

DAVID Y. IGE  
GOVERNOR



JADE T. BUTAY  
DIRECTOR

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

IN REPLY REFER TO:

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

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

**HAWAII**

ISSUANCE OF MONTH-TO-MONTH PERMIT TO MARINE SPILL RESPONSE CORPORATION, SITUATED AT KAWAIHAE HARBOR, HAWAII, TAX MAP KEY NO. (3) 6-1-003:023 (P), GOVERNOR'S EXECUTIVE ORDER NO. 1862

**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:**

Warehouse storage of spill response equipment, container storage, and container storage of boon equipment for emergency oil pollution response and environmental remediation mitigation.

**LOCATION:**

Portions of governmental lands at Kawaihae Harbor, Hawaii, Tax Map Key No. (3) 6-1-003:023 (P), Governor's Executive Order No. 1862, as shown on the attached map labeled Exhibit A.

**ITEM M-6**

**AREA: See attached Exhibits A and B**

AREA	DESCRIPTION	TYPE	SQ. FT.	RATE PER SQ. FT.	MONTHLY RENTAL CHARGE	SECURITY DEPOSIT
1	Storage Container - Boom	Paved	160	\$ 0.18	\$ 28.80	\$ 57.60
2	Storage Container	Paved	160	\$ 0.18	\$ 28.80	\$ 57.60
3	Deployment Boom Container	Warehouse	450	\$ 1.00	\$ 450.00	\$ 900.00

<b>\$ 507.60</b>	<b>\$ 1,015.20</b>
<b>Total Monthly Rental</b>	<b>Total Security Deposit</b>

**CONSIDERATION:**

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

**ZONING:**

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

**COMMENCEMENT DATE:**

To be determined by the Director of Transportation.

**TRUST LAND STATUS:**

Subsection 5(b) of the Hawaii Admission Act (Ceded Lands).

**CURRENT USE STATUS:**

The Applicant assumed ownership of equipment from previous permittee, Clean Island Council, and is currently occupying the premises. 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. 1862.

**CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:**

This action is exempt from Office of Environmental Quality Control (OEQC) requirements pursuant to Sub-Chapter 11-200.1, Hawaii Administrative Rules, that exempts the following:

“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.”

The DOT Harbors will submit its publication request of this Exemption Notice to the OEQC for publication on the 8<sup>th</sup> of each month.

**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:**

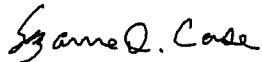
That the Board authorize the DOT Harbors to issue the Applicant a month-to-month revocable permit for the above-stated purposes, subject to the terms and conditions outlined above and incorporated herein by reference, and such terms and conditions as may be prescribed by the Director of Transportation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

Respectfully submitted,



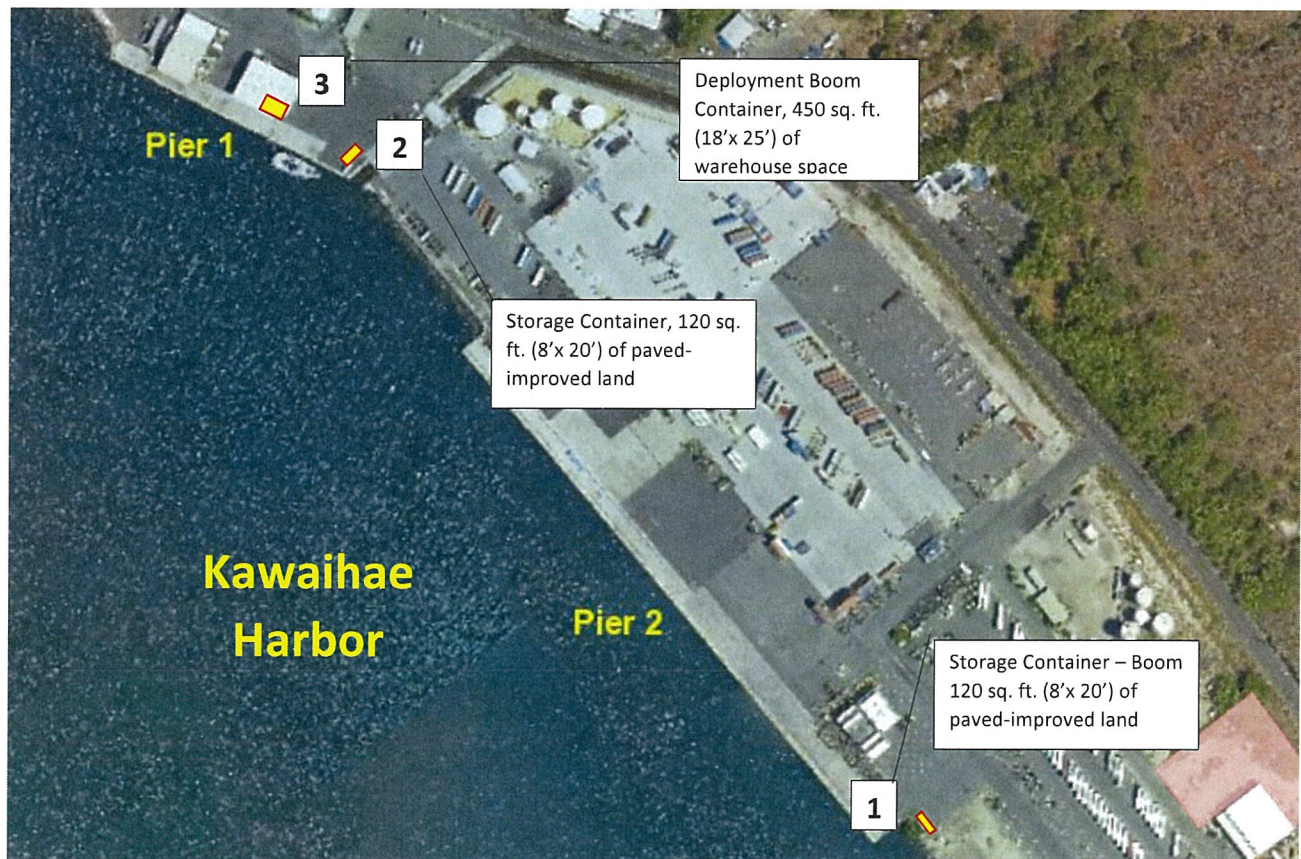
JADE T. BUTAY  
Director of Transportation

APPROVED FOR SUBMITTAL:



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

Attachments: Exhibits A and B



Area 1 – Storage Container - Boom



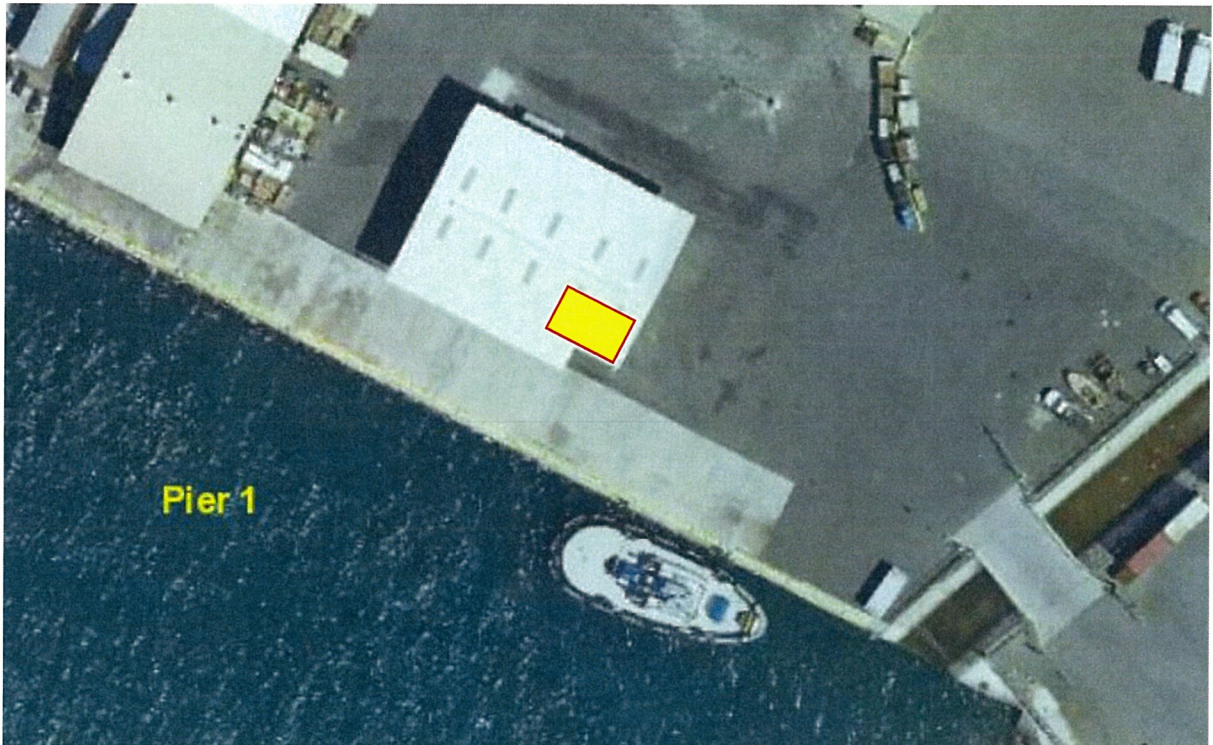
AREA	DESCRIPTION	TYPE	DIMENSIONS		SQ FT
1	Storage Container - Boom	Paved	8	20	160

Area 2 – Storage Container



AREA	DESCRIPTION	TYPE	DIMENSIONS		SQ FT
2	Storage Container	Paved	8	20	160

Area 3 – Deployment Boom Container



AREA	DESCRIPTION	TYPE	DIMENSIONS		SQ FT
3	Deployment Boom Container	Shed	18	25	450