

DAVID Y. IGE
GOVERNOR



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

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IN REPLY REFER TO:

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

HAWAII

ISSUANCE OF TWO (2) MONTH-TO-MONTH REVOCABLE PERMITS TO THE GAS COMPANY, LLC, FOR A NON-EXCLUSIVE SUBSURFACE EASEMENT FOR THE DISTRIBUTION OF PETROLEUM PRODUCTS AND A NON-EXCLUSIVE SUBSURFACE ELECTRICAL EASEMENT FOR THE TRANSMISSION OF ELECTRICITY TO BARGES, SITUATED ADJACENT TO PIERS 1-3, HILO HARBOR, HAWAII, TAX MAP KEY NO. (3) 2-1-009:007 (P), GOVERNOR'S EXECUTIVE ORDER NO. 3962

LEGAL REFERENCE:

Sections 171-6, 171-13, 171-17, 171-55, and 171-59, Hawaii Revised Statutes (HRS), as amended.

APPLICANT:

The Gas Company, LLC (Applicant) is a domestic limited liability company whose mailing address is 745 Fort Street, 18th Floor, Honolulu, Hawaii 96813.

CHARACTER OF USE:

Provide a non-exclusive subsurface easement for the distribution of petroleum products and a non-exclusive subsurface electrical easement for the transmission of electricity to barges that service the Applicant.

LOCATION:

Portion of governmental lands adjacent to Piers 1-3, Hilo Harbor, Hawaii, Tax Map Key No. (3) 2-1-009:007 (P), Governor's Executive Order No. 3962, as shown on the attached map labeled Exhibit A.

ITEM M-8

AREA: See attached Exhibit A

AREA	DESCRIPTION	TYPE	SQ. FT.	RATE PER SQ. FT.	MONTHLY RENTAL CHARGE	SECURITY DEPOSIT
1	Non-exclusive subsurface easement for the distribution of petroleum products	Improved Paved-land	8,613	\$ 0.15	\$ 1,291.95	\$ 2,583.90
2	Non-exclusive subsurface electrical easement for electricity transmission	Improved Paved-land	1,565	\$ 0.15	\$ 234.75	\$ 469.50

\$ 1,526.70	\$ 3,053.40
Total Monthly Rental	Total Security Deposit

CONSIDERATION:

Determined by appraisal as of March 20, 2019, for Revocable Permits in Hilo Harbor.

ZONING:

State Land Use Commission: Urban
County of Hawaii: MG-1a

COMMENCEMENT DATE:

To be determined by the Director of Transportation.

TRUST LAND STATUS:

Subsection 5(b) of the Hawaii Admission Act (ceded lands).

CURRENT USE STATUS:

The Applicant currently uses the premises. The Department of Transportation, Harbors Division (DOT Harbors), has been reviewing all month-to-month permits to ensure compliance with and applicability to Sections 171-17 and 171-55, HRS. The DOT Harbors is updating the Applicant's permit with current appraised rates and updated permit terms (as applicable).

LAND TITLE STATUS:

Acquired by the DOT Harbors, through eminent domain proceedings by issuance of Governor's Executive Order No. 3962.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action is exempt from Office of Environmental Quality Control (OEQC) requirements pursuant to Sub-Chapter 11-200.1, Hawaii Administrative Rules, that exempts the following:

Exemption Class 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 DOT Harbors will submit its publication request of this Exemption Notice to the OEQC for publication on the 8th of each month.

REMARKS:

The Applicant has been providing gas for consumers and businesses throughout the State of Hawaii since 1904. The Applicant's primary products are synthetic natural gas and propane which provide clean energy and are cost effective. The Applicant incorporates the use of liquefied natural gas and renewable natural gas which are clean and renewable fuel sources for the State of Hawaii.

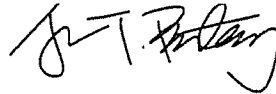
Currently, the Applicant has two (2) existing month-to-month permits at Hilo Harbor. The DOT Harbors has been reviewing all month-to-month permits to ensure compliance with and applicability to Sections 171-17 and 171-55, HRS.

The existing month-to-month permits for a non-exclusive subsurface easement for the distribution of petroleum products and a non-exclusive subsurface electrical easement for the transmission of electricity to barges were issued on January 1, 2004 and rent is currently \$150.75 and \$27.41 per month respectively. This submittal will update and renew the month-to-month permits which is compliant with Chapter 171, HRS.

RECOMMENDATION:

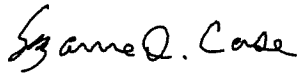
That the Board authorize the DOT Harbors to issue the Applicant two (2) month-to-month revocable permits for the above-stated purposes, subject to the terms and conditions outlined above and incorporated herein by reference, and such terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State.

Respectfully submitted,



JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson and Member
Board of Land and Natural Resources

Attachment: Exhibit A