



KALA GMP, NPS <kala_gmp@nps.gov>

Kalaupapa NHP position paper

1 message

Reid Loo <[REDACTED]>

Sun, Jun 7, 2015 at 7:29 PM

To: KALA_GMP@nps.gov

Aloha Erika,

Just a few of my thoughts!

Mahalo,
Reid



Kalaupapa position paper.docx

140K

June 6, 2015

Aloha mai kākou. My name is Reid Loo and I am representing several 'ohana through my maternal line. Their names are Harvest, Kaikai, Ka'aipōhaku, and Nahā. These 'ohana were relocated from Waikapū and Ke'ei. My great-grandfather James Harvest was born at Kalaupapa in April 1902, before being transferred to Kalihi at age 7. Because of this, I will always hold Kalaupapa, Kalawao, and the greater Mākanalua in sacredness.

I am also representing a separate entity known as Ka 'Ohana o Kalaupapa. This is a voluntary organization, which is comprised of Kalaupapa residents, descendants of Kalaupapa kūpuna, and selfless friends. Since its inception in 2003, the 'ohana has helped many reconnect to family members, place, and culture; as well as, simultaneously building capacity amongst others in search of the same. My affiliation with the 'ohana started two, maybe three years ago, as I was tasked with the kuleana of tracing my Hawaiian ancestry, or mo'okūauhau, with the aspiration of one day becoming a Hawaiian Homestead beneficiary. To my discovery, acceptance and receipt of a wait-list number did not satisfy my kuleana. As a Hawaiian, looking towards our kūpuna is strengthening, inspirational, spiritual, and apart of a greater protocol of respecting all that have come before. Due to the diligence of the 'ohana, I am able to represent much more of my ancestors, especially those I had no prior knowledge of, who rest in peace at Kalaupapa and Kalawao.

Without further adieu, I would like to address several inadequacies that I have found with the proposed Kalaupapa National Historical Park General Management Plan and Environmental Impact Statement:

1. Ka 'Ohana o Kalaupapa has very limited recognition. This is alarming because the 'Ohana voices the concerns of its members, which include the living treasures of Kalaupapa. They have demonstrated successful advocacy in which both the National Park Service and Department of Hawaiian Homelands have been deficient. Though I am pleased with NPS wanting to bolster and improve its outreach and education initiatives concerning the NHP, this is something that should have taken root in 1980. Rather than reinvent the wheel, I feel that forward progress should be built on the existing work that the 'ohana has been involved with since 2003. In order to accurately advocate the history of Kalaupapa, we need knowledgeable individuals who understand life pre and post 1866. Inclusion of the 'Ohana as a partner could address these inherent shortcomings and garner greater representation in the planning process.
2. There is no mention of the Kalaupapa names project, nor endorsement for a monument to be constructed, which would remember the nearly 8000 individuals who began arriving to the

peninsula in 1866. This has been resonated by the Kalaupapa residents for years.

3. I cannot understand the partnering aspect with the Department of Hawaiian Homelands. Requesting that no homesteading be done on said lands within the NHP is appalling. To date, there are thousands of individuals, myself included, who have yet to receive awards entitled to us by the DHHL mission statement, which reads: "Our mission is to manage the Hawaiian Home Lands trust effectively and to develop and deliver lands to native Hawaiians. We will partner with others towards developing self-sufficient and healthy communities." Restricting and reducing the amount of eligible land designated for Hawaiian homesteading would be another obstruction in DHHL's obligation to its beneficiaries. Furthermore, this plan does not outline Native Hawaiian gathering rights for subsistence. Eliminating homesteading detracts from having a Hawaiian presence on the peninsula.
4. I do not support the land augmentation and acquisition measures set forth. As a field botanist by profession, I appreciate the splendor that the natural world has to offer and am all for the protection of resources, whether terrestrial, aquatic, cultural, etc. However, greater land area does not ensure that greater management practices will occur. Existing human resources, capital, etc. should be allocated to the original intent of preserving what lies within current boundaries.

Lastly, I appreciate the ability to present my personal comments in regard to the Kalaupapa NHP, GMP/ EIS. Often times, management falls short in listening to people as a resource.

Me ke aloha,

Reid Loo



KALA GMP, NPS <kala_gmp@nps.gov>

GMP for Kalaupapa

1 message

Kawai Tinio <[REDACTED]>
To: KALA_GMP@nps.gov

Sun, Jun 7, 2015 at 10:43 PM

I am writing to address my concerns with the final draft of the General Management Plan for Kalaupapa in particular the absence of involvement of Ka 'Ohana O Kalaupapa. Kalaupapa is especially important to me, not only because I am a native Hawaiian, but because my great great-grandmother and namesake Kawaikoeahiokekuahiwi Wong-Hoe Namahoe was afflicted with leprosy and is buried there.

In 2008, my late father William Namahoe Jr. first contacted Ka 'Ohana O Kalaupapa seeking assistance in finding his great-grandmother. All he knew is that she was "taken from the family" when she was just seven years old. Over the next several years he developed a relationship with the organization and Val Monson the Coordinator. After working together Val was no longer a mere contact, but had become a member of our 'ohana. When a picture of great-grandma Kawai was found she rejoiced with us. When her gravesite was located she shared in our utter excitement.

Finding great-grandma Kawai was life changing for my father. After visiting her gravesite, my father "woke up a changed man. I thought my journey was ending, but I realize now it's only the beginning. I'm now on this journey with great-grandma."

My family is so grateful for the continued work of Ka 'Ohana O Kalaupapa and encourage you to include them in your plans for Kalaupapa. They well represent the native Hawaiian community as their members consist of Kalaupapa residents, family members, and friends with direct connections. I urge you to keep these well-established ties. These ties guarantee that our ancestors will be honored and not forgotten.

Unlike other National Parks, Kalaupapa is not a place where the promotion of tourism should be a priority. Additional land acquisition is not necessary. The existing boundaries are a memorial to the people afflicted with leprosy and should be treated accordingly. Visitor caps should be set with community acceptance and reviewed annually with preference given to family members and native Hawaiians.

Thank you for your consideration and I trust that the National Park Service will remember the sanctity of this land.

Sincerely,

Kawai Namahoe Tinio



KALA GMP, NPS <kala_gmp@nps.gov>

NPS, Attn: Kalaupapa NHP GMP/EIS comments

1 message

Christine Kapilioho [REDACTED]

Mon, Jun 8, 2015 at 2:21 AM

Reply-To: [REDACTED]

To: "kala_gmp@nps.gov" <kala_gmp@nps.gov>

Kalaupapa National Historical Park
Draft General Management Plan/Environmental Impact Statement

Comment Form

To: kala_gmp@nps.gov

June 7, 2015 - 11:15pm HST

I do not agree with the preferred alternative (C) for the future management of Kalaupapa NHP.

I prefer a revised version of alternative B and have elements that need to be addressed and added. The following items are not listed in priority, all are important.

- 1) Ka 'Ohana o Kalaupapa should be named and listed in the "existing cooperative agreements" section along with DOH, DLNR, DOT & DHHL.
- 2) Instead of "NPS developing an extensive outreach program to share Kalaupapa's history with a wide audience at offsite locations" it should partner with Ka Ohana who is already doing outreach and education and partner together to enhance the outreach and education program.
- 3) under "Access to and within Kalaupapa NHP: Long-Term" "unescorted public access only in the Kalaupapa Settlement" should not be allowed. Any public access needs to be guided and strictly observed.
- 4) Any additional staffing should go to family members who had loved ones at the settlement and or Native Hawaiian/lineal descendant individuals first.
- 5) Boundaries and Land Protection should benefit the land first and then to sustain and benefit lineal descendants and Native Hawaiians.
- 6) Much more detail should be added into the GMP to include the Kalaupapa Memorial, how it will be maintained once built, who will maintain it, what will be the benefits of the memorial to all the future visitors and how it will be marketed in the NPS system.
- 7) On page 39 of the Draft GMP, the first paragraph states "The planning team will then incorporate appropriate changes to produce a final general management plan and EIS." No where does it mention another chance for the public or to those who sent in comments to review "the changes" before producing "the final plan". I believe it would only be fair to allow people to see all the changes/suggestions incorporated into the Draft, BEFORE a final is produced. If individuals are taking the time to provide input, I believe there should be a chance to see another Draft before final production.

COMMENTS:

Kalaupapa should always be kept sacred by allowing only supervised visits and no over night camping ever. All who visit should be educated on the history before the leprosy's

patients arrived, during their time there up to current.

Kalaupapa should be managed carefully with the thought of always remembering all those who lived and died there.

Thank you.

I would like to be added to Kalaupapa's email and mailing lists.

From:

Christine Kapiioho

Great Grand-daughter of Lui Kapiioho (who was a patient at Kalaupapa, along with his mother, Maunalei who was sent to the settlement in 1873)



Please confirm receipt.



KALA GMP, NPS <kala_gmp@nps.gov>

Kalaupapa GMP/EIS

1 message

Danielle Grauman <[REDACTED]>
To: KALA_GMP@nps.gov

Mon, Jun 8, 2015 at 11:08 AM

Dear Kalaupapa NPS,

I submit for consideration this testimony regarding the draft notice newsletter #4 (Spring 2015) for alternatives A, B, C, and/or D on the Kalaupapa settlement.

This letter is written on behalf of the Namahoe 'Ohana and its future generations in honor and respect of ancestors who have passed away on the site of Kalaupapa. We write to support the position of not only the history of our 'Ohana's final resting place but also the work of Ka 'Ohana O Kalaupapa, the caregivers and pioneers of wonderful programs on this land. They **are** instrumental to me and to my entire 'Ohana. It cannot be echoed loud enough. Without this organization we would never have known our ancestors, never fully known ourselves.

We unequivocally believe that in any alternative selected, the NPS would honor the memory of all ancestors and respect the living historical memories of Hansen's Disease patients at Kalaupapa by involving Ka 'Ohana O Kalaupapa in as much of the process as possible. They are the past, present and future of Hawaii Nei. Hawaiians can find better suited ways to protect the mana'o of their elders than by making them simple "cultural interpreters". Ka 'Ohana O Kalaupapa is full of living experts and should be treated as such.

It is with great sincerity, love, and seriousness that we bring this letter to our governmental body. You will find the entire document attached first and the signature page attached as "NPS"

Sincerely,

Danielle Kapi'olani Kaha'ōpūlani Namahoe-Grauman
Co-Founder and President of Hu'e I Na Pohaku Makamae, Inc.

2 attachments

Kalaupapa_DNKG.pdf
77K

Kalaupapa_NPS.pdf

Date: 7 June 2015

Erika Stein Espaniola, Superintendent

Leslie Kania Naeole, Management Assistant

National Park Service

Attn: KALAUPAPA NHP GMP/EIS

909 First Avenue, Suite 500

Seattle, WA, 98104

Dear Superintendent Espaniola and Management Assistant Naeole:

There are places throughout the world that captivate the senses – eyes are overwhelmed by glittering colors, ears sensitive to every chirp or chortle, and the skin become a breathing being of its own, inhaling and exhaling all that our senses leave out. As a Hawaiian, few spots are as bittersweet for families as Kalaupapa on the island of Moloka'i. It represents the beginning of Life as well as where the Great Equalizer freely comes to return us to the Creator. Numerous 'Ohanas are committed to personal ancestral history, the collective Hawaiian culture, the longevity of networking and preserving historical monuments within Kalaupapa, none more than the Namahoe 'Ohana.

The Namahoe 'Ohana has a long lineage and ties to the ali'i of old but it wasn't always so traceable. In fact, it was pitted and mysterious just like our kupuna who purposefully left things that way. We grandchildren learned to respect our elders through example because our parents did not ask questions when things were kapu. However, time began to change and a number of individuals grew increasingly curious about our baffling ancestry. For me, the primary catalyst was my loving uncle, Wiliama Kanehoalani Namahoe.

He was a dedicated genealogist and Hawaiian to the core. After battling ongoing health issues, he decided to get serious about writing an ancestry book for future generations that detailed as much as possible about the 'ohana to that point in time. He took this kuleana very serious. He was famous for educating every person he could about the Namahoe ancestry: which line of ali'i we descend from, the story of Kamehameha's unification, ka mo'olelo no iwi, about 'aumakua, and music. There wasn't a story my uncle couldn't tell. So how does this fit in with the Kalaupapa NHP?

I write on behalf of my 'ohana and in honor of my late uncle Wiliama Kanehoalani Namahoe. It is because of a single organization that we are so protective of the current lifestyle of Kalaupapa and its residents. Ka 'Ohana O Kalaupapa, a non-profit organization comprised of Kalaupapa residents, family members, and longtime friends, brought immeasurable peace to lingering questions about my second great-grandmother, Mary Kawaikoahikekuahiwi Wong-Hoe. Uncle Billy was confounded by the disappearance of Tutu Mary Kawai. His search was aided greatly when Ka 'Ohana O Kalaupapa was able to compile names, gravestones, and sometimes photos of residents. Yet his question burned about if she still remained there. Was her grave washed away with the great tsunami of 1946, like so many others? My cousin, Kawai Namahoe-Tinio, who is the namesake of Tutu Mary Kawaikoahikekuahiwi, asked a simple question about her marital status: do you think she remarried? Yes was the answer. Tutu had simply remarried when she was left at Kalaupapa. With the gracious support of the Board of Directors of Ka 'Ohana O Kalaupapa, specifically, Ka'iulani Pauhala Hess, my uncle was able to connect with records from the Department of Health. For the first time, he gazed into the eyes of his great-grandmother. He shared this moment with his beloved wife, Kathy Namahoe and children Kawai, Daniel, Leah and eventually the entire family.

Ohana O Kalaupapa assisted in arranging a visit for my uncle Billy and aunty Kathy in Winter 2014. When he shared his photo of Tutu Kawai's grave from Kalaupapa, it was a moment of such joy: chicken skin had fallen over me, tears ran down my face, and my heart felt such love for my uncle knowing the peace he felt. When he came home we celebrated and he put me into touch with Valerie Monson, the Coordinator of Ka 'Ohana O Kalaupapa. She happily sent me the newsletter the organization prints with many stories from residents, memories from the past, memorials, ancestry help, their preservation efforts, educational opportunities, and my uncle's story on the front page.

Yet, the enigma of his father's quiet past dawdled in his mind. I was lucky to have the time to discuss my grandfather with uncle Billy, who was this "Mary Kaiona" and "how the heck are they related to the Namahoes?" With the documents Ka 'Ohana O Kalaupapa provided, I was able to pinpoint that Tutu Mary Kawai's sister, Mary Wahinehelelaokaiona, who raised my grandfather and uncle Billy's father, Wiliama Kapualauhaoleokeaunei Namahoe (hanai Makanani).

Ka 'Ohana O Kalaupapa has been instrumental to our 'Ohana. Coordinator and Secretary, Valerie Monson has become a close friend because of the effort and resolve she holds for the residents, their families, and the descendants of any individual who came to pass at Kalaupapa Settlement. We have been fortunate enough to receive marriage licenses, copies of original examination agreements, ancestral charts, photos, information about additional family buried onsite as well as access to Hawaii state resources such as Hawaii State Archives, Department of Health, and the Department of Land and Natural Resources. In fact, Valerie and the Ka 'Ohana o Kalaupapa organization has been extremely supportive of our 'Ohana since we lost our beloved Wiliama Namahoe suddenly this past January 2015. She and I have been working together to make accommodations to honor the memory of not only my grandmother Kawai, but also the love my uncle held for her when he returns home for the final time. Ka 'Ohana O Kalaupapa program, "Restoring Family Ties" holds information on more than 7,200 individuals sent to the settlement in their digital library, they have helped more than 500 families reconnect with ancestors, and their program is receiving a preservation award from the Historic Hawai'i Foundation. It is quite a stupendous job this organization does.

It is with sadness that I find myself extremely disappointed in the National Park Service Newsletter #4, Spring 2015 focused on Kalaupapa National Historical Park. I am most disconcerted by the failure to even mention Ka 'Ohana O Kalaupapa or even their existence and better yet, their efforts in preserving and maintaining the Kalaupapa Settlement. This organization has been in existence for more than 10 years and has pioneered many of the objectives that National Park Service is proposing. Similarly, they also have not been allowed to fill any vacant seats on the Kalaupapa National Historical Park Advisory Committee when vacancies were available, no matter how poorly posted they were. The kupuna who lived and breathed the past at Kalaupapa are the "Historical Park's" greatest ally in preserving Hawaiian history cultural endeavors in this part of Moloka'i. It is unacceptable that not one of these elders are considered as experts. It is suggested that the advisory board consider a Ka 'Ohana O Kalaupapa settlement kupuna or family member, FIRST, to serve on the Committee when vacancies become available.

On considering the Draft newsletter specifically alternative C, the preferred outcome for the NPS, one of the main cultural resource objectives is to "collaborate with partners and service groups to ensure the long-term protection of historic features from the Hansens's disease era and those related to early native Hawaiian habitation and use." I find this already damaging against the National Park Service, as it seems to be operating in bad faith. Ka 'Ohana O Kalaupapa has been one of the leading service groups everyday on site providing resources to its patients and family members. It was not included in

the long-term plan and it was not given any credit for the marked improvements on the settlement grounds. If the NPS means to collaborate with only governmental bodies and exclude smaller native Hawaiian businesses that work daily to preserve the land, this statement ought to be made so that the public is fully informed.


Historic structures and cultural landscapes under alternative C raises a litany of questions regarding the usage of structures, visitors inside those structures, and maintenance of those structures when repeated human contact will deteriorate the integrity of historic and cultural meaning. What discussions were held between local hands-on organizations or small business owners, such as 'Ohana O Kalaupapa, to discuss which buildings are best fit for large visitor use? What about short and long-term plans to prevent graffiti and/or destruction of sacred buildings and family plots? Who determines how many visitors "should" be at the settlement a day?

More and more the people of Hawaii and the government are embroiled in a battle for the land and what is best for the Hawaiian resources. This alternative clearly emphasizes its agenda as bringing in visitors and possible new financial sources. It makes no analysis for what could and likely will happen to its current residents, family members, and those connected to the Kalaupapa Settlement. Recommending that "homestead lands not occur within park boundaries" is ludicrous. Homestead lands under section 101 gives it purpose as enabling native Hawaiians to return to their lands in order to fully support self-sufficient for native Hawaiians and the self-determination of native Hawaiians, and the preservation of values, traditions, and culture of native Hawaiians. Homestead land is designated as being within the NPS area and taking that land away would incite rage within the Kanaka population.

It is of when Queen Lili'uokalani was illegal removed from her rightful place as Queen in Jan 1897. Powerful people with clout felt that they could do what they wanted, regardless of how it would impact the people. The consequences of the Queen's removal from a 110 years ago still shakes the people today when more hotels or buildings are trying to be built. Imagine the reverberations that will be felt throughout the islands when decisions are made without the knowledge, education, and consent of the Hawaiian people regarding their housing. The NPS and DHHL must have discussions WITH beneficiaries and those on wait lists. A discussion cannot happen just between the powerful or only at an executive level within the DHHL in Kapolei. This is something that Ka 'Ohana O Kalaupapa has been suggesting that NPS and DHHL work towards for the past 11 years. When people are left out of important decisions that involve their constitutional unalienable rights, chaos ensues. Without property to live or work on, one cannot eat. Without food to eat, one cannot live. It is with great behest that the NPS and DHHL examine this specific request- for if you take away Kalaupapa Homestead Lands, how many men, women and children are you willingly sentencing to a life of poverty?

As Kanaka Maoli, Native Hawaiians are not considered foreigners in their own land nor the land of their ancestors. We are in support of Ka 'Ohana O Kalaupapa's 2011 comment letter indicating that preference for visiting the settlement always be given first to family members and Native Hawaiians. This ensures the respect of the land, the people, the culture, and our kupuna. Kalaupapa is not a tourist site to be marveled at, a place to gawk at residents, or mock in its devastating history. To more than 8,000 Hawaiians it is a sacred piece of our heart that will not be erased simply because we are connected to our family's existence there.

Increasing the number of visitors to Kalaupapa Settlement is going to detrimental not only to the history of the site but also the sanctity of the island. 100 people per day maybe a projected number at this point in the draft but the final say must be given to the people of community which it effects directly. The number ought to be reviewed annually to determine

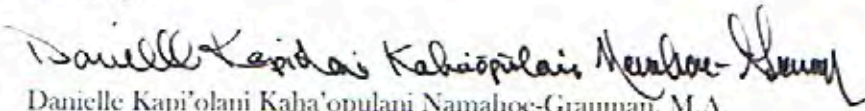


not only community effects but also cultural misappropriation, which damage the Hawaiian people entirely. I think of the number of sacred temples or heiaus that the Hawaiian island preserves. I have witnessed many sites fall into disrepair or become victims to vandalism. I have witnessed tourists eat their lunches and leave their trash at the site with no regard for posted signs or sanctity of the land. As a Hawaii state business owner, this is a travesty as I work to preserve the historic and cultural beauty of my people and their history. I can only imagine beautiful Kalaupapa turning into just another heiau, with trash and bottles strewn along the path, the rebel wandering down into the cliffs, or the family taking home a historic piece of a gravesite. This isn't just one spot of cultural and historical interest: it's 24.45 square miles of history!

In 1980 when the Kalaupapa NPS was established, it was intended to preserve the lifestyle and history of the people of Kalaupapa. The new boundary amendments where the NPS would acquire lands within Pelekunu and Halawa Valley seems to emphasize recreational enjoyment rather than historical preservation of Kalaupapa. This is in direct contrast to the original intentions of the Park Service. With the new proposed boundary lines, the NPS disregards the lives of the people taken away from their families and sent to live in isolation because of government policies. If the additional 12,000 acres of land are added along with the staff needed to monitor the land, current programs and staff which Ka 'Ohana O Kalaupapa has spearheaded at the settlement will suffer.

Communication between governmental bodies, small non-profits, or even the average citizen is shaky at best. It is a goal that each individual can nurture and develop. It is our moral and ethical duty as human beings to do so. A harmonious relationship cannot exist without business partners who trust each other and openly hear each other's concerns validly. Our objectives are the same: the preservation of Moloka'i and the Kalaupapa Settlement. We implore you to reach out to Ka 'Ohana O Kalaupapa, its President, resident, and Kanaka Maoli, Clarence "Boogie" Kahilihiwa as well as Valerie Monson, Coordinator regarding the 'Ohana's concerns. We wish to collaborate, support, and develop a working strategy to "*malama ka aina*" and all her kama'aina.

Sincerely,



Danielle Kapi'olani Kaha'opulani Namahoe-Grauman, M.A.

Co-Founder and President of Hu'e I Na Pohaku Makamae, Inc.



KALA GMP, NPS <kala_gmp@nps.gov>

Kalaupapa National Historical Park Draft General Management Plan and Environmental Impact Statement (GMP/EIS)

1 message

owen <[REDACTED]>

Mon, Jun 8, 2015 at 1:33 PM

To: Kalaupapa National Historical Park <KALA_GMP@nps.gov>

I offer the following comments on the Kalaupapa Draft General Management Plan:

Kalaupapa Airport is operated by the Airports Division of the Hawaii Department of Transportation (HIDOT). HIDOT maintains the airport as a general aviation facility serving commuter airlines providing flights in and out of Kalaupapa. The aircraft of choice is the Cessna Caravan with seating less than that required for aircraft operating at certificated airports. One of the problems at the airport are the feral animals that enter the airfield area in spite of the boundary fencing. Animals present a safety issue for aircraft at the airport. I understand feral animals, namely pigs and deer, are also a problem throughout Kalaupapa. The management plan should include feral animal control measures recommended for the Department of Land and Natural Resources and the National Park Service.

Due to its isolated location, HIDOT should be encouraged to enter into a mutual aid agreement for response to emergencies that may occur at the airport or the immediate vicinity. The tragic accident involving the Director of the State Department of Health may have had a different outcome if water rescue was available.

I understand HIDOT does not intend to implement the plan to build a new airport terminal building. Like all buildings within the park area, the terminal and maintenance buildings should be preserved and maintained to the same standard of NPS.

Owen Miyamoto, PE, FASCE





KALA GMP, NPS <kala_gmp@nps.gov>

Comments on Kalaupapa NHP GMP/EIS

1 message

Chris Wickman <[REDACTED]>

Mon, Jun 8, 2015 at 3:01 PM

To: "KALA GMP, NPS" <KALA_GMP@nps.gov>

Enclosed please find my comments on the GMP/EIS for the Kalaupapa NHP GMP/EIS published in April 2015. I will also be sending a hard copy of the comment form to the Seattle Office. Today is June 8, 2015

My name is Chris Wickman and I am the Trustee of the Wickman Family Trust. I and my wife currently live in our House on our land which is in Halawa Valley. Our houses and our presence on our place has been well documented over the years. In fact our original homes were built before 1915 and were not damaged during the giant tsunami of April 1st, 1946. Since we live in our home on our land full time, we are very concerned with the actions and future of the NHP of Kalaupapa. In 2000 the NPS wanted to include Halawa Valley in the NPS System. Not only were pictures taken of our place and made part of the study but there was also incorrect information given regarding our house and land. I contacted Mr. Gary Barbano and discussed this so that there would not be any confusion about our House and our position regarding a National Park and the possible effect upon us.

Also, I am on the Board of Directors of the Non-Profit Halawa Valley Foundation along with the son of "The Father of Earth Day" Gaylord Nelson Jr. I have shared with him the GMP/EIS and I have been given his permission to include his opinions of the GMP/EIS. I have included his contact info at the end of this comment document. As I am sure you are aware Senator Nelson was also one of the authors of and a major supporter of the Wild Rivers Act also. I only include this information to assure you that our comments are based on knowledge and sincere understanding of our area. The need for proper protection and management of Cultural Resources, Nature, Natural Resources, and how they can be forever changed for better or worse by Management by People is always of utmost importance. No matter how well the intentions.

SO, on to Kalaupapa GMP/EIS.

First, Mahalo for all of the efforts done and information compiled for this GMP/EIS. Upon very close study of the GMP/EIS I/we would be able to support the preferred alternative "C" of the GMP/EIS as long as long as the following additions to the "Resource Management" AND statements regarding the addition of the North Shore Cliffs National Preserve (NSCNP) are incorporated into the Preferred Alternative C. Or any of the Alternatives discussed in the GMP/EIS

- A. Resource Management. Any monies provided to the Nature Conservancy for Lands purchased must be for use to preserve the Natural resources on the Island of MOLOKA I'.
- B. In the past the NPS has indicated that it supports and is a willing partner of the goals of the "East Moloka I' Watershed Project", (EMoWP). This needs to be included in the GMP/EIS AND
- C. Any Lands procured either through donation or purchase from Puu O Hoku Ranch for the NSCNP shall also be part of the EMoWP. This is of utmost importance as the NEW NSCNP will now be the controlling interest to the top of the Island and well over 65% of the watersheds that MUST BE PRESERVED, PROTECTED, and IMPROVED through this new management plan!

ALSO if the NHP does in fact move forward with the NSCNP and gains Control and or ownership of the Nature Conservancy Lands, Puu O Hoku Lands and any other lands then the following statements must be added to the GMP/EIS. **"Any" privately held lands and homes that are in use and not part of the NHP. NSCNP shall remain forever, in perpetuity, the property of the current owners with all rights to continue to live, farm, have unfettered access and ability to WILL, PASS TITLE TO HEIRS with all rights remaining with said lands. There will be no FEDERAL, STATE, COUNTY, GOVERNMENTAL, actions to impose EMINENT DOMAIN upon these lands. In return for this the NHP/NSCNP will request that it be given first option to purchase said lands for \$1 more than a willing buyer may offer to the owners of these Private lands and Property IF the owners of the land and property wish to sell these lands and property at a future time.**

Even though there may be very few of these types of property and lands in the Kalaupapa NHP GMP/EIS this is the correct way to protect those who may in fact fall into this category.

We live very close to what may become the boundary of this future NSCNP. We produce our own power from Clean renewable energy sources of the Sun and Wind. We grow most of our own food, and we harvest the game animals in a minimal and sustainable way. Our ability to show our family and friends that we can live like this with a little impact upon the aina is very important to us.

We have been cleaning up and removing over 100 years of debris and rubbish that came with "MODERN WESTERN LIFESTYLE". Broken glass, junked metal, old rubber, plastic debris dumped cars and machinery became a "NORM" in a community that at one time not so long ago was in harmony with nature and the surrounding environment. Most of the past has been abused and forgotten here over time. We have been able to return our Kuleana, to a healthy productive small portion of the Ahupua'a through our malama i ka aina. This is where we are growing old and we must feel that we are safe and that our actions were not in vain. It is our hope that the NHP has the same type of mindset and will not displace the few of us who have been able to make this happen already! We are an example that we can share and hope for the future success in your actions also.

Mahalo nui loa

Chris and Sheila Wickman

Gaylord Nelson Jr.



KALA GMP, NPS <kala_gmp@nps.gov>

Comments on Kalaupapa NHP GMP/EIS

1 message

Donald Reeser <[REDACTED]>
To: KALA_GMP@nps.gov

Mon, Jun 8, 2015 at 4:23 PM



June 8, 2015

Comments on Kalaupapa National Historical Park Draft General Management Plan/EIS

I am a Ka 'Ohana Kalaupapa Memorial Committee member with family ties to Kalaupapa. I replaced and represent my late wife, Henrietta Weber Reeser from Hakalau on the Big Island, whose great-grandmother, Rosina Weber, had been exiled to Kalaupapa in 1911 and dying there in 1917. Her fate had been kept secret from the family as was common in those days. Searches of the graves and records at Kalaupapa found no clue as to where Rosina was buried – hence the need for a memorial for all patients who lived and died there. Also I have 41 years with the National Park Service, which included 11 years as Resources Chief at Hawaii Volcanoes National Park and 17 years as Superintendent of Haleakala National Park, retiring in 2005.

I generally favor Alternative C but throughout the document the need for a Kalaupapa Memorial and the other work performed by Ka 'Ohana O Kalaupapa is woefully understated. This nonprofit organization made up primarily of Kalaupapa residents and family members of current or former patients has worked diligently to educate the public, sponsoring exhibits, researching and compiling the names of all those sent to Kalaupapa, and conducting workshops throughout the state and helping families restore ties with their relatives who resided at Kalaupapa. Members have demonstrated by far the most participation at all public meetings evidenced by the vast amount of 'Ohana generated testimony the NPS has received regarding the memorial and Kalaupapa in general. The 'Ohana took the time and effort to provide a very comprehensive position paper regarding the Kalaupapa NHP GMP/EIS. There is no other partner that has accomplished more than the 'Ohana on behalf of KNHP. The GMP/EIS should give full recognition to this important NPS/'Ohana partnership. The environmental impacts section is not complete until this vital partnership and its beneficial impacts to natural and cultural environment has been recognized.

Donald W Reeser

Comments on Kalaupapa National Historical Park draft Mangement Plan.docx



June 8, 2015

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Donald W Reeser



KALA GMP, NPS <kala_gmp@nps.gov>

GMP Comments

1 message

Kari Kiser <kkiser@npca.org>

Mon, Jun 8, 2015 at 4:33 PM

To: "KALA_GMP@nps.gov" <KALA_GMP@nps.gov>

Please see attached comments.

Thank You,

Kari

Kari Kiser

Sr. Program Coordinator

National Parks Conservation Association

1330 Broadway, Ste 933

Oakland CA 94612

Main Phone: 415.989.9921

Direct Line: 415.728.0839

Cell: 650.393.9298

Fax: 415.989.9926



NPCA - Kalaupapa GMP comments.pdf

40K



National Park Service
Attn: Kalaupapa NHP GMP/EIS
909 First Avenue, Suite 500
Seattle, WA 98104

The National Parks Conservation Association (NPCA) would like to thank you for the opportunity to comment on the Draft General Management Plan and Environmental Impact Statement (GMP) for Kalaupapa National Historic Site.

NPCA is a non-profit organization dedicated to the protection and enhancement of National Parks, Monuments, and Historic Sites for current and future generations. NPCA currently has almost 9000,000 members and supporters. Our members care deeply for America's shared natural and cultural heritage that is preserved by units of the National Park System and Park Service affiliated areas.

Our members care about the preservation of and education about places like Kalaupapa National Historic Site. The cultural, historical, religious and environmental elements of this place needs to be preserved for future generations to learn the unique story of this place.

NPCA is supporting alternative C. This alternative provides opportunities for education, visitation along with increased measure to study and protect the parks natural, cultural and historic resources.

The barriers to visitation have been high to Kalaupapa. The changes suggested in alternative C provides an increase in visitors permitted per day and now will allow children under 16 to visit. To best understand the story people need the chance to visit and get a sense of place and the isolation the patients endured. It is through visiting that a better understanding of the experience that people had while at Kalaupapa. It is valuable for our young people to be educated about lessons that Kalaupapa will teach.

NPCA would like to see barriers decrease for those with limited incomes. The costs can be prohibitive to some, especially those who live year round on the island. Having an increase of opportunities for the gateway community members to visit can strengthen the community ties

and reduce the idea this is only a place for rich people to visit. A plan to create public access is needed for use for locals and visitors through programs that reach out to a variety of visitors and school aged children.

Kalaupapa tells a very important stories of Hawaii from the original Native Hawaiians who lived and worked there to the forced isolation of Hawaiian afflicted with Hanson's disease. NPCA would like to encourage new ways to educate people about the story of Kalaupapa. It is essential that efforts are made to interpret and educate not only visitors but those who cannot make the journey so that all are able to reflect and remember this part of our history. NPCA would like to see an increase in funds dedicated to building stewardship and staff to grow the education and interpretation department.

NPCA would like to support the expansion of the park boundaries to better allow for protection of geological and archeological resources of national significance. An expansion of Kalaupapa National Historical Park would help protect the most scenic parts of the island of Molokai -- the spectacular north shore cliffs from Kalaupapa to the Halawa Valley. Within the area are the pristine stream valleys of Pelekunu watershed, along with the upper watershed of the Halawa Stream. A study done in 2000 found that these geological resources meet the same standard of significance as would be applied to evaluating an area as a new unit of the national park system. Adding these lands to Kalaupapa would place this nationally significant geologic feature within the national park system. The report also found that study area biotic and cultural resources are appropriate additions to Kalaupapa National Historical Park and that the Hawaiian archeological resources of the Pelekunu and Halawa valleys are very likely to be of major significance. Moreover, the geological, archeological and biotic resources of the study area would enhance rather than duplicate similar resources found within Kalaupapa National Historical Park.

NPCA would like to urge National Park Service and all the interested parties to move forward with accepting a new GMP for Kalaupapa. It is time to move forward with a plan that will allow the park and the communities to work together to protect and interpret for future generations this important place.

Sincerely,

A handwritten signature in cursive script that reads "Kari Kiser".

Kari Kiser
Sr. Program Coordinator
National Parks Conservation Association



KALA GMP, NPS <kala_gmp@nps.gov>

Comment on the General Management Plan

1 message

Glenn & Cheryl Adolpho <[REDACTED]>

Mon, Jun 8, 2015 at 4:56 PM

To: KALA_GMP@nps.gov

Aloha Kakau,

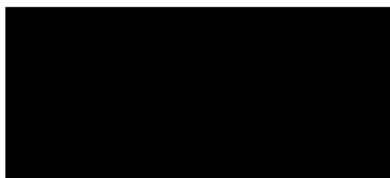
We attended the Kalaupapa National Park's meeting held in Kahului, Maui on May 6, 2015. We would like to thank the National Parks Service (NPS) for facilitating this important meeting in determining the future of this special place. We would like to submit the following comments for your consideration:

1. First priority is to respect and honor the wishes of the people who lived and continue to live in Kalaupapa. This includes both the past and present. Kalaupapa is their home and they have made it the special place that it is.
2. We support the National Parks Services assuming the management of Kalaupapa and feel it would be the best entity to oversee the preservation of Kalaupapa at this time.
3. We feel it is vital to include the group Ka 'Ohana Kalaupapa as a partner in planning for the future of Kalaupapa. This group has been meeting with residents of Kalaupapa for some time now. This group has already done a lot of the ground work that will be beneficial in planning the future of Kalaupapa.
4. We would like to suggest that representatives from DLNR, DHHL, DOT, Ka 'Ohana Kalaupapa, the Meyer's 'Ohana, also be present in future public meetings. It would be helpful to hear their comments about what their future plans are. This will help promote a plan of cooperation and stewardship by the major landowners and entities involved with Kalaupapa. It will also help promote cohesiveness to a plan that the public can support.
5. We feel there should be a limit on the visitor cap for people/groups visiting Kalaupapa. This includes limiting the amount of time visitors are allowed to stay overnight. The visitors should be sponsored to ensure they understand the rules of their visit and will adhere to the rules during their stay. This should be done prior to visiting the settlement.
6. It is important to preserve and maintain the archaeological sites and culture of Kalaupapa. This is our culture and people and as such, priority needs to be given to ensuring it's preservation.
7. Limit public access to Kalaupapa to the current land, air and sea routes. No expansion of airport or public access by land (no new trails & roadways).
8. Ensure that Native Hawaiians have "right of first refusal" to all current and future employment and business opportunities at Kalaupapa.
9. We do not support opening up Kalaupapa to homesteading by beneficiaries of Hawaiian Homes. This will spoil the beauty and tranquility of this special place.
10. Work with DLNR to ensure enforcement and protection of resources in Kalaupapa. No recreational fishing, hunting, etc. by outside groups.
11. No commercial businesses such as hotels, condominiums, and bed & breakfasts, etc.
12. One attendee at the Maui meeting reported that during his group tour, another visitor in their group had and used his **drone**. This type of activity should not be allowed at all in Kalaupapa.

Mahalo for this opportunity to provide our comments in your EIS process. Please feel free to contact us should you have any questions.

Sincerely,

Glenn & Cheryl Adolpho





[REDACTED]
KALA GMP, NPS <kala_gmp@nps.gov>

Subject: Testimony to Kalaupapa National Historic Park RE: GMP

1 message

Pua Akamu [REDACTED]
To: KALA_GMP@nps.gov

Mon, Jun 8, 2015 at 5:13 PM

Aloha all, please read attachment. Mahalo. Pua



Kalaupapa testimony 2 by Pua.docx
33K

Kalaupapa testimony by Pua

Aloha all and *mahalo* (thank you) for taking this time to skim through these words of mine that will give you a perspective of who I am and how I feel about your “draft” General Management Plan/Environmental Impact Statement.

My name is Velda Napua Acob Akamu, 61 years old and I am married to Payton R Akamu who is 64, and we live on Hawaii island in North Kohala. We have four children, ages ranging from 29 to 40, and we have four grandchildren ages almost 2 to 19, and we also have 2 dachshunds ages 7.5 and 8 years old. Payton works at the North Hawaii Community Hospital in Waimea as an electrician and for now I am at home helping to raise my grandkids, especially the little one.

I was adopted at infancy and was never told. I found out at about 3rd or 4th grade by a note (handed to me by kids I didn't know) from someone who said he was my brother. When I asked my parents about this, I was told that I was given away because my parents didn't want me, that they were no good and they had no love for me. This is what I came to believe is what adoption meant. I was not allowed to see my brothers, or talk about them and I later found out they lived not far from me with an uncle I never knew. My world became lonely and I know I didn't fit in with my parents, especially my mom, but my sister through my adopted family, who was 14 years older became my savior. My sister would take me to stay with her, and we became very close, and actually I'm very close with my adopted brothers too, and I know them more than my own brothers. The situation was that my real brothers(2) and I looked at our adopted family as our real families. My sister worked at the same hotel as my real brother and when he was moving to Alaska, it was my sister that arranged for us to meet and it was my sister who my brother would call when he came back to Hawaii to visit as she would know how I could be reached. When I met my husband in 1973, I let him know what little I knew of my birth family and that I still didn't talk about them to anyone of my adopted family except my sister. I had my first daughter in 1974, and I believe it was about 1976 when my adopted mom came to where I lived and told me that my real mom and dad was here in Kohala and they wanted to see me! I wasn't about to show my adopted mom, but I was so excited and I couldn't get ready fast enough so we could leave to go see them. I didn't know what to expect and my adopted mom said that I should prepare myself because their looks may scare me and I didn't know what that meant—I guess looks mattered. In my heart, it mattered that they wanted to see me and meet with me and I didn't care what they looked like. My dream came true and I got to meet them too. It was a happy meeting, and I became a person that knew

who my parents were. I found out that I was loved, still and missed, and they wanted but they could not have kids at the settlement (I didn't care for that rule). I later asked my adopted mom "why" she told me those bad things about them, and she just said that she thought if I knew I was adopted, I wouldn't love them (my adopted parents) anymore. In reality, my two moms are related and my two dads liked each other, but my real dad and my adopted mom would buck heads when it came to me, and their birthdays are one day apart—same month, same year, dad is the 23rd and mom is the 24th.

My parents, John and Lucy Kaona, came to find me because they wanted to have a relationship with me and the family I was beginning. I had my children from 1974 to 1986. We wrote letters, and they would come to the big island and we would spend weekends together—they met my kids, my kids loved them and my kids grew up with 3 sets of grandparents and thought nothing of it. My mom was sent over to Kalaupapa as part of the "gang of '42" (1942) and according to my real brother, our dad knew he had the disease at about 16-17 years old, and he just left his family on Kauai and put himself on the boat that was headed to Kalaupapa. My real mom and dad were close to their families, on the big island was moms and on Kauai was dads, so family was very important to them. The first time I went to Kalaupapa was in the early 1980's, and my proud parents took me to Rhea's bar and the residents and workers of Kalaupapa would stop in to meet me. I found that my mom was a great cook, and my dad was a police at the settlement and their house was a favorite for neighbors to come and have a good time after a day of fishing by my dad and friends. After spending that first night with them, I woke up with a very strong feeling of "home." I had come home to my mom and dad's place and it was my home too. I wanted my husband to come and feel my happiness and we did come. The only thing was my kids couldn't come to Kalaupapa. In 1987 I got a call about my dad—he had cancer. I was able to go to Honolulu where my real brothers and I met and talked with his oncologist. I spent a week going to his radiation treatment with him, and he would make jokes about anything to lighten the mood I was in. The *kauka* (doctor) gave my dad one year to live and while I didn't want to believe him, the following year my dad passed.

My mom, I'm sure, was devastated. In the following years I felt my older real brother would be the one to care for my mom. I would see her now and then, but only if Eddie would call. My mom became friends with Kuulei Bell, who later became her caregiver. They were Mormon and they were singers together and I have a recording of them. They had a great way of harmonizing each other. I also have a recording of Katherine P. and my mom talking story about the old

days and singing together. The last time I saw my mom sing is the year of the dedication of the Mormon temple in Kailua, Kona, HI, where Kuulei and my mom came to sing at. This was January 2000. I knew my mom was beginning to forget things as she would repeat a lot. I remember when I left my mom and Kuulei that day in Kona, I thought she would forget me and that would be the end my relationship with her. Kuulei kept me informed via letters on how my mom was doing. I wanted to bring her out to the big island for her Maunu *ohana* (family) reunion, but Kuulei said it was not a good idea. My mom became my responsibility upon the death of Kuulei Bell in February 2009. I became her power of attorney and I had no idea. I felt my older brother was able to visit them at Kalaupapa when he was old enough so he would most likely be familiar with her and he would be the one to take care of her. I got a call from Leahi hospital and I flew to Honolulu to see my mom. It was easier and cheaper for me to see her at Leahi hospital than to fly to Kalaupapa. I was happy and proud to take care of my mom, she was animated and in need of certain services at Leahi and she still didn't know me, but I knew her. I'm glad we got her back to Kalaupapa so she would be home when she passed. The hospital at Kalaupapa was a great hospital/care home for her and I thank God for all the Kalaupapa people-the residents, state workers, the sisters and NPS for all that they did for my mom. I made twice a year visits to Kalaupapa and my husband came with me twice, and my son came another time, and my youngest daughter came too to visit grandma.

On my first visit I met with Boogie Kahilihiwa, then president of the Ka 'Ohana O Kalaupapa, who asked me what I wanted to see happen with the place (Kalaupapa), with my mom, and how I saw myself in this place after my mom would pass. I had a little list for him. We talked for awhile, while I looked through my mom's things. I didn't tell Boogie about how my life was ripped apart when I found out I was adopted and what it meant to me, nor did I tell him how John and Lucy saved that little girl inside me the day I first met them in Kohala in the 70's .

- 1- I related to Boogie about having kids at Kalaupapa, because I was starting a family and
- 2- I would have loved to bring my kids down to Kalaupapa to visit with them at OUR HOME, but, I think I'm still on the fence about having children (under 16) there.
- 3- About being a VISITOR when I come to see my mom instead of being her DAUGHTER and FAMILY! I'm not a curious tourist, my mom and dad lived here, their life here should account for something in their life imprint.

- 4- I wanted to be able to stay in what I considered HOME at Kalaupapa instead of the visitors quarters. The house they had was between Bernard's P and Henry N, and it has a fence around it; it's on the same row as the "book store." That is still home to me.

Later, I wrote a testimony to NPS, supporting the Position Paper by the 'Ohana O Kalaupapa, and that was my first association with them. I was happy to add my feeling to remember my parents along with the other residents at Kalawao and Kalaupapa.

I looked in depth into my mom's condition and diagnosis. The nurse were great and the head, Carol, was very hospitable and I felt comfortable with where my mom was and the care she had. My mom's aide was Maile and she was gentle and caring for my mom. Her *kauka* was Dr. Kalani Brady and he would sing to her. We would read to her, sing songs and I'd tell her how the kids were doing and every once in a while she'd look at me, raise her brows and give me an "aha" reply to what I was saying. She was with me, she was still here. My mom was loved at Kalaupapa, and I know she missed my dad. Lucy Maunu Kaona passed at Kalaupapa care home/hospital on July 21, 2011, in the late evening by the light of the full moon. I was driving home from work, in Kohala, looking at the same full moon. The next morning I was with her at Kalaupapa. The procession to the Mormon church went past their house. The service was beautiful and a tape with mom and Kuulei was played, I could not hold back the tears.

I heard stories about when the barge comes to Kalaupapa and I thought I would like to see this, but to pay \$500 plane fare to come to Kalaupapa just for this was not in the budget, but lo and behold that was barge weekend. It took the edge off my mind—thanks mom!

On my visits to see mom at Kalaupapa, I kind of I guess, rocked the boat with the state when they wanted to put someone (workers) in "our" house and my mom had not passed yet, and I totally disagreed. They didn't put anyone in, until now.

- 1- I had started a relationship with the "'Ohana..." by then mostly by email. I agreed with the 'Ohana O Kalaupapa' mission statement and
- 2- The programs of re-connecting families of Kalaupapa and how they would come to the outer islands to help people make their connections, and
- 3- Developing the curriculum needed to go into schools to teach about Kalaupapa. I'm hoping my son, John and Lucy's *mo'opuna* (grandchild), will *kokua* (help).

- 4- To help remember those that were here AND their families whom they had to leave and some like my mom who was left at the Hospital in Kalihi when she was very young.
- 5- My first 'Ohana meeting was in November, 2011, and I have done what I could since then
to further the stories and feelings and thoughts of the residents, as well as my story of John and Lucy Kaona.

The 'Ohana has kept us "THE OHANA" in touch with what the NHP was planning.

- 1- I feel connected to Kalaupapa with the 'Ohana, and
- 2- I feel that the 'Ohana should be working with and mentioned for all they are doing (for the people of Kalaupapa), by the NPS and within the GMP; I feel this to be MY way of helping to keep my parent's wishes of having family be together; *Laulima* (cooperation-many hands working together).
- 3- Programs-outreach, connecting families, working with schools-are already on-going with Ka 'Ohana;
- 4- The KNHP Advisory Commission should include member's from the Ka 'Ohana O Kalaupapa and if Kalaupapa kupuna (elder residents) are not available then family members should be given preference.
- 5- The Kalaupapa Memorial-with the names of all the residents was foremost on the minds of the dear residents at our last Ka 'Ohana meeting. A resident commented, "I'm 91 years old, and what's taking so long, I want to see it now." This is what the residents want-their names at this place so they are remembered as those sent to exile at Kalaupapa. I'm really surprised that the NHP barely mentioned this Memorial as a project common to all alternatives.
- 6- I, along with the 'Ohana, do not support the proposed boundary amendments where NPS would acquire lands within the Pelekunu and Halawa valleys. The KNHP was established in 1980 to preserve the lifestyle and important history at Kalaupapa. The new lands could start a North Shore National Park where recreation could be emphasized instead of the history of so many lives broken apart because of the government policies regarding hansen's disease as well as the stories of the *kama'aina* (native born) and kokua who helped.
- 7- I feel also that the NPS should open talks in regards to homesteading with the DHHL and its beneficiaries, as Hawaiian Homelands are within the *ahupua'a* (land division from mountain to sea) of Kalaupapa. I feel native

Hawaiians who were on the land should have access or for those who are on a list;

- 8- The number of visitors of 100 a day is advisable by the residents, they are comfortable with it. Having too many people would deter from the special feeling one gets being on such sacred grounds.
- 9- Native Hawaiian's access rights must be recognized.
- 10- It really bothers me that I am considered a visitor instead of who I am as the daughter of John and Lucy Maunu Kaona, the granddaughter of Becky Maunu, and the niece of Elizabeth Maunu. I want to come to Kalaupapa as a family member; and to the house that I slept in with my mom and dad, to a place that helped me restore myself as a person lucky enough to have families that loved her very much. I found love here with my parents and strength to go on with a solid foundation that I got and felt at Kalaupapa. I'm still mourning for my mom. I still need to search for my *tutu* (grandparent) and *anake* (aunty). I need to find out about them if I can and tell their stories.

Finally, I surely hope that you will consider my perspective on *na mea* (things) Kalaupapa and *mahalo* for your indulgence, and I sincerely hope we can all work together to further in the end, the memories and stories of what my family and all the other families dealt with at Kalawao and Kalaupapa. **Mahalo and Aloha all!**



[REDACTED]
KALA GMP, NPS <kala_gmp@nps.gov>

Kalaupapa Comments

1 message

walter ritte <[REDACTED]>

Mon, Jun 8, 2015 at 6:16 PM

To: "KALA_GMP@nps.gov" <kala_gmp@nps.gov>

Aloha enclosed are comments from Hui Ho'opakele Aina, and a signature page.
Walter Ritte.

2 attachments



Kalaupapa.GMP-EIS.HHA-Comment-Ltr.FINAL.060815.pdf
320K



kalaupapa signature.pdf
5242K

WALTER RITTE

June 8, 2015

General Management Plan
Attn: Erika Stein Espaniola, Superintendent
Kalaupapa National Historical Park
P.O. Box 2222
Kalaupapa, Hawaii, 96742

RE: Comments on the Draft General Management Plan /Environmental Impact Statement for the Kalaupapa National Historical Park

Aloha Superintendent Espaniola:

Pursuant to the National Historic Preservation Act (“NHPA”)¹, The National Environmental Policy Act (“NEPA”)², and the Hawai‘i Environmental Policy Act (“HEPA”)³, this letter comments on the Draft General Management Plan/Environmental Impact Statement (“Draft GMP/EIS”)⁴ for Kalaupapa National Historic Park (“Kalaupapa NHP”). These comments are on behalf of Hui Ho‘opakele ‘Āina (“Hui”), a hui of Molokai community members who are committed to preserving and protecting the cultural and environmental resources of Molokai.

“It is good for people to remember who were there before us.”
- Peter Keola Jr., 82, who was sent to Kalaupapa in 1940⁵

The patients who were sent to the Kalaupapa peninsula because of government policies regarding Hansen’s disease “deserve to be remembered.”⁶ Theirs is a story of courage, perseverance, and ultimate sacrifice. However, it is not the only story. Generations of Hawaiian families called Kalaupapa their home more than 800 years before the first Hansen’s disease

¹ 300 C.F.R. 800.2(d)(2).

² 40 C.F.R. 1503.1(a)(4).

³ 11 H.R.S. 11-200-91.

⁴ DRAFT GENERAL MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT, KALAUPAPA NATIONAL HISTORIC PARK (2015) (“GMP/EIS”).

⁵ THE KALAUPAPA MEMORIAL, KA ‘OHANA O KALAUPAPA, <http://www.kalaupapaohana.org/monument.html> (last visited May 28, 2015).

⁶ See *id.*, quoting Cathrine Puahala, 80, international advocate for the rights of people affected by leprosy; Mrs. Puahala was sent to Kalaupapa at the age of 12 in 19420.

Hui Ho‘opakele ‘Āina’s Comment Letter Regarding Kalaupapa NHP’s GMP/EIS

June 3, 2015

Page 2 of 20

patient was cast into the sea and forced to take refuge upon its shores in 1866.⁷ “The peninsula and the adjacent valleys supported a large population” and was well known for its abundant crops, fishing grounds, salt deposits, and unique plants.⁸ Archaeological evidence tells us that Kalaupapa served as a “garden paradise” to Hawaiians, and “wall after wall after wall” of agricultural gardens still remain as evidence.⁹ Molokai was then known as an island of ‘āina momona,¹⁰ producing enough surplus food to feed neighboring islands. Today, Kalaupapa is an “alien landscape . . . with alien plants,” but beneath this alien landscape lays the rich cultural landscape created by Hawaiians.¹¹ Theirs is also a story that deserves to be remembered. As the last chapter in the story of Kalaupapa as a haven for Hansen’s disease patients draws to an end, a new story must inevitably begin. This story should continue with Hawaiians cultivating the land and returning it to its former abundance as a place of ‘āina momona.¹² Molokai should once again become a land of plenty, enabling Hawai‘i to enjoy long-term environmental sustainability, self-sufficiency and food sovereignty in the future.¹³

The National Park Service (“NPS”) released the Draft GMP/EIS in April 2015 for public comment in accordance with the NHPA Section 106 Process.¹⁴ Four potential plans (A, B, C, and D) are presented in the Draft GMP/EIS.¹⁵ This comment letter will primarily address the impacts of the Draft GMP/EIS’s preferred Plan C (“Plan C”).

Hui Ho‘opakele ‘Āina agrees with the overall purpose of the GMP to care for the Kalaupapa Settlement area, to remember the Hansen’s disease patients, and to preserve and respect the legacy of the patients and those who cared for them. The Hui, however, strongly opposes any boundary expansion (hereinafter, called the “Expansion”) of parklands. Plan C’s expansion of the park’s boundaries calls for a 148% increase in Kalaupapa’s park acreage. These expansion plans should be completely severed from the GMP/EIS. All comments and analysis are in light of this proposed boundary Expansion.

⁷ Videotape: Kalaupapa Archaeology (Clap Productions, Arizona Memorial Museum Association 1997) (on file with the Wong Audiovisual Center, University of Hawaii at Manoa) (“Kalaupapa Videotape”).

⁸ *See id.*

⁹ *See id.*, quoting Earl “Buddy” Neller, Archaeologist, Kalaupapa National Historical Park.

¹⁰ ‘Āina momona: literally “fat land”; an abundant land, or land of plenty; Molokai was known as the land of “fat fish and kukui nut relish,” Claire Gupta, *Food Sovereignty: A Critical Dialogue*, YALE UNIVERSITY AGRARIAN STUDIES, Sept. 14-15, 2013 at 5, http://www.yale.edu/agrarianstudies/foodsovereignty/pprs/70_Gupta_2013.pdf (last visited May 30, 2015).

¹¹ Kalaupapa Videotape, *supra* note 5.

¹² *See* GUPTA, *supra* note 10.

¹³ *See id.*

¹⁴ National Historic Preservation Act of 1966, 16 U.S.C. § 470 et seq.

¹⁵ DRAFT GMP/EIS, *supra* note 4 at 104.

For reasons detailed below, the Expansion is legally deficient under federal and Hawai‘i state laws; it neglects to follow federal and state laws that protect the interests of Native Hawaiian traditional and customary rights, as well as the rights of Molokai residents. The NPS should cultivate a real partnership relationship between the Department of Hawaiian Home Lands (“DHHL”) and the Office of Hawaiian Affairs (“OHA”) to develop a living, sustainable Integrated Resource Management Zone (“IRMZ”) where DHHL beneficiaries and other native Hawaiians may practice traditional and cultural farming and food production.

1. The Draft GMP/EIS is Legally Deficient Under Federal and Hawai‘i State Laws.

Over a hundred federal laws¹⁶ and Hawai‘i state laws are applicable to the NPS, and several are noteworthy and especially pertinent to the Draft GMP/EIS.

2. The Draft GMP/EIS Fails to Meet the Full Requirements under the National Environmental Policy Act and Hawai‘i Environmental Policy Act Requirements.

The National Environmental Policy Act (hereinafter, “NEPA”)¹⁷ established national environmental policy and goals for the protection, maintenance, and enhancement of the environment and provides a process for implementing these goals within the federal agencies.¹⁸

If the environmental consequences of a proposed federal undertaking may significantly affect the quality of the environment, an Environmental Impact Statement (“EIS”) must be prepared.¹⁹ The Draft GMP/EIS properly concludes that the Kalaupapa NHP triggers NEPA and should comply with NEPA requirements.

3. NPS Failed to Integrate HEPA in The NEPA Planning Process.

Federal agencies “shall integrate the NEPA process with other planning at the earliest possible time to ensure planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.”²⁰ The NPS failed to integrate the Hawai‘i Environmental Policy Act (“HEPA”)²¹ process and requirements into its NEPA process.

The specific HEPA triggers involved here is a proposed action that involves (1) the use of state or county lands, (2) any use within any land classified as conservation district, (3) any use

¹⁶ DRAFT GMP/EIS, *supra* note 4: Appendix B 349-350.

¹⁷ National Environmental Policy Act, 42 U.S.C. §§ 4321 et seq. (2015).

¹⁸ National Environmental Policy Act, U.S. Environmental Protection Agency, <http://www.epa.gov/compliance/basics/nepa.html> (last visited May 30, 2015).

¹⁹ 40 C.F.R. § 1502.3.

²⁰ 40 C.F.R. § 1501.2.

²¹ Hawai‘i Environmental Policy Act, H.R.S. § 343.

within a shoreline area, and (4) any use within any historic site as designated in the national register or Hawaii register. The Draft GMP/EIS involves these triggers, the NPS must integrate HEPA in the NEPA planning process. When actions are subject to both NEPA and HEPA, then cooperation amongst the appropriate federal and state agencies is expected in order to comply with both HEPA and NEPA requirements under one document.”²²

Although HEPA was patterned after NEPA and its process and requirements substantially mirror those of NEPA, state law provides an additional requirement that is not present in NEPA. Namely, HEPA mandates submittal of a Cultural Impact Assessment (hereinafter, “CIA”) as part of the environmental review process.²³ The Hawai‘i Environmental Council promulgated Guidelines for Assessing Cultural Impacts (hereinafter “Cultural Guidelines”) as part of the environmental review process to promote “responsible decision making.”²⁴ These Cultural Guidelines provide a framework for agencies to ensure that their actions comport with the constitution, statutory laws, and court decisions that protect traditional and customary rights in Hawai‘i (hereinafter, “T&C Rights”).

T&C Rights are guaranteed under the Hawai‘i State Constitution (“Hawai‘i Constitution”), statutes, and court decisions. The Hawai‘i Constitution reaffirms T&C Rights in Article XII, Section 7:

The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua‘a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.

Hawai‘i Revised Statutes (“HRS”) section 1-1 instructs Hawai‘i’s courts to look to English and American common law decisions for guidance, except where they conflict with “Hawaiian judicial precedent, or . . . Hawaiian [custom and] usage” pre-dating 1892.²⁵ Courts look to kama‘āina expert testimony as the foundation for authenticating Hawaiian custom and usage.²⁶ HRS section 7-1 states:

²² H.R.S. § 343-5(h).

²³ 2000 Haw. Sess. Laws Act 50.

²⁴ Guide to the Implementation and Practice of the Hawai‘i Environmental Policy Act (2012), Office of Environmental Quality Control 2, http://oeqc.doh.hawaii.gov/Shared%20Documents/Misc_Documents/Guide%20to%20the%20Implementation%20and%20Practice%20of%20the%20HEPA.pdf (last visited June 1, 2015).

²⁵ H.R.S. § 1-1; *State v. Zimring*, 52 Haw. 472, 475 (1970) (citing *De Freitas v. Trustees of Campbell Estate*, 46 Haw. 425, 380 P.2d 762 (1963)).

²⁶ This was first discussed in *Application of Ashford* which relied on “reputation evidence” of a kama‘āina, native person who was most familiar with the land, over a shoreline boundary dispute rather than accept the conclusions of a certified land surveyor. *Application of Ashford*, 50 Haw. 314, 440 P.2d 76 (1968).

Where the landlords have obtained, or may hereafter obtain, allodial titles to their lands, the people on each of their lands shall not be deprived of the right to take firewood, house-timber, aho cord, thatch, or ki leaf, from the land on which they live, for their own private use, but they shall not have a right to take such articles to sell for profit. The people shall also have a right to drinking water, and running water, and the right of way. The springs of water, running water, and roads shall be free to all, on all lands granted in fee simple; provided that this shall not be applicable to wells and watercourses, which individuals have made for their own use.²⁷

Hawai‘i courts have clarified T&C Rights in light of the above constitutional and statutory provisions. The court has found that Hawaiian T&C rights are protected on undeveloped lands.²⁸ The court has acknowledged that traditions exercised on “less than fully developed” lands might also warrant protection.²⁹ Most, if not all, of the land of the proposed Expansion area are undeveloped or less than fully developed lands. Kama‘āina families access these lands for traditional subsistence activities and access to important cultural sites.

In *Pele Defense Fund v. Paty* (“Pele I”), the Hawai‘i Supreme Court held that T&C Rights to gather may extend to other ahupua‘a without benefit of tenancy if it can be demonstrated that this was the accepted custom and long-standing practice.³⁰ The court gave great weight to kama‘āina evidence and acknowledged “traditional and customary rights associated with tenancy in an ahupua‘a may extend beyond the boundaries of the ahupua‘a.”³¹ Similar to the testimony and affidavits submitted in Pele I, several kama‘āina in the Hui utilize the North Shore to gather hihiwai and ‘o‘opu, and to engage in fishing, hunting, and gathering.

In *Ka Pa‘akai* the court held that agencies have “statutory and constitutional obligations” to Native Hawaiians and one of those obligations is “to protect the reasonable exercise of customarily and traditionally exercised rights of Native Hawaiians to the extent feasible.” It also mandated that state agencies must make an independent assessment regarding the potential impact of proposed actions on T&C practices in order to meet constitutional and statutory obligations to Native Hawaiians.³² The three factors that agencies must consider when making these assessments are:

²⁷ H.R.S. § 7-1.

²⁸ *Kalipi v. Hawaiian Trust Co.*, 66 Haw 1, 9, 656 P.2d 745, 750 (1982).

²⁹ *Public Access Shoreline Hawaii v. Hawai‘i County Planning Commission*, 79 Hawai‘i 425, 451, 903 P.2d 1246, 1272.

³⁰ *Pele Defense Fund v. Paty*, 73 Haw. at 620-21, 837 P.2d at 1272.

³¹ *See id.*

³² *Ka Pa‘akai O Ka ‘Aina v. Land Use Commission*, 94 Hawai‘i 31, 7 P.3d 1068, 1083 (2000).

- “(A) The identity and scope of ‘valued cultural, historical, or natural resources’ in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
- (B) The extent to which those resources—including traditional and customary native Hawaiian rights—will be affected or impaired by the proposed action; and
- (C) The feasible action, if any, to be taken ... by the [State and/or its political subdivisions] to reasonably protect native Hawaiian rights if they are found to exist.”³³

These factors, also known as the “Ka Pa‘akai framework,” are applicable to any State action affecting T&C Rights and practices, including those exercised by members of the Hui on the North Shore. Plan C fails to assess these factors in light of the Expansion. The NPS must coordinate with state agencies to complete a sufficient assessment.

In today’s modern society, access to traditional trail systems continues to be protected as a T&C Right. An implied dedication of a public right-of-way is established when there is intention and an act of dedication by the property owner, and an acceptance by the public.³⁴ The public trust doctrine also protects access along trails that run over government and private property. For trails that intersect with government property the State is required to establish rights-of-way across public lands to allow public access to beaches, game management areas, public hunting areas and forests. The Hawai‘i Constitution expands the public trust doctrine for Native Hawaiians in order to protect the exercise of their T&C Rights for subsistence, cultural and religious purposes. Members of the Hui have identified traditional trail systems that they have accessed for subsistence, cultural and religious purposes.

Plan C fails to acknowledge Native Hawaiians’ T&C Rights to gather resources, hunt, fish, and access traditional trail systems within the lands of the Expansion, and states that “[g]uidelines and/or a permit process have not yet been established for subsistence plant collecting or gathering plant materials for cultural use [v]isitors are prohibited from gathering plants within the park.”³⁵ Plan C states that the land “could be managed as a Preserve whereby traditional hunting, fishing, and collection would be allowed in accordance with State of Hawai‘i rules and regulations.”³⁶ However, following constitutional and statutory laws are not optional endeavors. The NPS must allow Hawaiians to exercise their T&C Rights to hunt, fish, gather, and access natural and cultural resources within the Kalaupapa NHP and the Expansion area.

³³ *See id.*

³⁴ *The King v. Cornwell*, 3 Haw. 154, 161 (1869).

³⁵ DRAFT GMP/EIS, *supra* note 4 at 82.

³⁶ *See id.* at xxiii.

The GMP/EIS’s failure to recognize T&C Rights of Hawaiians creates a potential risk of a future lawsuit if Native Hawaiians are denied their constitutional and statutory rights. The NPS and any state agencies that it partners with in the future should look to the state Cultural Guidelines to assess how Plan C and the Expansion in particular will impact T&C rights and practices.

4. Purpose and Need for the Expansion is Not Given.

The NPS is required to state the purpose and need for a proposed action in the EIS.³⁷ Although the Draft GMP/EIS states the purpose and need for a plan for the existing Kalaupapa NHP park boundaries, it does not state the purpose and need for the Expansion.

The Draft GMP/EIS states that the plan objectives are to: develop the purpose, significance, and interpretive themes; describe any special mandates; clearly define desired resource conditions and visitor uses and experiences; provide guidance for NPS managers; and ensure that the plan was developed in consultation with the public and interested stakeholders.³⁸ None of these adequately explain the purpose for the Expansion.

The Draft GMP/EIS states under the “Need for the Plan” section that the plan is necessary to guide the change in management direction once Kalaupapa has completed service to the last Hansen’s disease patients; cultural and natural resource management; future visitor use; issues regarding law enforcement jurisdiction; facilities preservation, maintenance, and construction; transportation and access; and future partnerships. None of these adequately explain the need for the Expansion.

The sub-section titled “Boundary Issues” under the “Need for the Plan” section states the need for future leases and cooperative agreements between the NPS, DHHL, Department of Land and Natural Resources (“DLNR”), Department of Health (“DOH”), Department of Transportation (“DOT”), and other religious and private entities.³⁹ Only one paragraph in this sub-section refers to the Expansion:

In 2000, the NPS completed a boundary study of the North Shore Cliffs on Molokai as a requirement of Public Law 105-355, entitled “Studies of potential national park system units in Hawai‘i” enacted on November 6, 1998. The study determined that the area met both suitability and feasibility standards for inclusion in the NPS system.⁴⁰

³⁷ 40 C.F.R. § 1502.13.

³⁸ DRAFT GMP/EIS, *supra* note 4 at 29.

³⁹ *See id* at 33.

⁴⁰ *See id* (emphasis added) (note added).

The Draft GMP/EIS also refers to two other studies pertinent to the Expansion: Kalaupapa Settlement Boundary Study Along the North Shore to Hālawā Valley, Molokai (“North Shore Study”) and the Study of Alternatives—Hālawā Valley, Molokai (“Hālawā Study”), both completed in 2000. The Draft GMP/EIS summarizes these studies:

Both studies surveyed and analyzed the area’s natural and cultural resources and determined that they are of national significance. It was determined that management by the NPS and designating these areas as part of the national park system would provide the most effective long-term protection of the area and provide the greatest opportunities for public use. The recommended areas would complement and enhance the Draft GMP/EIS’s legislated purpose “to research, preserve, and maintain important historic structures, traditional Hawaiian sites, cultural values, and natural features” (Public Law 95-565, Sec. 102).

The NPS’s purpose and needs for the plan appear to be: 1) the Expansion area meets suitability and feasibility standards for inclusion in the NPS system; 2) the Expansion area’s natural and cultural resources are of national significance; 3) NPS management will provide the most effective long-term protection; and 4) NPS management will provide the greatest opportunities for public use.

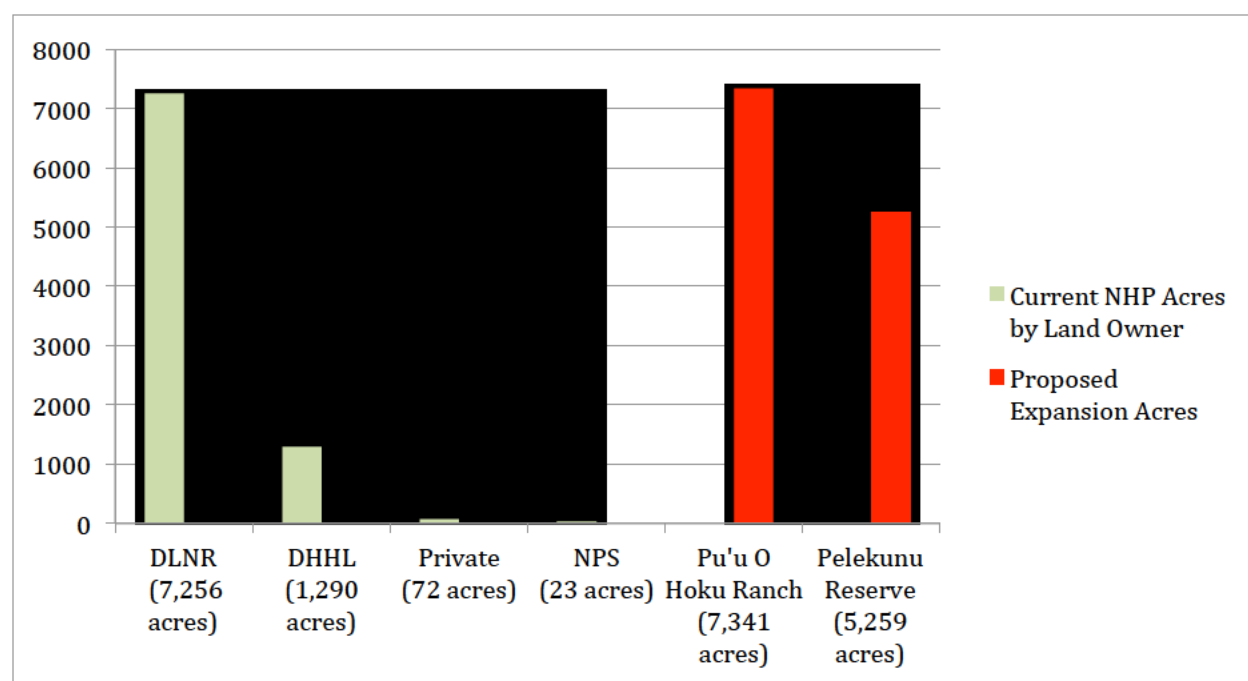
The purpose and needs are not sufficient to justify the Expansion. Just because an area meets suitability and feasibility standards for inclusion in the NPS system does not mean that the area must or should be included. Much of the undeveloped land in Hawai‘i would likely meet the suitability and feasibility standards for inclusion, but it would be impractical and absurd for the NPS to attempt to acquire all of the areas in Hawai‘i that do.

The Hālawā and North Shore studies correctly concluded that the Expansion area contains natural and cultural resources of national significance, but the Draft GMP/EIS fails to state whether the studies found any threat to those resources. Without providing any proof of a threat or immediate danger to the natural and cultural resources, the finding of cultural and natural resources in an area is not sufficient for the NPS to include that area in its jurisdiction. Much of the undeveloped land in Hawai‘i would likely be found to contain natural and cultural resources of national significance, but it would be impractical and absurd for the NPS to attempt to acquire all of the areas in Hawai‘i that do.

Plan C fails to state why NPS management would provide the most effective long-term protection. The Molokai community and members of the Hui have always worked diligently to protect not only the Expansion area, but also the entire island of Molokai from developers and government actions that would have caused damage to natural and cultural resources. The NPS’s conclusion that it would stand as a better protector of Molokai than the Molokai community and the Hui is offensive. The Molokai community has diligently and passionately guarded its island from destruction of its natural and cultural resources for generations. No one is better suited and qualified to mālama (care for) Molokai than the people of Molokai.

Much of the Expansion area is not currently open to public use, and there is no need for the public to have access to it. It is accessed by individuals exercising their T&C Rights and by Molokai residents who hunt, fish, and gather food for their families’ subsistence. Allowing public access to the Expansion area is counter-intuitive and would not provide sufficient protection of the natural and cultural resources.

The Expansion is over-reaching and unnecessary. The NPS can successfully fulfill its purpose and provide adequate protection and preservation to the existing Kalaupapa NHP without the Expansion. The Expansion would result in a 148% increase in the park’s boundaries, giving the NPS jurisdiction over a total of 21,635 acres. The NPS, however, owns merely 23 acres on Molokai, making it the smallest landowner of Kalaupapa NHP by far.



The Expansion is a remarkably over-reaching land-grab in light of the upcoming end of NPS’s lease and the NPS’s dwarfed landownership share.

None of the above purposes and needs stated in the Draft GMP/EIS sufficiently justify the Expansion. The NPS should make the findings of both the Hālawā and the North Shore Studies available to the public for comment and consultation. The Draft GMP/EIS’s failure to state a sufficient purpose and need for the Expansion constitutes a violation of NEPA.

5. Environmental Justice was Improperly Ruled Out as an Impact Topic.

Executive Order 12898 (“EO”) directs each Federal Agency to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations,” including native

populations.⁴¹ The accompanying Presidential Memorandum (“Memo”) emphasizes the importance of using the NEPA review processes to promote environmental justice.⁴² The Memo directs federal agencies to analyze the environmental effects, including human health, economic, and social effects, of their proposed actions on minority and low-income communities when NEPA requires an EIS to be completed. Environmental justice issues may arise at any step of the NEPA process and agencies should consider these issues at each and every step of the process.⁴³

In light of Executive Order 12898, the Council on Environmental Quality issued guidelines requiring federal agencies to consider six factors to determine any disproportionately high and adverse human health or environmental effects to low-income, minority, and tribal populations. The principles are: (1) consider the composition of the affected area to determine whether low-income, minority or Tribal populations are present and whether there may be disproportionately high and adverse human health or environmental effects on these populations; (2) consider relevant public health and industry data concerning the potential for multiple exposures or cumulative exposure to human health or environmental hazards in the affected population, as well as historical patterns of exposure to environmental hazards; (3) recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the proposed action; (4) develop effective public participation strategies; (5) assure meaningful community representation in the process, beginning at the earliest possible time; (6) seek Tribal representation in the process.⁴⁴ The Draft GMP/EIS did not provide any explanation or analysis of its consideration of the above six factors.

Provisions of the Clean Air Act Section 309 require the EPA Administrator to comment in writing upon the environmental impacts associated with certain proposed actions of other federal agencies, including federal actions subject to NEPA. The EPA Administrator must also ensure that the effects on minority and low-income communities have been fully analyzed.⁴⁵ The

⁴¹ Exec. Order No. 12898, 50 Fed. Reg. 32 (Feb. 11, 1994), <http://www.archives.gov/federal-register/executive-orders/pdf/12898.pdf> (last visited June 6, 2015).

⁴² Presidential Memorandum of Understanding on Environmental Justice and Executive Order 12898 (Feb. 11, 1994), http://www.justice.gov/crt/about/cor/TitleVI/080411_EJ_MOU_EO_12898.pdf (last visited June 6, 2015).

⁴³ FINAL GUIDANCE FOR CONSIDERATION OF ENVIRONMENTAL JUSTICE IN CLEAN AIR ACT 309 REVIEWS, U.S. ENVIRONMENTAL PROTECTION AGENCY (July 1999) [hereinafter EPA GUIDANCE], http://www.epa.gov/compliance/resources/policies/nepa/enviro_justice_309review.pdf, (last visited June 6, 2015).

⁴⁴ ENVIRONMENTAL JUSTICE: GUIDANCE UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT; COUNCIL ON ENVIRONMENTAL QUALITY (Dec. 10, 1997), http://www.epa.gov/environmentaljustice/resources/policy/ej_guidance_nepa_ceq1297.pdf (last visited June 6, 2015).

⁴⁵ EPA GUIDANCE, *supra* note 43 at § 2.1.

comments must be made available to the public.⁴⁶ To account for potential environmental justice concerns, reviewers should be sensitive to whether affected resources, particularly natural resources important to traditional subsistence (e.g., hunting, fishing, gathering), are protected and to continue to sustain minority or low-income communities.⁴⁷ The analyses should be focused toward how potential effects to these resources may translate into disproportionately high and adverse human health or environmental effects on minority and/or low-income communities.⁴⁸

A minority community is identified by analyzing various sources including: data provided by state, county and local agencies; civic groups; and U.S. Census Bureau geographic data.⁴⁹ Agencies must evaluate potential impacts on native communities located beyond the geographic boundaries of the proposed action if the area is used for spiritual or subsistence purposes.⁵⁰ Members of the Hui and the Molokai community are a minority community that are located beyond the geographic boundaries of the Expansion and access the area for spiritual and subsistence purposes. According to the U.S. Census Bureau, the Native Hawaiian population comprises 25.89% of the entire population on Molokai.⁵¹ This is a significant percentage of the population, and supports the finding that the Environmental Justice Policy should apply to the Draft GMP/EIS.

A low-income community is identified by analyzing various sources including: U.S. Census Bureau Current Population Reports, Series P-60 on Income and Poverty; state and regional low-income and poverty definitions; and public outreach and other communication efforts that involve community members in defining their communities.⁵² According the U.S. Census Bureau, 20.94% of the entire population on Molokai is below the federal poverty threshold, and that number rises to 24.00% for Native Hawaiian households.⁵³ This is a significant percentage of the population, and supports the finding that the Environmental Justice Policy should apply to the Draft GMP/EIS.

Once the potential for adverse effects to a minority or low-income community is identified, agencies should analyze how the environmental and health effects are distributed within the affected community.⁵⁴ Agencies must state how it came to the conclusion that an

⁴⁶ EPA GUIDANCE, *supra* note 43 at § 2.1.

⁴⁷ EPA GUIDANCE, *supra* note 43 at § 2.3.2.

⁴⁸ EPA GUIDANCE, *supra* note 43 at § 2.3.2.

⁴⁹ EPA GUIDANCE, *supra* note 43 at § 3.0, Issue No. 1.

⁵⁰ EPA GUIDANCE, *supra* note 43 at § 3.0, Issue No. 1.

⁵¹ This percentage was calculated from data found on the U.S. Census Bureau’s website for the four Molokai zip codes: 96770, 96729, 96757, and 96748. Raw data sets can be accessed online by entering each zip code. COMMUNITY FACTS, AMERICAN FACT FINDER, U.S. CENSUS BUREAU, http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml (last visited June 7, 2015).

⁵² EPA GUIDANCE, *supra* note 43 at § 3.0, Issue No. 2.

⁵³ See *supra* note 51.

⁵⁴ EPA GUIDANCE, *supra* note 43 at § 2.3.3.

impact may or may not be disproportionately high and adverse.⁵⁵ The analysis and findings should be documented by the agency, including whether a disproportionately high and adverse health or environmental effect is likely to result from the proposed action and any proposed alternatives. Also, the EIS should identify how the action agency ensured that the findings were communicated to the public.⁵⁶ NEPA and the EPA require that all reasonable alternatives must be analyzed rigorously and objectively. The Draft GMP/EIS properly concluded that the Kalawao County does contain both minority and low-income communities. However, the NPS dismissed Environmental Justice as an impact topic because in its opinion it had solicited public participation; Plan C “would not result in any identified effects that would be specific to any minority or low-income population or community”; and the NPS “consulted and worked with the affected Native Hawaiian organizations and will continue to address the effects to traditional subsistence, religious, and ceremonial practice of Native Hawaiians and respond to the Hui’s and other NHO’s objections. Rather than concluding that the Expansion will have no adverse effects on a minority or low-income community, the NPS must implement mitigation measures to address those effects.

Agencies must implement mitigation measures to address effects, and “public participation efforts should be designed and conducted to ensure that effective mitigation measures are identified and that the effects of any potential mitigation measures are realistically analyzed and compared” and can include establishing a community oversight committee to monitor progress and identify potential community concerns.⁵⁷ The EPA may require the agency to submit to monitoring and reporting. Failure to implement effective mitigation measures may result in consequences and penalties imposed by the EPA upon the agency.

6. The Draft GMP/EIS Failed to Meet NHPA’s Section 106 Process Requirements.

The NHPA set the federal policy for preserving our nation’s heritage and to protect it from rampant federal development, after “more than a century of struggle by a grassroots movement of committed preservationists.”⁵⁸ The NHPA is codified in the Code of Federal Regulations’ Protection of Historic Properties, which provides detailed measures for compliance with the requirements of the NHPA.⁵⁹

When an action is deemed to be a “federal undertaking” and may affect a registered historic property or an area that would be eligible for registration as a historic property, then the “Section 106 Process” is triggered.⁶⁰ A federal undertaking “means a project, activity, or

⁵⁵ EPA GUIDANCE, *supra* note 43 at § 2.3.3.

⁵⁶ EPA GUIDANCE, *supra* note 43 at § 2.3.3.

⁵⁷ EPA GUIDANCE, *supra* note 43 at § 2.3.5.

⁵⁸ NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS, <http://www.ncshpo.org/nhpa1966.shtml> (last visited May 27, 2015).

⁵⁹ 36 C.F.R. § 800 (2000).

⁶⁰ *See id.* § 800.3.

program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.”⁶¹ An effect “means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.”⁶² Historic property “means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior . . . includ[ing] properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization (NHO) and that meet the National Register criteria.”⁶³

The NPS is a federal agency seeking to implement the Expansion presented in the Draft GMP/EIS. The Draft GMP/EIS is a project under the direct jurisdiction of the NPS and constitutes an undertaking. The Draft GMP/EIS has the potential to cause effects on an area that contains identified historic properties and is a property of traditional religious and cultural importance to a NHOs, including the Hui. Thus, the NHPA is applicable to the Draft GMP/EIS, and must comply with the Section 106 Process requirements. The NPS has properly begun the Section 106 consultation process, and released the Draft GMP/EIS in accordance with the Section 106 Process.

The Section 106 Process requirements for federal agencies include: (1) coordination with the appropriate State Historic Preservation Officer (hereinafter, “SHPO”);⁶⁴ (2) soliciting public participation through appropriate notice of proposed actions;⁶⁵ (3) “mak[ing]” a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties;⁶⁶ and (4) resolving adverse effects through continued consultation “with the SHPO and other consulting parties, including Indian tribes and Native Hawaiian organizations, to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties.”⁶⁷

The Draft GMP/EIS properly concludes that “[f]or the purposes of Section 106, the entire Draft GMP/EIS is [an] area of potential effect” and that “identified historic properties within the area of potential effect [] may be affected by the proposed undertaking.”⁶⁸

The Draft GMP/EIS shows, however, that the NPS has not adequately consulted with all the relevant NHOs to make a determination that there will be “no adverse effect” to cultural and

⁶¹ See *id.* § 800.16(y).

⁶² See *id.* § 800.16(i).

⁶³ See *id.* § 800.16(l)(1).

⁶⁴ See *id.* § 800.3(c).

⁶⁵ See *id.* § 800.16(e).

⁶⁶ See *id.* § 800.16(f)(2).

⁶⁷ See *id.* § 800.6(a).

⁶⁸ DRAFT GMP/EIS, *supra* note 4 at 171.

environmental resources.⁶⁹ The Draft GMP/EIS determined that the effects would be either “beneficial”, “negligible”, or “minor” to: values, traditions, and practices of Traditionally Associated People (“TAP”); cultural landscapes; water resources and hydrologic processes; marine resources - coastal reef, habitats and wildlife; fishing, hunting, and gathering; wild and scenic rivers; and sustainable practices.

Because Plan C failed to meet the requirements of the Section 106 process, a follow-up alternative, amendment or addendum to the Draft GMP/EIS is necessary to determine the scope of impact on resources to the greater Molokai community.

7. Cultural Landscapes, Ethnographic Resources, and Traditionally Associated People

The NPS defines TAP as “ethnic or occupational communities that have been associated with a park for two or more generations (40 years) . . . [and] assign[s] significance to ethnographic resources—places closely linked with their own sense of purpose, existence as a community, and development as ethnically distinctive peoples.”⁷⁰

The Draft GMP/EIS identifies the patient community as the only TAP that it currently consults with. The Draft GMP/EIS briefly mentions the displacement of a Pre-Settlement Native Hawaiian Community between 1865 and 1895 that resulted in “a loss of ancestral connections to the land and a loss of cultural knowledge and traditions relating to the landscape.”⁷¹ Although “NPS hopes to consult with these descendants about park resources and management,” it has not yet done so.⁷² The NPS must make a reasonable and good faith effort to identify and consult with these descendants and include them in every step of the Section 106 process. It has failed to do so.

The lands of the Kalaupapa National Park are owned by the Department of Hawaiian Homelands (“DHHL”), and are leased to the NPS. Therefore, the DHHL beneficiaries are stakeholders in the Draft GMP/EIS, and should be recognized as a TAP, however, the Draft GMP/EIS failed to do so. The Hui believes that the DHHL is making a good faith effort to consult with the beneficiaries, however the NPS should expressly include DHHL beneficiaries as a TAP in the Draft GMP/EIS.

TAPs “include more than Indians or other groups with clear ethnic boundaries . . . [and] can be defined by occupation or lifestyle.”⁷³ In determining whether to qualify a group as a TAP,

⁶⁹ *See id.*

⁷⁰ NATIONAL PARK SERVICE, MANAGEMENT POLICIES 2006, <http://www.nps.gov/policy/mp/policies.html> (last visited May 27, 2015).

⁷¹ DRAFT GMP/EIS, *supra* note 4 at 181.

⁷² *See id.*

⁷³ NATIONAL PARK SERVICE, PARK ETHNOGRAPHY PROGRAM, http://www.nps.gov/ethnography/training/A_TAP/overview.htm (last visited May 27, 2015)

the NPS should focus on “peoples’ sense of place” and consider factors such as individuals’ genealogy, knowledge of place names, detailed environmental knowledge, use and stewardship of resources, and lifestyles associated with home place and identity.⁷⁴ The NPS must make a reasonable and good faith effort to establish who these resource users are through assessments, studies, and interviews.⁷⁵ The NPS’s failure to initially engage Molokai’s traditionally associated people may have broader “implications for [cultivating] long-term relationships” and result in “troublesome political repercussions” when a climate of caution results from a failure to initiate conversations earlier on.⁷⁶ The NPS must “assume a more aggressive, proactive form of consultation” so that TAPs and NHOs “may be heard as they are often ignored through conventional assessment methods.”⁷⁷

8. NPS Failed to Engage in a Comprehensive Consultation Process and
Negotiate a Consensus-Driven Agreement among State Actors and NHOs

Consultation is defined as “the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process.”⁷⁸ This consultation process is critical “so that a broad range of alternatives may be considered during the planning process for the [federal]undertaking.”⁷⁹ Here, the NPS was required to make a reasonable and good faith effort to identify all NHOs and invite them as consulting parties. This also includes individuals who may no longer live near to the project area, but have ancestral ties or associate religious and cultural significance to the area. Many of the original families that associated Kalaupapa as their ancestral home but were relocated to make way for quarantine of Hansen’s disease patients were likely not consulted in this process.

While the Draft GMP/EIS listed individuals and groups to consult with, in practice, the NPS has done little to meet the rigorous consultation requirements under Section 106, NHPA. The NPS had not adequately consulted beforehand with all relevant NHOs and TAPs to substantiate its determination in the GMP that there will be “no adverse effect” to cultural resources.”⁸⁰

quoting Dr. Muriel 'Miki' Crespi, Chief Ethnographer, Archeology and Ethnography Program, National Ctr. for Cultural Resources; some examples of TAPs are: sport fishermen in Cape Cod; gangs, nudists, pagans, and ORV users at Indiana Dunes National Park; and orchard farmers at Capitol Reef [hereinafter Ethnography Program”).

⁷⁴ *See id.*

⁷⁵ *See id.*

⁷⁶ *See id.*

⁷⁷ *See id.*, *quoting* Professor Benita J. Howell, Professor of Anthropology, The University of Tennessee.

⁷⁸ 36 C.F.R., § 800.16(f).

⁷⁹ 36 C.F.R., § 800.1(c).

⁸⁰ *See id.*

One member of Hui Ho‘opakele ‘Āina was informed that a recent 3-hour webinar of which one hour was taken up to describe the GMP and the two remaining hours open for Q&A sufficed to meet NPS’ Section 106 consultation obligations. That webinar was poorly attended with only a handful of private individuals and with mostly state and federal government agency representatives present.

Plan C’s Expansion includes the area known as the “North Shore” on Molokai from which many “Topside Community”⁸¹ families procure certain resources that are critical to their survival and subsistence living.⁸² The NPS has failed to work aggressively and proactively to determine who those stakeholders are, expressly include them as a TAP, and consult with them directly throughout and after all stages of the Section 106 Process. Failure to do so could damage long-term relationships with the community, and result in negative political, social, and legal consequences.

One way that the NPS must consult with the Topside Community and NHOs is through the ‘Aha Kiole o Molokai, the island’s local decision-making body which is part of the larger Statewide ‘Aha Moku Advisory Committee (“AMAC”). The AMAC advises the State Department of Land and Natural Resources (“DLNR”) on natural and cultural resource management issues that impact Native Hawaiian rights and traditional religious and subsistence practices.

The NPS has repeatedly ignored the Molokai community’s strong opposition to the Expansion and any management by the federal government. The Hālawā and North Shore Studies’ findings that the Expansion areas would be best protected under NPS management “were not widely supported locally” and “the position of the local community favored local community management of the North Shore over any management by non-Molokai entities and state and federal agencies.”⁸³ The NPS ignored this community consensus, preferring to adopt Plan C, which includes the federal management of the Expansion area.

Plan C’s failure to engage in a comprehensive consultation process and negotiate a consensus-driven agreement among state actors and NHOs constitutes a violation of NHPA’s Section 106 process.

9. Water Resources

Molokai has largely been considered a barren land with limited freshwater resources.⁸⁴ The valleys on the North Shore are the only areas that receive steady rainfall year-round with

⁸¹ “Top Side Community” are Molokai residents who do not live in Kalaupapa, and are not able to engage in the DHHL consultation process as beneficiaries.

⁸² JON K. MATSUOKA ET AL., MOLOKAI: A STUDY OF HAWAIIAN SUBSISTENCE AND COMMUNITY SUSTAINABILITY 33 (Marie D. Hoff, 1st ed. 1998).

⁸³ See *id* at 87 (emphasis added).

⁸⁴ See GUPTA, *supra* note 10 at 5.

heavy rains in the winter.⁸⁵ The Expansion includes many of the valleys on the North Shore, which are vital watershed resources capable of sustaining traditional lo‘i and other traditional methods of farming. The valleys, streams, and watersheds on Molokai should remain as they are until they can be restored to their historic, traditional use, once again making Molokai ‘Āina Momona, the land of plenty.⁸⁶ Water is “at the center of sustainable taro culture” and is life-giving to Hawaiians.⁸⁷ Studies show that taro lo‘i require an average of 260,000 gallons per acre, per day.⁸⁸

Plan C’s analysis covers only the effects of climate change, construction and maintenance of buildings, and water diversion from Waikolu streams. It concludes that the impact on water resources from these factors will be adverse, and names climate change as the “dominant factor influencing water resources.”⁸⁹ Plan C does not provide a future strategy for the rivers, streams, and watershed resources within the Expansion, nor does it assess any impact on the water resources within the Expansion.

The Draft GMP/EIS’s failure to assess impacts to the water resources within the Expansion constitutes a violation of NHPA’s Section 106 process.

10. Fishing, Hunting, and Gathering

The Governor’s Molokai Subsistence Task Force Final Report showed that 87% of Molokai residents depend, in varying degrees, upon resources obtained through fishing, hunting, and gathering for their families’ subsistence.⁹⁰ The subsistence study indicates that Molokai residents are, for the most part, able to successfully fish, hunt, and gather the resources necessary for their families’ survival. Seventy-two percent of the respondents stated that “they were still able to fish, hunt, and gather” without interference.⁹¹ Molokai families access land and ocean resources that are included in the proposed Expansion area considered in the Kalaupapa GMP/EIS.

The Draft GMP/EIS states that “hunting would continue to be permitted per State of Hawai‘i hunting regulations.” This conclusion, however, forecloses any consideration of alternative hunting management models. One alternative is the model adopted by the

⁸⁵ DRAFT GMP/EIS, *supra* note 4 at 20.

⁸⁶ See GUPTA, *supra* note 10 at 5.

⁸⁷ DAVID C. PENN, WATER NEEDS FOR SUSTAINABLE TARO CULTURE IN HAWAI‘I 132 (University of Hawai‘i 1993).

⁸⁸ STEPHEN B. GINGERICH ET AL., WATER USE IN WETLAND KALO CULTIVATION IN HAWAI‘I 1 (Office of Hawaiian Affairs, U.S. Geological Survey 2007).

⁸⁹ DRAFT GMP/EIS, *supra* note 4 at 261.

⁹⁰ DONA HANAIKE ET AL., GOVERNOR’S MOLOKAI SUBSISTENCE TASK FORCE FINAL REPORT 43 (Jon Matsuoka et al. eds., Dept. of Business, Economic Development, and Tourism 1994) (“Subsistence Report”).

⁹¹ See *id.*

Department of Hawaiian Home Lands (hereinafter, “DHHL”) which turned over management of game hunting on the West End of Molokai to Hawaiian homesteaders in Ho‘olehua.⁹² Plan C assesses fishing, hunting, and gathering practices and impacts for the existing park boundaries, but fails to evaluate the impact the proposed Expansion will have upon these practices.

The NPS’s failure to assess impacts to fishing, hunting, and gathering practices within the proposed Expansion area constitutes a violation of NHPA’s Section 106 process.

11. Sustainable Practices

Studies show that if shipping operations to Hawai‘i were disrupted, “the state’s inventory of fresh produce would feed people for no more than 10 days.”⁹³ Hawai‘i is alarmingly dependent upon food that it is not grown here. Rather than providing a solution to the food problem, big agricultural companies use Hawai‘i as a major testing ground for their pesticides and genetically modified foods, increasing the risk of residents contracting diseases, cancers, and respiratory problems.⁹⁴

Prior to Western contact, Hawai‘i’s resource system was based on community sharing and careful management of resources.⁹⁵ Hawaiians believed the ali‘i⁹⁶ were divinely appointed to (“administer”) the ‘āina⁹⁷ for the benefit of the gods and society as a whole.”⁹⁸ The ali‘i appointed konohiki⁹⁹ to manage ahupua‘a.¹⁰⁰ Konohiki “were masterful managers who possessed a deep knowledge of the natural resources of their ahupua‘a.”¹⁰¹ They were “stewards of their

⁹² MATSUOKA ET AL., *supra* note 82 at 41.

⁹³ Maureen N. Mitra, *Trouble in Paradise: Hawaiians Push Back Against Big Ag*, EARTH ISLAND JOURNAL, Spring 2014, at 18-23.

⁹⁴ *See id.*

⁹⁵ LILIKALĀ KAME‘ELEIHIWA, NATIVE LAND AND FOREIGN DESIRES: PEHEA LĀ E PONO AI? 26-29 (1992).

⁹⁶ *Ali‘i*: Chief, chiefess, officer, ruler, monarch, peer, headman, noble, aristocrat, king, queen, commander; MARY KAWENA PUKUI & SAMUEL H. ELBERT, HAWAIIAN DICTIONARY 20 (rev. & enlarged ed. 1986).

⁹⁷ *‘Āina*: Land, earth; PUKUI & ELBERT HAWAIIAN DICTIONARY, *supra* note 96, at 11.

⁹⁸ 1 NATIVE HAWAIIANS STUDY COMM’N, REPORT ON THE CULTURE, NEEDS AND CONCERNS OF NATIVE HAWAIIANS 254 (1983), *available at*

<http://babel.hathitrust.org/cgi/pt?id=mdp.39015034241094> (last visited April 13, 2014)

⁹⁹ *Konohiki*: Headman of an ahupua‘a land division under the chief; land or fishing rights under control of the konohiki; *supra* note 96, at 166.

¹⁰⁰ *Ahupua‘a*: Land division usually extending from the uplands to the sea, so called because the boundary was marked by a heap (ahu) of stones surmounted by an image of a pig (pua‘a); *supra* note 96, at 9; KAME‘ELEIHIWA, *supra* note 95, at 30-31.

¹⁰¹ John N. Kittinger PhD, *Konohiki Fishing Rights*, GREEN MAGAZINE HAWAI‘I, October 2009, at 45, *available at*

resources and communities . . . charged with safeguarding the production and perpetuation of the ‘āina and sea resources in their ahupua‘a.”¹⁰² This complex system of aloha ‘āina (literally, “love of land”) enabled a high level of productivity, ensured that all members of the ahupua‘a, from the ali‘i to the maka‘āinana¹⁰³ were provided for, and that the resources were never overtaxed.¹⁰⁴

Under this traditional system of aloha ‘āina, Kalaupapa thrived as a “garden paradise” to Hawaiians, and “wall after wall after wall” of agricultural gardens still remain.¹⁰⁵ Molokai was then known as an island of ‘āina momona,¹⁰⁶ producing enough surplus food to feed neighboring islands. Now, more than ever, Hawai‘i needs Molokai and her verdant valleys to return to a state of plentiful abundance. Hawai‘i’s emancipation from its dependency upon food shipments would go a long way in truly achieving environmental and food sustainability in the future.

The Draft GMP/EIS completely missed the mark in assessing future sustainable practices, and failed to see the “bigger picture” for the future of Molokai’s north shore. The Draft GMP/EIS states that it will fulfill its object of implementing sustainable practices by designing energy and water-efficient facilities, limiting the number of vehicles used, bicycle use, recycling, and by installing supposed “environmentally friendly” CFL light bulbs that release “cancer-causing chemicals” when switched on.¹⁰⁷ While all of these initiatives (with the exception of the CFL light bulbs) will contribute to sustainability efforts, their cumulative effects will be negligible, and should be considered “best practices” rather than a plan for sustainability.

Because the Draft GMP/EIS failed to offer any substantial plan for sustainability within the existing park, it is not a qualified steward to take over management of the areas within the Expansion.

12. Conclusion and Recommendations

The Plan misses the mark when it comes to the larger history of the Hawaiians and their culture, especially those who loss their lands and were displaced. It also misses the mark when it

http://www.researchgate.net/publication/258133637_Konohiki_Fishing_Rights (last visited May 30, 2015).

¹⁰² See *id.*

¹⁰³ *Maka‘āinana*: Commoner, populace, people in general; citizen, subject; PUKUI & ELBERT HAWAIIAN DICTIONARY, *supra* note 96, at 224.

¹⁰⁴ Kittinger, *supra* note 101.

¹⁰⁵ Kalaupapa Videotape, *supra* note 9.

¹⁰⁶ ‘Āina momona: literally “fat land”; an abundant land, or land of plenty; Molokai was known as the land of “fat fish and kukui nut relish,” Clair Gupta, *Food Sovereignty: A Critical Dialogue*, YALE UNIVERSITY AGRARIAN STUDIES, Sept. 14-15, 2013 at 5,

http://www.yale.edu/agrarianstudies/foodsovereignty/pprs/70_Gupta_2013.pdf (last visited May 30, 2015).

¹⁰⁷ 5A-38 Lawyers' Medical Cyclopedia § 38.45c.

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comes to the future of the DHHL Hawaiians who own the lands. Last but not least, the plan does little to recognize or mitigate the future impacts on the people who live on Molokai.

The plan calls for the acquisition of thousands of acres of important agricultural lands, which hold the food security future of Molokai.

The plan calls for the Hawaiians and their culture to be treated as a museum piece that needs to be “protected and preserved” so as to be put on display for the American public. In contrast, the consultation process showed a clear voice for the need of a working group or task force consisting of DHHL beneficiaries and OHA beneficiaries along with the NPS. It is clear that these beneficiaries saw Kalaupapa as an integral part of their future with resources that needed to be not only protected, but more importantly, used traditionally and “enhanced.”

A working group task force is critical to address the many unanswered concerns raised during the consultation process of the DHHL land owners and the community of Molokai, here are a few of the deficiencies in the Draft GMP/EIS that must be addressed:

- Restoration plans for Waikolu Valley were not adequately addressed in the Draft GMP/EIS. Special management areas and focus areas are needed to address indigenous peoples concerns and needs.
- Recognition and Benefits to displaced Hawaiian families; DHHL Homesteaders; and the Molokai community overall were either not addressed or are woefully lacking.
- The Draft GMP/EIS fails to recognize constitutional and statutory protections of traditional and customary Hawaiian rights.
- The Draft GMP/EIS fails to acknowledge and integrate the provisions in the United Nations Declaration on the Rights of Indigenous People (hereinafter, “UNDRIP”) that has been adopted by the United States and incorporated into the Section 106 consultation process.
- The NPS failed to recognize and consult with the ‘Aha Kiole o Molokai, the local decision-making body associated with the Statewide ‘Aha Moku system for natural and cultural resource management.

We oppose the following actions proposed by NPS:

- The proposed Expansion of the Park boundaries.
- Any new federal designations of Molokai’s north shore cliffs and rivers
- The inclusion of Pala‘au State Park which is part of DHHL’s management as part of the overall Kalaupapa NHP GMP. Federal NPS boundaries should include only the one “look out” and trail head areas.

We request the following:

- Recognize a prioritized multi-layered definition of the users of the park: DHHL members, Hawaiian families who were displaced in 1865, Molokai top side community, general public.

Hui Ho‘opakele ‘Āina’s Comment Letter Regarding Kalaupapa NHP’s GMP/EIS

June 3, 2015

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- Establish an “Advise and Consent” decision-making agreement with a “Top Side” community panel for management of the park.
- Initiate a management “Partnership” relationship with DHHL and NPS besides just a lease agreement.
- Allow “special” DHHL homesteading in Integrated Resources Management Areas.
- Designate “Special Use Areas” or “Focus” areas in the Integrated Resource Management Zone to allow for living, traditional Hawaiian activities such as lo‘i cultivation and homesteading.
- Maintain “Kalawao County” as a separate county from Maui County.
- Establish a budget for “invasive plant removal” of the Integrated Resources Management Zone.
- Protect Waikolu River from further water diversions.
- Law enforcement within the Kalaupapa NHP should remain in accordance with State and County laws. Residents should not be subjected to federal laws and NPS workers should not be “deputized” in a manner that imposes egregious or aggressive enforcement of federal laws that fail to respect traditional and customary Hawaiian rights.

In conclusion, the Draft GMP/EIS fails to sufficiently acknowledge the impact the establishment of the Park has had on the larger Hawaiian community and the Hawaiian homestead community who have been denied access to these Trust resources – and who need these Trust resources. The GMP/EIS treats the Park’s continued control of our lands as a foregone conclusion. While we recognize the need to honor the many patients who have lived in Kalawao, this area also has a larger history and needs to be returned to Moloka‘i. That option was not even contemplated as an option under the Draft GMP/EIS. Therefore we find this plan inadequate and are asking the NPS to conduct a revised DEIS or a supplemental DEIS to include an option whereas DHHL lands are returned to the people of Moloka‘i.

Sincerely,

Walter Ritte,
Hui Ho‘opakele ‘Āina

Hui Ho'opakele 'Āina's Comment Letter Regarding Kalaupapa NHP's GMP/EIS

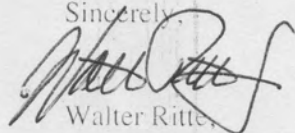
June 3, 2015

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Sincerely,



Walter Ritter

Hui Ho'opakele 'Āina



KALA GMP, NPS <kala_gmp@nps.gov>

Kalaupapa Draft GMP/EIS remarks:

Lucille F. Meyer <[REDACTED]>
To: "KALA_GMP@nps.gov" <KALA_GMP@nps.gov>
Cc: Lucille F Meyer <[REDACTED]>

Sun, Jun 7, 2015 at 11:44 PM

To:

General Management Plan
Attn: Erika Stein Espaniola, Superintendent
Kalaupapa National Historic Park
P.O. Box 2222
Kalaupapa, Hawaii 96742

Kalaupapa Draft GMP/EIS remarks:

As a lineal descendant of a patient, I am responding to this draft General Management Plan (GMP) and Environmental Impact Statement (EIS).

As the preferred plan is "C"

I strongly oppose and object to the:

1. Increase of visitors from 100 to 300 and to allow children under the age of 16 and the increase of National Park Service (NPS) staff.
2. Expansion of the national park, keep to the peninsula (do not increase the neighboring boundaries to include current designated conservation and agriculture lands) - don't want to buy into perhaps hunting, hiking, camping, fishing to include intellectual property rights.
3. Possibility of building new buildings instead of maintaining current buildings to include the churches, homes, recreation center, grocery store, post office, gas station, hospital, museum, convent to name a few.....maintain to keep ambiance of its historic place and history.
4. Economic development, self sustainability, land management how complex or simple is this task going to be? New vendors, non-resident or to the local island residents.

Critical problems to occur:

What is going to happen once the last patient is deceased, is there a transition plan or WHAT FEDERAL LAW(S) WILL BE IMPLEMENTED besides Public Law 96-565-Dec. 22, 1980 94 Sec 109) that really hasn't been discussed fully or to the satisfaction of the every day individual to truly understand content? Laws, policy, who's to implement?

Department of Health (DOH) Director is currently the Mayor of Kalawao County, who is going to obtain jurisdiction? Has this discussion occurred? With whom? A thought, perhaps Molokai should break away from Maui County include Kalawao and create its own county.

Burials-Native American Graves and Protection Act (NAGPRA), SECTION 106, HISTORIC PRESERVATION: Just how are these issues going to be addressed. My great great grandfather is buried in an unmarked grave and I'm really concerned as I do not want to be excluded but included and involved in consultation with NPS.

Is Native Tenant Rights going to apply, how is this going to be addressed and who is going to regulate? I definitely do not want to see just anyone think that this peninsula is fair game or access is not going to be regulated. For example, increase use of the trail by hikers, this can't and should be monitored as well as fishing, hunting, camping etc.

NPS has only x amount of years left on this lease with Department of Hawaiian Home Lands (DHHL) and what options may occur-renew or extend, swap or exchange or DHHL to maintain (after all DHHL does maintain cemeteries within homesteads it would appear natural).

A workable solution:

Form a working group (commission, advisory) to include all the partners (DHHL, Office of Hawaiian Affairs (OHA), DOH, NPS, Maui County planning representatives, private land owners (Miala Inc., R. W. Meyer Ltd), the patient advisory group, the Kalaupapa Ohana, community representatives) to begin a dialog to resolve these difficult isolated problems only unique to Kalaupapa being that this GMP/EIS plan is still in draft form.

Respectfully submitted,

Lucille Tallett Meyer



Sent from my iPad



KALA GMP, NPS <kala_gmp@nps.gov>

Kalaupapa Draft GMP/EIS remarks:

Paul W. Meyer <[REDACTED]>

Mon, Jun 8, 2015 at 6:31 PM

To: KALA_GMP@nps.gov

Cc: [REDACTED]

General Management Plan

Attn: Erika Stein Espaniola, Superintendent Kalaupapa National Historic Park

P.O. Box 2222 Kalaupapa, Hawaii 96742

Kalaupapa Draft GMP/EIS remarks:

As a lineal descendant of a patient, as a descendant of former superintendent of the Department of Health, then the Kingdom of Hawaii and as a land owner on the topside of Molokai (Kalae lands), I am responding to this draft General Management Plan (GMP) and Environmental Impact Statement (EIS).

I strongly oppose and object to the;

1. Any change that the National Park Service (NPS) wants in the sense of fixing something that isn't broken. Even without the NPS setting changes, visitors have come from far and near to view the spectacular scenery that only a hundred plus years of isolation by the Hansen patients can ever provide. I do not see the increase of visitors from 100 to 300 doing anything but damage to the aina. Also keeping the minimum age at sixteen (16) will only help in preserving the hallowedness of Kalaupapa for everyone to view.

2. Expansion of the (NPS) when there is no need as patients will be down to none. Department of Health, State of Hawaii will no longer need to be in Kalaupapa. So with no pertinent personnel being in Kalaupapa, why have the NPS expanding to Halawa Valley and topside of Molokai when the only people will be National Park employees. Leave it as it is for all times sake. Restore instead of renovate. Keep to the peninsula.

3. Possibility of building new buildings instead of maintaining current buildings to include the churches, homes, recreation center, grocery store, post office, gas station, hospital, museum, convent to name a few.....maintain to keep ambiance of its historic place and history.

4. Economic development, self sustainability, land management how complex or simple is this task going to be? New vendors, non-resident or the local island residents.

[Quoted text hidden]

Paul W. Meyer



KALA GMP, NPS <kala_gmp@nps.gov>

Re: OHA Response Letter to NPS re Kalaupapa National Historical Park Draft General Management Plan and EIS

Anita Manzano <anitam@oha.org>
To: "KALA_GMP@nps.gov" <KALA_GMP@nps.gov>
Cc: "Jerome K. Yasuhara" <jeromey@oha.org>

Mon, Jun 8, 2015 at 7:05 PM

Aloha,

Please find attached copy of the OHA Response to NPS re Kalaupapa National Historical Park Draft General Management Plan and EIS and Formal Notification of Section 106 Consultation.

Should you have any questions/concerns re: the above subject matter, please contact Jerome Yasuhara at (808) 594-0129 or via email at jeromey@oha.org.

Mahalo,

Anita C. Manzano


Ka Pou Alo to the Ka Pou Kako'o

Kia'i Kanawai | Compliance Enforcement

Ka Paia Ku | Advocacy | Office of Hawaiian Affairs
737 Iwilei Road., Suite 200 | Honolulu, HI 96817

☎: (808) 594-1755 📠: (808) 594-1825 ✉: anitam@oha.org



 **15-4265C OHA Response.pdf**
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STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HWY., SUITE 200
HONOLULU, HAWAII 96817

HRD15/4265C

June 8, 2015

National Park Service
Attn: Kalaupapa NHP GMP/EIS
909 First Avenue, Suite 500
Seattle, WA 98104

and
KALA_GMP@nps.gov

Re: Comments Regarding the Kalaupapa National Historical Park Draft General Management Plan and Environmental Impact Statement and Formal Notification of Section 106 Consultation

Aloha National Park Service:

The Office of Hawaiian Affairs (OHA) issues the following comments for the draft *Kalaupapa National Historical Park Draft General Management Plan and Environmental Impact Statement* (GMP/EIS). We also acknowledge and provide our initial consultation comments in response to a formal notice of the National Park Service (NPS) initiating the National Historic Preservation Act (NHPA) Section 106 process¹ by letter dated April 15, 2015.

OHA wishes to be consulted for this undertaking. Over the coming years,² our office and beneficiaries welcome an ample allowance of meaningful opportunities for good faith consultations in establishing solutions to the challenges and complexities anticipated with the implementation of actions covered in the draft GMP/EIS under whichever alternative is ultimately chosen.

¹ 54 U.S.C. § 306108 (hereinafter referred to as "Section 106" of the National Historic Preservation Act of 1966, as amended).

² At the Friday, May 8, 2015 draft GMP/EIS public meeting held at the Bishop Museum in Honolulu, Superintendent Erika Stein Epaniola, Kalaupapa NHP, stated that this will take "... 15 to 20 years into the future."

I. Introduction

OHA is the constitutionally-established body responsible for protecting and promoting the rights of Native Hawaiians. Hawai'i state law mandates OHA to "[s]erve as the principal public agency in the State of Hawai'i responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians; . . . and [t]o assess the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians."³

OHA is a principal advocate for the protection of traditional cultural sites and all related resources, including preservation of archeological and historic properties, perpetuation of traditional and customary practices, improving its Native Hawaiian beneficiaries' well-being, and serving as repository of assets and land held in trust for the future Native Hawaiian governing entity.

OHA, understanding that the actions proposed in the GMP/EIS collectively represent the NPS's vision for future planning at Kalawao County, commonly called Kalaupapa peninsula (Kalaupapa), reviewed the four (4) alternative models each designed for short- and long-range management goals.⁴ The NPS has preliminarily identified alternative C⁵ as its preferred choice while acknowledging the need for NPS to still conduct outreach, consultations, fieldwork, research and studies, impacts analyses, sites designations, mitigations management, and public reporting pursuant to the legal provisions outlined in Appendix C of the draft GMP/EIS, as well as address concerns raised during the open comment period.

Based on our review of the GMP/EIS, we make special note of the following proposed actions: (1) NPS pursuing land acquisition opportunities in and around Kalaupapa National Historical Park (the Park);⁶ (2) proposed boundary expansion of the Park along the northwestern sea cliffs corridor through Pelekunu towards Hālawā; and (3) allowing children visitors (adult supervised) and lifting the current cap of 100 visitors per day to numbers as yet-to-be-determined.

³ HRS § 10-3.

⁴ *Alternative A*: No-Action Alternative;

Alternative B: Similar to C however there would be less emphasis on partnerships, stewardship activities, hands-on learning activities;

Alternative C: The NPS's preferred alternative. See, *infra*, fn. 5; see, also, draft GMP/EIS at 104 *et seq.*; and

Alternative D: Similar to C, however preserve and enhance the built environment to provide an immersion experience. Visitors would be offered opportunities to engage in onsite living cultural activities and demonstrations of resource management techniques.

⁵ In summary, Alternative C, the NPS's preferred alternative, emphasizes stewardship of Kalaupapa's lands in collaboration with the park's many partners. Kalaupapa's diverse resources would be managed from mauka to makai to protect and maintain their character and historical significance. Through hands-on stewardship activities, service and volunteer work groups, people would have meaningful learning experiences, while contributing to the long-range preservation of Kalaupapa's resources. Visitation by the general public would be supported, provided, and integrated into park management. Visitor regulations would change, including allowing children to visit Kalaupapa with adult supervision, and removing the 100 person per day visitor cap while continuing to limit the number of visitors per day through new mechanisms.

⁶ An Act to Establish the Kalaupapa National Historical Park in the State of Hawaii of 1980, Pub. L. No. 96-565, 94 Stat. 3321 (1980) (hereinafter "enabling legislation").

Although the GMP/EIS contemplates actions when there is no longer a Kalaupapa resident population, OHA is aware of the broader Moloka'i community's interest in establishing a stakeholder advisory group or task force. Accordingly, we encourage the NPS to join in such an effort to establish solutions for the many shared issues and concerns. The magnitude of considerations presented by the draft GMP/EIS requires a much more involved, collaborative process, beyond basic Section 106 consultations or the EIS comment period, because OHA and its beneficiaries consider the stakes to be very high and resources irreplaceable. An open stakeholder process would benefit all parties and ensure that NPS implements its future actions in a manner that is appropriate for this sacred place and reflects the overall character of Moloka'i.

Finally, we note there is an absence of substantive environmental and historic preservation analysis in the GMP/EIS. Given the absence of data and substantive analyses, the preliminary issues of concern to OHA include:

- (1) Park expansion into the Pelekunu-Hālawā corridor;
- (2) Assessment of the impacts to the general topside Moloka'i community;
- (3) Assessment of the impacts to Hawai'i Constitution Article 12, Section 7 "Traditional and Customary" practices and resources;
- (4) Assessment of the impacts to the original kama'āina who were relocated through the mid-1800s;
- (5) Need for planning, research, evaluation and archaeological inventory survey (AIS) reports;
- (6) Need for outreach, consultations and evaluation through cultural impacts assessments (CIA);
- (7) Need for a traditional cultural properties (TCP) study⁷ through outreach, consultations, evaluation and reporting;
- (8) Analysis on the future governance/jurisdictional structure in Kalawao County (including State, Local and Native Hawaiian nation building implications);
- (9) Analysis on a possible sunset date or exit strategy (best management practices) upon the expiration of the GMP; and
- (10) Ability for the NPS to receive, exchange, or otherwise acquire state lands. Generally, OHA opposes the disposition of state "ceded" lands. If a land transfer is to be proposed, OHA or a Native Hawaiian governing entity should be given first right of refusal in all NPS land negotiations and transfers (donation, exchange, or other legal means).⁸

⁷ Parker, Patricia L., Thomas King, Bulletin 38: *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (1990; Rev. 1992; 1998).

⁸ This "first right of refusal" proviso for OHA represents preservation in, among other things, promoting the Park's vision for stewardship partners, stabilizing the character and integrity of Moloka'i, protecting the interests of Native Hawaiian nation building initiatives, and recognizing OHA's interests in public land trust lands and ceded lands. Further, it ensures success in the present Kalaupapa model of collaborative partnership between the various public and private landowners. OHA perceives this model's success as largely owing to the fact that Kalaupapa has always been the kuleana of local landowners; therefore, the notion of transferring lands to a Federal entity is anathema to that proven success, and dramatically departs from the well-established character and feeling of this wahi pana.

A. 'A'ohē hana nui ke alu 'ia - No task is too big when done together by all.⁹

OHA commends the NPS for its long-standing commitment and continuing interest in Kalaupapa and its future, and for providing over three-decades worth of investment and improvements, jointly with essential public and private partners,¹⁰ in sharing stewardship responsibilities at this revered wahi pana on Moloka'i.¹¹ This mixed-jurisdiction blend of cooperative agreements and lease agreements between the state partners and NPS has proven the viability of this type of management structure, and reflects our associated values of aloha, kākou and laulima. OHA applauds the efficacy of this collaborative state of affairs where the State of Hawai'i continues to hold ownership to the vast majority of lands.¹²

Ka 'Ohana O Kalaupapa (Ka 'Ohana) is likewise commended for its work in honoring and perpetuating a poignant yet proud legacy, and for establishing programs exemplifying great love and respect. Above all, Ka 'Ohana is recognized for portraying the dignity of all mankind, and for serving justice through advocacy and education while bringing meaning and relevance to the lives of each and every patient ever to have been exiled. OHA is humbled by such a body of work and extends its deepest gratitude and respect for Ka 'Ohana, its kōkua supporters, and the extended family network for their many contributions and unsurpassed dedication and selflessness.¹³ The Memorial¹⁴ will be the culmination of many years of due diligence and is a major milestone, and OHA supports Ka 'Ohana's siting for its construction.¹⁵

The Moloka'i community is also specially recognized for holding steadfast to their traditional and customary legacy, displaying immense patience and understanding, and for their embracing this settlement (or pu'uhonua) in the way of hānai.¹⁶ So little do we learn about the historical connections of the pre-settlement kama'āina, in particular, as well as those from Wailau, Pelekunu and Waikolu in this draft GMP/EIS document, that we hold such omissions as a vital component needing to be researched and studied in order to seek 'ikepono (clarity) for this undertaking. Compromising our people's rightful place in history is not an option.

⁹ Mary Kawena Pukui, 'Olelo No'eau: Hawaiian Proverbs and Poetical Sayings, Honolulu: Bishop Museum Press, Special Publication No. 71.

¹⁰ State of Hawai'i Department of Hawaiian Home Lands, Department of Health, Department of Transportation, Department of Land and Natural Resources; the Hawai'i Conference Foundation; the Catholic Church; and R.W. Meyer, Ltd.

¹¹ In fact, the NPS pays DHHL \$230,000 annually for lease of lands in Kalaupapa, which expires in 2041.

¹² On the main peninsula, the NPS owns 23 acres comprising the property at the historic lighthouse; DLNR (and DOT) owns 7,222 acres; DHHL owns 1,259 acres; R.W. Meyer, Ltd. Owns 77 acres. See, Table 2.1 Landownership in Acres within Kalaupapa NHP in the draft GMP/EIS document for more details.

¹³ In 2009, the OHA Board of Trustees adopted *A Resolution Supporting the Position Statement of Ka 'Ohana O Kalaupapa for the Kalaupapa National Historical Park's General Management Plan (2009)*, as presented by the National Park Service, U.S. Department of the Interior, for Kalaupapa Peninsula. Based on the recent draft GMP/EIS (April 2015), OHA shall exercise its fiduciary duties and consider all perspectives in deriving at balanced solutions that serve the interests of OHA beneficiaries, including input by Ka 'Ohana.

¹⁴ Kalaupapa Memorial Act, Omnibus Public Lands Management Act of 2009, Section 22 authorizes Ka 'Ohana O Kalaupapa to establish a Memorial listing the names of those who were sent to the peninsula because of government policies regarding leprosy. The Kalaupapa Memorial Act was signed into law by President Barack Obama on March 30, 2009.

¹⁵ The former Old Baldwin Boys Home site in Kalawao is the selected location for the Memorial. In 2013, the State Board of Land and Natural Resources granted Ka 'Ohana a 65-year lease.

¹⁶ As in the adoption of a child or loved one.

B. Moloka'i 'Āina O Ka'eha'eha -Moloka'i island of distress.¹⁷

Kalaupapa and the legacy of Hansen's disease patients are inextricably intertwined for all time. Home and final resting place to the over 8,000 Hansen's disease patients exiled there since 1866, Kalaupapa also served for centuries prior the needs of traditional kuleana tenants who subsisted for spiritual purposes, sustenance, health, and sense of identity.¹⁸ Kalaupapa seems to always have been a land of struggle, hope, and survival—and by all accounts that unique significance continues.

Further, Kalaupapa is a respected cemetery of great prominence, perhaps representing the single largest known historic burial site in all the islands. Therefore, the land has served not only as a place for subsistence, but also holds significance as a paradox in pain and pride for families torn apart by the ravages of leprosy. OHA appreciates in advance the NPS respecting our beneficiaries in consultations and recognizing that their genealogies are not always open subjects of discussion.¹⁹ Lastly, given the degree of homage deserving of a place known alternatively as a preeminent sanctified burial ground, any intent on refashioning Kalaupapa into a touted tourism destination would be wholly inadvisable.

C. He Ali'i Ka 'Āina; He Kauwa Ke Kanaka -The land is a chief; humans are its servant—the land has no need for humans, but humans need the land and work upon it for livelihood.²⁰

The meaning here is simple—without the land we are nothing. Given the importance of what these lands represent to us all, we should want to reconcile differences through a process where consensus is desirable. In order to negotiate consensus, it behooves all stakeholders to welcome collaborative decision-making instead of one authority rule.

But ideally, the process should be manageable. By comparison, the statewide public meetings to date have garnered as many vastly nuanced but well-intended positions equal to the number of individual testifiers. Finding one, single acceptable solution given the multitude of opinions in the current process is unreliable; therefore, a much more manageable collaborative process between representative stakeholders (*i.e.*, a task force, advisory board or governing panel) may itself constitute a desirable interim and/or long-term mitigation measure.²¹

OHA respects the NPS's preference for alternative C and pre-judges naught. Unfortunately, in several important areas the lack of detail provided by the draft GMP/EIS precludes this office from issuing informed decisions either in support or opposition. We are aware of organizations, like Ka 'Ohana, who share common interests, but who have traditionally clashed with the NPS over seemingly mutually desirable goals. OHA is no stranger to clashes,

¹⁷ Pukui, 'Olelo No'eau.

¹⁸ Aluli, Emmett, MD, Davianna P. McGregor, Ph.D, 'Āina: Ke Ola O Na Kanaka 'O'iwi Land: The Health of Native Hawaiians.

¹⁹ Hawaiian culture admonishes: Mai kaula'i wale I ka iwi o na kupuna—Do not dry out the bones of the ancestors.

²⁰ Pukui, 'Olelo No'eau.

²¹ See, *e.g.*, Programmatic Agreements (PA), 36 CFR § 800.14(b).

but we would prefer and encourage support for a formal process of collaborative decision-making and rule-making as a means to balance our collective goals and interests.

II. Regulatory Framework

A decision on whether to proceed with a given alternative rests on numerous factors, such as necessity, funding, policy, and the environmental and historic preservation considerations. The NPS is guided by numerous statutory mandates, regulations and Executive Orders with criteria on assessing impacts on the environment, cultural and natural resources, and implementing related mitigation measures.

Given the overlapping jurisdictions at Kalaupapa, as well as federal, state and private landownership, the land use and management actions described in the draft GMP/EIS will require compliance review with, among other things, Hawai'i Revised Statutes (HRS) Chapters 6E & 343, Hawaiian Homes Commission Act of 1920, Clean Water Act, Endangered Species Act, National Environmental Policy Act of 1969, National Historic Preservation Act of 1966, Native American Graves Protection and Repatriation Act, American Indian Religious Freedom Act, Archaeological Resources Protection Act, Resource Conservation and Recovery Act, Executive Order 11990 (Protection of Wetlands), Executive Order 12088 (Federal Compliance with Pollution Control Standards), and Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations). Appendix C of the draft GMP/EIS outlines the numerous compliance review commitments to be scheduled and performed by the NPS in the coming years.

A. Federal Regulatory Context

i. National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) is a primary federal law protecting cultural, historic, and Native Hawaiian resources. Section 106 of the NHPA²² requires federal agencies to assess the potential effects of their proposed undertakings on prehistoric and historic properties (*e.g.*, sites, structures, objects, and traditional cultural properties (TCP)²³) that are listed or eligible for listing on the National Register of Historic Places. If adverse effects are likely within the area of potential effect (APE) for an undertaking, the federal agency is to develop measures to avoid or mitigate any adverse effects to the extent possible.

The proposed NPS land acquisition and boundary expansion is an undertaking that must comply with Section 106. Accordingly, the NPS will be expected to consult the State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation, Native Hawaiian Organizations (NHOs), Ka 'Ohana O Kalaupapa, neighboring private land owners/donors/sellers, and other interested parties, and exercise good-faith efforts to consider and incorporate their comments into project planning. Thus, meaningful consultation under Section 106 will be required for this and future approvals required.

²² 54 U.S.C. § 306108.

²³ See National Park Services Bulletin 38.

Under 36 CFR 800.16(d) of the NHPA regulations, NPS must define an APE, “the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist.” In the draft GMP/EIS, however, it appears that the APE itself involves multiple undefined geographic configuration possibilities, due to various, uncertain land acquisition interests being pursued by the NPS, as well as boundary expansion possibilities. Certain actions in the proposed alternative may also require the investigation of cumulative and indirect impacts. OHA looks forward to participating in future Section 106 consultations with the NPS and other consulting parties.

ii. National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969²⁴ requires that Federal agency decision-makers use all practicable means to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations. Through the law and its implementing regulations²⁵, NEPA provides a mandate and a framework for Federal agencies to consider all reasonably foreseeable environmental effects of their proposed actions and to involve and inform the public in the decision-making process.

Given that the NPS has identified Alternative C as the preferred alternative and anticipates expending federal monies, a review to environmental, cultural landscapes, resources, and traditions must be performed. In addition, assuming that Alternative C becomes a reality, NPS must analyze an exit-strategy if it fails to secure additional leasing terms beyond existing agreements and land ownership, which should identify next steps to be taken should the Park ever terminate for whatever reason.

iii. Endangered Species Act

The Endangered Species Act (ESA) provides broad protection for plants, fish, and wildlife, which have been listed as threatened or endangered in the U.S. or elsewhere and conserves ecosystem on which these species depend.²⁶ Section 9 of the ESA prohibits the unauthorized “take”²⁷ of any endangered or threatened species of fish or wildlife listed under the ESA.

Strict compliance with ESA notwithstanding, native ecosystems would benefit from studies of the impacts to other non-listed but otherwise important species and, therefore, each

²⁴ 42 USC § 4321 et seq.

²⁵ 40 CFR Parts 1500-1508.

²⁶ 16 USC § 1531-1544.

²⁷ “Take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect species listed as endangered or threatened, or to attempt to engage in any such conduct. 50 CFR 17.3. “Harass” has been defined by U.S. Fish and Wildlife Service (USFWS) to mean an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering. *Id.* “Harm” has been defined to mean an act which actually kills or injures wildlife, and may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. *Id.*

prospective draft GMP/EIS configuration (contingent on NPS lands acquired or boundary expansion possibilities) should demonstrate a bona fide interest by investing to protect as many species as possible.

Species possibly living within the proposed alternative management areas include, but are not necessarily limited to, the Green sea turtle (*Chelonia mydas*), Hawksbill sea turtle (*Eretmochelys imbricate*), Hawaiian monk seal (*Monachus schauinslandi*), Humpback whale (*Megaptera novaeangliae*), Spinner dolphin (*Stenella longirostris*), Bottlenose dolphin (*Tursiops truncatus*) and Hawaiian hoary bat (*Lasiurus cinereus semotus*), and other yet unrecorded species. The NPS should undertake comprehensive measures in identifying and developing mitigation measures as thoroughly as practicable.

iv. Executive Order 12898—Environmental Justice

President Clinton issued Executive Order 12898 on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations on February 11, 1994. EO 12898 requires federal agencies to take appropriate steps to identify and avoid disproportionately high and adverse effects of federal actions on the health and surrounding environment of minority and low-income persons and populations.²⁸ All federal programs, policies, and activities that substantially affect human health or the environment shall be conducted to ensure that the action does not exclude persons or populations from participation in, deny persons or populations the benefits of, or subject persons or populations to discrimination under such actions because of their race, color, income level, or national origin. The EO was also intended to provide minority and low-income communities with access to public information and public participation in matters relating to human health and the environment.

Although environmental justice is dismissed by NPS as a topic for detailed EIS analysis, NPS committed to continued consultations and cooperative efforts with affected Native Hawaiian organizations and community in resolving future problems that may occur.²⁹ To this end, OHA asks that good faith efforts be given in outreaching topside Moloka'i families to reestablish the histories associated with kama'āina formerly relocated during establishment of the Hansen's Disease colonies with expansion from Kalawao into Kalaupapa. Due largely to its previous status as a place of avoidance and isolation, these connections with other communities that hold traditional ties to Kalaupapa have not received adequate study or attention.

B. State and Local Regulatory Context

i. Hawai'i Revised Statutes, Chapter 343

HRS Chapter 343 was developed "to establish a system of environmental review which will ensure that environmental concerns are given appropriate consideration in decision-making along with economic and technical considerations."³⁰ When triggered, Chapter 343 requires the development of an environmental review document, an informational document that discloses

²⁹ GMP/EIS p.35.

³⁰ HRS § 343-1.

the effects of a proposed action on the environment, economic welfare, social welfare, and cultural practices, as well as alternatives and impact mitigation for the proposed action. Given the mixed land ownership of Kalaupapa, future land use agreements, leases, and management actions that occur on state lands or require state agency approval, will require Chapter 343 compliance.

In 2000, the Hawai'i passed Act 50, Hawai'i Session Laws, supplementing the State's EIS law to require cultural impact assessments (CIA) whenever an EA or EIS is conducted. The CIA requirement was in response to public outcry and litigation brought on by uninformed decision-making and permitting of projects, and a failure to meaningfully consult on impacts to Native Hawaiian traditional and customary practices and resources. CIAs require, among other things, good faith efforts and analyses to develop informed understandings through identification and mitigation of adverse impacts through outreach and consultation with those poised to be impacted, in addition to those having knowledge or expertise in the subject area/matter.³¹

In future planning studies where NPS GMP implementation requires actions that are subject to state environmental review, OHA asks for analyses of traditional and customary access and gathering rights, ceded lands, and the socio-economic considerations pertaining to OHA's beneficiaries. In addition, the NPS and the responsible state agency are to provide alternatives that include avoidance or mitigation measures that benefit OHA's beneficiary communities on Moloka'i.

ii. *Hawai'i Revised Statutes, Chapter 6E*

HRS Chapter 6E is the Hawai'i law that requires the assessment historic preservation issues and archaeological resources, including iwi kūpuna. Hawai'i Administrative Rules (HAR) §§ 13-275, 13-276, 13-284 and 13-300 provide for rules governing archaeological inventory surveys (AIS), site preservation, and burials. Prior to NPS-initiated action on lands outside of federal jurisdiction, OHA requests that the NPS ensure the necessary archaeological survey plans are developed, with coverage appropriate to the specific action. This translates to extensive AIS planning, consultation, fieldwork, analysis, and reporting, especially if the NPS ventures into expansion outside of the Park's present boundary towards Pelekunu and Hālawā valleys along the northwestern sea cliffs.

iii. *Hawai'i Revised Statutes, Chapter 198D*

Established in 1988, the State Na Ala Hele Trails and Access Program³² is a statewide trail and access program administered by the Hawai'i Division of Forestry and Wildlife (DOFAW). The primary purpose of the program is to ensure adequate public access to coastal and mountain trails and roads. DOFAW has the authority to regulate the use of trails and access for the following purposes: 1) to preserve the integrity, condition, naturalness, or beauty of the trails or accesses; 2) to protect the public safety; or 3) to restrict public access to protected or

³¹ See, *infra*, section on "Community Plans" concerning potential sources for much needed CIA informants. For example, given the passing of many cultural historians through the course of time, the 2001 Moloka'i Community Plan (rev. 2012) reports on important policy matters locally.

³² HRS Ch. 198D.

endangered wildlife habitats, except for scientific or educational purposes. There are a number of trails associated with peninsula, and the designated management alternative chosen (although undecided at the time of this writing) will determine the quality of traditional and customary access and gathering rights analyses.

iv. *Community Plans*

The *Moloka'i Community Plan* (2001) accounts for one of the nine plans for Maui County but shares a vision comparable to interests of Kalaupapa, and should provide guidance to topside Moloka'i beneficiaries, notwithstanding the fact that Kalaupapa is not a municipality of Maui County.³³ Covering issues unique to these rural, 'ohana-oriented communities, each plan outlines goals, policies, and implementing actions designed to educate decision-makers on the pressing concerns and priorities.

One common goal concerns the environment and policy measures to protect and enhance land, water, and marine environmental resources and to perpetuate resource values which may be enjoyed and respected by future generations of residents and visitors. There is broad emphasis concerning cultural resources and goals to identify, preserve and where appropriate, restore and promote such cultural resources and practices which reflect the rich and diverse heritage found on Moloka'i as a whole.

The NPS should consider these community goals to guide management and decision-making. With the passing of time, these rural communities suffer greatly with the loss of each and every kupuna. Thus, it becomes increasingly important that as many local sources be consulted, including topside community members, many whom have strong connections to Kalaupapa's past, present and future. Community benefits packages are alternative mitigation measures to be considered.

III. Traditional and Customary Native Hawaiian Rights and Practices

In *Public Access Shoreline Hawai'i v. Hawai'i County Planning Commission (PASH)*,³⁴ the Hawai'i Supreme Court, recognizing over 150 years of court decisions validating the existence of Native Hawaiian traditional and customary rights as part of the State's common law, reiterated that:

The State is obligated to protect the reasonable exercise of customarily and traditionally exercised rights of Hawaiians.³⁵

A. Protection of Native Hawaiian Traditional and Customary Practices within Kalaupapa National Historic Park

The perpetuation of traditional and customary practices on Moloka'i is particularly significant to the Native Hawaiian community. The island of Moloka'i, historically known as

³³ Kalaupapa peninsula falls under the jurisdiction of the State Department of Health as Kalawao County.

³⁴ 79 Hawai'i. 425, 903 P.2d 1246 (1995).

³⁵ *Id.*

“Āina Momona” (Abundant Land or Land of Plenty), which refers to the bounty of food that was produced on its fertile lands, is one of Hawai‘i’s few communities that has managed to continue, unbroken, the traditions and customs of Native Hawaiian culture following the post statehood development boom, which led to the displacement of Native Hawaiians from their ancestral lands and traditional gathering places across the state.³⁶ While much of Hawai‘i’s resources are no longer momona (rich), Moloka‘i’s Native Hawaiian community continues to rely upon the abundant resources found on the north shore of Moloka‘i, for a significant portion of their food. A 1994 report issued by the Governor’s Moloka‘i Subsistence Task Force (Task Force) found that Native Hawaiians on Moloka‘i identified that they engaged in fishing, ocean gathering, and forest and stream gathering within the current boundaries of the Park. Without subsistence as a major means for providing food, Moloka‘i’s Native Hawaiians would be in a dire situation as subsistence harvesting provides a substantial amount of their food, and compensates for lower incomes. In addition, subsistence practitioners on Moloka‘i have been vital in the persistence of traditional Hawaiian cultural values, customs, and practices in Hawai‘i.

Accordingly, OHA requests that the GMP include specific policies and guidelines that acknowledge, reflect, support, and encourage the ability of Native Hawaiians to continue exercising their traditional and customary practices which are recognized by Hawai‘i’s constitution, statutes, and common law.

B. Protection of Native Hawaiian Traditional and Customary Practices in Proposed Boundary Extension of the Kalaupapa National Historic Park

As with traditional and customary practices within the Park, OHA seeks to ensure that any proposed external boundary modification does not adversely impact the ability of Native Hawaiians to continue their traditional and customary practices. The 1994 Task Force also found that Native Hawaiians on Moloka‘i identified that they engaged in fishing, ocean gathering, forest and stream gathering, and raising animals in the areas identified by the GMP/EIS for proposed Park expansion. Updated data from 2014 found that Native Hawaiians continue to use the area in the proposed expansion of the Park for traditional subsistence methods identified by the Task Force, as well as for religious and ceremony practices.³⁷ As before, OHA respectfully requests that any acquisition of land expressly acknowledge, reflect, support, and encourage the ability of Native Hawaiians to continue exercising their traditional and customary practices which are recognized by Hawai‘i’s constitution, statutes, and common law. Specific policies and guidelines should also be included in the GMP/EIS itself.

IV. Ceded Lands Considerations for Proposed and Continued Dispositions of Public Land within Kalaupapa National Historic Park

OHA is acutely aware of the NPS’s desire to retain a management presence on Moloka‘i through agreements and possible acquisition; however, OHA requests a rational approach and

³⁶ Davianna Pōmaika‘i McGregor, *Nā Kua‘āina Living Hawaiian Culture* (Univ. of Haw. Press, 2007) at 193.

³⁷ Malia Akutagawa et al., *Traditional & Customary Practices Report for Mana‘e, Moloka‘i: Traditional Subsistence Uses, Mālama Practices and Recommendations, and Native Hawaiian Rights Protections of Kama‘āina Families of Mana‘e Moku, East Moloka‘i, Hawai‘i* (January 2015 Working Draft).

discussion on the alternatives. Currently, the draft GMP/EIS is exploring possible land acquisition for the NPS, but the analysis for why this could be desirable is lacking.

OHA opposes any proposed donation or sale of state lands to NPS for the Park. A substantial portion of the Park constitutes former Hawaiian Kingdom Crown and Government lands “ceded” to the United States after the illegal overthrow of the Hawaiian Kingdom, “without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government[.]”³⁸ The Park enabling legislation authorized the Secretary of the Interior to acquire lands owned by the State of Hawai‘i within the boundaries of the Park by donation or exchange, and with the consent of the state.³⁹ According to the draft GMP/EIS the NPS would be open to exploring acquisition options if the state was interested. However, given that Native Hawaiians have never relinquished their claims to these lands, OHA maintains that the state cannot diminish the ceded lands corpus until the Native Hawaiian people’s claim to ceded lands has been resolved.

Moreover, OHA suggests that once the resident patient community no longer resides in Kalaupapa, other possible and more appropriate uses of the ceded lands should be considered. One of the main purposes of the Park is “to provide a well-maintained community” so as to allow the Kalaupapa Hansen’s disease patients to “remain at Kalaupapa as long as they wish.” Congress specifically required the Secretary of the Interior to reevaluate the management, administration and public use of the park once the resident patient community no longer exists. Yet, Alternative C, the GMP/EIS preferred alternative, specifically anticipates NPS continuing its management, administration, and use of the state owned “ceded” lands. OHA agrees that the continued use of these “ceded” lands should be reconsidered at that time, including uses more desirable or beneficial to the Native Hawaiian people or anticipated Hawaiian governing entity.

V. Public Land Trust Considerations for Proposed and Continued Dispositions of Public Land within Kalaupapa National Historic Park

The state lands that comprise the Park are also classified as public land trust lands, established by the Admission Act of 1959, section 5(f), and as such the State should be ensuring proper management and use of these lands consistent with their obligations. OHA notes that as trustees, relevant state agencies, including both the BLNR and the DOT, have fiduciary duties as trustees of the public land trust regarding the disposition and management of public land trust lands within the Park. These duties include “the obligation . . . to administer the trust solely in the interest of the beneficiary;” and “undivided loyalty and good faith to all public land trust beneficiaries.”⁴⁰ OHA notes that the NPS has made substantial investments which has facilitated the patients’ ability to remain at Kalaupapa, and resulted in a more sustainable and energy independent Park. The Park’s recycling, composting, and minimal waste programs and policies have also clearly contributed to minimized adverse impacts to the area’s natural and historical

³⁸ Apology Resolution, Pub. L. No. 103-150, 107 Stat. 1510 (1993).

³⁹ An Act to Establish the Kalaupapa National Historical Park in the State of Hawaii of 1980, Pub. L. No. 96-565, 94 Stat. 3321 (1980).

⁴⁰ Office of Hawaiian Affairs v. Hous. & Cmty. Dev. Corp. of Haw., 117 Hawai‘i 174, 194, 177 P.3d 884, 904 (2008) (citing Ahuna v. Dep’t of Hawaiian Home Land, 64 Haw. 327, 338, 640 P.2d 1161, 1168 (1982)).

resources. However, OHA suggests further discussions occur between the NPS and the BLNR and DOT consistent with the state's obligations.

While the NPS has conducted meetings with the community regarding the future of Kalaupapa, the BLNR and the DOT should independently consider whether it is in the best interest of public land trust beneficiaries to continue to participate in the Cooperative Agreement with the NPS once the residential patient community ceases to exist. One of the main purposes of the Park is "to provide a well-maintained community" so as to allow the Kalaupapa patients to "remain at Kalaupapa as long as they wish." Once the needs of existing residents are no longer a consideration, which is likely soon given that the average age of the patient resident is 77 years old, the state should initiate an independent evaluation of the future management, administration, and public use of the Park. If the best interests of the public suggest alternative management, administration, and/or use of the Park, the terms of the existing cooperative agreement between BLNR and NPS authorizes the BLNR to terminate the agreement before its 2029 expiration. Therefore, the BLNR and the DOT should begin discussions with trust beneficiaries, including the Moloka'i community, to determine what is the best use of the public lands in Park once there is no longer a residential patient community.

VI. Express Prohibition of Acquisition of Private Land in Proposed External Boundary Modification by Condemnation or Eminent Domain

Finally, OHA requests that there be an express prohibition by the NPS that the federal government will not acquire through condemnation or eminent domain any private lands proposed to be included in the external boundary modification. While P.L. 96-565 does not authorize the Secretary of the Interior to acquire property within the boundaries of the Park through condemnation or eminent domain, it is not clear if the federal government or the Secretary of Interior has other legal authorities to use condemnation or eminent domain to acquire lands to extend the Park. OHA notes that some of the parcels identified for inclusion in the proposed external boundary modification in Alternative C are owned by Native Hawaiian 'ohana who may not wish to sell their land or have it included in the NPS system. Some of the 40 privately owned small parcels near the outlet of Pelekunu Stream, which are identified for possible inclusion in an external boundary modification, are kuleana lands and other important lands owned by Native Hawaiian 'ohana. Kuleana parcels are houselots and lands that were cultivated by the maka'āinana and awarded pursuant to the Kuleana Act of 1850. For a variety of reasons, including condemnation, forced sales, social, political, and economic stress and environmental conditions, many of the land held by Native Hawaiians, including kuleana lands, were not retained by the families. This includes lands originally held by Native Hawaiians in the Park's current boundaries.⁴¹ As a result, kuleana lands that have endured are held in high regard, and are often significant as "family lands" which hold deep cultural and historic value, and symbolize an individual's connection to the land and ancestral right to belong to a certain place.

Accordingly, OHA recommends that the GMP/EIS indicate that if a private landowner does not wish to sell their lands to the NPS, the federal government will not acquire the land via

⁴¹ Lands in Kalawao and Kalaupapa were purchased, including through condemnation to acquire the property now within the boundaries of the Park. Davianna Pōmaika'i McGregor, *supra* note iv, at 201-203.

condemnation or via eminent domain as it may deprive and 'ohana of their connection to their ancestral land.

VII. Conclusion

OHA appreciates this opportunity to provide comments for the *Kalaupapa National Historical Park Draft General Management Plan and Environmental Impact Statement*, dated April 2015. In summary, we find that the full range of compliance review topics needing to be evaluated and reported out for public review and comment—as set forth in the extensive comments above—are incomplete at this stage.

We look forward to review of the final EIS, with changes made to address the public comments provided on the draft DMP/EIS. We shall also look forward to further consultations, stakeholder group meetings, and receiving and reviewing the various action-specific implementing plans and studies, as the NPS moves forward with its management efforts.

During the interim, OHA and its beneficiaries look forward to the upcoming consultations, and again we implore the NPS to provide for a more collaborative advisory group approach in developing solutions that are beneficial to stakeholders. Given the preliminary status of this draft GMP/EIS, and the absence of required analyses reporting, it is premature to render any approvals at this juncture. Please feel welcome to contact my staff Jerome Yasuhara at (808) 594-0129 or by email at jeromey@oha.org should there be any concerns or questions.

'O wau iho nō me ka 'oia 'i'o,



Kamana'opono M. Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer

KC:jy

C: OHA Board of Trustees
State Department of Health
State Department of Hawaiian Home Lands
State Department of Land and Natural Resources
State Department of Transportation
Ka 'Ohana O Kalaupapa



KALA GMP, NPS <kala_gmp@nps.gov>

Kalaupapa National Historical Park GMP Comments

1 message

Cheryl Reeser <[REDACTED]>

Mon, Jun 8, 2015 at 7:55 PM

To: KALA_GMP@nps.gov

Please see comments attached.

Mahalo.



CReeser KNHP GMP Comments 20150608.pdf
44K

Cheryl Reeser



June 8, 2015

SUBMITTED VIA EMAIL to KALA_GMP@nps.gov

Kalaupapa NHP GMP/EIS
National Park Service
909 First Avenue, Suite 500
Seattle, WA 98104

Subject: Kalaupapa National Historical Park General Management Plan Comments

To whom it may concern:

This letter is written to comment on Kalaupapa National Historical Park's proposed General Management Plan. I am the great, great granddaughter of a Kalaupapa patient who was banished to Kalaupapa for the remainder of her life, removed permanently from her loved-ones.

My concerns with the General Management Plan (GMP) are as follows:

1. Ka 'Ohana O Kalaupapa has been pivotal in this process over the past 12 years and have the strong support of Kalaupapa family members. They should be specifically and prominently named in the GMP as a long-term partner to Kalaupapa National Historical Park. In addition, the Position Paper submitted by Ka 'Ohana O Kalaupapa in 2009 should be included in the GMP documentation, including all written comments received by Ka 'Ohana O Kalaupapa since 2009.
2. Ka 'Ohana O Kalaupapa should be allowed to fill vacant seats on the Kalaupapa National Historical Park Advisory Commission. In addition, vacancies should be posted online with preference given to family members.
3. Rather than using tax-payer funds to develop new outreach and education programs, the National Park Service (NPS) should utilize and support existing Ka 'Ohana O Kalaupapa outreach and educational programs. These programs have been well-received and are award-winning and it makes more sense to further develop these programs rather than to duplicate something that is already working.
4. The Kalaupapa Memorial should be more prominently presented in the GMP as a significant addition to Kalaupapa National Historical Park.
5. The history of Kalaupapa National Historical Park should continue to be the priority of NPS staff. If additional land will be added to the park, additional NPS staff will be needed so current staff can continue to preserve and educate Kalaupapa's history rather than manage additional acreage.
6. Homesteading of Kalaupapa should be included in the GMP with a plan for NPS and the Hawaii Department of Hawaiian Home Lands to engage in the discussion.
7. Kalaupapa family members and Native Hawaiians should not be considered "visitors" of Kalaupapa National Historical Park. In addition, Native Hawaiian access rites need to be recognized.

Mahalo for your consideration.

Best regards,



Cheryl Reeser



KALA GMP, NPS <kala_gmp@nps.gov>

The Kalaupapa GMP/EIS - Comments

1 message

Kahu Kaleo Patterson <[REDACTED]>

Mon, Jun 8, 2015 at 10:46 PM

To: "KALA_GMP@nps.gov" <KALA_GMP@nps.gov>
[REDACTED]

The Kalaupapa GMP/EIS,
National Park Service,
909 First Avenue South, Suite 500, Seattle 98104

KALA_GMP@nps.gov

To: NPS Kalaupapa GMP
From: Rev. Dr. Kaleo Patterson

Re: GMP

Regarding the proposed General Management Plan for Kalaupapa, by National Park Service, I support Alternative C with emphasis on minimum access and maximum stewardship of historical, cultural, and natural resources. However I also support a determined cap on the total number of visitors per day to be calculated through evaluation of best practices and periodic agreement of major partners and community interests.

Kalaupapa is very special as a place inclusive of its land, history and people. Topistics is a word coined by sociologist E. V. Walter in his book, *Placeways: A Theory of the Human Environment*. As a response to the collective amnesia about the importance of place in modern life, Walter calls for "a non fragmentary theoretical framework to grasp the whole experience of space and place." The General Management Plan should be a major effort to grasp the whole experience of space and place, and include ideas and theories of topistics. Over the years, it is noted, the concern of millions of visitors over the years having impacted the unique historical cultural and wholistic value of Waikiki, to a different place today, a place that has lost it's sense of place. May this not be the case with Kalaupapa. The controlled access, use, and total numbers of visitors, with evaluation, will be very critical to Kalaupapa preservation and protection and management.

Spirituality and religious significance will no doubt evolve as a result of open access, and one concern will be to have the whole story, and many stories told about the place Kalaupapa, and the totality of the human experience from varying perspectives but ultimately a perspective that lends itself to the good of all humanity and the dignity of life. In this the role of the Kalaupapa Ohana as a recognized partner is vital, in the work that they do to research and tell the stories, and link families with histories and burial sites, and work with the families in their grief and reconciliation. It is important for NPS and the Proposed GMP to indicate its support and critical partnership with the Kalaupapa Ohana and in particular the proposed Memorial to honor the 8000 plus patients, currently being designed and soon to be constructed. The GMP should reference this eventuality, and support it's development. As such the General Management Plan should include special provisions for the Kalaupapa Ohana and member families to access.

*Ka 'Ohana O Kalaupapa is barely mentioned in this lengthy document. NPS needs to form a long-term partnership with the 'Ohana and look to the Ohana for advice. Please have this explicit language included in the GMP.

*The 'Ohana has already created and made successful programs to help families reconnect with their ancestors, reach out to schools, conduct public presentations and develop educational exhibits — all programs that NPS now proposes to do. I would hope the NPS would support the programs the 'Ohana has already established rather than duplicate them. Acknowledgement in the GMP is not without merit, and should be included.

*The Kalaupapa Memorial should be included in all alternatives — again, it is barely mentioned. More information

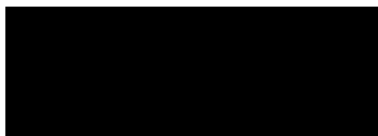
is important on this as a major program initiative of Kalaupapa.

Thank you for your considerations. These recommendation are strongly encouraged.

Us mau Ke ea o ka Aina I ka Pono!

Rev. Dr. Kaleo Patterson, Chaplain
The Iolani Guild
The Episcopal Church of Hawaii

President, the Pacific Justice and Reconciliation Center



Sent from my iPhone

Kaleo Patterson



KALA GMP, NPS <kala_gmp@nps.gov>

Comments re: General Management Plan for Kalaupapa

1 message

Patty <[REDACTED]>
To: "KALA_GMP@nps.gov" <KALA_GMP@nps.gov>

Mon, Jun 8, 2015 at 8:09 PM

To whom it may concern:

I recently obtained a copy of the proposed General Management Plan (GMP) for Kalaupapa and would like to provide some feedback particularly with regard to the outreach programs discussed in the plan.

Over the last few years, I developed a personal interest in Kalaupapa after discovering that my 3x great grandfather, John Ernstberger, who immigrated here from Germany and married a Hawaiian woman, was a resident there in the mid-1800s. For many years, I searched for the proverbial "needle in a haystack." I spent many hours researching on the Mormon Church website (Family Search). I used clues gathered from a letter written by my great-great aunt, which provided information about her family and explained John's relocation to Moloka'i presumably to work with the patients there. Finally, I stumbled quite by accident one day upon the book "Kalaupapa" by Anwei Law, who worked closely with Ka 'Ohana O Kalaupapa to research and document the history of the settlement, and was thus able to realize my dream of finding the names of my great-great-grandparents, John and Luka Ernstberger.

After discovering their names in her book, I sent an inquiry to Ms. Law asking if she could provide me with additional information about them. She responded the very next day that John Ernstberger was actually admitted as a patient to Kalawao on October 18, 1868 and died there on January 3, 1875. His wife, Luka, relocated with him, though we were unable to confirm if she too had the disease or went as his kokua (helper). Although I decided to email Ms. Law, I frankly didn't expect a response. I had no idea how great an interest she and others would take in helping families, like mine, make connections with their families in Kalaupapa! Ms. Law then put me in touch with Valerie Monson of the Ka 'Ohana O Kalaupapa who confirmed for me all the information initially provided by Ms. Law and also shared that John worked as a blacksmith there and that he and his wife went on to have another child while living there. John is apparently buried there, but Ms. Monson suspects he is buried in an unmarked grave in an area where many other patients are also buried. These two ladies have been so helpful and I am eternally grateful!

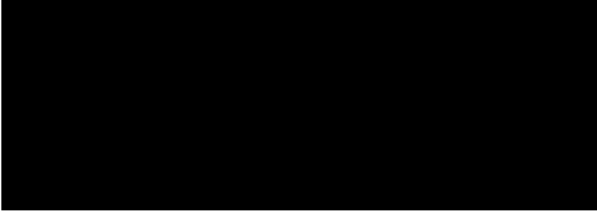
My point in providing all this background is simply to emphasize that Ms. Law and Ms. Monson, both of whom are associated with the Ka 'Ohana O Kalaupapa, have been very responsive to the families of Kalaupapa patients and have thus helped subsequent generations connect with their ancestors. If not for their assistance, I would never have found my Moloka'i family.

The services they provide, the responsiveness they demonstrate and the caring and concern they display are invaluable in nurturing the spirit of Kalaupapa and in ensuring our ancestors are never forgotten. Since their inception, the 'Ohana has initiated many outreach programs to educate the public about the history and the people of Kalaupapa through public meetings, traveling exhibits, and partnerships with educators in both the public and private schools. Their "Restoration of Family Ties" program has helped more than 500 families, myself included, to reconnect with their ancestors.

I was surprised and disappointed to see that the GMP does not even mention the programs Ka 'Ohana O Kalaupapa has implemented, but proposes instead that the National Park Service develop its own outreach programs. As the saying goes, "If it ain't broke, why fix it?" It seems to me that, rather than excluding Ka 'Ohana O Kalaupapa, it would benefit NPS to form a partnership with them and tap into their expertise. The 'Ohana board is comprised of Kalaupapa residents, family members and friends, many of whom are Native Hawaiians. It would seem that these folks would have the best interests of Kalaupapa at heart and so their voices should be heard. To develop NPS-specific outreach programs would be a duplicative effort that is totally unnecessary because the types of programs needed already exist. The 'Ohana could continue to run the programs they currently have in place and, as a non-profit organization, there would be no additional cost to you as a government agency or to

taxpayers like me. They could continue to be the front line of contact with family members searching for their ancestors because they have a personal interest in connecting with families. Their caring and concern is truly evident in their actions, as I hope my story demonstrates. I hope you will consider giving them a voice in this plan to preserve and promote the culture of Kalaupapa.

Thank you for your time and consideration.
Patricia L. (Patty) Shimomoto



Sent from my iPad



KALA GMP, NPS <kala_gmp@nps.gov>

Shannon Crivello

1 message

Shannon Crivello <skaaliiloa@yahoo.com>
To: "KALA_GMP@nps.gov" <KALA_GMP@nps.gov>

Mon, Jun 8, 2015 at 11:01 PM

Shannon Crivello

Comment on Kalaupapa GM Plan:

Culture industries, such as tourism, are undergoing global restructuring through the proliferation of new legalities accompanied by new social relations. Some segments of the tourist industry have moved away from what was labeled "mass" tourism, in favor of "alternative" or "eco- tourism" (Butler, 1992:33). Eco-tourism, from the industry's stand point, produces "forms of tourism that are consistent with natural, social, and community values and which allow both host and guest to enjoy positive and worthwhile interaction and shared experiences" (Smith and Eadington, 1992:3; also see Pearce, 1980:viii; Gonsalves, 1987). These forms of tourism are taking shape in industry and/or government sponsored development policies that re-present the topography and ethnography of potential tourist destinations in stereotyped ways: the romanticized "pre-modern" world, spared from commercial development and run by local people; the "native," "authentic" and "indigenous" people and environments; and the opportunity for tourists to experience local life "without causing disruption to it." However, this restructuring is not homogeneous, centralized or without its own contradictions to manage. Indeed, the politics of global preservation and indigenous identities have simultaneously produced fragmented development policies and a new plurality of regulatory practices in local contexts.

Cultural Tourism and Eco-Tourism are forms of tourism that are undergoing global restructuring through the proliferation of new legalities accompanied by new social relations. Some segments of the tourist industry have moved away from what was labeled "mass" tourism, in favor of "alternative" or "eco- tourism" (Butler, 1992:33). Eco-tourism, from the industry's stand point, produces "forms of tourism that are consistent with natural, social, and community values and which allow both host and guest to enjoy positive and worthwhile interaction and shared experiences" (Smith and Eadington, 1992:3; also see Pearce, 1980:viii; Gonsalves, 1987). These forms of tourism are taking shape in industry and/or government sponsored development policies that re-present the topography and ethnography of potential tourist destinations in stereotyped ways: the romanticized "pre-modern" world, spared from commercial development and run by local people; the "native," "authentic" and "indigenous" people and environments; and the opportunity for tourists to experience local life "without causing disruption to it." However, this restructuring is not homogeneous, centralized or without its own contradictions to manage. Indeed, the politics of global preservation and indigenous identities have simultaneously produced fragmented development policies and a new plurality of regulatory practices in local contexts.

Cultural Tourism, Eco-Tourism and Institutional Tourism are forms of tourism that are undergoing global restructuring through the proliferation of the new legalities and changes in laws, jurisdiction, and legislation from the County level, the State level, the Federal level, including Kingdom Laws under Constitution of Indigenous Native Hawaiian Nation and/or a Sovereign independent government under Federal Recognition or Self Independence, accompanied by new social relations with the host Native Hawaiian culture, the patient community and its families past and present, land owners (State entity and, Crown Lands, Ceded Lands, Private land owners, and non profit organizations and the Island Community of Molokai. These forms of tourism are taking shape in industry and/or government sponsored development policies.

Alternative C is the preferred alternative, however with parts of Alternative B with the concept of creating partnerships within the Parks surrounding communities, organizations, schools and Universities, cultural organization, and more importantly our beneficiaries of our native Hawaiian Communities. This Plan should be geared more towards education, sustainability, stewardship, historical in a sense of all history, from pre patient contact, to the leprosy history, from the rich history of our food resources that our ancestors on Molokai's North shore flourished by farming the land and the sea, this plan lacks that history..it lacks the voice of our native Hawaiian people. If you look at the history of this peninsula from pre-leprosy thru leprosy contact, the common denominator in both history of suffering,,, weather it's contracting the decease or losing their land, and being forced off of the peninsula, is the Native Hawaiian people.⁸ The Native Hawaiian history should be just as important as the Saint Damian, Saint Marianne, and the leprosy history. These lands were put aside for our native people to sustain, to take care and be stewards at the same time,, This Park should be focused on including a Task force of KHNP, O.H.A, DHHL, DLNR, native Hawaiian Beneficiaries, Native Hawaiian community leaders, to come up with a plan of partnering and creating a plan that will benefit our beneficiaries and our native Hawaiian Community, through education, stewardship sustainability, self governance, and economics as who,e for the island of Molokai. This GM Plan should only be focusing on its current boundaries within the park, not extend the boundaries.

In conclusion, the cap of the visitor should be kept at 100, when I say visitor,, the definition of a visitor are the tourist visitor that wants to come in for the day,, no overnight accommodations,, those accommodations should be provided on top side, for the visitor should be using Top side Molokai as the gate way community, to create economics for our local businesses on our entire island,, not just on the peninsula. The definition of a visitor, should not be included to native Hawaiian beneficiaries,, there should not be a cap on the number of native Hawaiian beneficiaries weather it's a lower case (n) native Hawaiian or Office of Hawaiian Affairs definition, all native Hawaiians should not be considered in this cap. Visitors that come for steward ship, volunteer, and community service or educational programs, should have there own cap. The population capacity should be monitored due to the infrastructure and sewage system operation of being able to take in all those intakes and water usage.

Sent from my iPad



KALA GMP, NPS <kala_gmp@nps.gov>

Fwd: J. Arruda Public Comment on Draft GMP

2 messages

Stein Espaniola, Erika <erika_stein@nps.gov>
To: NPS KALA GMP <kala_gmp@nps.gov>

Wed, Jul 1, 2015 at 6:08 PM

Erika Stein Espaniola

Superintendent
Kalaupapa National Historical Park
808-567-6802 x 1100
www.nps.gov/kala



----- Forwarded message -----

From: **McGuire, Kaohulani** <kaohulani_mcguire@nps.gov>
Date: Wed, Jul 1, 2015 at 2:31 PM
Subject: J. Arruda Public Comment on Draft GMP
To: Anna Tamura <anna_tamura@nps.gov>
Cc: Erika Stein Espaniola <erika_stein@nps.gov>, Leslie Kanoa Naeole <leslie_kanoa_naeole@nps.gov>

Hi Anna:

Uncle John didn't make any of the public meetings. When I flew in with him in June he asked me about the plan & wanted to know what the park wanted. He asked me to stop by to talk with him. So basically, I used the newsletter to talk about the main points with him & he commented on his thoughts. It was done after the deadline date but hoping you will still accept it. See attached.

Ka'ohulani

—
Ka'ohulani Mc Guire, Cultural Anthropologist
Kalaupapa National Historical Park
P. O. Box 2222, Kalaupapa, HI 96742
Ofc: 808-567-6802, ext. 1701
Email: Kaohulani_McGuire@nps.gov

To live is to share your life with others,
the reason for being compassionate to all." (Ara Ryokan)



John Arruda Comments on Draft GMP.pdf
1417K

Tamura, Anna <anna_tamura@nps.gov>

Thu, Jul 2, 2015 at 5:01 PM

To: NPS KALA GMP <kala_gmp@nps.gov>

Cc: Leslie Kanoa Naeole <Leslie_Kanoa_Naeole@nps.gov>, Kaohulani McGuire <Kaohulani_McGuire@nps.gov>, Erika Stein <Erika_Stein@nps.gov>

Thanks Ka`ohulani for speaking with John, taking his comments, and sending them to us. We'll incorporate them into the comment record.

Anna

[Quoted text hidden]

—

Anna Tamura

Landscape Architect

National Park Service

Pacific West Region, Park Planning and Environmental Compliance

909 First Avenue, Seattle, WA 98104-1060

(206)220-4157



John Arruda Comments on Draft GMP.pdf

1417K

Kalaupapa National Historical Park

Draft General Management Plan | Environmental Impact Statement
Newsletter #4 | Spring 2015



Comment Form

The National Park Service invites you to share your comments and concerns regarding the *Kalaupapa National Historical Park Draft General Management Plan and Environmental Impact Statement* (GMP/EIS). Comments may be submitted in several ways, including via this postage-paid comment form. Other ways to submit comments are:

Online: <http://parkplanning.nps.gov/kala>

E-mail: KALA_GMP@nps.gov

Mail: National Park Service, Attn: Kalaupapa NHP GMP/EIS, 909 First Avenue, Suite 500, Seattle, WA 98104

Please submit comments by June 8, 2015 or 60 days from the date the EPA notice of filing and release of the draft GMP/EIS is published in the *Federal Register*, whichever is later.

The draft GMP/EIS contains four distinct alternatives for the future management of Kalaupapa NHP. Alternative C has been identified as the NPS preferred alternative. In the space provided below, please tell us if you agree with the preferred alternative, prefer another alternative, or prefer specific elements of any of the other alternatives. You may also provide comments on other sections and elements of the draft GMP/EIS. We hope that you take the time to read and comment on the draft GMP/EIS. Your input is important to us.

See attached comments.

You may use the space at the back of this form or a separate sheet of paper to share other thoughts or ideas. ➡

- ☐ I would like to be placed on Kalaupapa's e-mail list.
- ☐ I would like to be placed on Kalaupapa's mailing list.
- ☐ I would like to be taken off the mailing list.
- ☐ The address you have is incorrect. Please change it to the following:

Name: _____

E-mail (required for e-mail list only): _____

Address: _____

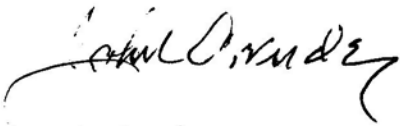
City, State, Zip: _____

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

RE: Comments on preferred alternative and draft GMP

- I think there should be a transition plan for the DOH to transition over to the National Park after the patients are gone. I'd like to see this happen sooner than later. I don't know when it should start and I don't know if the DOH can cover the cost of only four or five of us patients at Kalaupapa.
- Overall, I support the NPS preferred alternative, plan C.
- Re: homesteading: I don't want any disturbance with the land, such as homesteading, because we don't know where people are buried. As for heiaus and cultural sites, I know most Hawaiians respect that, especially the older folks. But I don't know about the young guys.
- I agree with no outsiders coming in to hunt and also no hunting with bow and arrow.
- RE: visitors being able to walk to Kalawao and up to the crater unescorted - not until after the patients are gone. After that, it's up to the NPS.
- My hope is that the NPS will be strict. That's why we asked them to come here and run the whole place because we felt they would be the best ones to protect this place. That's what I want.
- RE: raising the visitor cap to 300 maximum & pass system: after we're gone, the NPS is supposed to handle that. I'm not at all concerned if more than 100 people came per day because I have hope in the National Park that they will do the right thing.
- RE: removing the age restriction and allowing children to visit: Yes, I think children should be allowed to visit so they can be educated and learn about our history. How else are they going to learn? I want my grandson to visit. I'm 91 years old. My grandson is 13 or 14. I don't want him to come for my funeral. I want him to come while I can still take him around and show him things and teach him about what happened here.
- RE: camping: I support the idea of not allowing camping at Kalaupapa. I think that's a good thing.
- RE: extending the park boundary: I'm against it. The NPS was brought here for Kalaupapa and not for those other areas.

Respectfully submitted,



John Arruda
June 18, 2015



KALA GMP, NPS <kala_gmp@nps.gov>

Written Comments for KNHP Draft GMP

1 message

To: "KALA_GMP@nps.gov" <KALA_GMP@nps.gov>

Tue, Jun 9, 2015 at 1:41 AM

Aloha Ms. Stein,

I write now in order to include in written form the comments I made at the Public Comments gathering at the Bishop Museum in Honolulu on May 7, 2015 about the NPS' Draft General Management Plan for Kalaupapa National Historical Park. While I think that it's great to be planning ahead for the future management of KNHP, as you know, Kalaupapa is a very special place and very likely the most unique of all the lands that the Park service manages. It cannot and should not be managed in the same way that the NPS handles others lands under its purview. Part cemetery, cultural landscape, social commentary, health policy, and part human rights story wrapped up in Hawaiian history, the present and future management of Kalaupapa is something that should be undertaken with great care. While there are many parties/stakeholders interested in the future of KNHP, of utmost importance are the families of the patients who lived and died there.

While I did not read the GMP in its entirety, I want to be sure to put in writing my following concerns:

1. Access to my family grave site: I want to be assured that myself and other family members are able to, at any time, have access to visit and pay respects to the Hutchison Family gravesite at Kalaupapa. As I also said at the meeting on May 7th, as a representative of the Hutchison Family I would like to be informed of any changes or modifications to the Hutchison grave marker. I appreciate the NPS' care and concern for the longevity of grave markers at Kalaupapa, but I want to know in advance of any plans for preservation or rehabilitation of the gravesite.
2. Access to & preservation of the Ambrose Hutchison Homestead site at Makanalua: My great-grand-uncle, Ambrose Hutchison, was a person of significance in Kalaupapa's history. He choose to remain at his home in Makanalua even after the settlement moved from Kalawao to Kalaupapa. While the house he lived in is no longer standing, the area is an archaeological site that should be preserved and maintained for future generations to see and understand as playing a role in the history of the Hansen's Disease settlement. I also want to be assured that myself and members of my family have access to visit this site, a place that obviously meant a great deal to my Uncle.
3. A true partnership with Ka 'Ohana o Kalaupapa: The 'Ohana is barely mentioned within the Draft GMP, and this concerns me. I have been involved with the 'Ohana since 2008 and they helped to connect me with finally getting to know my Uncle, and I will forever be grateful for that. The 'Ohana has done wonderful community outreach (which is how I got to know them!) and has spent time and resources educating the public about Kalaupapa. Being that the members are comprised primarily of descendants and patients themselves, it makes sense to partner with an organization that has deep and vested interests in the welfare and well-being of Kalaupapa. The

NPS works with various church organizations who have a presence at Kalaupapa, why not work with the 'Ohana?

4. The Kalaupapa Memorial: The Memorial, to be built at the former Bishop Home for Boys site at Kalawao, is a huge undertaking for the 'Ohana, and when it is built will play a huge part in the future management of KNHP. For a resource with such high visibility and especially serving as a visitor destination to KNHP, it is barely mentioned within the document. Please include and address the NPS' plans for working with the 'Ohana in embracing an including the Memorial in its long-range plans.
5. Keep it small-scale: I understand that the NPS wants to add thousands of acres of lands from Pelekunu Valley and Halawa North Shore Cliffs into its management plans. I think it would behoove the NPS to remember why it got involved with Kalaupapa in the first place, long ago: to help preserve the history of the PEOPLE of Kalaupapa. By taking on additional responsibilities like this, the NPS will spreading itself and its resources much thinner. It is my opinion that the NPS should focus on working with what it has now.

That's it for now. Mahalo again for the opportunity to express to you my concerns. I look forward to continuing the "conversation" with the NPS on this important matter.

Aloha,

Monica K. Bacon

Sent from Windows Mail



KALA GMP, NPS <kala_gmp@nps.gov>

From NPS.gov: Support testimony for Kalaupapa Master Plan

1 message

Tue, Jun 9, 2015 at 2:12 PM

To: KALA_GMP@nps.gov

Email submitted from:

Mailing Address:
Richard (Rikki) Cooke

Aloha, I am writing in support for the Kalaupapa Master Plan. What a long and complete process so many have contributed. Kalaupapa and it's poignant history are so important to all of Molokai. I wish we were closer as an island community.

I have been involved with the settlement since the mid sixties. I stayed down there in the 70's with Tree and Lilian many times. In 1980, I did the National Geographic story on Molokai. At that time I photographed many of the patients with their permission. Uncle John making the dolphins jewelry, the fishing nun, Richard Marie were among the images that happened then. I felt part of the Kalaupapa family. To me honoring this family is so important.

In the latter 80's the patients council decided that the National Park Service was the best organization to carry their legacy and history into the future. In the following years NPS has done a stellar job of caring for and preparing this community for the time after the last patient has passed. This process is yet another example of their fine work and guidance.

I cannot think of a better organization to shepard this community into the future. I think limited visitors visiting the settlement is what the patients would have wanted. I imagine around 200-300/ day would be the maximum. I'm concerned that continued funding from the federal government may not always be there. Opening this area to commercialism and normal tourism would be an utter tragedy. Those in the Hawaiian community who want to cash in on the DHHL lands on the peninsula would be totally dishonoring the sacred history of this place. All who passed away here will be watching, it is so important to do what they requested. That is to complete creating a National Historic Park that will carry and share their history forward.

I would hope that the NPS administration on island would have autonomy to manage the settlement and Makanalua Peninsula in the best manner possible. I would hate to see the management coming from the mainland. Having a local staff that works well with our island is important and a better fit.

In closing my prayer would be that the path and choices for Kalaupapa, would honor this sacred history, and this sacred place. May it always be a place of peace and inspiration that touches all our hearts. Thank you, Richard Cooke, Kauluwai, Molokai



KALA GMP, NPS <kala_gmp@nps.gov>

Fwd: Kalaupapa GMP

1 message

Stein Espaniola, Erika <erika_stein@nps.gov>
To: NPS KALA GMP <kala_gmp@nps.gov>

Wed, Jul 1, 2015 at 6:12 PM

Erika Stein Espaniola

Superintendent
Kalaupapa National Historical Park
808-567-6802 x 1100
www.nps.gov/kala



----- Forwarded message -----

From: **McGuire, Kaohulani** <kaohulani_mcguire@nps.gov>
Date: Wed, Jul 1, 2015 at 2:54 PM
Subject: Fwd: Kalaupapa GMP
To: Erika Stein Espaniola <erika_stein@nps.gov>, Carrie Mardorf <carrie_mardorf@nps.gov>

Hi Erika:

Wearing my Na Pu'uwai hat . . .

FYI, please see Billy's email below. He wanted me to bring this up on the past Monday's 106 phone call but it wasn't the right topic scheduled for discussion & I thought it would be a conflict of interest as I was on the call for the NPS. But know that Na Pu'uwai is interested in doing more to serve Kalaupapa community in the way of health care & education & health screenings, etc. They could be a good partner in the future, especially after DOH leaves. They operate totally off of grant monies. Right now, they send in 2-3 practitioners to do lomilomi for the patients & if there's open spots on their schedule, they will also see kokua. Should NP write a formal letter to the park or is this enough? Auntie Vani (Art's mom) is the Board President.

Thanks,
Ka'ohulani

----- Forwarded message -----

From: **Billy Akutagawa** [REDACTED]
Date: Tue, Jun 23, 2015 at 10:08 AM
Subject: Kalaupapa GMP
To: Kaohulani McGuire <Kaohulani_McGuire@nps.gov>

Aloha Ka'ohulani,

Although I won't be able to participate in the discussion on Monday, June 29th, perhaps as a board member you can relate NP's position.

As a Native Hawaiian Health Care System, the Federal Bureau of Primary Care have given Na Pu'uwai responsibilities for Health Promotion/Disease Prevention for Molokai and Lana(including Kalaupapa). As such, we would like to provide periodic chronic disease screening for both DOH and NPS service workers at Kalaupapa. The resident patients have not access our services because they feel they are provided for by the Department of Health. We have in the past sent personnel down to do evening classes in exercise as well as diabetes management. We fel the service workers are entitled and due screeniongs that will benefit their health and anything else we can offer. Maintaining that connection with Kalaupapa will make sure we do our part in healthservices for all.

Billy



CONSERVATION SERVICES

KEN and DARLENE FISKE

Kalaupapa comments on the Draft Plan

Background

We made our first visit to Hawaii in November 1978, visiting five islands. This included a trip to Molokai prior to any activity by the Nature Conservancy or the National Park Service. On our return trip in the spring of 1979 we took the mule ride down to Kalaupapa, took a patient-led tour of Kalawao, and then returned to Kalaupapa where we met and had a wonderful special tour by Richard Marks. In the fall of 1979 we hiked the trail down to Kalaupapa and were met personally by Richard Marks. He took us on a half-day tour of Kalaupapa and Kalawao as he remembered them. The following year, we began working for the Nature Conservancy's Kamakou Refuge on Molokai under the direction of newly-hired Ed Misaki. The Nature Conservancy of Hawaii honored us for our efforts with their Volunteer of the Year award in 1987.

Due to the need for the natural wildlife refuge planning and maintenance we began working for the U.S. Fish and Wildlife Service. Our work was recognized with the award of Volunteers of the Year for the National Wildlife Service in 2003. We visited Kalaupapa several times by air and continued to work on the sainthood nomination of Father Damien. We became friends with many patients who were still residing in Kalaupapa, which resulted in the permanent establishment of the Kalaupapa art exhibit at the Molokai Cultural Center. The exhibit was done by Robin Pendergrast of Crystal Lake, Illinois, who had personally visited Kalaupapa. Copies of the exhibit were made for Sacred Hearts Church in Honolulu. Robin also used the exhibit to explain Kalaupapa to a Mainland audience by putting on programs called, "Exiles in Paradise" and producing the one-man Father Damien show on the Mainland.

It is with this background and experience that we are making the following comments.

Comments

More information should be made available on Kalaupapa before it became a leper settlement.

Since the National Park Service only owns 24 acres with 2 houses and 4 outbuildings, why is it trying to enlarge its jurisdiction?

Two partnerships should be further explored: Molokai Cultural Center and Museum and the Nature Conservancy of Hawaii.

It is not sensible to try to preserve 250 historic buildings. Only those necessary for interpretation should be saved. Furthermore, the Park Service does not need to increase its holdings and to spend over \$16 million rehabbing portions of the Park which are not needed for interpretation, simply for the purpose of providing housing for an additional 44 members of the National Park Service staff.

Present visitor use restrictions should be continued, however, children under sixteen with adult supervision could be allowed.

The interpretation and education program should have more focus.

Allowing overnight use and letting children play in the area threatens to turn the Park into another Disneyland. This does respect history and is not what we want.

The annual operating costs of over \$6 million per year is unnecessary and an unrealistic, given budgetary pressures.

We are in agreement with improvements to the failing electrical system and the rehabilitation of the Kalaupapa Trail.

The proposed boundary modifications do not reflect the current ownership of land. The planning document should not assume acquisition of Nature Conservancy land and of a privately-owned ranch.

Respectfully submitted,


Ken and Darlene Fiske





United States Department of the Interior



FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawaii 96850

In Reply Refer To:
01EPIF00-2015-TA-0226, and
01EPIF00-2012-TA-0405

JUL 27 2015

Ms. Erika Stein Espaniola
National Park Service
Kalaupapa National Historical Park
Post Office Box 2222
Kalaupapa, Hawaii 96742

Subject: Technical Assistance for the Kalaupapa National Historic Park General Management Plan and Draft Environmental Impact Statement, Kalaupapa, Molokai

Dear Ms. Espaniola:

The U.S. Fish and Wildlife Service (Service) received your correspondence on April 13, 2015 (D18), requesting technical assistance regarding threatened and endangered species, and critical habitat on Kalaupapa National Historical Park (KNHP). The National Park Service (NPS) is in the process of writing a General Management Plan and Environmental Impact Statement (EIS) for the long term management of KNHP; this letter provides advice and guidance on how to minimize the effects of your program on threatened and endangered species, and associated critical habitat. While some work has been done already towards analyzing the effect of your program on threatened and endangered species in the DEIS published by the NPS in April, 2015, we recommend that you analyse the effect of your proposed action on these species and critical habitat in light of the information in this letter and subsequently initiate consultation with the Service in accordance with section 7 of the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.).

The project area includes the lowland areas of the Kalaupapa peninsula, upland into the Waikolu, Waialeia, and Waihanau watersheds, and the offshore islets that are home to the 'Okala and Huelo Sea Bird Sanctuaries. Based on the information you provided and pertinent information in our files, including data compiled by the Hawaii Biodiversity and Mapping Project, there are 37 listed or candidate species in the vicinity of the project area:

Listed Animals and Plants

Hawaiian monk seal (*Monachus schauinslandi*)
Hawaiian hoary bat (*Lasiurus cinereus semotus*)
Green sea turtle (*Chelonia mydas*)

Status

Endangered
Endangered
Threatened

Hawksbill sea turtle (<i>Eretmochelys imbricate</i>)	Endangered
Blackburn's sphinx moth (<i>Manduca blackburni</i>)	Endangered
Pacific Hawaiian damselfly (<i>Megalagrion pacificum</i>)	Endangered
Hawaiian Petrel (<i>Pterodroma sandwichensis</i>)	Endangered
Newell's Shearwater (<i>Puffinus auricularis newelli</i>)	Threatened
Iiwi (<i>Vestiaria coccinea</i>)	Threatened
Molokai Creeper (<i>Paroreomyza flammea</i>)	Endangered
Molokai Thrush (<i>Myadestes lanaiensis</i>)	Endangered
<i>Adenophorus periens</i>	Endangered
<i>Bidens wiebkei</i>	Endangered
<i>Brighamia rockii</i>	Endangered
<i>Canavalia molokaiensis</i>	Endangered
<i>Clermontia oblongifolia</i> ssp. <i>brevipes</i>	Endangered
<i>Cyanea dunbariae</i>	Endangered
<i>Cyenia procera</i>	Endangered
<i>Hedyotis mannii</i>	Endangered
<i>Herperomannia arborescens</i>	Endangered
<i>Hibiscus arnottianus</i> ssp. <i>immaculatus</i>	Endangered
<i>Lysimachia maxima</i>	Endangered
<i>Melicope reflexa</i>	Endangered
<i>Panicum fauriei</i> var. <i>carteri</i>	Endangered
<i>Peucedanum sandwicense</i>	Threatened
<i>Phyllostegia hispida</i>	Endangered
<i>Phyllostegia mannii</i>	Endangered
<i>Plantago princeps</i> var. <i>laxiflora</i>	Endangered
<i>Plantanthera holochila</i>	Endangered
<i>Ranunculus mauianus</i>	Candidate
<i>Scaevola coriacea</i>	Endangered
<i>Schenkia sebaeoides</i> (<i>Centaurium sebaeoides</i>)	Endangered
<i>Schiedea nutallii</i>	Endangered
<i>Sesbania tomentosa</i>	Endangered
<i>Stenogyne bifida</i>	Endangered
<i>Tetramolopium rockii</i> var. <i>rockii</i>	Endangered
<i>Zanthoxylum hawaiiense</i>	Endangered

Critical habitat was designated for plants in the project area in 2003.¹ This includes portions of the northeast coast line of the Kalaupapa peninsula as well as upland into the Waikolu, Waialeia, and Waihanau watersheds. The species and units are listed below. Please use the link included in the footnote to see detailed maps of the units.

Unit 3: *Centaurium sebaeoides* (*Schenkia sebaeoides*) and *Tetramolopium rockii*

Unit 4: *Brighamia rockii* and *Hibiscus arnottianus*

Unit 5: *Brighamia rockii*, *Peucedanum sandwicense*, and *Tetramolopium rockii*

¹ Final rule 68 FR 129820-13141 (2003); <http://www.gpo.gov/fdsys/pkg/FR-2003-03-18/pdf/03-5239.pdf>

Unit 6: *Adenophorus periens*, *Brighamia rockii*, *Cyanea dunbarii*, *Cyenia procera*, *Hibiscus arnottianus* ssp. *Immaculatus*, *Lysimachia maxima*, *Peucedanum sandwicense*, *Phyllostegia mannii*, *Schiedea nutallii*

Furthermore, the Service has proposed a new rule that would modify critical habitat in the project area.² The units and species are listed below. Please use the link included in the footnote to see detailed maps of the units.

Costal Units 3, 4, and 5 (pg. 34655): *Bidens wiebkei*, *Brighamia rockii*, *Canavalia molokaiensis*, *Hibiscus arnottianus* ssp. *Immaculatus*, *Hibiscus brackenridgei*, *Ischaemum byrone*, *Marsilea villosa*, *Peucedanum sandwicense*, *Pittosporum halophilum*, *Schenkia sebaeoides*, *Sesbania tomentosa*, and *Tetramolopium rockii*

Lowland Wet Unit 2 (pg. 34659): *Asplenium dielerectum*, *Bidens wiebkei*, *Canavalia molokaiensis*, *Clermontia oblongifolia* ssp. *Brevipes*, *Cyanea dunbariae*, *Cyanea grimesiana* ssp. *Grimesiana*, *Cyanea solanacea*, *Cyrtandra filipes*, *Lysimachia maxim*, *Melicope reflexa*, *Peucedanum sandwicense*, *Phyllostegia hispida*, *Phyllostegia mannii*, *Plantago princeps*, *Stenogyne bifida*, and *Zanthoxylum hawaiiense*

Lowland Mesic Unit 1 (pg. 34658): *Alectryon macrococcus*, *Asplenium dielerectum*, *Bonamia menziesii*, *Canavalia molokaiensis*, *Clermontia oblongifolia* ssp. *Brevipes*, *Ctenitis squamigera*, *Cyanea dunbariae*, *Cyanea mannii*, *Cyanea procera*, *Cyanea profuga*, *Cyanea solanacea*, *Cyperus fauriei*, *Cyrtandra filipes*, *Diplazium molokaiense*, *Festuca molokaiensis*, *Flueggea neowawraea*, *Gouania hillebrandii*, *Isodendron pyrifolium*, *Kadua laxiflora*, *Labordia triflora*, *Melicope mucronulata*, *Melicope munroi*, *Melicope reflexa*, *Neraudia sericea*, *Phyllostegia haliakalae*, *Phyllostegia mannii*, *Phyllostegia pilosa*, *Santalum haleakalae* var. *lanaiense*, *Schiedea lydgatei*, *Schiedea sarmentosa*, *Sesbania tomentosa*, *Silene alexandri*, *Silene lanceolata*, *Spermolepis hawaiiensis*, *Stenogyne bifida*, *Vigna o-wahuensis*, and *Zanthoxylum hawaiiense*.

Hawaiian hoary bat

The Hawaiian hoary bat is known to occur across a broad range of habitats throughout the State of Hawaii. This bat roosts in both exotic and native woody vegetation and, while foraging, leaves young unattended in “nursery” trees and shrubs. If trees or shrubs suitable for bat roosting are cleared during the Hawaiian hoary bat breeding season (June 1 to September 15), there is a risk that young bats that cannot yet fly on their own could inadvertently be harmed or killed. As a result, the Service recommends that woody plants greater than 15 feet tall should not be removed or trimmed during the Hawaiian hoary bat breeding season. Additionally, Hawaiian hoary bats forage for insects from as low as three feet to higher than 500 feet above the ground. When barbed wire is used in fencing, Hawaiian hoary bats can become entangled. The Service, therefore, recommends that barbed wire not be used for fencing as part of this proposed action.

² Proposed rule 77 FR 34464-34775 (2012); <http://www.gpo.gov/fdsys/pkg/FR-2012-06-11/pdf/2012-11484.pdf>

Hawaiian seabirds

The endangered Hawaiian Petrel and threatened Newell's Shearwater (collectively seabirds) may traverse the project area at night during the breeding season. Outdoor lighting at this project site could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may collide with nearby wires, buildings, or other structures or they may land on the ground due to exhaustion. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable.

To minimize potential project impacts to seabirds during their breeding season, all outdoor lights should be fully shielded so the bulb can only be seen from below bulb height and only used when necessary. Automatic motion sensor switches and controls should be installed on all outdoor lights or lights should be turned off when human activity is not occurring in the lighted area. Any increase in night-time lighting, particularly during each year's peak fallout period (September 15 through December 15), could result in seabird injury or mortality. Nighttime construction should be avoided during the seabird fledging period, September 15 through December 15. If nighttime construction occurs during other times of year, all lighting should be shielded and directed toward the ground to avoid attracting adult seabirds as they travel from the ocean to their breeding areas.

Sea Turtles

The proposed project is within the vicinity of nesting habitat for the endangered hawksbill sea turtle and threatened green sea turtle (collectively sea turtles). Sea turtles come ashore to nest on beaches from May through September, peaking in June and July. Optimal nesting habitat is a dark beach free of barriers that restrict movement. Nesting turtles may be deterred from approaching or laying successful nests on lighted or disturbed beaches. If they do come ashore, they may become disoriented by artificial lighting, leading to exhaustion and placement of a nest in an inappropriate location (such as at or below the high tide line where nests are unlikely to be successful). Hatchlings that emerge from unprotected nests may be disoriented by artificial lighting, move inland instead of toward the ocean, and not make it successfully to the ocean.

To minimize potential impacts to nesting sea turtles that may utilize beaches in the project vicinity, no light from the proposed project should be visible from the beach. We recommend installation of shielded lighting at construction sites near beaches and around shoreline developments. Shielded lights reduce the direct and ambient lighting of beach habitats within and adjacent to the project site. Effective light shields should be completely opaque, sufficiently large, and positioned so that light from the shielded source does not reach the beach.

Aside from nesting, green sea turtles may also haul out and bask on beaches in the project area. During this time they are susceptible to disturbance from people and pets walking on the beach. To minimize potential impacts to basking sea turtles we recommend educating visitors and staff of the following: 1) maintain a 6-10 foot distance, and do not surround the turtle or block its access to the water, 2) do not touch or ride the turtles, 3) do not feed the turtles, 4) keep pets on a leash, and 5) when fishing, we recommend that fishermen use barbless circle hooks and if there is an accidental interaction (hooking or entangling), we suggest assisting the turtle at the time of the interaction if it is safe to do so.

Importantly, the Service consults on sea turtles and their use of terrestrial habitats (beaches where nesting and/or basking is known to occur), whereas the National Marine Fisheries Service (NMFS) consults on sea turtles and their use of off-shore and open ocean habitats. We recommend that you consult with NMFS regarding the potential impacts from the proposed project to sea turtles in off-shore and open ocean habitats.

Blackburn's sphinx moth

The adult moths feed on nectar from native plants including beach morning glory (*Ipomoea pescaprae*), iliee (*Plumbago zeylanica*), maiapilo (*Capparis sandwichiana*). Blackburn's sphinx moth larvae feed upon non-native tree tobacco (*Nicotiana glauca*), which occupies disturbed areas such as open fields and roadway margins, and the native aiea (*Nothocestrum sp.*). To pupate, Blackburn's sphinx moth larvae burrow into the soil near host plants and can remain in a state of torpor for up to a year (or more) before emerging from the soil. In order to assess the project's level of impact to this listed species, we recommend the area be surveyed for the presence of adult and larval host plants by a qualified biologist. To minimize the potential for the project to adversely impact the Blackburn's sphinx moth, we recommend the host plants not be cut or removed and the soil within 10 meters (33 feet) of the host plants not be disturbed.

Threatened and Endangered Plants

There are a number of threatened and endangered plant species in your project area. To assess the possible impact to these plants, a qualified botanist should conduct botanical surveys prior to project implementation to document the distribution and status of listed plant species in the proposed disturbance area. Unavoidable impacts to listed plants can be offset by propagating the listed plants and common native plants and outplanting them to areas that are protected from ungulate browsing, wildfire, competition from invasive species, and other disturbances.

Hawaiian Monk Seal

The Hawaiian monk seal does not fall under the regulatory authority of the Service, but of NMFS. We recommend that NPS consult with NMFS on potential impacts that your project could have on monk seals.

Critical Habitat

Critical habitat for a variety of plant species has been designated along the northeastern coast of the Kalaupapa peninsula as well as upland into the Waikolu, Waialeia, and Waihanau watersheds. The Service recommends avoiding adverse effects to designated critical habitat. Where critical habitat is temporarily impacted, measures to restore and conserve temporarily disturbed areas should be incorporated into project plans. Adverse impacts to critical habitat should be offset with restoration and conservation of critical habitat. We recommend that you analyze the effect of your proposed action on critical habitats especially the effect of increased visitation, ungulate browsing, invasive species spread, and the risk of fire.

Additionally, the Service and NMFS are in the early stages of proposing critical habitat for green sea turtles in Hawaii, which may or may not include some portion of the beaches in your project area. We recommend that you treat beach areas with the understanding that it could become critical habitat in the foreseeable future. If critical habitat is proposed and subsequently designated at KNHP, re-initiation of section 7 consultation will be necessary.

Implementation of these measures will minimize but does not ensure that take of listed species associated with this proposed action will be fully avoided. Under section 7 of the ESA, it is the

Federal agency's responsibility to make the determination of whether or not the proposed project "may affect" each federally listed species and designated critical habitat unit. A "may affect, not likely to adversely affect" determination is appropriate when effects to federally listed species or critical habitat are expected to be discountable (*i.e.*, unlikely to occur), insignificant (minimal in size), or completely beneficial. This conclusion requires written concurrence from the Service (informal consultation). If a "may affect" determination is made, then the Federal agency must initiate formal consultation with the Service (resulting in a Biological Opinion). Projects that are determined to have "no effect" on federally listed species and/or critical habitat do not require additional coordination or consultation. Please contact us if you need further guidance or support in making an effects determination for each species and critical habitat unit.

Thank you for your efforts to conserve listed species and native habitats. Please contact Fish and Wildlife Biologist Dawn Bruns (808-792-9469) or Jon Sprague (808-792-9573) if you have any questions or for further guidance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Bogardus". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michelle Bogardus
Island Team Leader
Maui Nui and Hawaii Island

cc: Dr. Paul Hosten, Chief of Natural Resource Management


KALA GMP, NPS <kala_gmp@nps.gov>

Kalaupapa National Historical park Draft General Management Plan & EIS

1 message

lynn.becones@hawaii.gov <lynn.becones@hawaii.gov>

Wed, Jun 10, 2015 at 3:32 PM

To: KALA_GMP@nps.gov

Cc: lynette.kawaoka@hawaii.gov, brenda.stimpfel@hawaii.gov

Please find attached, comments from the Hawaii Dept. of Transportation, Airports Division on the above subject. Hard copy to follow.

CONFIDENTIALITY NOTICE: This e-mail and any attachments contain information from The State of Hawaii and may contain confidential and/or privileged information. They are intended solely for the use of the named recipient or recipients. Any review, use, disclosure, or distribution of this e-mail by anyone other than an intended recipient is strictly prohibited. If you are not a named recipient, you are prohibited from any further viewing of the e-mail or any attachments or from making any use of the e-mail or attachments. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof from any drives or storage media and destroy any printouts of the e-mail or attachments.

**Kalaupapa.pdf**

122K



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
AIRPORTS DIVISION
400 RODGERS BOULEVARD, SUITE 700
HONOLULU, HAWAII 96819-1880

June 3, 2015

FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

AIR-EP
15.0051

National Park Service
Attn: Kalaupapa NHP GMP/EIS
909 First Avenue, Suite 500
Seattle, Washington 98104

Subject: Kalaupapa National Historical Park Draft General Management Plan and
Environmental Impact Statement

The Hawaii Department of Transportation, Airports Division (HDOT-A) has reviewed the subject report and will continue to support the efforts of the Kalaupapa National Historical Park. However, HDOT-A offers the following comments to clarify some of the statements made in the report:

- Page 85, *Air Access and Kalaupapa Airport*: Beginning on line 12, change to read, "All aircraft in flight over the Kalaupapa peninsula are subject to Federal Aviation Administration (FAA) regulations. The Federal Aviation Regulations (FAR) require air tour aircraft to maintain an altitude of at least **1,500** feet above the ground which also helps minimize the impact of aircraft noise on the NHP. "
- Page 221, *Access and Transportation – Air*: last paragraph, last sentence: Change to read, "The FAA restricts the **capacity of scheduled passenger** aircraft authorized to land at Kalaupapa to nine or fewer." The restriction is one of capacity, not size of aircraft, and applies only to scheduled service.
- Page 222, second paragraph, last sentence: Change to read: "Commercial air tour overflights must comply with FAA rules to maintain a minimum altitude of **1,500** feet above ground level (AGL)." The altitude restriction of 1,500 feet AGL applies only to air tour aircraft. The Federal Aviation Regulations (FAR) specify other fixed-wing traffic must maintain 1,000' over a congested area of a city, town, or settlement, except when necessary for takeoff or landing. Helicopters (except for air tour) may operate lower than 1,000'.
- Page 302, *Chapter 5-Alternative D*: third paragraph, line 15. Please note that although it states consideration is given to allow larger planes with a limit of 20 passengers, the current capacity of the airport is dependent on the runway length and type of aircraft used. Several improvements would need to be made to Kalaupapa Airport prior to beginning scheduled commercial air service with aircraft that seat more than nine (9) passengers.

Thank you for allowing us the opportunity to provide comments on the Draft General Management Plan and Environmental Impact Statement. Should you have any questions regarding the above, please contact Mr. Jeff Chang, Engineering Program Manager, at (808) 838-8835.

Sincerely,



ROSS M. HIGASHI
Deputy Director – Airports

c: Mr. Gordon Wong, Federal Aviation Administration


KALA GMP, NPS <kala_gmp@nps.gov>

Submission of comments

1 message

Blossom Feiteira <blossom96708@yahoo.com>
Reply-To: Blossom Feiteira <blossom96708@yahoo.com>
To: "KALA_GMP@nps.gov" <KALA_GMP@nps.gov>

Thu, Jun 11, 2015 at 2:19 PM

Aloha;

Am submitting my comments for the Draft General Management Plan and Environmental Impact Statement currently under review by the NPS.

I apologize for the tardiness of my submission, our internet service provider was experiencing technical difficulties and I was not able to submit in a timely manner.

Mahalo,

Blossom Feiteira
President, Association of Hawaiians for Homestead Lands.



Kalaupapa.docx
135K

TO: U.S. Department of the Interior National Park Service

FR: Blossom Feiteira
President, Association of Hawaiians for Homestead Lands

RE: KALAUPAPA NATIONAL HISTORICAL PARK
DRAFT GENERAL MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT
STATEMENT

Aloha;

My name is Blossom Feiteira and I serve as the President of the Association of Hawaiians for Homestead Lands (AHHL). We are an advocacy organization created to assist beneficiaries of the Hawaiian Homes Commission Act who are currently waiting for an award to trust lands. In addition, I am a beneficiary of the Hawaiian Homes Commission Act and a descendant of a demised resident of Kalaupapa.

Thank you for the opportunity to provide my comments and recommendations on the Draft General Management Plan and Environmental Impact Statement for Kalaupapa National Historical Park.

Your document provides four alternatives, of which the National Park Service (NPS) identifies a preferred alternative; that is Alternative C.

After careful consideration and research into existing federal legislation, rules and Executive Orders, I find some concern in all of the alternatives except alternative A.

In general, the National Park Service provides the general community with opportunities to experience nature in a way that is educational, safe and environmentally friendly. It also has a distinct purpose to its existence, that is to provide protection and management of natural areas that are unique. The National Park Service System currently has 407 different areas under the NPS system across the continental U.S. Alaska, Atlantic and Pacific accommodating over 292 million visitors in 2015 alone. Kalaupapa, in its entirety, represents one small park that is made up of lands and shoreline that encompasses thousands of acres. However, the National Park itself is exceedingly small; less than 25 acres. Of the acres under management agreements, leases and memorandums, the NPS have established relationships with state agencies and private property owners.

As a beneficiary of the Hawaiian Homes Commission Act, and as the President of an organization working with other beneficiaries, priority concern are those lands currently in trust under the Hawaiian Homes Commission Act. Administered by the State of Hawaii's Department of Hawaiian Home Lands, approximately 1,472 acres establishes its presence in Kalaupapa. Contained within the settlement area and at

Pala`au State Park, these trust lands have played an important role in the care and consideration for the residents of Kalaupapa and their kokua.

The presence of the Hawaiian Home Lands was noticeably silent in all of the alternatives except Alternative C – Preferred Alternative. In that presentation, the NPS states their opposition to any homesteading activity, as, according to comments received during your scoping sessions, homesteading activities are not in keeping with the purpose and intent of the NPS.

I would disagree with your assumptions. As a long time participant of planning efforts of the DHHL, there have been areas of homesteading that required a different approach to homesteading opportunities including the adoption of rules establishing a new waitlist, creation of new homesteading programs, and partnerships with beneficiary based organizations to develop alternative energy, self help housing programs and education and outreach opportunities. Kalaupapa, by its history and legacy can lead to a type of homesteading opportunity that would not only provide the NPS with needed manpower for resource management, but provide opportunities to preserve the legacy that are the memories of the residents. In addition, many beneficiaries are themselves descendants of residents, many of whom were taken away at birth. Their realization that their parents or grandparents were taken to Kalaupapa now compel them to participate in any planning process that will potentially allow them the opportunity to provide care and management of their family's final resting place, and to preserve the place in their memories.

Rather than dismiss homesteading as compatible with the plans for Kalaupapa, NPS should actively work with the DHHL and its beneficiary base for the development of a unique homesteading program for Kalaupapa. DHHL has, in the past, provided for the development of rules and policies that would better serve and address the unique circumstances of homesteading opportunities, including establishing a new wait list, and a new homesteading program.

There is a very unique community “top side” of Moloka`i, many of whom are beneficiaries. In addition to these beneficiaries being on the DHHL waitlist, many of them are also life-long traditional resource management practitioners, carrying the knowledge of their ancestors for generations.

In the plans for resource management at Kalaupapa, having access to this “ancient” knowledge provides the NPS with a very unique opportunity to incorporate these practices in the overall management plan for Kalaupapa. From shoreline management to fisheries, to forestry, wildlife and water management techniques, the people of Moloka`i have long put these philosophies into practice and are recognized statewide as the most active traditional practitioners in the state.

As required by P.L. 96-565, NPS is required to do three things: 1) provide residents first and native Hawaiians with the second right to refusal for economic

opportunities; 2) provide both with employment opportunities; and 3) to provide training for employment opportunities, however nowhere in your document do you outline how the NPS will implement this part of the enabling legislation.

The National Park Service in Kalaupapa is bound by this law to do this. Since your preferred alternative provides for additional staff, it would seem that the NPS currently has or will have a plan to provide these opportunities as they arise. I would recommend that, as part of the GMP, that NPS begin the process to develop that action strategy. It would seem that a marriage of some sort between the NPS and beneficiaries would be beneficial to all concerned.

In regards to statements made in your GMP regarding your lease agreement with DHHL and the costs that may be associated with the departure of NPS, \$40,000,000 seems a bit overreaching, since the NPS association with Kalaupapa has been in place since 1980. To say that DHHL will have to pay for the improvements made by NPS at the stated costs, do not take into consideration the 30 years of your presence there and your use of the same improvements, nor does it take into consideration the years of depreciation.

I believe that there can be a co-existence between the beneficiaries of the HHCA and NPS. More work needs to be done to solidify this relationship.

Another priority concern is the emphasis in the plan for providing for the visitor experience, found in great detail in Alternatives C and D.

At its current state, visitors must be sponsored by a resident, Department of Health (DOH) or the NPS. Visitors are limited to no more than 100 per day, with no visitors under the age of 16 years of age.

Recommendations found in Alternatives C and D provide no specific information on number, only that access would be managed based on policy. Yet, according to the EIS portion of your document, your "pillow count" and housing opportunities, utilities and maintenance needs will allow for a maximum of up to 300 visitors per day.

With the priority for maintaining the environment, ambience, legacy and archaeological sites of Kalaupapa, the recommendations found in Alternatives C and D would be in opposition to your statement. With a vague allusion to the management of visitor numbers based on some management policy not stated in this document, I am led to understand that while there is no minimum, there is certainly a maximum, which, given the propensity to allow for unescorted access would most certainly lead to a systematic degradation of the resources and environment. For, as much as you will purport that education will be provided through orientation activities, and a pass system will be put in place, unescorted access will lead to a casual violation of the restrictions and limitations you may put

in place. Without enforcement in place to ensure compliance, you will find visitors who come for the experience will not adhere to the rules you put in place.

While you have confidence in your ability to engage your visitors in the importance of the place, in my experience, it's those places that create the desire to "go" in an area considered off limits to "see what else is out there".

As the Executive Director of a non-profit cultural preservation organization, I see continuous occurrences when it comes to treasure hunters and "new age" practitioners seeking out special places and items that may convey the spirit of a sacred place.

Secondly, to lift the age limit also presents a potential conflict.

The existing age restrictions may be past its usefulness, as the reason for its implementation no longer exists. However, to allow for children under the age of 16, may present problems. Living in a "tourist destination" provides an insight into how our visitors manage their children, which to our chagrin, does not often happen. Children, just cannot be contained for very long, particularly in an open area, where they can run. In addition, with its cliff sides, trees, cemetery, trails and "rock piles", Kalaupapa provides a temptation that is difficult if not impossible to deny, and presents a very likely scenario for injury. Again, first hand experience with visitors who allow their children to "try" and scale trees, climb an alter or run around in an open space is a natural inclination for the parents to allow. After all, they are on vacation.

There needs to be a limitation of the number of visitors to Kalaupapa. The current limitation of 100 visitors per day should be adhered to, with an age limitation under the age of 12 years of age.

Secondly, there must not be unescorted access into any area of Kalaupapa. Escorts should be provided either with NPS staff or through a Cooperative Agreement with a beneficiary organization or another non-profit partner.

In deference to the families of the residents, there should be at least one weekend each month set aside for families of the residents to attend to their ancestor's final resting place, celebrations and gatherings with no visitors allowed. While the opportunities for overnight visits are allowed now, those overnight visits should also include the descendants during their time at Kalaupapa, and should be part of any activities that would involve restoration, clean up or other activities where additional manpower is needed.

And finally, it is disturbing to see that the work and participation of Ka Ohana O Kalaupapa has been minimized to an extent that they have. After reviewing the document, they are not even listed as a consulting party to the draft plan, and was not afforded any recognition for the last 13 years of intensive work in outreach and

education. As their primary objective was to advocate for the interests of the residents, it is an insult that the organization was treated in such a manner. The work they have accomplished to date has been exemplary, the respect and aloha they have shown to the residents is unquestionable, and their willingness and desire to work with the NPS in the preservation of Kalaupapa is by any measure, outstanding. Yet, the DGMP and EIS chose to not include their commitment and dedication and instead, opts to appropriate their work and assume it as a new introduction of work that the NPS will implement.

The NPS should as a matter of efficiency, focus their efforts on the preservation of Kalaupapa and work with Ka Ohana O Kalaupapa in the area of education and outreach. You are able to do so through either a Programmatic Agreement (PA) or a Cooperative Agreement (CA). This partnership will enable the NPS to garner the much needed community support in your efforts to retain the physical and spiritual environment that is Kalaupapa, expand your ability to share the history of the place, and most importantly for AHHL, to preserve the memories of the residents of this very special place.

In closing, even with the stated concerns, Alternative C is an option that most addresses the management issues that NPS has faced these many years. However, the concerns stated here while applicable in all of the alternatives, they are also most prevalent in Alternative C. As a result, while you are working on the development of the final document, please consider these recommendations.

AHHL extends its appreciation for allowing us to submit our comments on the Kalaupapa National Historic Park Draft General Management Plan and Environment Impact Statement.

Mahalo ia oukou,

/s/

Blossom Feiteira

President

Association of Hawaiians for Homestead Lands



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DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
ACTING DIRECTOR
OFFICE OF PLANNING

Ref. No. P-14769

June 8, 2015

119 State Office of Planning

National Park Service
Attn: Kalaupapa NHP GMP/EIS
909 First Avenue, Suite 500
Seattle, Washington 98105

Subject: Draft General Management Plan and Environmental Impact
Statement
Kalaupapa National Historical Park, Molokai, Hawaii

Thank you for the opportunity to provide comments on the subject Kalaupapa National Historical Park Draft General Management Plan and Environmental Impact Statement to aid the National Park Service in articulating a vision and management plan for Kalaupapa National Historical Park (NHP).

According to the Draft General Management Plan (GMP) and Environmental Impact Statement (EIS), the legislation establishing Kalaupapa NHP specifically directs a reevaluation of park management: "At such time when there is no longer a resident patient community at Kalaupapa, the Secretary shall reevaluate the policies governing the management, administration, and public use of the park in order to identify any changes deemed to be appropriate." Given the declining resident population at Kalaupapa, it is now an appropriate time to consider a new direction for the park.

The State of Hawaii Office of Planning (OP) strongly supports this initiative of the National Park Service (NPS) to establish a management plan for Kalaupapa NHP to protect and maintain the character and historical significance of the park's diverse natural and cultural resources. This site is nationally significant as the first Hansen's disease settlement in American history, and locally significant to the remaining Hansen's disease patients at Kalaupapa and to the family members of the thousands of patients who found refuge at Kalaupapa. If done well, the site also holds the potential for becoming a visitor attraction with attendant economic benefits to the island of Molokai and the State as a whole.

OP offers the following additional comments for your consideration:

1. In the Final GMP/EIS, please indicate any federal, State, or county permits required for the proposed project.

2. The Draft GMP/EIS does not fully address the relationship of the proposed project with State and county plans. We recognize Kalaupapa NHP is located in Kalawao County, a unique jurisdiction designed specifically for the management of the settlement area as a residential medical facility, and is excluded from the planning area of the General Plan and community plan. It would, however, be beneficial for the public and reviewing agencies if the Final GMP/EIS acknowledged the following State and county plans:
 - Hawaii State Plan
 - Maui County General Plan
 - Molokai Community Plan
3. In the Final GMP/EIS, please include the State Land Use District map as well as maps showing the soil quality in the vicinity of the park.
4. Under the preferred alternative, Alternative C, the 100 person per day visitor cap would be removed. While this change would allow easier access to Kalaupapa and provide opportunities for learning and appreciation of Kalaupapa's history and resources, we have concerns that the increased number of visitors to the park may adversely affect the park's natural and cultural resources. As such, we support NPS's efforts to engage new mechanisms to limit the number of visitors per day, if necessary, and to prohibit recreational uses that may not be compatible with the purpose of the park.
5. The Draft GMP/EIS fails to address the goals and objectives listed in the Hawaii State Planning Act, Hawaii Revised Statutes (HRS), Chapter 226. The Draft GMP/EIS, Appendix B: Pertinent Laws, Policies, and Procedure, pg. 349-350, lists all of the applicable federal laws, executive orders, policies, procedures, and state land use regulations applicable to this project. In the Final GMP/EIS, the list of State of Hawaii Land Use Regulations should be amended to include HRS Chapter 226, the Hawaii State Planning Act, better known as the Hawaii State Plan.

The Hawaii State Plan provides goals, objectives, priorities, and priority guidelines for growth, development, and the allocation of resources throughout the State. It contains diverse policies and objectives on topics of state interest including but not limited to, the economy, agriculture, the visitor industry, federal expenditure, the physical environment, facility systems, socio-cultural advancement, climate change adaptation, and sustainability.

This project may be relevant to a number of its themes, goals, objectives, and

policies. These include, but are not limited to, HRS § 226-6 – the economy; HRS § 226-8 – visitor industry; HRS § 226-9 – Federal expenditures; HRS § 226-11 – the physical environment (land-based, shoreline, and marine resources); 226-12 – the physical environment (scenic, natural beauty, and historic resources); HRS § 226-13 – the physical environment (land, air, and water quality); HRS § 226-14 - facility systems; and HRS § 226-25– socio-cultural advancement (Culture).

6. Additionally, the Draft GMP/EIS contains numerous references to climate change and its effects on cultural and natural resources of Kalaupapa. Chapter 3, page 120-121 includes an analysis on sustainable practices and responses to climate change. This section states that decision on visitor use and facility management would be made on a case-by-case basis dependent upon the condition and vulnerability of the resources.

Climate change adaptation, is a priority guideline of the Hawaii State Plan (see HRS § 226-109). The Final GMP/EIS should include an examination of the proposed projects' conformity to this priority guideline. This analysis can be included in a response to the Hawaii State Plan.

7. Many of the topics involving the enforceable policies of the Hawaii Coastal Zone Management (CZM) Programs are included throughout the Draft GMP/EIS, however, the document does not directly address the project's conformity with the Hawaii CZM objectives and policies found in HRS § 205A-2. This project is within the State of Hawaii, as such it must conform to the regulations, objectives, and policies that govern the coastal management area.

HRS § 205A-1 defines the entire state as being within coastal zone management area. Therefore, this project is within the CZM area and must conform to CZM objectives and policies. These objectives and policies include: recreational resources, historic resources, scenic and open space resources, coastal ecosystems, economic uses, coastal hazards, managing development, public participation, beach protection, and marine resources.

HRS Chapter 205A requires all State and county agencies to enforce the CZM objectives and policies. Therefore, the Final GMP/EIS should include an assessment as to how the proposed project conforms to the CZM objectives and its supporting policies set forth in HRS § 205A-2.

8. This project is an action proposed by the U.S. National Park Service, thus requiring evaluation on Federal Consistency requirements. The national Coastal Zone Management Act requires direct federal activities and development projects to be

consistent with approved state coastal programs to the maximum extent practicable. Federal actions are defined by this act as activities performed by a Federal agency or contractor for the benefit of a Federal agency; activities not performed by a Federal agency, but require federal permits or approval; or State and local government projects that receive Federal financial assistance. OP is the lead state agency to conduct this Federal Consistency evaluation.

9. In order to ensure the coastal waters of Kalaupapa remain protected, the negative effects of both natural processes such as stormwater runoff and a wide range of human activities should be considered and mitigated. The Draft GMP/EIS includes an analysis of Water Resources and Hydrologic Processes, which should summarize the area's classification in the State Land Use Districts, its relation to wetlands and perennial streams, the tsunami evacuation zone, and flood zone. These items, as well as nearshore water quality and the area's inclusion in a Marine Protected Area (MPA), should be considered when developing mitigation measures to protect the coastal ecosystem.

OP has a number of resources available to assist in the development of projects which ensure sediment and stormwater control on land, thus protecting the nearshore environment. OP recommends consulting these guidance documents and stormwater evaluative tools when developing strategies to address polluted runoff. They offer useful techniques to keep soil and sediment in place and prevent contaminating nearshore waters, while considering the practices best suited for each project.

These three evaluative tools that should be used during the design process include:

- The Hawaii Watershed Guidance (provides direction on site-appropriate methods to safeguard Hawaii's watersheds and implement watershed plans) [http://files.hawaii.gov/dbedt/op/czm/initiative/nonpoint/HI Watershed Guidance Final.pdf](http://files.hawaii.gov/dbedt/op/czm/initiative/nonpoint/HI_Watershed_Guidance_Final.pdf);
- The Stormwater Impact Assessment (which can be used to identify and evaluate information on hydrology, stressors, sensitivity of aquatic and riparian resources, and management measures to control runoff, as well as consideration of secondary and cumulative impacts to the area) [http://files.hawaii.gov/dbedt/op/czm/initiative/stomwater_imapct/final_storm water_impact_assessments_guidance.pdf](http://files.hawaii.gov/dbedt/op/czm/initiative/stomwater_imapct/final_storm_water_impact_assessments_guidance.pdf);
- Low Impact Development, A Practitioners Guide (covers a range of structural best management practices (BMPs) for stormwater control management,

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roadway development, and urban layout that minimizes negative
environmental impact)
http://files.hawaii.gov/dbedt/op/czm/initiative/lid/lid_guide_2006.pdf

If you have any questions regarding this comment letter, please contact Josh Hekeia, of our CZM Program at (808) 587-2845 or Katie Mineo of our Land Use Division at (808) 587- 2883.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Asuncion', with a stylized flourish at the end.

Leo R. Asuncion
Acting Director

Comment Form:

I have waited a life time for the opportunity to visit Kalaupapa. It was four years ago and through the Sierra Club volunteer program that I was able to make it happen. In that short time, I have made four work trips.

My mahalo nui loa to Kalaupapa National Historical Park service for all you have done and to continue to maintain the history and integrity of this very special place in Hawaii Nei.

Kalaupapa is like no other National Park and therefore a preservation of its history needs to continue. The outreach education programs should be on going for ALL groups and organizations. Daily visitors should also be given an orientation to show respect for this "aina" (land). This is not an amusement park! It's important now to have resident, Ohana and Kamaeina as cultural interpreters to tell the story of Kalaupapa. Extra emphasis should be given to your recycling program.

Alternative B is my choice. KNHP needs to continue to carry out the wishes

of these patients, who have passed on,
and "malama" this "aina" properly.

Their "uhane" continues to live through all
of you who have lived and worked all
these years. Other visitors who have come
through your bus tours, donkey tours
and air tours have certainly been
touched by the history. It is too soon,
in my opinion to implement Alternative C
plan.

Lifting the age limit is too soon.
Perhaps in another 10-12 years you can
gradually open the door. Resident families
and employee children should be allowed
to enter first before it opens to public
access. It gives KNHP time to evaluate
and prepare a better program for
this age change.

In speaking to a few families and
park employees, keeping the limit of
100 visitors per day appear to be a good
number. In the future, the limit could
gradually increase, to continue to keep

control of all visitors. I'm certainly
against them 'walking about' freely on
their own (perhaps in another 20-30 years).
Open your doors slowly and NEVER lose
the spirit of ALOHA for Kalaupapa.

For all the work they have done, I hope
you will include "Ka Ohano 'o Kalaupapa"
as a group or organization to have a voice
in the future planning.

I believe in "lokahi" and its important
for DLNR, Hawaiian Home Lands, OHA, Ka
Ohano 'o Kalaupapa and KNHP sit
together to achieve a successful future
for Kalaupapa.

Alternative C plan has been
carefully researched and covers quite
thoroughly the future of KNHP. It
might be a better plan in 20-30 years.

I am of Hawaiian ancestry who had
family sent to Kalaupapa. Perhaps because
I'm in my '70's, a gradual change to
Kalaupapa is my choice with Alternative B.

Again, mahalo nui loa to the

Kalaupapa NHP service for all that
you are doing to "malama aina" and the
history; for taking care of the "footprints"
left by those before us and for those
who will continue to "walk this path"
in the future.

Aloha pumehana,
Puanani Lindsey Puanani Lindsey



I would like to be placed on
Kalaupapa's mailing list.

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

June 8, 2015

Erika Espaniola
Park Superintendent
Kalaupapa National Historical Park
Post Office Box 2222
Kalaupapa, HI 96742

LOG NO: 2015.01389
DOC NO: 1506JLP11
Archaeology/ Architecture
"more information"

RE: Section: Section 106 – Cultural Resources Management
Agency: National Park Service (NPS), Kalaupapa National Historic Park (Kalaupapa NHP)
Project: Kalaupapa National Historical Park General Management Plan and EIS (GMP/EIS)
Location: Kalaupapa, Makanalua and Kalawao Ahupuaʻas, Kalaupapa District, Island of Molokaʻi

Dear Mrs. Espaniola:

Thank you for the opportunity to comment on the final draft of the Kalaupapa National Historical Park General Management Plan and Environmental Impact Statement (GMP/EIS). We received the formal notification in our Kapolei office on April 10, 2015. The GMP/EIS are the planning documents for proposed management actions within the park for the next 15-20 years. Kalaupapa National Historical Park (Kalaupapa NHP) became a unit of the National Park Service (NPS) in 1980. The total land area of the park is 8,725 acres, and an additional 2,000 acres extends into the ocean. Land within the park boundaries is owned by the State of Hawaiʻi, Departments of Land and Natural Resources (DLNR), Department of Transportation (DOT), Hawaiian Homelands (DHHL), and there is small private inholding at the top of the cliffs.

Kalaupapa NHP first initiated public scoping meetings for the GMP/EIS between March and July of 2009, and developed four preliminary alternatives that were presented to the public between May and July of 2011. The planning documents were informed by an interdisciplinary planning team composed of Kalaupapa NHP staff, subject matter experts associated with the Hansen's disease patient resident community, NPS Pacific West Regional Office planners and specialists, and representatives of the State of Hawaiʻi's partner agencies.

Four alternatives have been proposed for future management of the park, and include: Alternative A: No action, park management in keeping with current management strategy, Alternative B: Similar to Alternative A with limited visitation, Alternative C: the preferred alternative, includes changes in management and visitation, informed by collaborative agreements with park partners, and Alternative D: increased visitation at the park with more emphasis on immersion in park experience. Kalaupapa NHP has presented a determination of effect for each alternative.

Please find below our preliminary comments regarding the draft GMP/EIS as it applies to the preservation of historic and cultural properties. We look forward to consultation with the NPS regarding the findings from the Section 106 process and particularly how consultation informs development of the final plan.

Regarding consultation, we have expressed concern that recently, public meetings were not held on the island of Kaua'i, where at least 2 current patient-residents have strong family ties and many members of the public are connected to the peninsula via cultural experiences, or past family connections. Online webinars cannot be relied upon to reach many community members who are not savvy with this type of technology. Additionally, many people in Maui expressed to the State Historic Preservation Division (SHPD) that they were unable to access the webinar or phone in number.

We support comprehensive planning for the management of the cultural and historical resources within the park and the National Historic Landmark (NHL), particularly in response to natural and human impacts likely to occur within the next 15-20 years. Please find below a list of recommendations related to the alternatives.

1) Cemetery Preservation Plan –

The draft GMP/EIS states that the “cemeteries in Kalaupapa NHP...are important places in the history of Kalaupapa and for the thousands of descendants with ancestors who were exiled at Kalaupapa. As memorials, Kalaupapa’s cemeteries would be cared for with the utmost respect. The NPS would continue active management and care of known cemeteries, including ongoing stabilization and preservation treatments of known gravesites”. We believe that a cemetery preservation plan that includes consultation with the community is integral to care of the graves and must be included in the preferred alternative. We respectfully recommend that previous/ongoing cemetery preservation efforts are well documented and best practices are assimilated into a comprehensive cemetery preservation plan. Park maintenance should be achieved with sensitivity to the potential effects on the large quantity of unmarked graves. We look forward to working with the NPS to review a cemetery preservation plan for Kalaupapa that will address maintenance of the cemeteries, tombstone repair, identification efforts, etc.

Additionally, the draft GMP/EIS states that the “NPS would expand an already active cemetery preservation program, that may include conducting formal investigations to identify and quantify additional gravesites, marking cemeteries and marking gravesites” (p.111). Given the potential and limitations of geotechnical technology, we look forward to working with you towards this end, and towards participating in 106 consultation regarding survey work in this regard.

Prioritizing the cemetery preservation plan should be an immediate goal - SHPD has repeatedly requested additional information regarding cemetery and gravestone maintenance at Kalaupapa National Historical Park. In a letter dated March 17, 2015, we expressed concern that gravestone maintenance was being included in the 2014 streamlined review report (*Log No. 2015.00650, Doc No. 1502MD41*). Also, SHPD had previously asked the park to resolve the adverse effect of using heavy equipment to remove vegetation within Kahaloko Cemetery (*Log No. 2015.00567, Doc No. 1405MN07*). We have not received replies from either correspondence.

2) Traditional Hawaiian Archaeology –

Please emphasize how the final General Management Plan (GMP) will facilitate survey and archaeological documentation in accordance with the Secretary of the Interior’s (SOI) standards and the National Historic Preservation Act Section 110. The lands within Kalaupapa Historical Park, including Waikolu Valley, the Kuka’iwa’a landsheff, and the Kauhakō Crater, contain pristine archaeological features ranging from habitation sites to Heiau, planting and agricultural sites, caves and lava tubes, historic trails, etc. Vast portions of the park have not been surveyed for archaeology, and the park is currently managed to address preservation of those sites most accessible to visit. We recommend development of a survey plan to address identification and recording of previously unidentified sites. Section 110 survey is particularly important as traditional Hawaiian sites composed of dry-set masonry are subject to degradation by the pervasive vegetation at Kalaupapa National Historical Site, and are being impacted by Java Plum and Christmasberry falling on rock walls, breaking apart structures, etc.

3) The GMP/EIS acknowledges the “Threats and Stressors” to natural and cultural resources (pg 214) but does not discuss how these impacts and effects will be mitigated, other than to say “Most of the threats and stressors

can be mitigated at a local level". The plan also contains a section on climate change. Please provide discussion on how natural and human factors impacting cultural and historical resources will be locally mitigated in the next 15-20 years by the preferred alternative.

4) Please indicate in the planning document the final disposition of data collected through NPS work within the park. We request that ethnographic and archaeological surveys conducted within the park, by park staff as well as contracted archaeological firms, are submitted to the SHPD library. The information collected from the sites assimilates into a body of archaeological information about pre-Contact and proto-Historic settlement in Molokai and Hawai'i. We also recommend preparation of a report that assimilates the archaeological work to date.

5) Cultural Resource Management Planning – Kalaupapa NHP contains a spectrum of historic and cultural resources including historic structures, cultural landscapes, archaeological resources, traditional cultural properties, ethnography, cemeteries, etc. Please indicate if a document will be in place that assimilates the work of the diverse staff within the cultural resource division into long term planning for the cultural and historic resources.

6) Multi-phased approach to historic structures – We support the multi-phased approach to repair, maintenance and restoration of historic structures, and look forward to collaborative review of the proposed treatments. The GMP/EIS preferred alternative states that the NPS would seek to maintain the function of many of the buildings at Kalaupapa due to their characteristic building types or rehabilitate buildings for compatible future uses. And, in this effort, the GMP/EIS team surveyed the buildings and district areas of the Kalaupapa Settlement and identified appropriate uses for those areas. SHPD does not have a record of this in our communications files. Can NPS clarify how SHPD was consulted and when SHPD was consulted about these surveys and treatment recommendations? Please include SHPD in all planning relative to treatment of historic structures, including structures that will not be selected for treatment, and what is proposed.

7) Advancing interpretation of Kalaupapa as a multi-cultural place of exile. We support the proposed nomination of Kalaupapa National Historical Site and NHL to a World Heritage Site and look forward to working with you towards advancing that proposal. We also support the nomination of Traditional Cultural Properties (TCP) to the National and Hawaii State Registers, as well as updating the National Historic Landmark nomination.

In the GMP/EIS online webinars, park staff detailed upcoming programs to ensure Native Hawaiian involvement in programs and interpretation within the park, including potential concessions and growing park programs. We understand that as a settlement for persons with Hansen's Disease, Kalaupapa was home to a diverse community of exiles, including patient-residents from Asia, the Philippines, Samoa as well as other Pacific Islanders, Chinese, etc. We support the inclusion of the Native Hawaiian community in park planning and programs. Also, please include the cultural diversity of Kalaupapa in interpretative programs.

8) The preferred alternative is based on a planning approach that maximizes the resources of a collective community of park partners, the National Park Service, the DHHL, DLNR, DOT, religious organizations, community groups, etc. Alternative C builds capacity for protection and preservation of historic and cultural properties. Please outline how these planning dynamics will be accomplished through park actions. Will the park have a liaison or coordinator that is designated for this position, or will this be achieved through strategic meetings? As Kalaupapa NHP is unique in regards to landownership, and diversity of resources, please provide a brief discussion of specific actions that Kalaupapa NHP will take to ensure effective collaboration.

9) Museum collection management has been outlined within the preferred alternative and includes interpretation and visitor access. Do the archival facilities at Kalaupapa NHP meet the 36 CFR §79 standards?

10) Park orientation has been identified within the GMP/EIS as being communicated and accessible online, at offsite locations, and at key entrance points within the park boundary. The GMP/EIS states that orientation information would prepare visitors for their trip to Kalaupapa and that all visitors wishing to enter the Kalaupapa Settlement and other areas of the park would be directed to Paschoal Hall or other facilities to receive a required entry pass and orientation to the park. A primary concern of SHPD is the communication of rules and regulations of the park and the proper decorum and respect visitors should have for sensitive areas within the park, such as the cemeteries within the Kalaupapa Settlement, areas that contain archaeological resources, religious structures, etc. SHPD would like to further consult on related orientation programming associated with communicating the proper behavior, rules, and regulations within the park to ensure that historic properties and sensitive sites are treated and experienced by visitors appropriately.

11) Lifting the age limit and cap on the number of visitors per day who visit Kalaupapa NHP may affect the integrity of the site's feeling and directly impact the historic properties within the site adversely through increased use. Specifically, the GMP/EIS states that changes to visitor rules by changing the cap on visitation and allowing children would benefit the visitor experience and provide additional preservation and protection through stewardship programs. There could be potential adverse impacts to resources from increased access and use. These changes would result in long-term minor to major beneficial impacts to visitor use and experience. And, it identifies that the visitor capacity would be determined and managed by the capacity of facilities. SHPD would like to further consult on visitor capacity and stewardship programs cited above.

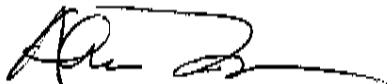
12) The GMP/EIS proposes that two adjacent properties be added to the national park system, Puu O Hoku Ranch and Pelekuna Preserve. If these two properties are added will archaeological and architectural surveys be conducted? And, will identified historic properties and sites be nominated to the National Register of Historic Places as they are found?

13) Our records indicate that Section 106 consultation was conducted for increased use of the Kalaupapa airport by the military, who have been utilizing the remote airport for night training. Please reference this agreement in the GMP. Will the agreement for use of the airport for this purpose continue with all four alternatives?

14) Lastly, there are numerous agreements, action plans, and studies identified throughout the GMP/EIS preferred alternative. SHPD would like to consult with NPS and Kalaupapa NHP, Department of Health, State Parks, and Department of Hawaiian Homelands to discuss developing a Programmatic Agreement for Kalaupapa NHP regarding the proposed actions within the GMP/EIS.

We look forward to receiving the findings from the 106 consultation conducted for this undertaking. Please contact us with any questions or comments on this letter. For comments related to archaeological resources, please contact Maui Lead Archaeologist Morgan Davis at 808-243-4641 or Morgan.E.Davis@hawaii.gov, or for architectural concerns please contact Jessica Puff at 808-692-8023 or Jessica.L.Puff@hawaii.gov. For questions best answered by the History and Culture Branch, please contact Hinano Rodriguez at 808-243-4640 or Hinano.R.Rodriguez@hawaii.gov.

Aloha,



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June 8, 2015
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