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October 24, 2007

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Bruce McClure

Director, County of Hawaii Department of Public Works

101 Pauahi St, Suite 7

Hilo, HI 96720

Re: Mud Lane Trail

Dear Mr. McClure:

I am not certain that you are aware of the physical condition of the Mud Lane trail at this time. I know that your department has done a great deal of work in the area recently, and that many of your staff, including William Perez, can verify that the segment of Mud Lane that runs from the gates of the East and West Waikoekoe Subdivisions makai for about 2000 feet is inaccessible to highway vehicles.

Thus, at this time, it is not possible to drive from the top of Mud Lane, where it departs from Mamalahoa Highway across from the entrance to Lakeland, to Kukuihaele, or even to Kapulena. Highway vehicles must stop where the existing road stops: at the East and West Waikoekoe Subdivision gates.

If you permit the Waimea 660 LLC to clear a road from that point to their parcel, you will have permitted the creation of a road that will allow highway vehicles to travel directly from the top of Mud Lane to Kapulena and, possibly, to Kukuihaele. There are many dirt roads makai of the trail. Many locals know how to get around on those roads, but very few tourists venture onto them. However, many tourists try to drive to Waipio Valley from Mud Lane, and the route is listed in at least one tour book. By making it possible for tourists to proceed further than the existing terminus of Mud

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Lane, and to access the cane field roads, the County will have created a significant safety issue and exposed the taxpayers to needless liability. Creation of a de facto through road will also increase the development pressure on nearby lands, all of which are classified as prime agricultural lands by the State.

I believe it is clear that this prospect should be approached with careful planning. To date, I have seen no evidence of any planning. At its October meeting, the members of the South Kohala Traffic Safety Committee expressed complete ignorance of the fact that allowing the trail to be bulldozed would create a road from Lakeland to Kapulena.

I also believe that HRS § 343-5 mandates an environmental assessment. That section provides:

§343-5 Applicability and requirements. (a) Except as otherwise provided, an environmental assessment shall be required for actions that:

(1) Propose the use of . . . county lands . . . .

(b) Whenever an agency proposes an action in subsection (a) . . . the agency shall prepare an environmental assessment for such action at the earliest practicable time to determine whether an environmental impact statement shall be required.

The sorts of actions that are exempted from the EA requirement by the rules of the Office of Environmental Quality Control are of a very minor nature. I was unable to find the list of actions your department deems exempt on your website, but I very much doubt that creation of a new road would be accepted by the OEQC if your department were to propose it as an exempt action. Since the action is not exempt, and since it involves County lands, I believe the law requires your department to prepare an environmental assessment.

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I hereby request that your Department prepare an environmental assessment before allowing any further work on the Mud Lane Trail. Please advise me at your earliest opportunity of your position on this matter.

If your position is that an environmental assessment is not required, please explain with specificity the legal authority that allows you to avoid doing this assessment under these circumstances.

Sincerely yours,



Judy Hiller Givens

cc: Mayor Kim (via email: <cohmayor@co.hawaii.hi.us>)  
Dominic Yagong (via email: <Dyagong@co.hawaii.hi.us>)  
Chris Yuen (via email: <planning@co.hawaii.hi.us>)