

National Park Service
U.S. Department of the Interior



Kalaupapa National Historical Park

Molokaʻi, Hawaiʻi

Draft Foundation Statement

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KALAUPAPA NATIONAL HISTORICAL PARK BACKGROUND

Kalaupapa National Historical Park became a unit of the National Park System in 1980. The primary story being told at Kalaupapa is the forced isolation from 1866 until 1969 of people from Hawai‘i afflicted with Hansen's disease (leprosy) to the remote northern Kalaupapa peninsula on the island of Moloka‘i.

Kalaupapa National Historical Park is located midway along the north coast of the island of Moloka‘i in the State of Hawai‘i. The island is approximately in the center of the eight major islands in the Hawaiian chain. Moloka‘i ranks fifth in size, contains about 259 square miles of land, and is roughly 38 miles long and six to ten miles wide. The park includes the relatively flat peninsula on the north shore of the island, three deeply carved valleys whose steep slopes rise from 1,600 to more than 3,000 feet to include the rim of the cliffs. The park boundaries extend one-quarter mile offshore and encompass the islands of Huelo and ‘Okala.

The first group of Hansen's disease patients was sent to Kalawao on the eastern, or windward, side of the Kalaupapa peninsula on January 6, 1866. The Siloama Church at Kalawao, associated with the early Protestant congregation, represents the early involvement of religious organizations at Kalaupapa. St. Philomena Church (1872) is associated with the work of Father Damien (Joseph DeVeuster) also located at Kalawao. Father Damien's life and death among his people focused the attention of the world on the problem of this disease and the plight of its victims.

Situated on the leeward side of the peninsula, Kalaupapa Settlement is still home for several surviving Hansen's disease patients whose memories and experiences are cherished values. Once a community in isolation, Kalaupapa now serves as a place for education and contemplation.

Access to Kalaupapa is severely limited. There are no roads to the peninsula from “topside” Moloka‘i. Land access is via a steep trail on the pali (sea cliff) that is approximately three miles long with 26 switchbacks. Air taxi service by commuter class aircraft provides the main access to Kalaupapa, arriving and departing two to four times a day, weather permitting. Mail, freight, and perishable food, arrive by cargo plane on a daily basis. The barge brings cargo from Honolulu to Kalaupapa once a year, during the summer months when the sea is relatively calm.

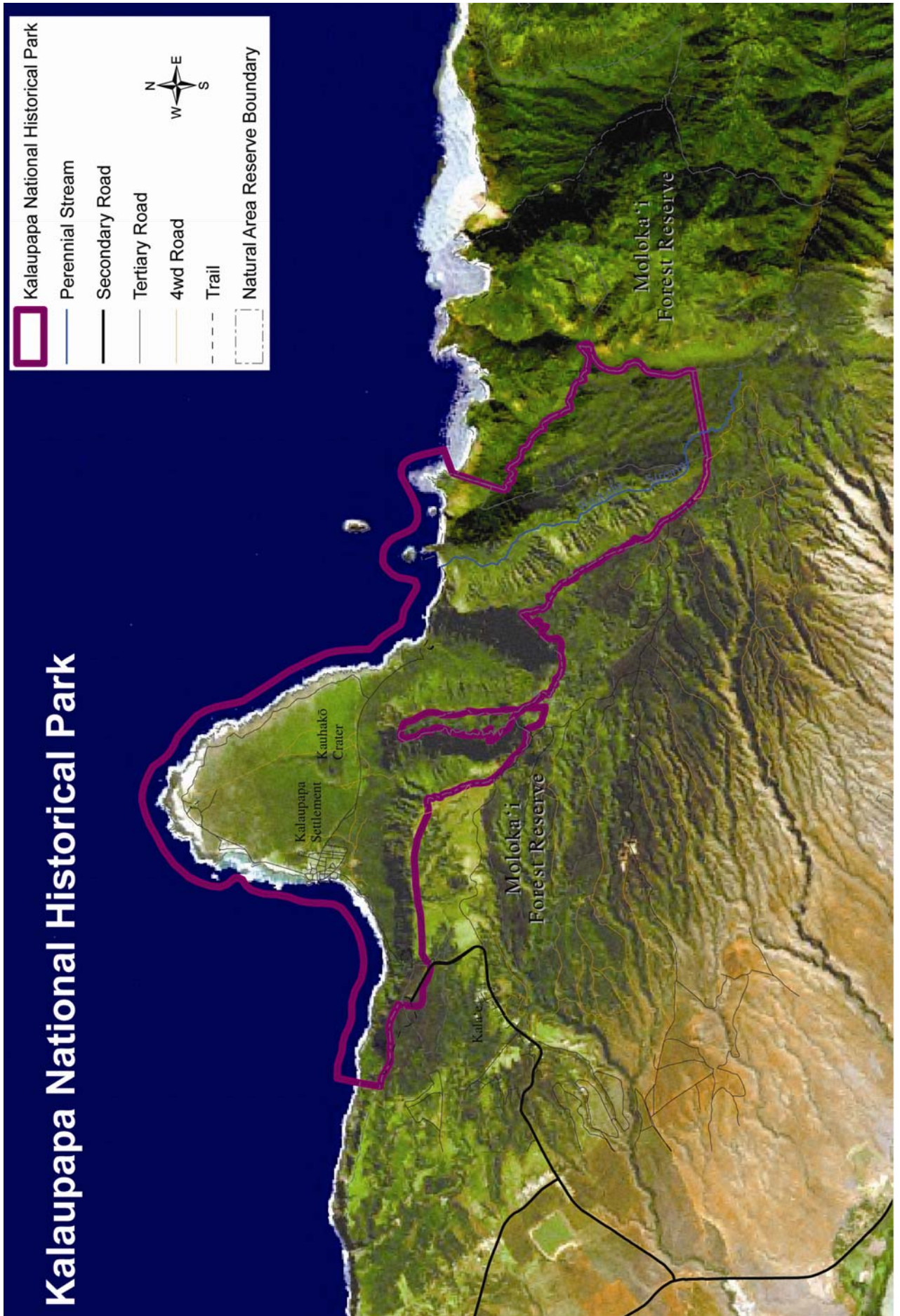
Kalaupapa National Historical Park differs significantly from most other national parks in that nearly all of the 8,725 acres of land, 2,000 acres of water, and improvements within the authorized boundary may remain in non-Federal ownership to be managed by the National Park Service through cooperative agreements. Land within the National Historical Park boundaries is owned by the State of Hawai‘i, Departments of Health, Land and Natural Resources, Transportation, and Hawaiian Home Lands; and small private holdings at the top of the cliffs. The National Park Service owns only 23 acres that includes two historic houses and four outbuildings that surround the Moloka‘i Light Station.

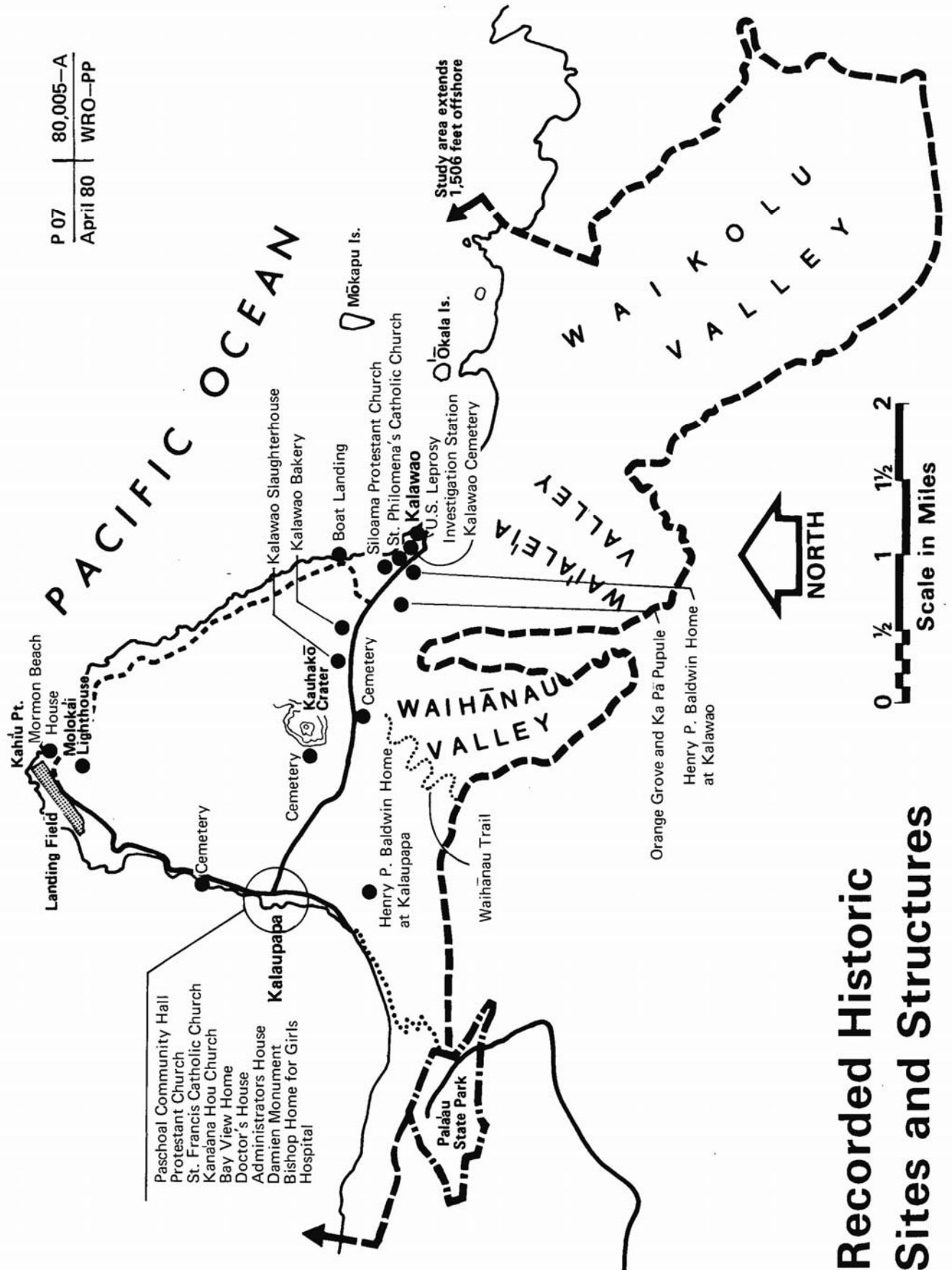
The park is situated within Kalawao County, which is governed by the Director of the State Department of Health. The director may adopt such rules and regulations as considered necessary to manage the community. As the patient population decreases, the Hansen's disease Branch of the State Department of Health will be receiving less financial support from state and federal sources. With this decrease in funds, more maintenance and other responsibilities will presumably be turned over to the National Park Service.

HAWAII
AREA STUDIES
SECTION 511
PUBLIC LAW 105-355



Kalaupapa National Historical Park





Foundation Statements: What they are, Where they fit

Each unit of the National Park System needs a formal statement of the park's core purpose to provide a basis for all decisions to be made about a park – a foundation for planning and management. The foundation statement records the shared understanding of the park's purpose, significance, resources and values, primary interpretive themes, special mandates, and the legal and policy requirements.

The foundation for planning and management is generally developed (or revised/expanded) early in the general management planning process, as part of agency scoping and data collection for a park's general management plan. Partner and public involvement as well as scholarly analysis are incorporated into the development of a foundation statement.

The primary advantage of developing and adopting a foundation statement is the opportunity to integrate and coordinate all kinds of levels of planning and decision making from a single, shared understanding of what is most important about the park. The process of preparing a foundation statement develops understanding by park managers, staff, and stakeholders of what is most important about the park and the additional information needed to plan for the future.

The foundation statement can be used in all aspects of park management to ensure that the most important objectives are accomplished before turning to items that are also important but not directly critical to achieving the park purpose and maintaining its significance.

What is included in a Foundation Statement

The foundation statement, as identified in the *Park Planning Program Standards 2004*, has the following elements:

Part 1. Legal Requirements: park purpose, park significance, primary interpretive themes, special mandates, and a summary of legal and policy requirements.

- **Park Purpose** is the specific reason(s) for establishing a particular park. Statements of the park's purpose are grounded in a thorough analysis of the park's legislation or presidential proclamation, and legislative history. The park purpose goes beyond a restatement of the law and documents shared assumptions about what the law means in terms specific to the park.
- **Park significance statements** express why the park's resources and values are important enough to warrant national park designation. Statements of the park's significance describe why an area is important within a global, national, regional, and systemwide context. Significance statements are directly linked to the purpose of the park, are substantiated by data or consensus, and reflect the most current scientific or scholarly inquiry and cultural perceptions.
- **Primary interpretive themes** connect park resources to relevant ideas, meanings, concepts, contexts, beliefs, and values. They support the desired interpretive outcome of increasing visitor understanding and appreciation of the significances of the park's resources. Primary interpretive themes are based upon park purpose and significance.
- **Special mandates** are legal requirements and administrative commitments that apply to a specific unit of the national park system. They are mandated by Congress or by signed agreements with other entities. They are specific to the park, and are not an inventory of all the laws applicable to the national park system.
- **NPS Servicewide Legal and Policy Requirements-** In addition to the analysis, a description of the National Park Service laws and policies that relate to the park's fundamental resources and values are included. The purpose of this section is to support park managers and to convey to the public and stakeholders the National Park Service's commitment to protecting its resources and values as prescribed by NPS legal and policy requirements. This section outlines those

management strategies that would not vary among any future planning alternatives or decisions that might be proposed. For each selected servicewide policy the originating authority is identified along with a brief description of the associated policy and management direction.

Part 2. Fundamental Resources and Values

- **Fundamental resources and values** are the most important elements, ideas or concepts to be communicated to the public about a park and warrant primary consideration during planning and management because they are critical to achieving the park's purpose and maintaining its significance. They may include systems, processes, features, visitor experiences, stories, scenes, sounds, smells or other resources and values.

The fundamental resources and values have been identified and are listed in Foundation Statement Summary.

The foundation statement is organized in tiers. First, legislation guides the purpose of the park. Second, park significance statements tier from the legislation and purpose. Third, fundamental resources and values tier and support the park significance statements. The park's primary interpretive themes are also guided by the park significance statements. Lastly, the special mandates section stands apart, as these mandates are legal requirements that must be followed in the management of the park unit.

FOUNDATION PLANNING AND KALAUPAPA NATIONAL HISTORICAL PARK

In October of 2006, the Pacific West Region planning division and Denver Service Center organized and facilitated a week-long workshop with park staff, regional staff, and individuals associated with the history and management of Kalaupapa National Historical Park to initiate work on the foundation statement. Following the workshop, park and regional staff refined the foundation statements generated at the October 2006 workshop. These statements are a work in progress. Through the GMP process the foundation statement will be reviewed and refined by the public, park stakeholders and outside resource experts.

In October of 2008, the planning team met for an internal scoping workshop for the GMP. During this workshop, the team members analyzed the fundamental resources and values and updated elements of the Foundation Statement.

Part 1 of this document includes a detailed description of each of the components of Kalaupapa National Historical Park's foundation statement. Part 2 includes the analysis of fundamental resources and values completed by the planning team in 2008. Part 2 is not included in this document, however it is available upon request.

FOUNDATION STATEMENT SUMMARY

<p>Purpose: National Park System</p>	<p>Purpose of the National Park System</p> <p>“To conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”</p> <p>National Park Service Organic Act, August 25, 1916</p>
<p>Purpose: Kalaupapa National Historical Park</p>	<p>Purpose of Kalaupapa National Historical Park</p> <p>Kalaupapa National Historical Park tells the story of the isolated Hansen’s disease (leprosy) community by preserving and interpreting its site and values. The park also tells the story of the rich Hawaiian culture and traditions at Kalaupapa that go back at least 900 years.</p>

Significance Statement 1

Kalaupapa National Historical Park preserves the only intact historic institutional settlement in the United States created for the sole purpose of isolating Hansen’s disease (leprosy) patients from the rest of society.

Legislation: P. L. 96-565: sec. 101, 102.1, 102.2, 105.2, 105.4

Primary Interpretive Theme

The architecture, landscapes, and archaeology of the peninsula reflect an evolution of the settlement from barely surviving patients with Hansen’s disease at Kalawao to a highly organized medical and social community at Kalaupapa.

Fundamental Resources and Values

- 1.1) Historic Architecture – the buildings and structures associated with the Hansen’s disease settlement.
- 1.2) Historic Landscape – the cultural landscapes associated with the Hansen’s disease settlement.
- 1.3) Museum Collections – that document the evolution of the built environment of the Kalaupapa leprosy settlement.
- 1.4) Archeological Resources – the physical remains that contribute to understanding the patients’ histories and sites that are associated with the Hansen’s disease settlement.



Significance Statement 2

Kalaupapa National Historical Park's surviving (and deceased) Hansen's disease population, with its material culture, oral histories, and intact physical community, is the only one of its kind in the United States.

Legislation: P. L. 96-565: sec. 101, sec. 102 (1) (2) (3), sec. 105 (b)2 (b)4, sec. 106 (1)(2)(3)(4)(5), sec. 107 (1) (2), sec 108 (a) 1 (d)

Primary Interpretive Theme

Afflicted with a dreaded disease and forcibly exiled from family and friends, Hansen's disease residents were physically isolated from society into a lawless and hopeless setting. Through perseverance they created a community that reflected strength, dignity, faith, and merriment.

With the advent of sulfone drugs, the improvement of care, and the end of Hawai'i's isolation policy in 1969, the residents' perceptions of Kalaupapa evolved from what was once considered a prison to a home today.

The fear and stigma associated with Hansen's disease is slowly changing as the world community learns that medical treatment and not isolation should be the human standard to deal with incurable diseases.

Fundamental Resources and Values

- 2.1) Patients – the presence, knowledge and backgrounds of contemporary and past patients.
- 2.2) Oral Histories – the largest known collection of oral histories of Hansen's disease patients and associated individuals.
- 2.3) Museum Collections – the extensive collection of objects, documents, and photographs associated with Hansen's disease patients at Kalaupapa.
- 2.4) Natural Resources – the patients' traditionally significant natural resources, places, and natural objects at Kalaupapa.
- 2.5) Educational Values – opportunities to learn and be inspired by Hansen's disease patients experiences and add to the body of medical and social science research.
- 2.6) Soundscape – the lack of loud and continuous noises that is evocative of patients' experiences at Kalaupapa.



Significance Statement 3

Kalaupapa National Historical Park is the site of Father Damien's renowned work that brought global attention to leprosy and its treatment, and inspired Mother Marianne and others to serve the Hansen's disease community.

Primary Interpretive Theme

Father Damien devoted himself to improving patient lives at Kalawao both physically and spiritually, giving them protection, comfort and hope. Mother Marianne and Brother Dutton continued the work of Father Damien. Their selfless devotion to people in need continues to inspire us today.

Fundamental Resources and Values

- 3.1) Father Damien – the sites, structures, and museum collections that represent Father Damien and his work with the Hansen's disease patients. (e.g. St. Philomena Church and cemetery, Father Damien's gravesite and monuments, and the archeological evidence of structures built by Father Damien at Kalawao.)
- 3.2) Mother Marianne, Brother Dutton – the sites, structures, and museum collections that represents Mother Marianne, Brother Dutton and others who were inspired by Father Damien and continued his work. (e.g. Bishop Home for Girls, Gravesites of Mother Marianne and Brother Dutton, Baldwin Home for Boys)
- 3.3 *Kokua* - the sites, structures, and museum collections that represent *kokua* who served the Hansen's disease patients and community. (e.g. Siloama Church)



Significance Statement 4

Kalaupapa National Historical Park presents an exemplary geologic and scenic panorama of towering sea cliffs and a flat leaf-shaped peninsula that were created by a cataclysmic landslide and subsequent volcanic eruption.

Legislation: P. L. 96-565: sec. 101, sec. 102(2), sec. 105 (b) (2). Mink Act: P.L. 105-355, Sec. 511, dated 6 November 1998. National Natural Landmark designated 1972.

Primary Interpretive Theme

Perceived today as a scenic Hawaiian paradise, Moloka‘i’s dramatic North Shore Cliffs and flat Kalaupapa peninsula are the result of numerous geologic forces still at work throughout the Pacific archipelagos. These geologic features created a natural prison for isolating people with Hansen’s disease.

Fundamental Resources and Values

- 4.1) Geology –the scenic North Shore Cliffs and associated off-shore islands retain visible fault lines that are evidence of the massive landslide that spread underwater nearly 100 miles northward and shaped the island of Moloka‘i. The cliffs were formed in a single massive landslide when the entire northern third of the East Moloka‘i Volcano abruptly collapsed 20,000 feet into the sea causing a 2,000 foot high tsunami that inundated the rest of Moloka‘i and Lanai. This geologic collapse feature is a characteristic of Pacific volcano formed island chains.
- 4.2) Geological Features –the peninsula from the deep crater lake to lava caves provides evidence of the volcanic eruption that formed Kalaupapa approximately 300,000 years ago.
- 4.3) Viewshed – the intact and unobstructed views include steep dramatic cliffs that drop more than 3,000 feet into the ocean, in contrast to the leaf-shaped peninsula. This viewshed includes sweeping panoramic views from cliff tops to the settlement and the majestic ocean beyond.



Significance Statement 5

From *mauka* to *makai* (mountain top to coast line) Kalaupapa National Historical Park preserves and interprets some of the last remaining examples of fragile Hawaiian Island plant and animal communities found nowhere else in the world.

Legislation: P. L. 96-565: sec. 101, sec. 102 (2), sec. 105 (a), sec. 105 (b)(2), sec. 106 (4) (5)

Primary Interpretive Theme

Kalaupapa's plant and animal communities, including the seabird colonies and *Lo'ulu* (*Pritchardia hillebrandii*) forest, hearken back to the pre-contact condition of the Hawaiian Islands. The rarity of these surviving fragile populations is a reminder of how much has been lost.

Fundamental Resources and Values

- 5.1) Three Offshore Islands – the best remaining example of pre-contact Hawaiian Island plant and animal communities.
- 5.2) Kauhako Crater – remnant of native summer deciduous dry forest and one of the deepest volcanically formed lakes in the world.
- 5.3) Waikolu Stream – one of the few remaining freshwater streams in Hawai'i supporting all five of the endemic fresh water fish and associated rare invertebrate species.
- 5.4) Puu Alii Natural Area Reserve – outstanding example of a montane wet forest – given the state of Hawai'i's highest conservation designation.
- 5.6) Native Coastal Spray Zone – one of the best examples of native coastal vegetation in the state of Hawai'i including several Federally listed plant species.



Significance Statement 6

Kalaupapa National Historical Park preserves robust and diverse nearshore marine resources due to the geographic remoteness, locally restricted access, and controlled subsistence practices.

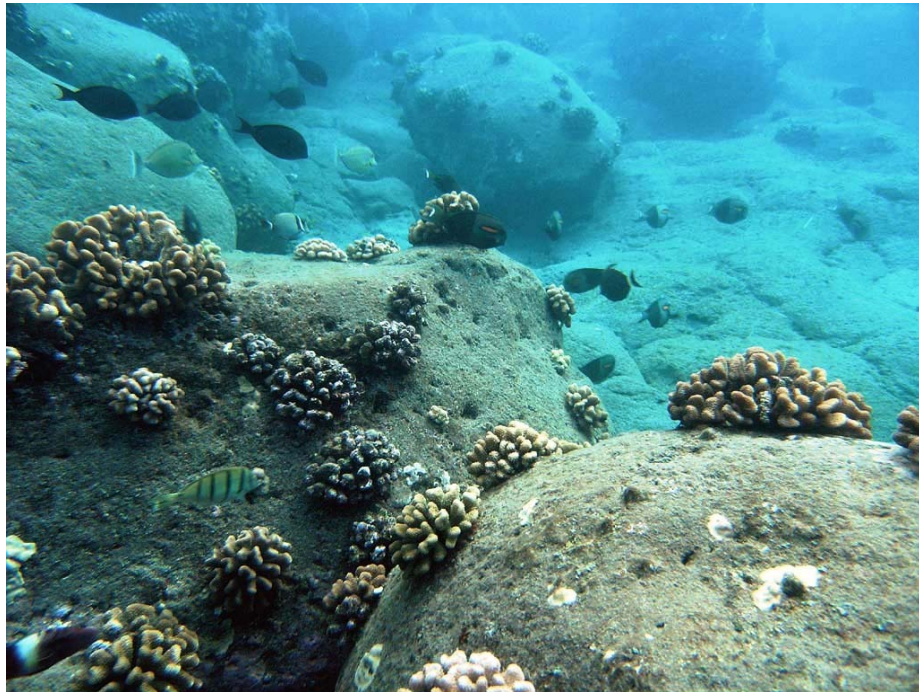
Legislation: P. L. 96-565: sec. 101, sec. 102 (2), sec. 105 (a), sec. 105 (b)(2), sec. 106 (4) (5); Executive Order 13089 Coral Reef Initiative; Hawai‘i Revised Statute - HRS 326

Primary Interpretive Theme

Kalaupapa National Historical Park’s unique and thriving reef environment reminds us of what these areas were once like throughout Hawai‘i, and it serves as a potential source of replenishment for degraded reef systems around the islands.

Fundamental Resources and Values

- 6.1) Tropical Reef Fish Communities – the park contains some of the largest individuals and a high diversity of species found in the main Hawaiian islands.
- 6.2) Marine Communities – algae (*Limu*), corals, and other invertebrates are intact with few invasive species. The highly valued Opihi (limpet) population is not only abundant but contains larger individuals that are rare in other parts of the main Hawaiian Islands.
- 6.3) Monk Seals – the parks contains one of the largest birthing colonies of rare and endangered Monk seals in the Main Hawaiian Islands.
- 6.4) Threatened & Endangered Marine Species –the park provides extensive opportunities for collaborative management efforts and future research opportunities.
- 6.5) Nearshore Marine Environment – Kalaupapa National Historical Park is one of the most spectacular examples in Hawai‘i of a large boulder habitat, providing refuge and spawning areas for the abundant reef life.



Significance Statement 7

Kalaupapa National Historical Park's number of archaeological resources, vast variety of site types, its extensive time range of habitation and land use, and the exceptional preservation of its archaeological sites combine to make the park one of the richest and most valuable archaeological complexes in Hawai'i.

Primary Interpretive Theme

Kalaupapa's unique site preservation and variety of site types (including the *lo'i* of Waikolu Valley) together with its long history of subsistence and its geographic location allow us to appreciate the ways in which Native Hawaiian communities flourished in the Kalaupapa region and its valleys for hundreds of years. Their ingenuity, work ethic, and adaptation to the harsh windswept and weathered environment reflect important components of Hawaiian history and traditional cultural practices.

Fundamental Resources and Values

7.1) Archaeological sites –document at least 900 years of Native Hawaiian habitation at Kalaupapa, including sites and features associated with habitation, burial, and subsistence. An example of significant archeological resources is the ancient *lo'i* system in the Waikolu Valley which is renowned as the most sophisticated engineered system of irrigated terraces for the production and distribution of massive quantities of taro to native populations throughout Hawai'i.

7.2) Museum Collections –preserve historic documents, oral traditions, and artifacts of Native Hawaiian presence and experiences in the Kalaupapa region before the Hansen's disease patients arrived.

7.3) *Kupuna* (elders), Texts, Research, and Studies – possess and document Native Hawaiian oral traditions and values associated with the Kalaupapa Region.



PART 1: LEGAL REQUIREMENTS

Park Purpose

The *park purpose* is a clear statement(s) of the reason or reasons for which the national monument was set aside as part of the national park system. It is the most fundamental criteria against which the appropriateness of all plan recommendations, operational decisions, and actions are tested. The purpose is derived from law and policy. However, developing the park purpose often requires some interpretation of the language in the park's establishing legislation or presidential proclamation.

Legislation related to Kalaupapa National Historical Park is included in the appendix of this document. Review of park legislation, previous park management documents, and discussions with park staff generated a purpose statement for each unit of the park:

Purpose of Kalaupapa National Historical Park

Kalaupapa National Historical Park tells the story of the isolated Hansen's disease (leprosy) community by preserving and interpreting its site and values. The park also tells the story of the rich Hawaiian culture and traditions at Kalaupapa that go back at least 900 years.

Park Significance

Statements of significance clearly define what is most important about park resources and values and are based on the park's purpose(s) and what attributes make the park's resources and values important enough for the president(s) to establish this unit of the National Park system. Kalaupapa National Historical Park contains many significant resources, but not all the resources contribute to the park's significance. The significance statements are used to guide management decisions and planning alternatives, interpretive themes, desired conditions, in addition to setting priorities.

Significance statement(s):

- describe why an area is important within a global, national, regional, and systemwide context
- are directly linked to the purpose of the park
- are substantiated by data or consensus
- reflect the most current scientific or scholarly inquiry and cultural perceptions, which may have changed since the park's establishment

The following significance statements were developed for Kalaupapa National Historical Park. These statements take into account park legislation and previous management and resource plans.

Significance Statements for Kalaupapa National Historical Park

1. Kalaupapa National Historical Park preserves the only intact historic institutional settlement in the United States created for the sole purpose of isolating Hansen's disease (leprosy) patients from the rest of society.
2. Kalaupapa National Historical Park's surviving (and deceased) Hansen's disease population, with its material culture, oral histories, and intact physical community, is the only one of its kind in the United States.
3. Kalaupapa National Historical Park is the site of Father Damien's renowned work that brought global attention to leprosy and its treatment, and inspired Mother Marianne and others to serve the Hansen's disease community.
4. Kalaupapa National Historical Park presents an exemplary geologic and scenic panorama of towering sea cliffs and a flat leaf-shaped peninsula that were created by a cataclysmic landslide and subsequent volcanic eruption.
5. From *mauka* to *makai* (mountain top to coast line) Kalaupapa National Historical Park preserves and interprets some of the last remaining examples of fragile Hawaiian Island plant and animal communities found no where else in the world.
6. Kalaupapa National Historical Park preserves robust and diverse nearshore marine resources due to the geographic remoteness, locally restricted access, and controlled subsistence practices.
7. Kalaupapa National Historical Park's number of archaeological resources, vast variety of site types, its extensive time range of habitation and land use, and the exceptional preservation of its archaeological sites combine to make the park one of the richest and most valuable archaeological complexes in Hawai'i.

Interpretive Themes

Primary interpretive themes describe what needs to be interpreted to provide people with opportunities to understand and appreciate park purpose and significance. Identification of primary themes is part of a park's basic foundation statement. Themes are derived from—and should reflect—park significance. Additional perspectives may be obtained from the identification and analysis of fundamental and other important resources and values.

Primary Interpretive Themes for Kalaupapa National Historical Park

1. The architecture, landscapes, and archaeology, of the peninsula reflect an evolution of the settlement from barely surviving patients with Hansen's disease at Kalawao to a highly organized medical and social community at Kalaupapa.
2. Afflicted with a dreaded disease and forcibly exiled from family and friends, Hansen's disease residents were physically isolated from society into a lawless and hopeless setting. Through perseverance they created a community that reflected strength, dignity, faith, and merriment.
With the advent of sulfone drugs, the improvement of care, and the end of Hawai'i's isolation policy in 1969, the residents' perceptions of Kalaupapa evolved from what was once considered a prison to a home today.
The fear and stigma associated with Hansen's disease is slowly changing as the world community learns that medical treatment and not isolation should be the human standard to deal with incurable diseases.
3. Father Damien devoted himself to improving patient lives at Kalawao both physically and spiritually, giving them protection, comfort and hope. Mother Marianne and Brother Dutton continued the work of Father Damien. Their selfless devotion to people in need continues to inspire us today.
4. Perceived today as a scenic Hawaiian paradise, Moloka'i's dramatic North Shore Cliffs and flat Kalaupapa peninsula are the result of numerous geologic forces still at work throughout the Pacific archipelagos. These geologic features created a natural prison for isolating people with Hansen's disease.
5. Kalaupapa's plant and animal communities, including the seabird colonies and Lo'ulu (*Pritchardia hillebrandii*) forest, harken back to the pre-contact condition of the Hawaiian Islands. The rarity of these surviving fragile populations is a reminder of how much has been lost.
6. Kalaupapa National Historical Park's unique and thriving reef environment reminds us of what these areas were once like throughout Hawai'i, and it serves as a potential source of replenishment for degraded reef systems around the islands.
7. Kalaupapa's unique site preservation and variety of site types (including the *lo'i* of Waikolu Valley) together with its long history of subsistence and its geographic location allow us to appreciate the ways in which Native Hawaiian communities flourished in the Kalaupapa region and its valleys for hundreds of years. Their ingenuity, work ethic, and adaptation to the harsh windswept and weathered environment reflect important components of Hawaiian history and traditional cultural practices.

Special Mandates

Special mandates or constraints often direct national park system unit planning and management decisions. The special mandates are specific directions or agreements that relate directly to the park unit. Mandates may be a legislative requirement or signed agreements that add another dimension to a park unit's purpose and significance (such as the designation of an area as wilderness or as an area that is managed by another entity, or designating something unique such as a world heritage area or biosphere park) or commit managers to specific actions and limit their ability to modify land use in the park unit (such as long-term cooperative agreements, or easements). Some mandates and constraints are specific to Kalaupapa National Historical Park.

Reevaluation of Policies	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.	<i>Public Law 95-565. Sec. 109 dated 22 December 1980</i>
Patient Community	<p>The Kalaupapa Hansen's disease patients are guaranteed a well-maintained community, and they may remain at Kalaupapa as long as they wish.</p> <p>The current lifestyle of these patients and their individual privacy will be protected.</p>	<i>Public Law 95-565. Sec. 102 dated 22 December 1980</i>
Visitation	<p>Kalaupapa NHP will provide for limited visitation by the general public.</p> <p>So long as the patients may direct, the Secretary shall not permit public visitation to the settlement in excess of one hundred persons in any one day.</p>	<i>Public Law 95-565. Sec. 102, Sec. 106 dated 22 December 1980</i>
Patient and Native Hawaiian Staffing	<p>Preservation and interpretation of the settlement will be managed and performed by patient and Native Hawaiians to the extent practical.</p> <p>Notwithstanding any other provision of law, the Secretary shall give first preference to qualified patients and Native Hawaiians in making appointments to positions established for the administration of the park, and the appointment of patients and Native Hawaiians shall be without regard to any provision of the Federal civil service laws.</p> <p>The Secretary shall provide patients a first right of refusal to provide revenue-producing visitor services, including such services as providing food, accommodations, transportation, tours, and guides.</p> <p>Second right of refusal to provide revenue-producing visitor services will be given to Native Hawaiians after patients have exercised their first right of refusal.</p> <p>Training opportunities shall be provided to patients and Native Hawaiians in management and</p>	<p><i>Public Law 95-565. Sec. 102, Sec. 107 dated 22 December 1980</i></p> <p><i>General Lease No. 231 dated 22 September 1992</i></p>

	interpretation of the settlement's culture, historical, educational, and scenic resources.	
Land Acquisition	<p>Lands owned by the State of Hawai'i or by political subdivision are authorized to be acquired by the Secretary of the Interior only through donation, exchange, and only with the consent of the owner.</p> <p>Privately owned lands within the boundary of the park are authorized to be acquired by the Secretary of the Interior by donation, purchase with donated or appropriated funds, or exchange.</p> <p>The Secretary of the Interior is authorized to acquire lands, waters, and interests by any methods, except by condemnation, within the State of Hawai'i for the conveyance and exchange of lands, waters, and interests within the Kalaupapa NHP boundary owned by the Department of Hawaiian Home Lands.</p>	<i>Public Law 95-565. Sec. 104 dated 22 December 1980</i>
Land Lease from Hawaiian Home Lands	The Secretary may lease lands from the Department of Hawaiian Home Lands until such time as said lands may be acquired by exchange. The Secretary may enter into such lease without regard to fiscal year limitations.	<i>Public Law 100-202 dated 22 December 1987</i>
Administration	<p>With the approval of the owner, the Secretary of the Interior may undertake critical or emergency stabilization of utilities and historic structures, develop and occupy temporary office space, and conduct interim interpretative and visitor services on non-Federal property within the park.</p> <p>The original intent of this statement was to provide the NPS with the interim authority to spend Federal funds until cooperative agreements were approved.</p>	<i>Public Law 95-565. Sec. 105 dated 22 December 1980</i>
Cooperative Agreements	<p>The Secretary shall seek and may enter into cooperative agreements with the owners of property within the park pursuant to which the Secretary may preserve, protect, maintain, construct, reconstruct, develop, improve, and interpret sites, facilities, and resources of historic, natural, architectural, and cultural significance.</p> <p>Cooperative agreements shall be of not less than twenty years duration, may be extended and amended by mutual agreement.</p> <p>Cooperative agreements shall include, without limitation, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes.</p> <p>No changes or alterations shall be made in the property except by mutual agreement.</p>	<i>Public Law 95-565. Sec. 105 dated 22 December 1980</i>

<p>Terms of Cooperative Agreements</p>	<p>Each such agreement shall also provide that the owner shall be liable to the United States in an amount equal to the fair market value of any capital improvements made to or placed upon the property in the event the agreement is terminated prior to its natural expiration, or any extension thereof.</p> <p>The Secretary is permitted to remove such capital improvements within a reasonable time of termination of the cooperative agreement. Upon the expiration of such agreement, the improvements thereon shall become the property of the owner, unless the United States desires to remove such capital improvements and restore the property to its natural state within a reasonable time for such expiration.</p> <p>Except for emergency, temporary, and interim activity, no funds shall be expended on non-Federal property unless such expenditure is pursuant to a cooperative agreement with the owner.</p>	<p><i>Public Law 95-565. Sec. 105 dated 22 December 1980</i></p>
<p>Religious Structures</p>	<p>The Secretary may stabilize and rehabilitate structures and other properties used for religious or sectarian purposes only if such properties constitute a substantial and integral part of the historical fabric of the Kalaupapa settlement, and only to the extent necessary and appropriate to interpret adequately the nationally significant historical features and events of the settlement for the benefit of the public.</p>	<p><i>Public Law 95-565. Sec. 105 dated 22 December 1980</i></p>
	<p>On September 27, 2003, the NPS renewed its cooperative agreement with the Hawai'i Conference Foundation of the United Church of Christ for an additional twenty years entitled, "Preservation of Historic Structures, Kalaupapa" The NPS agrees to assist with the maintenance and operation-of the Siloama and Kanaana Hou Churches.</p>	<p><i>Cooperative Agreement No: CA 8000-83 dated 26 September 1983 and renewed as modification - 0001 dated 27 September 2003</i></p>
	<p>On August 23, 2004, the NPS renewed its cooperative agreement with the Roman Catholic Church in the State of Hawaii for an additional twenty years entitled, "Preservation of Historic Structures, Kalaupapa". The NPS agrees to assist with the maintenance and operation of the St. Philomena's and St. Francis Churches and the St. Elizabeth Chapel.</p>	<p><i>Cooperative Agreement No: CA 8896-4-0003 dated 22 August 1984 and renewed as modification- 0001 dated 23 August 2004</i></p>
<p>Hansen's Disease Patients</p>	<p>Health care for the patients shall continue to be provided by the State of Hawai'i, with assistance from Federal programs other than those authorized herein.</p> <p>Patients shall continue to have the right to take and utilize fish and wildlife resources without regard to</p>	<p><i>Public Law 95-565. Sec. 106 dated 22 December 1980</i></p>

	<p>Federal fish and game laws and regulations.</p> <p>Patients shall continue to have the right to take and utilize plant and other natural resources for traditional purposes in accordance with applicable State and Federal laws.</p>	
Kalaupapa National Historical Park Advisory Commission	<p>The Kalaupapa National Historical Park Advisory Commission was established on the December 22, 1980 for a duration of forty-five years.</p>	<p><i>Public Law 95-565. Sec. 108 dated 22 December 1980</i></p> <p><i>Public Law 109-54. Sec. 128 dated 2 August 2005</i></p>
Authorization of Appropriated Funds	<p>Effective October 1, 1981, there are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title but not to exceed \$2,500,000 for acquisition of lands and interests in lands and \$1,000,000 for development.</p>	<p><i>Public Law 95-565. Sec. 110 dated 22 December 1980</i></p>
National Natural Landmark	<p>The North Shore Cliffs were designated a National Natural Landmark in December 1972. The landmark includes 27,100 acres located along 17 miles of the northeast coast between the villages of Kalaupapa and Halawa. Approximately, 1/5 of the Landmark is located within Kalaupapa National Historical Park.</p> <p>The North Shore Cliffs represent the major episode of volcanism that created Molokai, which is among the most ancient in the Hawaiian Island chain. The North Shore Cliffs and adjacent valleys and uplands are “scenically majestic and scientifically important. The physical features of Molokai, including the North Shore Cliffs, are considered to be of prime importance to geologists in piecing together the story of how the Hawaiian Islands were formed.”</p>	<p><i>Designated dated December 1972</i></p>
National Historic Landmark	<p>On January 7, 1976, the “Kalaupapa Leprosy Settlement” was designated a National Historic Landmark to include 15,645 acres of land and waters- the same boundary as the Kalaupapa National Historical Park.</p> <p>The National Historic Landmark is based on the following criteria: 1) the historic district at which events occurred have made a significant contribution to the broad social history of the U.S., 2) associated with the life of Father Damien, 3) associated with public health and humanitarian measures, 4) the structures embody the distinguishable “institutional Hawaiian” architecture of the 1930s, and 5) the archeological sites of the peninsula, valleys, and gulches are relatively undisturbed and have the potential to produce new information about Hawaiian prehistory.</p>	<p><i>Designated dated January 1976</i></p>

Lease from Hawaiian Home Lands	<p>On September 22, 1992, NPS entered into a lease for 1,247 acres with the State of Hawai‘i, Department of Hawaiian Home Lands for fifty years beginning on July 15, 1991 to July 14, 2041. The area contains the western portion of the peninsula, including the entire Kalaupapa settlement, sea cliffs, and trail to topside.</p> <p>The NPS is obligated to pay a lease amount annually for use and operations on the premises.</p>	<i>General Lease No. 231 dated 22 September 1992</i>
Cooperative Agreement with the Department of Health	<p>On April 1, 2004, the NPS renewed its cooperative agreement with the State of Hawai‘i, Department of Health for an additional twenty years, entitled “Preservation of Historic Structures, Kalaupapa”.</p> <p>The NPS agrees to maintain utilities, roads, and non-medical patient functions and maintenance of historic structures within the park.</p> <p>The Department of Health may transfer ownership of historic structures to the NPS by mutual agreement at any time.</p>	<i>Cooperative Agreement No: CA 8896-4-0001 dated 30 March 1984 and renewed as modification - 0001 dated 1 April 2004</i>
Cooperative Agreement with the Board of Land and Natural Resources	<p>On August 16, 1989, the NPS entered into a cooperative agreement with the State of Hawai‘i, Board of Land and Natural Resources for twenty years, entitled “Preservation of Natural and Cultural Resources, Kalaupapa”.</p> <p>The area under this cooperative agreement includes 1,330 acres of Kalawao County, within the boundary of the park, has been established by the Governor’s Executive Order as the Pu‘u Ali‘i Natural Area Reserve and other areas of Kalawao County have been designated as forest reservations under the care and control of the Board. The area also includes 50 acres of land at Nihoa and portions of the Pala‘au State Park.</p> <p>The NPS agrees to protect and preserve archeological sites, native ecosystems, threatened and endangered species, water and air quality, and to conduct research, and to prepare plans for management, operations, preservation, and interpretation of these resources.</p>	<i>Cooperative Agreement No: CA 8896-9-8004 dated 16 August 1989</i>
Cooperative Agreement with the Department of Transportation	<p>On March 9, 1987, NPS entered into a cooperative agreement with the State of Hawai‘i Department of Transportation to coordinate operation and utilities for twenty years, entitled “Preservation of Natural and Cultural Resources, Kalaupapa.” The NPS agrees to assist in the preservation, protection, rehabilitation, restoration, interpretation, maintenance and project</p>	<i>Cooperative Agreement No: CA 8896-7-8005 dated 9 March 1987</i>

	planning regarding buildings and cultural features located on airport grounds.	
Land Acquisition from Coast Guard	<p>In 1980, the Coast Guard exsessed and transferred 23 acres to the NPS around the Moloka‘i Light Station.</p> <p>In 2006, the Coast Guard transferred the Moloka‘i Light Station to the NPS, under the General Services Administration.</p>	
	Insert Kalaupapa Memorial information, Place legislation in appendix	

APPENDIX A. 2006 WORKSHOP PARTICIPANTS & PREPARERS

Kalaupapa National Historical Park

Eric Brown, Marine Ecologist
Jennifer Cerny, Cultural Anthropologist
Guy Hughes, Wildlife Biologist
Lionel Kaawaloa, Chief of Maintenance
Tim Trainer, Chief Ranger
Tom Workman, Superintendent
Joanne Wilkins, Historical Architect

National Park Service – Historic Preservation Training Center

Doug Hicks, Deputy Superintendent

National Park Service – National Trails System – Intermountain Region

Sharon Brown, Outdoor Recreation Planner, former Kalaupapa NHP Historian

National Park Service – Pacific West Regional Office

Joseph Balachowski, Historical Architect
Martha Crusius, Planner
Frank Hays, Pacific Area Director
Anna Tamura, Landscape Architect

National Park Service – Denver Service Center

Stephan Nofield, Community Planner

Kalaupapa Patients Advisory Council

Gloria Marks, Chair

Arizona Memorial Museum Association

Edean Saito, Business Manager

Subject Area Experts

Garry Barbano, Retired, Park Planner, NPS-Honolulu Office
Bryan Harry, Retired, Pacific Islands Regional Director, NPS- Honolulu Office

APPENDIX B. LEGISLATION

Public Law 96-565
96th Congress

An Act

To establish the Kalaupapa National Historical Park in the State of Hawaii, and for other purposes.

Dec. 22, 1980
[H.R. 7217]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. In order to provide for the preservation of the unique nationally and internationally significant cultural, historic, educational, and scenic resources of the Kalaupapa settlement on the island of Molokai in the State of Hawaii, there is hereby established the Kalaupapa National Historical Park (hereinafter referred to as the "park").

Kalaupapa
National
Historical Park,
Hawaii.
Establishment.
16 USC 410jj.

SEC. 102. The Congress declares the following to constitute the principal purposes of the park:

Purposes.
16 USC 410jj-1.

(1) to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations.

(2) to provide a well-maintained community in which the Kalaupapa leprosy patients are guaranteed that they may remain at Kalaupapa as long as they wish; to protect the current lifestyle of these patients and their individual privacy; to research, preserve, and maintain the present character of the community; to research, preserve, and maintain important historic structures, traditional Hawaiian sites, cultural values, and natural features; and to provide for limited visitation by the general public and

(3) to provide that the preservation and interpretation of the settlement be managed and performed by patient and Native Hawaiians to the extent practical, and that training opportunities be provided such person in management and interpretation of the settlement's culture, historical, educational and scenic resources.

SEC. 103. The boundaries of the park shall include the lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Kalaupapa National Historical Park", numbered P07 80024, and dated May 1980, which shall be on file and available for public inspection in the local and Washington, District of Columbia offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor revisions in the boundary of the park by publication of a revised boundary map or other description to that effect in the Federal Register.

Boundaries;
public
inspection.
16 USC 410jj-2.

SEC. 104. (a) Within the boundary of the park, the Secretary is authorized to acquire those lands owned by the State of Hawaii or by political subdivision thereof only by donation or exchange, and only with the consent of the owner. Any such exchange shall be accomplished in accordance with the provisions of sections 5 (b) and (c) of the Act approved July 15, 1968 (82 Stat. 354). Any property conveyed to the State or a political subdivision thereof in exchange for property within the park which is held in trust for the benefit of Native

Land
acquisition.
16 USC 410jj-2.

16 USC 460i-22.

48 USC 691. Hawaiians, as defined in the Hawaiian Homes Commission Act of 1920 shall, as a matter of Federal law, be held by the grantee subject to an equitable estate of the same class and degree as encumbers the property within the preserve; and "available lands" defined in

48 USC 697. section 203 of the Hawaiian Homes Commission Act may be

48 USC 698. exchanged in accordance with section 204 of said Act. The vesting of title in the United States to property within the park shall operate to extinguish any such equitable estate with respect to property acquired by exchange within the park.

(b) The Secretary is authorized to acquire privately-owned lands within the boundary of the park by donation, purchase with donated or appropriated funds, or exchange.

(c) The Secretary is authorized to acquire by any of the forgoing methods except condemnation, lands, waters and interests therein outside the boundary of the park and outside the boundaries of any other unit of the National Park System but within the State of Hawaii, and to convey the same to the Department of Hawaiian Home Lands in exchange for lands, waters, and interests therein within the park owned by that Department. Any such exchange shall be accomplished in accordance with the provisions defined in subsection (a) of this section.

Administration.
16 USC 410jj-4.
43 USC 1457, 16
USC 1, 2, 3, 4, 22,
43.
16 USC 461-467.

SEC. 105. (a) The Secretary shall administer the park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), the Act of August 21, 1935 (49 Stat. 666), and the provisions of this Act.

(b)(1) With the approval of the owner thereof, the Secretary may undertake critical or emergency stabilization of utilities and historic structures, develop and occupy temporary office space, and conduct interim interpretive and visitor services on non-Federal property within the park.

(2) The Secretary shall seek and may enter into cooperative agreements with the owner or owners of property within the park pursuant to which the Secretary may preserve, protect, maintain, construct, reconstruct, develop, improve, and interpret sites, facilities, and resources of historic, natural, architectural, and cultural significance. Such agreements shall be of not less than twenty years duration, may be extended and amended by mutual agreement, and shall include, without limitation, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purpose, and that no changes or alterations shall be made in the property except by mutual agreement. Each such agreement shall also provide that the owner shall be liable to the United States in an amount equal to the fair market value of any capital improvements made to or placed upon the property in the event the agreement is terminated prior to its natural expiration, or any extension thereof, by the owner, such value to be determined as of the date of such termination, or, at the election of the Secretary, that the Secretary be permitted to remove such capital improvements within a reasonable time of such termination. Upon the expiration of such agreement, the improvements thereon shall become the property of the owner, unless the United States desires to remove such capital improvements and restore the property to its natural state within a reasonable time for such expiration.

(3) Except for emergency, temporary, and interim activity as authorized in paragraph (1) of this subsection, no funds appropriated pursuant to this Act shall be expended on non-Federal property unless such expenditure is pursuant to a cooperative agreement with the owner.

Cooperative agreements.

(4) The Secretary may stabilize and rehabilitate structures and other properties used for religious or sectarian purposes only if such properties constitute a substantial and integral part of the historical fabric of the Kalaupapa settlement, and only to the extent necessary and appropriate to interpret adequately the nationally significant historical features and events of the settlement for the benefit of the public.

Religious
structures.

SEC. 106. The following provisions are made with respect to the special needs of the leprosy patients residing in the Kalaupapa settlement—

Leprosy
patients.
16 USC 410jj-5

(1) So long as the patient may direct, the Secretary shall not permit public visitation to the settlement in excess of one hundred persons in any one day.

(2) Health care for the patient shall continue to be provided by the State of Hawaii, with assistance from Federal programs other than those authorized herein.

(3) Notwithstanding any other provision of law, the Secretary shall provide patients a first right of refusal to provide revenue-producing visitor services, including such services as providing food, accommodations, transportation, tours, and guides.

(4) Patients shall continue to have the right to take and utilize fish and wildlife resources without regard to Federal fish and game laws and regulations.

(5) Patients shall continue to have the right to take and utilize plant and other natural resources for traditional purposes in accordance with applicable State and Federal laws.

SEC. 107. The following provisions are made with respect to additional needs of the leprosy patients and Native Hawaiians for employment and training. (The term "Native Hawaiian" as used in this title, means a descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to the year 1778.)—

Employment
and training.
16 USC 410jj-6.
"Native
Hawaiian."

(1) Notwithstanding any other provision of law, the Secretary shall give first preference to qualified patients and Native Hawaiians in making appointments to positions established for the administration of the park, and the appointment of patients and Native Hawaiians shall be without regard to any provision of the Federal civil service laws giving an employment preference to any other class of applicant and without regard to any numerical limitation on personnel otherwise applicable.

(2) The Secretary shall provide training opportunities for patients and Native Hawaiians to develop skills necessary to qualify for the provision of visitor services and for appointment to positions referred to in paragraph (1).

SEC. 108 (a) There is hereby established the Kalaupapa National Historical Park Advisory Commission (hereinafter referred to as the "Commission"), which shall consist of eleven members each appointed by the Secretary for a term of five years as follows:

Kalaupapa
National
Historical Park
Advisory
Commission.
Establishment.
Membership.
16 USC 410jj-7.

(1) seven members who shall be present or former patients, elected by the patient community, and

(2) four members appointed from recommendations submitted by the Governor of Hawaii, at least one of whom shall be a Native Hawaiian.

Chairman.
Vacancies.

(b) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

Compensation.
Expenses.

(c) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

94 STAT. 3324

(d) The Secretary shall consult with and seek the advice of the Commission with respect to the development and operation of the park including training program The Commission shall, in addition, advise the Secretary concerning public visitation to the park, and such advice with respect to numbers of visitors shall be binding upon the Secretary if the Commission certifies to him that such advice is based on a referendum, held under the auspices of the Commission, of all patients on the official Kalaupapa Registry.

Expiration.

(e) The Commission shall expire twenty-five years from the date of enactment of this Act.

Reevaluation.
16 USC 410jj-8.

SEC. 109. 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.

Appropriation
Authorization.
16 USC 410jj-9.

SEC. 110. Effective October 1, 1981, there are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title but not to exceed \$2,500,000 for acquisition of lands and interests in lands and \$1,000,000 for development.

Approved* December 22, 1980.

* * * *

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1019 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-1027 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD. Vol. 126 (1980):
May 19, considered and passed House.
Dec. 4, considered and passed Senate, amended.
Dec. 5, House concurred in Senate amendments.

Public Law 100–202
100th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 1988, and for other purposes.

Dec. 22, 1987
[H.J. Res. 395]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

AN ACT

101 STAT.
1329-214

Making appropriations for the Department of the Interior and Related Agencies for the fiscal Year ending September 30, 1988, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

NATIONAL PARK SERVICE

101 STAT.
1329-218

OPERATION OF THE NATIONAL PARK SYSTEM

* * * * *

. . . *Provided further*, That notwithstanding any other provision of law, Public Law 96–565 is amended by adding the following at the end of section 104(a): “The Secretary may lease from the Department of Hawaiian Home Lands said trust lands until such time as said lands may be acquired by exchange as set forth herein or otherwise acquired. The Secretary may enter into such a lease without regard to fiscal year limitations.”: . . .

101 STAT.
1329-220
16 USC 410jj-3.

* * * * *

Approved December 22, 1987.

101 STAT.
1329-450

Certified April 20, 1988.

* * * * *

LEGISLATIVE HISTORY—H.J. Res. 395:

HOUSE REPORTS: No. 100–415 (Comm. on Appropriations) and No. 100–498 (Comm. of Conference).

SENATE REPORTS: No. 100–238 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Dec. 3, considered and passed House.

Dec. 11, considered and passed Senate, amended.

Dec. 21, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):

Dec. 22, Presidential remarks.

Public Law 109–54
109th Congress

An Act

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Aug. 2, 2005

[H.R. 2361]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

Department of
the Interior,
Environment,
and Related
Agencies
Appropriations
Act, 2006.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), \$860,791,000, to remain available until expended, of which \$1,250,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which \$3,000,000 shall be available in fiscal year 2006 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, \$32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$860,791,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

continue in effect under the renewed permit. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard 1-year term.

SEC. 124. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

New York.
New Jersey.

SEC. 125. Upon the request of the permittee for the Clark Mountain Allotment lands adjacent to the Mojave National Preserve, the Secretary shall also issue a special use permit for that portion of the grazing allotment located within the Preserve. The special use permit shall be issued with the same terms and conditions as the most recently-issued permit for that allotment and the Secretary shall consider the permit to be one transferred in accordance with section 325 of Public Law 108-108.

Mojave National
Preserve.

SEC. 126. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2005-2006 that commences on or about December 15, 2005.

Applicability.
Effective date.

SEC. 127. Section 1121(d) of the Education Amendments of 1978 (25 U.S.C. 2001(d)) is amended by striking paragraph (7) and inserting the following:

“(7) APPROVAL OF INDIAN TRIBES.—The Secretary shall not terminate, close, consolidate, contract, transfer to another authority, or take any other action relating to an elementary school or secondary school (or any program of such a school) of an Indian tribe without the approval of the governing body of any Indian tribe that would be affected by such an action.”.

SEC. 128. Section 108(e) of the Act entitled “An Act to establish the Kalaupapa National Historical Park in the State of Hawaii, and for other purposes” (16 U.S.C. 410jj-7) is amended by striking “twenty-five years from” and inserting “on the date that is 45 years after”.

SEC. 129. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking “September 30, 2005,” and inserting “June 30, 2006,”.

SEC. 130. None of the funds in this or any other Act may be used to set up Centers of Excellence and Partnership Skills Bank training without prior approval of the House and Senate Committees on Appropriations.

SEC. 131. Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb-3 note; 117 Stat. 239; division F of Public Law 108-7), is amended—

(1) in the second sentence, by inserting “, including utility expenses of the National Park Service or lessees of the National Park Service” after “Fort Baker properties”; and