STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawaii

180-Day Exp. Date: May 14, 2011

April 8, 2011

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

REGARDING:	Conservation District Use Application (CDUA) HA-3546 Saddle Road (State Highway 200) Improvement Project Mile Post (MP) 7.85-11 and Subdivision of Land	
APPLICANT:	Federal Highway Administration, Central Federal Lands Highway Division (FHWA)	
LOCATION:	Hilo Forest Reserve, Piihonua, South Hilo, Hawaii	
LANDOWNERS/ Portions of TMKs:	State of Hawaii (DOFAW)	(3) 2-6-018: 04 & 10 (3) 2-5-001:02,06 & 08
	Hawaii Conference Foundation	(3) 2-5-001:04 & 13
	Pua Foundation	(3) 2-5-001:11 & 12
	Hawaii Forest Products, LLC	(3) 2-5-001:03 & 07
AREA OF USE:	Approximately 49.2 acres	
SUBZONES:	Protective & Resource	

BACKGROUND:

Since 2001, the Department or Board of Land and Natural Resources (Board) have approved four Conservation District Use Permits (CDUP) for Saddle Road Improvements: CDUP HA-2969 for Section II on September 28, 2001; CDUP HA-3137 for a portion of Section III, MP 19-27 on January 23, 2004; CDUP HA-3483 for Section III near MP 19-≈11 on February 13, 2009; and CDUP HA-3559 for a slight modification of the route on the Westside (W-7). The former CDUPs and this current request for improvements are part of the overall plan to improve the 48-mile Saddle Road.

Mitigation commitments contained in the Final Environmental Impact Statement dated August 9, 1999 are to be incorporated into the project during design and/or as

construction contract specifications in addition to the U.S. Department of Transportation's Record of Decision Measures to Minimize Harm.

DESCRIPTION OF AREA AND CURRENT USE

Saddle Road connects East and West Hawaii through the saddle between Mauna Kea and Mauna Loa. Its eastern terminus is the Kaumana section of Hilo and its western terminus is Mamalahoa Highway (State Route 190) about six miles south of Waimea. It is the only paved road serving facilities to Mauna Kea and Mauna Loa. The US Army constructed Saddle Road in 1942. It is an important cross-island link for business, travel and the transport of goods and services **(Exhibit A)**.

The project area is a 2.15-mile portion of Section III & IV, noted as MP 7.85 to MP 11 located at South Hilo, Hawai'i, TMKs: (3) 2-5-001:002, 003, 004, 006, 007, 008, 011, 012, and 013; 2-6-018:004 and 010. The project area lies within the Resource and Protective subzones of the Conservation District. Other land use permits issued for parcels within the vicinity include Saddle Road improvements, a radio transmission tower and a water tank. Jeep trails, telecommunication and electrical easements also exist in the vicinity of the proposed corridor.

Within Section III there is open space and ranching activities. There are designated hunting areas located within this section. The roadway weaves through forests with an under-story of ferns and shrubs and pasturelands. Older lava flows and more pronounced vegetation are noted here.

Within Section IV, there are prime agricultural lands, farms and single-family residences. Residences are located along the existing alignment. The population is clustered in upper Kaumana, an older suburb of Hilo. The road departs from the existing alignment and traverses mature forest with a dense understory of ferns and shrubs as well as agricultural pastureland. Hunting also takes place within this vicinity.

The existing unimproved portions of Saddle Road are a narrow, winding, two-lane road with steep grades, sharp curves, poor pavement and substandard drainage. Saddle Road is the only paved road in the project area. A number of unpaved roads serve as access and/or parking areas for utility easements and hunting or hiking trails.

There are no water transmission, wastewater treatment or drainage facilities present in the project area. Overhead electric transmission lines follow the existing alignment. No new utilities are needed for the project and the project will not involve any utility relocation aside from possible minor relocations of guy wires. Existing overhead lines may have to be raised to meet clearing requirements.

Four types of geological material including volcanic ash deposits, cinder sand deposits, a'a lava flows and pahoehoe lava flows generally underlie the proposed roadway alignment. Speleological resources such as caves and lava tubes may occur within the project vicinity. Geologic hazards within the corridor include low lying areas with

potential flooding hazard, steep slopes with the potential for instability and landslides, soft soils or wetlands, ground subsidence, and known faults that may traverse the proposed roadway segments. In addition, the eastern portion of the road is at risk from lava inundation.

The average annual rainfall is ≈ 5,000 mm or more per year. Fog is not uncommon in the morning and afternoon hours. According to the applicant, the area may be described as open lava fields interspersed with kipuka of mixed ohia/koa forest. There are no kipuka close to the proposed alignment and very little usage of this area by endemic avian species. The project area supports vegetation dominated by the native tree ohia. A weedy mixture of introduced grasses and forbs may be found alongside the existing Saddle Road and other disturbed areas. **(Exhibit B & C)**.

No threatened or endangered plants or invertebrates were identified during the course of botanical surveys of the area. Avifaunas that may fly overhead or may forage in the area include the endangered Hawaiian Petrel, the threatened Newell's Shearwater and the endangered Hawaiian Hawk. The endangered Hawaiian Hoary Bat was detected in moderate numbers along this portion of the proposed roadway, as it is in most forest on the island that still contains thick vegetation.

It is believed that no archeological or historic sites are present in the project area. The only site appears to be a segment of the old Saddle Road. Gathering of traditional plant material occurs at various locations and times, but is especially common just off the shoulder of the highway between MP 8-13 before parties or important ceremonial occasions.

A Memorandum of Agreement (MOA) has been executed among the Advisory Council on Historic Preservation, the State Historic Preservation Office, FHWA, HDOT, DLNR and the Office of Hawaiian Affairs in regards to historic archaeological sites recommendations.

PROPOSED USE

The proposed land uses involve a public transportation improvement being undertaken by a partnership of state and federal agencies. This CDUA is meant to include road construction; all associated activities such as geotechnical exploration and clearing for surveying that is necessary to develop plans for construction; and subdivision of land.

The project proposal is part of the on-going improvements to upgrade and modernize Saddle Road for a portion identified as MP 11 to MP 7.85 that is within Section III & IV. The proposed improvements would create a two-lane highway with additional passing lanes in appropriate areas **(Exhibit D, E & F)**.

The improved Saddle Road will be designed and built to the current National and State highway design standards that require changes to the entire length of the existing road. These changes mainly include flattening the vertical curves to improve driver sight

distance, straightening the horizontal curves, providing wider paved shoulders for emergency pull-offs and varying the cut and fill slopes to blend the road with the surrounding terrain.

Impacts to visual character from the proposed project are generally moderate. Because the improved roadway will be wider than the existing Saddle Road, the primary visual concern from the project will consist of cut and fill slopes, particularly in areas where the roadway follows a new alignment. Views of the setting and prominent landforms would remain dominant. Minimizing the amount and appearance of cut and fill, re-vegetation and rock plating (using pre-existing lava materials) of disturbed areas and blending of proposed improvements into surrounding landscape will reduce impacts on visual quality and character.

The roadway cross-section has been designed to match the environment. The principal differences will be that vertical and horizontal curves will conform to modern highway safety standards, shoulders will be wider and paved, and a passing lane in the uphill direction will also be built. This will result in a road whose scale and nature is fully compatible with the scenic values of the area. The road shall not create a barrier to motorized, pedestrian, horse, or bicycle cross-traffic and the improved shoulders shall provide the opportunity for such uses that previously did not exist as well as provide better separation of such uses from highway traffic.

Discussions regarding legal access have been undertaken with HELCO, HDOT, and DOFAW. For reasons of safety and proper design and control of illegal access onto State lands, the realigned Saddle Road will not include access to every minor road that currently intersects the road. However, it is expected that access to all legal accesses and important roads and trails shall be provided. Final decisions on access shall be made during final engineering design when sufficient information on topography and road requirements is available. Final design shall involve continued discussions with HELCO, DOFAW, HDOT and others with jurisdiction or legal access rights. All necessary legal access will be accommodated in a reasonable manner. The improvements will provide for safe access to and from side roads and trails that is currently lacking.

MITIGATIVE MEASURES

General mitigation commitments for impacts to biological resources are to limit surface disturbance to within the Right of Way (ROW) or in designated clearly marked and fenced staging areas that will be sited through coordination with biologists in locations where native species will not be adversely impacted. A FHWA project engineer will be on site at all times during construction to ensure compliance with environmental mitigation requirements.

An ornithologist will survey the ROW and surrounding areas for nesting Hawaiian Hawks in advance of construction. If any are found, construction activity within 0.6 miles of the sightings will be halted, the US Fish & Wildlife will be consulted and appropriate mitigation measures will be implemented.

Petrels and Shearwaters fly over the island between April and early December each year. Nighttime lighting can impact these seabirds. The removal of vegetation within the project site may temporarily displace individual bats that may use the vegetation as a roosting location. As bats use multiple roosts within their home territories, the potential disturbance resulting from the removal of the vegetation is likely to be minimal. During the summer pupping season, however, female carrying their pups may be less able to rapidly vacate a roost site as the vegetation is cleared. Additionally adult female bats sometimes leave their pups in the roost tree while they themselves forage. Very small pups may be unable to flee a tree that is being felled.

Restrictions on nighttime lighting will be implemented and enforced to avoid impacts to nesting seabirds during certain months. To minimize potential impacts to Hawaiian hoary bats during the clearing and grubbing activities, FHWA will not allow clearing of woody vegetation greater than 15-feet tall, from May 15-August 15.

In addition: supervisors are required to ensure proper environmental awareness by construction workers; native vegetation will be restored; fencing, exclosures and/or limits on construction areas are required to protect populations of endangered plants; night-time construction lighting shall be prohibited; and construction practices that minimize dispersion of alien species shall be adopted. An alien plant species monitoring and control program shall be implemented. Sensitive habitats like kipuka will be fenced during construction along the right-of way. Final design will include an effort to balance earthwork quantities so that no borrow/fill will need to be imported from outside the immediate area.

Roadway construction has the potential to produce temporary polluted storm water runoff. However, this potential will be mitigated by implementation of Best Management Practices by the contractor to control erosion and prevent runoff from damaging kipuka, wetlands or watershed. There will be minimal long-term water pollution and erosion effects resulting from construction. Rainfall runoff in this area consists primarily of unconcentrated over land sheet flow.

The new Saddle Road alignment will increase the extent of impermeable road surface due to a wider roadway and the addition of paved shoulders for safety, thus increasing runoff during large precipitation events. Engineered drainage facilities will provide better management of runoff.

Mitigation for potential impacts to archaeological sites have been agreed upon by participatory agencies and documented in the previously mentioned MOA. Mitigative measures include avoidance by shifting the road alignment, data recovery efforts, the installation of interpretive signs and pullouts to enhance public awareness and periodic monitoring during construction.

ALTERNATIVES CONSIDERED

No feasible or practical alternatives to the existing corridor were identified within Section III. Locating the new roadway along the existing corridor is the only alternative within Section III that affords minimization of impacts to adjacent natural resources.

Within Section IV an alternative would have cut through the community of Kaumana and required the costly acquisition of residential property and the relocation of households. Noise generation of vehicles would approach or exceed the national noise abatement. Letters from Kaumana residents expressed support for the chosen route.

SUMMARY OF COMMENTS

The application was referred to the following agencies for their review and comment: the **State**: Department of Health; Office of Hawaiian Affairs; Department of Transportation; State Civil Defense; Department of Land and Natural Resources Divisions of: Conservation and Resource Enforcement; Forestry and Wildlife, Hawaii District Land Office; and Historic Preservation; the **County of Hawaii:** Departments of: Planning, Public Works, Civil Defense, Police and Fire. Comments were also requested from the US Fish & Wildlife Service and the Hawaiian Electric Light Company (HELCO). In addition, the application and Final Environmental Impact Statement was also sent to the nearest public libraries, the Hilo and Kailua-Kona Public Library, to make this information readily available to those who may wish to review it.

Responses received have been summarized from the following agencies and the public:

STATE OF HAWAII

OFFICE OF HAWAIIAN AFFAIRS (OHA)

The Record of Decision (ROD) for this federally supported project details specific mitigation measures for the overall project. We look forward to seeing the project completed and a safe and efficient route between East and West Hawaii provided.

DEPARTMENT OF HEALTH (DOH)

A significant potential for fugitive dust emissions exist during all phases of construction. We encourage the contractor to implement a dust control program in order to comply with the provisions of HAR, §11-60.1-33 on Fugitive Dust.

The dust control measures include, but are not limited to, the following:

- Plan the phases of construction, focusing on minimizing the amount of dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;
- Provide an adequate water source at the site prior to start-up of construction activities;

- Landscape and provide rapid covering of bare areas, including slopes, starting from the initial grading phase;
- Minimize dust from shoulders and access roads;
- Provide adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
- Control dust from debris being hauled away from the project site.

Applicant's response

It is acknowledged that dust can be an issue with the construction. Dust control measures will be included in the contract specifications and strictly enforced during construction.

DEPARTMENT OF LAND AND NATURAL RESOURCES

Division of Conservation and Resource Enforcement (DOCARE)

No comment

Division of Forestry and Wildlife (DOFAW)

No comment

Hawaii District Land Office (HDLO)

Should this application be approved and the project moves forward, the State Department of Transportation, Highways Division (DOT) will need to apply for a set aside of the realigned road Right of Way (ROW) for highway purposes. Additionally, the existing Saddle Road appears not to have been withdrawn from the forest reserve. As with other segments of the Saddle Road realignment project, the Board will likely require the withdrawal of the realigned ROW from the Forest Reserve with the concurrence of the Division of Forestry and Wildlife (DOFAW). Consolidation and resubdivision of affected parcels may also be necessary.

In regards to the State parcels identified in Table 1 of the CDUA, **all** are under the management of DOFAW for Forest Reserve purposes.

Applicant's response

Regarding the set aside right of way, in cooperation with the Hawaii DOT, the engineers for the project will be contacting the Hilo District Land Office with the boundaries of the requested ROW areas and a request for withdrawal of the realigned ROW from the Forest Reserve. It is recognized that consolidation and resubdivision may be required.

As noted, all State parcels are under a Forest Reserve designation managed by DOFAW.

COUNTY OF HAWAII

DEPARTMENT OF PLANNING

No comment

POLICE DEPARTMENT

Our staff does not anticipate any significant impact to traffic and/or public safety concerns.

GENERAL PUBLIC

I recommend that this CDUA be approved. Due to large distances and sometimes-hazardous road conditions, the Big Island needs an improved and safer Saddle Road. It is critical to allow people and goods to flow to and from Hilo and Kona. With the improvements to Saddle Road, we expect the drive times will be reduced and road safety increased.

Growing up on the Big Island, I recall the Saddle Road drive to be difficult and bone jarring that made me sick. Now that I have children of my own, my daughter would also get sick on Saddle Road. We now avoid Saddle Road completely because of the rough and winding driving conditions. We look forward to the day when we can safely and quickly drive over Saddle Road without worrying about someone getting sick. We also look forward to visiting with friends on the Kona side more often as both sides of the island become closer.

Applicant's response

Thank you for your support on the project. We appreciate the perspective on the project and your hope that the entire project will be completed soon.

FEDERAL

UNITED STATES DEPARTMENT OF THE INTERIOR

Fish & Wildlife Service (NFWS)

Federally-designated critical habitat for *Cyanea platyphylla* occurs within the project footprint. We offer this information so that the CDUA can be modified to accurately reflect the occurrence of critical habitat within the project area. We addressed endangered species and critical habitat issues for the Saddle Road realignment project, mileposts 6 to 42 in our *Reinitiation Saddle Road Realignment and Improvement Project Section 7 Consultation for Saddle Road (State Route 200) Improvement Project: the East Side, Milepost 6-42, Hawaii* Biological Opinion issued on September 11, 2009. Consequently, no further action by the FHWA is required to address Endangered Species Act compliance.

Applicant's response

We regret the omission of the critical habitat presence in the application. Thank you for noting that issues for threatened or endangered species from mileposts 6 to 42 have been addressed in the NFWS Biological Opinion of September 11, 2009.

ANALYSIS

After reviewing the application, by correspondence dated November 12, 2010, the Department has found that:

1. The proposed uses are identified land uses in the Protective and Resource subzone of the Conservation District, pursuant to the Hawai'i Administrative Rules (HAR) §13-5-22, P-6, PUBLIC PURPOSE USES. Please be advised, however, that this finding does not constitute approval of the proposal;

2. Pursuant to §13-5-40(3), HAR, HEARINGS, a public hearing shall be required;

3. In conformance with Chapter 343, Hawai'i Revised Statutes (HRS), as amended, and Chapter 11-200, the Final Environmental Impact Statement (FEIS) was published in the Office of Environmental Quality Control's *Environmental Notice* on December 23, 1999;

4. The project is not within the Special Management Area.

Notice of this CDUA was published in the December 8, 2010 issue of the Environmental Notice.

PUBLIC HEARING SUMMARY

A Public Hearing was held on the evening of January 11, 2011 at the Aupuni Center Conference Room located at 101 Pauahi St. in Hilo. Approximately 7 individuals attended the Public Hearing. All testimony was in support of the project.

CONSERVATION CRITERIA

The following discussion evaluates the merits of the proposed land use by applying the criteria established in Section 13-5-30, HAR.

1. *The proposed land use is consistent with the purpose of the Conservation District.*

   The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

The project is considered an identified land use in the subject area of the Conservation District; as such, it is subject to the regulatory process established in Chapter 183C, HRS and detailed further in Chapter 13-5, HAR. This process provides for the application of appropriate management tools to protect the relevant resources, including objective analysis and thoughtful decision-making by the Department and Board of Land and Natural Resources.

The purpose of the project is to provide a safe and efficient route for access along Saddle Road. The proposed improvements would address roadway deficiencies, capacity, safety, and bring Saddle Road up to standards in regards to meeting American Association of State Highway and Transportation Officials design standards. Therefore Staff believes that the project is consistent with the purpose of the Conservation District.

2. *The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur.*

The objective of the Protective subzone is to protect valuable resources in designated areas such as restricted watersheds, marine, plant, and wildlife sanctuaries, significant historic, archaeological, geological, and volcanological features and sites, and other designated unique areas. The objective of the Resource subzone is to develop, with proper management, areas to ensure sustained use of the natural resources of those areas. A transportation system such as Saddle Road is an identified land use in the Protective and Resource subzone pursuant to §13-5-22, P-5, Public Purpose Use.

The Environmental Impact Statement, the Record of Decision, the Memorandum of Agreement, and the *Reinitiation Saddle Road Realignment and Improvement Project Section 7 Consultation for Saddle Road (State Route 200) Improvement Project: the East Side, Milepost 6-42, Hawaii* Biological Opinion has addressed and proposed mitigation for the natural and cultural resources that exist in the area.

3. *The proposed land use complies with provisions and guidelines contained in Chapter 205, HRS, entitled "Coastal Zone Management," where applicable.*

The project area is not within the Special Management Area. Staff believes the proposed project complies with provisions and guidelines contained in Chapter 205, HRS regarding Coastal Zone Management. The State Office of Planning's CZM Program has concurred that planned mitigation measures are consistent with the CZM program to the maximum extent possible.

4. *The proposed land use will not cause substantial adverse impacts to existing natural resources within the surrounding area, community, or region.*

Staff believes the proposed land use will not cause substantial adverse impacts to existing natural resources within the surrounding area, community or region.

A project engineer shall be on site at all times during construction to ensure compliance with environmental mitigation requirements. A manual shall be prepared by the FHWA and reviewed with project engineers, supervisors and contractors to ensure proper environmental awareness of construction workers.

5. *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding area, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

The proposed land use is to improve an existing roadway to bring it up to standards. The improvements would create a thoroughfare that is more compatible with the topography and physical condition of the land.

6. *The existing physical and environmental aspect of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, which ever is applicable.*

As the improved roadway will be wider then the existing Saddle Road, the primary visual concern from the project will consist of cut and fill slopes particularly in areas where the roadway follows a new alignment. In most cases the views of the setting and prominent landforms would remain dominant.

Minimizing the amount and appearance of cut and fill, revegetation and plating (using pre-existing lava material) of disturbed areas and blending of proposed improvements into surrounding landscape will reduce impacts on visual quality and character.

7. *Subdivision of the land will not be utilized to increase the intensity of land uses in the Conservation District.*

Subdivision of land is proposed to accommodate construction of the new roadway for management purposes.

8. *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

The implementation of the proposed improvements shall enhance public safety. The purpose of the project was to bring the roadway up to standards and to address roadway deficiencies, capacity and to reduce conflicts and hazards from military operations.

DISCUSSION

Staff notes a Memorandum of Agreement has been executed to mitigate potential affects to cultural assets and resources. Mitigation commitments contained in the Final Environmental Impact Statement are to be incorporated into the project during design or as construction contract specifications, in addition to the U.S. Department of Transportation's Record of Decision Measures to Minimize Harm. Furthermore, the project is in compliance with the Endangered Species Act pursuant to the US Fish & Wildlife Service's Biological Opinion for the *Reinitiation Saddle Road Realignment and Improvement Project Section 7 Consultation for Saddle Road (State Route 200) Improvement Project: the East Side, Milepost 6-42, Hawaii.*

Staff further notes, Saddle Road is an important link of the East and West side of Hawaii island. The proposed improvements provide for alternative modes of transportation. Staff believes that the proposed project is necessary to provide a safe and efficient route for cross-island traffic.

Geotechnical borings and clearing is a necessary step to design the roadway. Staff has no objections to the immediate start up of geotechnical work to facilitate the design and construction of the roadway improvements.

Staff believes the proposed subdivision of land for public purpose will aid in the management of the Saddle Road Right of Way.

RECOMMENDATION:

Based on the preceding analysis, Staff recommends that the Board of Land and Natural Resources APPROVE this application for Saddle Road improvements, geotechnical borings and subdivision of land in Section III and IV that consists of an approximately 2.15-mile area noted as MP 7.85 to MP 11 located at South Hilo, Hawai'i, TMKs: (3) 2-5-001:002, 003, 004, 006, 007, 008, 011, 012, and 013; 2-6-018:004 and 010 subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State, and County governments, and applicable parts of the Hawaii Administrative Rules, Chapter 13-5;

2. The applicant shall obtain land dispositions from the Department of Land and Natural Resources and the private landowners;

3. The applicant shall comply with all applicable Department of Health administrative rules. Particular attention should be paid to Hawaii Administrative Rules (HAR) Section 11-60.1-33, "Fugitive Dust" and to Chapter 11-46, "Community Noise Control" if applicable;

4. Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and grading plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;

5. Any work done or construction to be done on the land shall be initiated within two years of the approval of such use, in accordance with construction plans that have been signed by the Chairperson, and, unless otherwise authorized, shall be completed within five (5) years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;

6. All representations relative to mitigation set forth in the accepted Environmental Impact Statement and the US Department of Transportation Record of Decision for the proposed use are incorporated as conditions of the permit;

7. The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;

8. In issuing this permit, the Department and Board have relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;

9. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take the measures to minimize or eliminate the interference, nuisance, harm, or hazard;

10. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;

11. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact the Historic Preservation Division;

12. The applicant acknowledges that the approved work shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;

14. The applicant shall replant or cover bare areas as soon as grading or construction is completed;

15. Other terms and conditions as may be prescribed by the Chairperson; and

16. Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

Respectfully submitted,

K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:

William J. Aila, Jr., Chairperson
Board of Land and Natural Resources

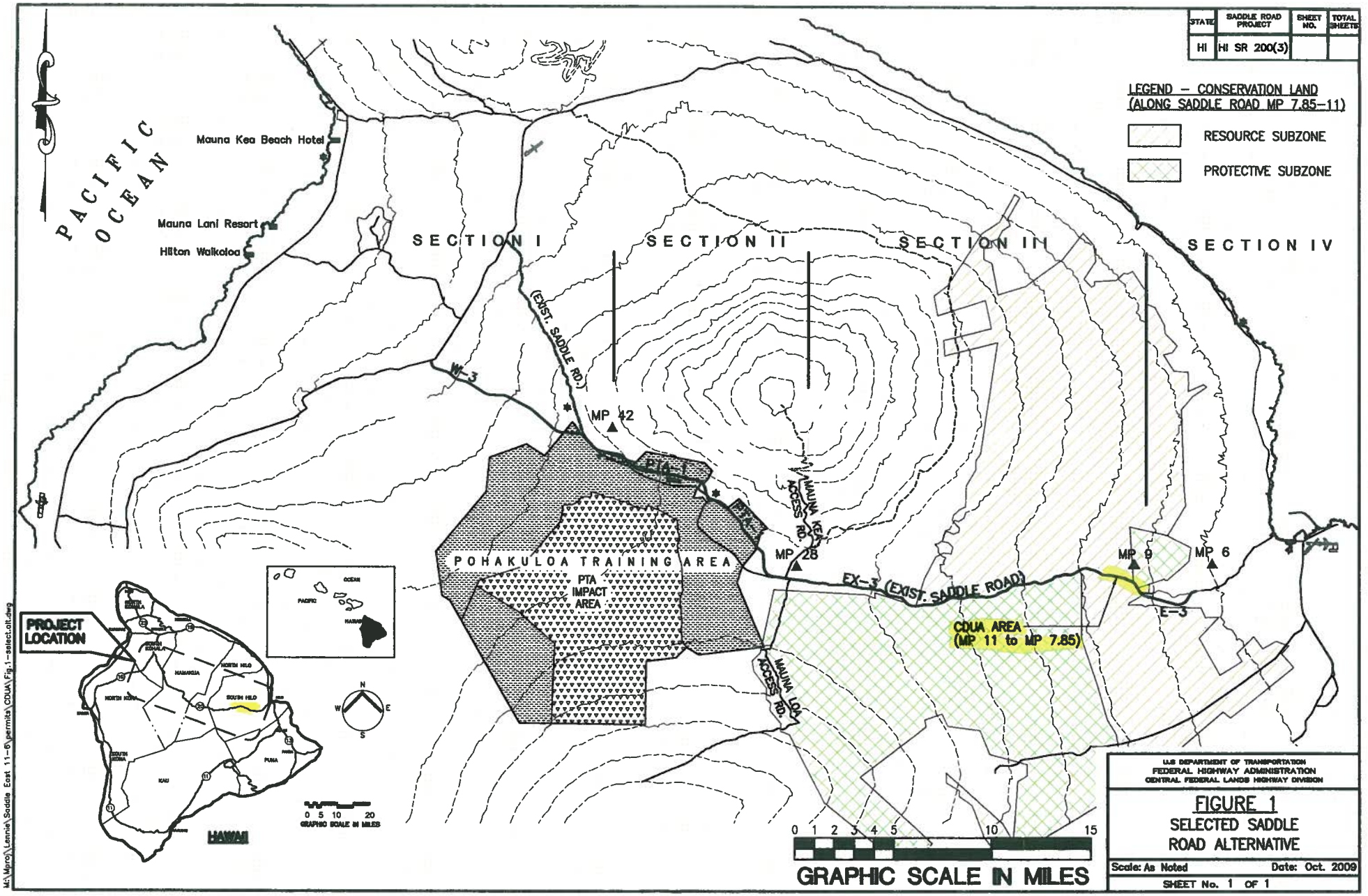

STATE
SADDLE ROAD PROJECT
SHEET NO.
TOTAL SHEETS
HI
HI SR 200(3)
LEGEND – CONSERVATION LAND (ALONG SADDLE ROAD MP 7.85–11)
RESOURCE SUBZONE
PROTECTIVE SUBZONE
PACIFIC OCEAN
Mauna Kea Beach Hotel
Mauna Lani Resort
Hilton Waikoloa
SECTION I
SECTION II
SECTION III
SECTION IV
(EXIST. SADDLE RD.)
HI-3
MP 42
PTA-1
PTA-2
MAUNA KEA ACCESS RD.
MP 28
POHAKULOA TRAINING AREA
PTA IMPACT AREA
EX-3 (EXIST. SADDLE ROAD)
MP 9
MP 6
E-3
CDUA AREA (MP 11 to MP 7.85)
MAUNA LOA ACCESS RD.
PROJECT LOCATION
HAWAII
0 5 10 20
GRAPHIC SCALE IN MILES
0 1 2 3 4 5 10 15
GRAPHIC SCALE IN MILES
U.S DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CENTRAL FEDERAL LANDS HIGHWAY DIVISION
FIGURE 1
SELECTED SADDLE ROAD ALTERNATIVE
Scale: As Noted
Date: Oct. 2009
SHEET No. 1 OF 1
M:\Maro\Lennie\Saddle East 11-8\permits\CDUA\Fig.1-select.alt.dwg

EXHIBIT A

Photo Figure 1
Saddle Road Near MP 11 (Looking East)

Photo Figure 2
Saddle Road Near MP 10 (Looking East)

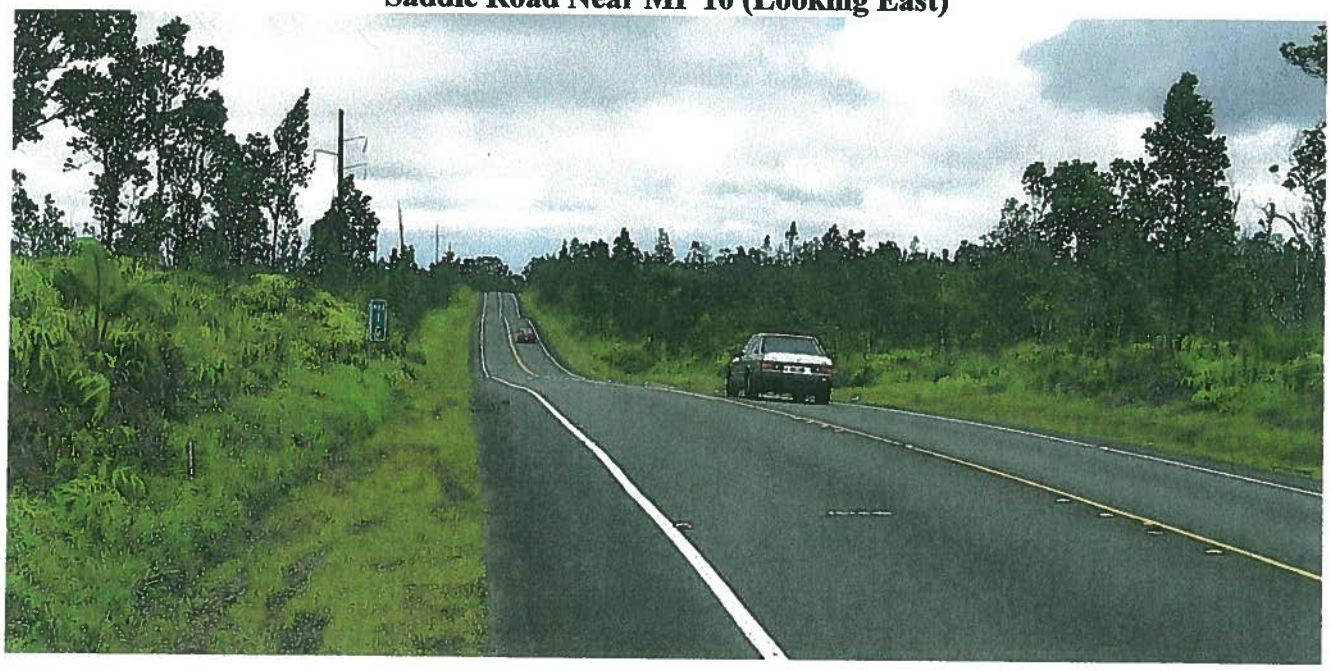


EXHIBIT B

Photo Figure 5
Saddle Road Near Hunter Check Station (Near MP 8, Looking East)

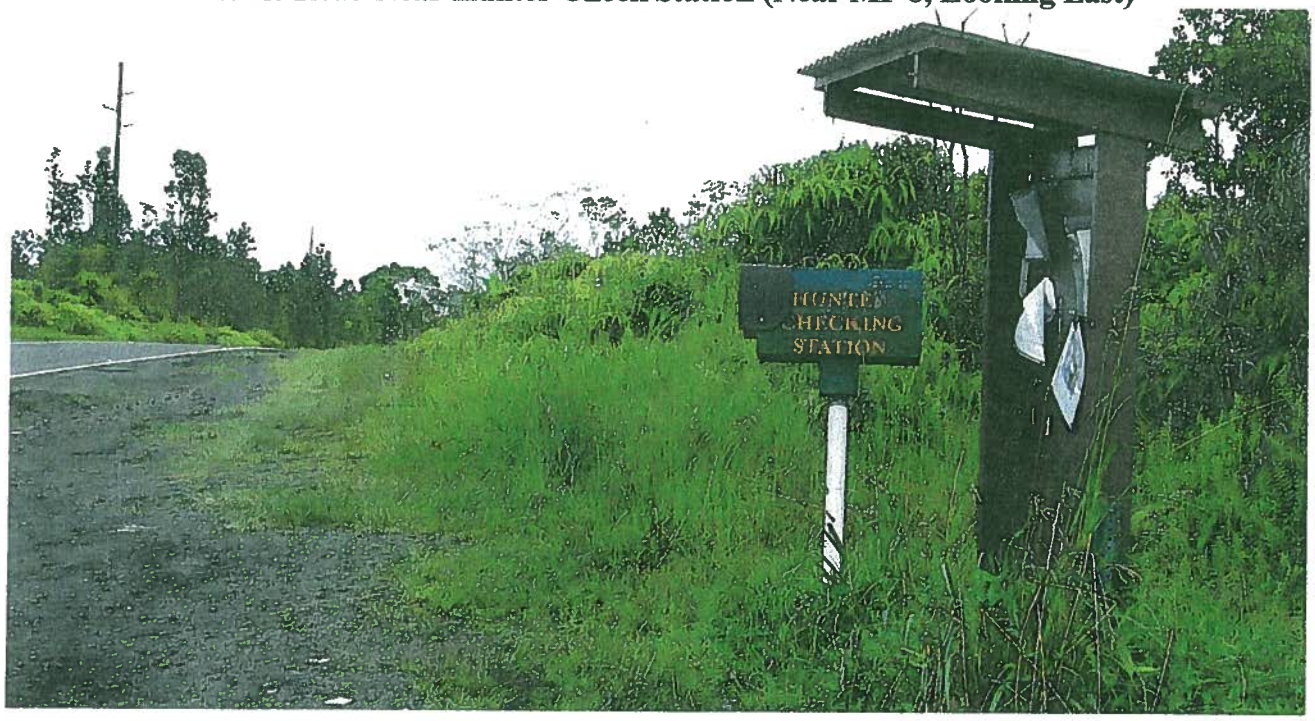


Photo Figure 6
Saddle Road Near Kaumana City, Area to Be Bypassed

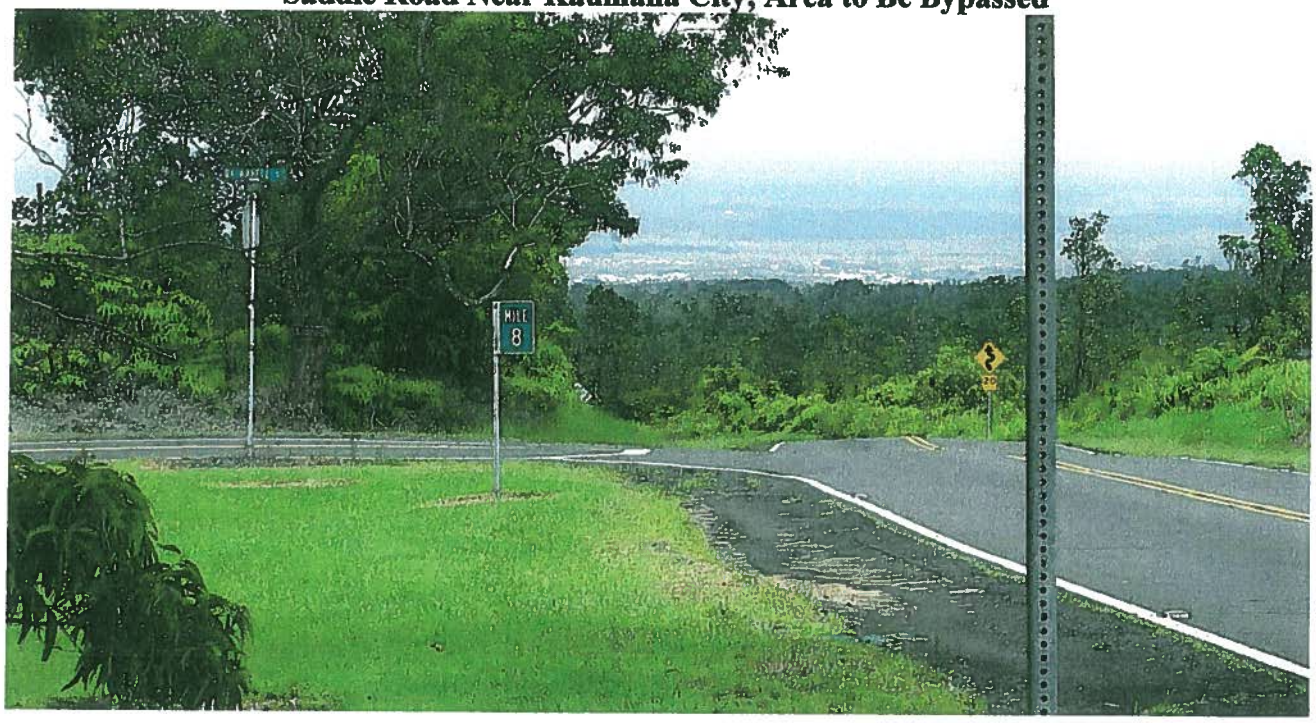
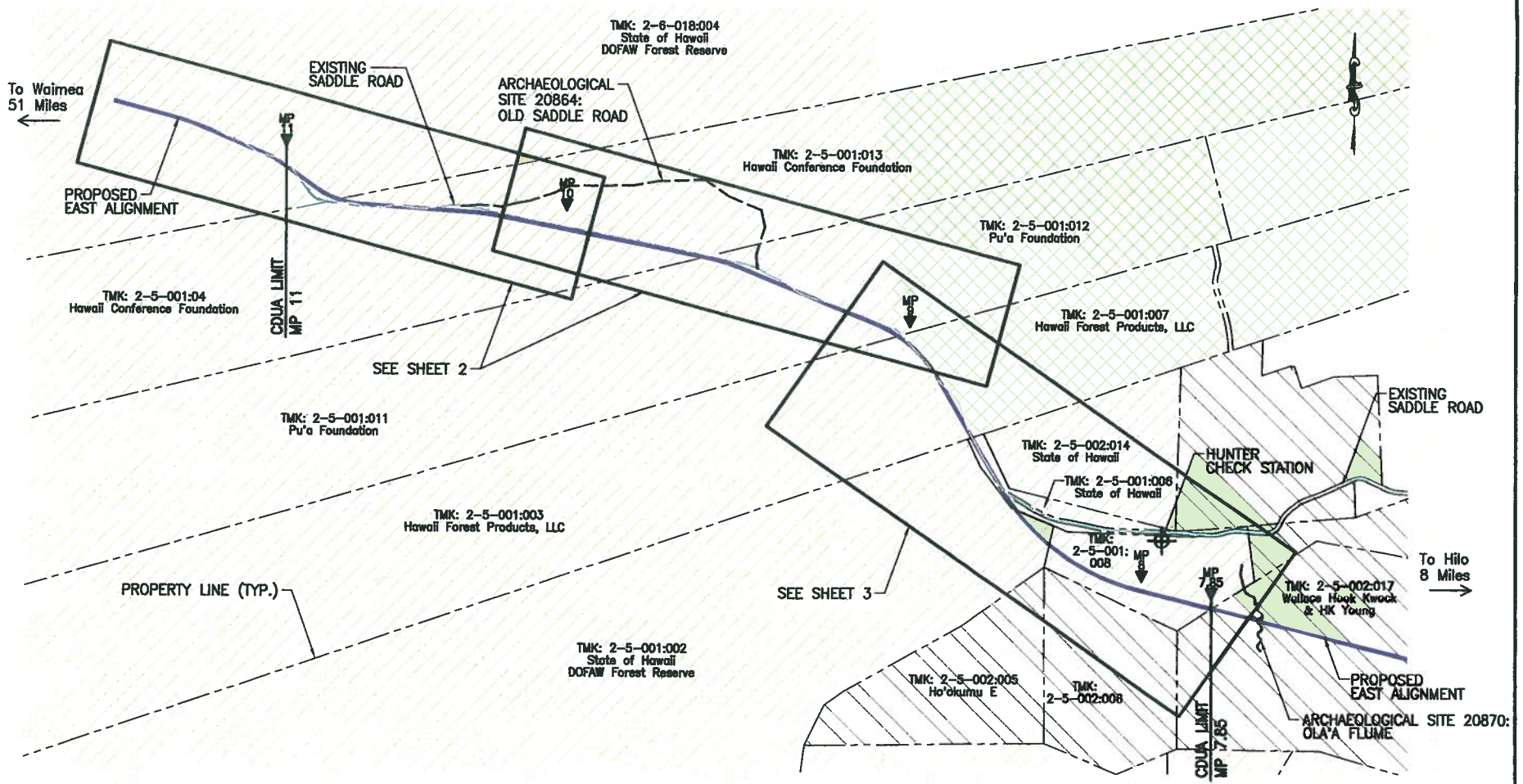


EXHIBIT C

STATE	SADDLE ROAD PROJECT	SHEET NO.	TOTAL SHEETS
HI	HI SR 200(3)		



LEGEND – LAND ZONES

- RESOURCE (CONSERVATION)
- PROTECTIVE (CONSERVATION)
- PRIVATE (AGRICULTURAL)

LEGEND – MISC. ITEMS

- PROPOSED EAST ALIGNMENT
- EXISTING SADDLE ROAD
- PROPERTY LINE

SCALE: 1" = 1500'

1500' 750' 0 1500' 3000'

U.S DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CENTRAL FEDERAL LANDS HIGHWAY DIVISION

CDUA EXHIBIT III

KEY MAP – EAST ALIGNMENT, MP 7.85–11

Scale: 1"=1500' Date: Oct. 2009

SHEET No. 1 OF 3

M:\Mpro\Lennie\Saddle_East_11-6\permits\CDUA\Exh.3_MP7.85-11.dwg

EXHIBIT D

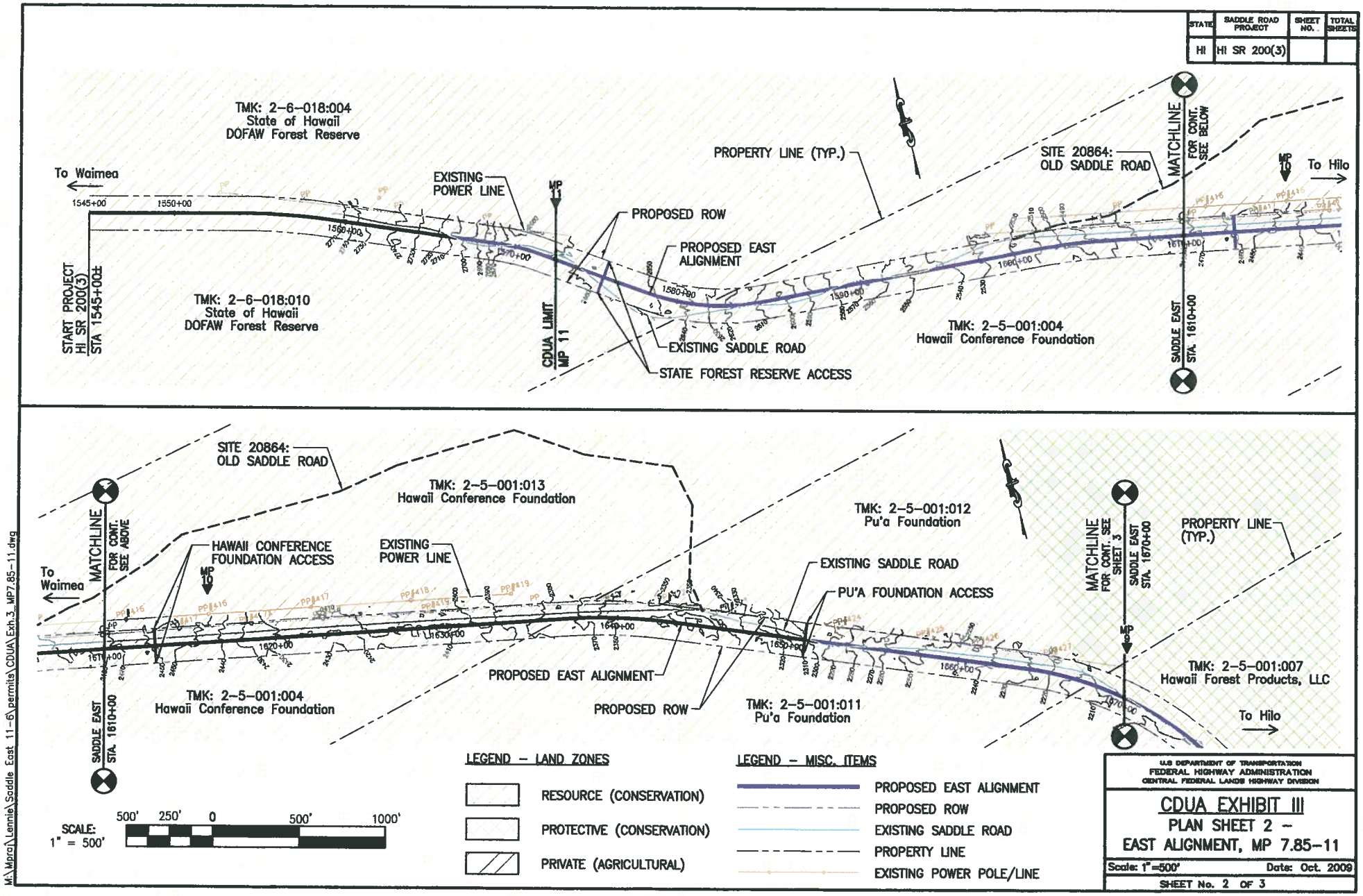


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EXHIBIT E

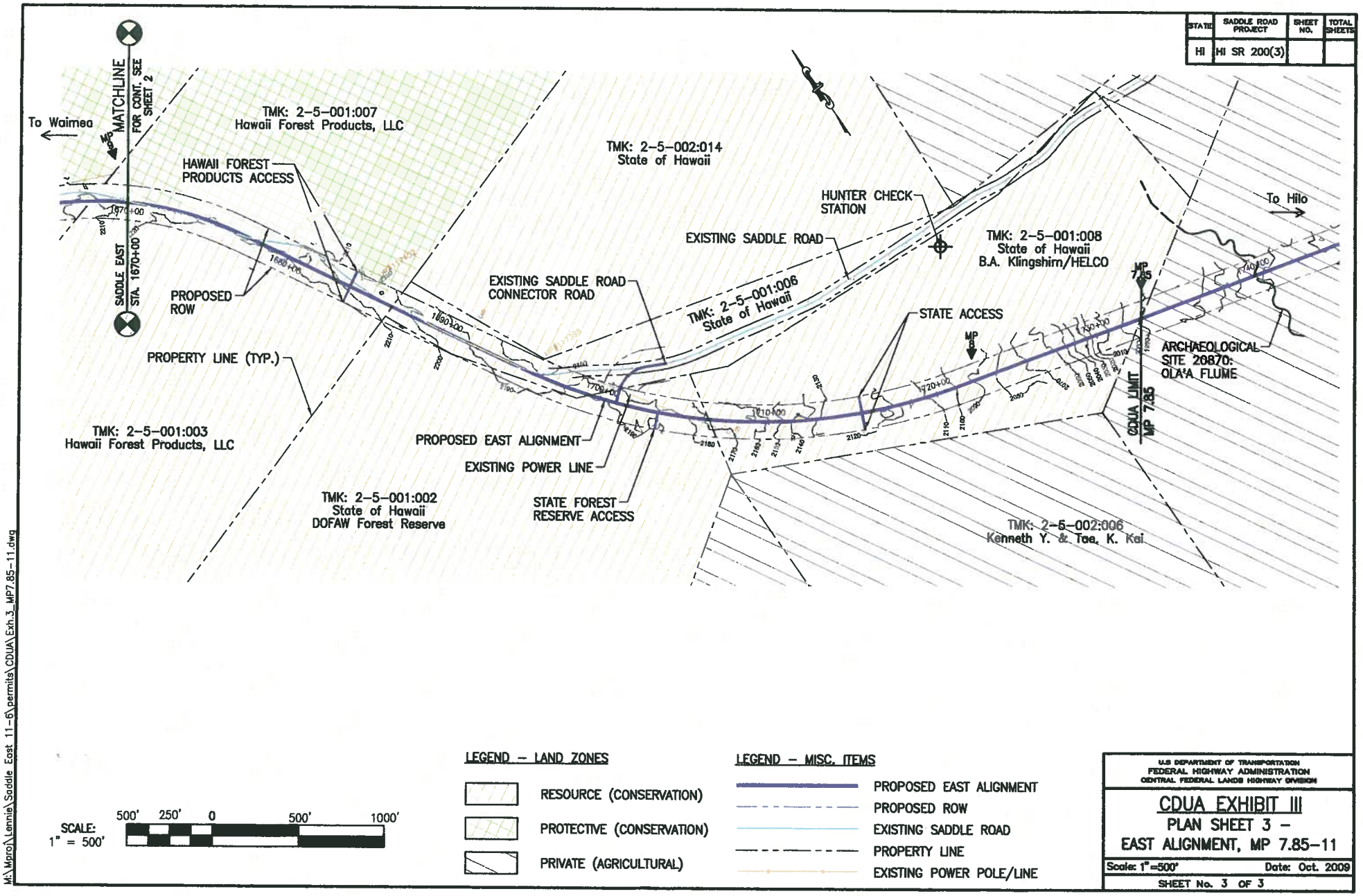

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EXHIBIT F