

JOSH GREEN, M.D.
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KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
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IN REPLY REFER TO:

HAR-PM.0002234.23

November 3, 2023

Ms. Dawn N. S. Chang, Chairperson
Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii 96813

Dear Ms. Chang:

OAHU

Request for Authorization to issue a month-to-month Revocable Permit (RP) to Marine Spill Response Corporation, for container storage of spill response gear, situated at Pier 2, Nawiliwili Harbor, island of Kauai, Tax Map Key (TMK) No. (4) 3-2-004:034 (P), Governor's Executive Order No. 1332

LEGAL REFERENCE:

Hawaii Revised Statutes (HRS), Sections 171-6, 171-11, 171-13, 171-17, 171-55, and 171-59, as amended.

APPLICANT:

Marine Spill Response Corporation (Applicant) is a foreign nonprofit corporation whose mailing address is 220 Spring Street, Suite 500, Herndon, Virginia 20170.

CHARACTER OF USE:

For container storage of spill response gear.

LOCATION:

Portion of Government lands at Pier 2, Nawiliwili Harbor, island of Kauai, TMK No. (4) 3-2-004:034 (P), as shown on enclosed Exhibit A.

ITEM M-26

ZONING:

State Land Use Commission: Urban
County of Kauai: General Industrial

AREA: See enclosed Exhibit A

AREA	TAX MAP KEY NO.	DESCRIPTION	TYPE	SQ. FT.	RATE	RENTAL	SECURITY DEPOSIT
1	(4) 3-2-004:034 (P)	Container storage of spill response gear	Improved Land - Unpaved	160	\$ 0.26	\$ 41.60	\$ 83.20

CONSIDERATION:

Month-to-month rent determined by appraisal as of January 1, 2021, for RPs in Nawiliwili Harbor, island of Kauai.

LAND TITLE STATUS:

Governor’s Executive Order No. 1332 for addition to Nawiliwili Harbor Front, situated at Nawiliwili, Lihue, island of Kauai, to be under the control and management of the State of Hawaii, Department of Transportation (HDOT).

TRUST LAND STATUS:

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

CURRENT USE STATUS:

The Applicant currently occupies portions of Pier 2 of Nawiliwili Harbor, island of Kauai, for container storage of spill response gear. The HDOT has been reviewing all month-to-month RPs to ensure compliance with and applicability to HRS, Sections 171-17 and 171-55. The HDOT is updating the Applicant’s permit with current appraised rates and updated permit terms as applicable.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This use is exempt from the Office of Planning and Sustainable Development, and Environmental Review Program requirements pursuant to Hawaii Administrative Rules (HAR), Subchapter 11-200.1, which exempts the following:

“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.”

The HDOT deems the action as de minimis and exempts it from the preparation of an exemption notice in accordance with HAR, Subchapter 11-200.1-16 (b). The exemption declaration for the action described above, based on the Exemption List for the HDOT, reviewed and concurred to by the Environmental Advisory Council on February 1, 2022, is as follows:

Exemption Type 1, Part 1:

- No. B2. "Temporary storage and staging of equipment and materials on State lands as necessary to support exempted and planned repair or maintenance activities."

Exemption Type 8, Part 1:

- No. 8g. "Creation or extension of leases, revocable permits or easements involving negligible or minor expansion or change of use beyond that previously existing."

REMARKS:

The Applicant is a not-for-profit organization and the largest Oil Spill Removal Organization in the United States (U.S.). The Applicant provides a full range of oil spill response services for coastal and inland environments intended to help shippers, exploration & production operators, refiners, midstream operators, rail and offshore wind operators meet the planning criteria of the Oil Pollution Act of 1990. The Applicant also provides reliable oil spill response capability for their U.S. operations.

RECOMMENDATION:

Based on this submittal, testimony, and facts presented, the HDOT recommends that the Board finds that approving the issuance of a month-to-month RP to the Applicant, including its conditions and rent, will serve the best interest of the State.

Sincerely,



EDWIN H. SNIFFEN
Director of Transportation

APPROVED FOR SUBMITTAL:



DAWN N. S. CHANG, Chairperson

Enclosures

Area 1 – Container Storage of Spill Response Gear



AREA	DESCRIPTION	TYPE	DIMENSIONS		SQ. FT.
1	Container storage of spill response gear	Improved Land - Unpaved	8	20	160