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To: Don Palawski/**Kevin Foster**/Beth Flin/Lorena Wada 808 541 3470
Carol Terry 808 587 0160

From: Rose Chu

Date: January 13, 1999

Subject: **Request for Termination of Response Activities
Under Authority of the Unified Command**

As a follow-up action item, here is a copy of the October 28, 1998 letter and request to terminate response activities for the SPM Hose Spill Incident. It was signed separately by the U.S. Coast Guard and the Hawaii Department of Health on November 19, 1998.

The four pages being faxed to you does not include the "Bird Status Chart as of October 21, 1998," as a more updated copy of the 11-page table has already been sent to you.

Please call me if you would still like to have the bird status chart.

Rose Chu

Rose Chu
733 Bishop Street, Suite 2700
P.O. Box 3379
Honolulu, Hawaii 96842-0001
Phone: 808 547-3413
Fax: 808 547-3689
email: richut@tesoropetroleum.com

October 28, 1998

Captain Frank Whipple
Federal On Scene Coordinator
U.S. Coast Guard
Marine Safety Office - Honolulu
433 Ala Moana Blvd., Pier 4
Honolulu, Hawaii 96813-4909

Mr. Curtis Martin
State On Scene Coordinator
Office of Hazard Evaluation &
Emergency Response
Hawaii State Department of Health
918 Ala Moana Blvd., Room 206
Honolulu, Hawaii 96814-4912

Re: **Request for Termination of Response Activities
Under Authority of the Unified Command**

Gentlemen:

This letter is to request your concurrence that all response activities for the SPM Hose Spill Incident which occurred on or about August 24, 1998 (the "Spill") are terminated.

More than two months has elapsed since the Spill. Thirty-two (32) dead seabirds have been confirmed and twenty-one (21) seabirds have been captured, rehabilitated and released. Attached please find a calendar documenting the seabird surveys which have been conducted to date and a status chart describing the disposition of each of the above-referenced seabirds. With the release of the last four rehabilitated seabirds this past week, there are no seabirds at the bird rehabilitation center at Lihue, which has been demobilized with the concurrence of the Federal (U.S. Fish and Wildlife Services) and State (Department of Land and Natural Resources) trustees.

It is my understanding that the Federal and State trustees involved with the bird survey and capture operations are in agreement that—with the sole exception of Kaula Rock, over which there are apparent differences of opinion—no further bird survey and capture activities are to be conducted in connection with the Spill and that such response activities may be terminated. Given the continuing and frustrating logistical conflicts surrounding arrangements for a survey and capture trip to Kaula Rock, it does not appear that such an excursion will occur any time soon, if at all. Moreover, the rationale for seabird survey and capture activities on Kaula Rock, as a part of the response action, is, at best, tenuous at this late date and diminishes with each passing day.



TESORO

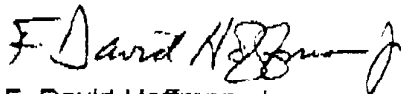
Tesoro Hawaii Corporation
733 Bishop Street, Suite 2700
P.O. Box 3379
Honolulu, Hawaii 96842-0001
808 547 3111
808 547 3145 Fax

Captain Frank Whipple
Mr. Curtis Martin
October 28, 1998
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**Re: Request for Termination of Response Activities
Under Authority of the Unified Command**

We, therefore, request that each of you, as members of the Unified Command, confirm the termination of all response activities, including, but not limited to, any further bird survey, search or rescue activities, related to the Spill, by separately signing in counterpart and returning a copy of this letter to me. I will, thereafter, arrange for the appropriate distribution of the signed documents to each of you. If you do not agree with our request, we earnestly ask that you confirm the extent to which response activities are complete and provide an explanation of the time and condition by which any other action must be completed before the response activities will be brought to an end.

Very truly yours,



F. David Hoffman, Jr.
Incident Commander

U. S. COAST GUARD

 11-19-98

Captain Frank Whipple
Federal On Scene Coordinator

HAWAII STATE DEPARTMENT OF HEALTH

Curtis Martin
State On Scene Coordinator

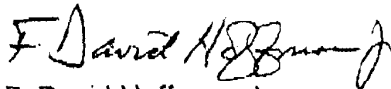
Original: Rose Chu / Corp. Records
bcc: Dennis Saito

Captain Frank Whipple
Mr. Curtis Martin
October 28, 1998
Page Two

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F. David Hoffman, Jr.
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U. S. COAST GUARD

Captain Frank Whipple
Federal On Scene Coordinator

HAWAII STATE DEPARTMENT OF HEALTH



Curtis Martin
State On Scene Coordinator

Original: Rose Chu / Corp. Records /
bcc: Dennis Saito

**SCHEDULE FOR SEABIRD SURVEYS
AND CAPTURE ACTIVITIES**

LOCATION	TASK
Mokapu Point	⇒ Conducted seabird survey and capture on 10/10/98 ⇒ Conducted seabird capture on 10/13/98 ⇒ Conducted seabird capture on 10/15/98 ⇒ Conducted seabird capture on 10/17/98
Kaena Point	⇒ Conducted shearwater bird survey on 10/7/98
Moku Manu	⇒ Conducted seabird survey on 9/19/98 ⇒ Conducted seabird capture on 10/9/98
Oahu Seabird Sanctuaries	⇒ Conducted seabird survey (Popoia & Mckulua Is.) on 9/4/98 ⇒ Conducted seabird survey on Manana, Kaohikaipu, Moku Lua, Popoia Is. on 10/12/98
Kilauea Point	⇒ Conducted seabird survey and capture on 10/11/98 ⇒ Conducted seabird capture on 10/13/98 ⇒ Conducted seabird capture on 10/15/98 ⇒ Conducted seabird capture on 10/17/98 ⇒ Conducted seabird capture on 10/22/98
Kaula Rock	⇒ No seabird survey has been conducted on Kaula Rock.