

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96819

January 24, 2020

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

Land Board Members:

SUBJECT: AMEND PRIOR BOARD ACTION DATED SEPTEMBER 27, 2019, ITEM J-5, TERMINATION OF REVOCABLE PERMIT NO. 20 TO MAUI PETROLEUM, INC, FOR DISPENSING/DELIVERY OF FUEL VIA TANK TRUCK PREVIOUSLY APPROVED JUNE 28, 2019 AS ITEM J-2; AND ISSUANCE OF A NEW REVOCABLE PERMIT TO HAWAII PETROLEUM, LLC., FOR DISPENSING/DELIVERY OF FUEL VIA TANK TRUCK; MAALAEA SMALL BOAT HARBOR, MAALAEA, WAILUKU, MAUI, HAWAII, TAX MAP KEY: (2) 3-6-001:002 (POR)

THE PURPOSE OF THIS AMENDMENT IS TO CORRECT THE MONTHLY PER GALLON RENT FROM \$0.05 PER GALLON TO \$0.005 PER GALLON FOR THE REVOCABLE PERMIT ISSUED TO HAWAII PETROLEUM, LLC.

BACKGROUND

On September 27, 2019, under agenda item J-5, see exhibit A, the Board approved the termination of revocable permit No 20 to Maui Petroleum, Inc and approved the issuance of a new revocable permit to Hawaii Petroleum, LLC due to a company name change. In this submittal, the monthly rent was incorrectly typed as One hundred fifteen and 21/100 dollars (\$115.21) or \$0.05 per gallon whichever is greater; and should have been One hundred fifteen and 21/100 dollars (\$115.21) or \$0.005 per gallon whichever is greater.

RECOMMENDATION:

That the Board of Land and Natural Resources:


1. Amend its prior Board action of September 27, 2019, agenda item J-5, by deleting the \$0.05 per gallon and replacing it with \$0.005 per gallon.
2. Except as amended hereby, all terms and conditions in Board approval listed in its September 27, 2019, item J-5, to remain the same.

Respectfully Submitted,



EDWARD R. UNDERWOOD, Administrator
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:



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

Attachment:

- A. Approved Board Submittal September 27, 2019

EXHIBIT A



Approved by the
Board of Land and Natural Resources
September 27, 2019



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96819

September 27, 2019

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

Land Board Members:

SUBJECT: TERMINATION OF REVOCABLE PERMIT NO. 20 TO MAUI PETROLEUM, INC, FOR DISPENSING/DELIVERY OF FUEL VIA TANK TRUCK PREVIOUSLY APPROVED ON JUNE 28, 2019 AS ITEM J-2; AND ISSUANCE OF A NEW REVOCABLE PERMIT TO HAWAII PETROLEUM, LLC., FOR DISPENSING/DELIVERY OF FUEL VIA TANK TRUCK; MAALAEA SMALL BOAT HARBOR, MAALAEA, WAILUKU, MAUI, HAWAII, TAX MAP KEY: (2) 3-6-001:002 (POR)

AND

DECLARE PROJECT EXEMPT FROM REQUIREMENTS OF CHAPTER 343, HRS AND TITLE 11, CHAPTER 200.1, HAWAII ADMINISTRATIVE RULES.

APPLICANT:

Hawaii Petroleum, LLC, 385 Hukilike St., Ste 102, Kahului, HI 96732

LEGAL REFERENCE:

Sections 171-13 and 55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Maalaea Small Boat Harbor, Maalaea, Wailuku, Maui, Hawaii, Tax Map Key: (2) 3-6-001:002 (Por), hereinafter referred to as the "Premises" as shown on the map labeled (**EXHIBIT A**) and attached hereto.

ZONING:

State Land Use District: Urban
County of Maui: CZO: M-1 Business Industrial

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act:

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO X YES

CURRENT USE AND CURRENT RENT STATUS:

Encumbered by RP No 20, Maui Petroleum, Inc. Deliver and dispense fuel gasoline via tank truck.
Rent under RP No. 20 is currently at, one hundred fifteen and 21/100 dollars (\$115.21) or \$0.05 per gallon whichever is greater

CHARACTER OF USE:

The premises shall be used for the delivery and dispensing of fuel gasoline via tank truck.

COMMENCEMENT DATE:

Upon Chairperson's approval and AG's Office review and approval.

MONTHLY RENTAL:

One hundred fifteen and 21/100 dollars (\$115.21) or \$0.05 per gallon whichever is greater subject to review and approved by the Chairperson.

COLLATERAL SECURITY DEPOSIT:

Twice the Monthly Rental.

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u>X</u>	NO
Registered business name confirmed:	YES	<u>X</u>	NO
Applicant in good standing confirmed:	YES	<u>X</u>	NO

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the “Exemption List for the Department of Land and Natural Resources”, reviewed and concurred upon by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No 1, Item No. 51 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.

REMARKS:

Applicant has operated this same business under Revocable Permit No B-95-64 since 1995, which was later cancelled and reissued as Revocable Permit No. 20 in 2012. The applicant has changed their company structure from a corporation to an LLC (Maui Petroleum, Inc to Hawaii Petroleum, LLC.), and requests to maintain the same operation under their new name.

JUSTIFICATION:

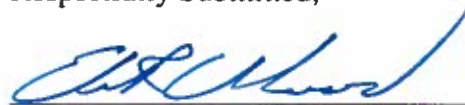
The issuance of a new revocable permit is a short-term measure as staff is currently working to convert this RP to a concession contract.

RECOMMENDATION:

That the Board of Land and Natural Resources:


1. Declare that, after considering the potential effects of the proposed project 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. The termination of revocable permit No 20, to Maui Petroleum Inc; and issuance of a revocable permit to Hawaii Petroleum LLC., covering the subject area for access to deliver and dispense fuel, 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 Revocable Permit form, as may be amended from time to time; and
 - b. Review and approval by the Department of the Attorney General.
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



EDWARD R. UNDERWOOD, Administrator
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:



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

Attachment:

- A. Area Map of Maalaea SBH

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Title 11, Chapter 200.1-15, HAR

Project Title:	Termination of Revocable Permit No 20 to Maui Petroleum, Inc, for Dispensing/Delivery of Fuel Via Tank Truck and Issuance of a New Revocable Permit to Hawaii Petroleum, LLC, for Dispensing/Delivery of Fuel Via Tank Truck, Maalaea Small Boat Harbor, Maalaea, Wailuku, Maui, Hawaii, Tax map Key (2) 3-6-001:002 (Portion).
Project / Reference No.:	
Project Location:	The Maalaea Small Boat Harbor, Maalaea, Wailuku, Maui, Hawaii, Tax map Key: (4) 3-6-001:002 (Portion)
Project Description:	Termination of Revocable Permit No 20 for Dispensing/Delivery of Fuel Via Tank Truck and Issuance of a new Revocable Permit for Dispensing/Delivery of Fuel Via Tank Truck
Chap. 343 Trigger(s):	Use of State lands
Exemption Class No(s).:	In accordance with the "Exemption List for the Department of Land and Natural Resources, reviewed and concurred upon by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No 1, Item No. 51 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".
Cumulative Impact of Planned Successive Actions in Same Place Significant?	There are no permanent above ground structures. Activities in the subject area have resulted in no known significant impact to the natural and environmental resources in the area.
Action May have Significant Impact on Particularly Sensitive Environment?	Staff is not aware of any particularly sensitive environmental issues and use of the area would not change negligently from what is existing.
Analysis:	Based on the above mentioned, staff believes there would be no significant impact to the environment.
Consulted Parties:	Maui, District Land Division - was consulted and concurred with respect to the Chapter 343 exemption.
Declaration	The Board find that this project will probably have minimal or no significant effect on the environment and declares that this project is exempt from the preparation of an environmental assessment.

Maalaea Small Boat Harbor

Exhibit A



Exhibit A