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STATE PARKS

## ***Koke'e and Waimea Canyon State Parks Master Plan***

The lands of Koke'e and Waimea Canyon State Parks (two adjoining parks) were initially set aside for park purposes in 1952 and then by an expansion of Waimea Canyon State Park in 1965. DLNR's Division of State Parks administers the two parks.

The two Parks occupy 6,182 acres of land, total, with Koke'e State Park encompassing 4,345 acres and Waimea Canyon State Park 1,837 acres

Lands surrounding the Parks consist primarily of State forest reserve, natural area reserve and wilderness preserve lands administered by DLNR's Division of Forestry and Wildlife (DOFAW.) These lands are actively managed for natural resource conservation, forest product development, hunting and outdoor recreation.

### **Parks Master Planning Process**

Since 2001, DLNR has been developing a Master Plan for Koke'e and Waimea Canyon State Parks. Eight public meetings have been held discussing the various drafts of the master plan, as well as meetings for public comment on the draft EIS being prepared to implement the Parks Master Plan. In addition, seven public meetings of the Board of Land and Natural Resources addressed the planning and EIS process.

The primary goals of the Parks Master Plan are the preservation, enhancement and management of the natural, historic and cultural resources and the development of interpretive programs and recreational opportunities.

The Plan also includes the review of management options for the recreation-residences in Koke'e State Park. The existing lessees have dominated public discussions and focused public comment on the next lease disposition process for the recreation-residences.

### **Recent BLNR Action on New Recreation-Residence Lease Dispositions**

Recommendations for the disposition of new leases have been made to the Board at four separate BLNR meetings. DLNR's Division of State Parks is currently pursuing the following actions as directed by the BLNR on February 10, 2006:

- Due to pending lawsuits, the new lease dispositions are postponed, indefinitely.
- Direct negotiations, at a nominal rent, to nonprofit organizations holding current leases.
- DLNR retention of nine (9) structures for State use, for management and interpretive purposes.

It is the intent that new lessees will be required to preserve the historic integrity of the recreation-residences and the character of the historic district. New lessees will be required to adhere to a set of architectural design standards and a design review process. These conditions will ensure that changes made to historic structures and any new construction are compatible with the historic character of district.

## Summary of Some of the Salient Issues:

Lately, we have heard that rumors and/or incorrect statements have circulated about the planning process, specifics of the Master Plan and Draft EIS, and future operations at the Parks. In order to bring clarity to the issue, here is a summary of some of the salient facts:

- There will be no charge to Hawai'i residents to enter and enjoy Koke'e and Waimea Canyon State Parks.
- Due to the existing lawsuit, which may serve to bring clarity to some of the legal issues surrounding ownership and future disposition of recreation-residences, the pending new lease dispositions for the recreation-residences are postponed indefinitely.
- Since the leases are scheduled to expire on December 31, 2006, and litigation brought by some of the lessees will extend beyond that time, the Land Board authorized the issuance of revocable permits to existing lessees so they may continue on the property beyond the expiration dates.
- DLNR prefers and is investigating ways to limit participation in the new lease dispositions to Hawai'i residents, with preference to Kaua'i residents; preliminary indications are that we can.
- Public comment during the Master Plan process suggested a small lodge (40 to 60 rooms) be included in the evaluation.
- DLNR never proposed timeshare as a means to dispose of the recreation-residences and we intend to explicitly prohibit timeshares in the new leases.
- DLNR is not paving over the meadow. The Master Plan states: "Expand parking along the edge of the Meadow to meet needs at the Koke'e pavilion and Koke'e campground."
- The roads in the Koke'e and Waimea Canyon State Parks are narrow, deteriorated and unsafe, and we need to fix them. Most of the roads in the Parks are 16-foot wide; we propose to widen the roads to 18-feet.
- The current leases for the recreation-residences specifically state: "The ownership (of the improvements) thereof shall be in the Lessee until the expiration or termination pursuant to a breach of the lease, at which time the ownership thereof shall vest in the Lessor."
- These leases also state: "Lessee shall, at the end of said term or other sooner termination of this lease, peaceably deliver unto the Lessor possession of the demised premises, together with all improvements existing or constructed thereon unless otherwise provided. The Lessor may, at its option, on or about the end of the lease elect to retain the improvements or require the Lessee, at the Lessee's own expense, to remove such improvements and restore the premises to a condition satisfactory to the Lessor."
- While existing lessees dominate public discourse, we have heard from many other Kaua'i residents who ask for a chance to lease a recreation-residence at Koke'e.
- DLNR plans to include provisions in new leases requiring lessees to preserve the historic integrity of the recreation-residences and the character of the historic district.
- We are dealing with public property; not the personal property or private playground of a privileged few – this is a state park and we have the responsibility to serve the public.

The following pages contain a summary of some of the specific incorrect rumors and incorrect statements we have heard concerning the Koke'e and Waimea Canyon State Parks Master Plan process and decisions. We list the incorrect statements and then the facts concerning the respective issues. In addition, we include corrections to serious incorrect statements in petitions that have been circulating and signed on Kaua'i.

<b><i>Incorrect rumors or incorrect statements:</i></b>	<b>The facts:</b>
<i>Some suggest the park will be sold to the highest bidder.</i>	<b>The Parks are not for sale, neither are the cabins and the lots.</b>
<i>Some suggest we are paving over the meadow.</i>	<b>DLNR is not paving over the meadow. We propose limited expansion of parking at the edge of the meadow to meet needs at the pavilion and campground.</b>
<i>Some suggest we are setting up the auction so rich mainland and international bidders will take over the cabins.</i>	<b>DLNR asked the Attorney General if it could restrict the new leases to Hawai'i residents only, with preference to Kaua'i residents; preliminary indications are we can.</b>
<i>There is a suggestion we are timesharing the cabins.</i>	<b>DLNR does not plan, and has never planned, to lease the structures on an "interval ownership" or timeshare basis. We are looking at ways to explicitly prohibit timeshares in the new leases.</b>
<i>Some people suggest we are creating a gated community and locking out the local people.</i>	<b>There will be no gate. There will be a park entry station that will: 1) establish the parks' identity and service visitors; 2) manage access for park safety and resource management and 3) collect fees from non-residents. The Land Board exempted Hawai'i residents from any entry fee.</b>
<i>Some suggest DLNR is Commercializing Kōke'e.</i>	<p><b>The draft Master Plan is based on the Remedial Improvements Plan, one of four alternatives explored during this planning process. The goal of this plan is to preserve the existing character of the parks with upgrades to park user amenities, infrastructure and utilities through actions that reinforce and enhance the historic character of both parks and avoids intensifying development.</b></p> <p><b>To minimize the footprint of development on the natural landscape, improvements will take place within existing developed areas along the Kōke'e Road corridor, with the exception of the new park entry station and lower elevation lookout along Waimea Canyon Drive.</b></p> <p><b>The plan is not proposing expansion of commercial use in the parks. Commercial and nonprofit activities already exist at Kōke'e with the existing lodge/restaurant, rental units, concession at the lookout, gift shop and museum. The proposal is to either renovate or reconstruct these facilities to be consistent with the new facilities proposed such as the visitor service desk. A small lodge may replace existing rental units.</b></p>

<b><i>Incorrect rumors or incorrect statements:</i></b>	<b>The facts:</b>
<i>Some suggest that properties are advertised on the DLNR website.</i>	<b>No properties are advertised on DLNR or State Parks’ website. An information sheet on the lease sites will be posted on the DLNR website to ensure the equitable disclosure of accurate information.</b>
<i>Some say the Land Board is not listening to public comment.</i>	<b>The Land Board listened to hours of testimony, almost exclusively from existing lessees explaining why we should negotiate with them, rather than let anyone else have a chance.</b>
<i>Some suggest we are kicking people out of their homes (suggesting these are primary residences.)</i>	<b>Lessees are restricted from using the recreation-residences to no more than 180 days per year - lessees cannot use the properties as primary residences, according to current lease conditions.</b>
<i>There is a suggestion the State is “taking” or “stealing” the lessee’s improvements at the end of the lease.</i>	<p><b>The current leases (entered into in 1986) for the recreation-residences specifically state: “The ownership (of the improvements) thereof shall be in the Lessee until the expiration or termination pursuant to a breach of the lease, at which time the ownership thereof shall vest in the Lessor.”</b></p> <p><b>These leases also state: “Lessee shall, at the end of said term or other sooner termination of this lease, peaceably deliver unto the Lessor possession of the demised premises, together with all improvements existing or constructed thereon unless otherwise provided. The Lessor may, at its option, on or about the end of the lease elect to retain the improvements or require the Lessee, at the Lessee's own expense, to remove such improvements and restore the premises to a condition satisfactory to the Lessor.”</b></p> <p><b>Lessees own the improvements during the term of the lease and may remove the improvements prior to the expiration (subject to provisions of State law regarding land use in the conservation district.)</b></p>
<i>By criticizing the public auction process, the existing lessees may be somehow suggesting they may not be able to participate.</i>	<b>All qualified people will be able to participate in the new lease dispositions , including eligible existing lessees. Preliminary indications are we can limit the participation to Hawai‘i residents only, with preference to Kaua‘i residents.</b>
<i>Some have suggested we ignored the existing nonprofit lessees providing group camping and natural resource experiences.</i>	<b>The Land Board decided to directly negotiate with, and charge only a nominal rent to, the existing nonprofit lessees.</b>

<b><i>Incorrect rumors or incorrect statements:</i></b>	<b>The facts:</b>
<i>Some have suggested that the market system works – that anyone who wants a cabin can buy one.</i>	<p><b>While existing leases allow for transfers to others, why should the State let lessees (whose motivations could include selling for a profit) have exclusive negotiating power for the leases, then let them be unduly enriched with profits from the sales of these State leases?</b></p> <p><b>Doing it that way, as some lessees suggest, the lessees would have sole discretion on who gets to use the cabin sites in the State Park.</b></p> <p><b>DLNR's Assignment of Lease Evaluation Policy, or a policy specific to recreation-residence leases, will give the Land Board explicit control over any lessee attempts to unduly profit from the transfer of leases.</b></p>
<i>Some say we should learn from the lessons of the 1985 auction.</i>	<p><b>Although the prior auction was painful at the time, present lessees describe Koke‘e as a cohesive historic community. Many of the leases have changed hands (over 80 transfers,) providing further evidence that new lessees are part of the community and can be as caring and generous in their support for Koke‘e as those who have been there for generations.</b></p> <p><b>Given that the prior disposition was via auction and Koke‘e remains a cohesive community, why should it be substantially different after another disposition – especially if participation is limited to Hawai‘i residents?</b></p>
<i>Some have suggested DLNR is not concerned about the historic improvements or the historic district at Koke‘e.</i>	<p><b>DLNR is very concerned about the historical integrity of the cabins and the Parks. DLNR plans to include provisions in new leases requiring lessees to preserve the historic integrity of the recreation-residences and the character of the historic district.</b></p> <p><b>Many of the same people expressing concern about protecting the area’s historic integrity are threatening to remove or destroy these historic structures and have applied for permits to do so. DLNR is consulting with the Kaua‘i Historic Preservation Commission and the Historic Hawai‘i Foundation on the consequences of removing the recreation-residences and the effect this removal would have on the historic district.</b></p>
<b>A true statement:</b> <i>Some have stated the present lessees provide significant service and volunteer help to improve our Parks.</i>	<b>DLNR agrees, and very much appreciates the valuable contributions the lessees and others provide in helping to improve our Parks.</b>

**Further Misinformation Being Circulated Through a Petition:**

Recently, a petition has been circulated. It, too, contains incorrect information that further serves to confuse the public (including those signing the petition) about what actually is proposed in the Plan. Following is a point-by-point comparison of the statements in the petition and the facts related to these issues:

<i>Incorrect statements in the petition:</i>	<b>The facts:</b>
<p><i>“The State of Hawai‘i plans to auction cabin leases of Koke‘e. ...</i></p> <p><i>According to the Attorney General, by law the State must open bidding to any person or company in the world. You do not even have to be a U.S. citizen. With today’s real-estate speculation, local families will be squeezed out of Koke‘e, ...</i></p> <p><i>and a gated timeshare community of wealthy absentee landlords will take their place. ...</i></p> <p><i>Please cancel the auction, and preserve the Historic Leasehold Community through negotiations allowed for under existing law.”</i></p>	<p><b>Due to the existing lawsuit, which may serve to bring clarity to some of the legal issues surrounding ownership and future disposition of recreation-residences, the new lease dispositions for the recreation-residences are postponed indefinitely.</b></p> <p><b>This is not correct. In fact, DLNR asked the Attorney General’s Office if the State could restrict participation in the new lease disposition to Hawai‘i residents only, with preference to Kaua‘i residents. In preliminary discussions with the Attorney General’s Office, we believe that we can limit participation to Hawai‘i residents only.</b></p> <p><b>DLNR does not plan, and has never planned, to lease the structures on an "interval ownership" or timeshare basis. Likewise, no gate is planned at the entrance to the Parks.</b></p> <p><b>Although the prior auction was painful at the time, present lessees describe Koke‘e as a cohesive historic community. Many of the leases have changed hands (over 80 transfers,) providing further evidence that new lessees are part of the community and as caring and generous in their support for Koke‘e as those who have been there for generations.</b></p> <p><b>Given that the prior disposition was via auction and Koke‘e remains a cohesive community, why should it be substantially different after another new lease disposition?</b></p> <p><b>It is the intent that new lessees will be required to preserve the historic integrity of the recreation-residences and the character of the historic district by adhering to architectural design standards. The primary intent of the design standards is to ensure that changes made to historic structures and any new construction are compatible with the architectural character of existing historic properties and do not compromise the quality or integrity of the historic district.</b></p>