

Testimony to:  
COMMITTEE ON WATER AND LAND

## **LATE TESTIMONY**

Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair

**RE: Senate HB2872: RELATING TO PUBLIC LANDS.**

I am writing to ask you to pass HB2872.

I am not a leaseholder, but am not in favor of the commercialization of the Kokee State park or letting even more properties owned by the state fall into disrepair. People have been deprived by the state of renting these cabins and building on these existing lots, and therefore deprived of public access.

I support the suggested cooling off period, so the whole community can come up with a plan that reflects the desires and needs of Kauai, instead of selling our precious lands to the highest bidder with no regard for the historic, aesthetic, and social value of these lands.

Please vote yes on HB2872

Thank You,

Diane de Vries

# LATE TESTIMONY

Testimony to:  
COMMITTEE ON WATER AND LAND  
Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair

RE: Senate SB2872: RELATING TO PUBLIC LANDS.  
HB 2872 Relating to Public LANDS  
Dear Senators,

I am writing in favor of HB 2872 , in particular the extend of leases on recreation residence lots in Koke'e & Waimea Canyon State Parks for five years. During the last few years, there has been a growing upset with the DLNR around the Master Plan. Local citizens and cabin lease's have been for the most part ignored during the process. In the face of mounting public outcry, the DLNR has been proceeding down its path toward commercialization of Koke'e in order to increase revenues. Are these revenues for increasing the level of care for Koke'e? No! At best, they are to prop up the rest of state park system. The DLNR's motives are too influenced by money and not truly informed by the appreciation about what is so special about Koke'e. Otherwise they would turn to the locals who know the park the best instead of consultants from afar.

The whole planning process needs to be restarted, and done WITH THE SUPPORT of those here on Kauai who value and know Koke'e and what it has been. It is their "old-time" perspective, virtually impossible to find today, that is needed to preserve the invaluable aspects that Koke'e offers. A five year extension of the leases and a cooling off period that it will afford is an excellent idea, and one that I hope you will support.

While I am not an old-timer here, I have been a resident of Kauai and Koke'e lessee for 20 years and do recognize that the DLNR has done a terrible job handling this whole situation.

Please support this legislation.

Aloha,

Edmund Dana  
P.O. Box 670  
Kalaheo, HI 96741  
808-651-4280

# LATE TESTIMONY

Testimony to:  
COMMITTEE ON WATER AND LAND  
Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair  
RE: HB2872: RELATING TO PUBLIC LANDS.

Dear Senators,

I have been a lessee of a recreation residence lot in Koke'e State Park for over 20 years. I would like to take this opportunity to implore you to pass HB2872 to extend the leases on recreation residence lots in Koke'e & Waimea Canyon State Parks for five years. The Master Plan process, undertaken in the last few years, by DLNR, 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. You could show your leadership in demanding the DLNR respect and preserve our natural resources in cooperation with local residents.

One of the reasons that current leaseholders are so upset by the DLNR plan to auction off all of the leases is this. For years DLNR has been collecting lots that have been forfeited by the former leaseholder and DLNR has simply let them go to ruin instead of leasing them out again to people who want a lease. DLNR has been derelict in their duty to the people of Hawaii "to protect and preserve the resources of the Parks" and have denied citizens who want to participate in Koke'e and Waimea Parks the opportunity to do so. Now, DLNR wants to auction off all recreation residence lots to the highest bidder just so they can say they provide "Public Access". One possible outcome of the cooling-off period would be a plan like this: Auction off only the cabins and vacant lots current in DLNR possession (while negotiating with current leaseholders). This would serve to provide "Public Access" while allowing long time caretakers the opportunity to continue. This is a Win-Win solution that the DLNR has heard and rejected.

I firmly believe that DLNR plan to auction off the leases is not the best solution for the Parks. However, since the DLNR is adamant in their demand to hold a public auction to dispose of the leases in the future, another change in their policy could at least make the auction a little fairer. If the current leaseholders were allowed the "first right of refusal" to match the highest bid made at auction for their lots. Current leaseholders could form hui to gather the funding required to pay for the new leases if needed. Then at least some of the current lessees could retain use of cabins that have been in families for generations. These families love Koke'e and have acted as unpaid stewards for longer than DLNR has been involved. Thanks for your consideration of this issue.

Hollis Dana  
PO Box 651  
Kalaheo, HI 96741

# LATE TESTIMONY

Testimony to:  
COMMITTEE ON WATER AND LAND  
Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair

RE: Senate HB2872: RELATING TO PUBLIC LANDS.

Dear Senators,

I have been a lessee of a recreation residence lot in Koke'e State Park for over 20 years. I would like to take this opportunity to implore you to pass HB2872 to extend the leases on recreation residence lots in Koke'e & Waimea Canyon State Parks for five years. The Master Plan process, undertaken in the last few years, by DLNR, 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. You could show your leadership in demanding the DLNR respect and preserve our natural resources in cooperation with local residents.

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Thanks for your consideration of this issue.

Susan Stayton  
4811 Kikala Rd  
Kalaheo, HI 96741  
808-332-8314

Testimony to:  
COMMITTEE ON WATER AND LAND  
Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair

## LATE TESTIMONY

RE: Senate HB2872: RELATING TO PUBLIC LANDS.

Dear Senators,

Please consider passing the above bill. There needs to be a cooling off period in this issue. DLNR has been remiss in so many areas that it is hard to pick out the worst examples but some are the lack of involvement of those most active in Koke`e in the so-called Master Plan, the desire of DLNR to turn our wonderful one-of-a-kind park into a tourist destination and the total disregard for those who have been a part of this park long before it was a park.

DLNR has not fulfilled its mandate to protect and preserve the resources of this unique area and changes need to be made. Witness the destruction by neglect of any cabins that have defaulted. DLNR did not maintain them and they are now trashed.

I have been a lessee for 10 years and active in volunteer activities to maintain Koke`e when DLNR neglected to do so.

Your consideration is appreciated.

Aloha,

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

808-335-3313

# LATE TESTIMONY

Testimony to:  
COMMITTEE ON WATER AND LAND  
Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair

RE: Senate HB2872: RELATING TO PUBLIC LANDS.

Dear Senators,

I have been a lessee of a recreation residence lot in Koke'e State Park for over 10 years. I would like to take this opportunity to implore you to pass HB2872 to extend the leases on recreation residence lots in Koke'e & Waimea Canyon State Parks for five years. The Master Plan process, undertaken in the last few years, by DLNR, 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. You could show your leadership in demanding the DLNR respect and preserve our natural resources in cooperation with local residents.

One of the reasons that current leaseholders are so upset by the DLNR plan to auction off all of the leases is this. For years DLNR has been collecting lots that have been forfeited by the former leaseholder and DLNR has simply let them go to ruin instead of leasing them out again to people who want a lease. DLNR has been derelict in their duty to the people of Hawaii "to protect and preserve the resources of the Parks" and have denied citizens who want to participate in Koke'e and Waimea Parks the opportunity to do so. Now, DLNR wants to auction off all recreation residence lots to the highest bidder just so they can say they provide "Public Access". One possible outcome of the cooling-off period would be a plan like this: Auction off only the cabins and vacant lots current in DLNR possession (while negotiating with current leaseholders). This would serve to provide "Public Access" while allowing long time caretakers the opportunity to continue. This is a Win-Win solution that the DLNR has heard and rejected.

I firmly believe that DLNR plan to auction off the leases is not the best solution for the Parks. However, since the DLNR is adamant in their demand to hold a public auction to dispose of the leases in the future, another change in their policy could at least make the auction a little fairer. If the current leaseholders were allowed the "first right of refusal" to match the highest bid made at auction for their lots. Current leaseholders could form a fund to gather the funding required to pay for the new leases if needed. Then at least some of the current lessees could retain use of cabins that have been in families for generations. These families love Koke'e and have acted as unpaid stewards for longer than DLNR has been involved.

Thanks for your consideration of this issue.

Lawrence Cabrinha  
562B North Kalaheo Ave.  
Kailua, Hi.

Testimony to:  
COMMITTEE ON WATER AND LAND  
Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair

## **LATE TESTIMONY**

RE: Senate HB2872: RELATING TO PUBLIC LANDS.

Dear Senators,

As a concerned resident of Kauai and frequent visitor to Koke'e, I urge you to pass HB 2872.

The five year interim period is the best response to the time needed to include the community in the planning process.

DLNR is too bloated and remote from the needs of the Kauai island community to be in such a singular and powerful decision making position.

You in the State legislature are better suited and qualified to be helping in this important period in the history of Koke'e.

Thanks and aloha, Ed de Deo 3644 Lawaiuka Rd Lawai, Hi 96765 332-5092 (PO Box 388 Koloa 96756)

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Testimony to:  
COMMITTEE ON WATER AND LAND  
Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair

RE: Senate HB2872: RELATING TO PUBLIC LANDS.

Dear Senators,

I have been a resident of Kauai for 20 years and a frequent visitor to Kokee and guest in many cabins. 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.

I believe that DLNR plan to auction off the leases is not the best solution for the Parks. Please give the leaseholders who have been long time stewards of the Kokee a fairer chance to remain in Kokee and continue doing the great work that they do. These families love Koke'e and have been unpaid stewards for much longer than DLNR has been involved.

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



Testimony to:  
COMMITTEE ON WATER AND LAND  
Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair

## LATE TESTIMONY

RE: Senate HB2872: RELATING TO PUBLIC LANDS.

Dear Senators,

I am writing today to implore you to pass HB2872. I am not a leaseholder, but many times over the past 20 years, I have enjoyed the benefits of several of my friends' leases by spending a weekend at one of their cabins. I think it is imperative to extend the leases on recreation residence lots in Koke'e & Waimea Canyon State Parks for five years. A five year cooling off period is needed to bring together the Kauai community to create a consensus plan that would have the full support of Kauai residents. I suggest this consensus plan be developed through a Citizen Advisory Group made up of Kauai residents from all parts of Kauai.

The community of Kauai is not behind the Master Plan, developed for DLNR by their consultant. DLNR's process and subsequent Master Plan has been quite divisive to the Kauai community. Comments and participation by Kauai residents and Park users in the DLNR meetings and hearings are not reflected in the final document, the Master Plan.

I am wholeheartedly against DLNR's plan to greatly increase the commercialization of the parks to the benefit of the DLNR coffers. Whatever funds are raised through Koke'e and Waimea Canyon Parks should stay 100% on Kauai and be used for the up keep and maintenance of these parks. These parks are part of our State's natural wonders and they are well known by tourists from all over the world. To Hawaiians and many local families this area, Koke'e, is a sacred and very special place, with generations of traditions and uses. I think to commercialize this precious place would be a crime.

I would also like to address the issue of the cabins of Koke'e. First, I think all current leaseholders should have the respect of direct negotiations with DLNR on their cabins. And if the leaseholder no longer wants the lease, then fine, put that cabin up for auction after compensating the leaseholder for the property. Taking these cabins away from the current leaseholders with no compensation is wrong. If you lease a boat slip from the state, at the end of the lease, the state does not keep your boat. That is what DLNR proposes to do with the cabins, take them with no compensation, even though all the leaseholders either built the cabins or someone in their family did or the leaseholders bought the cabins from a realtor or leaseholder for a goodly sum of money. And the cabins in the best shape have been lovingly tended for the past 20 years or longer at the leaseholders expense. It does not make any sense, and seems downright illegal and unconstitutional, to take these cabins without some form of compensation.

Direct negotiations with current leaseholders is the pono thing to do. I am sure many current leaseholders would be willing to pay a fair price to continue their leases and provide the continuity of care to the historic Koke'e community. I am also sure that once the Koke'e cabin inventory is fully assessed, including all the vacant lots & cabins, the DLNR will have plenty of cabins for all of the Kauai and Hawaii families that want their place on the mountain.

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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. One aspect of this commercialisation is the plan to vastly expand the parking lots in these parks. Had DLNR bothered to ask local users they would have discovered that the current parking lots are never full. "Take paradise put up a parking lot." We need leadership not commercial development. You could show your leadership in demanding the DLNR respect and preserve our natural resources in cooperation with local residents.

One of the reasons that current leaseholders are so upset by the DLNR plan to auction off all of the leases is this. For years DLNR has been collecting lots that have been forfeited by the former leaseholder and DLNR has simply let them go to ruin instead of leasing them out again to people who want a lease. DLNR has been derelict in their duty to the people of Hawaii "to protect and preserve the resources of the Parks" and have denied citizens who want to participate in Koke'e and Waimea Parks the opportunity to do so. Now, DLNR wants to auction off all recreation residence lots to the highest bidder just so they can say they provide "Public Access". One possible outcome of the cooling-off period would be a plan like this: Auction off only the cabins and vacant lots currently in DLNR possession (while negotiating with current leaseholders). This would serve to provide "Public Access" while allowing long time caretakers the opportunity to continue. This is a Win-Win solution that the DLNR has heard and rejected.

I firmly believe that DLNR plan to auction off the leases is not the best solution for the Parks. However, since the DLNR is adamant in their demand to hold a public auction to dispose of the leases in the future, another change in their policy could at least make the auction a little fairer. If the current leaseholders were allowed the "first right of refusal" to match the highest bid made at auction for their lots. Current leaseholders could form a trust to gather the funding required to pay for the new leases if needed. Then at least some of the current lessees could retain use of cabins that have been in families for generations. These families love Koke'e and have acted as unpaid stewards for longer than DLNR has been involved. Thanks for your consideration of this issue.

Craig Millett  
3036 Lawaiuka  
Lawai, HI. 96765

# **LATE TESTIMONY**

## **TESTIMONY IN SUPPORT OF HOUSE BILL 2872**

**Hearing before Senator Clayton Hee Chairman of Land and Water  
Committee**

**Anthony P. Locricchio and Barbara M. Locricchio along with 10 other Kokee leaseholders represented by Mr. Locricchio file this testimony in support of House Bill 2872.**

**The bill provides for a 5 year extension of the leases of current Kokee leaseholders or holders of permits from the DLNR to occupy lease land that was or is in the name of lessee.**

**It is recommended that the language be amended so as to clarify that the intent of this legislation is to have leases that are currently re-assigned as revocable permits included within the intent of the legislature to have said recreational leases extended for a period of 5 years from the end of current terms of permits that have been issued by DLNR.**

**The bill is supported due to the need to allow adequate time to address multiple issues concerning the leasehold or Permit areas in Kokee.**

**Waste Water treatment issues need be addressed. Detailed aspects of this need will be presented orally at the hearing.**

**Serious problems of water contamination from lead pipes that must be replaced will also be addressed at the hearing with detail of the problems just uncovered in this area that may be subjecting public to serious danger from lead poisoning through use of water system. Lessees have now been noticed by the State of lead content in the water through the water pipe delivery system. There appears to be a cover-up of the problem. Attempts to have the DLNR Board address and hear these problems have been blocked by DLNR staff.**

**Lessees have brought their own drinking water to Kokee after or before the official notice from the State and after State official admitted that the water at its source was not contaminated but the recent testing has shown that the water becomes contaminated with Lead and other dangerous heavy metals as it passes through the water delivery system. It appears that some of the systems pipes may be over 50 years old or even older and are lead pipes.**

**I have asked Dr. Michael Kelly an expert in this field to address the committee to highlight the concerns and extent of the effects of this delivery system on the human body. Admission has been made that the lead pipes are delivering the water. (Lead fixtures have not been allowed in water systems under health and safety regulations for over 25 years under Federal Prohibition.**

**Because of conduct of DLNR staff the need to have on site monitoring of the immediate replacement of these pipes is vital. The lessees are in the best position to oversee and represent the public to assure that this replacement system goes forward.**

**It is also important that a complete independent investigation of the water delivery system in State parks be undertaken immediately given the serious effect of this discovery and the cover-up attempts by DLNR.**

**The danger to lessees is no longer a threat since the official notice. All of those I represent do in fact bring drinking water to the site. The more serious problem however is the General public apparently continues to be subject to the water contamination from lead at public access areas throughout Kokee and possibly other State parks. While some of the water distribution taps have signs posted on them regarding water quality many do not especially in picnic and other frequented areas. The need to establish just how long this water system has been affecting residents and visitors in the Park is paramount. When we failed in our efforts to address this matter with the DLNR due to DLNR Staff and Chair refusal to place this matter on the Board agenda we filed suit in State court to ask that an independent study be done immediately to assess the extent of the danger. We have for the first time since learning of the problem now appeared before this committee to seek as part of the language of this bill. Specific activities that would be required to occur in the five year period of the extension of the leases that would address the problems of Kokee during that period with a report to this body on the findings plan of action and results over the 5 year period.**

**Additional concerns will be testified to at hearing related to endangered bird, plant life in the Park and how the extension of the leases will assist in mitigating the dangers faced by those species. In addition ADA violations and misuse of sewer treatment systems need to be addressed in the 5 year period.**

**There is concern that retaliation against lessees will now occur because we have come before this legislature to raise the emergency need for investigation of the above concerns. The staff has threatened to evoke revocation of permits now in use. Without the passing of this legislation the termination time to vacate and thus silence the lessees/permits is 90 days.  
I would urge passage of the bill.**