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DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

December 20, 2023

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

Dear Ms. Chang:

MAUI

Authorize the issuance of a month-to-month Revocable Permit (RP) to Marine Spill Response Corporation, for use of the boat house for storage of an emergency vessel and emergency oil spill response equipment, situated at Kahului Harbor, island of Maui, Tax Map Key (TMK) No. (2) 3-7-001:022 (P), Governor's Executive Order No. 3005.

LEGAL REFERENCE:

Hawaii Revised Statutes, 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, non-profit corporation whose mailing address is 220 Spring Street, Suite 500, Herndon, Virginia, 20170.

CHARACTER OF USE:

Boat house to be used for storage space for an emergency vessel and emergency oil spill response equipment.

LOCATION:

Portion of Governmental lands at Kahului Harbor, island of Maui, TMK No. (2) 3-7-001:022 (P), Governor's Executive Order No. 3005, as shown on the enclosed map labeled Exhibit A.

ITEM M-10

AREA: See enclosed Exhibit A

AREA	DESCRIPTION	TYPE	SQ. FT.	RATE PER SQ. FT.	MONTHLY RENTAL CHARGE	SECURITY DEPOSIT
1	Boat House	Warehouse	1,740	\$0.68	\$ 1,183.20	\$ 2,366.40
	Submerged land	Submerged land	1,740	\$0.27	\$ 469.80	\$ 939.60
					\$ 1,653.00	\$ 3,306.00
					Total Monthly Rental	Total Security Deposit

CONSIDERATION:

Determined by appraisal as of June 1, 2022, for RPs in Kahului Harbor.

ZONING:

State Land Use Commission: Conservation, Urban
 County of Maui: (Draft) M-2, (Heavy Industrial)

COMMENCEMENT DATE:

To be determined by the Director of Transportation.

TRUST LAND STATUS:

Subsection 5 (b) of the Hawaiian Admission Act (ceded lands).

CURRENT USE STATUS:

The area is currently occupied by the Applicant.

LAND TITLE STATUS:

Under the control and management of the Hawaii Department of Transportation (HDOT), through issuance of Governor’s Executive Order No. 3005.

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, that 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.”

“Exemption Type 8: Continuing administrative activities”

The HDOT deems the action as de minimis and exempts it from the preparation of an exemption notice in accordance with HAR, Section 11-200.1-16 (b). The exemption declaration for the action described above, is 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. B.2. “Temporary storage and staging of equipment and materials on State land as necessary to support exempted and planned repair or maintenance activities.”

Exemption Type 8, Part 1:

- No. 8.g. “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 the largest oil spill removal organization in the United States and has been working in the Hawaiian Islands since 1993. They provide a full range of oil spill response services including oil spill response, training support, spill prevention and mitigation, and disaster recovery emergency services. The Applicant has dedicated personnel and contractor resources across the country, which gives them the capability to handle everything from small spills to major incidents.

Ms. Dawn N. S. Chang, Chairperson
December 20, 2023
Page 4

RECOMMENDATION:

Based on this submittal, testimony and facts presented, the HDOT recommends that the Board finds that the issuance of a month-to-month RP to the Applicant including its conditions and rent, under the terms and conditions cited above, and other terms and conditions as may be prescribed by the Director of Transportation to best serve the interest of the State.

Sincerely,



EDWIN H. SNIFFEN
Director of Transportation

APPROVED FOR SUBMITTAL:



DAWN N. S. CHANG, Chairperson

Enclosures



AREA	DESCRIPTION	TYPE	DIMENSIONS		SQ. FT.
1	Boat House	Warehouse	29'	60'	1,740
	Submerged Land	Submerged Land	29'	60'	1,740

