



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

## DECLARATION OF EXEMPTION

from the preparation of an environmental assessment under the authority of Chapter 343, Hawai'i Revised Statutes (HRS), the State's Environmental Impact Statement law, and Hawai'i Administrative Rules (HAR) Section 11-200-8(a)(8).

### AGENCY OR APPLICANT ACTION

- This exempted action is an agency action as defined by Section 343-5(b), HRS, and Section 11-200-5, HAR
- This exempted action is an applicant action as defined by Section 343-5(c), HRS, and Section 11-200-6, HAR

### SPECIFY EXEMPTION CLASS:

In accordance with HAR§ 11-200, the subject request is exempt from the Office of Environmental Quality Control for the "types of actions that fall within the given classes of action requirements pursuant to Sub-Chapter 11-200-8 of the Hawaii Administrative Rules: Class 1. "Class No. 1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing." The request to Consent to Mortgage falls within the given classes of action requirements pursuant to Sub-Chapter 11-200-8, D.10, Leases of Property for continuing aeronautical uses or complementary airport purposes", of the Hawaii Administrative Rules. [Reference: Comprehensive Exemption List for the State of Hawaii Department of Transportation, amended, November 15, 2000.]

### DESCRIPTION OF ACTION

**Proposing Agency:** Department of Transportation Harbors Division ("DOTH")

**Proposing Applicant:** Fresh Island Fish LLC ("FIF")

**Project Name & Address/Location:** Consent to Mortgage for Lot FV-8, Harbor Lease No. H-05-24, 1135 North Nimitz Highway, Honolulu, Hawaii 96817 / Pier 38, Honolulu Harbor, Oahu, Hawaii.

**Anticipated Start Date:** November 9, 2018

**Anticipated End Date:** Term of Mortgage Re-finance

**Tax Map Key:** (1)1-5-42-001

## NARRATIVE

Harbor Lease No. H-05-24 was indentured on the 14<sup>th</sup> day of September 2005 with a term of 35 years with a minimum capital investment of \$2,000,000. The DOTD gave its consent to Mortgage on two previous occasion: A) Central Pacific Bank and Bank of Hawaii. On October 28<sup>th</sup>, the DOTD consented to a mortgage of \$3,759,300 through Central Pacific Bank. On June 11, 2011, Bank of Hawaii secured the remaining balance of the loan from Central Pacific Bank for \$2,342,050. The loan balance is \$1.67 million; and B) HEDCO Local Development Corporation and U. S. Small Business Administration. On July 31, 2007, the DOTD gave its second Consent to Mortgage for \$2,000,000, through HEDCO Local Development Corporation with funds from the U.S. Small Business Administration. The loan balance is \$1.19 million.

FIF requests the State to approve the mortgage through Bank of Hawaii in an amount not to exceed \$5,580,000. The Bank of Hawaii loan consolidates the existing Bank of Hawaii loan and the balance of the Small Business Administration loan. The DOTD requested and the Applicant provided, Bank of Hawaii's statement of Lessee's credit worthiness. Bank of Hawaii affirms the Applicant's credit worthiness.

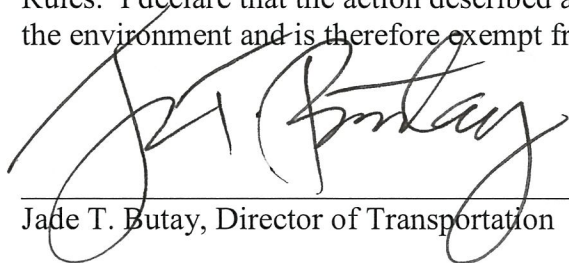
## CONSULTATION

The following parties have been consulted about this declaration exemption:

1. Bank of Hawaii.

## EXEMPT DECLARATION

The direct, cumulative, and potential impacts of the action described above have been considered pursuant to Chapter 343, Hawaii Revised Statutes, and Chapter 11-200, Hawaii Administrative Rules. I declare that the action described above will have minimal or no significant impact on the environment and is therefore exempt from the preparation of an environmental assessment.



\_\_\_\_\_

Jade T. Butay, Director of Transportation

OCT 23 2010

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Date

- This document is on file in our office and is available for public review.
- This document has been submitted to the Office of Environmental Quality Control for publication in The Environmental Notice.

## AGENCY PUBLICATION FORM

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| Project Name:                                  | Consent to Mortgage for Lot FV-8 Harbor Lease No. H-05-24, 1135 North Nimitz Highway, Honolulu, Hawaii 96817 / Pier 38, Honolulu Harbor, Oahu, Hawaii. |
| Project Short Name:                            | Consent to Mortgage  |
| HRS §343-5 Trigger(s):                         | (a) (1)  |
| Island(s):                                     | Oahu   |
| Judicial District(s):                          | Honolulu   |
| TMK(s):  | (1) 1-5-42-001   |
| Permit(s)/Approval(s):                         | BLNR   |
| Proposing/Determining Agency:                  | Department of Transportation Harbors Division (DOTH)   |
| <i>Contact Name, Email, Telephone, Address</i> | Davis Yogi, <a href="mailto:davis.yogi@hawaii.gov">davis.yogi@hawaii.gov</a> , 587-1928, 79 S. Nimitz Highway, Honolulu, HI 96813                      |
| Accepting Authority:                           | (for EIS submittals only)  |
| <i>Contact Name, Email, Telephone, Address</i> | N/A  |
| Consultant:                                    | N/A  |
| <i>Contact Name, Email, Telephone, Address</i> | N/A  |

**Status (select one)**
 DEA-AFNSI
**Submittal Requirements**

Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEA, and 4) a searchable PDF of the DEA; a 30-day comment period follows from the date of publication in the Notice.

 FEA-FONSI

Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; no comment period follows from publication in the Notice.

 FEA-EISPN

Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; a 30-day comment period follows from the date of publication in the Notice.

 Act 172-12 EISPN  
("Direct to EIS")

Submit 1) the proposing agency notice of determination letter on agency letterhead and 2) this completed OEQC publication form as a Word file; no EA is required and a 30-day comment period follows from the date of publication in the Notice.

 DEIS

Submit 1) a transmittal letter to the OEQC and to the accepting authority, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEIS, 4) a searchable PDF of the DEIS, and 5) a searchable PDF of the distribution list; a 45-day comment period follows from the date of publication in the Notice.

 FEIS

Submit 1) a transmittal letter to the OEQC and to the accepting authority, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEIS, 4) a searchable PDF of the FEIS, and 5) a searchable PDF of the distribution list; no comment period follows from publication in the Notice.

 FEIS Acceptance  
Determination

The accepting authority simultaneously transmits to both the OEQC and the proposing agency a letter of its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS; no comment period ensues upon publication in the Notice.

 FEIS Statutory  
Acceptance

Timely statutory acceptance of the FEIS under Section 343-5(c), HRS, is not applicable to agency actions.

 Supplemental EIS  
Determination

The accepting authority simultaneously transmits its notice to both the proposing agency and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that a supplemental EIS is or is not required; no EA is required and no comment period ensues upon publication in the Notice.

- Withdrawal Identify the specific document(s) to withdraw and explain in the project summary section.
- Other Contact the OEQC if your action is not one of the above items.

**Project Summary**

Harbor Lease No. 05-24 was indentured on the 14<sup>th</sup> day of September 2005 with a term of 35 years with a minimum capital investment of \$2,000,000. The Department of Transportation Harbors Division (DOTH) gave its Consent to Mortgage on two previous occasions: A) Central Pacific Bank and Bank of Hawaii. On October 28<sup>th</sup>, the DOT consented to a mortgage of \$3,759,300 through Central Pacific Bank. On June 11, 2011, Bank of Hawaii secured the remaining balance of the loan from Central Pacific Bank for \$2,342,050. The loan balance is \$1.67 million; and B) HEDCO Local Development Corporation and U. S. small Business Administration. On July 31, 2007, the DOT gave its second Consent to Mortgage for \$2,000,000, through HEDCO Local Development Corporation with funds from the U. S. Small Business Administration. The loan balance is \$1.19 million.

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