

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII**  
**DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

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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:

LANAI

Authorize the issuance of a month-to-month Revocable Permit (RP) to Marine Spill Response Corporation, for storage area for boom trailer, container with emergency oil spill response equipment, and emergency vessel, situated at Kaunalapau Harbor, island of Lanai, Tax Map Key (TMK) No. (2) 4-9-003:026 (P).

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:

Use of area for storage of boom trailer, a container with emergency oil spill response equipment, and emergency vessel.

LOCATION:

Portion of Governmental lands at Kaunalapau Harbor, island of Lanai, TMK No. (2) 4-9-003:026 (P), as shown on the enclosed map labeled Exhibit A.

**ITEM M-11**

AREA: See attached Exhibit A

| AREA | DESCRIPTION  | TYPE                  | SQ. FT. | RATE PER SQ. FT. | MONTHLY RENTAL CHARGE | SECURITY DEPOSIT |
|------|--|-----------------------|---------|------------------|-----------------------|------------------|
| 1    | Storage area for boom trailer, container with emergency oil spill response equipment, and emergency vessel | Improved Land-unpaved | 560     | \$0.10           | \$56.00               | \$112.00         |

CONSIDERATION:

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

ZONING:

State Land Use Commission: Industrial  
County of Maui: M-2 (Heavy Industrial)

COMMENCEMENT DATE:

To be determined by the Director of Transportation.

TRUST LAND STATUS:

Trust land status unavailable in Public Land Trust Information System.

CURRENT USE STATUS:

The area is currently occupied by the Applicant.

LAND TITLE STATUS:

Acquired via State acquisition and pending set aside by Governor’s Executive Order to the Hawaii Department of Transportation (HDOT).

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”

Ms. Dawn N. S. Chang, Chairperson  
December 20, 2023  
Page 3

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 as well as contractor resources across the country, which gives them the capability to handle everything from small spills to major incidents.

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    | Storage area for boom trailer, container with emergency oil spill response equipment, and emergency vessel | Improved Land-unpaved | 20'        | 28' | 560     |

