

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



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

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IN REPLY REFER TO:

November 21, 2024

Mr. Edwin H. Sniffen, Director  
Department of Transportation  
869 Punchbowl Street  
Honolulu, Hawaii 96813

KAUAI

Request for Authorization to issue one month-to-month Revocable Permit (RP) to Marine Spill Response Corporation, for container storage of spill response gear, situated at Pier 1, Port Allen Harbor, island of Kauai, Tax Map Key (TMK) No. (4) 3-2-003:006 (Portion), Governor's Executive Order No. 1047

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 1, Port Allen Harbor, island of Kauai, TMK No. (4) 3-2-003:006 (Portion), as shown on enclosed Exhibit A.

ZONING:

State Land Use Commission:  
County of Kauai:

Urban  
General Industrial

AREA: See enclosed Exhibit A

<b>AREA</b>	<b>DESCRIPTION</b>	<b>TYPE</b>	<b>SQ. FT.</b>	<b>RATE</b>	<b>RENTAL</b>	<b>SECURITY DEPOSIT</b>
1	Container storage of spill response gear	Improved Land - Paved	160	\$ 0.10	\$ 16.00	\$ 32.00

CONSIDERATION:

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

LAND TITLE STATUS:

Governor's Executive Order No. 1047 for Port Allen Harbor, to be under the control and management of the State of Hawaii, Department of Transportation (HDOT).

TRUST LAND STATUS:

Subsection 5 (a).

CURRENT USE STATUS:

The Applicant currently occupies portions of Port Allen 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.

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 and 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 the issuance of one 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,



DREANALEE K. KALILI  
Deputy Director of Transportation for Harbors

Enclosures

**Area – Container Storage**



AREA	DESCRIPTION	TYPE	DIMENSIONS	SQ. FT.
1	Container Storage	Improved Land - Paved		160

