

The Winds of Waimea

One of Hawai'i's true treasures is waiting for us to act.

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You will not soon forget a koa'e bird once you've seen one. Graceful, with a long tail perhaps twice again the length of its body, the koa'e seems to float — a spirit from some other world, perhaps, or a messenger of some great truth.

"Ka pali lele koa'e," the saying goes: "This is the cliff where the koa'e birds fly." It was a koa'e kea, a pure white koa'e, that I spied as I stood on the cliff above Waimea Valley over 30 years ago. I commemorated the sight with a poem; the scene stays fresh in my mind. If she were still alive, gracefully gliding on the winds of Waimea, what would that koa'e see today?

Slashing through the gardens and forests of the valley is one recent addition: a horse path for tourists. It was formed using the huge hill of gravel and debris dumped at the mouth of the valley, taken from the temporary bypass road built across Waimea Beach last spring. The oils, plastic, bits of rubber and other automobile debris are now leeching into Waimea Valley all along the horse trail. Poorly designed, the trail is already beginning to wash away, sending its poisons across the land.

Some parts of that trail are reinforced with small stone retaining walls, allegedly cobbled together using rocks taken from archaeological sites elsewhere in the valley. Much of the trail — a small road, actually — was constructed by the arboretum and park's groundskeepers, who were diverted from their normal work for weeks while their plants were left to suffer. (For a discussion of Waimea's world-class plant gardens, see "Time to Act," *HW*, 8/23.)

The horses' holding pen is adjacent to Kaiwiko'ele Stream, a tributary to Kamananui Stream and Waimea River. Their droppings sometimes wash into Kaiwiko'ele, perhaps contributing to the high bacterial levels at Waimea Beach Park.

How could all this have been permitted, you ask? The answer is simple: None of it had a permit. Who is responsible? Again, the answer is simple: Christian Wolffer, a New York-based international real-estate developer, who took over the valley four years ago, and his local management team, headed by Atlantis Submarines, which failed to get the permits (Atlantis and Wolffer declined to talk to the

Weekly).

Buried in the sands of Waimea, by the amusement park's parking lot, lie the bones of Hewahewa, the last kahuna nui (high priest) of all of Hawai'i. Some say more than his bones remain in Waimea; suffice it to say he is undoubtedly unappreciative of all this.

Decisions, Consequences

Waimea means "sacred reddish fresh water" or "reddish-brown river," following the Hawaiian usage of the noun ("wai" — river) preceding the adjective (mea). There are hidden meanings, of course, but this much is clear: This is a very old place with a very old name — a name that has its roots far back in time, which occurs throughout the South Pacific.

Since time immemorial Waimea and its twin land division Pūpūkea have been given to spiritual kahunas. By the mid-1700s these lands were given to Ka'opulupulu, the kahuna nui and leading counselor of O'ahu, who ministered to the two major heiau in the area, Pu'uomahuka and Kupopolo. Pu'uomahuka, standing still atop the Pūpūkea cliff above Waimea, is a place where ali'i gave birth; possibly it was a place of refuge.

Waimea has seen before the results of questionable governmental conduct. O'ahu's ruler in the mid-1700s, the ali'i nui Kahahana, had Ka'opulupulu put to death as a result of the intrigue of Kahekili, the ali'i nui of Maui. With Ka'opulupulu dead and the Island's foundation thus shaken, Kahekili acted and conquered O'ahu in 1782.

Thus Kahahana saw the consequences of his decision to put Ka'opulupulu to death. Two centuries later, we are again regretting our past action, specifically a decision from 30 years ago that left the valley under private ownership.

The 1,800-acre ahupua'a (land division) of Waimea, together with various natural wonders, cultural sites, buildings and improvements, was purchased by a group of local businessmen in the late 1960s. To archaeologists and historians, the place was priceless. The businessmen paid just \$335,000 for all of it.

This group then had drawn up a master plan to develop a park that would preserve the beauty and sites of Waimea while educating school children and the public. At a hearing on the proposal, in the early 1970s, the view of the public was plain: The goals were fine, but the valley should be under public ownership to ensure the goals were honestly carried out, for generations to come.

The valley is exempt from city zoning control. It is considered so environmentally and culturally sensitive that it is under direct state Board of Land and Natural Resources control. The land board was appealed to, back then, through its role as the trustee of this land. Carry out the plans, even under the management of this group of

public-spirited businessmen, the public said, but do it through public ownership for the sake of the children and those to come.

The board did not listen to the people; nor did it listen to the voices on the wind. The land suffers today as a result.

Intrigues, Then and Now

Before the conquering of O`ahu by Kahekili, Westerners had landed for the first time on this island, coming ashore at Waimea. It was 1779, and Cook's ships anchored here for water after their captain's death at Kealakekua.

Then came Kahekili of Maui and his son, Kalanikupule. One of their elite war commanders was Koi, also probably of Maui. Koi was an ali'i, a priest and an influential counselor to Kahekili.

Koi was apparently given the kahunas lands of Waimea and Pūpūkea after the invasion of O`ahu, probably on the basis of his kahuna status. But Koi still maintained his military position, and members of his warrior division lived along the coast to either side of Waimea.

This was the setting by 1792. Vancouver had visited the Islands with Cook in 1778 and 1779, and had been at Waimea following Cook's death. Now, 13 years later, he commanded his own British expedition. His store ship came and stopped at the bay. The ship's captain, a science officer and a seaman went ashore for supplies and were killed by some of Koi's troops, probably under his command, near Kalihe'e, the bluff that cuts the valley into two.

Samuel Kamakau, one of the greatest Hawaiian historians, years later interviewed one of Koi's men who had participated in the killing. Their goal had been acquiring arms, the man said, based on standing orders from higher chiefs. They were unsuccessful: The haole had gone ashore unarmed. While telling Vancouver that the deed had been done by wayward locals, and executing six probably innocent men as scapegoats, Kahekili protected the killers and neither Koi nor Kamakau's informant were apparently ever punished for their actions.

The intrigues of Kahekili and Kalanikupule were unsuccessful. Senselessly, three haole and six Hawaiians lay dead. No Western arms were acquired. "The land mourned the blood of men shed without cause, because of the pride and arrogance of the chiefs who desired to get land and riches," concluded Kamakau. Meanwhile Kamehameha, the Big Island ali'i nui, was more successful in his diplomacy and weapon acquisitions. In the final battle at Nu'uuanu, in 1795, his superiority in Western arms swept the field and thus he conquered O`ahu.

The precise details of this story have been lost; some information which has survived is contradictory. But whatever the precise details, it seems that intrigue played its role, with terrible consequences. But

what can we say of intrigue, pride and arrogance today?

The valley's trustee, the state's land board, has had its reasons for its decisions over the years. The board has a tough job, with much of it falling on its chair — the only board member who is paid. In recent years the board has been chaired by Bill Paty (through 1994), Mike Wilson (to 1998) and Tim Johns (the current chair). These are good men. Perhaps the Legislature has not appropriated adequate funds for staff support; perhaps other problems have beset these chairs. But whatever the reasons, we must now ask whether the consequences of the decisions made by the chair and board have been worth the price.

In 1990, for example, the pre-Wolffer owners of the valley got permission from the land board to enlarge two structures in the valley. The permit required that the construction start by 1993 and finish by 1995.

The 1993 deadline came and went without evidence of construction starting, so the permit should have expired. Yet there is also no evidence of land-board enforcement of this first deadline. In 1995 the valley owners asked for an extension to the second deadline. The board chair should have pointed out that the permit had expired, but the board chair (Wilson) instead quietly granted a two-year extension to the irrelevant second deadline.

By 1997 Wolffer had taken over and there is some question of whether the 1990 permit, even if still in force, would automatically transfer to Wolffer's Delaware-based company that now controlled the valley. Nevertheless, in 1997 the board granted a further three-year extension, and in 2000, under Johns, granted another three years.

Meanwhile, in 1998, complaints were filed about illegal diversions going on at the valley's streams. The public was assured that an in-depth review would occur and the law would be applied to any wrongdoing.

The city investigated first because it had some secondary controls over the valley. Jan Sullivan, a city land-use director, did find that "the all-terrain vehicle riding, mountain biking, kayaking and horseback riding, were unauthorized," and that "new structures like the Jungle Trek, all-terrain vehicle trails and other minor structures were also unauthorized." But on the topic of the stream diversion, Sullivan reported that "we were not able to confirm any recent (stream) altering."

The stream complaints continued and state staff, under Tim Johns in his second job as chair of the state's Commission on Water Resource Management, were able to confirm that Wolffer's team had diverted the streams without any permits. Oddly enough, many of these diversions were then ignored because a rule was interpreted as saying that the stream "is not considered to be a stream." What was

missed was that under other rules, these so-called nonstream stream-diversions were indeed illegal.

But at least three other diversions could not be interpreted away, and thus were each liable for \$1,000-per-day fines. Again, subsequent state action was odd: the fines were not enforced and instead Wolffer's people were sent a set of application forms to fill out so they could be granted after-the-fact permits.

There are, in Wolffer's Waimea, dozens of these examples of intrigue that are known and undoubtedly dozens more that are unknown. Severely underfunded, perhaps ignorant of history — and thus doomed to repeat its mistakes — it appears that the state land-board chairs have not been able to control Wolffer and his people.

Riches

Waimea has always been a valley and stream system of great natural riches. All reachable areas were heavily terraced for agriculture in pre-Cook times, and an intricate irrigation system ensured that ever-flowing water came to nourish people's gardens.

Like the kähuna lands at Waiähole-Waikäne down the coast, Waimea was one of the rich "wai" (freshwater) lands that served the people and priests well. Cook's crew, visiting in 1779, noted that the area around Waimea river was "well cultivated and full of villages and the face of the country is uncommonly beautiful and picturesque."

Earlier, as the people spread over the land after the first Polynesian contact, rich lands were divided again and again and given distinct ahupua`a names. A rich land division could have relatively low acreage; a land division less endowed might sprawl over a very high acreage.

Of the 86 ahupua`a on O`ahu, according to one traditional listing, 34 were within the rich windward region from Waimea to Ka`a`awa. Of the half-dozen larger regions into which O`ahu was divided, this Windward region (Ko`olauloa) thus held nearly half of the island's ahupua`a. So traditionally rich was Ko`olauloa that it is perhaps the one region on O`ahu that to this day hosts fewer residents than in Cook's time.

Waimea was the land of rich pink taro, and also a well-known surf spot. And then there were the shells: "Ke one lei püpü o Waimea," the saying goes — "The sand of Waimea, where shells for lei are found." Waimea and Lumaha`i, Kaua`i, are the two places where certain shells were found to make a particular type of lei. The O`ahu shells were white; the Kaua`i ones brown. The white (kea) shells (püpü) gave their name to the adjoining kähuna land-division of Püpükea.

Waimea had and has a good harbor, at least in the summer months, which was often visited in the early years by smaller Western

ships. After the coming of industrial sugar production and the Asian laborers to produce it, Waimea was chosen as the burial place of many of these workers. An Asian shrine was also erected. These cultural sites, too, hold value and are worth preserving.

Today we have other values. To understand how the valley could have been purchased for \$335,000 just 30 years ago and now be offered by Wolffer for \$25 million, one must look at the permits the owners have acquired over the years.

While giving little respect to their permit requirements, Wolffer's agents have expected the state to live up to alleged rights granted by one permit from the early 1970s, which supposedly allowed 120 resort cabins to be constructed and operated in Waimea as a kind of exclusive nature spa. Waimea's land, which is otherwise locked up in some of the most restrictive land controls possible, is worth about \$1,000 an acre or less, resulting in a value of from \$1 to \$1.5 million for the valley, according to an informal appraisal conducted recently by the state.

However, the alleged cabin development permit allows a miniresort, which raises the potential value of the land substantially ... but only if there is in fact such an authorization. Today there are serious questions over whether such a permit exists.

The businessmen who acquired Waimea 30 years ago employed planners to put their dreams down on paper in the form of a master plan for the valley. After an initial rejection by the state land board, their second draft had more success. "We concentrated on history, including the ancient Hawaiians and such later things as the ranching era in Waimea," says one of the original planners today. "And we looked towards building up the park for its value to conservation, for the plants."

Land board documents show that in 1975 the board "approved *the concept* of the master plan." [Italics added.] However, except for the initial parking lot, all other aspects of the plan would each individually need an environmental assessment. Assuming that an assessment passed, then for "each and every major [proposed future] project, prior to commencement of those projects," the owners would have to come back to the board for the "final approval" of each one. Indeed, the board denied all "the proposed future developments," including the cabins, pending those future environmental assessments, applications and approvals.

There is no evidence in the land board's records whether even this conceptual acceptance of the plan, made to some trustworthy local businessmen, was transferred to Wolffer's Delaware company that took over the valley in 1996. Indeed, the conceptual acceptance might have expired with the loss of control by the original group.

Even if Wolffer still held a conceptual acceptance of the master

plan, there are many conditions which were put on that acceptance. Not one cabin site was ever agreed upon, but a condition was imposed that cabins would be allowed only in the back valleys above and away from the falls. Cabins could only be built on existing flat land without the need for land grading, and would have to be away from archaeological and cultural sites, yet also above the flood area around the streams. Each cabin had to have at least one acre of surrounding yard. At least six cabins, and no more than 10, had to be at each of no more than 12 cabin sites. Therefore a space of at least six flat acres had to exist for a site. The cabins would be "rustic" and designed to give a "rough it" experience.

But the back valley walls are quite steep, with little flat land, much less flat spots of at least six acres. Away from the flood area, those flat areas that exist are covered with cultural sites. These are such formerly cultivated areas like Pu`ulu, Hono`awa, Kaula and Lihau Kuewa — names that come to us on the wind, half-forgotten today, but calling us to prevent the destruction of the valley.

It may well be that only one site with six cabins could be permitted under these conditions, even if Wolffer attempted to get a permit. With such a low number, the economy of scale is lost: There is no profit in setting up maid service and all the rest just to operate a handful of cabins.

Correct Conduct

As every grade school child here knows, the sovereignty and life (`ea) of the land is perpetuated through right (pono) conduct. Kamehameha the conqueror maintained the tradition of Waimea and Pūpūkea as kāhuna lands.

Kamehameha's son Liholiho then ordered the sacred carved images of Pu`uomahuka heiau destroyed in 1819. Hewahewa, kahuna nui at the time of Liholiho and his father, agreed to the overthrow of the traditional religious system. But then he retired to the kāhuna lands of Waimea and Pūpūkea, where he was buried. The historian Kamakau relates how Pūpūkea and Waimea remained as kāhuna lands until the ancient land system was overthrown in the mid-1800s in the great land division known as the Mahele.

What did this cutting up of all the lands into parcels (mahele) accomplish? Suddenly a Western land system of land titles and deeds, with private property, was set up. Some people got rich. Many got poor. Change came, but was it right (pono) change?

People continued to live in Waimea because it was a fertile land. But there were island-wide declines in population from diseases, and the numbers also dropped for Waimea. With fewer people, cattle began to be run in Waimea and upland, as was also true around O`ahu. This was allowed because the broad lands surrounding

commoners' small homesteads could be acquired by big business people through the new land-ownership system established by the Mahele.

Soon the mountains above Waimea were denuded and they could no longer hold the rains when they came. The waters of Waimea no longer flowed as before. Sometimes they ran dry; at other times they flooded with a fearsome force, without warning. One particularly destructive flash flood happened in 1894; after this those few families remaining in Waimea moved and lived in the beach area. (A silver lining was that this permitted the survival of many archaeological sites throughout the valley.)

Before, the sustained water flow usually kept an opening at the mouth of the river, flowing over the sand bar. This permitted canoes and Western oar boats to enter without problem. It also permitted the wai pu'eone style of surfing, which Waimea was known for: The surfer rode an ocean wave toward shore and was able to continue into the stream, where eventually the surfer's board stood on a standing wave, breaking forward but being matched by the fresh-water current coming down.

But now, most of the time the sand bar rose high and cut the flow. Surfers no longer excelled at wai pu'eone. Fresh water did not flow and mix with the salt of the bay. Various species of fish that relied for their natural life-cycles to be able to go up the river, or stay in brackish (mixed) water near shore, no longer came to Waimea. And the white shells (pūpūkea) ceased to be found.

And so the life of the land was not perpetuated, because of wrongful conduct in its ownership and management.

Today we again face the fact of wrongful conduct over the natural and cultural resources of Waimea. A full list of Wolffer's transgressions against Waimea isn't necessary, but one point can perhaps symbolize the current situation. According to some researchers, the most important cultural sites in Waimea are the kauhale house-compound and the hale iwi (house of bones) burial temple. The former, thought to be the largest habitation site in Waimea, was probably the home to the kahuna nui Ka'opulupulu in the mid-1700s and other high priests. Both sites were extensively researched and then painstakingly developed to provide an interpretive and interactive education to visitors, including school children on field trips. The kauhale site, in particular, was one of the best such resource in the Islands.

Now the re-built houses at the kauhale site have seriously deteriorated, and overgrowth is beginning to reclaim the hale iwi site. There has been a general layoff of staff, and few remain. The whole thing is a disgrace and insult to the Hawaiian culture, and all the peoples of Hawai'i.

Suffice it to say that a thorough investigation and enforcement of the law would find dozens of violations that could cost \$25,000 to \$50,000 in daily fines. Charged back to the start of these violations, the total bill today could cost more than the value of the valley.

But any attempt to call for investigations and enforcement of fines will fail. Wolffer can afford lawyers and lobbyists. They can find loopholes in the law or exploit underfunded environmental offices. This is not because he is a bad person, but simply because he does the kinds of things you would expect of a real-estate developer.

Only one thing can save the priceless treasure of Waimea — public purchase by condemnation, or a negotiated sale by Wolffer under the pressure of condemnation. Done correctly, Wolffer could get the problem of the valley off his back and gain certain tax benefits. In any case, both the city and state should immediately initiate condemnation proceedings on the fast track.

Once the transfer to public ownership occurs, representatives can be brought together to work out who should manage it and a recovery plan can be written and implemented. But all that is in the future. For now, the farce has got to end. Call Mayor Jeremy Harris (523-4141) and Governor Ben Cayetano (586-0034) and urge them to initiate acquisition.

A silvery koa`e kea floats on the winds of Waimea, calling to us to act.