



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

IN REPLY REFER TO:

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

OAHU

ISSUANCE OF MONTH-TO-MONTH REVOCABLE PERMIT TO PHOENIX V LLC,
DBA BEI HAWAII, SITUATED AT PIERS 31-32, HONOLULU HARBOR, OAHU,
TAX MAP KEY NO. (1) 1-5-036:007 (P), GOVERNOR'S EXECUTIVE
ORDER NO. 2903

LEGAL REFERENCE:

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

APPLICANT:

Phoenix V LLC, dba BEI Hawaii (Applicant) is a Domestic Limited Liability Company (LLC), whose business registration and mailing address is 311 Pacific Street, Honolulu, Hawaii 96817.

CHARACTER OF USE:

Storage and distribution of caustic soda at Piers 31-32, Honolulu Harbor, Oahu.

LOCATION:

Portion of governmental lands at Piers 31-32, Honolulu Harbor, Oahu,
Tax Map Key No. (1) 1-5-036:007 (P), Governor's Executive Order No. 2903, 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	Storage and distribution of caustic soda	Improved Land – Paved/Tank	3,600	\$ 1.20	\$ 4,320.00	\$ 8,640.00

CONSIDERATION:

Determined by appraisal as of April 1, 2019, for Revocable Permits in Honolulu Harbor and Applicant, Payment Plan Agreement, signed November 11, 2019.

ZONING:

State Land Use Commission: Urban
City and County of Honolulu: I-3 (Waterfront Industrial District)

COMMENCEMENT DATE:

September 1, 2019 to August 31, 2020

TRUST LAND STATUS:

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

CURRENT USE STATUS:

The Applicant currently occupies and uses a storage tank for caustic soda, a product that services the electric utilities, petroleum industries and in the making of bleach.

LAND TITLE STATUS:

Acquired by Department of Transportation, Harbors Division (DOT Harbors), through eminent domain proceedings by issuance of Governor's Executive Order No. 2903.

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."

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

REMARKS:

The Applicant acquired Brewer Environmental Industries Holdings, Inc. (BEI) during 2005. DOT Harbors cancelled BEI's month-to-month revocable permit effective December 22, 2005. The Applicant occupied and had use of the caustic storage tank since December 23, 2005 without a current month-to-month revocable permit. Applicant had submitted its application for a month-to-month revocable permit but was not issued a revocable permit. During the DOT Harbors review of its program, the DOT Harbors identified issues regarding the absence of a revocable permit. The DOT Harbors could not invoice the Applicant, and without an invoice, the Applicant could not pay the rent.

During 2018, the DOT Harbors worked to resolve internal issues that caused the lapse in proper work processes and notified the Applicant of the error. The DOT Harbors worked with the Applicant and, under the guidance of the Attorney General's office to develop a one-year payment plan, the Applicant agrees to pay TWO HUNDRED SIXTY-TWO THOUSAND NINE HUNDRED THIRTY-FOUR AND 00/100 DOLLARS (\$262,934.00), for the period from December 23, 2005 to August 30, 2019, with the first payment in the amount of FORTY-TWO THOUSAND NINE HUNDRED THIRTY-FOUR AND 71/100 DOLLARS (\$42,934.71) received on November 12, 2019.

RECOMMENDATION:

That the Board authorize the DOT Harbors to issue the Applicant a month-to-month revocable permit effective September 1, 2019 to August 31, 2020, 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.

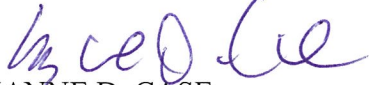
Respectfully submitted,



Nov 15, 2019

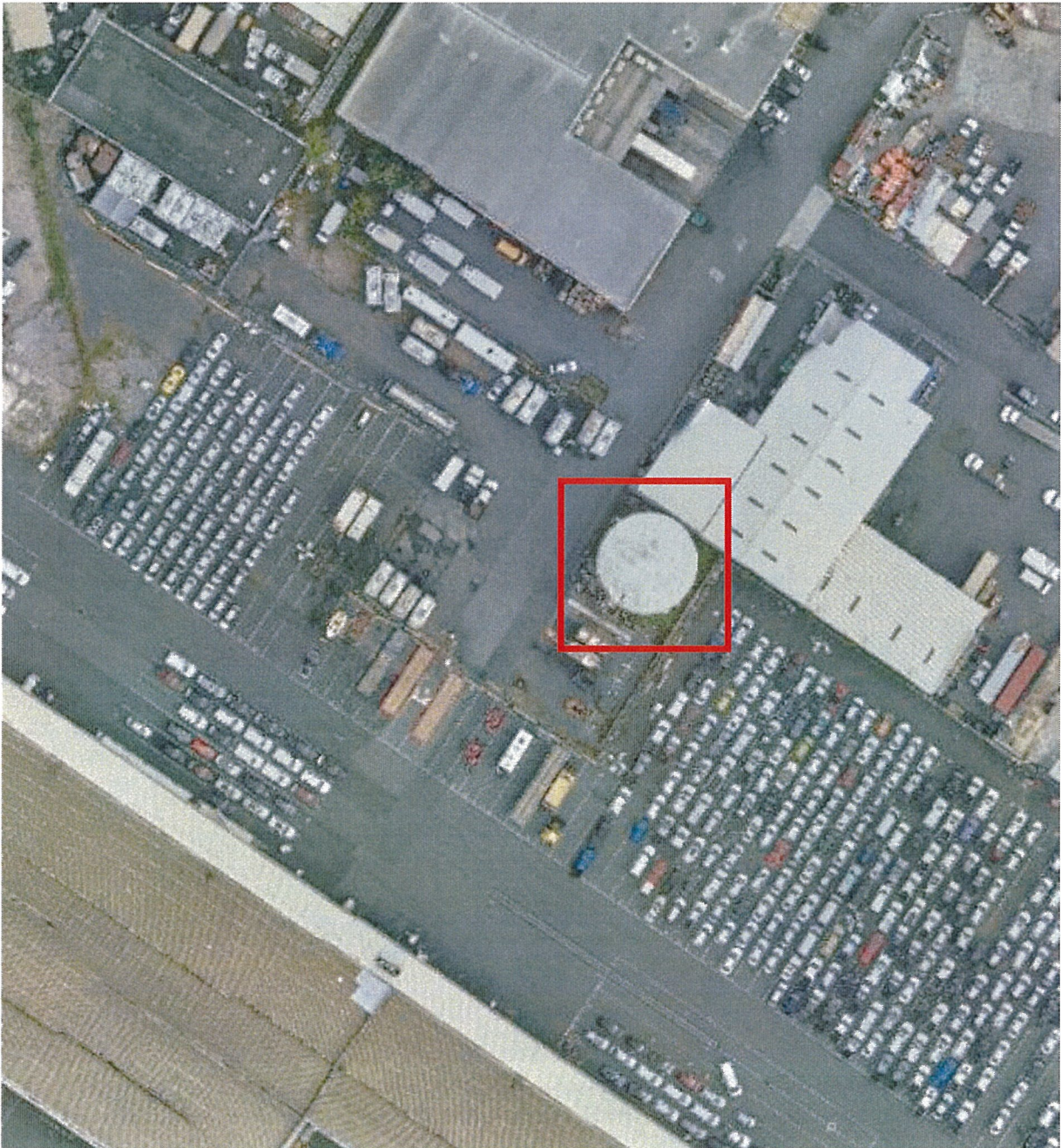
FOR JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson and Member
Board of Land and Natural Resources
Attachments: Exhibits A and B

Phoenix V LLC, dba BEI Hawaii
Honolulu Harbor





AREA	DESCRIPTION	TYPE	DIMENSIONS (ft.)		SQ. FT.
1	Storage and distribution of caustic soda	Improved Land – Paved/Tank	60	60	3,600