

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO

IN REPLY REFER TO:

HAR-PM.0002498.24

January 10, 2024

TO: DAWN N. S. CHANG, CHAIRPERSON
DEPARTMENT OF LAND AND NATURAL RESOURCES

FROM: EDWIN H. SNIFFEN *Ed H.*
DIRECTOR OF TRANSPORTATION

SUBJECT: LAND BOARD SUBMITTAL
AUTHORIZE A ONE-YEAR HOLDOVER FOR HARBOR LEASE
NO. H-89-2, TO IES DOWNSTREAM, LLC, SUCCESSOR TO CHEVRON
U.S.A. INC., FOR NON-EXCLUSIVE EASEMENTS FOR SUBSURFACE
FUEL PIPELINES, SURFACE FUEL PIPELINE, AND ANODE BEDS,
SITUATED AT KAHULUI HARBOR, ISLAND OF MAUI, TAX MAP KEY
NOS. (2) 3-7-010:003 (P) and (2) 3-7-010:006 (P), GOVERNOR'S EXECUTIVE
ORDER NOS. 2635 and 2986

We respectfully request your approval and signature to the enclosed submittal. Please have submittal placed on the next Land Board agenda.

Should you have any questions, please contact Mr. Eric Leong, Harbors Property Manager, at (808) 587-1943 or by email at eric.leong@hawaii.gov.

Enclosures



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

January 10, 2024

Ms. Dawn N. S. Chang, Chairperson
Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii 96813

Dear Ms. Chang:

MAUI

Authorize a one-year holdover for Harbor Lease No. H-89-2 to IES Downstream, LLC, successor to Chevron U.S.A. Inc., for non-exclusive easements for subsurface fuel pipelines, surface fuel pipeline, and anode beds, situated at Kahului Harbor, island of Maui, Tax Map Key (TMK) Nos. (2) 3-7-010:003 (P) and (2) 3-7-010:006 (P), Governor's Executive Order Nos. 2635 and 2986.

LEGAL REFERENCE:

Hawaii Revised Statutes, Sections 171-6, 171-35, 171-36, 171-40, and 171-59.

APPLICANT:

IES Downstream, LLC (Applicant), is a foreign profit corporation whose mailing address is 91-480 Malakole Street, Kapolei, Hawaii 96707.

CHARACTER OF USE:

The non-exclusive easement area shall be used solely for the construction, installation, maintenance, use and repair of subsurface fuel pipelines, surface fuel pipeline, and anode beds, for the distribution of petroleum fuels to the people of Maui. No other use shall be permitted, except upon the written approval of the lessor.

ONE-YEAR HOLDOVER PERIOD:

February 20, 2024, and expires February 19, 2025

LOCATION:

Portion of Governmental lands at Kahului Harbor, island of Maui, TMK Nos. (2) 3-7-010:003 (P) and (2) 3-7-010:006 (P), as shown on the enclosed map labeled Exhibit A.

Ms. Dawn N. S. Chang, Chairperson
January 10, 2024
Page 2

AREA: See enclosed Exhibit A

Subsurface Fuel Pipeline easements (7)	14,445 square feet
Surface Fuel Pipeline easement (1)	4,063 square feet
Subsurface Anode Bed easements (3)	673 square feet

CONSIDERATION:

One-year holdover: Annual rental of \$50,211.20.

ZONING:

State Land Use Commission: Urban
County of Maui: M-2 (Heavy Industrial)

TRUST LAND STATUS:

Public Land Trust Information System states trust land status for TMK No. (2) 3-7-010:003 (P) as undetermined and TMK No. (2) 3-7-010:006 (P) as Subsection 5 (a) of the Hawaii Admission Act (non-ceded lands).

CURRENT USE STATUS:

The Applicant currently occupies the premises under Harbor Lease No. H-89-2, for subsurface fuel pipelines, surface fuel pipeline, and anode beds, for the distribution of petroleum fuels to the people of Maui. No other use shall be permitted, except upon the written approval of the lessor.

LAND TITLE STATUS:

Under the control and management of the State of Hawaii, Department of Transportation (HDOT), through issuance of Governor's Executive Order Nos. 2635 and 2986.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This use is exempt from the Office of Planning and Sustainable Development, and Environmental Review Program requirements pursuant to Hawaii Administrative Rules (HAR), Subchapter 11-200.1, that exempts the following:

“Exemption Type 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 HDOT deems the action as de minimis and exempts it from the preparation of an exemption notice in accordance with HAR, Section 11-200.1-16 (b). The exemption declaration for the action described above, is based on the Exemption List for the HDOT, reviewed and concurred to by the Environmental Advisory Council on February 1, 2022, is as follows:

Ms. Dawn N. S. Chang, Chairperson
January 10, 2024
Page 3

Exemption Type 1, Part 1:

- No. A6.d. "Repair or maintain existing structures or facilities located in or above the water necessary for the continued function and use, and to meet current local, state, and federal standards and regulations, and as permitted by the United States (U.S.) Army Corps of Engineers and U.S. Coast Guard. Structures include but not limited to: fuel and other pipelines, hatch frames, manifolds, utilities, manholes, covers and other similar structures."

Exemption Type 8, Part 1:

- No. 8g. "Creation or extension of leases, revocable permits or easements involving negligible or minor expansion or change of use beyond that previously existing."

REMARKS:

The Applicant currently occupies the premises under Harbor Lease No. H-89-2, which will expire on February 19, 2024. The Applicant wishes to continue occupancy. The Applicant's easement area is situated at Kahului Harbor for the distribution of petroleum fuels for the people on the island of Maui.

RECOMMENDATION:

Based on this submittal, testimony and facts presented, the HDOT recommends that the Board finds that approving the authorization of a one-year hold over for Harbor Lease No H-89-2 for the period of February 20, 2024, to February 19, 2025, to the Applicant including its conditions and rent, under the terms and conditions cited above, which are referenced herein and further subject to the following: (1) The standard terms and conditions of the most current holdover of lease form, as it may be amended from time to time; (2) review and approval by the Department of the Attorney General; and (3) such other terms and conditions as may be prescribed by the Director of Transportation to best serve the interest of the State.

Sincerely,



EDWIN H. SNIFFEN
Director of Transportation

APPROVED FOR SUBMITTAL:



DAWN N. S. CHANG, Chairperson

Enclosures

Exhibit A

Easements A through K

(FOR CHEVRON'S CARGO LINES PURPOSES, UNDERGROUND)

LAND SITUATED AT KAHULUI, WAILUKU, ISLAND OF MAUI,
HAWAII.

Being a portion of Government Land at Kahului Harbor.

Beginning at the northeast corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being 5,885.39 feet North and 11,064.82 feet East, thence running by azimuths measured clockwise from true South:

1. 27° 30' 10.00 feet along the remainder of government land;
2. 117° 30' 40.14 feet along the remainder of government land;
3. 42° 11' 08" 71.35 feet along the remainder of government land;
4. 176° 17' 36" 13.93 feet along the remainder of government land;
5. 222° 11' 08" 69.37 feet along the remainder of government land;

EASEMENT "A"
1 of 2

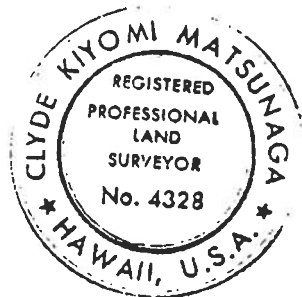
6. 297° 30

47.86 feet along the remainder of government
land to the point of beginning
and containing an area of 1,144
Square Feet.

Tax Map Key: 3rd Div. 3-7-10: portions of 13 and 28

November 19, 1987

IMATA AND ASSOCIATES, INC.
171 Kapiolani Street
Hilo, Hawaii 96720



Clyde K. Matsunaga

Clyde K. Matsunaga
Registered Professional Surveyor
Certificate No. 4328

EASEMENT "B"

(FOR CHEVRON'S CARGO LINES PURPOSES, ABOVE GROUND)

LAND SITUATED AT KAHULUI, WAILUKU, ISLAND OF MAUI,
HAWAII.

Being a portion of Government Land at Kahului Harbor.

Beginning at the northwest corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being 5,763.60 feet North and 10,730.79 feet East, thence running by azimuths measured clockwise from true South:

1. 302° 23' 26.60 feet along the remainder of government land;
2. 266° 07' 53.68 feet along the remainder of government land;
3. 216° 38' 49.40 feet along the remainder of government land;
4. 265° 55' 7.23 feet along the remainder of government land;
5. 175° 55' 8.06 feet along the remainder of government land;

6. 241° 32' 30" 62.00 feet along the remainder of government
land;
7. 252° 04' 82.35 feet along the remainder of government
land;
8. 356° 17' 36" 13.93 feet along the remainder of government
land;
9. 72° 04' 77.69 feet along Lot 2-B (CSF 16,518);
10. 61° 32' 30" 58.32 feet along Lot 2-B (CSF 16,518);
11. 36° 38' 62.97 feet along Lot 2-B (CSF 16,518);
12. 86° 07' 82.36 feet along Lot 1-B;
13. 212° 30' 0.14 of a foot along the remainder of government
land;
14. 122° 30' 3.00 feet along the remainder of government
land;
15. 212° 30' 5.00 feet along the remainder of government
land;
16. 122° 30' 13.49 feet along the remainder of government
land;
17. 212° 30' 5.00 feet along the remainder of government
land;

EASEMENT "B"
2 of 3

18. $212^{\circ} 23'$ 14.00 feet along the remainder of government
land to the point of beginning
and containing an area of 4,063
Square Feet.

Tax Map Key: 3rd Div. 3-7-10: portion of 6

November 19, 1987

IMATA AND ASSOCIATES, INC.
171 Kapiolani Street
Hilo, Hawaii. 96720



Clyde K. Matsunaga

Clyde K. Matsunaga
Registered Professional Surveyor
Certificate No. 4328

EASEMENT "C"

(FOR CHEVRON'S CARGO LINES PURPOSES, UNDERGROUND)

LAND SITUATED AT KAHULUI, WAILUKU, ISLAND OF MAUI,
HAWAII.

Being a portion of Government Land at Kahului Harbor.

Beginning at the northeast corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being 5,760.22 feet North and 10,728.65 feet East, thence running by azimuths measured clockwise from true South:

1. 32° 23' 10.00 feet along the remainder of government land;
2. 122° 23' 291.29 feet along the remainder of government land;
3. 167° 23' 58.14 feet along the remainder of government land;
4. 122° 23' 191.93 feet along the remainder of government land;
5. 212° 23' 10.00 feet along the remainder of government land;

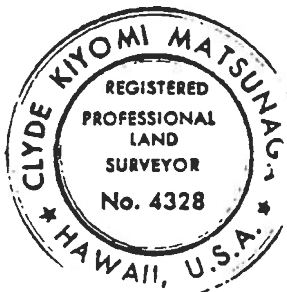
EASEMENT "C"
1 of 2

6. 302° 23' 196.07 feet along the remainder of government land;
7. 347° 23' 58.14 feet along the remainder of government land;
8. 302° 23' 287.15 feet along the remainder of government land to the point of beginning and containing an area of 5,414 Square Feet.

Tax Map Key: 3rd Div. 3-7-10: portion of 6

November 19, 1987

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171 Kapiolani Street
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EASEMENT "D"

(FOR CHEVRON'S CARGO LINES PURPOSES, ANODE BEDS)

LAND SITUATED AT KAHULUI, WAILUKU, ISLAND OF MAUI,
HAWAII.

Being a portion of Government Land at Kahului Harbor.

Beginning at the most westerly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being 5,960.68 feet North and 10,401.57 feet East, thence running by azimuths measured clockwise from true South:

1. 122° 23' 4.00 feet along the remainder of government
land;
2. 212° 23' 37.00 feet along the remainder of government
land;
3. 302° 23' 4.00 feet along the remainder of government
land;

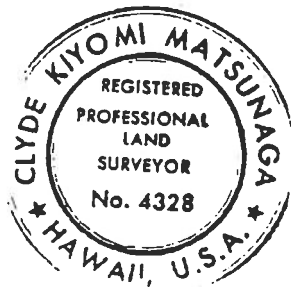
EASEMENT "D"
1 of 2

4. 32° 23' 37.00 feet along the remainder of government land to the point of beginning and containing an area of 148 Square Feet.

Tax Map Key: 3rd Div. 3-7-10: portion of 6

November 19, 1987

IMATA AND ASSOCIATES, INC.
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Hilo, Hawaii 96720



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EASEMENT "E"

(FOR CHEVRON'S CARGO LINES PURPOSES, UNDERGROUND, ONE PIPELINE)

LAND SITUATED AT KAHULUI, WAILUKU, ISLAND OF MAUI,
HAWAII.

Being a portion of Government Land at Kahului Harbor.

Beginning at the most southerly corner of this easement and on Kahului Harbor, Pier 1, Bulkhead Line, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being 5,985.07 feet North and 10,260.43 feet East, thence running by azimuths measured clockwise from true South:

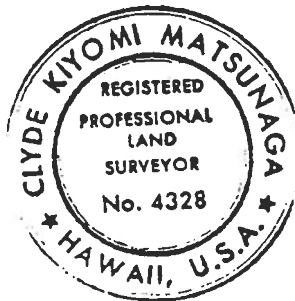
1. 122° 22' 49" 8.50 feet on Kahului Harbor, Pier 1,
 Bulkhead Line;
2. 212° 23' 92.00 feet along the remainder of government
 land;
3. 302° 23' 8.50 feet along the remainder of government
 land;

4. 32° 23' 92.00 feet along the remainder of government
land to the point of beginning
and containing an area of 782
Square Feet.

Tax Map Key: 3rd Div. 3-7-10: portions of 6 and 18

November 19, 1987

IMATA AND ASSOCIATES, INC.
171 Kapiolani Street
Hilo, Hawaii 96720



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EASEMENT "E"
2 of 2

EASEMENT "F"

(FOR CHEVRON'S CARGO LINES PURPOSES, UNDERGROUND, FOUR PIPELINES)

LAND SITUATED AT KAHULUI, WAILUKU, ISLAND OF MAUI,
HAWAII.

Being a portion of Government Land at Kahului Harbor.

Beginning at the most westerly corner of this easement and on Kahului Harbor, Pier 1, Bulkhead Line, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being 5,999.80 feet North and 10,237.20 feet East, thence running by azimuths measured clockwise from true South:

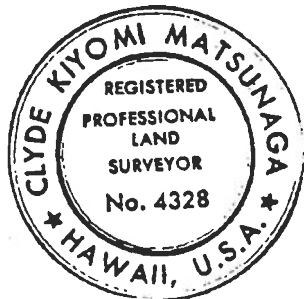
1. 212° 23' 102.00 feet along the remainder of government land;
2. 302° 23' 19.00 feet along the remainder of government land;
3. 32° 23' 10.00 feet along the remainder of government land;
4. 122° 23' 7.00 feet along the remainder of government land;
5. 32° 23' 92.00 feet along the remainder of government land;

6. $122^{\circ} 22' 49''$ 12.00 feet on Kahului Harbor, Pier 1,
Bulkhead Line to the point of
beginning and containing an area
of 1,294 Square Feet.

Tax Map Key: 2nd Div. 3-7-10: portions of 6 and 18

November 19, 1987

IMATA AND ASSOCIATES, INC.
171 Kapiolani Street
Hilo, Hawaii 96720



Clyde K. Matsunaga
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Certificate No. 4328

EASEMENT "G"

(FOR CHEVRON'S CARGO LINES PURPOSES, ANODE BEDS)

LAND SITUATED AT KAHULUI, WAILUKU, ISLAND OF MAUI,
HAWAII.

Being a portion of Government Land at Kahului Harbor.

Beginning at the northwest corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being 5,740.75 feet North and 10,705.32 feet East, thence running by azimuths measured clockwise from true South:

1. 274° 43' 8.00 feet along the remainder of government land;
2. 4° 43' 40.00 feet along the remainder of government land;
3. 32° 30' 17.16 feet along the remainder of government land;

EASEMENT "G"
1 of 2

4. 184° 43' 55.18 feet along the remainder of government land to the point of beginning and containing an area of 381 Square Feet.

Tax Map Key: 3rd Div. 3-7-10: portions of 3 and 6

November 19, 1987

IMATA AND ASSOCIATES, INC.
171 Kapiolani Street
Hilo, Hawaii. 96720



Clyde K. Matsunaga
Clyde K. Matsunaga
Registered Professional Surveyor
Certificate No. 4328

EASEMENT "H"

(FOR CHEVRON'S CARGO LINES PURPOSES)

LAND SITUATED AT KAHULUI, WAILUKU, ISLAND OF MAUI,
HAWAII.

Being a portion of Government Land at Kahului Harbor.

Beginning at the northeast corner of this easement and on the westerly boundary of Lot 1-B, the direct azimuth and distance from the northwest corner of Lot 1-B being: $5^{\circ} 00'$ 53.38 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being 5,679.96 feet North and 10,708.95 feet East, thence running by azimuths measured clockwise from true South:

1. $32^{\circ} 30'$ 89.77 feet along the remainder of government land;
2. $3^{\circ} 30'$ 60.71 feet along the remainder of government land;
3. Thence along the remainder of government land on a curve to the right with a radius of 563.00 feet, the chord azimuth and distance being:
 $12^{\circ} 02' 52''$ 167.36 feet;

EASEMENT "H"
1 of 3

4. $41^{\circ} 42' 17''$ 141.86 feet along the remainder of government
land;
5. $122^{\circ} 30'$ 10.13 feet along the remainder of government
land;
6. $221^{\circ} 42' 17''$ 141.61 feet along the remainder of government
land;
7. Thence along the remainder of government land on a curve to
the left with a radius of 553.00
feet, the chord azimuth and
distance being:
 $191^{\circ} 57' 06''$ 162.55 feet;
8. $183^{\circ} 30'$ 63.29 feet along the remainder of government
land;
9. $212^{\circ} 30'$ 111.57 feet along the remainder of government
land;

10. 5° 00' 21.65 feet along Lot 1-B to the point of beginning and containing an area of 4,699 Square Feet.

Tax Map Key: 2nd Div. 3-7-10: portion of 3

November 19, 1987

IMATA AND ASSOCIATES, INC.
171 Kapiolani Street
Hilo, Hawaii 96720



Clyde K. Matsunaga
Clyde K. Matsunaga
Registered Professional Surveyor
Certificate No. 4328

EASEMENT "I"

(FOR CHEVRON'S CARGO LINES PURPOSES, UNDERGROUND, ONE PIPELINE)

LAND SITUATED AT KAHULUI, WAILUKU, ISLAND OF MAUI,
HAWAII.

Being a portion of Government Land at Kahului Harbor.

Beginning at the northwest corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being 5,317.56 feet North and 10,470.60 feet East, thence running by azimuths measured clockwise from true South:

1. 302° 30' 62.36 feet along the remainder of government land;
2. 41° 42' 17" 6.08 feet along the remainder of government land;
3. 122° 30' 61.39 feet along the remainder of government land;

EASEMENT "I"
1 of 2

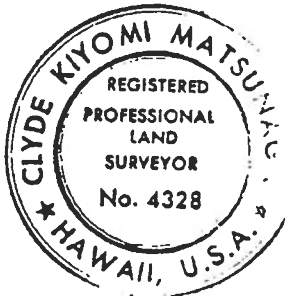
4. 212° 30'

6.00 feet along the remainder of government
land to the point of beginning
and containing an area of 371
Square Feet.

Tax Map Key: 2nd Div. 3-7-10: portion of 3

November 19, 1987

IMATA AND ASSOCIATES, INC.
171 Kapiolani Street
Hilo, Hawaii 96720



Clyde K. Matsunaga

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Certificate No. 4328

EASEMENT "J"

(FOR CHEVRON'S CARGO LINES PURPOSES, UNDERGROUND, 4 PIPELINES)

LAND SITUATED AT KAHULUI, WAILUKU, ISLAND OF MAUI,
HAWAII.

Being a portion of Government Land at Kahului Harbor.

Beginning at the southwest corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being 5,300.68 feet North and 10,459.85 feet East, thence running by azimuths measured clockwise from true South:

1. 212° 30' 10.00 feet along the remainder of government land;
2. 302° 30' 60.74 feet along the remainder of government land;
3. 221° 42' 17" 4.06 feet along the remainder of government land;
4. 302° 30' 10.13 feet along the remainder of government land;
5. 41° 42' 17" 14.19 feet along the remainder of government land;

EASEMENT "J"
1 of 2

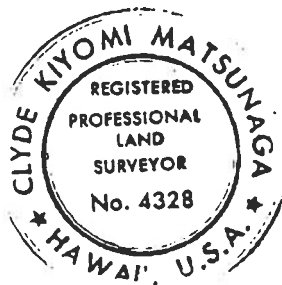
6. 122° 30'

69.25 feet along the remainder of government
land to the point of beginning
and containing an area of 741
Square Feet.

Tax Map Key: 2nd Div. 3-7-10: portion of 3

November 19, 1987

IMATA AND ASSOCIATES, INC.
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Hilo, Hawaii 96720



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Certificate No. 4328

EASEMENT "K"

(FOR CHEVRON'S CARGO LINES PURPOSES, ANODE BEDS)

LAND SITUATED AT KAHULUI, WAILUKU, ISLAND OF MAUI,
HAWAII.

Being a portion of Government Land at Kahului Harbor.

Beginning at the southwest corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being 5,403.13 feet North and 10,581.71 feet East, thence running by azimuths measured clockwise from true South:

1. $212^{\circ} 30'$ 4.00 feet along the remainder of government land;
2. $302^{\circ} 30'$ 35.86 feet along the remainder of government land;
3. Thence along the remainder of government land on a curve to the right with a radius of 553.00 feet, the chord azimuth and distance being:
 $20^{\circ} 17' 34''$ 2.13 feet;

EASEMENT "K"
1 of 2

4. $41^{\circ} 42' 17''$ 1.94 feet along the remainder of government land;
5. $122^{\circ} 30'$ 36.00 feet along the remainder of government land to the point of beginning and containing an area of 144 Square Feet.

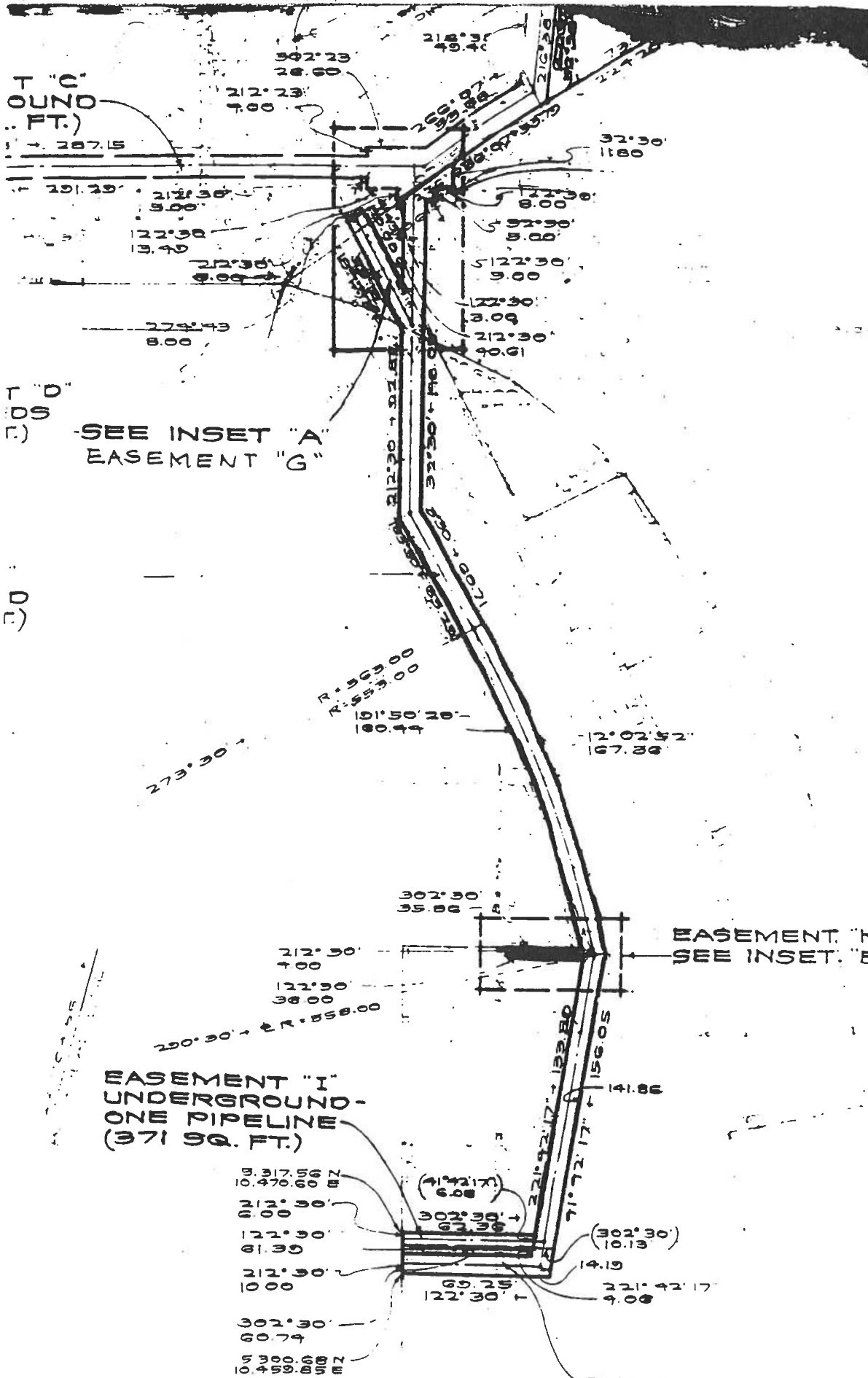
Tax Map Key: 2nd Div. 3-7-10: portion of 3

November 19, 1987

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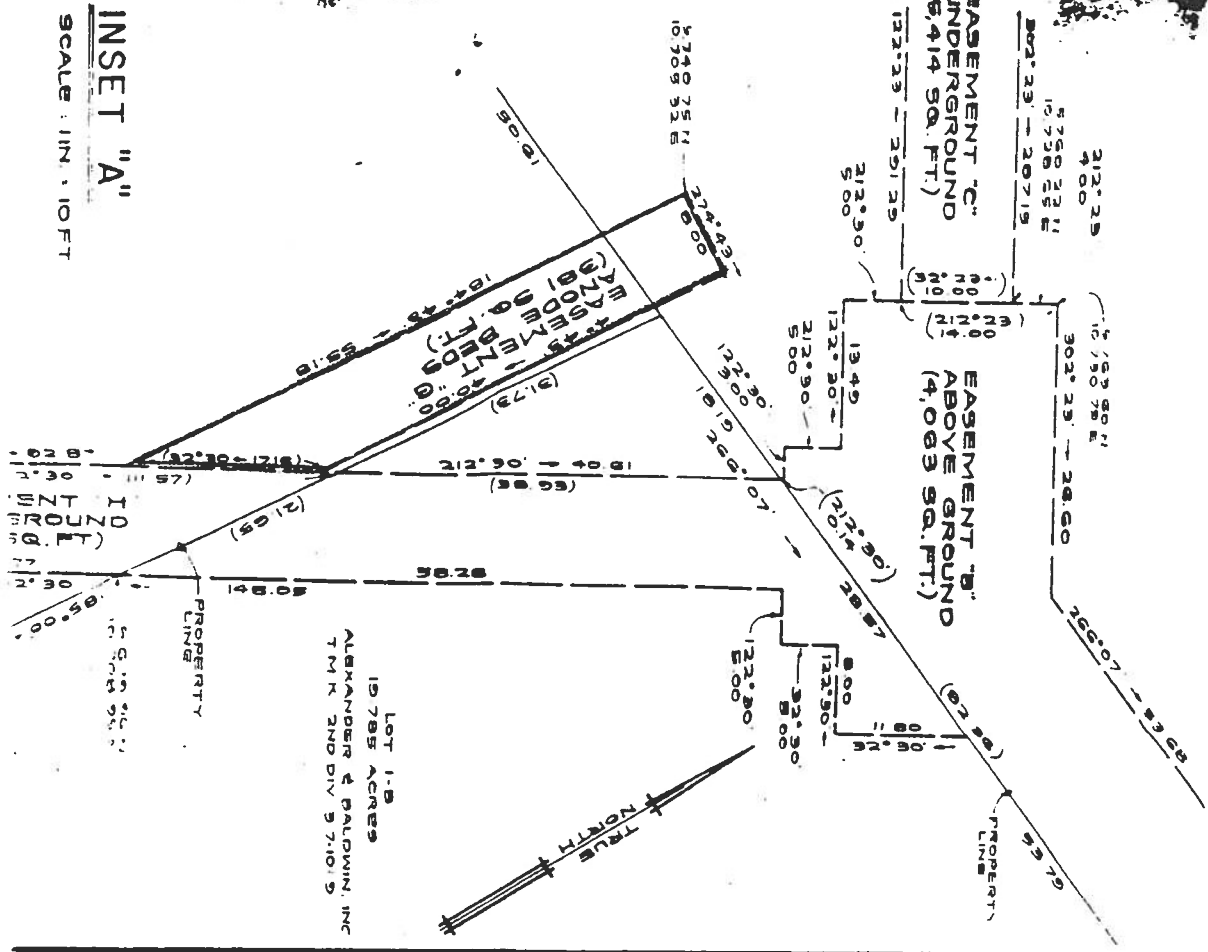
-SEE INSET "A"
EASEMENT "G"

EASEMENT "K"
SEE INSET "E"

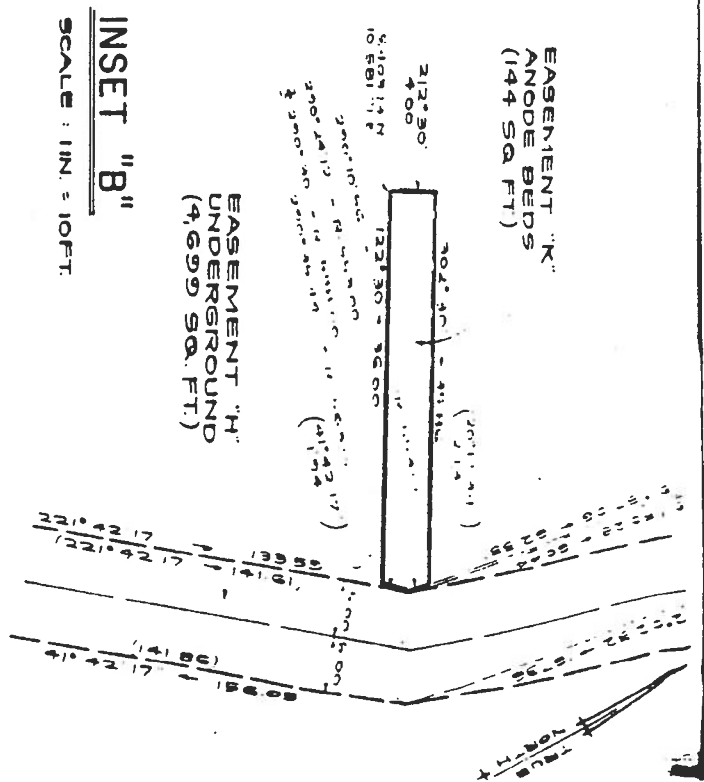
EASEMENT "I"
UNDERGROUND -
ONE PIPELINE
(371 SQ. FT.)

EASEMENT "J"
UNDERGROUND -
4 PIPELINES
(741 SQ. FT.)

INSET "A"
SCALE: 1 IN. = 10 FT



INSET "B"
SCALE: 1 IN. = 10 FT



KAHULUI HARBOR

KAHLUI, WAILUKU, MAUI, HAWAII.
 MAP SHOWING CHEVRON'S CARGO L
 "A" TO "K" INCLUSIVE
 TAX MAP KEY: 2ND DIV. 3-7-10-3, 8, 1
 OWNER: STATE OF HAWAII

