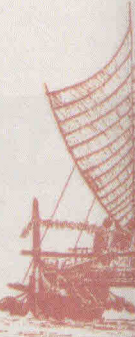


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The fight over Mud Lane

Waipi'o Express 6

Waipi'o Expressway?

The fight over Mud Lane

by Krista Sherer

Mud Lane was the one place I would go when I wanted to feel safe walking alone as a young girl. I always found a dependable tranquility in immersing myself within the cathedral of trees; the smell of wild ginger and mud between my slippers would inspire my senses to settle. It was a place that always reminded me of how lucky I was to be raised in Hawai'i.

Knowing how many people valued Mud Lane as a link to our heritage, I was shocked when I heard last summer that it was to be bulldozed. Mud Lane was historically used to bring agricultural goods from Waipi'o Valley to Waimea. From the 1920s, Hamakua Sugar Company used it as a cane road. The company went bankrupt in 1992 and the County of Hawai'i acquired 660 acres of this land in a tax foreclosure. This undeveloped public land became a popular recreational area for residents, who used the parcel for dirt biking, hiking,

horse riding and hunting.

In March 2005, the county sold that land to a group of developers known as the Waimea 660 LLC for an unbelievably low price of \$1.6 million (about \$2,400/acre).

Just how good a deal was this? Within a month, a 73-acre parcel running almost contiguous to the Waimea 660's land was sold to a woman named Ingrid Wong for about \$1.9 million—about \$26,000/acre, or over 10 times the price Waimea 660 paid for its land.

An official with the County Department of Finance said at the time that the price was so low because the land was sold "as is," with poor access. At the time the County initially listed the property at \$4.9 million, sold to Waimea 660 for less than a third of that. Waimea 66 currently has it on the market for \$6.9 million.

When Waimea 660 made its purchase, Mud Lane was in bad shape. It was designated a substandard "road in limbo" over which the county claimed it had no jurisdiction. Nor was it allocated any state maintenance funds. The state had



deeded to the county without allocating any funds for maintenance, and the county would only repair Mud Lane when it was so bad that an emergency vehicle could not get through.

Who's access?

The Department of Public Works held meeting—supposedly restricted to those living on Mud Lane—on what to do with this substandard thoroughfare. Residents eventually decided they wanted the section paved.

At that time, the Waimea 660 property was listed as having access through Kapulena Orchards subdivision—not Mud Lane—yet one of the partners attended this meeting anyway. (On the current MLS real estate listing, the owners also claim that access is "along the old tree-lined country road of Mud Lane.")

The decision to pave a road on this island at the request of residents was not uncommon. The state had allocated \$2 million to address all Hawai'i County roads in limbo. But the Mud Lane situation seemed unusual. Given its length, the few number of people it served, and the amount of money that went into paving this the 1.8 mile stretch of road with a large developer-owned parcel at the end, some residents began asking questions.

In June, Waimea 660 obtained a permit to work in a County right of way—the trail at the bottom of Mud Lane. The County's Planning Department agreed that the road would be "re-graveled," and would be maintained from the makai end of the existing Mud Lane road down to the 660's parcel.

This was an unusual reason

EDITOR'S NOTE: The first time we heard about Mud Lane was back in the early 1990s; the Hamakua Sugar Plantation had gone bankrupt, sugar land was up for grabs and someone had erected a gate at the lower end of the unpretentious little farm road. Even then, it had been a long time since one could actually drive all the way from Waimea to Waipi'o via Mud Lane; both ends of the road had long been used by local farmers, hunters, bikers and hikers, but a short stretch in the middle was overgrown with huge eucalyptus and other trees; the old right-of-way had been reduced to a narrow, winding footpath. At the time, residents had to fight to prove that the long neglected lane was, indeed, public—not a private cane road. The issue then was lack of access.

Now we've come full circle, and the issue is the possibility of too much access. Much of the road has been paved, and the pressure is on to reopen that last section of road again. If that happens, then the impact on the area would be much larger than the bulldozing of a few, mostly non-native trees. Among the losers could be Honoka'a businesses, since the town would no longer be the only gateway to Waipi'o Valley, and current Mud Lane residents, who could find the quiet country life they cherish tainted by the noise of through traffic. Among the winners could be any landowner or land speculator who managed to get permits to build along the lane (or in northern Hamakua) or wanted to sell an existing property in the area. Other beneficiaries could be local residents who wanted a shortcut to Waimea and/or a shorter commute to the Waikoloa resorts.

But economic impacts alone do not completely explain the attachment—why so many Hamakua residents feel so passionately about that little patch of trees. This is the account of one person who's involved in the fight.



Mud Lane today

In 2005, the county sold that land to a group of developers for the unbelievably low price of \$1.6 million (about \$2,400/acre).

the bulldozers were to arrive the next morning because he told me that they were going to start the next day and that they would bulldoze the trail."

With Mud Lane Road now about to be paved and the approval to maintain the makai end of Mud Lane Trail that ran through their property, Waimea 660 decided that the trail section of Mud Lane was an encumbrance. The heavy equipment needed to bulldoze the trail was scheduled to arrive before the County closed upper Mud Lane to start the paving.

But things did not go as planned for the developers. Hiller and other residents notified the community that the last trail in Waimea was threatened. Residents throughout Waimea and North Kohala organized, called government officials, created Web sites and in a campaign to stop the bulldozers and preserve their public space.

Ancient battleground

The Office of Hawaiian Affairs was notified. Department of Land and Natural Resources director Laura Thielen was asked to intervene, because OHA staff were familiar with historical accounts of the area "which identify the old Mahiki road traversing between Waiko'eko'e and Lalakea Ahupua'a which is the same route now identified as "Mud Lane." The letter to Thielen stated that research indicated that the immediate area figured prominently in a series of Hawaiian battles around 1790, when Keouak'ahu'ula's warriors raided lands between Waipi'o and Waimea, and were

for granting this type of permit, which is normally given for smaller jobs such as crossing a County right of way across a residential driveway. Such permits are not subject to the scrutiny of the more comprehensive grubbing and grading permits (which require archeological surveys and input from the State Historic Preservation Division). Although Waimea 660 did not have the grading or grubbing permits, they had acquired a survey stating that there were no historic properties on the trail.

In August, area resident Judy Hiller was driving down to the bottom of Mud Lane when she noticed a county truck. The county worker told her he was authorized to re-gravel an existing gravel road.

"There was no road there and there was no gravel there," Hiller told him, "so he was understandably confused. But that was my tip off that

repelled by Pai'ea's forces.

The letter cites another historically significant battle, soldiers loyal to Kekuaokalani fled to the area following the battle of Kuamo'o c. 1819. They were pursued to Kawaihae and into Waimea and Mahiki by the soldiers of Liholiho, under the command of Hoapili, who was successful in routing the fleeing soldiers, and a final blow was dealt to those who openly supported the traditional religious system.

West Hawai'i Today reported that same month that another archeological study contradicted the findings of the Waimea 660 survey. Residents asked for a complete archeological survey of the area. State Senator Carol Fukunaga, of Honolulu, became involved. She chairs the Economic Development and Taxation Committee, and is also involved with historic preservation.

Under pressure from local residents, OHA and Fukunaga, SHPD agreed to do another survey of the area. On September 11, the County issued a stop work order on the project, pending the SHPD review and approval of another archeological inventory survey.

Residents continued to hold public meetings; dozens of people spoke of their need for public space and in favor of preserving the trail. Was there a way to preserve the trail while still giving Waimea 660 access to their property? Residents discussed the options.

On October 16, County Planning Director Chris Yuen wrote to the concerned citizens. He stated that the department's position was that Waimea 660 be permitted to "improve" the section of the trail leading to their property.

Three days later Councilman Dominic Yagong (Hamakua, North Hilo) wrote a letter to Mayor Harry Kim in support of preserving the trail and

advocating an extension of the stop work order in order to allow the community to generate a long-term plan for preservation of the trail.

In response, the stop work order was continued, allowing for further discussion.

With sections of Mud Lane paved, the community has already begun to see the effects of increased traffic on a country road with no posted speed limits. Hank Hill-

iard, a thirty year resident of Waimea, e-mailed about the newly-paved thoroughfare:

"Well, I was almost the first casualty to the new paving of Mud Lane Sunday. We went bike riding and as we unloaded, a lowered little street racer cruised by going down hill—at the time I thought, "what is a car like that doing on Mud Lane?" Clearly not a tourist or sightseer. I got ready to ride, looked both ways and

pulled out on the road to turn around—then that car came flying around the curve and missed me by inches—literally."

"I think a lot of things were done that shouldn't have been done. I think the County's attitude towards public property really needs to change," Mud Lane community activist Judy Hiller told me. "They need to start involving the public and they don't; they are very paternalistic. But I think they are

moving towards being more open and I think the fact that the Mayor wrote that letter is an indication of that." ■

On the Web

Information and history:
mudlane.org

Advocacy site for preserving the trail, including contact info for public officials:
savemudlane.org

