'S EXECUTIVE ORDER NO. 1759

LEGAL REFERENCE:

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

APPLICANT:

Bertelmann, Inc. (Applicant) is a domestic profit corporation, whose business registration address and mailing address is c/o Mr. Glenn Bertelmann, P.O. Box 472, Kamuela, Hawaii 96743.

CHARACTER OF USE:

To store chassis and cargo containers discharged from maritime vessels or loaded onto maritime vessels for staging of drayage of cargo in an area outside the secured/regulated premises of Kawaihae Harbor. Area shall not be used as a base yard.

LOCATION:

Portion of governmental lands, Kawaihae Harbor, Hawaii, Tax Map Key No. (3) 6-1-003:026 (P), Governor's Executive Order No. 1759, as shown on the attached maps labeled Exhibits A and B.

AREA: See attached Exhibits A and B

AREA	DESCRIPTION	TYPE	SQ. FT.	RATE	RENTAL	SECURITY DEPOSIT
1	Staging and Storage area	Open Storage on Unpaved land	2,500	\$ 0.06	\$ 150.00	\$ 300.00

CONSIDERATION:

Determined by appraisal as of March 20, 2019, for month-to-month permits in Kawaihae Harbor.

ZONING:

State Land Use Commission:	Urban Conservation
County of Hawaii:	MG-1a

COMMENCEMENT DATE:

To be determined by the Director of Transportation.

TRUST LAND STATUS:

Subsection 5(b) of Hawaii Admissions Act (Ceded Lands).

CURRENT USE STATUS:

Applicant currently occupies the premises for staging and storage area for chassis and cargo containers to be loaded onto or unloaded from maritime vessels. Area shall not be used as a base yard.

LAND TITLE STATUS:

Acquired by the Department of Transportation, Harbors Division (DOT Harbors), through eminent domain proceedings; issuance of Governor's Executive Order No. 1759.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This use is exempt from the 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."

Anticipated OEQC Declaration of Exemption publication date of September 8, 2019.

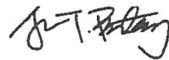
REMARKS:

The DOT Harbors has been reviewing all month-to-month permits to ensure compliance with and applicability of Section 171-55, HRS. To do so, the DOT Harbors is currently in the process of issuing all current month-to-month permits to accurately describe current land usage, designated permit locations as well as updating monthly rental charges to appraised market value.

RECOMMENDATION:

That the Board authorize the DOT Harbors to issue the Applicant a month-to-month permit for the above-stated purpose, 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

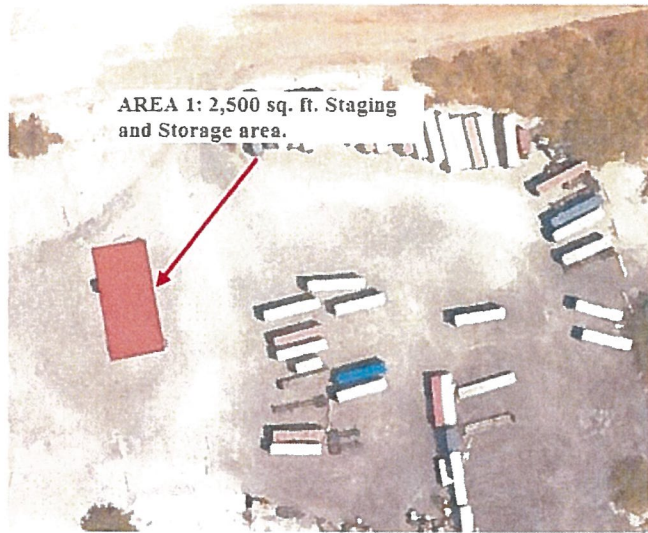
Attachments: Exhibits A and B

Bertelmann, Inc.
Kawaihae Harbor



EXHIBIT A

Bertelmann, Inc.
Kawaihae Harbor



AREA	DESCRIPTION	TYPE	DIMENSIONS (ft.)		SQ. FT.
1	Staging and Storage area	Open Storage on Unpaved land	25	100	2,500

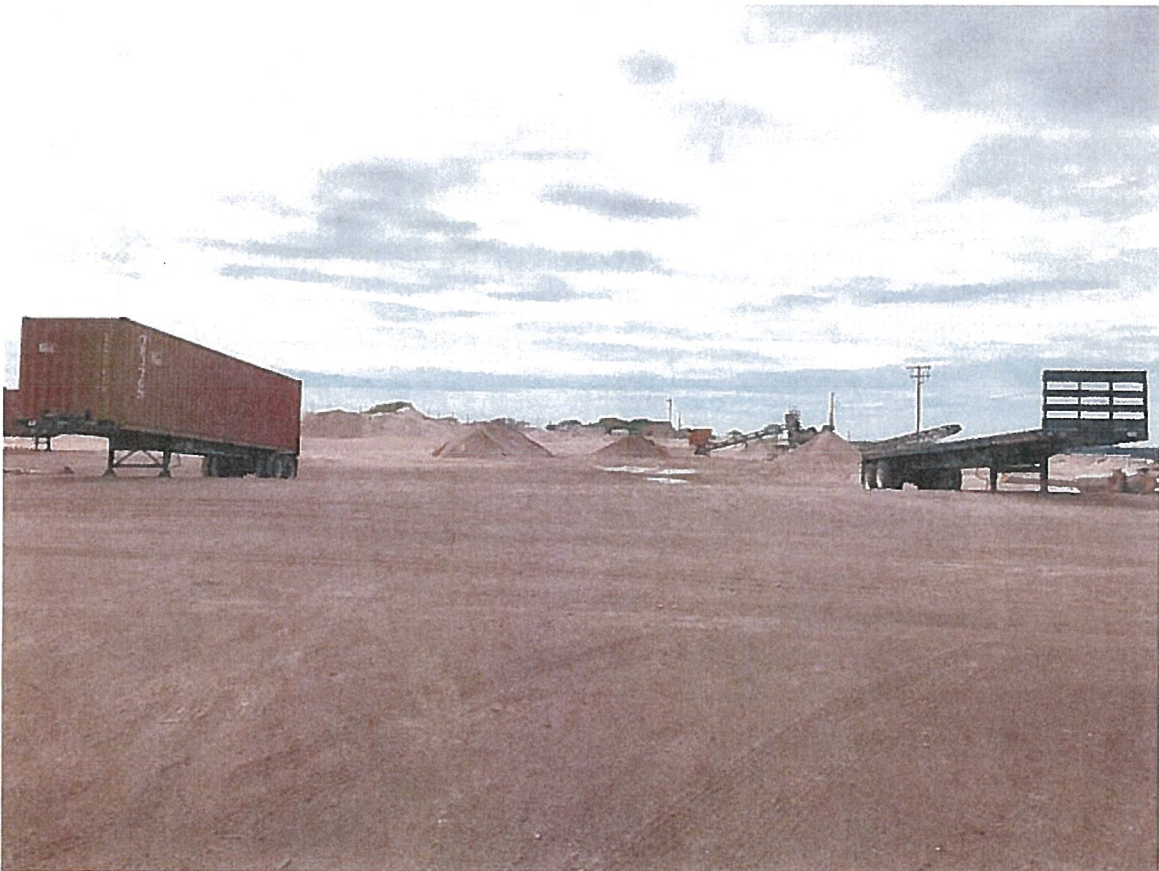


EXHIBIT B