

October 5, 2024 Kalaupapa Informational Briefing Questions & Answers

Access Related Questions

Q: When will descendants of Kalaupapa patients be allowed access to enter Kalaupapa again?

NPS Response: Lineal descendants already have access. Access is granted in partnership between NPS and DOH. DOH has the final say in how visitors enter Kalaupapa. Lineal descendants looking to connect with their ancestors in Kalaupapa can either contact NPS to work with their cultural anthropologist, Ka'ohulani McGuire, to plan a gravesite visit, or work with Ka 'Ohana O Kalaupapa, who provides a similar service.

Q: NPS has contracted with tribes to manage indigenous lands. Can NPS do something similar with Native Hawaiians?

NPS Response: There is a specific federal government contracting process. You can find out more about how the process works and how to bid on federal contracts, including contracts at Kalaupapa, at the website: [Contract Opportunities | SAM.gov](#). There are mechanisms to privilege small businesses in the contracting process. There is no mechanism to privilege Native Hawaiian owned businesses in the contracting process. However, a Native Hawaiian business may qualify as a small business and compete as such.

There are several mechanisms that allow for collaboration and cooperative management of federal land with affiliated indigenous people. Most of these mechanisms do not apply to Kalaupapa because the majority of the land is owned by the state.

NPS is working to extend the invitation regarding co-stewardship of Kalaupapa NHP to Native Hawaiians and other potential partners. If you are interested in stewardship, or use, of resources within Kalaupapa NHP, please contact the park and/or state landowner. Park and State Agency staff can assist your organization in exploring possible pathways and process that fit the specific request.

Q: 1827 Royal Patent: 6405 Ap. 3 to Kaunuohua (Konohiki lands) for the ahupua'a of Kalaupapa. When will you return the kuleana lands back to surviving heirs?

DLNR Response: DLNR staff are researching this Royal Patent.

Interagency Working Group Related Questions

Q: Transition meetings are not open to the public and there are no stakeholders invited. Why? Why is there no public record?

DOH Response: The meetings which have been held have related to daily operational tasks such as law enforcement, facilities maintenance, utilities, solid waste management and other environmental issues and governmental functions. The government agencies responsible for each of these areas, including DOH, DHHL, DLNR, and NPS, participated in these meetings with respect to their operational kuleana.

NPS Response: In addition, the NPS gathered information throughout the 10-year-long development of the park's General Management Plan (GMP). NPS uses the finalized

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GMP and stakeholder comments gathered throughout the process to inform management and planning.

Q: NPS - Interdisciplinary Team. Why are there no community advocates or Native Hawaiian representation or DHHL representation on the team? There are only NPS staff deciding what actions / issues need to consult with Native Hawaiians.

DHHL Response: In 2015, DOH and NPS invited DHHL to participate in its discussions. DHHL has been a regular participant in these discussions. DHHL also has regular meetings with NPS as it pertains to issues governed under the current DHHL lease for the land at Kalaupapa (General Lease 231).

NPS Response: The meetings that have been referred to as “Transition meetings” started in 1980 when Congress created the National Park. Congress required NPS and DOH to have regular meetings to work together. These meetings have and continue to be about transferring infrastructure responsibilities from the Department of Health (DOH) to NPS. Responsibilities taken over by NPS include the water system in 1980, waste management and electrical systems, and conversion of high flush cesspools to septic tanks. DHHL, as the landowner, began attending meetings in 2015. Representatives from Maui County, DLNR, and DOT were also encouraged to participate in these meetings. As the age of the patients has progressed, DOH believed it was important that the executive leadership of all state, federal and county agencies convened to ensure a smooth transfer of responsibilities at the appropriate times.

Q: Is Emergency Management part of the Interagency Working Group? (tsunami evacuation, flood, cyber attacks, pandemics, hurricane evacuation)

NPS Response: National Park Service (NPS) jointly manages emergency response between Department of Health (DOH) and NPS. Generally, NPS will take the lead as NPS has staff who are trained and actively exercises emergency response skills. Last year NPS started an interagency emergency response planning process with all of the agencies who do emergency response in Hawai‘i. This was from the USGS system called the Strategic Hazard Identification and Risk Assessment Project (SHIRA). This was done to plan for emergencies and discuss what emergency responses would be. Depending on the activity, there are various emergency responses, especially as Kalaupapa is an isolated area and would require the place to be self-sufficient in the case of an emergency in Moloka‘i. DHHL representatives were also invited to participate in the planning process.

Q: I have many comments, too many but main one. How will DOT, DLNR, NPS, and DOH carry out their mandated consultations with Native Hawaiians after today? Has everyone punted this responsibility to NPS? Can I expound?

DHHL Response: DHHL anticipates doing beneficiary consultation pursuant to its applicable policies and procedures. This engagement is specific to Trust beneficiaries and not the general public.

DLNR Response: DLNR will continue to engage with the public, including Native Hawaiians and Molokai residents, on issues related to DLNR’s kuleana. This may

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include hunting, fishing, access on public trails, management of endangered species and invasive species. However, there are issues we coordinate with NPS that fall under the Cooperative Agreement. DLNR has appreciated the collaboration with NPS that has physical presence in Kalaupapa that DLNR does not, and therefore in those areas that fall under the Cooperative Agreement we follow the terms of the agreement.

DOH Response: There are no mandated consultations with Native Hawaiians required of DOH. DOH defers to DHHL and DLNR as the landowners to address this question.

DOT Response: DOT defers to DHHL and DLNR as the legal land owners and guardians of this land to address the community's questions.

NPS Response: Regarding whether NPS has been delegated all of the consultation responsibilities, the answer is no. Parsing apart jurisdiction and legal characterization is critical. NPS recommends that if there is something you care about and would like NPS to know, you do not have to wait for a formal consultation process to speak with NPS. Individuals are encouraged to talk to NPS anytime. All agencies are well versed in where their boundaries of responsibilities begin and end.

Questions Regarding Next Steps

Q: Please inform the community which range of months the next meeting will be held. It is important to the community to be involved in any proposed next steps. Decisions should not be made without the community having the opportunity to be involved.

DHHL Response: DHHL is planning for beneficiary consultation in late 2024 through 2025. DHHL is also planning to update the Moloka'i Island Plan from 2025-2027 and anticipate beneficiary outreach starting mid-to-late 2025.

DOH Response: DOH plans to participate in the community meetings to be convened by Councilmember Keani Rawlins-Fernandez and Representative Mahina Poepoe. DOH's primary responsibility is to care for patients and to continue to address the existing environmental hazards. DOH is willing to help facilitate convening of interagency collaborative community meetings, however, DOH's role in any future meetings will be to report on any updates to our transfer plans. DOH's involvement with the grant to Ka 'Ohana for the construction of a memorial will continue for the duration of the grant. Any planning for the future use of Kalaupapa lies in the hands of the landowners and NPS.

DOT Response: DOT's role revolves around highways, harbors, and airports. DOT has an airport in Kalaupapa and is responsible for getting people and goods to the places that are necessary. DOT is an access vehicle and will continue to work as a support to all of the agencies present.

Q: What is the status of the \$5M that the legislature appropriated for the construction of the monument for the patients of Kalaupapa?

DOH Response: In 2022, \$5 million dollars was appropriated to DOH for the purpose of building a memorial in Kalaupapa. While the legislative intent was for Ka 'Ohana O Kalaupapa to be awarded the funds to build the memorial, no specific entity was named in the legislative Act. Therefore, DOH was required to request a procurement exemption to be able to legally contract directly with Ka 'Ohana. DOH continues to follow the State's

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procurement laws surrounding the disbursement of these funds. DOH is in the final phase of executing a contract with Ka 'Ohana. The final draft is currently being reviewed by Ka Ohana and once accepted, Ka Ohana will be able to request payment for the initial phases of their work.

It should be noted that the release of the full \$5M legislative appropriation is subject to Ka Ohana meeting several conditions, including:

- 1) Obtaining a lease with the Board of Land and Natural Resources for the state lands where the Memorial is proposed to be constructed,
- 2) Compliance with regulatory requirements to construct the memorial including HRS chapter 343,
- 3) Developing a maintenance plan for the memorial,
- 4) Review and approval of the memorial design by the Secretary of Interior, and
- 5) Holding a public community meeting on the Memorial.

While Ka 'Ohana has completed several of these conditions there are several outstanding items.

Additional Questions

Q: You as a department know we have an association that represents all Native Hawaiians of every ahupua'a and Kalaupapa falls in our ahupua'a. Why aren't we able to meet with DHHL? Will we be able to meet with you?

DHHL Response: The Department is going to have meetings with beneficiaries and native Hawaiians in the community separately to hear you, independent of all organizations. In regard to homesteading, we look forward to having dialogue with you and your families.

Q: For the Memorial, having funds secured and if the legislature approved and released them, what needs to be secured and who is in charge of the contract?

DOH Response: DOH is required to follow State procurement rules for the awarding and issuing of these funds. A contract must be executed before funds can be released. The contract is a joint effort between DOH staff, Ka 'Ohana O Kalaupapa and their legal team. DOH is working with Ka 'Ohana O Kalaupapa attorneys and have found a way for partial funds to be released without all the terms required to build the memorial being met. We feel we have a good pathway to move forward.

Q: When is the next meeting?

Maui County Council Response: Councilmember Keani Rawlins Fernandez and Representative Mahina Poepoe will be organizing a virtual working group involving community stakeholders and they will invite the state and federal agencies with responsibilities at Kalaupapa to attend.