

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 28, 2020

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:19OD-136

Oahu

Second Amendment of Grant of Perpetual, Non-Exclusive Easement, Land Office Deed No. S-28,331, for Gas Lines Purposes and Issuance of Construction Right-of-Entry Permit at Honolulu, Oahu; Tax Map Key: (1) 1-2-021: portion of 035.

The purpose of the amendment is to expand the easement area.

APPLICANT:

The Gas Company, LLC a domestic limited liability company.

LEGAL REFERENCE:

Sections 171-13, 17, 55, and 95, Hawaii Revised Statutes ("HRS"), as amended.

LOCATION:

Portion of Government land situated at Honolulu, Oahu, Tax Map Key: (1) 1-2-021: portion of 035, as shown on the maps labeled **Exhibit A1** to **A3**.

AREA:

To be determined, subject to review and approval of the Department of Accounting and General Services ("DAGS"), Survey Division.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: I-2

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Requested area is presently unencumbered. The Gas Company, LLC holds the abutting easements under Land Office Deed No. S-28,331 (“LOD28331”) under which the character of use paragraph is “Right, privilege and authority to construct, reconstruct, use, maintain and repair or replace gas lines.”

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment for the requested subject area to be determined by independent appraisal and subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (“HAR”) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3 that states "Construction and location of single new, small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to: (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities." **See Exhibit B.**

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u> x </u>	NO <u> </u>
Registered business name confirmed:	YES <u> x </u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u> x </u>	NO <u> </u>

APPLICANT REQUIREMENTS:

1. Pay for an appraisal to determine one-time payment for expanded easement area;
2. Provide survey maps and descriptions according to State DAGS standards and at Applicant’s own cost; and
3. Process and obtain designation of easement approval from the Department of Planning and Permitting at Applicant's own cost.

BACKGROUND:

The Gas Company, LLC (“TGC”) uses a gas line transmission system starting from its production facility located in Campbell Industrial Park and continues into the downtown area. The transmission pipeline is required to be inspected pursuant to Federal pipeline safety standards for anomalies that may compromise the integrity of the pipeline.

On May 11, 2012, under Item D-5, the Board of Natural Resources (“Board”) granted approval to expand the easement area by 315 square feet under LOD28331 to accommodate a below-grade valve vault that would allow the entrance of an inspection probe and also allow for intermittent assembly of an onsite system to launch the probe into the pipeline. The probe can perform a multitude of tasks including cleaning, inspecting, product batching, etc. while the pipeline is still in service.

REMARKS:

TGC is asking for an additional area to convert the intermittent assembly launch system into a fixed system with added security features. The fixed system would ensure unimpeded accessibility with adequate workspace to perform the Federal regulatory inspections and would allow for more frequent transmission pipeline maintenance to ensure its integrity for reliable gas supply to its customers and for improved safety for its employees and the public.

According to TGC, the proposed launcher station will look like the temporary system in Exhibit A3 but will have increased security protection with fencing around the launcher station, warning signs around perimeter, all transmission valves will be locked out and tagged out in the below-grade valve vaults, the valve vault doors will be closed and locked when not in use, no gas will be flowing through the launcher when not in use, and an inspector will check fencing weekly for any breaks in security.

The proposed safety measures pertain to the same gas line system permitted in the easement. Therefore, staff does not believe any amendment to the character of use paragraph in the subject easement is necessary. Nevertheless, due to the additional area, staff brings up the request for the Board's consideration on further amendment. Upon approval, appraisal will be procured on the expanded area only.

In response to a request for comments the Division of Aquatic Resources, the Board of Water Supply and the Department of Design and Construction had no objections/comments and concurred to the proposed environmental assessment exemption. The Division of Wastewater Engineering and Construction had no comments. The Office of Conservation and Coastal Lands, State Historic Preservation Division, and the Office of Hawaiian Affairs have not responded to solicitation for comment before the response deadline.

The Gas Company, LLC requests a construction right-of-entry prior to the issuance of the easement document and staff has no objection to the request.

TGC has not had a lease, permit, easement or other disposition of State lands terminated

within the last five years due to non-compliance with such terms and conditions. There are no other pertinent issues or concerns.

RECOMMENDATION: That the Board:


1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore, exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the second amendment of the Grant of Non-exclusive Easement LOD28331 by expanding the easement area use under the terms and conditions cited above, and further subject to the following:
 - A. The standard terms and conditions of the most current amendment document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a construction right-of-entry permit to The Gas Company, LLC covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

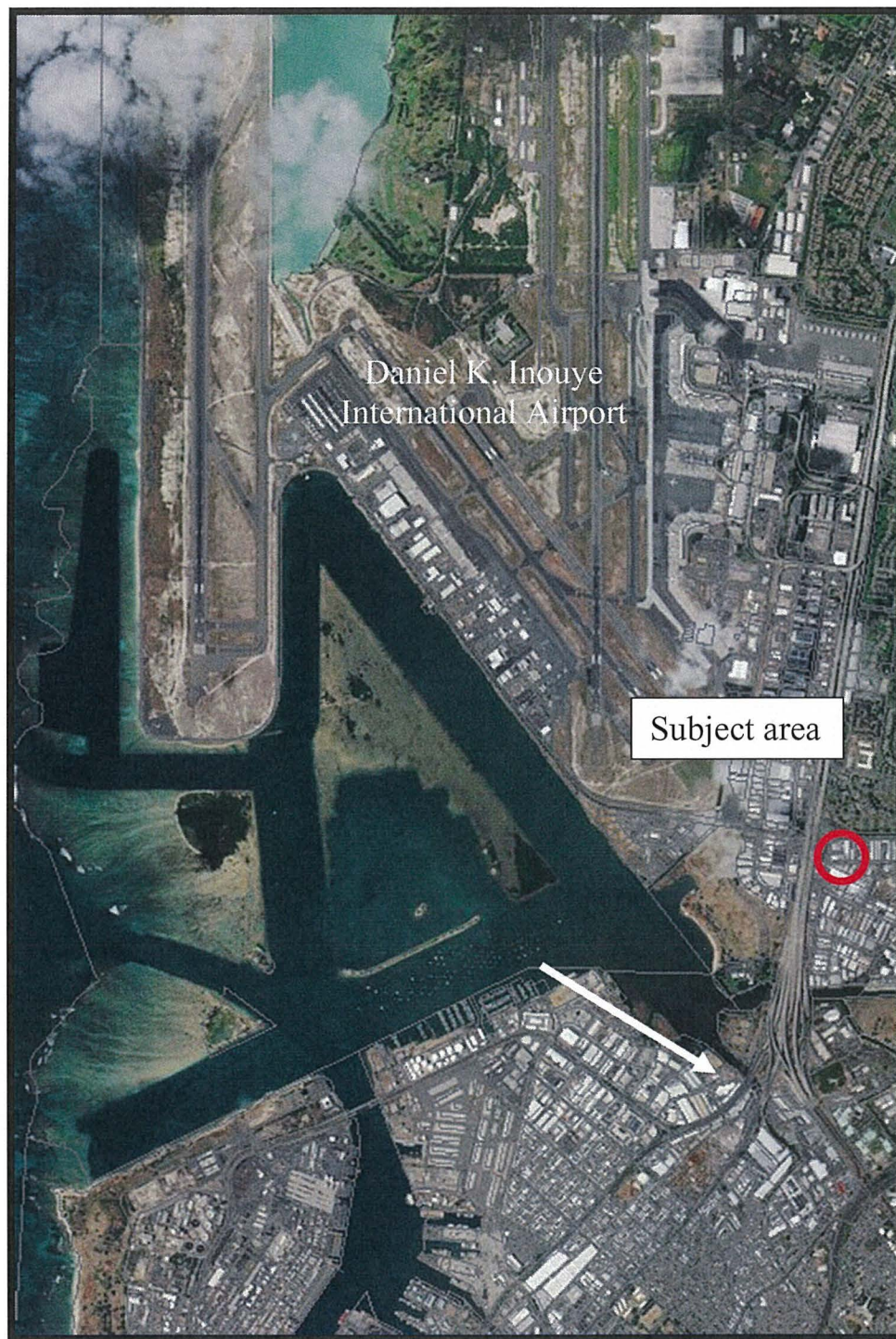
Respectfully Submitted,



Darlene Bryant-Takamatsu,
Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



(1) 1-2-021:portion of 035

Exhibit A1

Exhibit A2



Temporary Launcher System
(1) 1-2-021:portion of 035

Exhibit A3

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, Hawaii Administrative Rules.

Project Title:	Second Amendment of Grant of Perpetual, Non-Exclusive Easement, Land Office Deed No. S-28,331, for Gas Lines Purposes and Issuance of Construction Right-of-Entry Permit.
Reference No.:	PSF 19OD-136
Project Location:	Honolulu, Oahu; Tax Map Key: (1) 1-2-021:portion of 035.
Project Description:	Second Amendment of Grant of Perpetual, Non-Exclusive Easement for Gas Lines Purposes to expand the easement area.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with HAR § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3 that states, "Construction and location of single new, small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to: (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities.
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No. The area is not open for public use and has no known flora or fauna that would be affected by cumulative impact of successive action.
Action May Have Significant Impact on Particularly Sensitive Environment:	No. Any particularly sensitive environmental issues for the subject area were not brought to the attention of the Division.
Consulted Parties	Agencies as noted in the submittal.
Analysis:	Based on the above mentioned, staff believes there would be no significant impact to the environment.

Exhibit B

Recommendation:

That the Board finds this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.