

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

July 28, 2023

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

Land Board Members:

SUBJECT: Mutual Cancellation of Revocable Permit 26 (RP 26) to Pacific Biodiesel Logistics, LLC, and Waiver of Phase I Environmental Site Assessment Required under RP 26; Issuance of a New Revocable Permit to Pacific Biodiesel Technologies, LLC, located at Maalaea Small Boat Harbor, Waikapu, Wailuku, Maui, Hawaii, Tax Map Key: (2) 3-6-001:002 (por.).

And

Declare Project Exempt from Environmental Assessment Requirements of Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawaii Administrative Rules.

APPLICANT:

Pacific Biodiesel Technologies, LLC, a Delaware Limited Liability Company, whose mailing address is P.O. Box 1459, Kahului, Hawaii, 96733.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Maalaea Small Boat Harbor (Maalaea SBH), Waikapu, Wailuku, Maui, Hawaii, identified as 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.

Item J-2

ZONING:

State Land Use District: Urban

County of Hawaii: B-2 Business – Community, M-1 Light Industrial
P-1 Public/Quasi-Public, P Public Use

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act: YES NO

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

CURRENT USE STATUS:

Encumbered by Pacific Biodiesel Logistics, LLC, under Revocable Permit No. 26.

CHARACTER OF USE:

To enter and use portions of Maalaea SBH premises to deliver and dispense fuel via tank truck.

COMMENCEMENT DATE:

July 1, 2023

MONTHLY RENTAL:

\$122.57 per month, or \$0.05 per gallon, whichever is greater, subject to review and approval by the Chairperson.

SECURITY DEPOSIT:

Twice the Monthly Rental.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <input checked="" type="checkbox"/>	NO
Registered business name confirmed:	YES <input checked="" type="checkbox"/>	NO
Applicant in good standing confirmed:	YES <input checked="" type="checkbox"/>	NO

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-15, Hawaii Administrative Rules (HAR) and the Exemption List for the Department of Land and Natural Resources, reviewed and concurred by the Environmental Council on November 10, 2020, the subject request is

exempt from the preparation of an Environmental Assessment pursuant to General Exemption Type 1, “Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing,” Part 1, Item No. 44, 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:

At its meeting on April 25, 2014, under agenda item J-2, the Board approved the issuance of a revocable permit to Pacific Biodiesel Logistics, LLC to deliver and dispense biodiesel fuel via tank truck to Maalaea SBH.

In February 2022, Pacific Biodiesel Logistics, LLC was merged into Pacific Biodiesel Technologies, LLC.

Due to the name change, staff is requesting the cancellation of RP 26 to Pacific Biodiesel Logistics, LLC, and the waiver of the Phase I environmental site assessment, and reissuance of an updated revocable permit to Pacific Biodiesel Technologies, LLC under the same terms and conditions.

The Division of Boating and Ocean Recreation (DOBOR) plan to eventually convert this revocable permit into a concession contract. In January 2023, an invitation for bid (IFB) for a biodiesel mobile fueling truck for Maalaea SBH was advertised, but DOBOR had no bidders. Staff are planning to conduct more outreach and readvertise the IFB, in hopes to convert this month-to-month RP into a long-term disposition.

The applicant has not had a lease, permit, easement, or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

RECOMMENDATION:

That the Board of Land and Natural Resources:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, Hawaii Administrative Rules, 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. Based on the testimony and facts presented, the Board finds that approving the RP under conditions and rent set forth herein will serve the best interests of the state.

3. Approve the cancellation of RP 26 to Pacific Biodiesel Logistics, LLC and the waiver of the Phase I Environmental Assessment, and the reissuance of a new revocable permit to Pacific Biodiesel Technologies, LLC, at Maalaea SBH for a mobile fuel truck 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:



Dawn N.S. Chang, Chairperson
Board of Land and Natural Resources

Attachment:

A Site Map

EXEMPTION NOTIFICATION

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

Project Title:	Mutual Cancellation of Revocable Permit 26 (RP 26) to Pacific Biodiesel Logistics, LLC, and Waiver of Phase I Environmental Site Assessment Required under RP 26; Issuance of a New Revocable Permit to Pacific Biodiesel Technologies, LLC, Situated at Maalaea Small Boat Harbor, Waikapu, Wailuku, Maui, Hawaii, Tax Map Key: (2) 3-6-001:002 (por.).
Project / Reference No.:	N/A
Project Location:	Maalaea Small Boat Harbor, Waikapu, Wailuku, Maui, Hawaii, Tax Map Key: (2) 3-6-001:002 (por.)
Project Description:	Cancel revocable permit to Pacific Biodiesel Logistics, LLC and waiver of Phase I Environmental Site Assessment required under RP 26; Issuance of a new revocable permit to Pacific Biodiesel Technologies, LLC.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No(s):	In accordance with Section 11-200.1-15, Hawaii Administrative Rules and the Exemption List for the Department of Land and Natural Resources, reviewed and concurred by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an Environmental Assessment pursuant to General Exemption Type 1, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," Part 1, Item No. 44, 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?	None. The actions will not be different from what is already existing.
Action May have Significant Impact on Particularly Sensitive Environment?	The requested area is a portion of the Maalaea Small Boat Harbor that is visited by the community, tourists, and commercial operators and is impacted by human activity. Staff believes there would be no significant impact to sensitive environmental or ecological receptors.
Analysis:	The Board of Land and Natural Resources has previously issued a revocable permit for this use in the past. The proposed activity is of a similar type and scope to that previously approved. Such activities have resulted in no known significant impacts, whether

	immediate or cumulative to the natural, environmental and/or cultural resources in the area. Staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.
Consulted Parties:	None
Recommendation:	It is recommended that the Board find that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

MAALAEA SBH



EXHIBIT "A"

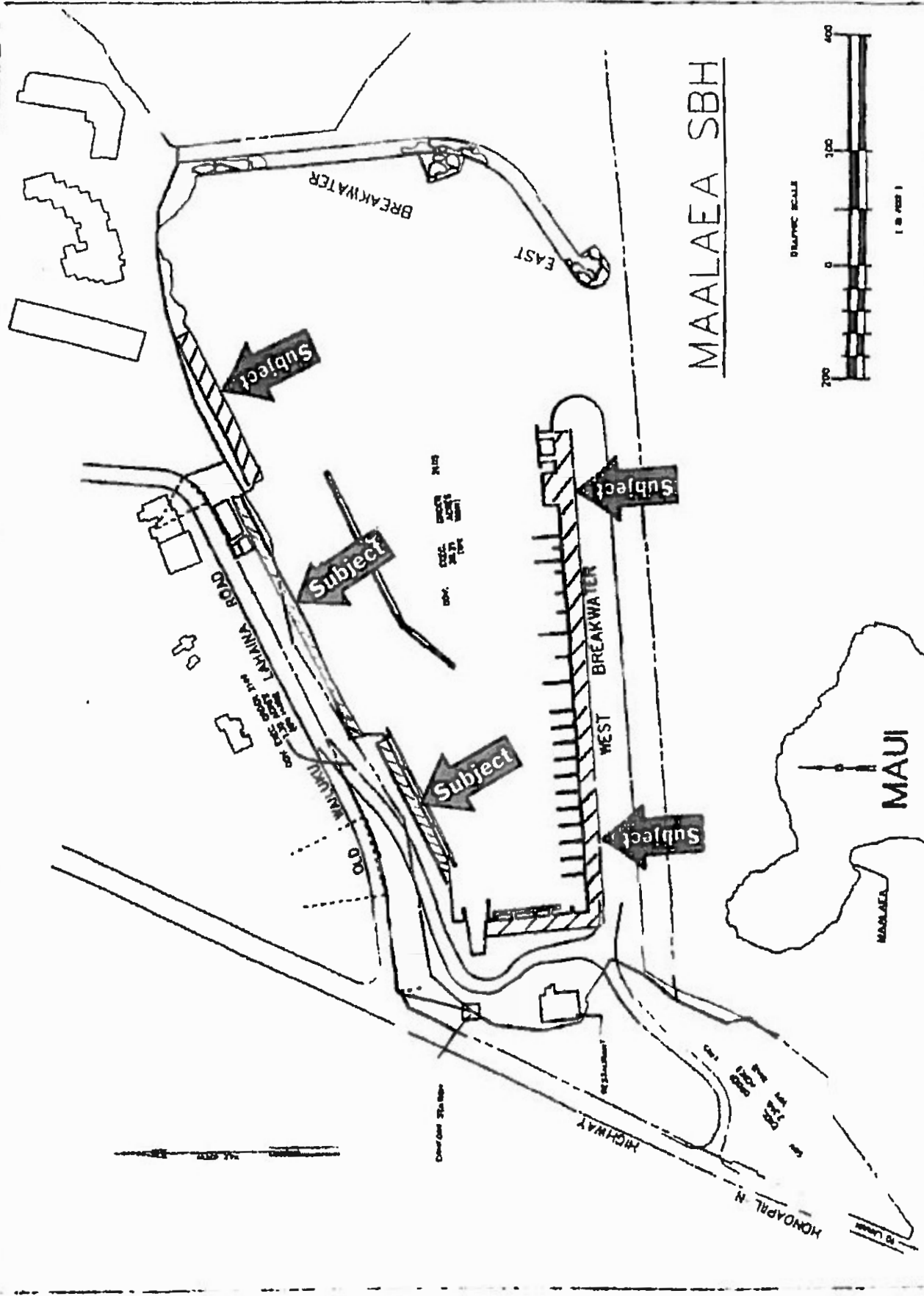
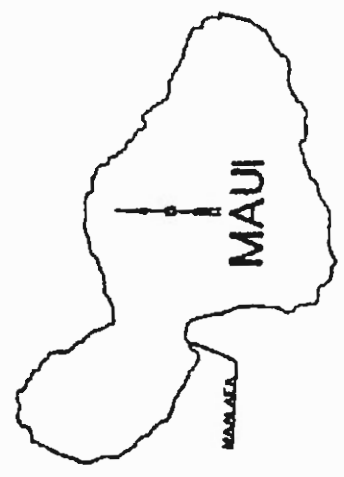


Exhibit A