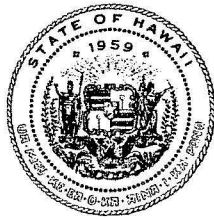
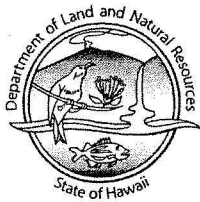


LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON  
OF THE BOARD OF LAND AND NATURAL RESOURCES**

**on House Bill 2872 – Relating To Public Lands**

**BEFORE THE HOUSE COMMITTEE ON  
FINANCE**

**February 6, 2008**

House Bill 2872 would require the Department of Land and Natural Resources (Department) to enter into five-year leases with the current leaseholders of recreation-residences at Kōke'e and Waimea Canyon State Parks, Kaua'i. These leases expired on December 31, 2006 and current lessees are on month-to-month revocable permits until a public auction, authorized by the Board of Land and Natural Resources (Land Board), is conducted for the long-term disposition of these leases. Under the proposed measure, the five-year leases would be issued at an unspecified per cent increase over the current rate. The Department opposes House Bill 2872 because a five-year delay in finalizing these lease dispositions is unnecessary and is likely to prolong, if not exacerbate, the problems this measure intends to address. The Department is also concerned with the constitutionality of this "special legislation". As such, the Department would defer to the Department of the Attorney General on the legality of this measure.

The primary reason given for the proposed five-year leases is concern over the condition of the recreation-residences, many of which are historic properties and contribute to the historic character of these two state parks. Lessees are tending to defer the sometimes costly repair and maintenance actions needed to maintain the recreation-residences because their tenancy is uncertain. They do not know when their current permits may be revoked or if they will prevail at public auction.

This measure is unnecessary for several reasons. The Department intends to hold the auction for twenty year leases authorized by the Land Board within the year. This will end the period of uncertainty and limit the duration of delayed repair and maintenance actions. In many cases, a five-year period would not be sufficient anyway to justify the level of investment needed make some of the major, pending repairs. Delaying the auction for five years could actually prolong the deferral of repairs and the structures could fall into even greater disrepair.



## TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-FOURTH LEGISLATURE, 2008

---

**ON THE FOLLOWING MEASURE:**

H.B. NO. 2872, RELATING TO PUBLIC LANDS.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Wednesday, February 6, 2008      **TIME:** 1:30 PM

**LOCATION:** State Capitol Room 308

*Deliver to: Room 306, 2 copies*

**TESTIFIER(S):** Mark J. Bennett, Attorney General  
or William J. Wynhoff, Deputy Attorney General

---

Chair Oshiro and Members of the Committee:

The Department of Attorney General opposes this bill and believes it would be unconstitutional if enacted.

This bill requires the Department of Land and Natural Resources to "extend" for five years recreational-residential leases of property in Koke'e and Waimea State Parks on Kauai.

Background

The State owns lots in Koke'e State Park and Waimea State Park. More than 100 of these lots are subject to recreational-residential cabin leases. All of these leases expired on December 31, 2006.

The situation at Koke'e dates back to the early twentieth century. Beginning in the early 1900s, before creation of the state parks, the Territory and the County of Kauai issued permits authorizing use of the lots. See Board of Land and Natural Resources ("BLNR") report to Senate dated March 10, 1965. Permittees constructed recreational cabins at various times over the years. In 1965, the Legislature passed Act 239, section 38, 1965 Hawaii Session Laws 412 (now codified as section 171-44, Hawaii Revised Statutes), allowing the BLNR to issue twenty-year leases in such areas by direct negotiation.

When those leases expired in 1985, the BLNR declined to issue new leases by direct negotiation. Instead it auctioned new twenty-year leases. At that time, due to ambiguity in the 1965 leases, the successful bidders were required to purchase the site improvements from existing lessees. This requirement decreased the auction price.

All of the permits issued over the years and all of the 1965 and 1985 leases: (1) required the permittees and lessees to build and maintain a "cabin" on the property and (2) provided that if the permittees and lessees did not remove any improvements or structures (including the cabin) at the end of the permit, then the State, Territory, or County would own the improvements and structures.

This agreement that the State owned the cabins if not removed reflected the common law of the State of Hawaii. As the Hawaii Supreme Court explained in Anthony v. Kualoa Ranch, Inc., 69 Haw. 112, 119, 736 P.2d 55, 60 (1987):

The law of Hawaii in 1953, when the lease was executed, was that a house built upon premises owned by another became a fixture and part of the realty (*Ahoi v. Pacheco*, 22 Haw. 257 (1914)), and a tenant's right to remove such a house if provided for in the lease, had to be exercised in accordance with the terms of the lease. *Akiona v. Kohala Sugar Co.*, 5 Haw. 359 (1885). The lease in question, when executed, provided exactly what the law of Hawaii, as pronounced by this court, recognized.

Despite this history, law, and the plain meaning of the leases, some (but not all) of the lessees filed lawsuits claiming that the State was "taking" the cabins and was required to pay "just compensation." One of these lawsuits has already gone to trial. In Civil No. 06-1-0049 (Fifth Circuit), the

Honorable Kathleen Watanabe wholly rejected lessees' claims and ruled the leases mean what they say.

The State intends to proceed with issuing new leases in the relatively near future. Consideration is being given to restricting disposition of some or all of the new leases to residents of Kauai. In the meantime, most of the cabins are occupied by the former lessees by way of revocable permit issued pursuant to section 171-55, Hawaii Revised Statutes. Each of the permittees agreed to:

At Permittee's own expense, keep, repair, and maintain all buildings and improvements now existing or hereafter constructed or installed on the Premises in good order, condition, and repair, reasonable wear and tear excepted, including free from termite infestation.

#### Problems with the bill

First, the stated purpose of the bill is to provide "lessees" with the "long-term assurance that they need to invest in maintenance and repair of the properties." But each permittee has already agreed to maintain and repair the cabins. The State has no reason to believe they will not honor that agreement. As to any permittee who does not, we believe the appropriate remedy is to terminate the permit and, perhaps, re-issue to someone who will honor contractual obligations.

To the extent the bill is addressing major repairs to existing problems or major changes, five years is likely too short a period to encourage any major investment. Moreover, we expect that new, twenty-year leases will be issued in the relatively near future. The new lessees will have a greater incentive to upgrade the cabins.

Second, the end of each of the preceding leases has involved litigation. We do not believe it would be in the best

interests of the State to enter new leases with existing tenants. Doing so will simply postpone final resolution of the disputed issues.

Third, the existing leases have already expired. It is, therefore, not possible to "extend" the now expired leases.

Fourth, to the extent the bill is modified to require new leases to former tenants, it would run afoul of article XI, section 5 of the Hawaii Constitution, which provides:

The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, or a political subdivision, or any department or agency thereof.

No Hawaii case deals with article XI, section 5. One formal opinion from this department addresses it. In our Opinion No. 61-38, at page 2 (footnote omitted), we said:

[I]t is clear that once land was "owned by the State or under its control," the framers of the Constitution intended that it be distributed by means of general laws and to prohibit its dissipation "through private, or special laws". (Vol. 1, Proceedings of the Constitutional Convention of Hawaii, pp. 233, 336.)

The impetus for adoption of article XI, section 5 appears to have been "special land exchange deals or things of that nature which as we know in the past have definitely caused a considerable loss to the Territory." 2 Proceedings of the Constitutional Convention of Hawaii of 1950, at 631 (1961). The committee report refers to "dissipation of assets by land exchanges under private laws or by homestead laws governing a particular tract of land." Stand. Comm. Rep. No. 78, 1 Proceedings of the Constitutional Convention of Hawaii of 1950,

at 233 (1960). Although land exchange deals and homestead laws governing particular tracts of land appear to have been foremost in the minds of the delegates to the 1950 Constitutional Convention, the constitutional proposal they agreed to was not limited to those transactions. The committee report instead states "in administering and disposing of the natural resources the legislature must do so by general law." Id. Intergovernmental transfers were the only exceptions provided. Id.

H.B. No. 2872 is (plainly) the product of the exercise of legislative power and involves land owned by the State. The bill does not fall within the exception clause of article XI, section 5, because it does not involve an intergovernmental transfer.

H.B. No. 2872 is not a general law because the bill singles out one parcel of land in a specific locale. It is an exercise of legislative power over the lands owned by the State by special, not general, law and is, therefore, unconstitutional. Note, by way of contrast, the care taken by the 1965 legislature to cast Act 239, 1965 Hawaii Session Laws 412, in general terms.

The Department of Attorney General requests that this bill be held.

COUNTY COUNCIL  
BILL "KAIPO" ASING, CHAIR  
MEL RAPOZO, VICE CHAIR  
TIM BYNUM  
JAY FURFARO  
SHAYLENE ISERI-CARVALHO  
RONALD D. KOUCHI  
JOANN A. YUKIMURA



4396 RICE STREET, ROOM 206  
LIHU'E, KAUA'I, HAWA'I 96766-1371  
E-mail: cokcouncil@kauai.gov

OFFICE OF THE COUNTY CLERK  
Council Services Division  
Elections Division  
Records Division  
PETER A. NAKAMURA, County Clerk  
ERNESTO G. PASION, Deputy County Clerk  
Telephone: (808) 241-6371  
Facsimile: (808) 241-6349

February 6, 2008

The Honorable Marcus R. Oshiro, Chair  
& Members of the House Committee on Finance  
State House of Representatives, 24<sup>th</sup> State Legislature  
Regular Session of 2008  
State Capitol, Conference Room 309  
415 South Beretania Street  
Honolulu, HI 96822

Dear Chair Oshiro & Members of the House Committee on Finance:

**SUBJECT: HOUSE BILL NO. 2872; RELATING TO PUBLIC LANDS**

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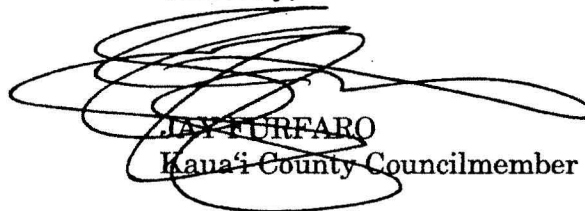
I submit this testimony as an individual member of the Kaua'i County Council.

I would like to offer my support for House Bill No. 2872 (HB2872), which would allow the State Department of Land and Natural Resources to extend the recreation-residence use leases at the Kōke'e and Waimea Canyon State Parks for a period of five (5) years, with a sunset date of January 1, 2012.

As it states in HB2872, the current state of uncertainty regarding the Kōke'e-Waimea Canyon State Parks' leaseholders' length of tenancy "has led to the deferral of maintenance on the recreational cabins, many of which are historic and an irreplaceable part of the cultural landscape of the Kōke'e and Waimea canyon state parks."

Thank you for your consideration of this testimony.

Sincerely,



JAY FURFARO  
Kaua'i County Councilmember

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## FINtestimony

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**From:** doc [workstar@pixi.com]  
**Sent:** Monday, February 04, 2008 6:15 PM  
**To:** FINtestimony  
**Subject:** HB2872-Finance Committee



Clinical Service Center • 91-2135 Fort Weaver Rd. • Suite 107 • Ewa Beach, Hawaii 96706 • Phone: (808) 676-5331 • Fax: 808-671-2931

Dear Chair Sagum and Committee Members:

As a busy Occupational Medicine physician here on Oahu Kokee' Park has been a respite for myself and my family for over 12 years. Unfortunately the present month to month permit status is making it difficult to commit the necessary maintenance resources (i.e. new roof, plumbing, etc) needed to keep our beautiful cabin in top shape. Please support the five year lease extension so that we owners are able to justify the investments needed to keep our Kokee' the local jewel for local Hawaiians it is.

Mahalo nui loa,

Scott McCaffrey, MD  
Occupational Medicine  
Hawaii Medical Center-West  
cell 349-9000

P.s. Please give me a call if you would like to discuss the additional benefits of this lease extension for the Park and our Island's people.

2/5/2008



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Version: 7.5.516 / Virus Database: 269.19.18/1255 - Release Date: 2/1/2008 9:59 AM

**FINtestimony**

**From:** Pete Cooper [petecooper@cooperandcooper.biz]  
**Sent:** Monday, February 04, 2008 9:00 PM  
**To:** FINtestimony  
**Cc:** John Wilkinson; John Wilkinson  
**Subject:** Kokee Cabins

Dear Rep. Marcus R. Oshiro, Chair, and  
Rep. Marilyn B. Lee, Vice Chair

As long time Kamaina's , my wife and I celebrated our honey moon at the Kokee cabins over 25- years ago. We had never been to Kauai before, and we had a fantastic time at Kokee and in the Waimea Canyon area. We encourage you to allow more local families to have the same opportunity we had to enjoy this special part of Kauai. Please consider releasing the rest of the unoccupied lots and houses to extend the opportunity to others. It would appear to me that leases need to be extended for at least 5 years in order to create an incentive to have the cabins maintained appropriately. For those that have existing leases, extending the leases in a similar manner would provide the incentive to have the assets maintained while providing the state the time to come to a final decision as to the use of the cabins without being in a position of duress.

Thank you for your consideration.

Pete Cooper #B2872  
President



**Cooper & Cooper LLC**  
1124 Fort Street Mall, Suite 204  
Honolulu, HI 96813  
E-Mail: [petecooper@cooperandcooper.biz](mailto:petecooper@cooperandcooper.biz)  
Office: 808.587.8020  
Cellular: 808.398-4782  
Facsimile: 808.587.8022  
[www.cooperandcooper.biz](http://www.cooperandcooper.biz)

## FINtestimony

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**From:** Jim Niess [jim@mauiarch.com]  
**Sent:** Monday, February 04, 2008 4:03 PM  
**To:** FINtestimony  
**Subject:** HB 2872

**DATE:** Wednesday, February 6, 2008  
**TIME:** 1:30 P.M.  
**PLACE:** Conference Room 308  
State Capitol  
415 South Beretania Street

	<u>A G E N D A # 1</u>	
<u>HB 2872</u>	RELATING TO PUBLIC LANDS.	FIN
<u>(Email Testimony)</u>	Requires the department of land and natural resources to extend the recreation-residence use leases at the Koke'e and Waimea canyon state parks for 5 years. Sunsets 01/01/12.	

Aloha,

We are writing to **support passage of HB 2872**, regarding recreational lease extensions at Kokee State Park. It is our belief as very active Park users and observers of State management policy over the past twenty years at this Park along with Waimea Canyon State Park, that implementation of this legislation will clearly be in the best interest of the community at large and on Kauai in particular. We respectfully request you move this bill forward.

Sincerely,

Maui Residents:  
James Niess  
Stephanie Austin  
Peter Niess  
Carter Platt  
Kathleen Platt  
Warren Haynes  
Sonya Niess

**JAMES NIESS**

**MAUI ARCHITECTURAL GROUP INC**

**2331 w. Main Street . Wailuku, Maui, HI 96793**

**(877) 244-9011**

Page 1 of 1

## FINtestimony

---

**From:** Fred Dente [koikoi1@hawaii.rr.com]  
**Sent:** Tuesday, February 05, 2008 10:30 AM  
**To:** FINtestimony  
**Subject:** Koke`e Bills

CHAIRMAN MARCUS OSHIRO, HOUSE FINANCE COMMITTEE,

ALOHA Chairman Oshiro,

I am writing in support of House Bills 2872, 2873 and 2874 that will be addressed at your session on Feb. 6, 2008. PLEASE SUPPORT THESE BILLS! The integrity and character of Koke`e must be preserved. Mahalo, Fred Dente P.O. Bpx 974 Kapa`a, HI 96746

**FINtestimony**

---

**From:** Chad Deal [Chad@ChadDeal.com]  
**Sent:** Tuesday, February 05, 2008 10:33 AM  
**To:** FINtestimony  
**Subject:** 2/6/2008 HB2872 Agenda #1

***TESTIMONY: HB 2872 - SUPPORT FOR EXTENSION OF KOKEE CABIN LEASES***

*Chairman Marcus R. Oshiro and members of the House Committee on Finance,*

*I support House Bill 2872, extending the Kokee cabin leases for five years at a reasonable percent increase of current fees.*

*Mahalo for your support,  
Chad Deal*

**Chad Deal (R) (ABR)  
Certified EcoBroker®  
Broker In Charge  
Kaua'i Tropical Properties, Inc.  
e: [Chad@ChadDeal.com](mailto:Chad@ChadDeal.com)  
c: 808 482-0338  
f: 808 826-1089  
[www.SustainKauai.com](http://www.SustainKauai.com)**

## FINtestimony

---

**From:** Sean Combs [seancombs21@hotmail.com]  
**Sent:** Tuesday, February 05, 2008 10:02 AM  
**To:** FINtestimony  
**Subject:** Koke'e & Waimea parks

As an active member of the community, and someone who loves Koke'e and Waimea parks deeply, I am in favor of all three of these house bills,( [HB 2872](#), [HB 2873](#), [HB 2874](#)), and I strongly urge the House to pass them.

Respectfully  
Sean combs  
Princeville, Kauai  
[seancombs21@hotmail.com](mailto:seancombs21@hotmail.com)

---

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## FINtestimony

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**From:** Linda F. Collins [lfc@kikiaola.com]  
**Sent:** Tuesday, February 05, 2008 10:38 AM  
**To:** FINtestimony  
**Cc:** Rep. Roland Sagum  
**Subject:** HB

TESTIMONY: HB 2872 - SUPPORT FOR EXTENSION OF KOKEE CABIN LEASES

Chairman Marcus R. Oshiro and members of the House Committee on Finance,

I support House Bill 2872, extending the Kokee and Waimea Canyon recreational cabin leases for five years at a reasonable percent increase of current fees.

Koke'e is one of Hawaii's most endangered natural and cultural landscapes.

This bill will provide appropriate time for resolving the complicated issues involved, especially the issue of historic preservation.

The bill will also allow a cooling off period for all stakeholders to study further consider and resolve the contentious issues of a public auction at this time.all the unintended consequences that a public auction became contentious enough that a recent decision was made to delay the auction indefinitely, pending the conclusion of lawsuits and public input. The decision resulted in the State issuing month-to-month tenancy of the recreational residences to the lessees. However, the uncertainty of the leaseholders' length of tenancy has led to the deferral of maintenance on the recreational cabins, many of which are historic and an irreplaceable part of the cultural landscape of the Koke'e and Waimea canyon state parks.

Respectfully submitted,

Linda Collins



## FINtestimony

---

**From:** Ben, Bulee CIV PACMISRANFAC HAWAREA, (PMRF 7040) [bulee.ben@navy.mil]  
**nt:** Tuesday, February 05, 2008 10:31 AM  
**Subject:** FINtestimony  
HB 2872  
**Importance:** High

I support HB 2872.

Thank you,  
Bulee Ben

## FINtestimony

---

**From:** EvergreenbyDebra@cs.com  
**Sent:** Monday, February 04, 2008 7:22 PM  
**To:** FINtestimony  
**Subject:** 2/6/2008 20HB2872 20 Agenda 20 231

DATE: Wednesday, February 6, 2008 TIME: 1:30 P.M.  
PLACE: Conference Room 308  
State Capitol  
415 South Beretania Street

### COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair

Dear Chairpersons Oshiro and Lee:

I am writing in support of Roland Sagum's bill to extend the Kokee leases for five years for further study of the many complicated issues, especially historic preservation.

A 5 year extension on the current the leases seems fair and would allow current lessee's to continue to maintain their cabins and lots while more study is done.

Releasing the remainder of the available lots to the people of Hawaii would help too.

For me, I feel that the Koke'e leases are no different from when I had my boat in the water at a slip here at Heeia. If you wait your turn and I had to, and comply with the rules while you're there and I did, and pay on time you can keep the slip for years and years without any interruption. It works there.

Aloha,

Jeff Pompadur  
47-388 Kamehameha Hwy  
Kaneohe, HI 96744-4736 USA  
Phone: 808-239-6599  
Cell: 808-306-3537  
Fax: 808-239-8556  
E-mail: [Jeff@EvergreenbyDebra.com](mailto:Jeff@EvergreenbyDebra.com)

2/5/2008

## FINtestimony

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**From:** Shelly Feduniw [sfeduniw@shaw.ca]  
**Sent:** Monday, February 04, 2008 7:22 PM  
**To:** FINtestimony  
**Subject:** 2/6/2008 HB2872 Agenda#1

*To whom this testimony pertains to in review;*

*I strongly believe it would be in the best interest of the state to release the unoccupied lots and houses for 5 years, and extend the leases of those already maintaining and residing on their lots. This would allow the cabins to be maintained and allow the state to make a more prudent decision to this sensitive area and condition of these treasures.*

*Sincerely,  
S. Feduniw*

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Version: 7.5.516 / Virus Database: 269.19.20/1259 - Release Date: 04/02/2008 8:42 PM

## FINtestimony

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**From:** Craig Smith [inspect@maui.net]  
**Sent:** Monday, February 04, 2008 7:14 PM  
**To:** FINtestimony  
**Cc:** backtoeden@hotmail.com  
**Subject:** 2/6/2008 HB2872 Agenda #1

I am writing regarding the recreation-residence use leases at Koke'e and Waimea Canyon state parks. I feel strongly that the wisest thing to do, is for the state to release the unoccupied houses and lots for 5 years and to extend the leases of occupied cabins. By doing so, the cabins in use would continue to be maintained. This would also allow the state more time to assess the issue and to make a more researched and prudent decision regarding these public properties.

## FINtestimony

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**From:** KT Haase [ktnodots@earthlink.net]  
**Sent:** Monday, February 04, 2008 6:04 PM  
**To:** FINtestimony  
**Subject:** 2/6/2008 HB2872 Agenda %231

2/6/2008 HB2872 Agenda %231

RELATING TO PUBLIC LANDS.

Requires the department of land and natural resources to extend the recreation-residence use leases at the KokeEe and Waimea canyon state parks for 5 years. Sunsets 01/01/12.

From Kathryn Haase to the House of Representatives, Committee on Finance:

Please please please extend these leases! I am not a leaseholder but I have stayed at the Koke'e cabins and KNOW that they are a cultural treasure. The plan to auction them off to the richest people is just plain wrong. They should continue to be cared for by the people of Hawaii who have loved them for them all these years. The leaseholders need some assurance that their homes will still be there, in order to keep up the homes there. Your uncertainty is like living on quicksand. When will it disappear? How unsettling. Please think about caring for the land and the people of Hawaii, NOT selling to the highest bidder. Please pass HB2872. Thank you.

Kathryn Haase, taxpayer  
350-C Mananai Place  
Honolulu, Hawaii 96818

## FINtestimony

---

**From:** pattywack69@hawaiiantel.net  
**Sent:** Monday, February 04, 2008 6:39 PM  
**To:** FINtestimony  
**Subject:** Kokee

I fully support HB2872 and would like to see it pass! I have lived on kauai 25 years, and I am not a lease owner. I am a Kokee lover to da max. Patrice McCloskey

**FINtestimony**

---

**From:** Deb Smith [debsmith@maui.net]  
**Sent:** Monday, February 04, 2008 6:50 PM  
**To:** FINtestimony  
**Cc:** backtoeden@hotmail.com  
**Subject:** 2/6/2008 HB2872 Agenda #1

To Whom it may concern:

I am writing to request that the state release the unoccupied lots and houses in Kokee for 5 years and extend the leases of those already in there. This would be in the best interest of the state and would allow the cabins to be maintained while providing the state with an opportunity to make a more prudent decision regarding the condition of these treasures in this sensitive area.

Mahalo-  
Deborah Smith, RN, CCM  
P.O. Box 1424  
Makawao, Hawaii 96768  
Phone: (808) 573-1288  
Fax: (808) 573-1289

2/5/2008

## FINtestimony

---

**From:** Steven Charles D [kauailand@gmail.com]  
**Sent:** Monday, February 04, 2008 8:22 PM  
**To:** FINtestimony  
**Subject:** house bills

i am writing to give my input and support of the 3 house bills coming up.

as a long time resident of kauai i support house bills #s 2872, 2873,2874.

i believe in conserving and protecting the very special historic and beautiful kokee and waimea canyon on kauai.

i am not a leaseholder but am aware of the sensitive and valuable environment in this particular state park.

so please put me on record as supporting these bills. aloha, Steven C .Davis

Steven C Davis P.O. Box 531 Kilauea, Hi 96754



## FINtestimony

---

**From:** Ellen Wagner [wagsgosurf@hotmail.com]  
**Sent:** Monday, February 04, 2008 8:27 PM  
**To:** FINtestimony  
**Subject:** HB2872

February 4, 2008

I urge you to pass HB2872 to extend the recreation-residence leases at Koke'e and Waimea Canyon State Parks for five years. As you know, many of the leaseholders have held their leases for generations and have maintained these cabins over the years. With the uncertainty of a month-to-month lease, they cannot afford to maintain the cabins. These cabins and their leaseholders provide many members of the community who do not hold leases the opportunity to enjoy the beauty and magic of Koke'e. I have had the good fortune of spending time in a cabin up there with my hula halau, learning about the native flora, and cultural history of the area. If it were not for my hula sister's cabin, we would not be able to spend this special time learning, lei making, and feeling the majesty of Koke'e. These experiences have been invaluable to me, and I know that this cabin is being cared for by someone who loves her island and is in every way a steward of the 'aina. Please extend the leases so that the cabins and the land can continued to be cared for and cherished in the way that only can be done by the people who currently hold the leases.

Sincerely,

Ellen Wagner

2/5/2008

## FINtestimony

---

**From:** RUSTY [edward.lantry@hawaiiantel.net]

**Sent:** Tuesday, February 05, 2008 9:41 AM

**To:** FINtestimony

**Subject:** HB 2872

I have been using the cabins up in Kokee for twenty years

I am not a leasehold but friends with leasehold who have share there cabin with my family and friends.

I support HB 2872

Edward Lantry

## FINtestimony

---

**From:** Mary Lu Kelley [mkelley@lava.net]  
**Sent:** Monday, February 04, 2008 9:46 PM  
**To:** FINtestimony  
**Subject:** Support for HB (House Bill) 2872

Aloha Committee on Finance,

Please support HB (House Bill) 2872. I am not a leaseholder but I have several friends who are and I enjoy frequent hospitality at their Koke'e cabins. I really like HB (House Bill) 2872. Five years will give the leaseholders time to keep up "malama Koke'e" and the existing recreational residences. All parties involved can use this cooling off period to work on a workable solution for Koke'e.

I urge your support for HB (House Bill) 2872.

Thank you,  
Mary Lu Kelley  
P. O. Box 670  
Kalaheo, HI 96741

## FINtestimony

---

From: mp@margyparker.com  
Sent: Tuesday, February 05, 2008 5:22 AM  
To: FINtestimony  
Subject: 2/6/2008 HB2872 Agenda %231

TESTIMONY: HB 2872 - SUPPORT FOR EXTENSION OF KOKEE CABIN LEASES

Chairman Marcus R. Oshiro and members of the House Committee on Finance,

I support House Bill 2872, extending the Kokee cabin leases for five years at a reasonable percent increase of current fees.

I am not a cabin owner. I am a 28-year resident of Kauai who enjoys hiking up in Kokee.

I am appalled that the State of Hawaii wants to yank leases away from lessors who, for the most part, take good care of their leased property. The current situation of month-to-month leases with the prospect of an imminent auction creates strong dis-incentive for the leaseholders to maintain their cabins. A five year extension will allow existing cabin lease holders to make repairs and improvements to keep these historic cabins in useable condition. Adding an annual increase such as a CPI index increase aligns with leasing practices for most leasing activity over the course of a lease period.

I have opposed the concept of the auction ever since the first one 21 years ago. While its true that residents should have access to the state's facilities, numerous cabin leases, over time, have been given up and turned back over to the state. If the state is so intent on auction, those leases that are given up should be the ones that are auctioned, not the leases that are held by responsible, citizens who pay their lease fees, insurance and taxes appropriately and who spend their personal time, effort and resources to maintain the cabins.

If anything, impose a CPI (Consumer Price Index) annual increase on current leases and auction only those that are turned back over to the state by leasholders who are delinquent or no longer want to continue their leases.

The five year extension will allow the State to assess the conditions of the cabins, and come up with a fair system of access to cabins that are released back to the State and a fair system of allowing responsible cabin lessors to maintain their leases.

Sincerely yours,

Margy Parker

Margy Parker  
4400 Kai Ikena Dr., Kalaheo, Kauai, HI 96741  
808-332-9339 (ph/fx - Hawaii)  
808-651-5394 (cell)  
mp@margyparker.com

## FINtestimony

---

**From:** Edward Wels [strabo@hawaii.rr.com]  
**Sent:** Tuesday, February 05, 2008 6:02 AM  
**To:** FINtestimony  
**Subject:** 2/6/2008 HB2872 Agenda #1

Aloha!,

I have been a registered voter on Oahu for 20 years. I never miss a chance to vote.

I am not a Kokee leaseholder.

I am strongly in support of HB2872.

I believe that all of the plans the state has proposed for for Kokee and Waimea Canyon contain too many flaws to be realistically workable and would fail to achieve the peoples' goals for our state parks. Therefore the state must extend the leases as per HB2872.

Edward Wels  
Honolulu

## FINtestimony

---

From: Basil Mayo [diandbas@hawaiian.net]  
Sent: Tuesday, February 05, 2008 8:50 AM  
To: FINtestimony  
Subject: HB 2872

Dear Sirs, As a frequent visitor to Kokee State Park and resident of Kauai for 23 years, I have followed the Master Plan for Kokee since its conception several years ago. The failure to come up with a feasible plan for the Park over a number of years has made it apparent that we must set aside additional time to set a proper plan in place. I and the dozens of my friends with the same sentiments fully endorse HB 2872 so we can finally take the time to do the job correctly.

B. Mayo

registered voter

Lawai, Kauai, Hi.

## FINtestimony

---

**From:** Beryl Pomeroy [berylpomeroy@yahoo.com]  
**Sent:** Tuesday, February 05, 2008 8:53 AM  
**To:** FINtestimony  
**Subject:** Koke'e Cabins

To Whom It May Concern,

I was lucky enough to have stayed at one of the cabins in Koke'e for the weekend with a couple of my friends. I SUPPORT HB2872.

Thank you.  
Beryl Pomeroy

---

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## FINtestimony

---

**From:** Betty Prahler [betty@polyad.com]  
**Sent:** Monday, February 04, 2008 5:31 PM  
**To:** FINtestimony  
**Subject:** 2/6/2008 HB2872 Agenda #1

I am in support of HB 2872 to extend the use leases on the cabins at Koke'e and Waimea Canyon State Park for five years to enable the leaseholders to properly maintain the properties.

I have enjoyed the park and beautiful hiking trails while staying as a guest in one of the cabins numerous times and hope to make many more visits in the future.

Betty Prahler



## FINtestimony

---

**From:** george@whipplesworld.com  
**Sent:** Monday, February 04, 2008 4:05 PM  
**To:** FINtestimony; Meredith Whipple

I have spent many wonderful Christmases at cabins in the Kokee State Park. I have always stayed with friends who are leaseholders or borrowed their cabins. Kokee is a wonderful special place and the cabins are an integral part of it. Please let the cabins remain and with a reasonably long lease.

Thank you,  
George C. Whipple  
New York, NY

George Whipple  
Penthouse C  
333 West 56th St.  
NYC 10019  
george@whipplesworld.com  
www.whipplesworld.com  
fax 212 333 4545

## FINtestimony

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**From:** Cinda diRaimondo [cindadiraimondo@hotmail.com]

**Sent:** Monday, February 04, 2008 4:06 PM

**To:** FINtestimony

**Subject:** HB2873

Aloha,

I support HB2872 and would like to see it pass. i am not a leaseholder.

Regards,  
Cinda diRaimondo

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## FINtestimony

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**From:** Harmony Scott [harmonyscott@msn.com]

**Sent:** Monday, February 04, 2008 2:42 PM

**To:** FINtestimony

**Subject:** in support of HB2872

I am writing in support of HB2872. Although I am not a leaseholder, I grew up on Kaua'I and spent many idyllic times visiting friend's and family's cabins up in Kokee. I have see firsthand the love, care, and commitment to the aina all these feel towards both their leased cabins and the park itself. I believe that DLNR should take all the time they need to come up with the best possible plan for Kokee and the cabins and the people who love and care for them...in that spirit it would be appropriate to extend the leases for the 5 years to enable more time to consider this plan fully.

Respectfully,

Harmony Scott  
199 Main St.  
Carbondale, Colorado 81623  
970-379-3978

## FINtestimony

---

**From:** Marj Dente [mdente@hawaii.rr.com]  
**Sent:** Monday, February 04, 2008 2:41 PM  
**To:** FINtestimony  
**Subject:** HOUSE BILLS 2872, 2873, 2874: RE KOKEE STATE PARK

>  
> TO: CHAIRMAN MARCUS OSHIRO, HOUSE FINANCE COMMITTEE  
>  
> I am writing in support of House Bills 2872, 2873 and 2874 that will  
> be addressed at your session on Feb. 6, 2008. I do not have a lease on  
> a cabin at Kokee, but as a property owner and resident on Kauai  
> since 1989, I realize that the importance of keeping the leases within  
> local control is paramount to the health and well being of the Kokee  
> State Park. Since, the Chair of DNLR has recently changed, and there  
> seems to be no PONO plan established toward this end as yet, it is a  
> good idea to extend the leases for  
> 5 years until something of workable merit can be established.  
> Hopefully any plan will include NEGOTIATION of the leases with current  
> lease holders.  
>  
> Also, in my opinion, the conservation of the Park is the most  
> important issue, not the highest amount of funds that can be  
> generated. Whatever funds that are generated must be used to improve  
> and maintain the Park facilities and roads.  
>  
>  
> Thank you for your efforts in supporting these 3 bills.  
>  
>  
> Sincerely,  
>  
> Marj Dente, 6335-B Waipouli Rd., Kapaa, Hi 96746      823-8162

## FINtestimony

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**From:** Anne English [anne@parrishkauai.com]  
**Sent:** Monday, February 04, 2008 9:49 AM  
**To:** FINtestimony  
**Subject:** 2/6/2008 HB2872 Agenda#1

Dear Representatives,

Please pass HB2872 to extend the leases on vacation residence lots in Koke'e & Waimea Canyon State Parks for five years. This would give everyone (the community and leaseholders) a chance to step back and look objectively at the issue. The Master Plan process has caused a huge divide in our Kauai community. The community of Kauai is not behind the plans developed for DLNR by their consultant. Kauai residents and Park users did not have the chance to participate in the planning. A five year delay could be used to bring together community leaders, and representatives of other stakeholder groups to make this a community plan that will benefit everyone.

Please also do not commercialize our treasured Kokee. We must do everything we can to maintain this treasure. It is places like Kokee that keep visitors coming to Kauai. I work in Koloa and 99% of our visitors plead on their comment sheets that we stop development and keep Kauai the way that it is. That is why they come. If we listen to them, they will continue to come here. Isn't that what the state wants? Please help save our beautiful Kokee.

Thanks for your consideration of these issues.

Aloha,

Anne English  
PO Box 389  
Lawai, HI 96765  
(808) 332-7988

## FINtestimony

---

**From:** Gary Barnes [gary@tropicaljs.com]  
**Sent:** Monday, February 04, 2008 11:37 AM  
**To:** FINtestimony  
**Cc:** john\_backtoeden@hotmail.com  
**Subject:** FW: H.B. 2872

To whom it may concern,

H.B. 2872 requires the Department of Land and Natural Resources to extend the recreation-residence use leases at the Koke'e and Waimea canyon state parks for 5 years in order to motivate existing lessees to maintain this properties, some of which have historical significance to the State and by the "State", the citizens of Hawaii.

As a citizen, I fully support this bill and would further support extending the lessees the same courtesies we extend citizens who lease boat slips from Harbors, i.e., you keep the slip until you no longer need it.

Mahalo,  
Gary Barnes  
45-002 Holowai St  
Kaneohe, HI 96744

808-848-0888

## FINtestimony

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**From:** Denny Rhatigan [rhatigand001@hawaii.rr.com]

**Sent:** Monday, February 04, 2008 11:43 AM

**To:** FINtestimony

**Subject:** 2/6/2008 HB2872 Agenda #1

### Testimony in Support of Bill HB2872

We are residents of Oahu and have on two occasions been able to use a cabin in Kokee for a wonderful vacation experience.

We are aware that the unresolved lease situation has prevented owners from making reasonable maintenance investments in these cabins. I support this bill to allow some security to leaseholders in keeping these cabins available and serviceable to the public and for future preservation. Thank you for your support of this bill.

Dr. Dennis Rhatigan, D.C.

Dr. Wendy Sato Rhatigan, D.Ac., L.M.T.

## FINtestimony

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**From:** Betty Prahler [bjprahler@hotmail.com]  
**Sent:** Monday, February 04, 2008 1:29 PM  
**To:** FINtestimony  
**Subject:** FW: Support of HB 2872

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From: bjprahler@hotmail.com  
To: testimony@capitol.hawaii.gov  
Subject: Support of HB 2872  
Date: Mon, 4 Feb 2008 13:15:05 -1000

I am in support of HB 2872 to extend the use leases on the cabins at Koke'e and Waimea Canyon State Park for five years to enable the leaseholders to properly maintain the properties. .

I have enjoyed the park and beautiful hiking trails while staying as a guest in one of the cabins numerous times and hope to make many more visits in the future.

Betty Prahler

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## FINtestimony

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**From:** Meredith Whipple [maw@hawaii.rr.com]  
**Sent:** Monday, February 04, 2008 12:20 PM  
**To:** FINtestimony  
**Subject:** bill HB2872 - Kokee  
**Importance:** Low

I have stayed at Kokee many times in the past 20 years and have always borrowed cabins from friends. Please do not ruin this beautiful area. The cabins are a wonderful addition to the park and are used by many people other than the owner. Thank you

Meredith Ann Whipple  
1769 Bertram Street  
Honolulu, Hawaii 96816

[maw@hawaii.rr.com](mailto:maw@hawaii.rr.com)  
808-734-0475 phone/fax

## FINtestimony

---

**From:** Craig Millett [cmillett@rare-dear.com]  
**Sent:** Sunday, February 03, 2008 9:33 PM  
**To:** FINtestimony  
**Subject:** RE: 2/6/2008 HB2872 Agenda#1

Dear Representatives,

I too would like to take this opportunity to implore you to pass HB2872 to extend the leases on vacation residence lots in Koke'e & Waimea Canyon State Parks for five years. The Master Plan process, undertaken in the last few years, has been quite divisive. The community of Kauai is not behind the plans developed for DLNR by their consultant. There was no direct participation by Kauai residents and Park users in the planning. A five year cooling off period could be used to bring together community leaders, and representatives of other stakeholder groups to create a consensus plan that would have full support of the Kauai residents.

One aspect of the DLNR plan is to greatly increase the commercialization of the parks to their detriment and to the benefit of the DLNR coffers. Waimea Canyon is one of the States natural wonders and is well known internationally in addition to being a sacred place for many Hawaiians. To commercialize this precious place would be a crime.

Thanks for your consideration of this issue.

Sincerely,

Craig Millett

## FINtestimony

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**From:** Susan Stayton [hr.sstayton@rare-dear.com]  
**Sent:** Sunday, February 03, 2008 8:20 PM  
**To:** FINtestimony  
**Subject:** 2/6/2008 HB2872 Agenda#1

Dear Representatives,

I would like to take this opportunity to implore you to pass HB2872 to extend the leases on vacation residence lots in Koke'e & Waimea Canyon State Parks for five years. The Master Plan process, undertaken in the last few years, has been quite divisive. The community of Kauai is not behind the plans developed for DLNR by their consultant. There was no direct participation by Kauai residents and Park users in the planning. A five year cooling off period could be used to bring together community leaders, and representatives of other stakeholder groups to create a consensus plan that would have full support of the Kauai residents.

One aspect of the DLNR plan is to greatly increase the commercialization of the parks to their detriment and to the benefit of the DLNR coffers. Waimea Canyon is one of the States natural wonders and is well known internationally in addition to being a sacred place for many Hawaiians. To commercialize this precious place would be a crime.

Thanks for your consideration of this issue.

Sincerely,  
Susan

---

Susan Stayton  
Client Services 808) 651-9070 cell  
HulaRez Services, LLC 808) 332-6633 direct  
PO Box 408 808) 332-5831 FAX  
Kalaheo, HI 96741 [www.hulaREZ.com](http://www.hulaREZ.com)

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## FINtestimony

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**From:** Watkins, Tom [Tom.Watkins@boh.com]  
**Sent:** Monday, February 04, 2008 1:32 PM  
**To:** FINtestimony  
**Subject:** HB2872 re Kokee Leases

I am in full support of the above bill to extend the leases another 5 years. I have stayed in Kokee several times over the years and support the right to hold a lease on the lots. The current owners can then repair and maintain their homes on the land. The current owners share the cabins with friends and family so hundreds of folks can enjoy the park.

Regards,

*Tom Watkins*

Bank of Hawaii (808)694-5709 (New)  
Information Management Systems Group  
[Tom.Watkins@boh.com](mailto:Tom.Watkins@boh.com)

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## FINtestimony

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**From:** Hollis Dana [hollis.dana@rare-dear.com]  
**Sent:** Sunday, February 03, 2008 10:37 PM  
**To:** FINtestimony  
**Subject:** 2/6/2008 HB2872 Agenda#1

Dear Representatives,

I would like to take this opportunity to implore you to pass HB2872 to extend the leases on vacation residence lots in Koke'e & Waimea Canyon State Parks for five years. The Master Plan process, undertaken in the last few years, has been quite divisive. The community of Kauai is not behind the plans developed for DLNR by their consultant. There was no direct participation by Kauai residents and Park users in the planning. A five year cooling off period could be used to bring together community leaders, and representatives of other stakeholder groups to create a consensus plan that would have full support of the Kauai residents.

One aspect of the DLNR plan is to greatly increase the commercialization of the parks to their detriment and to the benefit of the DLNR coffers. Waimea Canyon is one of the States natural wonders and is well known internationally in addition to being a sacred place for many Hawaiians. To commercialize this precious place would be a crime.

Thanks for your consideration of this issue.

Hollis Dana  
Kauai, Hawaii



## FINtestimony

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**From:** Kay Doty [kay.doty@rare-dear.com]  
**Sent:** Sunday, February 03, 2008 9:45 PM  
**To:** FINtestimony  
**Subject:** FW: 2/6/2008 HB2872 Agenda#1

Kay Doty  
(808) 335-3313  
(808) 634-8631 cell  
P.O. Box 1018  
Waimea, HI 96796

**Subject:** 2/6/2008 HB2872 Agenda#1

Dear Representatives,

I would like to take this opportunity to implore you to pass HB2872 to extend the leases on vacation residence lots in Koke'e & Waimea Canyon State Parks for five years. The Master Plan process, undertaken in the last few years, has been quite divisive. The community of Kauai is not behind the plans developed for DLNR by their consultant. There was no direct participation by Kauai residents and Park users in the planning. A five year cooling off period could be used to bring together community leaders, and representatives of other stakeholder groups to create a consensus plan that would have full support of the Kauai residents.

One aspect of the DLNR plan is to greatly increase the commercialization of the parks to their detriment and to the benefit of the DLNR coffers. Waimea Canyon is one of the States natural wonders and is well known internationally in addition to being a sacred place for many Hawaiians. To commercialize this precious place would be a crime.

Thanks for your consideration of this issue.

Sincerely,  
Kay Doty

2/4/2008

## FINtestimony

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**From:** Ellie Snyder [ellie.snyder@rare-dear.com]  
**Sent:** Sunday, February 03, 2008 9:08 PM  
**To:** FINtestimony  
**Subject:** RE: 2/6/2008 HB2872 Agenda#1

---

**To:** FINtestimony@Capitol.hawaii.gov  
**Subject:** 2/6/2008 HB2872 Agenda#1

Dear Representatives,

I would like to take this opportunity to implore you to pass HB2872 to extend the leases on vacation residence lots in Koke'e & Waimea Canyon State Parks for five years. The Master Plan process, undertaken in the last few years, has been quite divisive. The community of Kauai is not behind the plans developed for DLNR by their consultant. There was no direct participation by Kauai residents and Park users in the planning. A five year cooling off period could be used to bring together community leaders, and representatives of other stakeholder groups to create a consensus plan that would have full support of the Kauai residents.

One aspect of the DLNR plan is to greatly increase the commercialization of the parks to their detriment and to the benefit of the DLNR coffers. Waimea Canyon is one of the States natural wonders and is well known internationally in addition to being a sacred place for many Hawaiians. To commercialize this precious place would be a crime.

Thanks for your consideration of this issue.

Aloha

Eleanor Snyder  
P.O. Box 389  
Lawai, HI 96765

808-332-7988

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2/4/2008



## FINtestimony

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**From:** Sterling Chisholm [alohasterling@hotmail.com]  
**Sent:** Monday, February 04, 2008 9:25 AM  
**To:** FINtestimony  
**Subject:** 2/6/2008 HB2872 Agenda #1

To whom it may concern, I support Roland Sagum's AB 2872 as an interim step to something more equitable. It is truly a shame that many of the homes and cabins in the Kokee and Waimea Canyon area have been owned and maintained literally for generations by the same people and now are up for grabs. Hawaii went from a Territory to a State and the present government officials, many of whom were not even born when most of the structures in the Kokee and Waimea Valley were built.....all of a sudden want to change things. They want to control the situation and take away from those families who have spent their time and hard earned money to create something nice and put these properties up for "auction"!!!? While there might be laws stating that they can do this, there is definitely something wrong here as there has never been any offer on the part of the State to compensate the owners of these homes and cabins for the value created. And then to just up and say, "Sorry....you are out if you are not the highest bidder", and we, the State, are going to take advantage of your time, money and hard work .....well, it kind of smacks of a very subtle form of left handed socialism that is NOT what this country was founded upon. The really sad thing about the State's attempt to conduct this form of hijacking is that it gives the appearance that all the State bureaucrats care about is the money they can grab....no matter how they get it or who they hurt in the process. There has got to be a better way to handle this, even if it is through a process of eminent domain where fair compensation is paid to the home and cabin owners for the value of their improvements.....especially if the State is going to take advantage of this situation. I was born and raised here in Hawaii and I am a resident of Hawaii and I vote. Aloha, Sterling Chisholm, Kilauea, Hawaii.

## FINtestimony

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**From:** Pacific Land Design, Inc. [PLD@hawaii.rr.com]  
**Sent:** Monday, February 04, 2008 9:15 AM  
**To:** FINtestimony  
**Cc:** John Wilkinson  
**Subject:** 2/6/2008 HB2872 Agenda#1

To whom it may concern:

I am writing regarding extending the recreation-residence use leases at Koke'e and Waimea Canyon State Parks for 5 years.

I believe that it is in the best interest of the State of Hawaii to extend the leases for active lease holders who have made improvements to their leased lots over a period of years and release those lots and residences that are unoccupied or have not been cared for.

It does not make prudent sense to remove leases from residents who have shown a consistent kokua for their leased lots and who have been responsible stewards of the land.

Sincerely,

Gary D. Howard

**PACIFIC LAND DESIGN, INC.**

3003 Alencastre Place  
Honolulu, HI 96816-1909  
Tel: 808-737-1327  
Fax: 808-737-1328  
Email: [PLD@hawaii.rr.com](mailto:PLD@hawaii.rr.com)  
Web: [www.pacificlandesign.com](http://www.pacificlandesign.com)

## FINtestimony

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**From:** Larry Dill [ldill@princeville.com]  
**Sent:** Monday, February 04, 2008 9:11 AM  
**To:** FINtestimony  
**Subject:** 2/6/2008 HB2872 Agenda#1

To the Committee on Finance

Written testimony only

Ladies and Gentlemen:

My wife's family has been fortunate to enjoy ownership of one of the Kokee Cabins since her grandfather acquired it in the 1930's. When the State auctioned leases on the cabins, the family pooled resources and won the lease on its cabin. The family has cared for the cabin as a homeowner should, with no assistance from the State of Hawaii, or any other entity. It is only right and just therefore to extend the existing leases in order to allow time to make an educated and honorable decision on the fate of the cabins and the leaseholders.

Please support HB 2872.

Larry Dill  
P.O. Box 223213  
Princeville, Hawaii 96722  
(808) 826-3330

## FINtestimony

---

**From:** Stephanie N. Iona [Stephanie.Iona@resortquesthawaii.com]  
**Sent:** Tuesday, February 05, 2008 12:22 PM  
**To:** Rep.Oshiro@capitol.hawaii.gov; FINtestimony  
**Subject:** HB2872 - As it relates to the Kokee Cabin leases extension

Chairman Oshiro and Members of the House Finance Committee,

Respectfully I submit my support of HB2872 that addresses an extension for the Kokee Cabin leases for a period of five (5) years at a reasonable percentage increase of current fees. In my tenure here at the Cottages I have shared the vision of the tenants in "keeping the historic value" of these cabins in the hands of the families that have cared for this "special" place over time. I believe that it is essential that proper studies and an entire plan for the growth of this area be done properly and consistent with the way of life of this community. Perhaps the Finance committee in conjunction with DLNR can offer a solution of developing a "special TASK FORCE" to lay the foundation of this destination that provides a clear and concise plan that "works" for Kokee as a whole, for the visitors that enjoy this site, and the people who call it home.

Its not so much to give an extension to a few and not open it up to the masses...its more about taking hold of this area, finding an amicable solution to its future, and perhaps in an effort to "reward" the people who care for their cabins, with a system that should be put in place that "makes sense" for the good of Kauai.

**Stephanie N. Iona**  
General Manager  
Waimea Plantation Cottages  
9400 Kaunualii Hwy., P.O. Box 367, Waimea, Hawaii 96796  
Phone: 808-338-2333 Fax: 808-338-2338

~~~~~ View our June-July newsletter ~~~~~  
visit our website at [www.WaimeaPlantation.com](http://www.WaimeaPlantation.com)

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**FINtestimony**

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**From:** testimony  
**Sent:** Tuesday, February 05, 2008 1:44 PM  
**To:** Wakefield Ward  
**Subject:** ERROR RE: HB2872  
**Importance:** High

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You can find hearing notice information at [www.capitol.hawaii.gov](http://www.capitol.hawaii.gov). Choose "bill status and documents" and find, in the second box (the one for hearing notices), the link to "get current hearing notices." These are arranged by date, then committee. When you find your particular bill, open the hyperlinked date (in the first column) to access the hearing notice. You will find the correct email address to use in the bottom portion of that hearing notice. (In this case, the hearing notice for HB2872 [http://www.capitol.hawaii.gov/session2008/hearingnotices/FIN\\_02-06-08\\_1\\_.htm](http://www.capitol.hawaii.gov/session2008/hearingnotices/FIN_02-06-08_1_.htm) shows the correct email address to use is [FINtestimony@capitol.hawaii.gov](mailto:FINtestimony@capitol.hawaii.gov).)

**We are unable to forward your testimony; please send your testimony to the email address indicated on the hearing notice.**

We hope this is helpful information. Please contact us with any questions on finding hearing notices or submitting testimony – we can be reached at 587-0478 or [par@capitol.hawaii.gov](mailto:par@capitol.hawaii.gov).

Public Access Room (PAR)

Hawaii State Legislature

---

**From:** Wakefield Ward [<mailto:paikolagoon@yahoo.com>]  
**Sent:** Tuesday, February 05, 2008 11:27 AM  
**To:** testimony  
**Subject:** HB2872

Aloha Rep. Sagum:

I'm not a Kokee leasholder.

Neither am I a Kauai resident.

But after 52 years I have been blessed with the good fortune to be still visiting friends and wandering the trails of this totally unique part of our beautiful islands.

My first trip to Kauai was on a DC-3. The planes may have changed along with a lot of other things but the amazing thing about Kokee is that it is one of the few places in Hawaii that has remained virtually untouched over the years. And that simply is the incredible attraction of this forest jewel set high in the hills of Kauai. One of the reasons it has not changed is that the leaseholders have taken pride in their

2/6/2008

places and been superb stewards of the park.

If the State rams through their grand scheme and kicks out the leaseholders and takes over the maintenance then watch out. My experience on the Big Island with State maintained recreational facilities has been dismal to say the least.

The future of Kokee will be bleak if it is turned over to the hordes of big bus day trippers and the cabins are allowed to disintegrate due to shoddy government maintenance.

Please, let the existing leasehold system work -- as an example, it seems to work well for both the State and the boat owners at the Ala Wai boata harbor.

Mahalo, Wakefield Ward

**FINtestimony**

---

**From:** Rosa & Hugh & Zane & Lex [rosa.hugh@usa.net]  
**Sent:** Tuesday, February 05, 2008 9:15 PM  
**To:** FINtestimony  
**Subject:** 2/6/2008 HB2872 Agenda

Feb 5, 2008

I am in support of HB2872.

It takes a certain kind of person to live up in the mountains of Kauai, far from the grocery store and beaches. I have a dear friend that lives up near the Kokee Lodge and he is an invaluable resource for the area. He was born and raised on Kauai, volunteers numerous hours to clear trails, eradicate invasive plants, and pass down immense knowledge about the uses and special values of every plant. I cannot imagine the area without him and some of his friends that all will be effected by this bill. Please, a satisfactory resolution to this perplexing problem needs more time... Please support HB 2872 and allow the needed time.

Thank you for your time and dedication,

Rosa Russell

Kilauea, Kauai

## FINtestimony

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**From:** Miriam Fuchs [miriam@hawaii.edu]  
**Sent:** Tuesday, February 05, 2008 7:05 PM  
**To:** testimony  
**Subject:** SUPPORT of HB 2872

This written testimony comes in strong support of HB 2872, sponsored by Ronald Sagum, to create a subaccount for funds for the maintaining of the Kokee recreational area and cabins. Public testimony is tomorrow, Feb. 6, 2008.

I am not a leaseholder, but am familiar with the area. I have been fortunate enough to occasionally be a guest of a leaseholder and visited the cabins.

They are extremely fragile; some have already been abandoned when leaseholders (wisely, I think) would not be subject to month-to-month leases. These cabins are historical treasures, and their significance lies in maintaining them in as original condition as possible--which is expensive and requires considerable commitment. For some cabins, a few months' of neglect have already caused severe problems as the weather and elements work their destruction. Various plans--including state takeover of ownership of the cabins--seem completely unworkable and impractical, likely only to hasten the cabins' destruction.

Yes: extend the leases for a reasonable period of time, five years. Doing so will keep the remaining cabins in respectable shape while giving leaseholders a reasonable amount of time to reap the benefits of their expenditures.

Respectfully yours,  
Miriam Fuchs  
Dept. of English  
University of Hawaii at Manoa



**Frank O. Hay**

6 February 2008: 1.30 pm in House Conference Room 308

**THE HON. MARCUS OSHIRO, CHAIR AND THE HON. MARILYN LEE, VICE CHAIR, House Finance Committee**

**TESTIMONY OF FRANK O. HAY**, in strong support of **House Bill 2872**: Requiring the Department of Land and Natural Resources to extend the recreation-residence use leases at the Koke'e and Waimea Canyon State Parks for 5 years.

Since 1998 I've worked directly with State Parks on the Koke'e and Waimea Canyon State Parks. In the absence of appropriate funding for the parks, I've help organize numerous volunteer workdays. When we saw the deteriorating public facilities within the Parks, we stepped up to the plate. Among other projects, using thousands of hours of volunteer labor and over \$20,000 of our donated cash and materials, we put new roofs on the Koke'e and Pu'u Ka Pele pavilions, the Koke'e Park Headquarters, and several smaller public facilities within the two parks.

Why? Because we care. Yet State Parks and the Land Board appear not to have learned from the 1985 auction – and indeed have proposed another. This bill goes a long way to giving committed leaseholders sufficient time to work with Parks – not in an adversarial “public meeting” or “public hearing” format, but rather in a real working group.

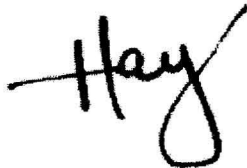
The 1985 auction was a historic preservation disaster. At least 51 local families were displaced from lots and cabins they either purchased, built, or inherited – why? So that Parks could make a few extra dollars from the leases.

At least nineteen historic cabins – almost one sixth of the entire inventory – were either demolished or moved from their sites. Why? So that Parks could make a few extra dollars. After all, if you had just won the lease at auction, you were required to negotiate with the incumbent – who was in effect placed over a barrel.

One leaseholder was offered less than the cost of the lumber as scrap for his house – he took it down – and the incoming leaseholder defaulted. Why? So that Parks could make a few extra dollars. This bill will provide a “time out” to allow readdressing the disposition of the recreation residence permits.

I strongly support House Bill 2872 and ask that you pass the measure unanimously.

Me ke aloha,



**P. O. Box 9**  
**Kekaha, Kauai, Hawaii 96752-0009**  
voice 1.808.639.7704

## FINtestimony

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**From:** Jean Moragne [kulajean@wvi.com]  
**Sent:** Tuesday, February 05, 2008 2:35 PM  
**Cc:** FINtestimony  
**Subject:** Kokee leases

Chairman Marcu R. Oshiro and members of the House Committee on Finance

We, William and Jean Moragne, current Kokee cabin leaseholders, strongly support HB2872 extending the Kokee cabin leases for five years at a reasonable percent increase of current fees.

Thank you. William and Jean Moragne

Chucky & Pammy Chock  
3-4684 Kuhio Hwy. Lihue Kauai HI 96766  
kff@hawaii.rr.com

## **TESTIMONY: HB 2872 - SUPPORT FOR EXTENSION OF KOKEE CABIN LEASES**

To: Chairman Marcus R. Oshiro and members of the House Committee on Finance

We support House Bill 2872, extending the Kokee cabin leases for five years at a reasonable percent increase of current fees.

**Our family, friends, and neighbors are in support of HB 2872.** We have sent written testimony over the past years supporting all bills introduced to Preserve and Protect our mountain "Koke'e".

My family has a Kokee cabin lease. We have had our lease since the early 1970's. Our father was a caretaker prior to the 1985 auction. **The families who have fulfilled the entire 20 year lease term since 1985 are a very Small group of leaseholders. For the past 27 years we have maintained our property and received a historical rating of 4 for our cabin.** Our father is no longer with us but made sure that we maintained the cabin and the land in its best condition. We believe we have been good stewards, and will continue hopefully for another generation. In past written and verbal testimonies we have said "the fight to preserve Kokee in another 20 years will be even harder for our daughters, nieces, nephews and their families". We hope this is an opportunity to make things better for the future of Kokee and the cabin leases.

The entire mountain needs to be preserved and the best alternatives for Kokee need to be explored to Preserve what remains left. The extension of five years would allow for better planning for the future of Koke'e. Currently DLNR has an inventory of Vacant Cabins that could be made available to the public through a public Auction Process. Why would they want to put our cabin in the hands of someone else who may not care about the importance of preservation? All the years put into maintaining our historical cabin should be considered.

As we experience great change on Kauai and in Hawaii it is good to know that your focus is on tomorrow and our children's future. We appreciate you and your committee for trying to do what is best for Kokee.

Warmest Aloha,  
Pam Chock

## FINtestimony

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**From:** Mike Givens [MGivens@timeshareresaleshawaii.com]  
**Sent:** Tuesday, February 05, 2008 2:36 PM  
**To:** FINtestimony  
**Subject:** FW: House bill #HB2872

---

**From:** Mike Givens  
**Sent:** Tuesday, February 05, 2008 1:25 PM  
**To:** 'FNtestimony@Capital.hawaii.gov'  
**Subject:** House bill #HB2872

Chairman Marcus R. Oshiro and members of the House Committee on Finance: I am a life long resident of Hawaii and lived on the island of Kauai for many years. I strongly support House Bill #2872, extending the Kokee Cabin Leases five years, at a reasonable increase of current fee's.. I have seen how the DLNR and State poorly handled the Kokee lease renewals in 1985, and certainly do not want to see this improperly handled again. More time, effort, and input is needed by the residents of Kauai and the lease holders whom have maintained their mountain homes is needed.

This poor handling of lease renewals has adversely effected both our island and the Kokee community, let's take time to do it right for many of these homes are of a historical nature. Thankyou, Michael Givens, Koloa, Kauai. 1-05-08

SB2872

Extend Koke'e leases for 5 Years

February 6, 2008

All my father's grandparents established their families on Kaua'i in the mid 1800s and we have lived on Kaua'i for five generations. My grandfather, George Ewart built the water system of tunnels and ditches and Puu Lua Reservoir in Koke'e, living in the Koke'e Forest for over three years.

My family has owned Pu'uohonua on Makaweli Flat in Koke'e since 1945. We lived in that house 3 months a year plus Christmas and Easter vacations with my parents and grandfather. As adults, my sister and I spent summers and vacations there with our husbands and children. My sister, Dian Ewart Miller, and her husband raised their children in Eleele, and spent more time in Koke'e than they did down below. Dad transferred the lease to her in 1972.

We ARE local people. With 15 beds in the house, maids quarters, and stable boy's cabin, we have probably shared Pu'uohonua's magic with over 500 local friends and family over our 63 years there. Dad raised us to respect our aina, and every person who came into that house learned the Hawaiian traditions and ho'okipa and was taught to respect and love our aina, to donate time and work toward protecting our birds, plantlife, streams and trails every single day we were in Koke'e.

Koke'e is a community of families with respect for our aina, with many generations of knowledge about that forest and those mountains, and with a dedication to its preservation and protection. It is a uniquely rare and local treasure. For the State to destroy this community by selling it to the highest bidder would make our kupuna roll over in their graves and would be the death knell to the locally felt responsibility for this fragile ecosystem. If rich people can outbid the present lessees for their mountain homes, they will have NO interest in preserving anything but their own cabins and will give nothing to the protection and preservation of the aina outside their own property lines. There is a HUGE misconception about "the rich haoles" who have the cabins at Koke'e. Most of the Koke'e community is owned by much lower income, hard working, local families, and although I am a haole, 1) I am NOT rich, and 2) I'm a 5th Generation local with Hawaiian roots back to 1832 and five generations on Kaua'i.

The Koke'e lease situation is tremendously complex. There is a dire need for educating the public about 1) this community, 2) the tremendous responsibilities of the lessees toward this aina, 3) the availability of cabins to lease and established vacant lots to build on, and 4) the large amount of time

and money required by the lessees to maintain their own property and to voluntarily contribute to the maintenance of our forest, streams, and trails.

And there is a great need for ACCURATE assessment of local feelings and ' opinions about the Koke'e leases. A lot of unsubstantiated and inaccurate myths abound on the subject.

It is for those reasons that Senate Bill 2872 is a good common sense solution to the many leasehold problems. It will provide time for the resolution of the legal problems that are in the court system now, and it will provide enough time to make it worthwhile for lessees to invest the time and money necessary for the maintenance of their properties.

Sincerely,  
Sherry Ewart Adams  
4047-A Kaimuki Avenue, Honolulu, HI 96816  
Phone: (808) 737-8299

## FINtestimony

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**From:** Alan Faye [safaye@hawaiiantel.net]  
**Sent:** Tuesday, February 05, 2008 1:24 PM  
**To:** FINtestimony; Rep. Roland Sagum  
**Subject:** 2/6/2008 HB2872 Agenda #1 - TESTIMONY  
**Importance:** High

### 2/6/2008 HB2872 Agenda #1

*TESTIMONY: HB 2872 - SUPPORT FOR EXTENSION OF KOKE'E CABIN LEASES*

Dear Honorable Chairman Marcus R. Oshiro and members of the House Committee on Finance,

I support House Bill 2872, extending the Koke'e cabin leases for five years, with reasonable percentage increases in the annual lease fees.

**A very large percentage of the cabins are very historic, and they need a well thought out historic preservation plan. Without such a plan, they may well disappear; witness in 1985, the Val Knudsen "most historic cabin" in Halemanu Valley, Koke'e. The net result of not preserving the Knudsen cabin as a historic resource was that it disappeared and was moved to Koloa. As a result, the former Knudsen lot lay fallow from 1985 to today, as a very overgrown mess of invasive jungle growth.**

Similarly, other historic cabins were removed in 1985 from Koke'e, further diminishing the chance for much of Koke'e to be revered as a continuing place of historic significance.

**The historic preservation plan, to be properly developed, will take several or more years. In some respects, the net result of such planning could add what could be considered by the residents of Kauai, the State of Hawaii and visitors alike, to be a "living museum." Each designated historic cabin could have a historic story and display. Self-guided tours of certain designated cabins could provide living history of Koke'e, much like that of the "Living Historic Waimea Sugar Mill Camp Homes" at Waimea.**

**Many of us, born and raised on Kauai, have the utmost wish to retain our cultural resources. That does not happen without proper planning. Time to plan, is of the essence.**

Mahalo,

Alan Faye

2/5/2008

## FINtestimony

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**From:** Donn Carswell [curly@aloha.net]  
**Sent:** Tuesday, February 05, 2008 12:52 PM  
**To:** FINtestimony  
**Cc:** Rep. Roland Sagum  
**Subject:** 2/6/2008 HB2872 Agenda #1

We support HB2872 as it gives long term stability to leaseholders who can then undertake maintenance of The Historical Cabins. In most cases needed maintenance like roof replacement and repainting has been deferred due to short term tenancy, and the possibility of an auction or drawing. HB2872 also gives time for the consultants and staff to finalize the master plan update for Koke'e which has been pending for several years.

Currently 29 leaseholders are involved in Litigation over the constitutionality of the State's taking property (cabins) without compensation. This litigation has produced an appeal to the Supreme Court of Hawaii which will be filed by Feb. 15<sup>th</sup>, 2008. The appeal process may take 2 to 3 years, and must be completed before the long term leases are issued.

As leaseholders for many years, we can understand the need for the DLNR to increase revenues to meet increasing costs of operating the Parks. We have no objection to a reasonable increase in lease rent over the next five years. As taxpayers we support a modest increase in lease rent for all the Koke'e leases and we support a tax on visitor vehicles either at a toll gate or levied on each U-drive car rented. This tax per vehicle should go directly to Koke'e and Waimea Canyon State Parks.

State Parks owns 14 cabins and 21 vacant lots. The State has done very little to maintain these cabins and they are deteriorating rapidly. We recommend an auction or drawing on the 14 cabins and 21 lots as soon as possible. If they are made available to the public they will generate over \$100,000 per year towards the operation of the parks.

Thank You,

Donn and Gale Carswell  
Lot 61, Koke'e Camp

Lots



## **FINtestimony**

---

**From:** David & Linda Sproat [kalihiwaibay@hotmail.com]

**Sent:** Tuesday, February 05, 2008 11:53 AM

**To:** FINtestimony

**Subject:** HB2872(To extend Kokee cabin leases)

Aloha Legislators;

We support HB2872(to extend Kokee cabin leases), authored by Representative Sagum from Kauai. This bill is fair to all and will allow time to clear up the many issues involved in this situation. We appreciate your consideration and support to help pass HB2872 out of committee.

Mahalo, David and Linda Sproat

Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice-chair  
Committee on Finance

Wayne J. Jacintho

Wednesday, February 5, 2008

Support of HB 2872 RELATING TO PUBLIC LANDS

Chair Oshiro, Vice-chair Lee, Members of the Committee,

My name is «GreetingLine». I am a Koke'e Leaseholder, and I am testifying in support of HB 2872.

My association with my cabin began in the middle-to-late '70s, being friends with then-owner John Bylander, and continued with new owner and friend John Armstrong. They were gracious tenants and provided me, and later me and my wife, with many memorable nights in Koke'e.

In 1985, being somewhat out of the social loop at that time, my then-wife and I found out about the auction about 1 week prior to it. We immediately called the Armstrongs, who had moved to the mainland. They said that we were the only people who'd contacted them, that we were like family, and that if we won the lease they'd sell us the cabin for what they'd paid for it.

Because we paid what we considered a fair price (several tens of thousands of dollars), our historic cabin was not dismantled, destroyed or moved, as many others were.

When we got the cabin, 3/4ths of its 1 acre was covered in invasive aliens such as glory bush, privet, blackberry, ivy and lantana, plus trees felled by Hurricane 'Iwa. It took me 13 years to clear my lot, using chain saws, machetes, brushcutters, picks and shovels.

I enrolled in the Federal Wildlife Habitat Improvement Program (WHIP) and put part of my lot back into native vegetation. This is an ongoing project. A number of koa trees have come up, as well as some native ground plants such as uki and ukiuki. We've planted native tree fern, native loulu palm, native yellow hibiscus, and native white hibiscus (h. Waimeaii).

My wife and I have planted a great many fruit trees, as well as non-invasive aliens such as hydrangea and non-climbing roses.

As a result of the tens of thousands of dollars we've put into my cabin and lot, and the many thousands of hours of labor, our cabin and yard, being wide open on Halemanu Road, is one of the most photographed places up there.

Today, because of "doing the right thing", we have created something of surpassing beauty, and have vastly increased the esthetic, and probably monetary, 'value' of this property.

Today, if DLNR were to hold an auction, we would have to bid against the very improvements we created, whereas if we had done nothing for the last 20-plus years (except replace my porch), if we had simply kept the jungle at bay and kept our place with the near-derelict look it had, any future bidder would have to think very very hard before considering our place.

For many many years, we leaseholders have fought for negotiated leases. Beginning with a suggestion by then-State Parks head Ralston Nagata, we fought for Historical Cultural Landscape status. We lobbied with others to successfully to change a law, which allowed OTHER-THAN-URBAN historical communities to have negotiated leases. Even the DLNR supported that change. The DLNR, under Peter Young, designated the Koke'e leasehold cabins as a Historical Community.

Despite all this, DLNR, in the persons of Peter Young and now Laura Thielen, and State Parks, in the persons of Dan Quinn and Lauren Tanaka, have refused and rebuffed all our efforts at Historical Preservation via negotiated leases, in spite of their public stance in favor of Historical Preservation.

Our cabin needs preserving. We need to replace rotting foundation posts under our cabin, we need to re-sculpt the badly-thought-out slope behind our cabin to prevent runoff from causing more structural problems, and we need to replace our entire roof. Yet every good thing we need to do, and have done, counts against us.

We would like to be rewarded for being good tenants. This negotiated 5-year extension is a start. Hopefully State Parks and DLNR will take this time and re-think their policy regarding these leases. Hopefully the Administration will realize that the Historical Community of Koke'e is not just a bunch of picturesque cabins, but a generations-old world-wide group of people, thousands of people: family, extended family, calabash ohana, friends, and friends of friends.

In conclusion, the policies of DLNR and State Parks encourages decay, dereliction and destruction of a one-of-a-kind historical community. This bill will give leaseholders time to undo the physical damage wrought by these unwise policies, and will give the administration time to re-think their plan regarding these leases. We urge you to pass HB 2872.

Thank you very much for this opportunity to testify.

Wayne J. Jacintho  
Kalaheo, Kaua'i

## FINtestimony

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**From:** Linda F. Collins [lfc@kikiaola.com]  
**Sent:** Tuesday, February 05, 2008 12:20 PM  
**To:** FINtestimony  
**Subject:** FW: HB2872

TESTIMONY: HB 2872 - SUPPORT FOR EXTENSION OF KOKEE CABIN LEASES

Chairman Marcus R. Oshiro and members of the House Committee on Finance,

I support House Bill 2872, extending the Kokee and Waimea Canyon recreational cabin leases for five years at a reasonable percent increase of current fees.

Koke'e is one of Hawaii's most endangered natural and cultural landscapes.

This bill will provide appropriate time for resolving the complicated issues involved, especially the issue of historic preservation.

Respectfully submitted,

Linda Collins

## FINtestimony

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**From:** Dana Roberts [dana@malie.com]  
**Sent:** Tuesday, February 05, 2008 10:21 AM  
**To:** FINtestimony  
**Subject:** HB 2872, HB 2873, HB 2874  
**Importance:** High

As an active member of the community, and someone who loves Koke'e and Waimea parks deeply, I am in favor of all three of these house bills, ([HB 2872](#), [HB 2873](#), [HB 2874](#)), and I strongly urge the House to pass them.

Aloha,

Dana Roberts



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p.808-335-5285  
f. 808-335-5860  
[www.malie.com](http://www.malie.com)

## FINtestimony

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**From:** RITA PEETERS [r.eaglepeak@gmail.com]  
**Sent:** Tuesday, February 05, 2008 11:32 AM  
**To:** FINtestimony  
**Subject:** 2/6/2008 HB2872 Agenda #1

I would very much like to see HB2872 pass. This would indeed give leaseholders incentive to make repairs and maintain their cabins, which most are in dire need of some TLC. ALL of the cabins are of historic and cultural value.

Sincerely,

Rita Peeters

## FINtestimony

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**From:** Gaylord Wilcox [wilcoxg001@hawaii.rr.com]  
**Sent:** Tuesday, February 05, 2008 10:58 AM  
**To:** FINtestimony  
**Subject:** 2/6/2008 HB2872 Agenda #1

I support the bill. Gaylord Wilcox

## FINtestimony

---

**From:** Kupo, Pauline A CIV (PMRF 7040) [pauline.kupo@navy.mil]  
**Sent:** Tuesday, February 05, 2008 10:55 AM  
**To:** FINtestimony  
**Subject:** FW: HB 2872

Please consider subject bill. I am in support of it.

Vr,  
Pauline Kupo  
PO Box 301  
Waimea Kauai HI 96796  
Email: pauline.kupo@navy.mil  
H: 808-337-9098  
W: 808-335-4642



## FINtestimony

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**From:** Kalena Taylor [kalena@malie.com]  
**Sent:** Tuesday, February 05, 2008 10:26 AM  
**To:** FINtestimony

As an active member of the community, and someone who loves Koke'e and Waimea parks deeply, I am in favor of all three of these house bills, ([HB 2872](#), [HB 2873](#), [HB 2874](#)), and I strongly urge the House to pass them.

Mahalo~

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Kalena Taylor  
Director of Sales  
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Fax 808-335-5860  
kalena@maliekauai.com

## FINtestimony

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**From:** awrockefeller@aol.com  
**Sent:** Tuesday, February 05, 2008 10:44 AM  
**To:** FINtestimony  
**Subject:** kokee HB2872

Hello. My family has stayed in Kokee State Park at the cabin of a friend. We love Kokee and know how much this place means to the leaseholder. They maintain the property with tender loving care and should have their leases continued. I support strongly HB2872. Please keep these cabins in loving hands.

Allison Rockefeller, New York, New York

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More new features than ever. Check out the new [AOL Mail!](#)

## FINtestimony

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**From:** AMR121296@aol.com  
**Sent:** Tuesday, February 05, 2008 10:19 AM  
**To:** FINtestimony  
**Subject:** Testimony In Favor of HB2872

As Oahu residents, we have been able to utilize a friend's leased cabin at Kokee state park on several occasions and enjoyed wonderful vacations. At the same time, it was obvious that there was a great deal of deferred maintenance due to the uncertain leasehold situation. If the state wants to preserve these cabins, it should allow the leaseholders enough incentive to perform the required upkeep. Therefore, we support HB2872  
Dr. Dennis Rhatigan, D.C.  
Dr. Wendy Sato Rhatigan, D.Ac., L.M.T.

---

Who's never won? [Biggest Grammy Award surprises of all time on AOL Music.](#)

## FINtestimony

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**From:** Shaun Roberts [shaun@malie.com]  
**Sent:** Tuesday, February 05, 2008 10:13 AM  
**To:** FINtestimony  
**Subject:** 2/6/2008 HB2872 Agenda #1

As an active member of the community, and someone who loves Koke'e and Waimea parks deeply, I am in favor of all three of these house bills,( HB 2872, HB 2873, HB 2874), and I strongly urge the House to pass them.

Aloha,

Shaun Roberts



1%of Sales go back to the Koke'e Resource Conservation Society

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P. 808-335-5285  
F. 808-335-5860  
Skype ID - shaun.roberts69

2/5/2008

## FINtestimony

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**From:** Diane deVries [diane.devries@rare-dear.com]  
**Sent:** Tuesday, February 05, 2008 10:13 AM  
**To:** FINtestimony  
**Subject:** HB2872

Dear Representatives

I am not a lease holder in Kokee State Park on Kauai, but do not want this beautiful area commercialized. Please pass HB2872 which would create a 5 year time frame that would allow all parties to work out the best possible solution to preserve the historical character of this area.

Thank you for considering this important matter.

Sincerely,  
Diane de Vries

2/5/2008

**Frank O. Hay**

6 February 2008: 1.30 pm in House Conference Room 308

**THE HON. MARCUS OSHIRO, CHAIR AND THE HON. MARILYN LEE, VICE CHAIR, House Finance Committee**

**TESTIMONY OF FRANK O. HAY**, in strong support of **House Bill 2872**: Requiring the Department of Land and Natural Resources to extend the recreation-residence use leases at the Koke'e and Waimea Canyon State Parks for 5 years.

Since 1998 I've worked directly with State Parks on the Koke'e and Waimea Canyon State Parks. In the absence of appropriate funding for the parks, I've help organize numerous volunteer workdays. When we saw the deteriorating public facilities within the Parks, we stepped up to the plate. Among other projects, using thousands of hours of volunteer labor and over \$20,000 of our donated cash and materials, we put new roofs on the Koke'e and Pu'u Ka Pele pavilions, the Koke'e Park Headquarters, and several smaller public facilities within the two parks.

Why? Because we care. Yet State Parks and the Land Board appear not to have learned from the 1985 auction – and indeed have proposed another. This bill goes a long way to giving committed leaseholders sufficient time to work with Parks – not in an adversarial “public meeting” or “public hearing” format, but rather in a real working group.

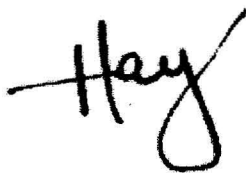
The 1985 auction was a historic preservation disaster. At least 51 local families were displaced from lots and cabins they either purchased, built, or inherited – why? So that Parks could make a few extra dollars from the leases.

At least nineteen historic cabins – almost one sixth of the entire inventory – were either demolished or moved from their sites. Why? So that Parks could make a few extra dollars. After all, if you had just won the lease at auction, you were required to negotiate with the incumbent – who was in effect placed over a barrel.

One leaseholder was offered less than the cost of the lumber as scrap for his house – he took it down – and the incoming leaseholder defaulted. Why? So that Parks could make a few extra dollars. This bill will provide a “time out” to allow readdressing the disposition of the recreation residence permits.

I strongly support House Bill 2872 and ask that you pass the measure unanimously.

Me ke aloha,



P. O. Box 9  
Kekaha, Kauai, Hawaii 96752-0009  
voice 1.808.639.7704