



**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

KAUAI

REQUEST TO AMEND HARBOR LEASE NO. H-94-1 ISSUED TO THE GAS COMPANY, LLC, TO REVISE THE AREA UNDER THIS LEASE TO INCLUDE A TOTAL OF 3,314.17 SQUARE FEET OF SUBSURFACE PIPELINES, CATHODIC BEDS, AND A VALVE BOX AT NAWILIWILI HARBOR, ISLAND OF KAUAI, TAX MAP KEY NOS. (4) 3-2-003:007 (P), (4) 3-2-003:041 (P), (4) 3-2-003:001 (P), AND (4) 3-2-003:051 (P), UNDER GOVERNOR'S EXECUTIVE ORDER NOS. 1332, 3134, AND 3411

LEGAL REFERENCE:

Sections 171-6, 171-11, 171-13, 171-17, 171-35, 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:

To allow Applicant to construct, install, maintain, and use the 8-inch and 4-inch pipelines and appurtenances for the storage and distribution of liquid petroleum gas.

LOCATION:

A portion of government lands situated at Nawiliwili Harbor, island of Kauai, Tax Map Key Nos. (4) 3-2-003:007 (P), (4) 3-2-003:041 (P), (4) 3-2-003:001 (P), and (4) 3-2-003:051 (P), Governor's Executive Order Nos. 1332, 3134, and 3411, as shown on the attached map labeled Exhibit A.

ZONING:

State Land Use Commission:	Urban
County of Kauai:	Unknown

ITEM M-9

AREA: See attached Exhibits A, B, and C

The original Lease area included a total of 3,144.84 square feet composed of 2,382.84 square feet for pipelines and 762 square feet for 4 cathodic beds. The Applicant removed 245.08 square feet of pipeline area (61.27 feet of pipeline with the easement being 4 feet wide) closest to the pier face and added 414.41 square feet for a valve box. The amended area includes 2,137.76 square feet for pipelines, 762 square feet for 4 cathodic beds, and 414.41 square feet for a valve box, for a total area of 3,314.17 square feet. There is a net increase in area of 169.33 square feet. The Applicant completed the work in December 2017.

CONSIDERATION:

Annual rental as determined by Fair Market Appraisal is \$3,620.00 per annum which includes the increase in area of 169.33 square feet for the reopening period of August 31, 2019, to September 8, 2023.

LAND TITLE STATUS:

Acquired by the Department of Transportation, Harbors Division (DOH), through Governor's Executive Order Nos. 1332, 3134, and 3411.

TRUST LAND STATUS:

Public Land Trust Information System lists TMK No. (4) 3-2-003:041 (P) as undetermined, TMK No. (4) 3-2-003:001 (P) as subsection 5(a) (non-ceded lands), and TMK Nos. (4) 3-2-003:007 (P) and (4) 3-2-003:051 (P) as subsection 5(b) (ceded lands).

CURRENT USE STATUS:

The non-exclusive subsurface easement areas are used for the construction, installation, maintenance, use and repair of pipelines and appurtenances for the storage and distribution of liquid petroleum gas.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action 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 2: Replacement or reconstruction of existing structures and facilities where the new structure will be located, generally on the same site, and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced.”

The DOH 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:

Background

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 biproduct 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.

Appraisal and Lease Terms

The Applicant is requesting an amendment to Harbor Lease No. H-94-1, to reflect the changes that were completed in December 2017 to the Lease area due to the soil settlement issues at Pier 3 in Nawiliwili Harbor. DOTH and the Applicant have agreed to the reopening rental rate for the period August 31, 2019, to September 8, 2023, by Fair Market Appraisal Report, as stated above.

RECOMMENDATION:

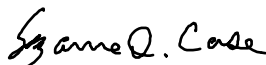
That the Board authorize the issuance of an Amendment of Harbor Lease No. H-94-1 for the purposes cited above, subject to the terms and conditions outlined above and incorporated herein by reference, and such terms and conditions of the most current amendment of Lease form, as may be amended from time to time; reviewed and approved by the Department of the Attorney General; and such other 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

PIPELINE EASEMENT

LAND SITUATED WITHIN NAWILIWILI PIER, HARBORS PROPERTY
AT NAWILIWILI, KAUAI

Being an Easement Four (4) Feet Wide, for Pipeline Purposes
and

Extending Two (2) Feet on Each Side of the Following
Described Centerline:

FOR PIPELINE PURPOSES:

Being a portion of Harbors Property, Nawiliwili Pier,
Nawiliwili, Kauai County, Hawaii, and beginning on the
centerline at the Southeasterly end of this easement thence
running by azimuths measured clockwise from true south:

1.	74° 13'	119.25 feet	revised below, delete 61.27 ft
2.	164° 13'	160.33 feet	
3.	119° 13'	42.66 feet	
4.	74° 13'	46.83 feet	
5.	164° 13'	35.83 feet	
6.	127° 56'	162.81 feet	
7.	164° 13'	28.00 feet;	to the Northeasterly end of this Easement.

~~AREA: 2,382.84 Square Feet~~

Revised

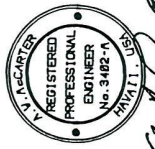
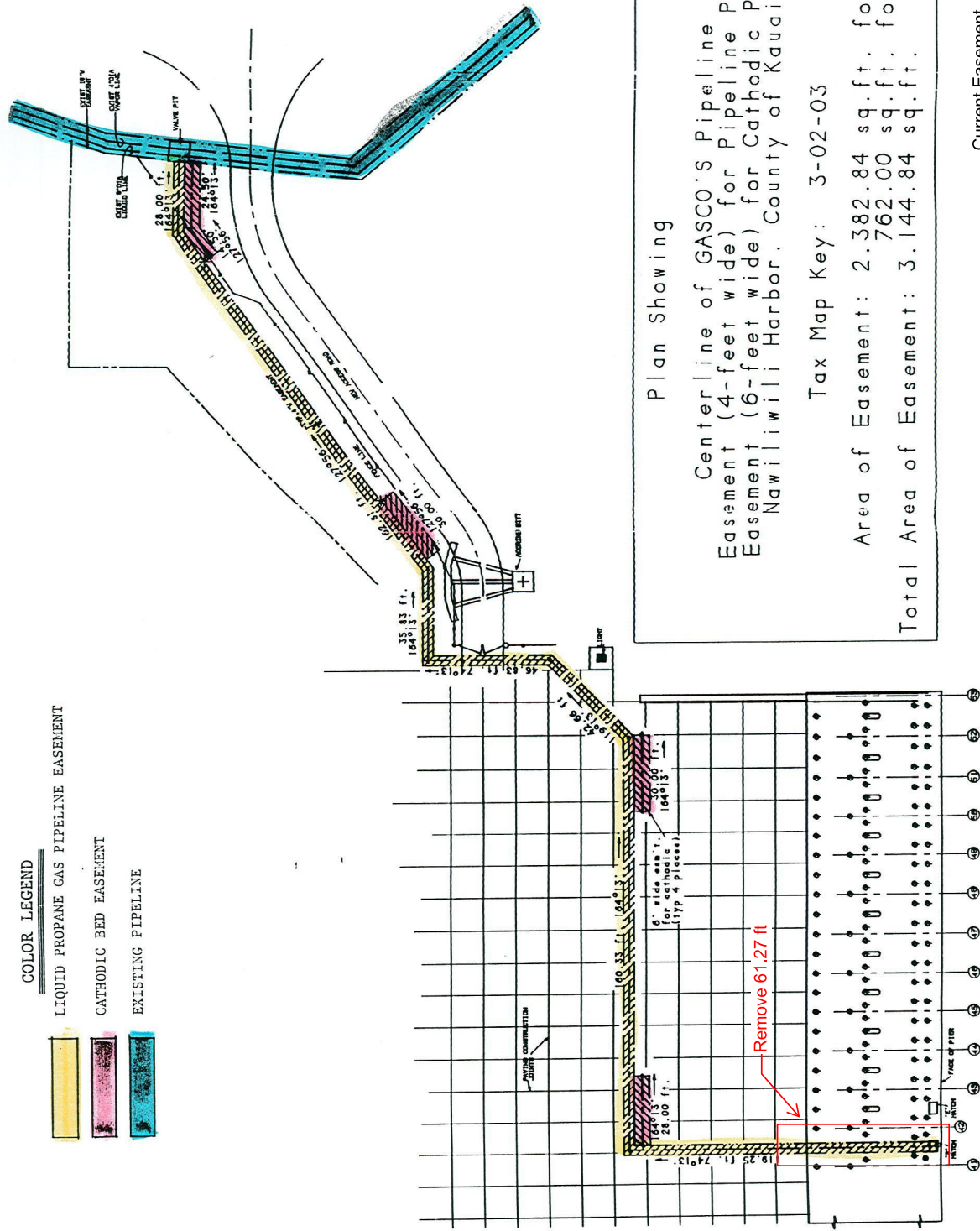
1. 74° 13' 57.98 feet

REVISED PIPELINE AREA: 2,137.76 Square Feet

EXHIBIT "A"

COLOR LEGEND

- LIQUID PROPANE GAS PIPELINE EASEMENT
- CATHODIC BED EASEMENT
- EXISTING PIPELINE



W. M. Carter
 Date: 12/15/95

Plan Showing

Centerline of GASCO'S Pipeline Easement (4-foot wide) for Pipeline Purposes
 Easement (6-foot wide) for Cathodic Purposes
 Nawiliwili Harbor, County of Kauai

Tax Map Key: 3-02-03

Area of Easement: 2,382.84 sq.ft. for pipelines
 762.00 sq.ft. for cathodic

Total Area of Easement: 3,144.84 sq.ft.

Current Easement

EXHIBIT "B"

NO.	DATE	BY	REVISIONS

This work was prepared by the author or under his direct supervision and he is a duly Licensed Professional Engineer in the State of Hawaii. He is not providing any services or performing any work under any other contract or agreement with the client or any other party.

INSYNERGY ENGINEERING

1515 Kalia Road, Suite 200, Honolulu, Hawaii 96813
Phone: (808) 521-4773 Fax: (808) 521-4300

HAWAII GAS LPG PIPING REROUTE
PIER 3, NAWILIWILI HARBOR, HAWAII

MECHANICAL PLAN - NEW WORK

Designed: LK	Drawn: ISE
Checked: BAO	Date: 2/9/2016
Job No.: 13-066	Sheet: M-3
Of — Sheets —	

