

# Friends of the Forest

## *Koke'e Leaseholders Association*

October 24, 2003

Statement of Frank O. Hay, President, Koke'e Leaseholders Association regarding the Master Plan for the Koke'e and Waimea Canyon State Parks, Lihue, Kauai, Hawaii.

Ladies and Gentlemen:

I am proud to represent what unfortunately is now a dwindling number of Koke'e leaseholders. In 1985, there were 121 leases within the two parks at Koke'e. The next year there were 111. Now, there may be only 102. Three years from now there could be 80 or even fewer.

This community of historic recreation residences is disappearing before our eyes. Each of the alternatives outlined in this master plan can only accelerate it by ensuring that even more historic homes are forever lost.

This master plan is part of an apparently public process to help guide the next twenty years of our community's future. I say apparently public, because I believe that DLNR ordained the consultant's conclusions at the inception of this plan – prior to any public input – as no other alternatives for the cabins have been entertained. DLNR has constrained the development of this plan by what we believe are two false premises:

1. First, that there can be no other option for this community other than an auction of the lots at the end of their term, and
2. Second, that the State will confiscate our mountain cabins without any compensation to those who built or bought them.

Let us look first at the plan's stated goal for the 100 odd Recreation Residences. This is:

“To preserve, interpret and manage the legacy of the recreation residences in Kauai's western mountain regions, and ensure the continuity of the cultural values and practices unique to Koke'e and Waimea Canyon State Parks.”<sup>i</sup>

Let me put this in the context of our State's Constitution and State law. First, the Constitution “recognizes the value of conserving and developing the historic and cultural property within the State for the public good ...”<sup>ii</sup>

Chapter §6E of the Hawaii Revised Statutes is entitled Historic Preservation. Section 6E-1 Declaration of Intent, states that

“it is in the public interest to engage in a comprehensive program of historic preservation ... for the education, inspiration, pleasure and enrichment of its citizens .... It shall be the public policy of this State to provide leadership in preserving, restoring, and maintaining historic and cultural property in a spirit of stewardship and trusteeship for future generations ...”<sup>iii</sup>

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We submit that the alternatives presented for this historic community can only lead to its destruction. How will the plan achieve that noble goal – “To preserve, interpret and manage the legacy of the recreation residences ....”?

Yet another auction of **some** of the one hundred remaining recreation residences. The families most affected may be our friends and neighbors with the fifteen Water Tank Lots and the five Faye Road Lots – *twenty* extended families, or about one out of five of us. But that's not all.

An unknown number of others may be “selected for park use”. How many of the remaining eighty or so will be taken? Which cabins will be “selected for park use”? We don't know, and the planner is not saying. but again, the goal of the plan is “To preserve, interpret and manage the legacy of the recreation residences ....”

We can think of no more positive way to ensure their destruction than to put them into the State's caring hands – for it has amply demonstrated its inability even to maintain the few public facilities at Koke'e .... much less the several cabins and lots which have reverted to it over the years. How many of these historic cabins will remain a few years from now, when less than a generation ago there were 120?

In my neighborhood alone, there are two empty lots – the incoming lessees defaulted. The Gentrys and the Yoshiokas took down their cabins – one went to Kekaha, the other was donated to the Honpa Hongwanji Camp at Koke'e.

Next door to the Yoshiokas was the home built by Governor McCarthy, the man who declared Koke'e a park in 1919. It is now Waimea Plantation Cottage #57. Across the dirt road, another lot changed hands. The lessee took the cabin down to his property at Kalaheo. These two cabins were replaced with 1980s structures, which will forever be out of place in a community where all the rest date from the 1920s.

Did DLNR put these choice lots up for auction again? No – in fact, DLNR's new Deputy Director testified before the Legislature earlier this year that “we were waiting for the master plan.” In fairness to him, he was poorly briefed. DLNR let them sit vacant, and so now where once were family cabins, gardens and fruit trees, homes to generations who loved the mountains of Kauai, they are overgrown with weeds.

The Department now holds some 24 lots, surveyed but never leased out, six cabins and four vacant lots which have reverted back to the State through default, and one cabin set aside in 1983 for DOCARE, for a total of thirty five lots with seven cabins.<sup>iv</sup> These have never appeared on the public market. The value of these lots could reasonably be estimated as 35 lots x average lease rental \$2,500 per annum x 20 year term = \$1.75 million in 1985 dollars.

There have been at least 66 recorded transfers in the years since the auctions. Several stayed on the market well in excess of a year. One cabin is presently available on the open market and has been for two or three years. The number of transfers, together with the available lots and cabins should more than address the demand and respond to reasonable concerns to ensure public access.

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Each of the fourteen red tabs in my copy of the State Division of Historic Preservation Division's 1983 report represents a historic home, lost as the result of what I can only suggest were misguided decisions made by your predecessors on the Board of the Department of Land & Natural Resources almost twenty years ago. We lost the most historic home at Koke'e, built beginning in the 1870s, when Valdemar Knudsen lost at auction, and the incoming lessee defaulted.

And these decisions were made by the very Department which is charged under the law to provide "leadership in preserving, restoring, and maintaining historic and cultural property in a spirit of stewardship and trusteeship for future generations ..." <sup>v</sup> It would appear that, if it followed the recommendations of this misguided master plan, the Department could make those same mistakes once again. And these decisions affect what a recent study concluded:

"The survey and analysis of the Koke'e Camps and Pu'u Ka Pele Lots, based on research and fieldwork, concluded that a majority (eighty one) of the recreational cabins may retain their traditional appearance and historic integrity. Together, these cabins may constitute a historic district. Under the Secretary of the Interior's National Register significance criteria A and C, the buildings have been evaluated as important in the areas of architecture and social history." <sup>vi</sup>

**A threat to even one of our cabins is a threat to all.** Alternatives 2 through 5 call for taking the Water Tank Lots and the Faye Road Lots (Alternatives 4 and 5 only) for short term rental. The cabins at the Water Tank lots are the most modern development at Koke'e, built beginning in 1951. The ones at Faye Road date as far back as 1910. The others date from about 1930.

Does it make economic sense to take non-Code conforming cabins and use them for short term rental? The consultant admitted at the meeting in Lihue that no economic analysis was performed for the cost of the infrastructure – upgrading the dirt roads, which are in poor condition, the water lines, and the sewage disposal – much less the cost of converting such cabins for this purpose. I submit that, should this plan be put into action, there will be substantially fewer cabins than were there – and those that remain will be in very poor condition indeed.

Add to the infrastructure costs the costs of furnishing, operating and maintaining them. Remember that the major car rental firms on island effectively prohibit their vehicles – even their four wheel drive vehicles – from driving on dirt roads by voiding their insurance cover.

Doesn't it make more sense to lease them out again to families which will care for them and provide an assured income stream to DLNR for these leases? And doesn't it make more sense to provide an area close by the existing Lodge cabins to develop new, standard cabins which would be considerably more easy to maintain?

There are far better ways to administer our leases than an unrestricted and open auction. The empty lots at Halemanu, Makaweli Flats, Puu Ka Pele, and Koke'e, together with the abandoned cabins given back to the State over the years bear mute but all too vivid testimony to the failure of the State's previous policy for this important historic resource.

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We oppose another auction, but if there can be **no** other alternative under the law, then any auction must recognize our property rights – either we or our families built or bought these cabins – they are **our** property and we will **never** surrender them without fair compensation and the due process of law.

There are other issues that would be important, once the future of our mountain cabins is clear. We are all deeply interested in and have donated thousands of hours as volunteers and thousands of dollars to renovate and maintain the facilities in the park, the camp grounds, and hiking and horse trails. But our primary goal as an Association is to ensure that there are lease holders caring for these Parks for many generations to come. And so we offer testimony only on the recreation residence leases.

Has the Department and its planners learned nothing from the disaster of the 1985 auction? Does it consciously plan to destroy this historic community, year after year, until the rich history that was Koke'e remains only in some museum? But I forget – this master plan doesn't even mention the Koke'e Museum!

We as leaseholders had hoped for much more. We had hoped for intelligent and creative planning that recognized the value of this unique community, rather than a one that condemns it to a slow and pitiful demise. We are sorely disappointed.

Koke'e is a unique community. It richly deserves a unique solution – as clearly allowed under existing Hawaii law governing public lands used for historic preservation projects.<sup>vii</sup> I urge you to consider preserving this community rather than destroying it.

Thank you very much.

Koke'e and Waimea Canyon State Park Master Plan, Presentation of Alternatives, R. M. Towill Corporation, September 2003

<sup>ii</sup> Cited in HRS §6E Historic Preservation, at 6E-1 Declaration of Intent

<sup>iii</sup> HRS §6E Historic Preservation, 6E-1 Declaration of Intent

<sup>iv</sup> The vacant lots are cited in the Department's Report to the Legislature in Response to Senate Concurrent Resolution No. 136, Senate Draft 1, November 2002. The six cabins are the former Akama, Hoyle, Kruse, Lihue Plantation, Lindsey, and Lyum leased lots. The four vacant lots are the former Gentry, Knudsen, Stevens and Yoshioka leases. The cabin taken back in 1983 was formerly used by the lessee of the Koke'e Lodge, and was exchanged for the Koke'e Ranger Station.

<sup>v</sup> HRS §6E Historic Preservation, 6E-1 Declaration of Intent

<sup>vi</sup> A History and Architectural Inventory of the Koke'e Camps and Pu'u Ka Pele Lots, Kauai, Hawaii, Koke'e Leaseholders Association and the Hui o Laka of the Koke'e Natural History Museum, July 2003

<sup>vii</sup> HRS 171-36.2