

A-6 Tuesday, December 4, 1984 The Honolulu Advertiser

Kokee leases may go up for bid

By Gerald Kato

Advertiser Government Bureau

Cabin owners on state property in Kauai's Kokee State Park were told yesterday that the right to lease their houselots may be put up for public auction when their leases run out next year.

The staff of the state Board of Land and Natural Resources will soon recommend that the board order an auction of the leases to give more people a chance to have vacation homes in the park at the top of Wai-mea Canyon.

Kokee Leaseholders Association officers met with James Detor, the board's land management administrator, and Ralston Nagata, state parks administrator, to go over the details of the recommendation, which must be approved by the appointed board.

Detor said the meeting with about a dozen leaseholders "went very well" although there were some concerns about terms and conditions of the auction proposal.

The staff is supposed to make its formal recommendation to the board on Dec. 28, but Detor said some of the leaseholders asked that the matter be postponed until the board's Jan. 25 meeting on Kauai.

The staff recommendation for auction of the highly sought leases was not unexpected since an attorney general's opinion had already ruled out the option sought by the lessees: direct renegotiation of their leases.

Existing lessees would be allowed to bid on their lots at the auction, but there is no guarantee they will get to keep them.

If the board goes along with the recommendation, Detor said, an auction could be held sometime in June or July so current lessees will know in advance whether they will be able to stay or must move out by the end of 1985.

Lessees have formed a legal fund to hire a lawyer and find out what their rights are. Detor said lessees may seek a court ruling on the attorney general's opinion against direct negotiation. In addition, there was

some discussion of changing the auction terms so that the winning bidder — if it is not the current occupant — would have to purchase cabins or other improvements on the site.

About 120 lessees maintain recreation homes in the park under a 20-year lease. Leaseholders have told board chairman Susumu Ono that they help keep the land safe for the public by putting out fires, paving trails, repairing roads and assisting visitors and so should be allowed to stay. Some families have vacationed in the cabins for generations.

Nonetheless, Deputy Attorney General Edwin Watson has told the board that the law does not allow renegotiating directly without going to public auction or a drawing. In the early 1960s, the Legislature passed a bill authorizing the issuance of direct "recreation-

residence" leases of no longer than 20 years. Kokee is the only state park where such leases were issued and Watson said it was a one-shot deal.

Randall J. Hee, vice president of the Kokee Leaseholders Association, said most of the leases were started during the territorial government and a lot of residents have had cabins in their families for a long time. That could all change if there's anything short of direct leases, he said. Furthermore, he said, some lessees will not get the full benefit of 20 years since they purchased the houselots from other lessees.

One reason the state prefers an auction or drawing is that it would ensure that the general public may participate rather than having lessees come from only a select few.