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PACIFIC WEST REGIONAL OFFICE Memorandum

L7617 (PWRO-P)

14 AUG 2011

Memorandum

To: Superintendent, Kalaupapa National Historical Park

From: Regional Director, Pacific West Region

Subject: Environmental Compliance for Kalaupapa Settlement Memorial

The *Finding of No Significant Impact* for constructing a memorial to commemorate Kalaupapa patients is approved. The diligent efforts of you and all staff involved with this notable partnership planning effort are acknowledged, and appreciated.

To complete this particular environmental compliance process, when the park issues its announcement of the decision, a copy of the attachment should be made available to all recipients of the supporting environmental assessment.

Patricia A. Newbacher

for Christine S. Lehnertz

Attachment

cc:

PAAR-S

CONSTRUCT MEMORIAL TO COMMEMORATE KALAUPAPA PATIENTS *FINDING OF NO SIGNIFICANT IMPACT*

Kalaupapa National Historical Park
Hawaii
August 2011

INTRODUCTION

This Finding of No Significant Impact (FONSI) has been prepared, in accordance with DO12 NPS's guidance for implementing the National Environmental Protection Act (NEPA), for the Construct Memorial to Commemorate Kalaupapa Patients, Kalaupapa County, Hawaii, Environmental Assessment. The FONSI and EA (Environmental Assessment) comprise the complete record of environmental impact analysis for the project.

This document describes the Selected Alternative and provides an explanation of why it will have no significant effects on the human environment. The project is the establishment of a Memorial at Kalaupapa National Historical Park.

On March 30, 2009, President Barack Obama signed Senate Bill 22, Section 7108, the Omnibus Public Land Management Act that contained legislation which authorized Ka 'Ohana O Kalaupapa to establish the Kalaupapa Memorial within the boundaries of Kalaupapa National Historical Park. The Memorial will list the names of the estimated 8,000 people who were taken from their families and sent to Kalaupapa due to government policies regarding leprosy, now also called Hansen's disease. Hawaii's isolation policy for people affected by leprosy lasted from 1866 to 1969. The design of the Memorial will be determined at a later date through a design competition sponsored by the 'Ohana. The design requires approval from the Secretary of the Interior before implementation.

The National Park Service (NPS) will work with Ka 'Ohana O Kalaupapa to establish the Kalaupapa Memorial under a General Agreement. Ka 'Ohana O Kalaupapa ('Ohana) is a 501(c)(3) nonprofit organization made up of Kalaupapa residents, family members and descendants of individuals sent to Kalaupapa, professionals involved in preserving the history of Kalaupapa, and longtime friends of the community. When the 'Ohana was established in August, 2003, the Kalaupapa community asked that the Memorial be a priority.

This document records 1) a Finding of No Significant Impact as required by the National Environmental Policy Act of 1969 and 2) a determination of no impairment as required by the NPS Organic Act of 1916.

PURPOSE AND NEED FOR ACTION

Less than 1,000 of the individuals who died at Kalaupapa still have a marked grave that can be identified. More than 7,000 people who were sent to Kalaupapa lie in unmarked graves and their names are no longer part of the landscape where they lived together and built a community under the most difficult of circumstances. The Memorial will serve as a tombstone for these thousands of people, more than 90 percent of whom were Native Hawaiians, to ensure that they are an integral part of the history that they helped to create. The Memorial will also provide family members with a fitting place to pay tribute to their ancestors and find pride and healing.

Kalaupapa National Historical Park was established in 1980, as a result of the initiative of members of the Kalaupapa community, to preserve the history of the people of Hawaii afflicted with leprosy and isolated at Kalaupapa from 1866 to 1969. In the bill signed by President Jimmy Carter, Public Law 96-565, Congress outlined the "principal purposes" of Kalaupapa National Historical Park with the first being "to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations". The lives of the current residents and the compelling history of the thousands who died at Kalaupapa are the primary reason Kalaupapa National Historical Park was created.

The names of the estimated 8,000 individuals to be listed on the Kalaupapa Memorial are being compiled by Ka 'Ohana O Kalaupapa in consultation with the Hawai'i State Archives, the Hawai'i State Department of Health, Kalaupapa residents, family members and Hawaiian language specialists to ensure that all relevant privacy laws are followed and spellings are as accurate as possible. Multiple historical sources are being used to cross-check information and ensure accuracy.

An estimated 8,000 individuals were forcibly separated from their families and sent to the Kalaupapa peninsula between 1866 and 1968 because of the government's isolation policies regarding leprosy. Over the decades, many of these individuals succumbed to the disease, and died. Of these individuals, only 951 have marked gravesites. An additional 279 gravesites have been identified by the National Park Service, but are listed as "unknown." Consequently, the graves of more than 87% of those sent to Kalaupapa remain unidentified.

An interdisciplinary team comprised of National Park Service staff, including natural and cultural resource professionals, and supported by members of Ka 'Ohana O Kalaupapa, a non-profit organization, determined the purpose and need for the project. Ka 'Ohana O Kalaupapa is made up of residents, family members, descendents, longtime friends

and professionals who have worked towards the preservation of Kalaupapa's history. The National Park Service resource professionals identified the potential beneficial and adverse effects of the proposed actions compared to existing conditions as documented herein.

Since these graves are unmarked, the area has not been held sacred over the years. The area was used as a cattle pen in the past and continues to be damaged by pigs and deer. With the addition of the Memorial, more attention and respect will be given to these unmarked burials and return the cemetery to a place of dignity.

For many years, members of the Kalaupapa community have discussed the need for a Memorial honoring everyone exiled to the settlement. At the same time, family members continue to search for information about their loved ones who were sent to Kalaupapa. Since discussions of a Memorial began at Kalaupapa, many residents have favored locating the Memorial within the grounds of the former Old Baldwin Home.

The Memorial will return all of these individuals to their rightful places in their family histories as well as the history of Kalaupapa and will provide a place of dignity where family members can find healing and closure.

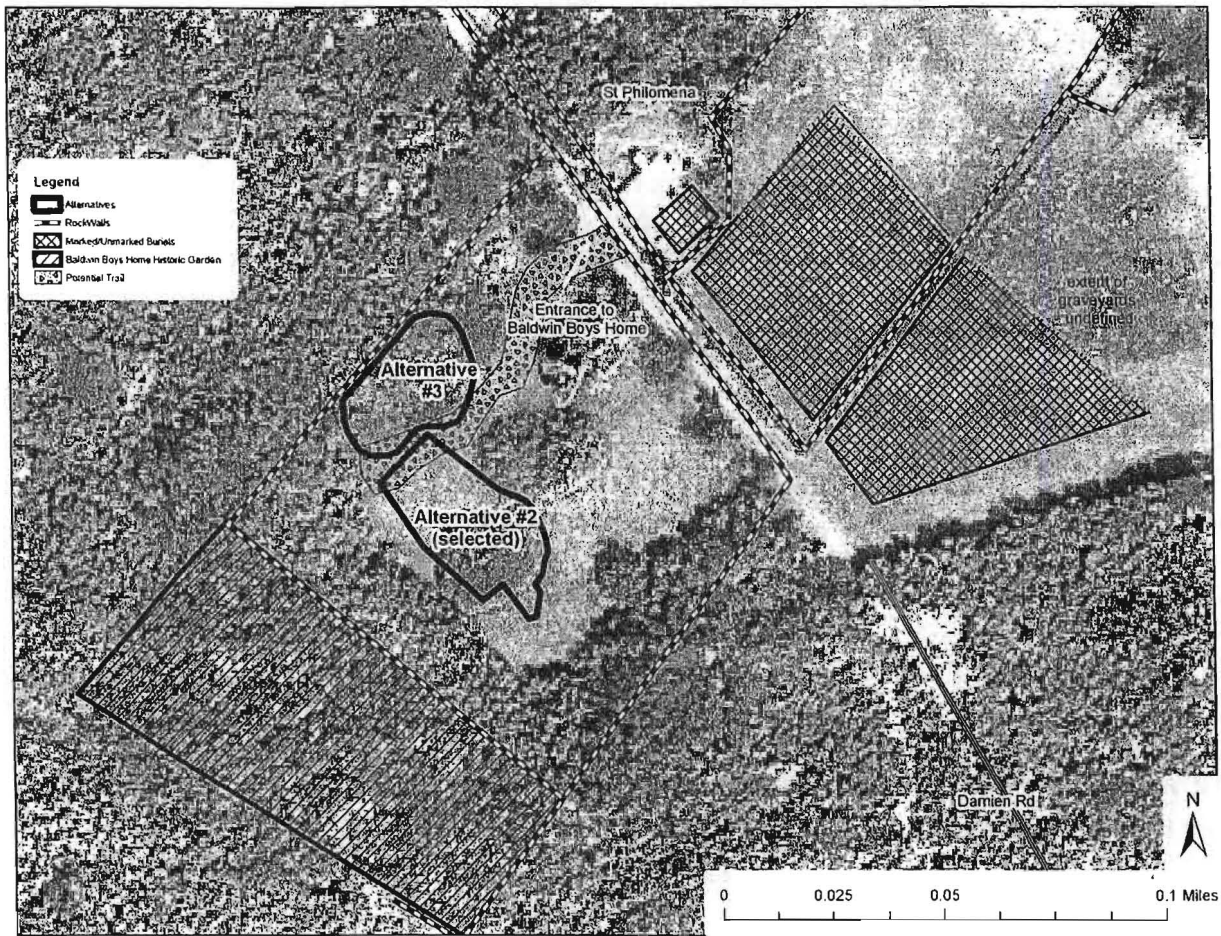
Time is of the essence for this project as the remaining Kalaupapa patient residents are elderly. It would be ideal to establish the Memorial so that the patient residents can see it become a reality.

ALTERNATIVES

Selected Action

The NPS selects **Alternative 2** for implementation – there are no modifications (from the Preferred Alt as described in the EA) due to public or agency comment incorporated herein. The Memorial will be located about 500 feet from a vast cemetery next to St. Philomena Church that has been referenced as containing at least 2,000 unmarked burials. Many of these individuals were among the early residents of Kalawao. Locating the Kalaupapa Memorial at Kalawao, in close proximity to this large concentration of unmarked graves, follows NPS guidelines by ensuring that the commemorative work is located in surroundings relevant to its subject.

The selected action (Alternative 2) will allow the establishment of a Memorial within the south/southwestern area of the Old Baldwin Boys Home in Kalawao. The Memorial will be located with the historic rock wall that delineates the former Old Baldwin Home.



Project alternative locations within the Old Baldwin Boys Home area. The selected alternative is Alternative 2 shown above.

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The footprint of the Memorial will not be larger than 25% of the total footprint of the area within the rock wall, and will be limited in height in order to minimize its impact on the historic scene and viewsheds. A pedestrian pathway would be constructed to access the Memorial from the existing Damien Road.

The names of the patients who will be listed on the Kalaupapa Memorial are primarily being compiled from Kalaupapa admission registers in the public domain at the Hawaii State Archives for those admitted prior to 1931. These names are being cross-checked with other historical records, both in Hawaii and on the mainland, including correspondence, petitions, vital statistics, and family genealogy records. The names of people admitted since 1931 (8%) will be compiled through the assistance of family members, correspondence, petitions, newspaper articles, and other documents that are part of the public record. The engagement of family members is necessary to ensure compliance to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy and Security Rules.

The Memorial will be designed and constructed in accordance with design guidelines outlined in NPS Management Policies and the design criteria developed jointly by the Kalaupapa National Historical Park staff and Ka `Ohana O Kalaupapa.

The following design standards are taken from NPS Management Policies 9.6.3. (Approval of Commemorative Works). Before being approved, a determination must be made, based on consultation with qualified professionals that the proposed commemorative work will: be designed and sited to avoid disturbance of natural and cultural resources and values; be located in surroundings relevant to its subject; be constructed of materials suitable to and compatible with the local environment; meet NPS design and maintenance standards; not encroach on any other preexisting work or be esthetically intrusive; not interfere significantly with open space and existing public use; not divert attention from a park's primary interpretive theme; and not be affixed to the historic fabric of a structure.

In addition to the NPS Management Policies, the project team developed criteria to be used in the design and construction of the Memorial. The criteria include: The retention of ethnographic features (for example, vegetation and remains of historic buildings); the physical extent of the Memorial; and the location of associated features such as pedestrian pathway. Furthermore, the memorial and associated structures should be compatible with physical remains, the natural setting, and spatial relationships defining the National Historic Landmark and cultural landscape of Kalaupapa.

The design of the Memorial must comply with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, and the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*.

Additional research, site investigations and resource studies, such as archeological surveys, may lead to the development of additional criteria to mitigate potential impacts to the National Historic Landmark.

Education/Interpretation Component

Consideration will be given to incorporating appropriate interpretive and educational components to the Memorial to tell the story of the Old Baldwin Boys Home. In conjunction with the Memorial, Ka 'Ohana O Kalaupapa will provide a resource document to help families/visitors locate names on the Memorial.

Pedestrian Access Pathway

The pedestrian pathway will be constructed to meet universal accessibility standards and will be designed and built to limit ground disturbance or resource disturbance.

Accessibility

As required by the Architectural Barriers Act of 1968 (P.L. 90-480), the Rehabilitation Act of 1973 (P.L. 93-112), the 1984 Uniform Federal Accessibility Standards (UFAS) (49 CFR 31528), and NPS Director's Order #42: Accessibility for Visitors with Disabilities in National Park Service Programs and Services, the Memorial will meet all standards for accessibility to persons with disabilities as outlined in the New ADA-ABA Accessibility Guidelines, effective May, 2006.

Consistency with NPS Construction Standards

Project design and construction will follow NPS design standards and guidelines as outlined in the National Park Service Management Policies section 9.1.

Safety

During the construction of the Memorial, all contractors will comply with NPS Director's Order #50B: Occupational Safety and Health Program, Section 7.0, Contractor Safety, effective September 2008.

Modifications to the Selected Alternative

There were no modifications to the preferred alternative after the public comment period.

Other Alternatives Considered

Other alternatives considered for the Kalaupapa Memorial included Alternative 1 -- No Action and Alternative 3 -- the establishment of the Memorial within the western area of the Old Baldwin Home site at Kalawao. Alternative 3 included the same design and construction criteria as the preferred alternative listed above.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

The National Park Service (NPS) has determined that the environmentally preferred alternative for this project is Alternative 2, the Preferred Alternative. The environmentally preferred alternative is the alternative that will promote the national environmental policy expressed in NEPA (sec. 101 (b)). This includes alternatives that:

- Fulfill the responsibilities of each generation as a trustee of the environment for succeeding generations.
- Ensure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings.
- Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.
- Preserve important historic, cultural, and natural aspects of our national heritage and maintain, whenever possible, an environment that supports diversity and variety of individual choice.
- Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities.
- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The Council on Environmental Quality Regulations (CEQ) regulations implementing NEPA and the NPS NEPA guidelines require that "the alternative or alternatives which were considered to be environmentally preferable" be identified (Council on Environmental Quality Regulations, Section 1505.2). Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative that best protects, preserves, and enhances historic, cultural, and natural resources.

Although all alternatives provide some environmentally preferred benefits, the National Park Service has identified Alternative 2 as the Environmentally Preferred Alternative because it may achieve these benefits to the greatest degree.

MITIGATION

Mitigation measures are presented as part of the selected action. These measures have been developed to lessen the adverse effects of the selected action. Mitigation measures would be funded through the construction budget unless specifically noted in the table below.

Table 1. Mitigation Measures Associated with Memorial Construction

Resource area	Mitigation	Responsible party
Geology/Soils/ Geologic and Associated Hazards	Construct the Memorial during the summer to reduce the potential of soil disturbance during the rainy season. Plant disturbed areas with seed mix not containing known invasive species.	Kalaupapa National Historical Park Superintendent
Water Resources/Flood Plain	Construction should be within the higher lying southeast portion of the designated project area to minimize impediments to flood waters.	Kalaupapa National Historical Park Superintendent
Avifauna/Mammals/Reptiles and Amphibians/Insect and Invertebrates/Special Status Species	Exclude artificial lights from the Memorial design.	Kalaupapa National Historical Park Superintendent
National Historic Landmark	<p>Adhere to the design criteria included in the description of alternative 2.</p> <p>All new development or construction within the historic site will follow the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i>. Project construction work would not commence until Section 106 of the National Historic Preservation Act is completed.</p>	Kalaupapa National Historical Park Superintendent
Pre-contact and Historic Archeological Resources	<p>To ensure that no undetected significant archeological resources would be affected, an archeological monitor will be present at the site during all construction activities.</p> <p>Should presently unidentified significant archeological resources be discovered during construction, work in that location would be halted, the park Cultural Resources Program Manager contacted, the site secured, and the park would consult according to 36 CFR 800.11 and, as appropriate, provisions of the Native American Graves Protection and Repatriation Act of 1990 and Hawaii state burial laws.</p> <p>Any archeological site would be properly recorded by an archeologist and evaluated under the eligibility criteria of the National Register of Historic Places.</p> <p>If the site is determined eligible, appropriate measures would be implemented either to avoid further resource impacts or to mitigate loss or disturbance (e.g., by data recovery excavations or other means) in consultation with the Hawaii State Historic Preservation Office.</p> <p>According to design criteria established by Ka 'Ohana O Kalaupapa in conjunction with the NPS, any <i>iwi</i> (bones from ancient burials), significant archaeological features or rare native plants discovered on the preferred Alternative Site for the Memorial will remain in place.</p>	Kalaupapa National Historical Park Superintendent

Table 1. Mitigation Measures Associated with Memorial Construction

Resource area	Mitigation	Responsible party
Cultural Landscape	<p>Adhere to the design criteria included with alternative 2.</p> <p>All new development and construction within the historic site will follow the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i>. Project work will not commence until Section 106 of the National Historic Preservation Act was completed.</p> <p>Any contributing feature to the cultural landscape that is modified or removed will be documented before and after construction to HABS/HAER standards.</p> <p>The pedestrian ADA accessible pathway to the memorial site will be constructed using minimal ground disturbance and visually compatible materials with the historic setting.</p>	Kalaupapa National Historical Park Superintendent
Cultural Landscape Vegetation	Design memorial construction to avoid impacts to heritage trees.	Kalaupapa National Historical Park Superintendent
Scenic Values	Adhere to the design criteria included with alternative 2.	Kalaupapa National Historical Park Superintendent
Ethnographic Resources	Design additional hunting zones on the peninsula to offset the loss of the Old Baldwin Boys Home as a portion of a larger hunting area.	Kalaupapa National Historical Park Superintendent

PUBLIC INVOLVEMENT AND AGENCY CONSULTATION

Scoping

Internal scoping done by the interdisciplinary team comprised of Kalaupapa National Historical Park employees, NPS regional office representatives and Ka 'Ohana O Kalaupapa was conducted in July 2009.

Public scoping was conducted between September 18 and October 31, 2009. Announcements were sent to approximately 200 interested parties and five public meetings were held on islands Molokai, Oahu, Lanai, and Maui. Approximately 170 total people attended the five public meetings. Information about the public scoping meetings was provided on the Kalaupapa National Historical Park website, the NPS PEPC (Planning, Environment and Public Comment) website and the 'Ohana website. A press release was issued to local media contacts; resulting publicity included publication in Ka Wai Ola, the Star Bulletin, the Maui News and the Molokai Dispatch. The meeting information was also announced on Hawaii Pacific Radio on Maui, Hawaii Public Radio and the Office of Hawaiian Affairs (OHA) radio program on KKNE AM.

Between May 18 and November 23, 2010, Ka'ohulani McGuire, Kalaupapa National Historical Park Anthropologist, met individually with 17 of 20 patient residents to consult on the project. Questions centered around patient's support of the Memorial, the two proposed locations for the Memorial at the former Old Baldwin Boys Home and the opportunity for patients to share additional comments. In summary, a majority of the patient residents interviewed preferred the proposed alternative location #2 for the Memorial.

Approximately 30 written responses or oral comments were received. Scoping comments were narrowly focused on fulfilling the desires of the remaining Hansen's disease patients and locating the Memorial within the former Baldwin Boys Home site. Throughout this scoping process, patients and public expressed their desire to have the Memorial at the former Baldwin Boys Home.

The EA was available for public review and comment from December 23, 2010 to February 11, 2011. Notices of the availability of the EA for public review included:

- Letters of notification were sent to 90 interested individuals, nongovernmental organizations, and local federal/state agencies.
- Press releases were printed in the Maui News on January 9, 2011, and the Molokai Dispatch on January 12, 2011.
- A notice was published in "The Environmental Notice", a digital notice board administered by the Office of Environmental Quality Control within the Hawaii State Department of Health.
- Notice on the Kalaupapa National Historical Park website and the PEPC website.
- Hardcopies of the EA were distributed to the Molokai Public Library, Molokai Museum and Cultural Center and Historic Hawaii Foundation. Hardcopies were also sent to individuals not having access to digital media. Altogether approximately 15 printed copies of the EA were distributed

Eight written comments were received from the public on the EA. All of the comments were focused on support of alternative 2 and a Finding of No Significant Impact.

Agency Consultation –

U.S. Fish and Wildlife Service

Section 7 consultation was initiated by a copy of this EA being sent to the U.S. Fish and Wildlife Service in Honolulu with a request for their review and comments. On February 22, 2011, Paul Hosten, Kalaupapa Ecologist, talked via phone with Dawn Greenlee, US Fish and Wildlife Service biologist, and Dawn agreed with the National Park Service's determination of No Effect to listed species.

Hawaii State Historic Preservation Officer and Advisory Council on Historic Preservation

Section 106 of the National Historic Preservation Act was initiated in 2009. The Hawaii State Historic Preservation Officer and interested parties were consulted. Because the project is located within a National Historic Landmark, consultation with the Advisory Council on Historic Preservation was also completed.

The NPS, with concurrence (letter dated December 6, 2010) from the Hawaii State Historic Preservation Office and verbal guidance from the Advisory Council on Historic Preservation found that there would be a No Adverse Effect to historic properties as long as subsequent Section 106 review is completed when a Memorial design is chosen and imposed conditions are met

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT

The National Park Service and the 'Ohana have mutually agreed that most forms of human activity that takes place within the 10,000 acres of Kalaupapa National Historical Park has some degree of effect on resources and values, but that does not mean the impact is unacceptable or that the Memorial must be disallowed.

The NPS used the following NEPA criteria and factors defined in 40 CFR §1508.27 to evaluate whether the Selected Alternative would have a significant impact on the environment.

Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts that require analysis in an EIS. There are no significant or adverse impacts from this action that would require analysis in an EIS.

Degree of effect on Public Health or Safety. This action does not affect public health or safety.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. The project area is within a National Historic Landmark, within an archeological site and a cultural landscape. However, design and construction guidelines, mitigation measures, an on-site archeological monitor during construction, and continued Section 106 consultation ensure no adverse effects to cultural resources.

There are no prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas within the area proposed for Memorial construction.

In addition, it should be noted that the project area is outside of the high tidal inundation zone, so there are no tsunami issues.

Degree to which effects on the quality of the human environment are likely to be highly controversial. This action has no controversial effects on the human environment.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks. There is a minimal chance of uncertain, unique or unknown risks to the human environment from this action.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. This action will not establish a precedent for future actions.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. No additional actions similar to the construction of the Memorial are planned, resulting in no cumulatively significant impacts.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. The Memorial will be constructed within a National Historic Landmark, a cultural landscape and an archeological site. Although the proposed project may have adverse effects on cultural resources if not addressed, and while the final design of the Memorial would not be known until the design competition is completed, the National Park Service finds that there would not be Adverse Effect to cultural resources, given the required subsequent completion of ongoing Section 106 reviews. After a Memorial design is chosen, conditions sufficient to avoid adverse effects would be imposed, in consultation with SHPO (36 CFR Section 800.5(b)).

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat. Existing habitat for endangered or threatened species is severely altered by the complete domination of non-native trees and shrubs within and proximal to the former Baldwin Boys Home. Avian malaria have decimated the native birds at lower elevations. Mitigation measures further prevent any foreseeable negative influence of Memorial construction on native insects, birds or marine wildlife notwithstanding threatened or endangered status.

Whether the action threatens a violation of Federal, state, or local environmental protection law. This action violates no federal, state or local environmental protection laws.

Impairment


In addition to reviewing the list of significance criteria, the National Park Service has determined that implementation of the Selected Alternative and mitigation measures will not constitute an impairment to Kalaupapa National Historical Park resources and

values. There would be no major adverse impacts to a resource or value whose conservation is 1) necessary to fulfill specific purposes identified in the park's establishing legislation; 2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or 3) identified as a goal in the park's general management plan or other relevant NPS planning documents. This conclusion is based on a thorough analysis of the environmental impacts described in the Construct Memorial to Commemorate Kalaupapa Patients Environmental Assessment, the mitigation measures, agency consultations, considerations of the public comments received, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in NPS Management Policies.

CONCLUSION

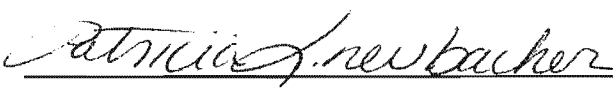
Implementation of the Selected Alternative to Construct a Memorial at the above described site in Old Baldwin Boys Home will not have significant impacts on the human environment. The determination is sustained by the analysis in the EA, agency consultations, the inclusion and consideration of public review, and the capability of mitigations to reduce or avoid impacts. Adverse environmental impacts that could occur are negligible to major in intensity, duration, and context and less-than-significant. There are no highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence. There are no previous, planned, or implemented actions, which in combination with the selected alternative would have significant effects on the human environment. Requirements of the National Environmental Policy Act have been satisfied and preparation of an Environmental Impact Statement is not required. The park will implement the Selected Alternative as soon as practical.

Recommended:


Steven Prokop, Superintendent
Kalaupapa National Historical Park

8-8-11
Date

Approved:

for 
Christine Lehnertz, Regional Director
Pacific West Region, National Park Service

8/15/11
Date