

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

April 26, 2019

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii 96813

PSF: 18HD-031

HAWAII

**Authorize Division of Forestry and Wildlife to Conduct a Public Hearing on the Island of Hawaii for Proposed Withdrawal of Lands from the Mauna Kea Forest Reserve and Issuance of an Immediate Construction and Management Special Use Permit to the Department of Transportation for Survey and Construction Activities, Kaohe IV, Hamakua, Hawaii; Portions of TMKs: (3) 4-4-016:003 and 4-4-016:012.**

CONTROLLING AGENCY:

Division of Forestry and Wildlife, Department of Land and Natural Resources.

APPLICANT:

Department of Transportation, State of Hawaii.

LEGAL REFERENCE:

Sections 171-13, 183-11, and 183-12 Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of the Government Lands situate at Kaohe IV, Hamakua, Hawaii, identified as portions of Tax Map Keys: (3) 4-4-016:003 and 4-4-016:012, as shown on the attached maps labeled Exhibit A.

AREA REQUESTED:

Baseyard area = 2.913 acres                      Access Easement = 2.385 acres

ZONING:

State Land Use District:              Conservation                      Resource Subzone  
County of Hawaii CZO:                Forest Reserve

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:

TMKs (3) 4-4-016:003 (Parcel 3) and 4-4-016:012 (Parcel 12) are part of the Mauna Kea Forest Reserve (MKFR) under Governor's Proclamation dated June 5, 1909, as modified by Governor's Proclamation dated May 2, 1938, and managed by the Division of Forestry and Wildlife (DOFAW). Portions of both parcels are also designated as Mauna Kea State Recreational Area (MKSRA) and managed by the County of Hawaii (CoH) under a Memorandum of Agreement between DOFAW and CoH .

Parcel 12 is a remnant of the Old Saddle Road and currently used to access MKSRA, MKFR and the DOCARE satellite facility.

Parcel 3 is encumbered by 2 easements for utilities as follows:

GL S-3853a to the United States of America for water pipeline and equipment;  
LOD 28756 to Verizon Hawaii, Inc. for transmission lines, poles and anchors;

Hawaiian Electric Light Company, Inc. has electrical transmission lines and poles traversing parcel 3 with easement documents pending.

PURPOSE:

The Department of Transportation is requesting the set-aside of the subject lands for highway maintenance baseyard purposes and granting of an access and utility easement.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's *Environmental Notice* on April 8, 2013 with a Finding Of No Significant Impact.

On January 10, 2014, agenda item K-1, the Board of Land and Natural Resources approved Conservation District Use Permit HA-3683 for the Department of Transportation's Saddle Road Baseyard on the subject lands.

APPLICANT REQUIREMENTS:

- 1) Comply with the conditions of Conservation District Use Permit HA-3683;
- 2) Apply to DOFAW for issuance of a Special Use Permit.

REMARKS:

The Saddle Road realignment project was a partnership of federal and State agencies to upgrade and modernize Saddle Road from milepost 6 in South Hilo to the junction with Mamalahoa Highway in South Kohala; a distance of approximately 52 miles. The purpose of the project was to provide safe and efficient travel between East and West Hawaii.

The new highway is under the jurisdiction of the State Department of Transportation (DOT). DOT needs a centrally located maintenance baseyard to efficiently operate and maintain the new highway. Without a strategically located maintenance baseyard, highway crews will be required to transport all equipment, vehicles, and machinery, on a daily basis, from the Hilo baseyard, which will effectively reduce the productive workday by about 30% due to extensive daily mobilization times. A centralized baseyard for Saddle Road will allow crews to report directly to the Saddle Road baseyard and crews will also be able to be drawn from both sides of the island, rather than only utilizing East Hawaii crews from the Hilo baseyard where they would report in order to mobilize the necessary equipment for the day.

The maintenance baseyard project will be sited at the obsolete Nene captive breeding facility and includes the construction of a road maintenance facility with an office building, equipment garage, material and small tool storage facilities, fuel dispensing facility, equipment wash down facility, septic system, site improvements, and other related improvements. Access to the baseyard will be from Saddle Road at the existing entrance to MKSRA and then continue around and mauka to the baseyard facility.

DOT is requesting the set-aside of approximately 2.9 acres of State lands within the MKFR for the maintenance baseyard and granting of a separate perpetual, non-exclusive access and utility easement over MKFR and MKSRA lands between the Saddle Road and the baseyard. The requested set-aside of the approximately 2.9 acres to DOT would require withdrawal of the area from MKFR; as such DOFAW is requesting authorization to conduct public hearings on Hawaii Island for the proposed withdrawal. Upon completion of the public hearing, DOFAW will return to the Board to seek approval to withdrawal the area from the Forest Reserve System and issue the Executive Orders, as appropriate. DOT is also requesting issuance of a special use permit, as allowed under §13-104-20, Hawaii Administrative Rules, to allow commencement of survey and immediate construction activities.

Based on staff's review of the maintenance baseyard and access easement, none of the prior utility easement areas will be affected by the project. The existing access area from Saddle Road is used by the public to enter MKSRA, by DOFAW to access areas of MKFR, and by DOCARE to access its satellite facility located within MKSRA.

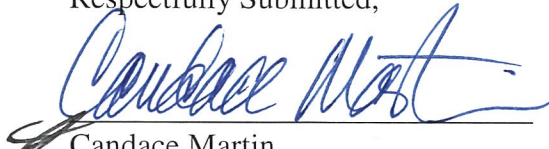
In light of the increased efficiency in use of taxpayer resources effected by a centrally located baseyard for operation and maintenance of the new Saddle Road, staff is of the opinion that the highest and best use of the subject land is for ancillary highway maintenance purposes. Staff further believes that the proposed use fully utilizes the requested lands.



RECOMMENDATION: That the Board:

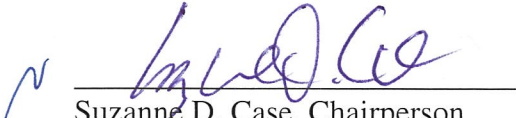
1. Pursuant to Section 183-11, HRS, as amended, authorize the Division of Forestry and Wildlife to conduct a public hearing on the Island of Hawaii regarding the proposed withdrawal of approximately 2.9 acres of land from Governor's Proclamation dated June 5, 1909 as modified by Governor's Proclamation dated May 2, 1938 from the Mauna Kea Forest Reserve for the Department of Transportation Saddle Road Maintenance Baseyard, and further, pursuant to Section 183-12, HRS, as amended, authorize the Chairperson to:
  - A. Set the date, location and time of the public hearing; and
  - B. Appoint a hearing master(s) for the public hearing.
  
2. Approve a special use permit, pursuant Section 13-104-20, HAR, to the Department of Transportation, its consultants, contractors, and/or persons acting for or on its behalf for commencement of surveys and immediate construction and management onto the subject lands under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
  - A. The standard terms and conditions of the most current special use permit form, as may be amended from time to time;
  - B. This special use permit is effective upon DOT's execution of the permit and shall continue until the executive order and grant of easement documents are finalized, or may be otherwise terminated by the Board; and
  - C. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time if it deems necessary while this special use permit is in force.

Respectfully Submitted,



Candace Martin  
Land Agent

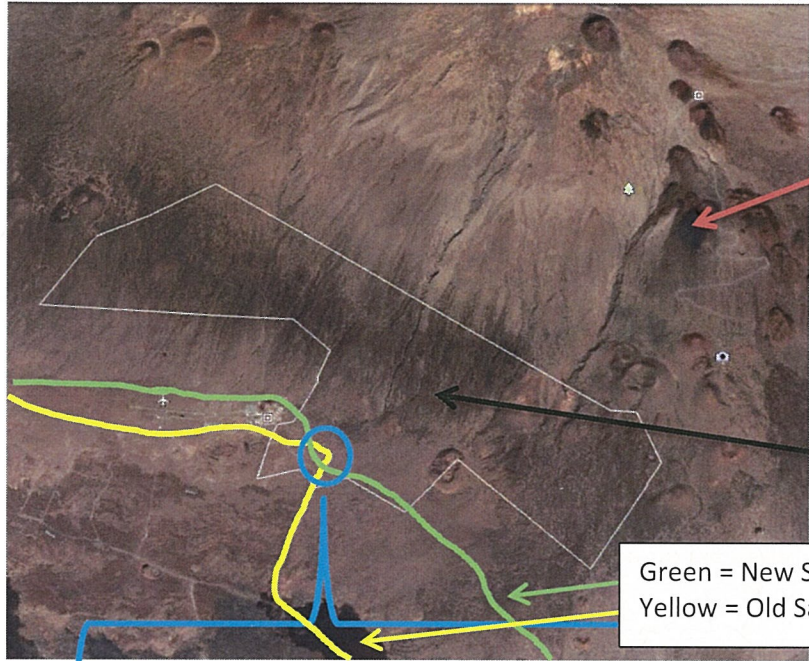
APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



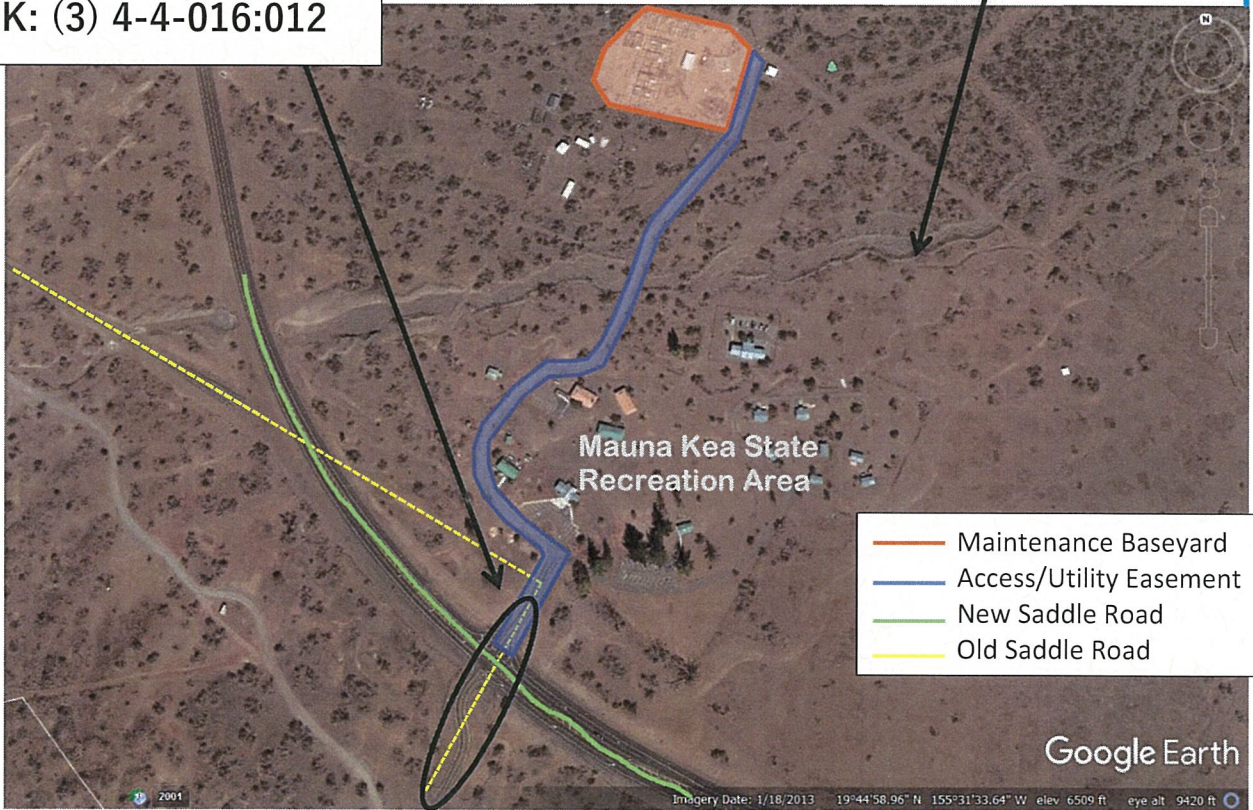
# EXHIBIT A



TMK: (3) 4-4-016:003

Green = New Saddle Road  
Yellow = Old Saddle Road

TMK: (3) 4-4-016:012



— Maintenance Baseyard  
— Access/Utility Easement  
— New Saddle Road  
— Old Saddle Road