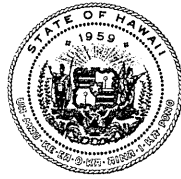


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**STATE OF HAWAII**  
**DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879  
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March 7, 2019

Superintendent, attn: GMP  
Kalaupapa National Historical Park  
7 Puahi Street  
Kalaupapa, HI 96742

Aloha Superintendent:

Subject: Department of Hawaiian Home Lands Comments on the Kalaupapa National Historical Park Draft General Management Plan and Environmental Assessment

Mahalo for the opportunity to provide comments on the Draft General Management Plan (DGMP) and Environmental Assessment (EA) published in November 2018. The Department of Hawaiian Home Lands (DHHL) has been actively participating in the National Park Service's (NPS) General Management Plan (GMP) planning process for the Kalaupapa National Historic Park since the initiation of the scoping phase in 2009, which included several formal rounds of DHHL beneficiary consultation and briefings to the Hawaiian Homes Commission (HHC). Comment letters were submitted to NPS in September of 2011 on the Proposed Alternatives and in July of 2015 on the DGMP and EIS.

Prior to that, DHHL had conducted its own comprehensive planning process for all of its lands on the island of Molokai, including Kalaupapa, which resulted in acceptance of the DHHL Molokai Island Plan by the Hawaiian Homes Commission in 2005. In-depth consultation with DHHL beneficiaries was conducted as part of that planning process, and a site visit to Kalaupapa by DHHL staff was made in 2004 to meet with the Patient Advisory Council and NPS. Several themes emerged, primarily focused on ways beneficiaries could better reconnect with the 'āina of Kalaupapa, particularly with important cultural and natural resource sites, as well as honoring the legacy of what happened there, including the dislocation of native Hawaiians in order to create the Hansen's Disease settlement.

Now that the Draft GMP has been reformulated and the GMP issued as an EA instead of an EIS, DHHL recognizes that substantive adjustments to the GMP were made in response to beneficiary and Molokai residents' comments, such as removing the Boundary Proposal that included Pelekunu and Pu'u o Hoku Ranch. However, DHHL is somewhat dismayed that after so many years of dedicated participation by this agency as well as the beneficiaries, and the gradual building of a good faith relationship with NPS, no consultation with DHHL was conducted prior to such a

major shift in approach. In addition, the document was initially issued with only a thirty-day comment period which fell during the Thanksgiving and Christmas holiday season, when our beneficiaries take time to reconnect with their 'ohana. In response to multiple requests, the comment period was extended to February 1, 2019. However, the opportunity to comment was further complicated by the partial shutdown of the federal government, which caused confusion and disruption on many levels until the news was received that the comment period would be extended once again, to March 7, 2019.

This problematic situation made it difficult for DHHL to adequately analyze the implications of the changes to the document, schedule and conduct additional beneficiary outreach on the reformulated GMP, or brief the HHC, which leads us to our initial comments:

#### Time Extension

1. DHHL requests that the comment period be extended for an additional 90 days to afford the agency enough time to schedule and conduct beneficiary outreach on Molokai and brief the HHC, as well as to provide support for similar requests by beneficiaries and organizations supportive of beneficiaries, such as Ka 'Ohana o Kalaupapa. If this request is granted, this comment letter will be supplemented by additional comments that will reflect input gathered from beneficiaries as well as the HHC.
2. In addition to the above reason, DHHL requests that the comment period be extended for an additional 90 days to conduct a second Section 106 Consultation meeting. DHHL and many others were unable to participate in the conference call that was held on Nov. 20, 2018, and DHHL received comments that there was not enough time to adequately review the GMP prior to the conference call.
3. DHHL supports similar requests made by others, such as Ka 'Ohana o Kalaupapa and the Maui County Cultural Resources Commission.

The following are comments based on analysis and input DHHL has been able to perform and gather to date:

#### Actions Common to Both Alternatives

4. Kalaupapa Settlement: At the bottom of Page 8, there is no discussion of the need to negotiate sub-leases with the religious institutions – does NPS consider the need for sub-leases to be only a matter between DHHL and the religious institutions?

#### Alternative 2: NPS Preferred Alternative (A-2)

5. Overall comment: DHHL supports NPS' efforts to respond to comments by proposing augmentation of engagement with N(n)ative Hawaiian individuals and organizations regarding partnerships, stewardship programs, and culturally-based education. There may

be overlap with the desires of DHHL beneficiaries to participate more fully in activities in Kalaupapa, therefore those efforts need not be mutually exclusive.

6. Management of Specific Areas within Kalaupapa NHP – Kalaupapa Settlement: The GMP should provide a more thorough description of what would be included in the “building use and infrastructure plan.” An outline of what would be included in such a plan could be attached as an appendix, or a reference to a specific NPS Bulletin provided.
7. Management Structures, Partnerships and Agreements – Department of Hawaiian Home Lands Partnership: DHHL concurs that developing additional agreements between DHHL and NPS to manage access, use, facilities and lands to better meet the needs and desires of our beneficiaries while supporting the overall mission of the NPS for the Kalaupapa NHP will be an important step in implementing both the NPS GMP and DHHL’s Molokai Island Plan upon the departure of the State Department of Health. DHHL also concurs that the NPS does not have the authority to regulate homesteading, as that is the purview of the Hawaiian Homes Commission per the Hawaiian Homes Commission Act of 1920, as amended, which was passed by Congress and signed into law by President Warren G. Harding on July 9, 1921 (chapter 42, 42 Stat. 108).
8. Management Structures, Partnerships and Agreements – Kalaupapa NHP Advisory Group: DHHL supports the formation of a community-based advisory group, to include Molokai native Hawaiians, in order to provide guidance for the park during and after the transition of the State Department of Health out of Kalaupapa.
9. Natural Resources, Wild and Scenic River: Due to its value to DHHL beneficiaries as an opportunity to restore traditional kalo cultivation, any studies done in support of a Wild and Scenic River designation for Waikolu Stream must include a thorough analysis of potential impacts to future kalo lo‘i restoration and other exercises of rights of traditional and customary access and use by Native Hawaiians.

#### Responses to substantive comments in Appendix G

##### Topic 5: Native Hawaiians

10. *Native Hawaiians as traditionally associated peoples, Native Hawaiian traditional and customary (T&C) practices and access rights, Native Hawaiian access and use, and Hawaiian stewardship*: The NPS responses to comments on these topics center on the complexities of federal law, state law and the terms of the general lease with DHHL as regards respecting the rights of N(n)ative Hawaiians (see Comment 5 above). DHHL acknowledges that effective implementation of programs and other mechanisms to facilitate access and stewardship will require a collaborative relationship and most likely a Cooperative Agreement between both agencies. DHHL has, at a minimum, a moral obligation to support the healing and reconnection process that is so evidently needed. DHHL sees the desire of its beneficiaries to at some point in time have the ability to more

consistently access the peninsula and participate more fully in NHP activities as an opportunity that will have a positive impact on the NPS' ability to carry out its mission. Collaborative and symbiotic arrangements between indigenous peoples and the NPS exist, such as the Kipahulu 'Ohana in Haleakala NP and the Oglala Lakota of Pine Ridge Reservation in the Badlands NP in South Dakota. Such arrangements could be used as templates for Native Hawaiians and NPS in the Kalaupapa NHP.

11. *Native Hawaiians and commercial services*: Providing opportunities for native Hawaiians to generate income on DHHL lands is a priority for DHHL. NPS states that "Concessions and other opportunities are governed by applicable federal laws. In its lease with the NPS, DHHL has reserved the authority to give native Hawaiians a 'second right of refusal' to provide revenue-producing visitor services for the areas of the park covered by the lease. The NPS would work with DHHL to agree on a process to select a concessioner that meets NPS and DHHL requirements for DHHL lands." Please describe how a cooperative agreement between DHHL and NPS would be the best vehicle for ensuring that issuance of contracts for concessions and other services is conducted in compliance with General Lease No. 231, Article 2, Condition No. 11.
12. *Native Hawaiian staffing, hiring preference and training*: DHHL commends NPS for its efforts to date to recruit, train and retain native Hawaiians for NPS positions at Kalaupapa NHP. DHHL appreciates the language added to Alternative 2 formalizing a training program that would prepare native Hawaiians to more effectively compete for NHP positions at Kalaupapa NHP.

#### Decision to Change the NEPA Level of Review from an EIS to an EA

13. DHHL understands that additional details and more specificity will be provided by Program Management Plans, Strategic Plans, and Implementation Plans that will follow the GMP, and that additional environmental analysis of alternatives and public involvement will be conducted during preparation of these plans. However, in NPS Management Policies (2006), Chapter 2, Section 2.3.1 General Management Planning, it states that "The approved plan will create a realistic vision for the future, setting a direction for the park that takes into consideration the environmental and financial impact of proposed facilities and programs and ensures that the final plan is achievable and sustainable." In the previous GMP/EIS version, there was enough detail to be better able to assess the environmental and financial impact of proposed facilities and programs as well as whether the final plan is achievable and sustainable. NPS needs to expand the discussion of the rationale for the change.

#### Satisfying NEPA Requirements/Providing Sufficient Information to Support a FONSI

14. NPS Management Policies (2006), Chapter 2, Section 2.3.1.7 Environmental Analysis states that "In most cases, an environmental impact statement (EIS) will be prepared for

general management plans. In a few cases, the regional director, in consultation with the NPS Environmental Quality Division, through the Associate Director for Natural Resource Stewardship and Science, may approve an exception to this general rule if:

- Completion of scoping demonstrates that there is no public controversy concerning potential environmental effects, and
- the initial analysis of alternatives clearly indicates there is no potential for significant impact by any alternative

There has been public controversy, primarily reflected in comments from Native Hawaiians, concerning potential cultural impacts and impacts to historic resources from both the Preferred Alternative (A-2) and the “No Action” alternative (A-1). Because the exact mechanisms for DHHL and NPS working together to facilitate access for traditional and customary use and other culturally-related uses have not yet been determined, it is difficult at this juncture to assess whether significant impacts can be avoided by implementation of Alternative 2, therefore in this agency’s opinion an EIS is still warranted.

It is also conceivable that the “no action” alternative could result in the potential for significant impacts to historic resources, given that perpetuation of the current accumulation of repair backlogs and deferred maintenance and restoration work that is not keeping pace with the effects of weather and salt spray, will, over time, result in permanent damage to and loss of valuable historic properties. However, because no figures were included in the GMP/EA on current and forecasted operating costs for either alternative, it’s impossible to properly evaluate the potential for significant impacts.

The costs could have been estimated based on several scenarios for Alternative 2, such as a scenario where DHHL takes over the management and maintenance of ten percent of the structures, another scenario where nonprofits “adopt a structure” and maintain a certain percentage of the buildings, etc. If the reason for the lack of specificity is due to the level of uncertainty regarding complexities related to the long-term use and management of the historic buildings by the NPS, Department of Hawaiian Home Lands, and other partners (as stated by NPS), then wouldn’t the solution be to take more time to allow the transition planning process to progress to the point where cost estimates could be included in an EA or EIS for the GMP?

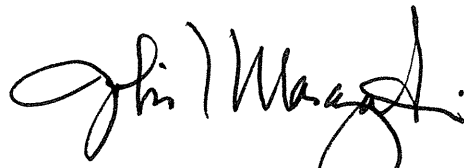
As drafted, the GMP offers no reassurance that there will be enough money budgeted to support restoration and maintenance of the improvements in the Settlement for the long term, which could potentially have a very direct impact on the Hawaiian Homelands Trust. Without the required level of specificity, this agency is hard pressed to understand how a FONSI can be supported for the GMP/EA.

Superintendent, Kalaupapa NHP  
March 7, 2019  
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We thank you for the opportunity to provide comments and hope that our input will be useful in improving the final product and producing the best General Management Plan possible for the Kalaupapa NHP, which so many of us, clearly, care very deeply about.

If there are any questions, please contact Nancy McPherson of our Planning Office at (808) 620-9519 or by email at [Nancy.M.McPherson@hawaii.gov](mailto:Nancy.M.McPherson@hawaii.gov).

Aloha,

A handwritten signature in black ink, appearing to read "Jobie M.K. Masagatani". The signature is fluid and cursive, with a large initial "J" and "M".

Jobie M.K. Masagatani, Chairman  
Hawaiian Homes Commission