



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

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 ELECTRICITY TRANSMISSION, SITUATED AT HILO HARBOR, ISLAND OF HAWAII, TAX MAP KEY NOS. (3) 2-1-009:007 (P), (3) 2-1-009:048 (P), AND (3) 2-1-009:060 (P), GOVERNOR'S EXECUTIVE ORDER NO. 3962

LEGAL REFERENCE:

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

APPLICANT:

The Gas Company, LLC (Applicant), is a domestic limited liability company whose business registration and mailing address is P.O. Box 3000, Honolulu, Hawaii 96802-3000.

CHARACTER OF USE:

Use of a non-exclusive subsurface pipeline easement for the distribution of petroleum products and a non-exclusive subsurface electrical easement for electricity transmission situated at Hilo Harbor.

LOCATION:

Portions of governmental lands situated at Hilo Harbor, Tax Map Key Nos. (3) 2-1-009:007 (P), (3) 2-1-009:048 (P), and (3) 2-1-009:060 (P), Governor's Executive Order No. 3962, as shown on the attached map labeled Exhibit A.

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 Land-paved	8,613	\$0.17	\$1,464.21	\$2,928.42
2	Non-exclusive subsurface electrical easement for electricity transmission	Improved Land-paved	1,565	\$0.17	\$266.05	\$532.10
					\$1,730.26	\$3,460.52
					Total Monthly Rental	Total Security Deposit

CONSIDERATION:

Determined by appraisal as of January 1, 2021, 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 the Department of Transportation.

TRUST LAND STATUS:

Public Land Trust Information System has TMK Nos. (3) 2-1-009:048 (P) and (3) 2-1-009:060 (P) listed as undetermined and TMK No. (3) 2-1-009:007 (P) listed as subsection 5(b) of the Hawaii Admission Act (ceded lands).

CURRENT USE STATUS:

The Applicant currently occupies the premises to assist in supporting the energy needs of Hawaii island.

LAND TITLE STATUS:

Acquired by the Department of Transportation, Harbors Division (DOTH), through eminent domain proceedings by issuance of Governor's Executive Order No. 3962.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This use is exempt from the Office of Environmental Quality Control requirements pursuant to Section 11-200.1, Hawaii Administrative Rules (HAR), which 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 DOTH deems the action as de minimis and exempts it from the preparation of an exemption notice in accordance with Section 11-200.1-16(b), HAR. The exemption declaration for the action described above is based on the Exemption List for the DOTH, reviewed, and concurred to by the Environmental Council on February 1, 2022.

REMARKS:

The Applicant has been providing gas for consumers and businesses throughout Hawaii since 1904 and has deep ties to the island community. The Applicant is the first in the state to capture and process biogases that are a byproduct from the City and County of Honolulu's Honouliuli Wastewater Treatment Plant, and turn them into clean burning biomethane. This facility produces enough energy for roughly 6,000 homes and reduces the need for 15,000 barrels of oil annually. The City and County of Honolulu also generates revenue by selling the accumulated biogas to the Applicant.

RECOMMENDATION:

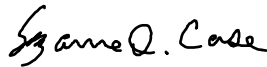
That the Board authorize the DOTH to issue the Applicant two (2) month-to-month Revocable Permits for the above-stated purposes, subject to the terms and conditions outlined above and incorporated herein by reference, and such terms and conditions as may be prescribed by the Director of Transportation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

Respectfully submitted,

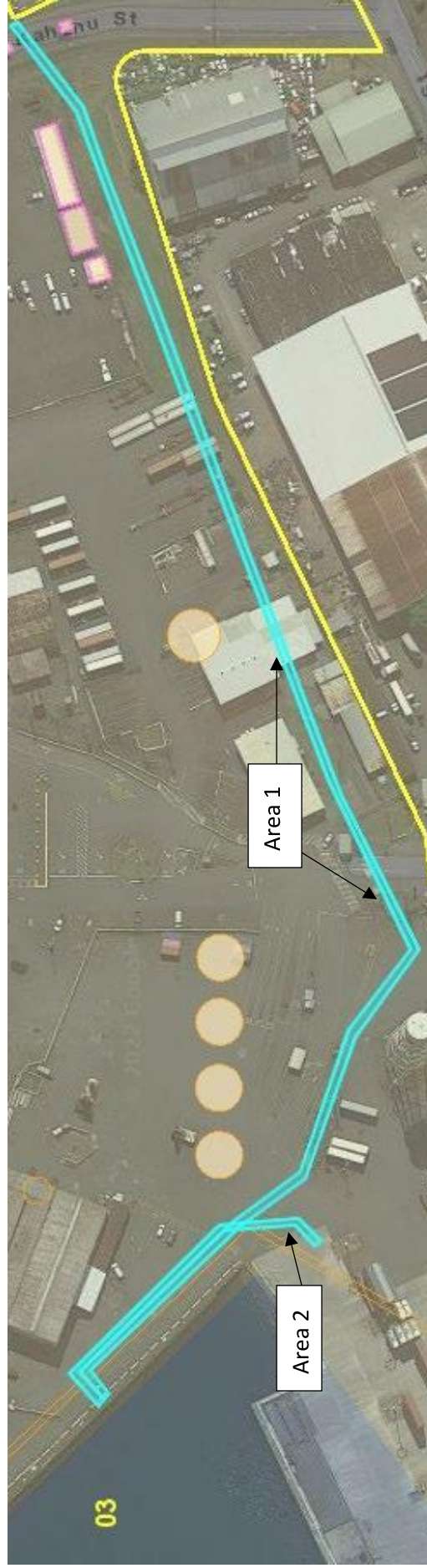


JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE CASE
Chairperson and Member
Board of Land and Natural Resources

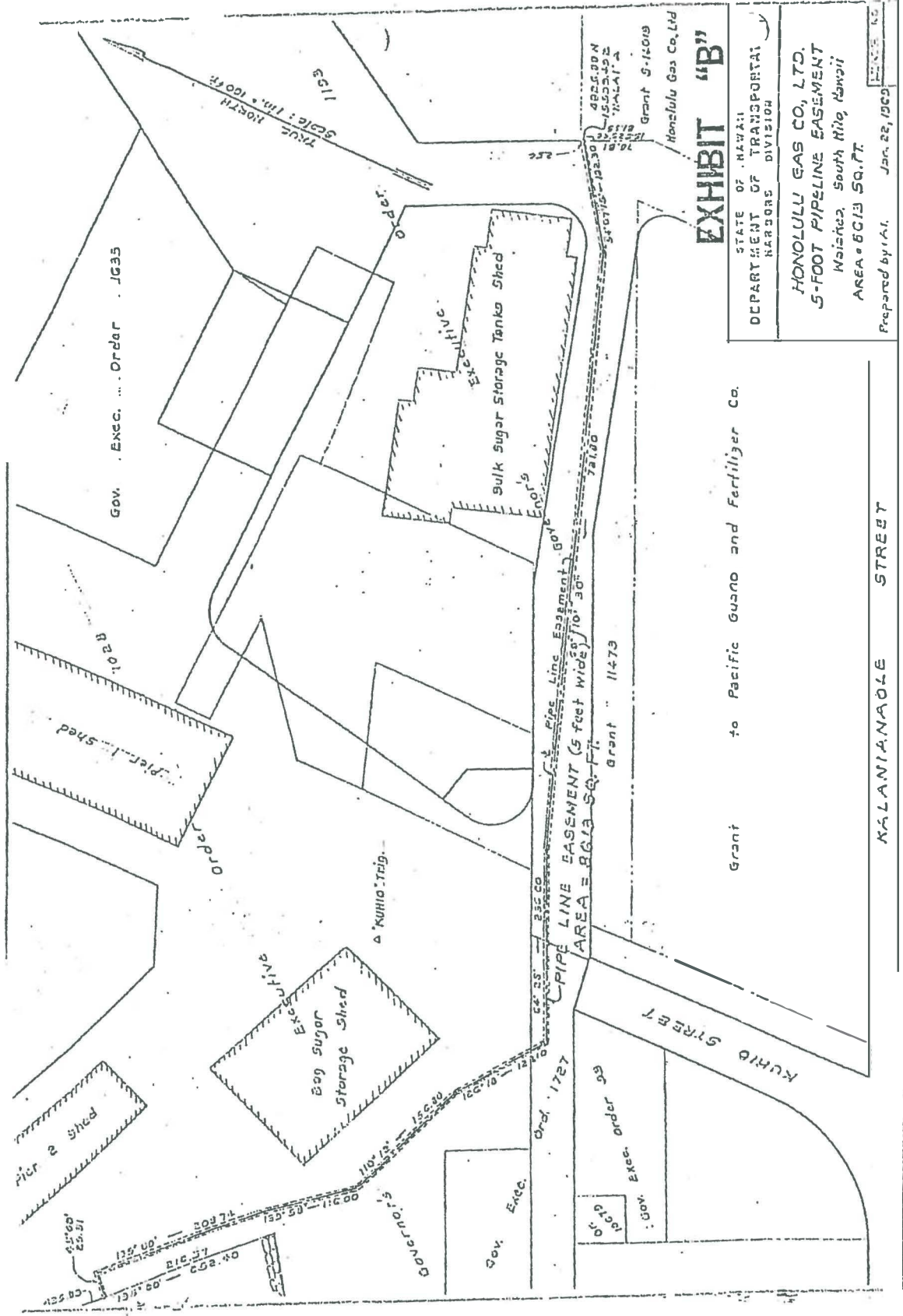


AREA	DESCRIPTION	TYPE	DIMENSIONS (FT.)		SQ. FT.
1	Non-exclusive subsurface easement for distribution of petroleum products	Improved Land-paved	5'	1,722.6'	8,613
2	Non-exclusive subsurface electrical easement for electricity transmission	Improved Land-paved	5'	313'	1,565

Exhibit B

The Gas Company, LLC
 Hilo Harbor, Piers 1-3

Area 1 - Non-exclusive subsurface easement for the distribution of petroleum products



Top Maps: 2-1-57 and 65

Exhibit B

Area 2 - Non-exclusive subsurface electrical easement for electricity transmission

