

TESTIMONY

HB 2872

LATE

From: waynej [wayne.jacinto@hawaiiantel.net]
Sent: Wednesday, March 12, 2008 7:13 AM
To: testimony
Cc: Rep. Roland Sagum; Sen. Clayton Hee; Sen. Russell Kokubun; Sen. Gary Hooser; Frank Hay; Donn Carswell
Subject: Water and Land: 12 March 2008: HB2872

Wayne J. Jacinto

TESTIMONY regarding House Bill 2872 - Relating to Public Lands, before the Hawaii State Senate Committee on Water and Land, Senator Clayton Hee, Chair, and Senator Russell S. Kokubun, Vice Chair, Meeting at Honolulu, Oahu, Hawaii on 12 March 2008

Mr. Chair and Committee Members,

My apology for the late submittal. I only found out about this hearing on the eve of March 11.

Please pass HB2872. We need the breathing room this 5-year period would provide, for several reasons.

1. A lawsuit by approx. 28 cabin owners is under appeal with the State Intermediate Court of Appeals. This bill would allow the appeal to run its course.
2. A second lawsuit has been filed in First Circuit Court by another group of leaseholders on issues differing from the lawsuit now on appeal. This lawsuit also must be allowed to run its course.
3. There is a strong call by Kauai citizens of all stripes NOT to hold an auction, realizing that in today's world, no one but the very rich would be able to afford a lease. The original 1919 charter specified that these "campsites", as they were called then, were to be "exclusively for Kauai residents of modest means". Today we can't hold it to only Kauai residents, but negotiated leases would allow for "residents of modest means".
4. We are a "significant historic district" and in the "Hawaii Inventory of Historic Places". This unique district is not merely a collection of picturesque houses. It is also a collection of people, and in many cases, people whose parents, grandparents or even great-grandparents built these cabins. It is right and proper that people AND structures be considered, on the whole, as an Historical Cultural Landscape.

I suggest that this bill be amended to specify that negotiations be held under HRS 171-36.2 "Public Lands for Historic Preservation and Restoration" to better reflect the status these leases now hold.

I suggest that this bill be amended so language that might say "Kokee recreation-residence leases", or, Waimea Canyon recreation-residence leases", etc., be changed to simply "recreation-residence leases".

In conclusion, please pass this bill, amended as necessary, to allow the time necessary to address community and legal concerns.

Thank you very much,

Wayne Jacinto
Kauai

LATE TESTIMONY

David Koch

2872

TESTIMONY regarding House Bill ~~2873~~ – Relating to Public Lands, before the Hawaii State Senate Committee on Water and Land, Senator Clayton Hee, Chair, and Senator Russell S. Kokubon, Vice Chair. Meeting at Honolulu, Oahu, Hawaii on 14 March 2008

Senators:

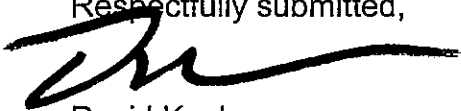
2872

I strongly support House Bill ~~2873~~. Clearly, careful time is needed to develop a plan for Koke'e in balance with carrying on the historic preservation of the park manifested by the volunteerism of its current leaseholders, while opening new leasehold opportunities to other Hawaii residents/candidates to become equally committed to stewardship of Koke'e.

To date, no progress has been made in this regard. In fact, the Department of Land and Natural Resources along with the office of Attorney General have become more determined than ever to drive a path to immediate and wholesale auction – contrary to the lessons of history, out of spirit with the Governor of the State of Hawaii, and in disregard of DLNR's own assessment, as evidenced below:

- Nineteen historic cabins were lost forever following the last auction of 1985. (Attachment #1)
- Governor Lingle has commended the current leaseholder association for its stewardship of the park and in fact has stated "We look forward to continuing this kokua relationship for generations to come." (Attachment #2)
- DLNR and Historic Hawai'i Foundation have placed Koke'e State Park on the List of Nine Most Endangered Historic Sites in Hawai'i. (Attachment #3)

Respectfully submitted,



David Koch

More than 50 Hawaii families lost their mountain cabins in the 1985 auction

| | | | | |
|-----------------|----------|--------------|----------------|-----------|
| Brennecke | Hee | Kaohi | Yoshioka | Kaiu |
| Porter | Garcia | Tanaka | Laidlaw | Gentry |
| Kruse | Stanwood | Knudsen | Orrick | Contrades |
| Takeuchi | Wade | Bylander | Daehler | Camara |
| Goodwin | Fontana | Whitesell | McLaren/ Kyono | Okada |
| Temple | DeCosta | Ralston | Rice | Hoe |
| Vidinha | Martin | Rea/ O'Neill | Hance | Edayan |
| Kitamura | Miyake | Faye H P | Roesch | Fernandes |
| Kama | Mukai | Souza | Christian | Susterich |
| Okada/ Fujimura | Arruda | Faye Michael | Andrade | Petteys |
| Ikeda | Fontana | | | |

The uncountable toll: Although more than fifty cabins changed hands, it remains unknown how many islanders were disenfranchised – a lease held under a single name often represented a *hui* of several families.

19 Historic cabins were lost forever

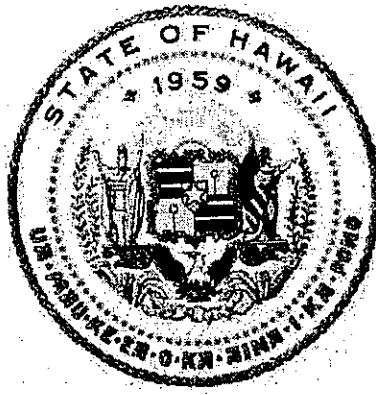
| <u>Incumbent</u> | <u>TMK</u> | <u>Incumbent</u> | <u>TMK</u> |
|------------------|-------------|------------------|--------------|
| Brennecke | 1-4-02:04 * | Knudsen | 1-4-03:01 ** |
| Porter | 1-4-02:05 * | Faye | 1-4-04:05 |
| Temple | 1-4-02:16 * | Yoshioka | 1-4-04:06 ** |
| Garcia | 1-4-02:44 | Gilmore/Laidlaw | 1-4-04:08 |
| Rapozo | 1-4-02:53 | Christian | 1-4-04:30 |
| DeCosta | 1-4-02:59 | Andrade | 1-4-04:42 * |
| Martin | 1-4-02:60 | Gentry | 1-4-04:44 ** |
| Kaohi | 1-4-02:71 | Contrades | 1-4-04:45 * |
| Blackstad | 1-4-02:79 | Camara | 1-4-04:46 * |
| Crowell | 1-4-02:81 | | |

Notes:

* Not offered at the 1985 auction, vacant since early 1986.

** Incoming lessee defaulted, vacant since early 1986.

[Prepared October 2007]



Commendation

presented to

**KOKE'E LEASEHOLDERS ASSOCIATION
NOVEMBER 29, 2005**

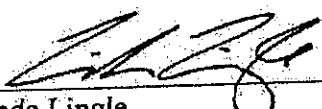
On behalf of the Department of Land and Natural Resources and the people of Hawai'i, we extend our warm aloha and mahalo for your service to our state parks and historical sites.

For over 80 years, the Koke'e Leaseholders Association has exhibited a strong sense of place and mālama i ka 'āina o Kaua'i. Since 1997, you have renovated all major public facilities within the parks. You have provided substantial labor, materials and funds to renovate and roof the Koke'e and Pu'u ka Pele Pavilions, Koke'e Park Headquarters, and the Pu'u Hinahina and Kalalau lookout restrooms. In June of 2004, Koke'e Leaseholders Association executed an Adopt-A-Park agreement to formalize your commitment to the preservation of our precious natural resources that we have entrusted to your care.

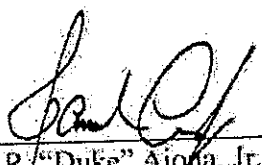
It is with fond admiration and sincere gratitude that we commend you for your outstanding contributions to the people of the State of Hawai'i. We look forward to continuing this kokua partnership for generations to come.

Best wishes for your continued success in all you do.

Mahalo nui loa,



Linda Lingle
Governor, State of Hawai'i



James R. "Duke" Aiona, Jr.
Lieutenant Governor, State of Hawai'i

News Release

LINDA LINGLE

GOVERNOR

PETER T. YOUNG, CHAIRPERSON

Phone: (808) 587-0401 Fax: (808) 587-0390

For Immediate Release: November 16, 2006

DLNR, Historic Hawa'i Foundation Release List Of Nine Most Endangered Historic Sites In Hawaii

HONOLULU— State Historic Preservation Officer Peter Young, and Historic Hawai'i Foundation Executive Director Kiersten Faulkner jointly released a list of the nine most endangered historic sites in Hawai'i in the November issue of Honolulu magazine. The list includes monuments, grand estates, and for the first time, an entire community, Lana'i City.

'Olelo will feature these sites in a discussion between panelists Faulkner, Melanie Chinen, SHPD Administrator, and Michael Keany, Honolulu magazine writer.

The show will air on O'ahu on 'Olelo Channel 53 on November 16, and November 23 at 7 p.m., and is moderated by Honolulu magazine's editor A. Kam Napier. For information about air dates on neighbor islands contact your island public cable access channel.

This is the first year in which DLNR's State Historic Preservation Division (SHPD) and the Historic Hawai'i Foundation (HHF) collaboratively compiled the list. HHF sought nominations from the community, and worked with SHPD staff to select the sites.

"The final list represents the history of our community, and includes sites that are threatened by, among other things, neglect, insufficient funding, and development," said Young, who also serves as DLNR chairperson.

While inclusion on the list does not automatically protect or preserve the sites, it is

hoped that the list will raise public awareness, and inspire the community to take action.

Included on the list is the Walker Estate, which was recently threatened by a prospective buyer who planned to demolish the property. Following public awareness and outcry, TR Partner's decision to purchase and ultimately demolish the estate was abandoned. SHPD has confirmed that the agreement of sale with TR Partners is no longer in effect.

The complete list of endangered sites, and a discussion on what threatens each site is featured in the November issue of Honolulu magazine. "We consider Honolulu magazine our partner, and are grateful for the role they have played in promoting our efforts to maintain Hawaii's sense of place," Faulkner said.

Last year the magazine's coverage of the nine most endangered historic sites resulted in community preservation initiatives including the restoration of the Kapa'a Stone Lantern by the Kapa'a Business Association and Leadership Kaua'i. Similarly, the Hawai'i Maritime Center has begun much needed repair work on the Falls of Clyde.

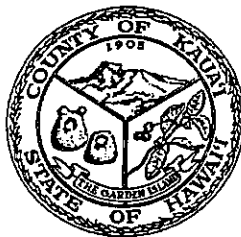
Other sites included in this year's list include the Queen Theater in Kaimuki, the plantation manager's mansion in 'Ewa Villages, Koke'e State Park on Kaua'i, Gulick-Powell House on Kaua'i, Pu'unene Congregational Church on Maui, and the Mapulehu Glass House on Moloka'i.

More information on the "Most Endangered Places List" is available at www.historichawaii.org

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For more information, contact:
Deborah Ward
DLNR Public Information Specialist
Phone: (808) 587-0320

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TESTIMONY OF COUNCILMEMBER SHAYLENE ISERI-CARVALHO
KAUAI COUNTY COUNCIL

ON

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

Senate Committee on Water and Land

March 12, 2008

2:45 p.m.

Conference Room 414

LATE TESTIMONY

Dear Chair Hee and Members:

I submit this testimony as an individual member of the Kaua'i County Council in support of H.B. No. 2872 which requires the Department of Land and Natural Resources to extend the recreation-residence use leases at the Kokee and Waimea Canyon State parks and to sunset in 5 years.

This important issue has been a concern to the community for several years now.

I would like to express my concern as follows:

1. the cabins provide a unique cultural experience for families who would not be able to otherwise afford an off-island experience;
2. if a public auction would become a reality, many of the local families who are fortunate enough to stay at the cabins may not be able to continue to enjoy the natural beauty of the various outdoor recreational activities that they grew up with; and
3. experiencing special memories with our families such as camping, fishing, and hiking activities would not be able to be passed on to the next generation if this area is not preserved.

Thank you for your consideration and support of H.B. No. 2872.

Sincerely,
SHAYLENE ISERI-CARVALHO
Councilmember

AN EQUAL OPPORTUNITY EMPLOYER

TESTIMONY

HB 2872

LATE

(END)