

HAWAIIAN HOMES COMMISSION
Minutes of
August 15, 2011
Meeting Held in Kailua-Kona, Hawai`i

Pursuant to proper call, the 618th Regular Meeting of the Hawaiian Homes Commission was held at the King Kamehameha Hotel, 75-6550 Palani Road, Kailua-Kona, Hawai`i, beginning at 10:30 a.m.

PULE Commissioner Kama Hopkins and a mele "Kona Kai `Opua"

PRESENT Mr. Albert "Alapaki" Nahale-a, Chairman
Mr. Imaikalani Aiu, Commissioner, Kaua'i
Mr. Perry Artates, Commissioner, Maui
Ms. Leimana Damate, Commissioner, West Hawai`i
Mr. Kama Hopkins, Commissioner, O`ahu
Mr. Michael Kahikina, Commissioner, O`ahu
Mr. Ian Lee Loy, Commissioner, East Hawai`i
Mr. Henry Tancayo, Commissioner, Moloka`i
Mr. Renwick Tassill, Commissioner, O`ahu

COUNSEL Kalani Bush, Deputy Attorney General

STAFF Michelle Kauhane, Deputy to the Chairman
Wai`ale`ale Sarsona, Chief of Staff
Linda Chinn, Administrator, Land Management Division
Darrell Yagodich, Administrator, Planning Office
Dean Oshiro, Acting Administrator, Homestead Services Division
Francis Apoliona, Enforcement Officer
John Peiper, Enforcement Officer
Jim DuPont, Supervisor, West Hawai`i District Office
Kahana Albinio, Agent, Land Management Division
Gigi Cairel, Planner, Planning Division
Kaleo Manuel, Planner, Planning Division
Dre Kalili, Policy and Programs Analyst
Blaine Fergstrom, Information and Community Relations Agent
Corinne Lee, Grants Specialist and Information and Community Relations
Ellery Batino, Enforcement Officer, Island of Hawai`i
Elaine Searle Secretary to the Commission

AGENDA Commissioner K. Hopkins moved, seconded by Commissioner R. Tassill, to approve the agenda. Motion carried unanimously.

MINUTES Commissioner K. Hopkins moved, seconded by Commissioner M. Kahikina, to approve the minutes of July 19, 2011 as circulated. Motion carried unanimously.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION WORKSHOP/AGENDA
King Kamehameha Hotel, 75-6550 Palani Road, Kailua-Kona, HI,
Monday, August 15, 2011, 10:30 a.m., & August 16, 2011, 8:30 a.m.

ORDER OF BUSINESS

Roll Call
Approval of Agenda
Approval of Minutes of July 19, 2011

A - WORKSHOP PRESENTATIONS

- Land Dispositions: General Leases
- Native Hawaiian Development Program Plan (Part 2): Individual Development Programs
- Kalaupāpā

B - PUBLIC TESTIMONY ON AGENDIZED ITEMS

C - OFFICE OF THE CHAIRMAN

- C-1 HAR Title 10 - Amendment Development Process
C-2 Establish Quarterly Meetings with Office of Hawaiian Affairs (OHA)

D - HOMESTEAD SERVICES DIVISION

- D-1 HSD Status Reports
Exhibits:
A - Homestead Lease and Application Totals and Monthly Activity Reports
B - Delinquency Report and Status of Contested Case Hearings
C - DHHL Guarantees for USDA-RD Loans
- D-2 Notification of Various Lease Awards and Cancellation of Corresponding Applications
- D-3 Rescission of Homestead Lease Awards and Reinstatement of Application - East Kapolei I, Undivided Interest
- D-4 Rescission of Homestead Lease Award and Reinstatement of Application - East Kapolei II, B & C, Undivided Interest
- D-5 Approval of Consent to Mortgage

- D-6 Refinance of Loans
- D-7 Schedule of Loan Delinquency Contested Case Hearings
- D-8 Homestead Application Transfers / Cancellations
- D-9 Commission Designation of Successors to Application Rights (Deceased)
- D-10 Ratification of Designation of Successors to Leasehold Interest and Designation of Persons to Receive Net Proceeds
- D-11 Approval of Assignments of Leasehold Interest
- D-12 Approval of Amendments of Leasehold Interest
- D-13 Approval of Exchange of Leases
- D-14 Request to Schedule Contested Case Hearing - Lease Violations
- D-15 Request to: 1) Amend the Hawaiian Homes Commission's June 23, 2009 Action Relating to the Keokea-Waiohuli Development - Phase 1, Keokea, Kula, Hawai'i; 2) Approve Amendment of Keokea-Waiohuli Development - Phase 1, Homestead Leases
- D-16 Continued Discussion and Decision Re: July 19, 2011, Item B-15, "Request to Transfer a Portion of a Leasehold Interest - **James Akiona, Sr.**"

F- LAND MANAGEMENT DIVISION

- F-1 General Leasing (deleted)
- F-2 Issuance of Right-of-Entry Permit, The Honolulu Authority for Rapid Transportation (HART), Waiawa, O`ahu
- F-3 Issuance of License, Kamehameha Schools, Keaukaha, Hawai'i
- F-4 Approval of Payment Plan, License No. 607, Mahalo Broadcasting LLC, Humu`ula, Hawai'i
- F-5 For Information Only; Request from Waimea Hawaiian Homestead Association for Park and Cemetery Use
- F-6 Ratification of Ratification of Consents and Approvals by Chairman, Hawaiian Homes Commission
- F-7 Notices of Default and Revocations, Statewide

G - PLANNING OFFICE

- G-1 Nā Kupa`a Operations and Maintenance Agreement
- G-2 Budget Amendment for DHHL Grants Program

J - GENERAL AGENDA

- J-1 Request to Address Commission - Harvey Keliikoa of Kings Landing, Keaukaha
- J-2 Request to Address Commission - Duke Kapuniai, Pu`ukapu Pastoral Water Group
- J-3 Request to Address Commission - Kanani Kapuniai, 'Oiwī Lokahi O Ka Mokupuni O Keawe
- J-4 Request to Address Commission - Gabriel Mamani, Kawaihae Homestead Assn.
- J-5 Request to Address Commission - Edgar Spencer

EXECUTIVE SESSION

The Commission anticipates convening in executive meeting Pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities.

1. Richard Nelson, III, Kaliko Chun et al. vs HHC, Civil No. 09-1-161507
2. Honokaia `Ohana vs HHC & DHHL, Civil No. 09-00395
3. Issues Relating to Commission's Powers, Duties, Privileges, Immunities and Liabilities Under the HHCA of 1920 and HAR, Pursuant to §92-5(a)(4), HRS

ANNOUNCEMENTS AND ADJOURNMENT

1. Next Meeting – September 20, 2011, Kapolei, Hawai`i
2. Other Announcements
3. Adjournment



for Albert "Alapaki" Nahale-a, Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

Imaikalani P. Aiu, Kaua`i
Perry O. Artates, Maui
Leimana DaMate, West Hawai`i
J. "Kama" Hopkins, O`ahu

Michael P. Kahikina, O`ahu
Ian B. Lee Loy, East Hawai`i
Henry K. Tancayo, Moloka`i
Renwick V.I. Tassill, O`ahu

The next community meeting will be held on Monday, September 19, 2011 at Papakolea Community Center, 2150 Tantalus Drive, Honolulu, Hawai`i at 6:00 p.m.

Special Accommodations (such as Sign Language interpreter, large print, taped materials) can be provided, if requested at least five (5) working days before the scheduled meeting on the respective island by calling (808) 620-9590.

A – WORKSHOP PRESENTATIONS

Item #1 LAND DISPOSITIONS: General Leases

Land Management Administrator Linda Chinn provided a brief overview of general Leases which are governed by:

- 1) Hawaiian Homes Commission Act of 1920
- 2) 171 Hawaii Revised Statutes
- 3) Chapter 4, Title 10 Hawaii Administrative Rules

Four types of Agreements

General Leases – long term leases up to 65 years

Revocable Permits – month to month short term leases; retained for the lands not ready for Homestead use.

Licenses – Generally used for easement for utility companies or cell site

Right of Entry Permit –short term entry used for a specific entry for specific time.

Big Island Projects include

- 1) Target- Safeway Hilo
- 2) Big Island Carbon, Kawaihae

General Leasing Program – generates revenue and provide long term use for commercial, industrial, pastoral and agricultural lands. 120 general leases exist statewide which creates 8.1 M annually.

Two provisions in HHCA govern general leasing process:

- 1) Section 204(a)(2) – 171.59, HRS
- 2) Section 220.5 – 171.60 HRS

Department may lease lands for revenue generating purposes to general public on same terms and conditions and uses that apply to disposition of public lands in HRS, Chapter 171. This is the first guiding authority. Section 204 was amended by 1978 Constitutional Convention by adding:

“provided further that the Department is expressly authorized to negotiate, prior to negotiation with general public the disposition of a lease of Hawaiian home lands to a native Hawaiian or organization or an association owned or controlled by native Hawaiians for commercial, industrial or other business purposes.” Commission further adopted in September 1981 allowing lands used for income purposes to Hawaiians and general public. Another action rescinded the general leasing policy adopted on September 1981, in October, 2001. No further preference to native Hawaiians on general lease offerings.

Section 220.5(b) – Department authorized to enter into project developer agreement to 1) set by appraisal the minimum rental of lands at fair market value; 2) give notice of proposed disposition in accordance with procedures and requirements of Section 171-60 HRS; establish criteria for

Q&A

Does the department have any connection with subleases should a lessee decide to sublease portions of a lease?

The chairman grants all sublease agreements which are reviewed for terms and agreements. The department is subject to receive additional monies through a cost share process and may be entitled to collect 50% of profits after costs are recouped. All subleases are to be reported, otherwise, this oversight may cancel the lease. Percentage rent leases are not considered reliable income due to fluctuating economic times.

Are general leases given in areas designated agricultural or pastoral?

There are some old pastoral leases, but no long term general leases have been issued for those types of uses. The department believes that homesteaders should acquire and utilize the agriculture or pastoral lands for these purposes. Short term, month to month leases have been issued.

What has been the performance of percentage leases and the shifts seen in the market level?

Because deductions are offered for turn-on and turn-off investments, general leases need to be continued for a duration of time before percentages kick in. Percentage leases are not relied on as revenue generating leases, but some type of gain helps.

The department is attempting to establish the fixed cost of running the department as well as determining how much it will cost to place a homesteader on the land. Revenues need to be increased. Through the island plan process, some lands are designated for commercial use. The land value changes when the market is bad. No value figure is placed on the property until the department is preparing for development. In the matter of the DeBartolo lease, estimated annual income in three years is anticipated at approximately \$4.6 M. Land Management manages approximately 230,000 acres besides other land base with a staff of ten (10).

How are the commercial funds utilized to generate revenues for the purpose of the Act?

Monies go into a general fund and are utilized for whatever funding purposes the Commission determines.

On the Hawaiian Homes Commission rescission action of October 23, 2001, why was the general leasing preference policy changed?

From 1981 to 2000, nineteen (19) general leases were issued with sixteen (16) leases given to native Hawaiians. Of the sixteen leases, only four (4) leases survived. A number of factors caused these leases to fail. The developing and building of raw land, the mortgage payments and insurance costs were far greater than expected and caused many of them to fold within a year.

The HOAP program was offered to assist general lessees in the planning and preparation for a general lease. The subsequent action didn't prevent the department from giving preference to Hawaiians, it merely removed a mandate requiring the department to first offer it to a Hawaiian.

How will Section 220.5 be utilized?

Although this lease process has not been tested, projects are growing bigger and infrastructure is reduced to a lesser amount which may require the department to initiate this lease process. An appraisal for best use will need to be completed; advertising and the setting of criteria to review the project. With all factors considered, it will determine:

- 1) who's willing to pay the most money; and
- 2) what's the best project for the area.

HRS 171-43.1 What size lots are determined for consideration?

Depending on the needs for the community or other non-profit organizations, nominal fees are charged or nothing at all. Consideration is given on whether native Hawaiians will be served. Non-profit organizations are offered leases and are required to seek their own financing. An example: Special Olympics is building its facility near the Kroc Center in Kapolei. Most leases geared for terms of 20 or more years. The department does not guarantee financing of these projects. Each entity maintains its own funding source.

Consent To Mortgage?

These matters are being reviewed and updated in the Administrative Rules.

Are lands not designated for homestead use derived through the Island Plans?

This body determines the land uses and there is no reason why this body cannot go back and re-designate land uses. We are required by law to go through a hearing process.

Does the department look into revenue sharing with the immediate community?

In working with bidders, the department attempts to package services or dollars as part of the negotiations to benefit the community. A couple of months ago, the commission approved a new policy to set aside 15% of general lease revenue into the NHRF (Native Hawaiian Recovery Fund) funds. Funding from commercial revenues would be set aside to benefit community needs.

Item #2 NATIVE HAWAIIAN DEVELOPMENT PROGRAM PLAN): (Part 2) Individual Development

Presented by Planning Administrator Darryl Yagodich and Planner Bob Freitas

The NHDP is the vehicle for determining how NHRF (Native Hawaiian Recovery Fund) are utilized. These funds are intended for self sufficiency and self determination for native Hawaiians. One only need be a native Hawaiian to benefit from these funds. This fund can be utilized for social, cultural and economic and political and educational purposes.

The Native Hawaiian Development Program Plan (NHDPP) was adopted by this commission in September, 2009. The Plan is currently "out for consultation" with comments due by September 3, 2011, to be presented at the October, 2011 meeting. The NHDPP is a means to increase self-sufficiency and self-determination of native Hawaiians. This program targets education of which scholarships are offered to approximately 250 individuals. Consideration is being given to expand the program and address internships under the scholarship program.

Agriculture program covers 1500 people statewide to provide technical assistance. A new agricultural policy is positioned to be in place by the end of the year. In review, the commission adopted an agricultural task force policy in 2000 because agriculture leases were not awarded since the 1980's. The program wasn't matching up to the policies in place, therefore a moratorium was issued. In the meantime, recommendations were made; however no action was taken due to the fact that homesteading was viewed as a priority.

Over the course of a two-year period, the Home Ownership Assistance Program (HOAP) has benefited more than 3200 people and has proved to be a viable program. Currently, the department is having it reassessed with potential changes being made.

Q & A

The department is being advised by UH College of Tropical Agricultural Cooperative Extension Service personnel. How is it that non-natives who have no connection to the lessees, are giving inappropriate advise on the lands?

Commissioner L. DaMate recommends utilizing a rancher who has experience and knowledge of the lands to advise the department on land issues. When this ag policy plan comes to the commission, it will be tweaked to address those priorities. It is difficult to give direction without an ag plan. Once direction is provided, it should make sense.

With no awarding of Ag leases since 1980 and Pastoral leases since 1990 is it the commission's responsibility to define this policy?

The way this commission can prioritize ag and pastoral leases is through the budget. There are no ag specialists within the department. If the commission requires agricultural and pastoral lands to become a priority, then the commission will need to redirect funding from the residential to pastoral/agriculture leases. It is not that simple as the majority of the waitlist comes from residential leases.

Why can't farming and pastoral lands be interchanged where ag lands can have animals and vice versa to operate under a subsistence usage?

Currently the ag and pastoral leases have a policy in place which restricts usage. In past practice the department held these leases to a commercially viable status. If lessees want to interchange both types of usages, the policy could provide for these types of considerations. Challenge may come from those who disagree with this concept.

Does the department have any rules or policies that address the educational financial needs of students in the Punānā Leo schools or Hawaiian Immersion Schools on Hawaiian homelands?

Scholarships for pre-schoolers not academically oriented were addressed at several beneficiary consultation meetings. This matter needs to be addressed in the department's rules and policies.

Are funds being focused on those native Hawaiian businesses that failed in the first year of development?

Efforts will be made to prioritize how the department is able to assist all of these ventures. Consideration is merited on the amount of funds available for any one of these projects.

Item # 3 KALAUPĀPĀ

Planner Kaleo Manuel presented a report on Kalaupāpā

DHHL is part owner of the peninsula which is part of the Kalaupāpā National Historic Park. The National Park is the current lessee and has been working closely with the department and community in an alternative planning process.

Background - There is approximately 1400 acres in the Kalaupāpā - Palaau area. Palaau Park is licensed by DLNR to manage. Two community use area sites have been determined in the area: one near the Kalaupāpā Airport and the other at a trailhead entering Kalaupāpā. The entire area is limited to various constraints due to difficulty in developing the lands. It requires much thought in the planning process to determine how these lands will be utilized.

Use - The National Park Service (NPS) has a 50 year lease which expires in 2041. The annual lease rent is \$230,000 with NPS managing these resources. Over \$20 M was spent to build a well in Waikolu Valley and NPS continues to receive federal funding to maintain and manage the facilities in Kalaupāpā. The area is a significant and spiritual place with a lot of cultural and natural resources. Kupuna and `iwi are in the area, untouched, and archaeological and endangered species are located along the peninsula. St. Damien (recently canonized) of St. Philomena Church and the beautification of Mother Marianne are some of the things NPS is perpetuating to preserve across the nation. Access is via trail, airplane and barge (once a year). Improvements in Kalaupāpā are very costly. There are less than 20 patients remaining. Some of the communities are interested in the history of this area. Opihi and salt are one of the best in the state. It was advised that NPS work closely with the native Hawaiian community (topside) in

the preservation of the native gathering rights. One of the considerations is whether homesteading is viable and the future plans of the area once the last patient passes on. Within the next 7 to 15 years, this commission will need to make a decision on the future of Kalaupāpā.

The NPS has a general management plan similar to DHHL's planning process for short and long term situations which are guided by a budget. This plan acts as an environmental and social impact of Kalaupāpā begun in 2008 in gathering information from community. Over 9,000 comments were incorporated into what they envision Kalaupāpā's future will be. In 2012 a draft management plan will be presented which will then be adopted into a general management plan in 2013.

A packet submitted to be made a part of these minutes as Exhibit "B" offers various alternatives:

- a) no changes; management will remain constant in existing state, 100 person cap with no one younger than 16 years (per patient request).
- b) continue to keep access limited; keep in pristine existence environment
- c) stewardship involving the preservation of resources
- d) arrange for visiting opportunities for religious pilgrimages, visit kupuna

Kalaupāpā is the fifth (5th) county in the state of Hawai'i called Kalawao. The mayor of that county is the head of the Department of Health, an appointed position.

Two beneficiary consultation meetings were held; one topside and one in Kalaupāpā as the community has a unique interest in the area. They prefer not to be treated as visitors. Access issues need to be addressed as well as gathering rights. They believe the legacy of Kalaupāpā needs to be protected. Another issue discussed was whether homesteading would be an option. Comments from the commission and community will be presented to the NPS to consider the next steps.

Q & A

Out of these regional plans what is the intent of the department to pursue any one of these plans?

Based on conversations on Moloka'i with NPS and Moloka'i community, the department would be recommending to b) keeping the area in its pristine condition and c) stewardship in preserving its resources. The beneficiaries are interested in forming a native Hawaiian ban to cover access for cultural practices, ocean resources and management concessions. Another discussion was on the pre-settlement of Kalaupāpā. Three kupuna attending an open house in Kalaupāpā said they lived there as children during pre-settlement days. Their families were forced to leave

Chairman Nahale-a thanked NPS for engaging in an open house format to allow for conversations among the community and the department and NPS. Kudos to the planning department for its involvement in this process. Planner Kaleo Manuel spent one week in Kalaupāpā gathering information to preserve the history and management wishes of the community.

Initially, NPS reluctantly agreed to a rental annual fee of \$320,000 based on the state's appraisal. A subsequent appraisal complete with federal guidelines revealed a lesser amount. Therefore, the department adjusted its rent. The NPS has a vested interest as they have made vast improvements to the lands. In reclaiming the lease, the community's prospective is that NPS needs to be compensated for its investments if the lease is cancelled. At the end of the lease in 2041, the lease is returned to the department without repayment.

What is the use of the well water developed by NPS?

Prior to the well water being developed by NPS, patients were accustomed to using brackish water. Waikolu Valley was the only source of fresh water and patients traveled there with empty buckets to replenish their drinking water.

What is the beneficiary interest in homesteading in Kalaupāpā?

To create a homestead in Kalaupāpā would be costly as Moloka'i has ample lands available for homesteading and agriculture. A few lessees envision this as an opportunity to reside there. Commissioner L. DaMate inquired about NPS support of indigenous native people by establishing an aha moku system, similar to Haleakala National Park which affords a strong voice for native Hawaiians in its stewardship and management system.

B - PUBLIC TESTIMONY ON AGENDIZED ITEMS

Re: ITEM C-1: HAR Title 10 – Amendment Development Process

1. Kanani Kapuniai – Homesteader, Waimea Homestead Association. Ms. Kapuniai wants assurances that the commission and the department will collaborate with the public on matters pertaining to the updating of administrative rule changes.

2. Kaipo Kincaid, Hui Kako'o Aina Ho'opulapula – suggested at a previous meeting that commission amend the composition of the “ad hoc committee” to include beneficiaries. However, commission opposed that suggestion. Ms. Kincaid suggests that Beneficiaries be allowed an opportunity to digest and input their viewpoints on the amended administrative rule changes to allow for transparency issues.
3. Bo Kahui – Is interested in addressing rules governing the contested case process. Would like to know how changes would interface with their community in La'i'opua where the Kanawai process is being implemented in its community.

Re: Native Hawaiian Development Program (Individual Development Programs)

Bo Kahui – La'i'opua Community Association – Thanked the Planning department upon recently receiving its grant funding through the Kulia ika Nu'u program. He believes the program needs to be beefed up to ensure its program continues to stay afloat and become sustainable in reaching its goal

Re: Item D-16 – Transfer a Portion of Leasehold Interest – James Akiona, Sr.

Sherilyn Adams appeared on behalf of her father, James Akiona, Sr. requesting that Parcel #1 of Pastoral lease No. 9043 being awarded to her, be approved for transfer to her daughter Moana Keakealani, for the purpose to build and raise cattle.

C – OFFICE OF THE CHAIRMAN

ITEM NO: C - 1

SUBJECT: HAR Title 10 – Amendment Development Process

RECOMMENDATION

Approval of this process by the Hawaiian Homes Commission for consideration of administrative rules, policy decision-making on related issues and development of new administrative rules and rule amendments

MOTION

Moved by Commissioner L. Damate, seconded by Commissioner I. Lee Loy

DISCUSSION

Policy and Rules Analyst Dre Kalili explained the term "white paper" refers to an authoritative and educational report designed and utilized by government and businesses alike to assist in

situations regarding decision making processes. Staff committee on rules described what the implications are and the advantages and disadvantages of changing existing rules. Ray Enos has been tasked with providing background information and a comment format.

Commissioner K. Hopkins inquired whether the timeline needed to discuss recommendations by staff to the ad hoc committee will be formidable. Chief of Staff Wai'ale'ale Sarsona indicated that the "white paper" will instead be presented to the Ad Hoc committee for determining which items need to be addressed for changes verses the staff making those selections. Because there hasn't been a review of administrative rules for over ten years, it will be a work in progress. Workshops and break-up groups will be formulated to review and digest the rules in different sections. Rules will be drafted and brought to the commission. The agenda items will then be presented to the community for additional review before a final draft is presented. Options are being considered to post this information on the website for further comment and review. It would create a very interactive process. This energetic process is totally different from the 70's and 80's noted Commissioner R. Tassill. The resources being allocated for the project is promising and challenging, added Commissioner I. Lee Loy. Kudos to Dre Kalili and her team of staff members who helped formulate this process. It was an eye opener for some who never participated in such an endeavor before this. Commissioner K. Hopkins appreciated the diligence of staff to tackle a number of these administrative rule issues in workshop sessions. Chairman Nahale-a's perspective is to keep things simple and clear.

Information and suggestions received from beneficiary and outside sources should be forwarded to an Ad Hoc committee member as they are the fact finding committee tasked with gathering information.

ACTION

Motion carried unanimously.

ITEM NO: C - 2

SUBJECT: Establish Quarterly Meetings with Office of Hawaiian Affairs (OHA)

MOTION

Moved by Commissioner I. Lee Loy, seconded by Commissioner K. Hopkins.

DISCUSSION

OHA Trustee Robert Lindsey thanked the commission for the opportunity to engage in quarterly meetings with Hawaiian Homes Commission. This could not come at a better time to serve and partner together, especially during tough economic times. Chairman Nahale-a noted this initiative was the brainchild of Trustee Lindsey and Commissioner Kama Hopkins. Commissioners expressed with gratitude the beginning of a significant and historic event that

will support and benefit the needs of our people. The meeting will be agendized for next month. Trustee Lindsey is confident other Trustees will be supportive of this venture.

ACTION

Motion carried unanimously.

ITEM NO: D-1
SUBJECT: HSD Status Reports

MOTION/ACTION

None. For Information only.

DISCUSSION

Acting Homestead Services Administrator Dean Oshiro presented the monthly activity reports on

- a) Homestead Lease and Application Totals and Monthly Activity Reports
- b) Delinquency Report & Status of Contested Case Hearings
- c) DHHL Guarantees for USDA-RD Loans

COMMENT

To follow up on the outcome of contested case hearings, commissioners may contact the Homestead Services Division for further information. Commission M. Kahikina noted the large sums of delinquency in the Nanakuli areas including Habitat for Humanity guaranteed loans. A workshop would aid in understanding the process.

ITEM NO: D-2
SUBJECT: Notification of Various Lease Awards and Cancellation of Corresponding Applications

MOTION/ACTION

Moved by Commissioner I. Lee Loy, seconded by Commissioner H. Tancayo. Motion carried unanimously.

ITEM NO: D-3
SUBJECT: Rescission of Homestead Lease Awards and Reinstatement of Applications – East Kapolei I, Undivided Interest

MOTION/ACTION

Moved by Commissioner K. Hopkins, seconded by Commissioner M. Kahikina. Motion carried unanimously.

ITEM NO: D-4

SUBJECT: Rescission of Homestead Lease Award and Reinstatement of Application – East Kapolei II, B & C, Undivided Interest

MOTION/ACTION

Moved by Commissioner K. Hopkins, seconded by Commissioner M. Kahikina. Motion carried unanimously.

ITEM NO: D-5

SUBJECT: Approval of Consent to Mortgage

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner M. Kahikina.

DISCUSSION

Commissioner K. Hopkins asked for explanation of the "Consent to Mortgage." When a bank places a mortgage on a property, the department is required to give consent for the mortgage to be recorded against the property. Deputy Chairman M. Ka'uhane noted no longer will the department record the mortgage document and bring it to the commission for ratification. Permission will be granted by the commission prior to recording of the mortgage documents at Department of Hawaiian Home Lands.

ACTION

Motion carried unanimously.

ITEM NO: D-6

SUBJECT: Refinance of Loans

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner P. Artates. Motion carried unanimously.

ITEM NO: D-7

SUBJECT: Schedule of Loan Delinquency Contested Case Hearings

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner H. Tancayo. Motion carried unanimously.

ITEM NO: D-8

SUBJECT: Homestead Application Transfers/Cancellations

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner K. Hopkins. Motion carried unanimously.

ITEM NO: D-9

SUBJECT: Commission Designation of Successors to Application Rights (Deceased)

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner K. Hopkins. Motion carried unanimously.

ITEM NO: D-10

**SUBJECT: Ratification of Designation of Successors to Leasehold Interest and
Designation of Persons to Receive Net Proceeds**

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner H. Tancayo. Motion carried unanimously.

ITEM NO: D-11

SUBJECT: Approval of Assignments of Leasehold Interest

MOTION

Moved by Commissioner P. Artates, seconded by Commissioner K. Hopkins.

COMMENT

Acting HSD Administrator, Dean Oshiro corrected the total to read 50 assignments of lease, not 49 (1st page). Commissioner K. Hopkins expressed how daunting it is for staff to comply with many various restrictions and department rule policies. The Ad Hoc committee is addressing the process through administrative rule changes.

ACTION

Motion carried unanimously.

ITEM NO: D-12

SUBJECT: Approval of Amendments of Leasehold interest

MOTION/ACTION

Moved by Commissioner K. Hopkins, seconded by Commissioner P. Artates. Motion carried unanimously.

ITEM NO: D-13

SUBJECT: Approval of Exchange of Leases

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner R. Tassill. Motion carried unanimously.

ITEM NO: D-14

SUBJECT: Request to Schedule Contested Case Hearing – Lease Violations

MOTION/ACTION

Moved by Commissioner L. DaMate, seconded by Commissioner P. Artates. Motion carried unanimously.

ITEM NO: D-15

**SUBJECT: Request to 1) Amend the Hawaiian Homes Commission's June 23, 2009
Action Relating to the Keokea-Waiohuli Development – Phase I, Keokea,
Kula, Hawai'i;
2) Approve Amendment of Keokea-Waiohuli Development – Phase 1,
Homestead Leases**

MOTION

Moved by Commissioner P. Artates, seconded by Commissioner H. Tancayo.

DISCUSSION

Due to county water limitations of 600 gallons per day (a typical household usage), the department submitted to waive this requirement in 2009. Unfortunately, wording was improper and lessees were not required to cultivate the lands and were allowed to erect worker quarters without commission approval. This submittal will correct this error.

Maui County was unable to secure a sustainable water source for fifteen lots in Keokea. These lessees were advised to implement a water catchments system. Based on the water usage, 2/3 of the land was to be utilized for agriculture purposes. This amendment will allow these lessees to build on their lot without the agriculture requirement, noted Deputy M. Ka'uhane. Commissioner K. Hopkins feels it an imposition to have these lessees pay for their catchments system.

Commissioner L. DaMate suggested reviewing these lots individually to provide assistance to these lessees should they have concerns. A supplemental consideration may be provided to these lessees if necessary, added Chairman Nahale-a.

ACTION

Motion carried unanimously.

ITEM NO: D-16

SUBJECT: Continued Discussion and Decision Re: July 19, 2011, Item B-15, "Request to Transfer a Portion of a Leasehold Interest – James Akiona, Sr."

MOTION/ACTION

Moved by Commissioner K. Hopkins, seconded by Commissioner L. DaMate to table this matter to Executive Session. Motion carried unanimously.

MOTION/ACTION

Moved by Commissioner L. DaMate, seconded by Commissioner K. Hopkins to Recess for 15 minutes. Motion carried unanimously.

RECESS 1:50 p.m.

RECONVENE 2:10 p.m.

ITEM NO: F-1

SUBJECT: General Leasing

MOTION/ACTION

Submittal Withdrawn.

ITEM NO: F-2

SUBJECT: Issuance of Right-of-Entry Permit, The Honolulu Authority for Rapid Transportation (HART), Waiawa, O`ahu

RECOMMENDATION

To grant authority issuance of a Right-of-Entry (ROE) to HART to use a piece of Hawaiian Home Lands property in Waiawa, known as Ewa Drum site, for environmental field investigation and potential construction of the Honolulu High-Capacity Transit Corridor Project guideway and maintenance and storage system.

MOTION

Moved by Commissioner H. Tancayo, seconded by Commissioner L. DaMate.

DISCUSSION

HART will continue its due diligence to maintain its efforts to continue this project although a new lawsuit has been filed to prevent the project from materializing. Should the suit be successful, the property would be reclaimed by the department. A license agreement is in the works for an eventual land exchange between the City and County of Honolulu and the department for a 52 acre Ewa Drum site relinquished by the federal government to Hawaiian home lands in exchange for a 52 acre parcel known as the Varonna Village site. Anticipation is to finalize the exchange within two (2) years. Once this land exchange is complete, DHHL will own all four corners of the Kapolei Parkway (North - South Road) intersection.

ACTION

Motion carried unanimously.

ITEM NO: F-3

SUBJECT: Issuance of License, Kamehameha Schools, Keaukaha, Hawai'i

RECOMMENDATION

Approve issuance of an extension of license for an addition five (5) years.

MOTION/ACTION

Moved by Commissioner K. Hopkins, seconded by Commissioner H. Tancayo. Motion carried unanimously.

ITEM NO: F-4

SUBJECT: Approval of Payment Plan, License No. 607, Mahalo Broadcasting LLC, Humu`ula, Hawai'i

MOTION

Moved by Commissioner K. Hopkins, seconded by Commissioner I. Aiu.

COMMENT

Should this license agreement default, the department will reclaim the property. The department is interested in working with these lessees to establish a workable monthly payment plan.

ACTION

Motion carried unanimously.

ITEM NO: F-5

SUBJECT: For Information Only: Request from Waimea Hawaiian Homestead Association for Park and Cemetery Use

MOTION

None. For Information Only.

DISCUSSION

Waimea Hawaiian Homesteaders Association is interested in mapping out an area in Pu`ukapu near the Kanu O Ka Aina Charter School for its priority project. To move forward on this project, one of the requirements is to be certified under the Kūlia ika Nu`u program. Steps would be taken to have members trained to become certified and qualified under a 501c3 non-profit entity. DHHL Planner Gigi Cairel single handedly provides resources and support for the "Kūlia" program. There is no fast-track process to quicken the course, noted Chairman Nahale-a.

Overall, the department supports the steps needed to manage the program, added Ms. Chinn. Commissioner M. Kahikina noted that the Nanakuli Hawaiian Homestead Community Association (NHHCA) project has not been successful with its grant assessment by the Kūlia program and is recommending (NHHCA) be placed on a future agenda. Kanani Kapuniai, Waimea Homestead Community added the initial 40 acre project is a beginning stage. They aspire to develop this project to include approximately 120 acres.

The Kulia process was developed to provide funding resources and land to communities that meet certain criteria within the Kulia program. It was formulated through a national practice. Since its implementation, it's been a work in progress.

ITEM NO: F-6

SUBJECT: Ratification of Ratification of Consents and Approvals by Chairman, Hawaiian Homes Commission

MOTION

Moved by Commissioner I. Lee Loy, seconded by Commissioner K. Hopkins.

DISCUSSION

Commissioner K. Hopkins sees potential changes to where the commission makes the decision and the chairman executes the process. Chairman Nahale-a stated this type of process already exists within the department and there is a formula which he adheres to based on department guidelines. What concerns Chairman Nahale-a is the ratification of items that have no policy. If the chairman has a direction and makes an approval or disapproval, what would be the reasoning to have the commission review it, again.

ACTION

Motion carried unanimously.

ITEM NO: F-7

SUBJECT: Notices of Default and Revocations, Statewide

MOTION

Moved by Commissioner P. Artates, seconded by Commissioner M. Kahikina.

DISCUSSION

Ms. Chinn reported RP #327 - Professional Driving Academy paid \$3,000 last week towards his monthly rent. Due to the construction volatility, there may be some fluctuation when funds are available. The department continues its due diligence in maintaining delinquencies.

ACTION

Motion carried unanimously.

ITEM NO: G-1

SUBJECT: Na Kupa'a Operations and Maintenance Agreement

RECOMMENDATION

Authorize the Chairman to negotiate terms and conditions for the following document, subject to State Attorney General Review and approval, in support of the Nā Kūpa`a o Kuhio Kaka`ina water and wastewater system project

MOTION

Moved by Commissioner H. Tancayo, seconded by Commissioner K. Hopkins.

Nā Kūpa`a O Kūhio is a non profit organization accessing USDA RD funding for water and wastewater projects and works in partnership with the department to provide water and wastewater for department projects while the department funds roads, utilities and other subdivision costs. Riley Smith, Secretary-Treasurer claimed USDA has different funds available and eligible to non-profit organizations. For the water and wastewater costs at Kaka`ina project, \$918,000 of funds were available; \$541,000 for loans and \$377,000 from grants. The department benefits through the grants and the loans over a period of time. This process provides infrastructure in the ground and enables the department to utilize more resources for people on the waitlist. Nā Kūpa`a's focus has been on water and wastewater usage. The department estimates it costs \$180,000 to build one home.

ACTION

Motion carried unanimously.

ITEM NO: G-2

SUBJECT: Budget Amendment for DHHL Grants Program

RECOMMENDATION

To approve an amendment to DHHL Operating Budget, FY 2011-12, Native Hawaiian Rehabilitation Fund by increasing the budget by \$240,000.00.

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner H. Tancayo. Motion carried unanimously.

ITEM NO: J-1

SUBJECT: Request to Address the Commission – Harvey Keliikoa of King's Landing, Keaukaha

MOTION/ACTION

None, for information only.

COMMENTS

King's Landing President Herman Costa is requesting approval by the department to allow Civil Defense a right-of-entry to place a Civil Defense tower within King's Landing for safety purposes. The closest tower is three (3) miles away.

In addition, King's Landing community is requesting permission to allow successorship of the lands where MAHA community members reside. A recent MAHA member passed on and his successor was only 25% and was asked to leave.

ITEM NO: J-2

SUBJECT: Request to Address the Commission – Duke Kapuniai, Pu'ukapu Pastoral Water Group

MOTION/ACTION

None, for information only.

COMMENTS

Duke Kapuniai submitted material to be made a part of these minutes as Exhibit A. The Pu'ukapu Pastoral Water Group made up of volunteer lessees installed a gravity-flow water system which will service 183 lessees. The people involved with this project have been very helpful and Mr. Kapuniai wanted to extend his Mahalo to the general contractor, Isemoto Contracting and the department for their energy and assistance.

ITEM NO: J-3

SUBJECT: Request to Address the Commission – Kanani Kapuniai, `Oiwī Lokahi O Ka Mokupuni

MOTION/ACTION

None, for information only.

COMMENTS

Kanani Kapuniai, `Oiwī Lokahi O Ka Mokupuni O Keawe expressed her appreciation to the commission and the department for granting and approving changes to its License Agreement No. 673 with Bio-Engineers, Inc. Ms. Kapuniai submitted material to be made a part of these minutes as Exhibit "A".

ITEM NO: J-4

SUBJECT: Request to Address the Commission – Gabriel Malani, Kailapa (Kawaihae) Homestead Association

MOTION/ACTION

None, for information only.

COMMENTS

Kailapa Homesteader Gabriel Malani presented a plan to introduce a "Wellness Park" in the Kailapa community located in Kawaihae. He provided a packet which included information of his proposed project which will be made part of these minutes as Exhibit "A" Mr. Malani was advised to contact Land Management Division Administrator Linda Chinn to work on his proposed plan.

ITEM NO: J-5

SUBJECT: Request to Address the Commission – Edgar Spencer, Waimea Homesteader

MOTION/ACTION

None, for information only.

COMMENTS

Waimea homesteader Edgar Spencer is requesting permission to erect wind turbines on his pastoral lot in Waimea to supplement his income. Mr. Spencer has indicated he does not find this problematic as it has been proven elsewhere in the United States that cattle and wind farms can coexist on the same land. He believes the intent of the Hawaiian Homes Act is for rehabilitative purposes, and therefore is making this request to the commission for approval.

RECESS 3:15 P.M.

Moved by Commissioner P. Artates, seconded by Commissioner K. Hopkins to adjourn to Executive Session to include the "J" Agenda item concerns. Motion carried unanimously.

EXECUTIVE SESSION

The Commission convened in Executive Session Pursuant to Section 92-5 (a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities.

1. Honokaia `Ohana vs HHC & DHHL, Civil No. 09-101615-07
2. Issues Relating to Commission's Powers, Duties, Privileges, Immunities and Liabilities Under the HHCA of 1920 and HAR, Pursuant to Section 92-5(a)(4), HRS
3. Richard Nelson, III, Kaliko Chun et al. vs HHC, Civil No. 09-1-161507

RECONVENE: 4:25 P.M.

MOTION/ACTION

Moved by Commissioner K. Hopkins to reconvene to regular meeting, seconded by Commissioner I. Lee Loy. Motion carried unanimously.

ITEM NO: D-16 (cont)

SUBJECT: Continued Discussion and Decision Re: July 19, 2011, Item B-15, "Request to Transfer a Portion of a Leasehold Interest – James Akiona, Sr."

MOTION

Moved by Commissioner K. Hopkins, seconded by Commissioner H. Tancayo.

DISCUSSION

In granting this motion and because of the multiple transfers involved in this request, the lessee, in this situation, may be breaking the lease, affirmed Commissioner K. Hopkins. Commissioner K. Hopkins' recommendation is to deny this request in order to protect everyone. Chairman A. Nahale-a concurs with this concept and added that the department has a policy preventing the subdivision of leases, and it would be astute to maintain that policy until policy changes warrant it. Successors having less than 25% poses a serious concern, noted Commissioner L. DaMate and favors denying this motion. Commissioner R. Tassill indicated this matter needs to be addressed more thoroughly as this may set a precedent for others. Perhaps working in a "Kau Hale" concept where families are brought together in community like surroundings instead of breaking up leases would be more formidable as the purpose of the "Act" was to bring the people together.

ACTION

Motion was denied.

ANNOUNCEMENTS

September 19-20, 2011 is the next scheduled meeting in Kapolei, O`ahu. Monday evening's community meeting will be held at Papakolea, O`ahu.

ADJOURNMENT: 4:30 P.M.

Moved by Commissioner K. Hopkins, seconded by Commissioner R. Tassill to adjourn the regular meeting. Motion carried unanimously.



Department of Hawaiian Home Lands

Land Management Division

Presentation to the Hawaiian Homes Commission on General Leasing Program

August 15, 2011

Land Management Division

- Four (4) types of agreement to use Hawaiian home lands:
 - General Leases
 - Revocable Permits
 - Licenses
 - Right of-Entry Permits

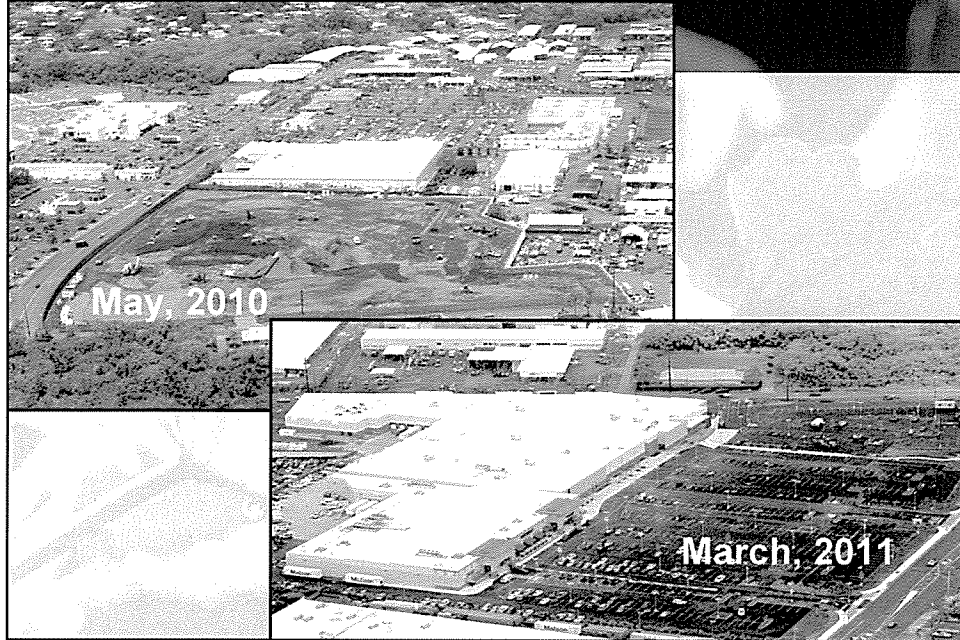
Workshop

HHC Item No. LMDA-1

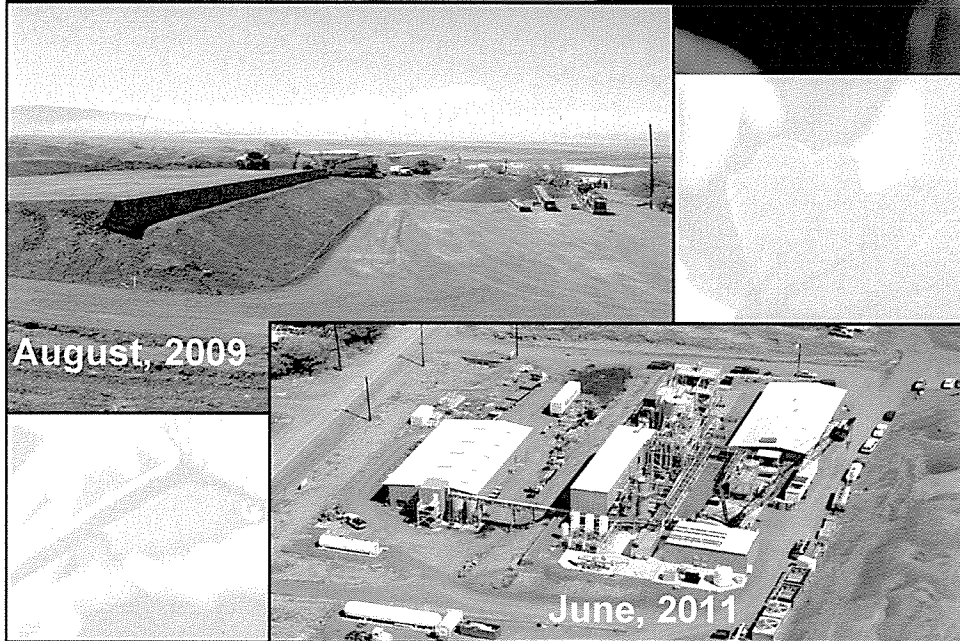
Exhibit A

Date 8-15-11

Target/Safeway Hilo Project



Big Island Carbon, Kawaihae Project



Land Management Division

General Leasing Program

Purpose:

- To generate revenue for the purposes of the Act
- Provide Long Term Use for commercial, industrial, pastoral and agricultural of Hawaiian home lands
- Annual rental determined by fair market appraisal

Land Management Division

- As of June 30, 2010
120 general leases statewide
\$8.108M in annual revenue

Hawaiian Homes Commission Act

➤ Two (2) provisions in Hawaiian Homes Commission Act govern general leasing process:

Section 204(a)(2) – 171-59, HRS

Section 220.5 – 171.60, HRS

Hawaiian Homes Commission Act Section 204(a)(2)

➤ The department may in the management of any retained available lands not required for homesteading purposes, lease the land for revenue generating purposes to the general public, on the same terms, conditions, restrictions, and uses applicable to the disposition of public lands in the Hawaii Revised Statutes, Chapter 171.

Amendment to Section 204

➤The 1978 Constitutional Convention amended Section 204(a)(2) by adding the following:

“...provided further that the Department is expressly authorized to negotiate, prior to negotiation with the general public, the disposition of a lease of Hawaiian home lands to a native Hawaiian, or organizations or an association owned or controlled by native Hawaiians, for commercial, industrial, or other business purposes....”

HHC Action of 9/24/1981

The Hawaiian Homes Commission, at its regular monthly meeting of September 24, 1981, adopted a General Leasing Policy that all lands used for income purposes shall be made available to qualified native Hawaiians or qualified native Hawaiian organizations before making it available to the general public

HHC Action of 10/23/2001

The Hawaiian Homes Commission, at its regular monthly meeting of October 23, 2001, rescinded the general leasing policy adopted on September 24, 1981. No further preference to native Hawaiian on general leasing offering

Section 220.5 (b)

➤Notwithstanding any law to the contrary, the department is authorized to enter into project developer agreement with qualified developers for, or in connection with, any homestead, commercial, or multipurpose project...(1) Set by appraisal the minimum rental of the lands to be disposed of on the basis of the fair market value of the lands; (2) Give notice of the proposed disposition in accordance with applicable procedures and requirements of Section 171-60(a)(3), HRS; (3) establish reasonable criteria for the selection of the private developer....”

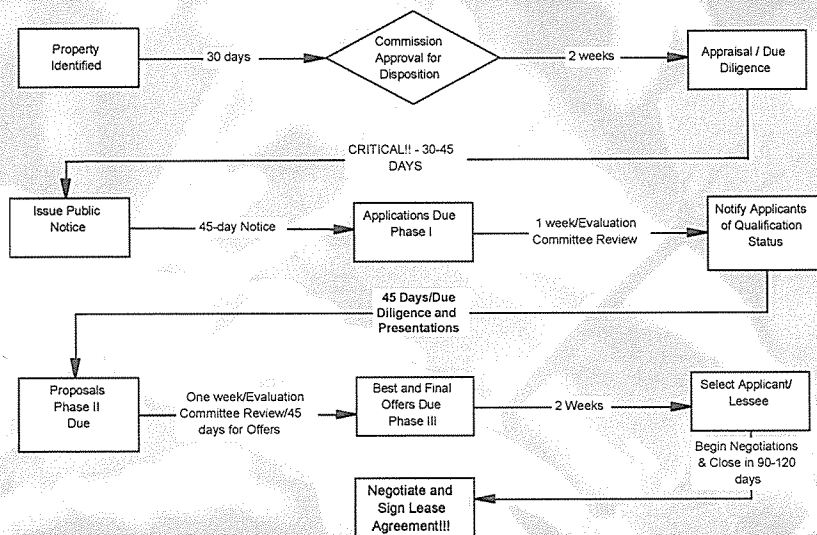
Statutory Process – Chapter 171

Chapter 171, HRS

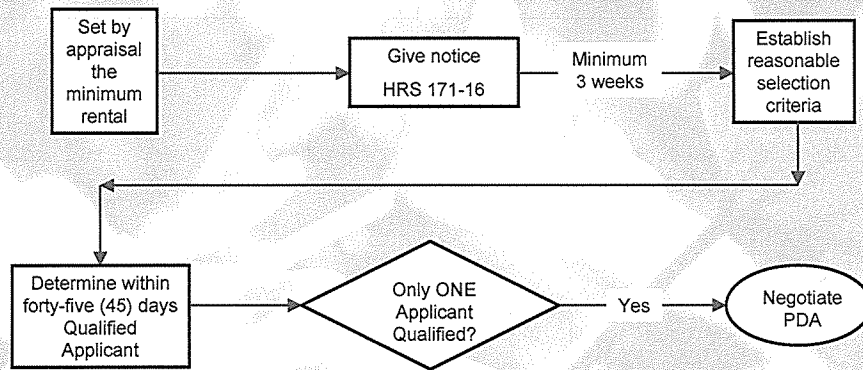
Management & Disposition of Public Lands

- Section 171-16 Notification requirements
- Section 171-17 Appraisal – fair market value
- Section 171-36 Lease restriction, generally
- Section 171-59 Disposition by Negotiation
- Section 171-60 Dev. Thru Private Developer

HRS Chapter 171-59 Lease Process



HHCA Section 220.5 Lease Process



- "...the department shall not be subject to the requirements of competitive bidding if no state funds are to be used in the development of the project."
- "...the developer shall be entitled to receive from the department the proportionate value of the developer's permanent improvements..."

HRS Chapter 171-43.1 Lease Process

➤Lease to eleemosynary organizations.

The board may lease, at a nominal consideration, by direct negotiation and without recourse to public auction, public lands to an eleemosynary organization which has been certified to be tax exempt under sections 501(c)(1) or 501(c)(3) of the Internal Revenue Code of 1986, as amended. The lands shall be used by such eleemosynary organizations for the purposes for which their charter was issued and for which they were certified by the Internal Revenue Service.

Standard Lease Provisions

ANNUAL RENT	Fair market value set by appraisal
TERM:	• Maximum Sixty-five (65) years
INTEREST:	• Bundle of rights which includes rights to: -mortgage -sublease -assign -construct impro

CONSENT

Administrative Rules

10-2-16 Delegation of duties to chairman.

Subject to the provisions of section 10-2-17 the chairman may approve, in regards to general leases, construction plans, assignments of leases, subleases, and consents to mortgages, license agreements and easements, and extension or modification of leases;

10-2-17 Ratification of chairman's actions.

The chairman shall report to the commission for ratification of any actions taken as permitted under section 10-2-16.



Department of Hawaiian Home Lands

Mahalo!



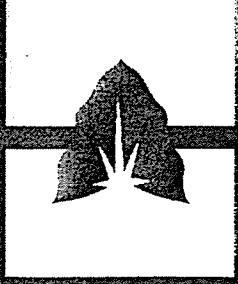
DEPARTMENT OF HAWAIIAN AFFAIRS

Presentation to the Hawaiian Homes Commission

*Native Hawaiian Development Program Plan
Individual Development*

*August 15, 2011
Kailua- Kona, Hawaii*

HHC Item No. A-2
Exhibit WORKshop
Date 8-15-11



NHDP Purpose

The purpose of the Native Hawaiian development program is to improve the general welfare and condition of native Hawaiians through educational, economic, political, social, cultural and other programs. [Eff and comp 10/26/98] (Auth: HHC Act §222) (Imp: HHC Act §222)

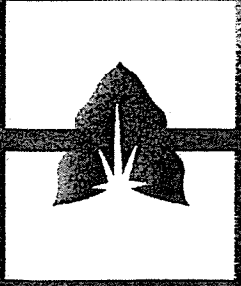
This report covers the Individual Development Section of the Plan and includes a status update covering Individual Development activities for FY 2009-2011.



NHDP Overview

The 2009-2011 Native Hawaiian Development Program Plan was adopted by the Hawaiian Homes Commission on 9/14/2009. The Plan is out for consultation with comments due by September 3, 2011 and will be presented to the Commission at its October 2011 meeting.

The Native Hawaiian Development Program Plan (NHDP) has been an effective means to increase the self-sufficiency and self-determination of native Hawaiian individuals and native Hawaiian communities.



NHDP Structure

The native Hawaiian development program uses a hierarchical structure of goals, objectives, and action plans. In addition to the primary goal of increasing the self-sufficiency and self-determination of native Hawaiian individuals and native Hawaiian communities, additional related goals have been established by the commission. One of the five goals is Individual Development.

2009-2011 NHDP accomplishments are reported annually in the DHHL annual report.



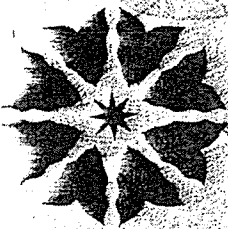
NHDP - Individual Development

Individual Development

This is one of five goals authorized by the Commission and contained in the plan.

Individual Development includes the following program areas:

- 1.1 Education
- 1.2 Agriculture
- 1.3 Homeownership



ACCOMPLISHMENTS 2009 - 2011

Education

The Hawaiian Homes Commission Scholarship Program (HHCS) made awards to 97 eligible students enrolled full-time in post-high school institutions with demonstrated financial need and/or academic excellence. In FY 2010, the HHCS average award was \$1,695.

Agriculture

Now in its 21st year, DHHL provides agricultural and ranching technical assistance to 1,500 homestead farmers and ranchers through an annual service contract with the University of Hawai'i College of Tropical Agriculture/Cooperative Extension Service (CES). DHHL continues to consult with its Agriculture and Pastoral community leaders to rebuild the farming and ranching program in an effort to implement the Hawaiian Homes Commission, Agricultural Task Force Recommendations adopted in 2000.

Scholarships

DHHL awarded over \$300,000 in scholarships from 2009 to 2011, 101 scholarships awarded in the 2009-2010 school year, and 114 awarded in 2010-2011.

Home Ownership Assistance Program HOAP

As of May 27, 2011, 3,947 native Hawaiian participants of which 2,966 are enrolled in pre-homeownership courses, 233 are enrolled in employment services and 748 are enrolled in foreclosure prevention services which are targeted towards 80% and below average median income population.



DEPARTMENT OF HAWAIIAN HOME LANDS BENEFICIARY CONSULTATION

INDIVIDUAL DEVELOPMENT

Education - Scholarships

The Hawaiian Homes Commission Scholarship (HHCS) is awarded to post-high school scholarships native Hawaiians (50% or more of Hawaiian ancestry) and Hawaiian Home Land lessees who are enrolled full-time at an accredited two-year, four-year, or graduate degree program. This program promotes and supports the educational advancement of native Hawaiians to achieve economic self-sufficiency. The amount of the award is based on the student's academic achievement and need.

DHHL also offers scholarships for vocational education under its CTE Scholarship. Vocational education includes culinary arts, auto repair, diesel mechanics, cosmetology, computer

graphics, and assistive medical technology. Please see the Hawai Community Foundation's website for additional details.

For several years, DHHL has contracted Hawaii Community Foundation (HCF) to administer its scholarship programs. HCF is responsible for accepting and processing applications, making funding recommendations, and delivering scholarship awards to the individuals students. DHHL provides funds for the scholarships, verifies blood quantum and eligibility, and approves funding recommendations.

Agriculture - Technical Assistance

DHHL maintains an annual service contract with the University of Hawai'i retains cooperative extension agents on the islands of Hawai'i, Molokai and Kauai to help farmers and ranchers develop their homesteads and secure federal assistance from the U.S. Department of Agriculture's numerous farm assistance programs. The program is managed via a quarterly and annual reports and is subject to Commission approval via the budget.

Homeownership - HOAP

HOAP continues to target those most in need of financial literacy assistance.

Island	Average HH Size	Ave HH Income	Above AMI	Below AMI	# of records	% by Island	% Below 80%
HAWAII	3.86	\$48,339	165	438	603	18.93%	72.64%
KAUAI	3.82	\$50,095	37	134	171	5.37%	78.36%
MAUI	3.80	\$55,000	128	255	383	12.03%	66.59%
OAHU	4.08	\$54,104	359	1538	1897	59.56%	81.09%
MAUIKAO	3.16	\$78,493	28	29	57	1.78%	50.86%
MOLOKAI	3.82	\$45,514	7	67	74	2.30%	90.54%

INITIAL THOUGHTS 2011 - 2013

Improvements to the Individual Development Program

- Marketing the program opportunities that are available;
- Developing better outreach and coordination within homestead communities;
- Increasing communication with youth groups within the community and more educational awareness of the Hawaiian Home Lands Trust

Education/Scholarships

New Program to provide opportunities through internships that enable native Hawaiian students to gain on-the-job experience and receive credit from their respective educational institutions. This will increase the number of native Hawaiians with work experience specializing on Hawaiian Home Lands issues.

Agriculture

Development of a new Agricultural policy based on Agricultural Task Force Recommendations that were adopted by the Hawaiian Homes Commission in 2000 that will apply to both Farming and Ranching Homestead Development.

HOAP

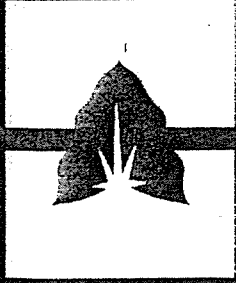
- Increase marketing for better outreach and coordination within homestead and applicant communities.
- DHHL internal communication via a multi-divisional approach insures that the products created meet the demands of the applicants.
- Develop a case management strategy to provide services to clients and enable data gathering to support program expansion.



DEPARTMENT OF HAWAIIAN HOME LANDS



<http://hawaii.gov/dhhl/beneficiary-consultation>



1.1 Education

Add section 1.1.4 Internships

Provide opportunities through internships that enable native Hawaiian students to gain on-the-job experience and receive credit from their respective educational institutions. These internships are dependent on partnerships that will need to be developed with educational institutions. The level of stipends and other forms of assistance will need to be agreed to on a case by case basis. DHHL staff and management will be required to develop the scope for the work that the interns will be involved with.



Add new section 1.2.4 Adoption of Agricultural Policy

Development of a new Agricultural policy based on Agricultural Task Force Recommendations that were adopted by the Hawaiian Homes Commission in 2000 that will apply to both Farming and Ranching Homestead Development.

Estimated cost: Contained in the current budget involves consultation and community meetings, preparation of rules and coordination with land development objectives statewide.

Expected outcomes: Provide homesteading opportunities for agricultural and pastoral applicants statewide and enable them to reside in rural communities. Develop opportunities for lessees and applicants to access lands for agricultural and pastoral expansion activities under additional acreage programs, community pastures, farm lots or agricultural parks.



NEEDLE NEW

1.3 Homeownership

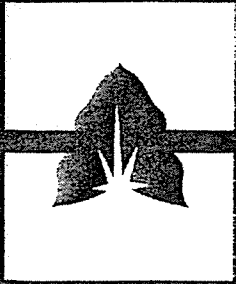
General improvements to goal 1.3 include marketing the program opportunities that are available, better outreach and coordination within homestead communities and with applicant communities. DHHL internal communication via a multi-divisional approach will be necessary to insure that the products created meet the demands of the applicants.

Add new section 1.3.2 Case management

Develop case management strategy to enable the Home Ownership Assistance Program (HOAP) to more effectively provide services to clients and enable data gathering to support program expansion.

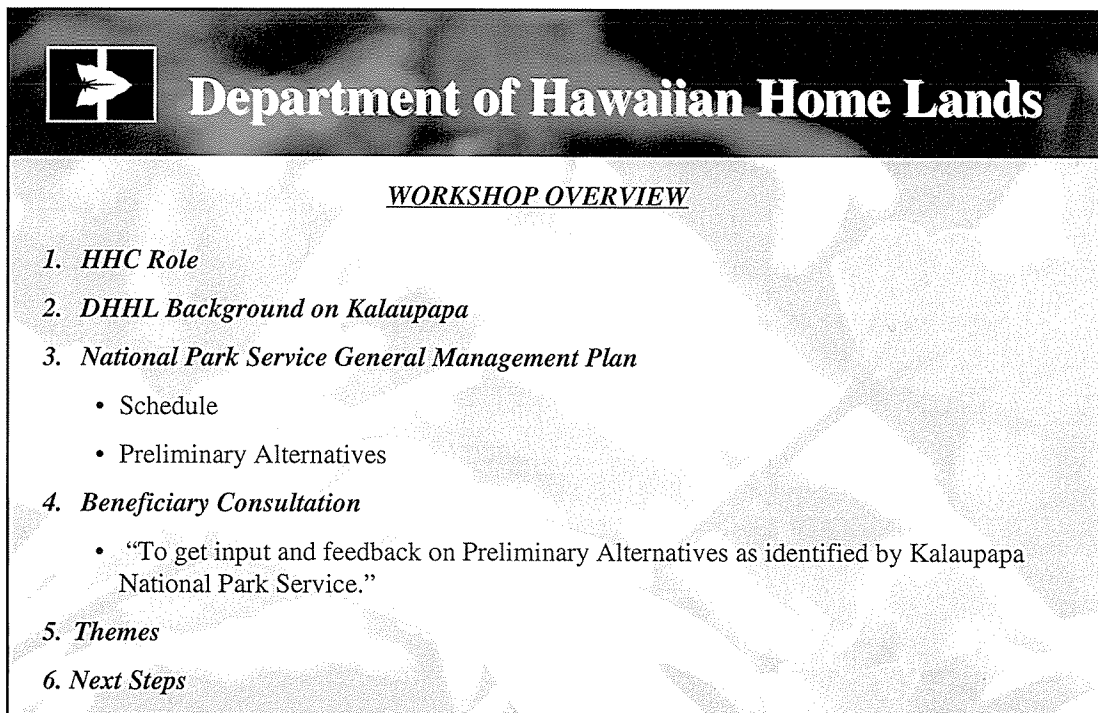
Estimated cost: Contained in the current budget

Expected outcomes: Provide effective management of clients who receive assistance through third parties and provide applicants statewide more timely assistance. Enhanced internal communication between divisions to meet the needs of the beneficiaries.



Mahalo!

www.dhhl.hawaii.gov

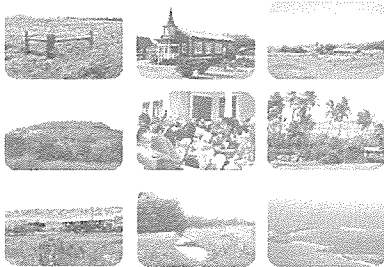


Workshop
HHC Item No. PLD-A-3
Exhibit B A
Date 8-15-11

HHC Role

- Participate via comments in the National Park Service's General Management Plan Process
 - Preliminary Alternatives: Comments due to Dept. Aug 31, 2011
 - Draft Management Plan
 - Final Management Plan
- Adopt Kalaupapa Special District Plan

DEPARTMENT OF HAWAIIAN CULTURE MOLOKA'I ISLAND PLAN



June 2005

Moloka'i Island Plan

- 'Ualapu'e
- Kapa'akea, Makakupa'ia, Kamiloloa
- Kalama'ula
- Kalaupapa-Pālā'au
- Ho'olehua-Pālā'au

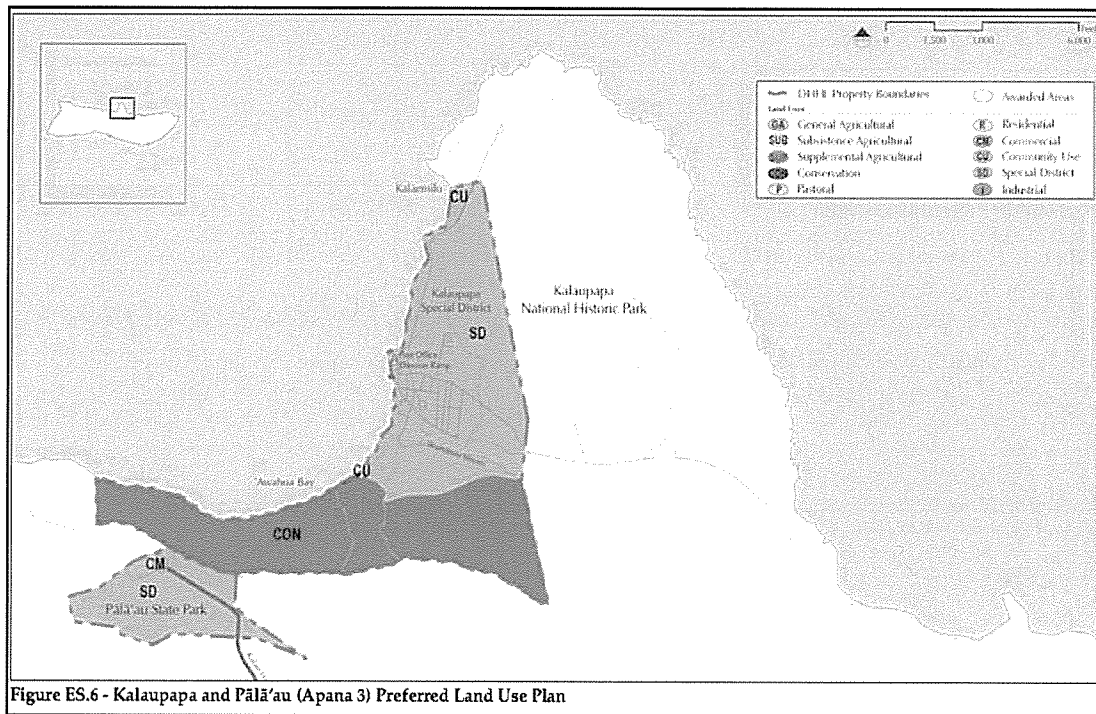


10 Land Use Designations

- Residential
- General Agriculture
- Subsistence Agriculture
- Supplemental Agriculture
- Pastoral
- Community Use
- Commercial
- Industrial
- Conservation
- Special District

Kalaupapa-Pālā'au Area

- **Special District**
 - Kalaupapa: 621 acres
 - Pālā'au Forest: 226 acres
- **Conservation**
 - Cliffs: 609 acres
- **Community Use**
 - Near Airport 3.5 acres
 - Fronting Awahua Bay 3.5 acres
- **Commercial**
 - Pālā'au 5 acres
- TOTAL 1,474 acres**



What is a Special District

- Area with severe constraints (topography, slope, inundation zone, tsunami zone, flood, endangered species)
- Area with natural, cultural, or historic resources
- Area that needs specialized planning in order to develop
- Area that requires some conservation principles but can be used with compatible uses
- Area that plays a role for ahupua'a
- Area that is significant to entire island

Kalaupapa National Park

- General Lease
 - 1,247 acres
 - 50 year lease that expires in 2041
 - July 15, 2011: \$230,000 lease rent per year
- Millions invested in infrastructure improvements and initiatives
- NPS Annual Operating Budget of \$4.2 Million

Opportunities & Constraints

- Perpetuating the legacy of Kalaupapa
- Important Cultural/Natural Resources
- Impact of canonization of Father Damien & beatification of Mother Marianne Cope
- NPS interest in long term perpetuation of area
- Limited Access by trail, plane, barge
- Expensive to maintain, improve, or provide new

Community Concerns

Island Plan

- Preserve legacy
- Respect patients
- Only for education
- Teach old ways
- NPS work with Native Hawaiians

Regional Plan

- DHHL engage with NPS in planning
- Ensure gathering
- Pālā'au separate from Kalaupapa
- Homesteading
- Consult with beneficiaries

NPS General Management Plan

- Identifies overall direction for future management
- Long-range, broad, conceptual view
- Framework for making decisions
- General path for next 15-20 years
- Acts as an EIS

NPS General Management Plan Schedule

- 2009 – Scoping
- 2011 – Preliminary Alternatives
- 2012 – Draft General Management Plan/EIS
- 2013 – Final General Management Plan

****Implementation****

NPS General Management Plan Preliminary Alternatives

Short Term – Long Term Management

- Alternative A: No Action
- Alternative B: Special and Sacred Places
- Alternative C: Stewardship
- Alternative D: Range of Visitation Opportunities

Key Topics

- Resources
- Visitor Experience
- Facilities
- Access & Transportation
- Management, Partnerships, & Agreements
- Boundary Modifications

Beneficiary Consultation

June 29, 2011

Lanikeha Community Center

6:00 p.m. – 8:00 p.m.

June 30, 2011

Kūlana ‘Ōiwi Complex

9:00 a.m. – 12:00 p.m.

Purpose:

*“To get input and feedback on Preliminary Alternatives
as identified by Kalaupapa National Park Service.”*

Themes

- Legacy of Kalaupapa
- Unique interests of Native Hawaiians
- Access to Kalaupapa and Resources
- Participation in Planning Process
- Future Management and Jurisdiction
- Is homesteading an option?

Next Steps

- **HHC Comments on Preliminary Alternatives due Aug. 31**
- **Create Kalaupapa Project Based Team**
 - To participate in planning for Kalaupapa
- **Draft General Management Plan**
 - Beneficiary Consultation Meetings
 - Review & Comment on Draft Plan
- **Final General Management Plan**
 - Review & Comment on Final Plan
- **Adoption of Kalaupapa Special District Plan**

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August 8, 2011

To: Hawaiian Home Lands Commissioners

From: Darrell Yagodich, Planning Program Manager
Planning Office

Kaleo Manuel, Planner
Planning Office

Subject: Kalaupapa Workshop - HHC Meeting, August 15, 2011

Please review the attached documents prior to the Kalaupapa workshop. The information will help to provide a context for the workshop and any further discussion related to Kalaupapa.

1. Moloka'i Island Plan Excerpt: Kalaupapa-Pālā'au Executive Summary
2. Kalaupapa National Park Service's Newsletter #3:
Preliminary Alternatives for General Management Plan
The NPS is seeking comments on the Preliminary Alternatives identified in the newsletter. This was also the primary purpose to hold the Beneficiary Consultation
3. Beneficiary Consultation on Kalaupapa Minutes/Notes

Workshop
HHC Item No. A-3
Exhibit B
Date AUG 15 2011



ES.3.4 KALAUPAPA & PĀLĀ'AU (APANA 3) LAND USE PLAN (FIGURE ES.6)

The character of Kalaupapa will be retained as a unique community whose legacy is to be defined by its wide range of historical uses.

Special District – Approximately 224 acres in the Pālā'au (Apana 3) tract will remain as a forested reserve area that could continue to be used as for recreational purposes. There are no plans for development in this area. Over 621 acres are designated as Special District in the Kalaupapa Peninsula which encompasses the existing historical settlement area. This designation would allow for the current lease agreement with National Park Service (NPS) to continue. However, guidelines will need to be established with the Patient's Advisory Council, Department of Health (DOH), NPS, and DHHL as to further considerations to the long-term uses of this designated area.

Community Use – Approximately 7 acres in two areas on the peninsula have been designated as Community Use. The first area is situated along the northern coastal border of the parcel that is out of the historical settlement area. The second Community Use area near the pier landing fronting Awahua Bay and the trailhead leading to the cliff trail would serve a similar future purpose but would require funds for infrastructure. No structures exist within this area but could be utilized for culturally-related activities and access. Community Use sites would be licensed to an organization of native Hawaiian patients.

Conservation – The 609-acres of Conservation District along the cliffs is also designated as such under the State Land Use District.

Commercial – The MIP emphasizes the creation of a cultural community center in Pālā'au that is appropriate to the perpetuation of the traditional cultural practices of Hawai'i specific to the historical legacy of Moloka'i and Kalaupapa.

This center would assist halau on Moloka'i and other community educational initiatives in building a community center that reflects the values and principles that are invoked through their respective traditional cultural practices. DHHL will seek to develop a wide range of partners in the development of the center's master plan. It is envisioned that this center could be a hub of community economic opportunity that through the creation of programs that stem from the people of Moloka'i could be used to reach fellow kamaaina and local residents as well as scholars and visitors from around the world.

Major improvements to infrastructure were only considered for the Pālā'au (Apana 3) parcel and include site preparation, provision of water and utilities for the proposed commercial area. The total cost is approximately \$5.8 M for transport and storage of potable water; road site preparation; drainage; and electricity for the new center.



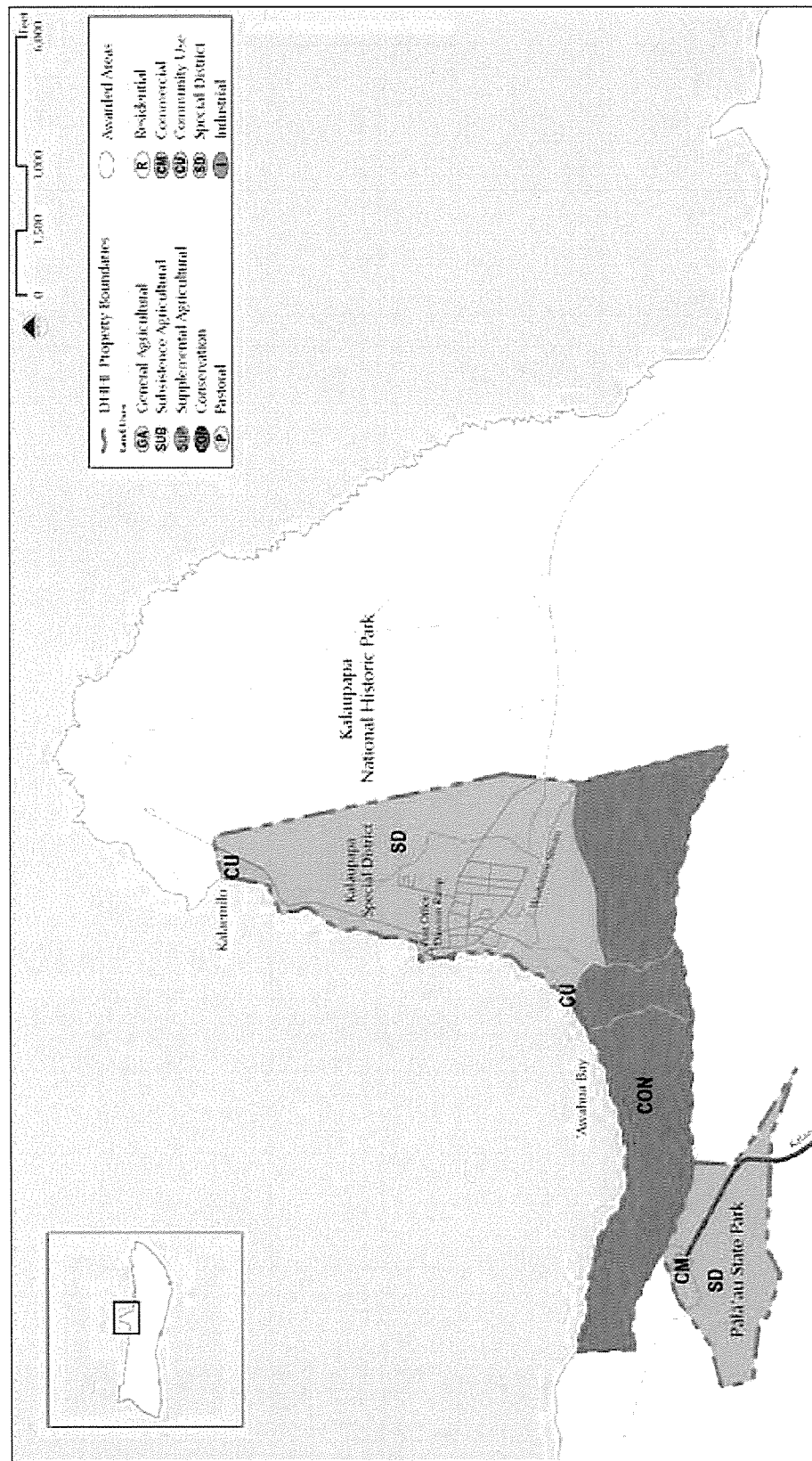


Figure ES.6 - Kalaupapa and Palā'au (Apana 3) Preferred Land Use Plan



Kalaupapa National Historical Park

General Management Plan / Environmental Impact Statement
Newsletter # 3 Preliminary Alternatives, Spring 2011



A Message from the Superintendent

Dear Friends,

We are at an exciting stage in charting the future direction for managing Kalaupapa National Historical Park. In this newsletter, our planning team presents preliminary alternatives that describe four different future visions for managing the natural and cultural resources and opportunities for visitors. Through these preliminary alternatives, the planning team and the public are able to explore different ways that the park could be managed. Once fully developed, one of these alternatives may be selected as the National Park Service's preferred alternative or a new alternative could emerge that combines elements from some or all of the preliminary alternatives.

At this time, we are pausing to share our progress on the GMP and to gather your thoughts and ideas. Please tell us what you think about the preliminary alternatives presented in this newsletter. Do you like one particular alternative more than the others? Do you like various elements of each of the alternatives? Do you have an entirely different vision of how Kalaupapa National Historical Park should be managed? We'd like to hear from you.

As you review the preliminary alternatives you will likely see some proposed management actions that you do not support. That is expected. However, one thing to which all of us agree – don't change what is most significant or special about Kalaupapa! These draft proposals represent dozens of individual statements or ideas that were provided by the patient community, and by you, the public, during earlier phases of this planning process. Please consider each

proposed action and focus on what you think will best achieve the results that are important to you, and why.

We invite you to join us in June at open houses on the islands of Moloka'i, O'ahu, and Maui. You will be able to explore, talk story, and comment on the preliminary alternatives. In the event that you cannot attend one of our open houses, this newsletter details the many ways you can share your comments and provides links to more information about the plan. I sincerely value your input regarding the future management of Kalaupapa National Historical Park.

Mahalo,

Stephen Prokop
Superintendent

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We would like to hear from you! Tell us what you think:

As you read through this newsletter, we ask that you think about what alternatives or parts of alternatives you like best, and why. You can communicate your thoughts in several ways listed below:

- Attend public open houses (the schedule is listed on the back page)
- Complete the electronic version of the comment form on the web at: <http://parkplanning.nps.gov/kala> (this is our preferred method of submitting written comments)
- E-mail your comments to: KALA_GMP@nps.gov
- Fill out and mail the enclosed comment form
- Send a letter to the Superintendent
- Telephone the historical park at: (808)567-6802 ext. 1103

**Please send us your comments by
JULY 16, 2011**

Your continued involvement in the planning process is critical for the successful completion of the GMP.

What is a General Management Plan?

A general management plan (GMP) identifies the overall direction for the future management of units of the National Park System. GMPs take a long-range, broad and conceptual view. They provide a framework for managers to use in making decisions about how best to protect resources, what levels and types of uses are appropriate, what facilities should be developed, and how people should access the park. The GMP for Kalaupapa National Historical Park will describe the general path that the National Park Service intends to follow in managing Kalaupapa over the next 15-20 years.

Hawaiian Words Used in the Text

ʻāina- The living earth.
kūpuna- Grandparents, ancestors, relatives of grandparents' generation.
makai- Toward the sea; at the coast.
mauka- Toward the interior, or mountains; inland.
pali- A cliff or precipice.

Development of Preliminary Alternatives

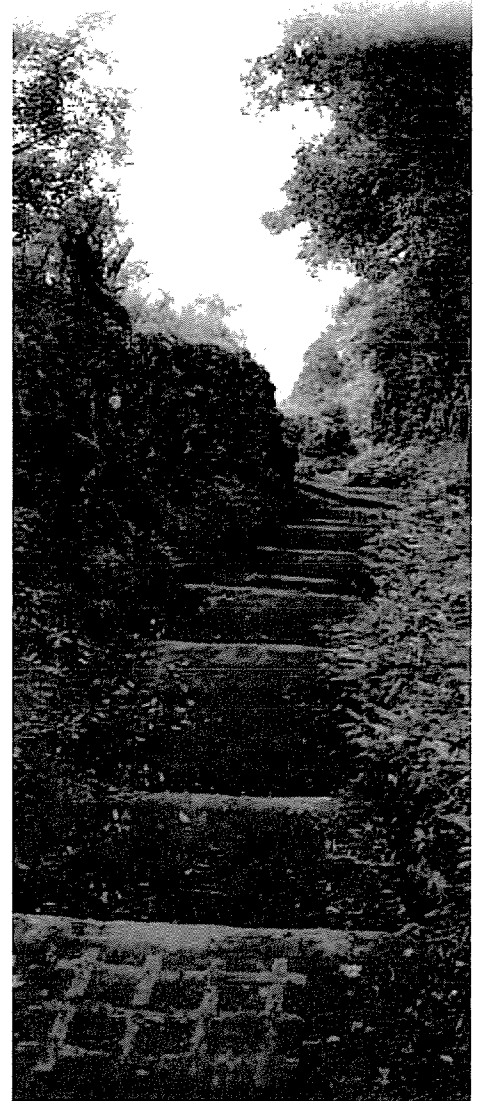
The preliminary alternatives presented in this newsletter outline a full range of potential management options for the future of Kalaupapa. These alternatives address specific issues for Kalaupapa and consider Hawaiian land management concepts while also following federal and state laws and policies.

The general management plan process requires the NPS to examine a variety of approaches for managing Kalaupapa National Historical Park. This allows those interested and affiliated with Kalaupapa, the National Park Service, and its partners to compare and contrast the advantages and/or disadvantages of one course of action over another and establish a sound approach to decision-making required by the National Environmental Policy Act.

All of the preliminary alternatives must be consistent with the purpose for which Kalaupapa National Historical Park was established. The preliminary alternatives must be reasonable, viable, and conform to National Park Service guiding laws, regulations, and policies.

The GMP planning team developed these preliminary alternatives in 2010 in response to issues and concerns from the public, NPS, and partners about Kalaupapa National Historical Park. The concepts and components of the alternatives are based upon public suggestions received during the scoping process and the planning team's professional expertise.

While you read the management options, keep in mind that these are just initial ideas. At this stage there may be some gaps and inconsistencies and some ideas might not be fully developed. With your input, the planning team will continue to refine these concepts and ideas. Also, keep in mind that these options are conceptual in nature. The general management plan establishes a vision of the future that will guide year-to-year management of Kalaupapa; implementation could take many years.



GMP Schedule

Estimated Time Frame	Planning Activity	Public Involvement Opportunities
2009	Scoping — Identify concerns, expectations, values, and ideas related to Kalaupapa	<ul style="list-style-type: none"> • Provide your ideas and comments during the scoping period through workshops, meetings, and correspondence • Review the "Results of Scoping Newsletter" • Read the public meetings transcripts online
	*Completed	
2011	Preliminary Alternatives — Outline different possible visions and strategies for the future of Kalaupapa	<ul style="list-style-type: none"> • Review "Preliminary Alternatives Newsletter" • Participate in public open houses • Send us your ideas and comments on the preliminary alternatives
	* We are currently in this step Send Comments by July 16, 2011	
2012	Draft General Management Plan/ Environmental Impact Statement (GMP/EIS) — Detail different alternatives, the preferred alternative, and impacts that could result from implementing the alternatives	<ul style="list-style-type: none"> • Review the draft GMP/EIS • Participate in public workshops • Send us your comments on the draft GMP/EIS
2013	Final General Management Plan/ Environmental Impact Statement — Analyze comments, revise draft document, and finalize the plan	<ul style="list-style-type: none"> • Review the final GMP/EIS
2013	Implement the Approved GMP/EIS — Prepare and issue a Record of Decision and implement the plan as funding allows	<ul style="list-style-type: none"> • Stay involved to implement the GMP • Check the NPS website for updates

The NPS does not have a preferred alternative at this stage in the process. The preferred alternative will be identified in the draft general management plan and environmental impact statement. It could be one of the preliminary alternatives or it could be made up of parts of the several alternatives. Your comments and ideas about these preliminary alternatives will assist the NPS and its partners in selecting a preferred alternative.

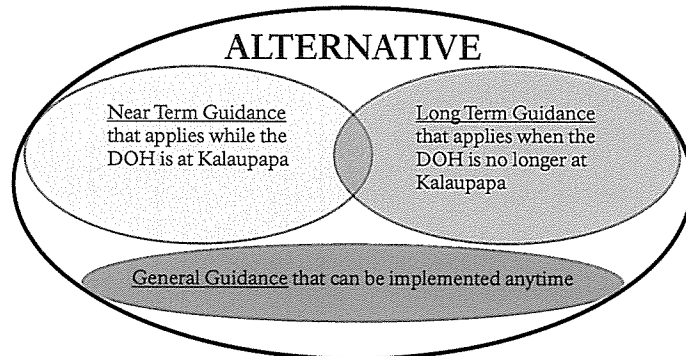
What is an Alternative?

Alternatives describe a vision for a park's future conditions. They provide a means to explore what the park could become under different management scenarios. The range of alternatives provide different ways of sharing the Kalaupapa story, providing visitor opportunities at Kalaupapa and offsite, using the facilities, and managing natural and cultural resources while protecting significant resources for future generations.

For each preliminary alternative, there is a concept statement that generally describes the guiding philosophy or overall vision for management over the next 15 to 20 years. After the concept statement, you will find a description of the management directions and actions that would be taken for that alternative (highlights). Each alternative also includes a management zoning map, which illustrates how each alternative would treat specific areas within the park. The table on pages 10-18 provides more details on the alternatives.

For each alternative, near-term and long term guidance was considered. "Near-term" is defined as the time period during which the Department of Health (DOH) maintains its operations at Kalaupapa. "Long term" is defined as a time when the DOH has ceased its operations at Kalaupapa. In some cases,

near-term and long term guidance is necessary because the actions would be different in the near-term and long term. For much of the guidance, the actions could be undertaken any time after the GMP is completed.



Actions Common to All Preliminary Alternatives

The following list summarizes the common management actions that would occur under all alternatives. Essentially, these actions are the "givens," meaning that they would occur under all scenarios. The complete list of common management actions is located in the alternatives comparison table on pages 10-18. Some of the actions are common to all four alternatives (Alternative A, B, C, and D) and others are common to the three action alternatives (Alternative B, C, and D).

It is important to note that many aspects of management would continue in the near term under all alternatives in order to protect the privacy of the patient community and will continue as long as they are desired by the patient residents.

- = indicates actions common to all four alternatives
- △ = indicates actions common to the three action alternatives (Alternatives B, C, and D)
- FYI = for your information (this information provides background and context for the alternatives)

Resources

- Continue resource projects, inventories, and monitoring as opportunities arise
- Continue to stabilize and preserve historic buildings, as funding allows
- Work with partners outside the park to improve ecosystem processes within Kalaupapa and surrounding areas

- △ In the long term, NPS would manage all visitor use and visitor facilities.
- △ Continue to develop an interpretation and education division
- △ Involve residents, 'ohana and kama'āina as cultural interpreters to share stories of Kalaupapa

Traditional Collection, Hunting, and Fishing

- In the near term, continue existing DOH and patient resident rules for collecting, hunting, and fishing below the 500 foot elevation

FYI - Rules allow patient residents and staff residents to collect, hunt, and fish. Guests of Kalaupapa residents are only allowed to pole fish (no net or spear fishing and no 'opihi pounding). All visitors are not allowed to hunt or carry firearms in the Settlement. State of Hawaii Department of Forestry and Wildlife (DOFAW) continues to manage hunting above 500 foot elevation. Hunting for resource management purposes would continue to occur.

- △ In the long term, implement State of Hawaii rules and regulation processes for fishing, hunting, and for Native Hawaiian or traditional gathering and access.
- △ In the long term, recommend that hunting continue to be restricted below the 500 foot elevation for visitor and personal safety

Visitor Experience

- In the near term, general public visitation would continue to be managed by DOH with the existing rules and regulations. These include:
 - Visitation is limited to 100 people per day for escorted day use only.
 - Children under the age of 16 would not be allowed.
 - Organized tours for the general public would be provided.
 - No overnight use would be permitted by the general public

Concessions and Commercial Uses

- In the near term, continue the existing commercial activities, by patient residents, the mule ride operator, and cooperating association
- △ In the long term, concessioners or non-profit organizations would provide for visitor needs and services
- There would be Native Hawaiian preferences for revenue generating services.

Facilities, Access, and Transportation

- In the near term, continue to use facilities for existing patient residents, DOH, NPS, and partner use and operations. The NPS would continue to manage most buildings and infrastructure, including the water, sewage, and electrical systems, roads, and grounds. The NPS would continue maintenance and historic preservation of over 200 historic buildings
- In the near term, maintain current DOH permitted options for entering the park: by foot or mule on pali trail, by plane into Kalaupapa Airport, or by boat

Designations

- In the near term, update the existing National Historic Landmark nomination
- △ Explore additional designations for resource protection (such as extending the National Natural Landmark boundary to include the Kalaupapa peninsula)

Actions Common to All Preliminary Alternatives (cont.)

Management Structure, Partnerships and Agreements

- Continue to follow current policies, guidelines, laws, and park plans
- Seek out partnership arrangements and projects with state and local agencies, adjacent landowners, and organizations for resource protection and interpretive and educational programs
- △ In the long term, the NPS would assume full management of visitor access, activities, and overall management of Kalaupapa and its resources.

Kalawao County

- In the near term, the DOH would continue to govern Kalawao County under Hawaii Revised Statute 326.
- △ In the long term, the NPS would work collaboratively with DOH, Department of Hawaiian Home Lands (DHHL), Department of Land and Natural Resources (DLNR), and Department of Transportation (DOT) to determine NPS, State and County governance of Kalaupapa when DOH departs.
- △ In the long term, possible law enforcement options include:
 - a) Concurrent law enforcement with the State of Hawai'i
 - b) Kalawao County becomes part of Maui County and NPS rangers would be deputized as law enforcement officers in Maui County

FYI - The boundary of Kalawao County closely matches the boundary of the park and is under the jurisdiction of the DOH. When the DOH leaves, the State needs to determine who will govern Kalawao County or whether Kalawao County ceases to exist.

Presently, NPS commissioned rangers are deputized through Kalawao County and have law enforcement authority. If Kalawao County ceases to exist, NPS rangers would need to be deputized under Maui County to enforce state laws.

Cooperative Agreements

- In the near term, existing cooperative agreements with Department of Health (DOH), lease with Department of Hawaiian Home Lands (DHHL) and cooperative agreement with Department of Land and Natural Resources (DLNR) would continue.

FYI - The NPS manages 10,725 acres of the lands, waters, and facilities within the park through cooperative agreements with the landowners (including Meyer Ranch) or governing entities (DOH, DLNR, DOT, and DHHL). These include:

- Cooperative agreement with DOH for management of facilities and operations within Kalaupapa Settlement area, expires in 2024
- Cooperative agreement with DLNR for management of 9,400 acres, expires in 2029
- Cooperative agreement with DOT for management of 42 acres within the airport area has expired and is currently pending renewal
- Lease agreement with DHHL for management of 1,300 acres and facilities, expires in 2041

Management Zoning

One of the tools in park planning is management zoning. Management zones are used to define the desired conditions for different areas of a park.

Each zone specifies a particular combination of resource conditions, visitor experiences, and types of development, as described below. Alternatives were developed by applying these zones to different areas, as shown on the maps on pages 7-9.

INTEGRATED RESOURCE MANAGEMENT ZONE	SENSITIVE RESOURCES ZONE
<i>This zone emphasizes the interconnectedness of nature and culture that is evident in people's connection with the 'āina at Kalaupapa over time.</i>	<i>This zone would encompass particularly sensitive natural and cultural resources that may also be of sacred and spiritual value.</i>
Summary <p>This is the most widely used zone applied to each of the alternatives.</p> <p>Resources would be managed in an integrated fashion for protection and restoration of native and Polynesian vegetation communities, wildlife habitat, and marine resources.</p> <p>Cultural resources would be protected to a high degree. Within this zone, significant archeological resources and cultural landscape features would be preserved to perpetuate their historic, natural, and scenic character and for their interpretive and research values and traditional cultural activities.</p> <p>Visitors would have opportunities to understand and experience the significance of Kalaupapa's natural and cultural resources through a range of methods that would be complementary to the landscape. Access would be by escort.</p> <p>Development levels would be minimal and only allowed in support of resource protection, visitor use and visitor safety. Facilities could include trails, unimproved roads, and fencing.</p>	Summary <p>Significant cultural resources would receive the highest level of preservation to perpetuate their historic, natural, and scenic character and for their research values and traditional cultural activities. There would be no adaptive reuse of cultural resources.</p> <p>Natural resources would be preserved in a relatively pristine condition where possible, representing the natural endemic legacy of the area.</p> <p>Access would be highly restricted to allow for inventory, monitoring, and other research and protection activities.</p> <p>Visitor access would be by escort only and through a special use permit. Visitors would have off-site opportunities to understand the sacredness and significance of these areas and the importance of protecting them.</p> <p>Limited development would be allowed only where it supports resource protection activities. Facilities could include unmaintained trails, fences, and temporary facilities for resource management activities. Only non-motorized access would be allowed.</p>
Areas zoned Integrated Resource Management could include: <ul style="list-style-type: none">• Coastal and ocean areas• Portions of Kauhakō Crater• Portions of Kalawao• Portions of Waikolu Valley• Pu'u Ali'i Natural Area Reserve (NAR)	Areas zoned Sensitive Resources could include: <ul style="list-style-type: none">• Coastal and ocean areas (including monk seal pupping areas), offshore islets• Cemeteries• Portions of Kalawao (churches, location of future memorial, graves)• Portions of Waikolu Valley• Pu'u Ali'i NAR• Lake within Kauhakō Crater• Caves and lava tubes

Memorandum of Understanding with the R. W. Meyer Ltd. for management of 72 acres, expires in 2012

Department of Health Partnership

- In the near term, the existing structure of shared DOH and NPS management of visitor use and facilities would continue. DOH would continue to manage the visitor permit and sponsorship system and some visitor facilities (such as the Visitors' Quarters). NPS would continue to manage visitor protection, education and interpretation, natural resources, cultural resources, historic buildings and structures, and roads and trails.
- In the near term, the NPS would continue to receive management and operational responsibilities and facilities as the DOH transitions out of management responsibilities at Kalaupapa.
- In the long term, a cooperative agreement with DHHL upon the departure of DOH to transfer management and use of buildings and structures would be developed with NPS.
- Δ In the long term, the NPS would manage visitor access, visitor use, facilities, and resources.

FYI - Eventually, the DOH will leave Kalaupapa when there are no longer patient residents living at Kalaupapa. Ownership of buildings and facilities reverts to DHHL when DOH leaves, with NPS continuing to manage maintenance and use of buildings and facilities.

Department of Hawaiian Home Lands Partnership

- Δ In the long term, the NPS would work collaboratively with DHHL for long term management of DHHL lands within Kalaupapa NHP boundary. The NPS and DHHL could renew and renegotiate the lease before its expiration in 2041. The NPS may continue to act on the enabling legislation direction to explore land donation or exchange with both DHHL and DLNR during the life of the GMP.

Department of Land and Natural Resources, Department of Transportation, and R. W. Meyer Ltd. Partnerships

- Δ In the long term, the NPS would work collaboratively with DLNR, DOT, and R. W. Meyer Ltd. for long term management of these lands within Kalaupapa NHP boundary.

ENGAGEMENT ZONE	OPERATIONS ZONE	WAO AKUA (Upland Forests) ZONE
<i>The emphasis of this zone would be to provide opportunities for visitors to engage, learn about, and experience Kalaupapa.</i>	<i>This zone would consist mainly of operational and maintenance facilities for the park and its partners.</i>	<i>This zone is based on the native Hawaiian land classification called "wao akua" (place of the spirits). These upland forests would be managed for their sacredness and natural features.</i>
<p>Summary</p> <p>Resources would be preserved to tell Kalaupapa's stories.</p> <p>Visitors would learn about the significance of Kalaupapa's natural and cultural resources. Opportunities could include guided and self-guided tours, an orientation film, cultural demonstrations, interpretive and stewardship programs, spiritual reflection, and overnight stays, so long as resources would not be degraded. Escorted and unescorted visitor access would be allowed in the Engagement Zone.</p> <p>Improvements could include facilities for visitor use. Some historic structures would be adaptively used for visitor services (such as overnight accommodations and food service). Adaptive re-use of existing facilities would be designed to be compatible with the cultural landscape. Facilities could include: visitor center, waysides and kiosks, trails, roads, picnic and group use areas, designated camping areas.</p>	<p>Summary</p> <p>Historic buildings and structures would be preserved to tell Kalaupapa's stories. Some would be adaptively reused for operations.</p> <p>Intact natural resources and processes would be preserved. Natural and cultural resources may be altered in previously disturbed areas to allow for operations.</p> <p>Visitors would have some opportunities to learn that many park operations activities are in historic structures. Visitor access would be controlled in certain locations and would generally be by escort only. Visitor experience may be impeded by operations due to safety and residents' privacy concerns.</p> <p>Adaptive re-use of existing facilities would be designed to be compatible with the cultural landscape. Adaptive re-use and limited new construction would be evaluated on a case by case basis for the airport, harbor and pier, roads and parking, administrative offices, staff housing, maintenance facilities, warehouses, and garages, and utilities, DOH care facility (future use to be determined). Both motorized and non-motorized access would continue in this zone.</p>	<p>Summary</p> <p>This zone includes the upland forests and generally follows the portion of the North Shore Cliffs National Natural Landmark within the park boundary. This zone would be managed primarily for its natural values.</p> <p>Natural processes and ecosystem function would proceed with limited management involving elimination of threats and stressors to native species. Within this zone, the natural and cultural landscape would not be differentiated.</p> <p>Visitor access would be restricted for safety and would occur infrequently. Access would be difficult due to steep slopes. Activities could include traditional practices and research.</p>
<p>Areas that are zoned Engagement could include:</p> <ul style="list-style-type: none"> ▪ Kalaupapa Settlement ▪ Pali trail ▪ Road corridors ▪ Portions of Kauhakō Crater ▪ Portions of Kalawao ▪ Portions of Waikolu Valley 	<p>Areas that are zoned Operations could include:</p> <ul style="list-style-type: none"> ▪ Settlement facility areas, housing (see list above) ▪ Airport ▪ Well and water tanks and access road ▪ Composting area and landfill 	<p>Areas that are zoned Wao akua could include:</p> <ul style="list-style-type: none"> ▪ The North Shore Cliffs National Natural Landmark area within the park boundary following the 500 foot contour ▪ Pu'u Ali'i NAR

Preliminary Alternatives

Alternative A: No Action

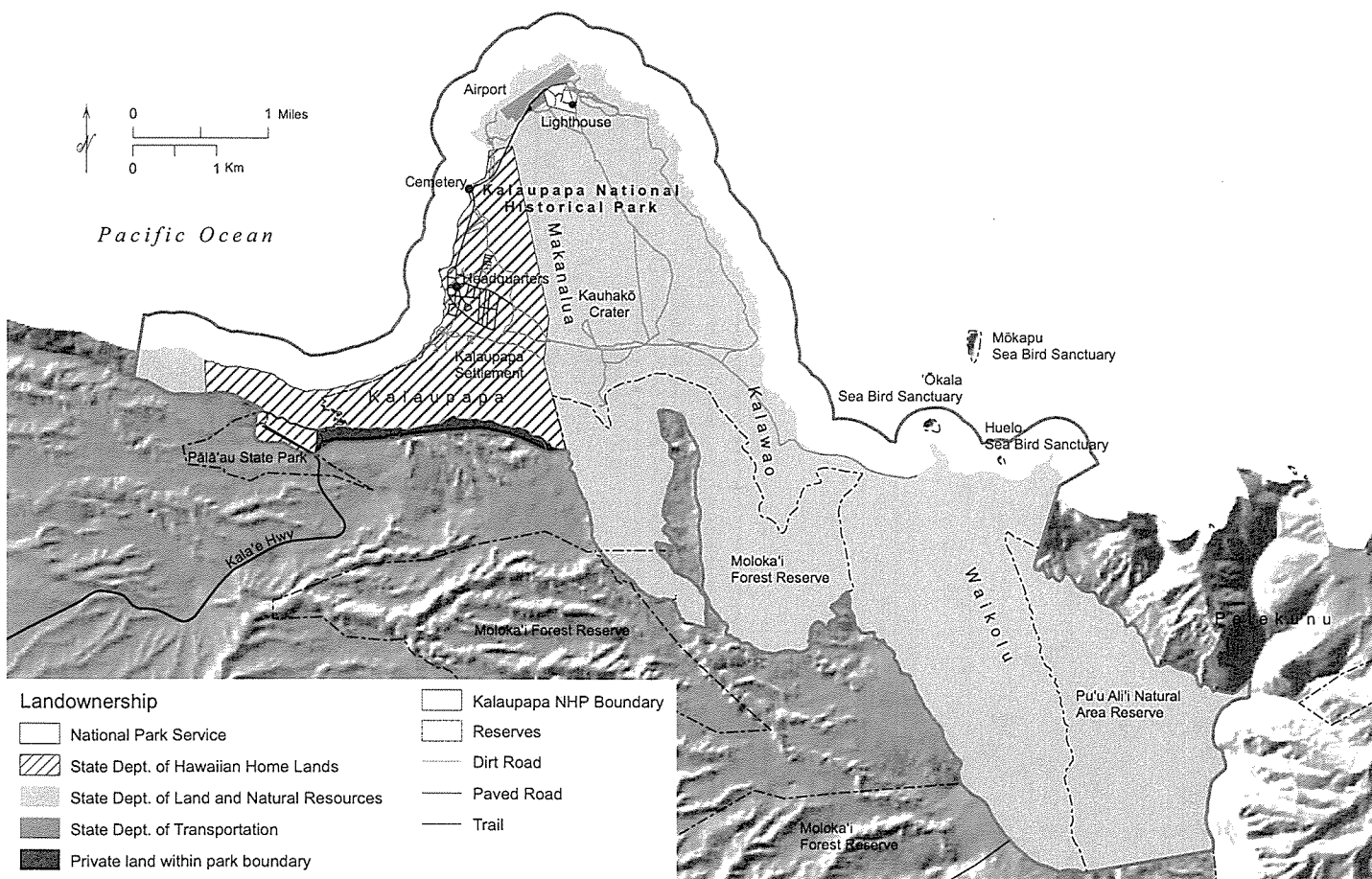
Alternative A assumes that existing management, programming, facilities, staffing, and NPS funding levels would generally continue at their current levels to protect the values of Kalaupapa NHP in the near term.

Rationale for this alternative: A “No Action” alternative is required under the National Environmental Policy Act.

Highlights:

Remember to read “Actions Common to Alternatives” listed on pages 3-5.

- Alternative A does not provide long term guidance for park management after the DOH departs Kalaupapa.
- Existing cooperative agreements with agencies and organizations and the lease agreement with DHHL would continue.
- Alternative A does not have a management zoning map since the park does not currently have a GMP or management zoning scheme.



Alternative B

This alternative focuses on Kalaupapa's special or sacred places celebrated and made legendary by stories. The primary focus of Alternative B is to maintain Kalaupapa's spirit and character. The NPS would develop an extensive outreach program to share Kalaupapa's history with a wide audience at off-site locations. The goal for this alternative would be similar to Alternative A, but would provide future guidance for managing Kalaupapa once the DOH leaves.

Alternative B contains the largest proportion of areas in the Sensitive Resources Zone and the smallest area in the Engagement Zone compared to the other alternatives. The purpose of this zoning structure is to protect the cemeteries, Kauhakō Crater, coastal strand, islets, the Pu'u Ali'i Natural Area Reserve, and portions of Waikolu Valley and by limiting access to and use of these resources.

Rationale for this alternative: Many people have expressed a desire to retain current visitation levels and activities from how they are today. This alternative fulfills these sentiments.

Highlights:

Remember to read "Actions Common to Alternatives" listed on pages 3-5.

Resources Management:

- Maintain and enhance the integrity of resources through active management and restoration
- Recommend designations to establish preserves and refuges for highly significant
- Emphasize resource preservation and research, especially ethnographic research with 'ohana
- Focus on stabilization and restoration of existing historic structures and cultural landscape features

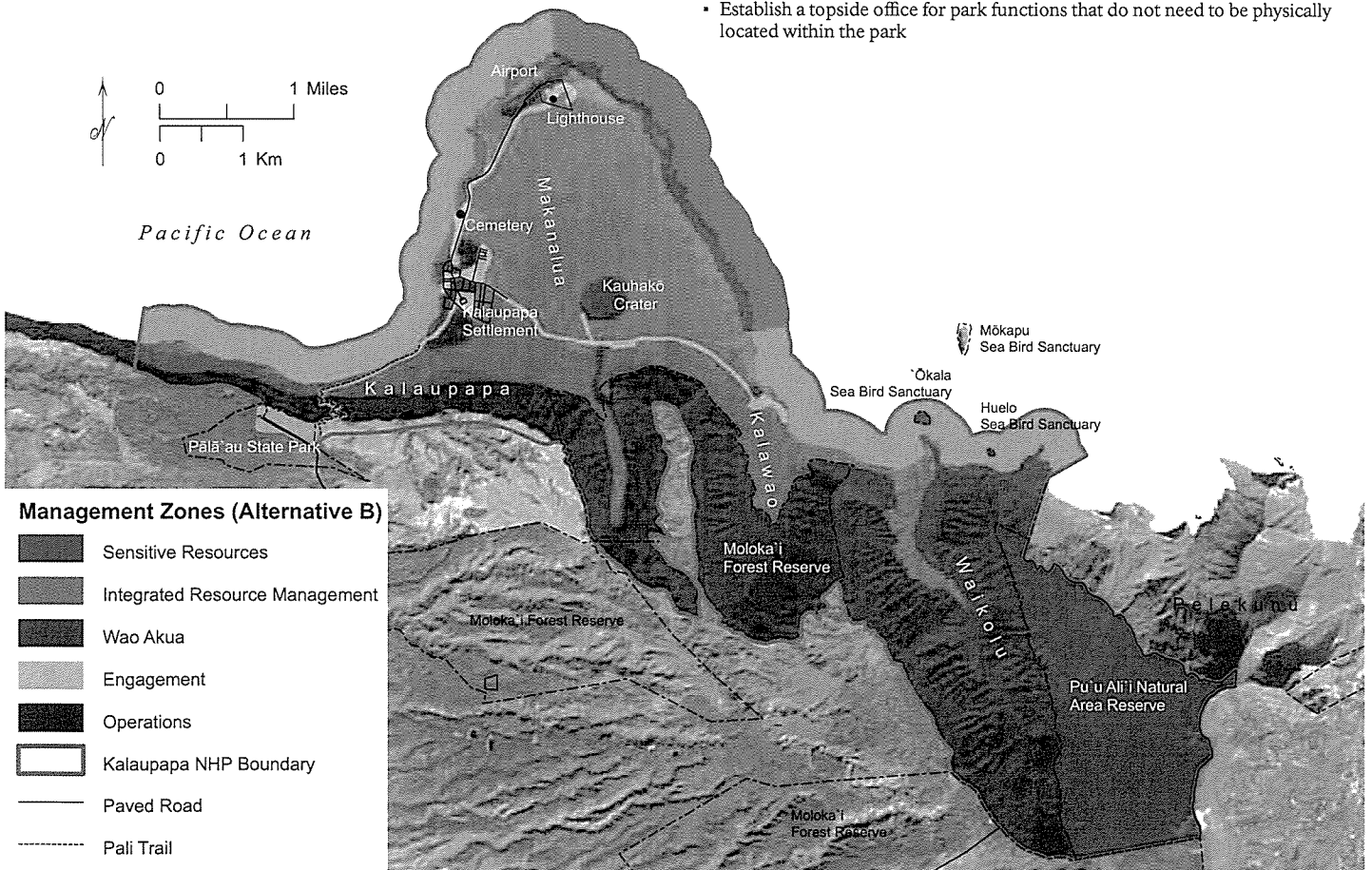


Visitor Experience:

- In the long term, visitor use rules and regulations would be similar to the current existing conditions, including the cap on daily visitation and not allowing children.
- Overnight use would be managed primarily for those with pre-existing associations and ancestral connections to Kalaupapa. Limited overnight use by the general public would also be provided.
- Focus most educational efforts off-site and through extensive outreach efforts to allow people to learn about Kalaupapa without actually visiting the site
- This alternative has the lowest visitation levels among the three action alternatives.

Facilities, Access, and Transportation:

- The primary use of Kalaupapa's facilities (including mostly historic buildings) would be for park operations with limited visitor use.
- Establish a staffed visitor information facility at Pālā'au State Park
- Establish an orientation center and primary visitor contact facility in a historically significant building
- Establish a topside office for park functions that do not need to be physically located within the park



Alternative C

Alternative C emphasizes stewardship of Kalaupapa's lands. Resources would be managed from mauka to makai through engaging visitors and groups with hands-on stewardship activities. This alternative focuses on group visitation, volunteer work groups, and less restricted visitation by the general public. Most of the lands within Kalaupapa National Historical Park are placed in the Integrated Resource Management Zone.

Rationale for this alternative: Kalaupapa is a place where people have collectively worked to provide a living for themselves and collectively endured the physical effects and social stigmas of Hansen's Disease. In this spirit, this alternative would emphasize stewardship of Kalaupapa through hands-on group and visitor activities.

Highlights:

Remember to read "Actions Common to Alternatives" listed on pages 3-5.

Resource Management:

- Maintain and enhance the integrity of resources through stewardship opportunities with partners, visitors and service groups
- Recommend designations to establish preserves and refuges for highly significant resources
- Monitor and manage resources using both traditional and contemporary methods and engaging visitors and service groups

Visitor Experience:

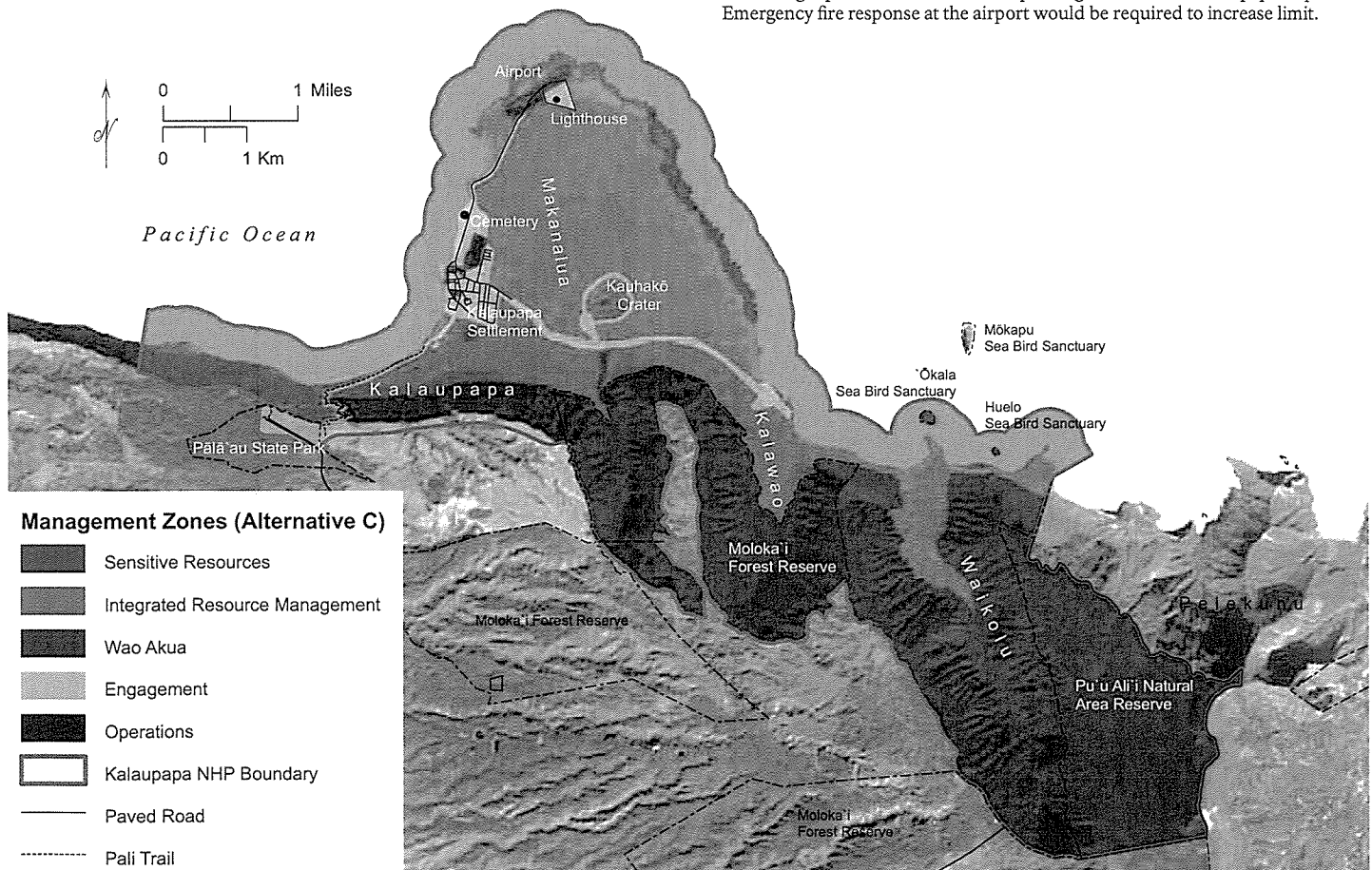
- In the long term, visitor use rules and regulations would be changed to provide more opportunities for visitation by groups and the general public.
- Visitors could explore Kalaupapa on their own without an escort in the Engagement Zone.
- Overnight use would be managed primarily for organized groups engaged in stewardship and learning activities. Overnight use by the general public would also be provided.



- Group camping in designated areas would be allowed through a permit system.
- Focus most educational efforts toward on-site visitor learning and enjoyment
- Visitors would participate in hands-on stewardship activities that contribute to the preservation and restoration of resources.
- Visitor experience would include opportunities for personal reflection, contemplation, culture and history.

Facilities, Access, and Transportation:

- The primary use of Kalaupapa's facilities [including mostly historic buildings] would be for partner programs, visitor activities, and park operations.
- Use Paschoal Hall or another historically significant building as the primary visitor center containing interpretive exhibits, providing a film about Kalaupapa, and offering items for sale
- Develop select new trails for visitor exploration and learning
- Develop a camping area in the Engagement Zone for group camping
- Assess the feasibility of restoring the Waihanau Valley trail or constructing a replacement trail for land access to Kalaupapa
- Allow larger planes with a limit of 20 passengers to use the Kalaupapa airport. Emergency fire response at the airport would be required to increase limit.



Alternative D

This alternative emphasizes visitation by the general public by providing a wide range of visitor opportunities and services. Visitors would have the freedom to learn about Kalaupapa's people and history through direct experience, exploration, and immersion in the historic setting.

Alternative D contains the largest proportion of areas in the Engagement Zone and the smallest area in the Sensitive Resources Zone compared to the other alternatives. The purpose of this zoning structure is to provide visitors with greater opportunities to explore more of Kalaupapa on their own.

Rationale for this alternative: Kalaupapa is an extraordinary place with a unique history and precious resources that offer invaluable and relevant messages for all people. Many people share the sentiment that the general public should be provided with more opportunities to see and experience this special and powerful place. By experiencing Kalaupapa, current and future generations will become stewards of Kalaupapa.

Highlights:

Remember to read "Actions Common to Alternatives" listed on pages 3-5.

Resource Management:

- Maintain and enhance the integrity of resources through stewardship opportunities with partners, visitors and service groups.
- Recommend designations to establish preserves and refuges for highly significant resources
- Preserve and enhance the built environment to provide visitors a direct experience of historic features and quality interpretation

Visitor Experience:

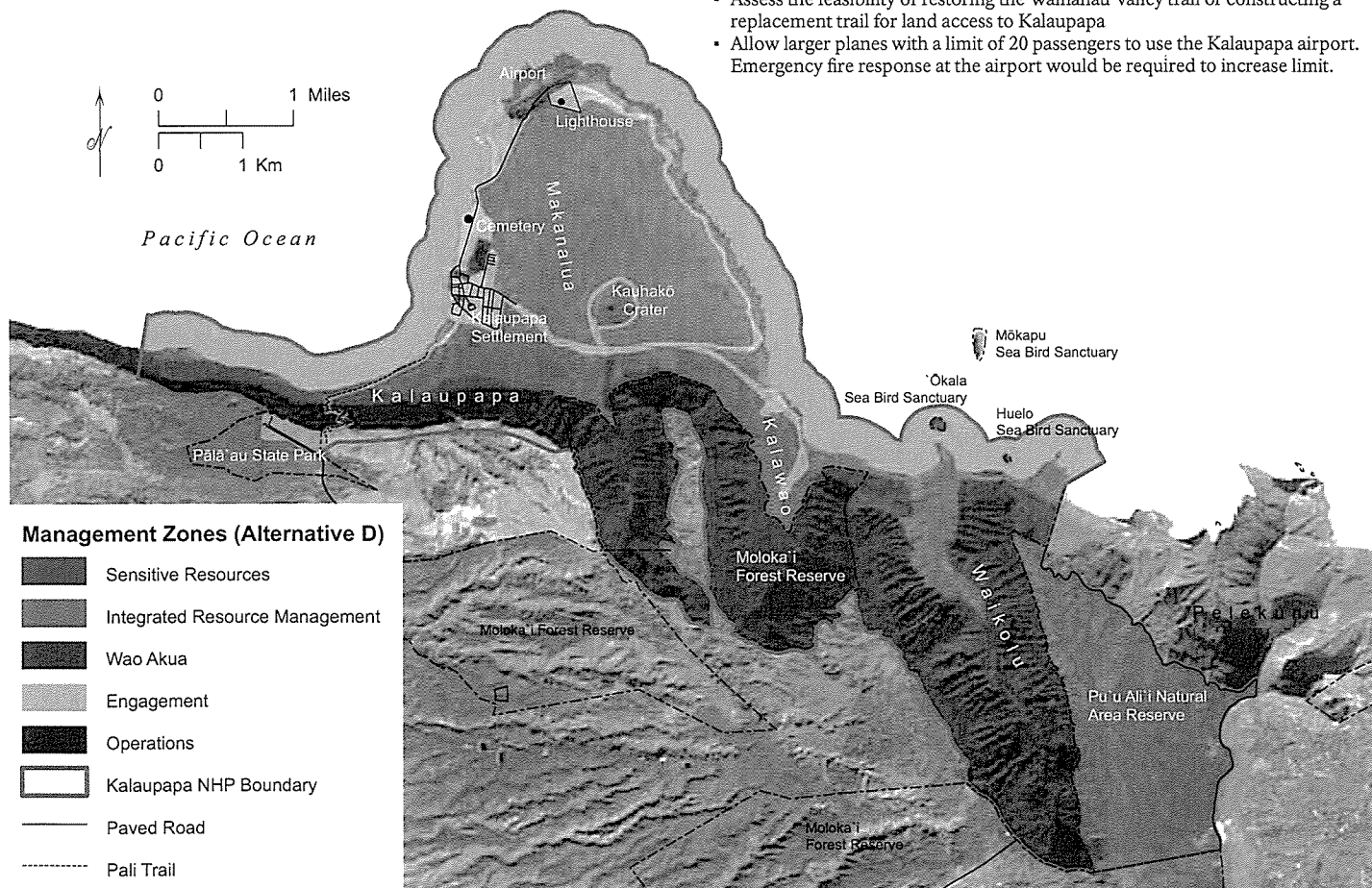
- In the long term, visitor use rules and regulations would be changed to provide more opportunities for visitation by the general public.
- An orientation would be required for all visitors.



- Visitor activities would be structured and unstructured. Visitors would be able to explore areas of Kalaupapa on their own.
- Overnight use would be managed for the general public and organized groups.
- Camping in designated areas would be allowed through a permit system.
- The interpretation and education division would be the largest under this alternative.
- Focus most educational efforts toward on-site visitor learning and enjoyment

Facilities, Access, and Transportation:

- The use of Kalaupapa's facilities would be for partner programs, visitor activities, and park operations, primarily through adaptive re-use of historic buildings.
- Use Paschoal Hall or another historically significant building as the primary visitor center containing interpretive exhibits, providing a film about Kalaupapa, and offering items for sale
- Develop select new trails for visitor exploration and learning
- Develop a camping area in the Engagement Zone
- Assess the feasibility of restoring the Waihanau Valley trail or constructing a replacement trail for land access to Kalaupapa
- Allow larger planes with a limit of 20 passengers to use the Kalaupapa airport. Emergency fire response at the airport would be required to increase limit.



Preliminary Alternatives Table

	Alternative A: No Action	Alternative B	Alternative C	Alternative D
Concept	The NPS would continue to manage Kalaupapa NHP as it has been currently managed following existing management policies and programs.	Alternative B focuses on Kalaupapa's special or sacred places celebrated and made legendary by stories. Maintaining Kalaupapa's spirit and character is the primary focus of this alternative.	Alternative C emphasizes stewardship of Kalaupapa's lands. Resources would be managed from mauka to makai.	Alternative D focuses on personal connections to Kalaupapa through visitation by the general public.
General Description	<p>Alternative A assumes that existing management, programming, facilities, staffing, and funding would generally continue at their current levels to protect the values of Kalaupapa NHP in the near term.</p> <p>Alternative A does not provide long term guidance for park management after the DOH departs Kalaupapa.</p> <p>Existing cooperative agreements with agencies and organizations and the lease agreement with DHHL would continue, as long as they are viable. Upon expiration, these agreements would be subject to negotiation.</p>	<p>Kalaupapa's diverse resources would be managed to protect, maintain, and enhance their integrity.</p> <p>Visitor use and experiences at Kalaupapa would be similar to existing conditions.</p> <p>The NPS would develop an extensive outreach program to share Kalaupapa's history with a wide audience at off-site locations.</p> <p>Agreements with partners would be renegotiated and renewed to reflect the intent and actions of this alternative.</p>	<p>Alternative C emphasizes resource stewardship of Kalaupapa's lands through hands-on activities and service and volunteer work groups.</p> <p>Alternative C focuses on group visitation and some general visitation.</p> <p>Agreements with partners would be renegotiated and renewed to reflect the intent and actions of this alternative.</p>	<p>Kalaupapa's diverse resources would be managed to protect and maintain their integrity.</p> <p>Alternative D emphasizes visitation by the general public.</p> <p>Visitors would have the freedom to learn about Kalaupapa's people and history through direct experience, exploration, and immersion in the historic setting.</p> <p>Agreements with partners would be renegotiated and renewed to reflect the intent and actions of this alternative.</p>
Management Structure and Agreements (See page 4-5 for a complete list)				
Resource Management	<p>Continue to manage resources under existing guidance</p> <p>Continue to conduct resource projects, inventories, and monitoring</p>	<p>Maintain and enhance the integrity of resources through active management and restoration</p> <p>Recommend designations to establish preserves and refuges for highly significant resources</p>	<p>Maintain and enhance the integrity of resources through stewardship opportunities with partners, visitors and service groups</p> <p>Recommend designations to establish preserves and refuges for highly significant resources</p>	Same as Alternative B
Cultural Resources (such as kūpuna and their stories, archeological resources, historic buildings, and cultural landscapes)	<p>Continue to conduct cultural resource projects, inventories, and interpretation as opportunities arise</p> <p>Continue to stabilize and preserve historic buildings as funding allows</p> <p>Continue active management and care of known cemeteries, including ongoing stabilization of grave sites</p>	<p>Same as Alternative A PLUS</p> <p>Emphasize cultural resource preservation and research, especially ethnographic research with 'ohana</p> <p>Focus on stabilization and restoration of historically significant structures and cultural landscape features</p> <p>Mark all cemeteries, conduct formal investigations to identify and quantify additional grave sites, restore some grave sites, and provide access for related families</p>	<p>Same as Alternative A PLUS</p> <p>Emphasize cultural resource preservation, restoration of historically significant features, and adaptive re-use for visitor facilities</p> <p>Preserve cultural resources through engagement with partners, visitors and service groups for visitor learning and enjoyment</p> <p>Offer opportunities for visitors to engage in on-site living cultural activities</p> <p>Adaptively re-use historic buildings for visitor facilities</p> <p>Mark all cemeteries, conduct formal investigations to identify and quantify additional grave sites, restore some grave sites, and provide access for related families</p>	<p>Same as Alternative A PLUS</p> <p>Emphasize cultural resource preservation, restoration of historically significant features, and adaptive re-use for visitor facilities</p> <p>Preserve and enhance the built environment to provide visitors a direct experience of historic features and quality interpretation</p> <p>Offer opportunities for visitors to engage in on-site living cultural activities</p> <p>Adaptively re-use historic buildings for visitor facilities</p> <p>Mark all cemeteries, conduct formal investigations to identify and quantify additional grave sites, restore some grave sites, and provide access for related families</p>

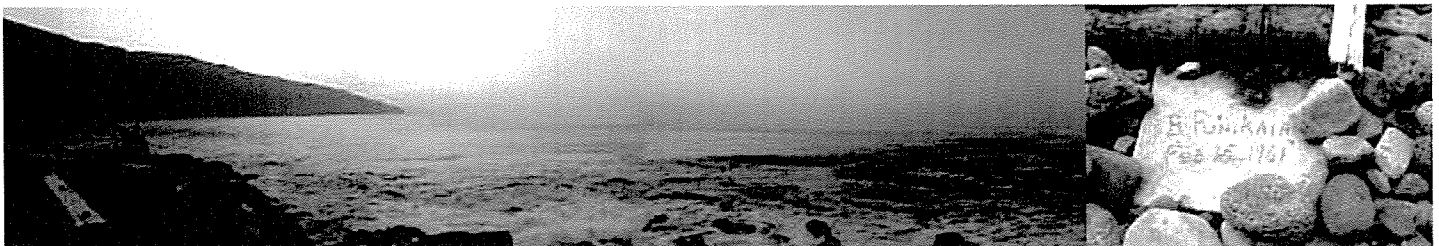


	Alternative A: No Action	Alternative B	Alternative C	Alternative D
Resource Management (cont.)				
Natural Resources (such as wildlife, vegetation, and geology)	Implement natural resource management program priorities: research, inventory, monitoring, feral animal control, fencing, hunting, rare species stabilization, and incipient alien species removal. Continue active participation and pursuit of East Molokai Watershed Partnership goals.	Same as Alternative A PLUS Expand research and monitoring programs to better understand ecosystem processes	Same as Alternative B PLUS Monitor and manage resources using both traditional and contemporary methods and engaging visitors and service groups	Same as Alternative B PLUS Offer demonstrations of resource management techniques
Marine Resources and Fishing	<u>Near Term:</u> Continue to focus on research and monitoring Continue existing DOH and patient resident rules concerning marine resource use until the DOH leaves Kalaupapa	<u>Near Term:</u> Same as Alternative A	<u>Near Term:</u> Same as Alternative A	<u>Near Term:</u> Same as Alternative A
	<u>Long Term:</u> No guidance	<u>Long Term:</u> Continue to Implement State of Hawai'i regulations for marine resource use including marine fishing Work cooperatively with the State of Hawai'i and partners to establish new regulations for resource protection that would continue the will of the Patient's Council and resident rules for marine resource use and the spirit of the national Marine Protected Area designation.	<u>Long Term:</u> Same as Alternative B PLUS Look to existing cooperative models for management, such as Mo'omomi, Ā'hihi Kīna'u, and Kaho'olawe models	<u>Long Term:</u> Same as Alternative B
Traditional Collection and Hunting	<u>Near Term:</u> Continue existing DOH and patient resident rules about traditional collection and hunting below the 500 foot elevation until the DOH leaves Kalaupapa Continue State of Hawai'i hunting rules and regulations above the 500 foot elevation and managed by DOFAW	<u>Near Term:</u> Same as Alternative A	<u>Near Term:</u> Same as Alternative A	<u>Near Term:</u> Same as Alternative A
	<u>Long Term:</u> No guidance	<u>Long Term:</u> Work cooperatively with the State of Hawai'i and partners to establish new regulations for resource protection, traditional and Native Hawai'i an gathering and access, and hunting	<u>Long Term:</u> Same as Alternative B	<u>Long Term:</u> Same as Alternative B





	Alternative A: No Action	Alternative B	Alternative C	Alternative D
Visitor Experience				
Visitor Use	<p><u>Near Term:</u></p> <p>Continue existing structure of shared DOH and NPS management of visitor use and facilities, including existing rules and regulations</p> <p>DOH would continue to manage the visitor permit and sponsorship system.</p> <p>NPS would continue to manage visitor protection, visitor facilities, natural resources, cultural resources, roads, trails and grounds infrastructure. General public visitation would be limited to 100 people per day for escorted day use only.</p> <p>Children under the age of 16 would not be allowed.</p> <p>Organized tours for the general public would be provided.</p> <p>Overnight use would continue to require a sponsorship by a Kalaupapa resident.</p> <p><u>Long Term:</u></p> <p>No guidance</p>	<p><u>Near Term:</u></p> <p>Same as Alternative A</p> <p><u>Long Term:</u></p> <p>NPS would manage visitor use and visitor facilities.</p> <p>General public visitation would be limited to 100 people per day for escorted day use only.</p> <p>Children under the age of 16 would not be allowed.</p> <p>Organized tours for the general public would be provided.</p> <p>Overnight use would be managed primarily for those with pre-existing associations and ancestral connections to Kalaupapa. Limited overnight use by the general public would also be provided. Management of overnight use would be delegated by the NPS to a concession or non-profit organization.</p>	<p><u>Near Term:</u></p> <p>Same as Alternative A</p> <p><u>Long Term:</u></p> <p>NPS would manage visitor use and visitor facilities.</p> <p>General public visitation could be limited by a cap on visitors per day.</p> <p>Visitors could explore Kalaupapa on their own without an escort in the Engagement Zone.</p> <p>Children would be allowed to visit.</p> <p>Organized tours for the general public would be provided.</p> <p>Overnight use would be managed primarily for organized groups engaged in stewardship and learning activities. Overnight use by the general public would also be provided. Management of overnight use would be delegated by the NPS to a concession or non-profit organization.</p> <p>Group camping in designated areas would be allowed through a permit system.</p>	<p><u>Near Term:</u></p> <p>Same as Alternative A</p> <p><u>Long Term:</u></p> <p>NPS would manage visitor use and visitor facilities.</p> <p>General public visitation would not be limited by a cap on visitors per day.</p> <p>An orientation would be required for all visitors.</p> <p>Visitors could explore Kalaupapa on their own without an escort in the Engagement Zone.</p> <p>Children would be allowed to visit.</p> <p>Organized tours for the general public would be provided.</p> <p>Overnight use would be managed for the general public and organized groups. Management of overnight use would be delegated by the NPS to a concession or non-profit organization.</p> <p>Camping in designated areas would be allowed through a permit system.</p>



	Alternative A: No Action	Alternative B	Alternative C	Alternative D
Visitor Experience (cont.)				
Interpretation and Education	<p>Begin to develop a limited interpretation and education division</p> <p>Visitor experience would continue to be highly structured and focused on Kalaupapa's unique history.</p> <p>Most interpretation and education would continue to be provided by non-NPS entities.</p> <p>Engage residents as cultural interpreters to tell the story of Kalaupapa</p>	<p>Establish an interpretation and education division</p> <p>Involve residents, 'ohana and kama'āina as cultural interpreters to tell the story of Kalaupapa</p> <p>Focus most educational efforts off-site and through extensive outreach efforts to allow people to learn about Kalaupapa without actually visiting the site</p> <p>Most of the general public would experience Kalaupapa through off-site education and interpretation.</p>	<p>Establish an interpretation and education division</p> <p>Involve residents, 'ohana and kama'āina as cultural interpreters to tell the story of Kalaupapa</p> <p>Focus most educational efforts on on-site visitor learning and enjoyment</p> <p>Offer a wide range of educational opportunities off-site</p> <p>Visitors would participate in hands-on stewardship activities that contribute to the preservation and restoration of resources.</p> <p>Visitor experience would include personal reflection, contemplation, culture and history.</p>	<p>Establish an interpretation and education division</p> <p>Involve residents, 'ohana and kama'āina as cultural interpreters to tell the story of Kalaupapa</p> <p>The division would be the largest under this alternative.</p> <p>Focus most educational efforts on on-site visitor learning and enjoyment</p> <p>Offer limited educational opportunities off-site</p> <p>Visitor activities are structured and unstructured. Visitors would be able to explore areas of Kalaupapa on their own.</p> <p>Visitor experience would emphasize personal reflection, contemplation, culture and history.</p> <p>Alternative D would provide the broadest range of learning and educational opportunities that are by escort or self-guided.</p>
Facilities				
	<u>Near Term:</u>	<u>Near Term:</u>	<u>Near Term:</u>	<u>Near Term:</u>
	<p>Continue to use facilities for existing patient residents, DOH, NPS, and partner use and operations</p> <p>NPS would continue to manage most infrastructure, including the water, sewage, and electrical systems, Pali Trail, roads, and grounds.</p> <p>The NPS would continue maintenance and historic preservation of over 200 historic buildings, as funding allows.</p>	<p>Same as Alternative A PLUS</p> <p>Establish a staffed visitor information facility at Pala'au State Park</p> <p>Establish an orientation center and primary visitor contact facility in a historically significant building</p>	<p>Same as Alternative A PLUS</p> <p>Adaptively re-use other historic buildings and sites for interpretation and education</p> <p>Use Paschoal Hall or another historically significant building as the primary visitor center containing interpretive exhibits, providing a film about Kalaupapa, and offering items for sale</p>	<p>Same as Alternative C</p>
	<u>Long Term:</u>	<u>Long Term:</u>	<u>Long Term:</u>	<u>Long Term:</u>
	<p>No guidance</p>	<p>The primary use of Kalaupapa's facilities (including mostly historic buildings) would be for park operations and limited visitor use.</p> <p>Establish a topside office for park functions that do not need to be physically located within the park (such as, administrative support, law enforcement, interpretation, and some aspects of maintenance)</p>	<p>The primary use of Kalaupapa's facilities (including mostly historic buildings) would be for partner programs, visitor activities, and park operations.</p> <p>Develop select new trails for visitor exploration and learning</p> <p>Develop a camping area in the Engagement Zone for group camping</p>	<p>Same as Alternative C, except use would be primarily by the general public</p>





Alternative A: No Action	Alternative B	Alternative C	Alternative D
Access and Transportation			
<u>Near Term:</u> Maintain current DOH permitted options for entering the park: by foot or mule on Pali Trail, or by plane into Kalaupapa Airport	<u>Near Term:</u> Same as Alternative A	<u>Near Term:</u> Same as Alternative A	<u>Near Term:</u> Same as Alternative A
<u>Long Term:</u> No guidance	<u>Long Term:</u> Continue to allow access to the park by foot or mule on Pali Trail, or by plane into Kalaupapa Airport	<u>Long Term:</u> Same as Alternative B PLUS Assess the feasibility of restoring the Waihānau Valley trail or constructing a replacement trail for land access to Kalaupapa Allow larger planes with a limit of 20 passengers to use the Kalaupapa airport. Emergency fire response at the airport would be required to increase limit.	<u>Long Term:</u> Same as Alternative C
Concessions and Commercial Uses			
<u>Near Term:</u> Continue commercial activities operated by patient residents for tours and the bar Continue the commercial use agreement with the mule ride operator Continue to retain a cooperating association to operate the bookstore Maintain the right of second refusal for revenue generating visitors services to Native Hawaiian businesses Continue DOH operation of the general store for use by residents and limited use by overnight visitors	<u>Near Term:</u> Same as Alternative A	<u>Near Term:</u> Same as Alternative A	<u>Near Term:</u> Same as Alternative A
<u>Long Term:</u> No guidance	<u>Long Term:</u> Operate the bookstore through a cooperating association Concessioners or non-profit organizations would provide for visitor needs and services. Operations could include: tours, mule rides, merchandise sales, the general store, gas station, food and beverage service, and overnight lodging. Concessions and commercial uses under Alternative B would be limited to the few types that would remain financially viable under the low-visitation levels described in this alternative.	<u>Long Term:</u> Operate the bookstore through a cooperating association Concessioners or non-profit organizations would provide for visitor needs and services. Operations could include: tours, mule rides, merchandise sales, the general store, gas station, food and beverage service, and overnight lodging. Operations could additionally include camping.	<u>Long Term:</u> Same as Alternative C



	Alternative A: No Action	Alternative B	Alternative C	Alternative D
Climate Change				
	Continue to address climate change as funding allows	Same as Alternative A PLUS Set targets for reduced energy consumption, reduced carbon emissions, and reduced reliance on outside sources of energy	Same as Alternative B	Same as Alternative B
Designations				
	Update the National Historic Landmark nomination to more thoroughly document significant Native Hawaiian archeological resources and communities that pre-date the Hansen's disease settlement	Same as Alternative A PLUS Explore expanding the North Shore Cliffs National Natural Landmark boundary to include the Kalaupapa peninsula or explore an additional National Natural Landmark designation for the Kalaupapa peninsula Explore a local marine managed area designation Explore an archeological district National Register of Historic Places designation Explore a World Heritage Site designation	Same as Alternative B	Same as Alternative B
Boundaries				
	Maintain current boundaries	Potential boundary modifications could include Pelekunu Preserve and Oloku'i Natural Area Reserve. For a more detailed description of potential boundary modifications, see the Boundaries section on page 19 of this newsletter.	Same as Alternative B	Same as Alternative B

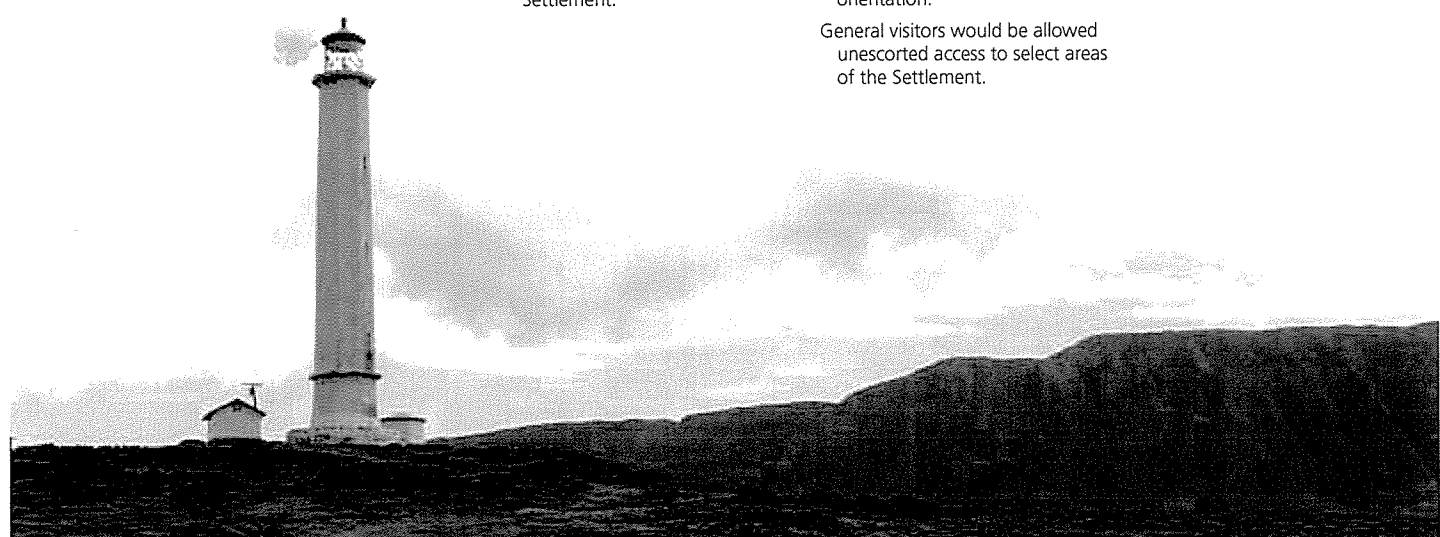




	Alternative A: No Action	Alternative B	Alternative C	Alternative D
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Area Specific Guidance

Kalaupapa Settlement	<u>Near Term:</u> Continue managing the settlement primarily for the residents Continue to afford visitor access through Damien Tours Continue determining access rights according to state law, which affords residents unrestricted access to all of Kalawao County and excludes visitors from certain areas unless accompanied by an approved escort Continue requiring commercial operations (e.g. store, bar, gas station) and support services to be run by either patient residents or the State Continue to preserve historic buildings Continue co-managing utilities with DOH and working together on transition to eventual management by the NPS Keep emergency services based within the settlement. Continue cooperating with the State to provide such services	<u>Near Term:</u> Same as Alternative A	<u>Near Term:</u> Same as Alternative A	<u>Near Term:</u> Same as Alternative A
	<u>Long Term:</u> No guidance	<u>Long Term:</u> Kalaupapa Settlement would be preserved and used primarily for park operations, partner activities, and limited visitor services. A historic structure would be adaptively re-used for visitor orientation. Some historic buildings could be adaptively used for overnight lodging. General visitors would be allowed escorted access to select sites and areas to see and experience the Settlement.	<u>Long Term:</u> Kalaupapa Settlement would be a hub for partner and visitor activities and park operations. Historic buildings could be used for a variety of purposes, including as visitor facilities, "museums" to illustrate the lives of patients at Kalaupapa, overnight lodging, and staff housing. A historic structure would be adaptively re-used as a visitor center for interpretation and orientation. General visitors would be allowed unescorted access to select areas of the Settlement.	<u>Long Term:</u> Kalaupapa Settlement would be a hub for partner and visitor activities and park operations. A historic structure would be adaptively re-used as a visitor center for interpretation and orientation. General visitors would be allowed to visit the Settlement on their own after a required orientation to Kalaupapa.



	Alternative A: No Action	Alternative B	Alternative C	Alternative D
Area Specific Guidance (cont.)				
Kalawao	<u>Near Term:</u>	<u>Near Term:</u>	<u>Near Term:</u>	<u>Near Term:</u>
	Continue managing the Kalawao side of the peninsula mostly for its cultural and historical values	Same as Alternative A	Same as Alternative A	Same as Alternative A
	Continue current restrictions on access, with Damien Tours bringing visitors to key features			
	Continue active management of key features such as St. Philomena, Siloama, Judd Park and Pavilion			
	Continue extensive restoration of St. Philomena and restoration of overgrown burial grounds.			
	Continue ongoing research, including			
	Continue resource management activities, including outplanting sites			
	<u>Long Term:</u>	<u>Long Term:</u>	<u>Long Term:</u>	<u>Long Term:</u>
	No guidance	Assure a high degree of preservation and maintenance of the churches	Assure a high degree of preservation and maintenance of the churches	Same as Alternative C
		Protect marked and unmarked graves	Protect marked and unmarked graves	
		Visitors would be allowed to visit Kalawao by escort only.	Visitors would be allowed to visit Kalawao on their own.	
Kauhakō Crater and the Kalaupapa Peninsula	<u>Near Term:</u>	<u>Near Term:</u>	<u>Near Term:</u>	<u>Near Term:</u>
	Continue existing levels of use and management of peninsula resources	Same as Alternative A	Same as Alternative A	Same as Alternative A
	Continue fencing projects to help manage ungulates			
	Continue maintenance of the lighthouse and outbuildings			
	Continue to research cultural resources associated with the Kauhakō Crater and the peninsula such as fishing grounds, caves, and salt collection areas, and continue to expand understanding of their ethnographic significance			
	Continue to allow visitor access only if escorted by a resident			
	Continue to allow Native Hawaiian and patient community cultural practices and traditions associated with the crater and other areas of the peninsula			
	<u>Long Term:</u>	<u>Long Term:</u>	<u>Long Term:</u>	<u>Long Term:</u>
	No guidance	Provide limited opportunities for controlled visitation to the crater and on the peninsula	Provide limited opportunities for controlled visitation to the crater and on the peninsula.	Visitors would be allowed within the Cultural Engagement Zone to the crater and on the peninsula.
			The Kalaupapa Airport would be upgraded to accommodate 20 passenger planes.	The Kalaupapa Airport would be upgraded to accommodate 20 passenger planes.



	Alternative A: No Action	Alternative B	Alternative C	Alternative D
Area Specific Guidance (cont.)				
Pālā'au State Park and Topside Moloka'i	<u>Near Term:</u> Interpretation would remain limited to the existing waysides. No formal visitor interpretation and education programs would exist. <u>Long Term:</u> No guidance	<u>Near Term:</u> Establish a visitor orientation facility at Pālā'au State Park for visitors to learn about Kalaupapa <u>Long Term:</u> Establish an administrative and visitor facility topside, so that some park operations could be managed topside	<u>Near Term:</u> Provide interpretive information at Pālā'au State Park for visitors to learn about Kalaupapa <u>Long Term:</u> Provide interpretive information at Pālā'au State Park for visitors to learn about Kalaupapa	<u>Near Term:</u> Same as Alternative C <u>Long Term:</u> Same as Alternative C
Marine Areas, Beaches and Coastal Strand, and Islands ('Ōkala, Huelo, Nihoa)	Continue to allow visitor access to marine areas, beaches, and coastal strand by escort only. Visitation could be restricted to protect sensitive native plants. Restrict some access to 'Iliopi'i and Papaloa beaches during monk seal pupping season (March to September) Continue internal NPS designation of the coastal strand as a special ecological area Access to the islands would be for research and monitoring purposes only.	Same as Alternative A	Same as Alternative A EXCEPT Specific marine areas, beaches, and coastal strand areas could be open to unescorted access by the public.	Same as Alternative C
Pali Cliffs, Waihānau Valley, Wai'ale'ia Valley, Waikolu Valley, and Pu'u Ali'i Natural Area Reserve	Traditional cultural practices could occur for resource management purposes. Continue NPS co-management of Pu'u Ali'i NAR with the State DLNR Natural Area Reserve System division Continue ungulate control through fencing, gates, and limited hunting Continue active management by NPS of the water system in Waihānau Valley Limit visitation as needed to protect sensitive native plants in Pu'u Ali'i NAR	Same as Alternative A PLUS Afford the highest level of protection for Pu'u Ali'i NAR	Same as Alternative A	Same as Alternative A EXCEPT Allow visitors to explore the Wai'ale'ia Valley on their own via the existing road corridor or by a new trail for safe access to the stream



Boundaries

In 1998, Congress directed the NPS to complete an analysis of the North Shore to determine whether the area should be added to Kalaupapa NHP. The National Park Service is now revisiting the study as part of the general management plan. Any boundary adjustment to Kalaupapa National Historical Park would require an act of Congress.

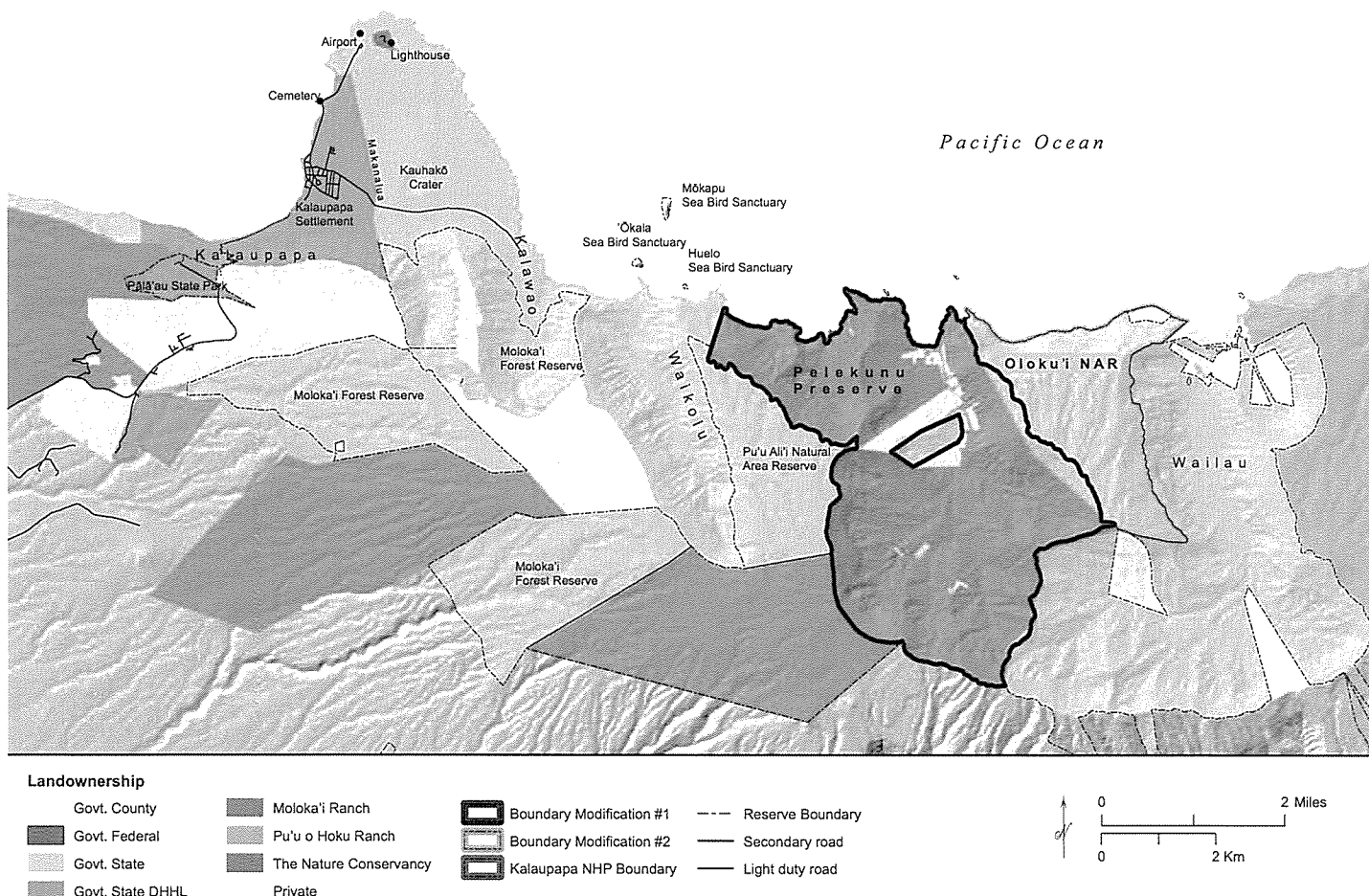
Owners of private lands adjacent to Kalaupapa may have concerns about possible park expansion. It is important to understand that if, in the future, Congress were to pass an act to authorize a boundary adjustment; the NPS would be prohibited from acquiring private landholdings without the willing consent of the landowner. All existing ownership and access rights would be respected and remain in place. No private property rights would be diminished as a result of Congress authorizing a boundary adjustment.

Based upon an initial analysis of lands adjacent to and nearby lands to Kalaupapa, at least two parcels would be considered for further analysis as part of this general management plan. These parcels are the Pelekunu Preserve and Oloku'i Natural Area Reserve, which are adjacent to and east of Kalaupapa NHP. Presently, the mission and current management objectives of these areas are natural area management and preservation. Both areas were included in the North Shore Boundary Study, were determined to be nationally significant, and are included in the North Shore Cliffs National Natural Landmark designation. Pelekunu Preserve consists of 5,729 acres and is owned by the Nature Conservancy. Approximately 15-20 additional private landowners own property adjacent to the preserve. Oloku'i National Area Reserve consists of 1,620 acres and is owned by Hawai'i Department of Land and Natural Resources. One private land parcel is surrounded by the NAR.

Pelekunu Preserve and Oloku'i NAR are being considered for possible addition to the park boundary for several reasons. Both areas contain significant resources, including archeological resources, one of the longest free-flowing streams in Hawai'i with intact stream fauna in Hawai'i, and outstanding scenery. In addition, Pelekunu contains a protected lowland rainforest and verdant sea cliffs; and Oloku'i NAR contains one of most pristine mountain habitats in Hawai'i. Both areas complement and enhance the natural and cultural outstanding values of Kalaupapa NHP, including preserving Native Hawaiian sites and protecting native species habitat.

One option for management could be that Pelekunu and Oloku'i are managed as a "Preserve" whereby traditional hunting, fishing, and collection could continue. Another possible management option for Oloku'i NAR could be cooperative management of the area through an extension of the current cooperative agreement with the State of Hawai'i Department of Land and Natural Resources. Other parcels included in the North Shore Boundary Study may also be given consideration in the future.

The boundary adjustments are not attached to any one of the action alternatives. Rather, they are being considered independently from the preliminary alternatives at this time.





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U.S. Department of the Interior

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GMP Project Website

For current project information:
<http://parkplanning.nps.gov/kala>

Park Website

For general information about the
historical park:
<http://www.nps.gov/kala>

E-Mail

KALA_GMP@nps.gov

You're Invited to an Open House

In June the National Park Service will hold public open houses to give you an opportunity to discuss different ideas and visions for the future management of Kalaupapa. At the open houses, a range of future management alternatives will be presented for visitor use, resource protection, and overall management of Kalaupapa National Historical Park. Many of these ideas are based on what we heard from you, the public, in previous meetings about Kalaupapa.

OPEN HOUSE SCHEDULE

Monday, June 6
9:00AM-11:00AM
and 5:00PM-7:00PM
Kalaupapa, MOLOKA'I
McVeigh Social Hall

Tuesday, June 7
10:00AM-12:00PM
and 6:00PM-8:00PM
Kaunakakai, MOLOKA'I
Mitchell Pauole Center
90 Ainoa Street

Wednesday, June 8
4:00PM-6:00PM
Kahului, MAUI
Alexa Higashi Room
Maui Arts & Cultural Center
One Cameron Way

Thursday, June 9
6:00PM-8:00PM
Honolulu, O'AHU
Bishop Museum, Atherton Hālau
1525 Bernice Street

Friday, June 10
9:00AM-11:00AM
Honolulu, O'AHU
Bishop Museum, Atherton Hālau
1525 Bernice Street

For More Information

You can access more information about this long-range planning effort for Kalaupapa National Historical Park by visiting <http://parkplanning.nps.gov/kala>, downloading Newsletters #1, #2, and #3 at this website, or by contacting us.

Available information includes:

- Complete transcripts of all the public scoping workshops held in April and May 2009
- The working draft Foundation Statement for Kalaupapa National Historical Park
- Common questions and answers about management of Kalaupapa
- And much more...

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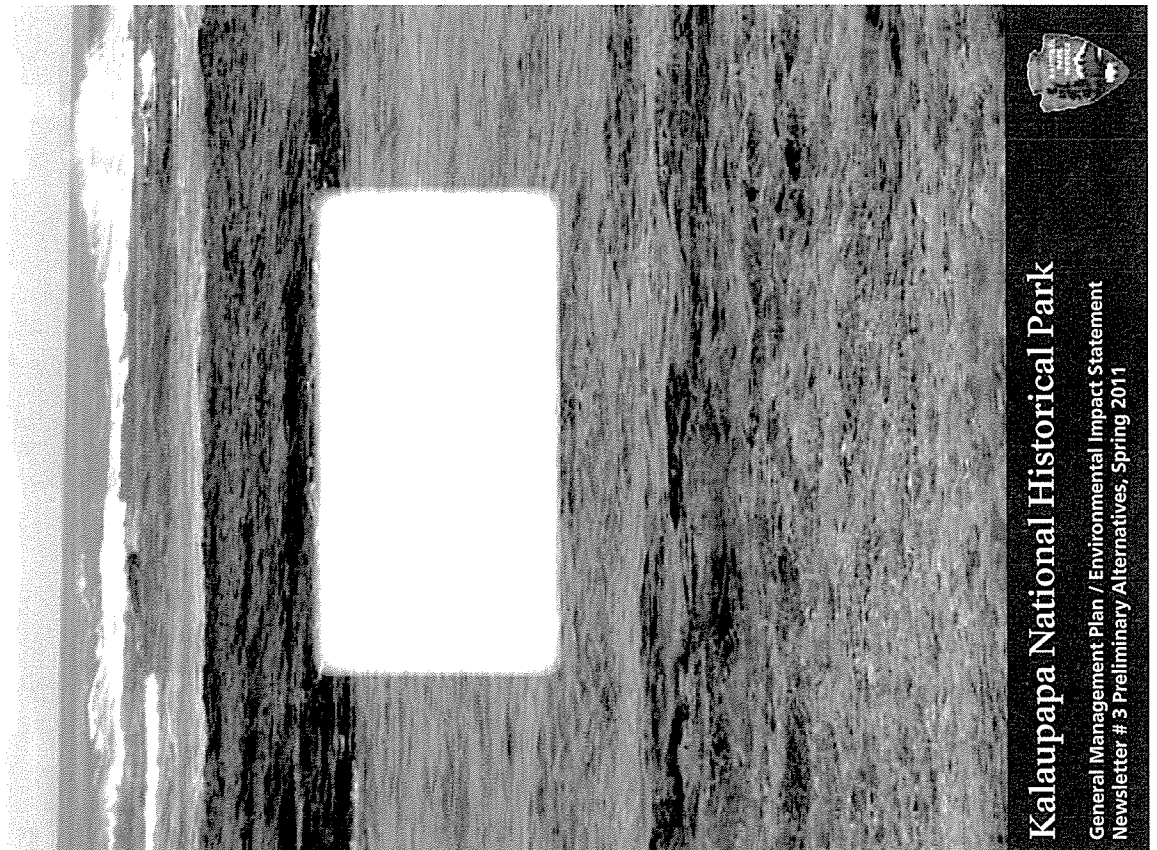


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OFFICIAL BUSINESS PENALTY
FOR PRIVATE USE - \$300



PLANNING OFFICE
DEPARTMENT OF HAWAIIAN HOME LANDS

Beneficiary Consultation
Kalaupapa – NPS Preliminary Alternatives

June 29, 2011
Lanikeha Community Center
6:00 p.m. - 8:00 p.m.

June 30, 2011
Kulana 'Oiwi Complex
9:00 a.m. – 12:00 p.m.

Attendance Sheets (June 29): Kehau Tom, Kala'e Tangonan, Degray Vanderbilt, Abraham L. Maioho Jr., Anna Arakaki, Maggie Cassidy (Molokai Dispatch), Lori Buchanan, Esther Keohulua, Tuddie Purdy, E. Kealoha Patton, Rence Montizor, Walter Ritte, Vanalouise Montizor, Ochie Bush, Halona Kaopuiki, Noelani Kaulili, Whiston Kaulili, Kapoa Lauif, Maelynne Cruz, Vivian Ainoa, FernHamai, Katherien L. Coelho, Colette Y. Machado, Tess Mollena, Elroy Mollena

DHHL : Alapaki Nahale-a (Chairman), Henry K Tancayo (Moloka'i Commissioner), Darrell Yagodich (Planning Program Manager), Julie-Ann Cachola (Planner), Kaleo Manuel (Planner), Juliana Ka'upu (Moloka'i District Office)

NPS: Steve Prokop (Superintendent), Leslie Kanoa Nae'ole (Staff)

Agenda:

- A. Pule & Introductions
- B. Purpose of Meeting
- C. DHHL Background on Kalaupapa
- D. Presentation by Kalaupapa National Park Service
- E. Open Discussion of the Following Topics
 - i. Resources
 - ii. Visitor Experience
 - iii. Facilities
 - iv. Access & Transportation
 - v. Management, Partnerships & Agreements
 - vi. Boundary Modifications
- F. Open House

Handouts:

- 1) Agenda
- 2) NPS Newsletter #3 – Preliminary Alternatives
- 3) Kalaupapa NPS – Accomplishments & Initiatives

A. Pule & Introductions

The meeting was opened with a pule. Kaleo Manuel, planner with DHHL, introduced Henry Tancayo, Moloka'i Hawaiian Homes Commissioner, and Alapaki Nahale-a, Chairman of the Hawaiian Homes Commission. Chairman Nahale-a gave a brief introduction to the group and explained that he was at the meeting to listen and get input from beneficiaries. Kaleo continued by introducing other DHHL staff as well as Kalaupapa National Park's Superintendent, Steve Prokop.

B. Purpose of Meeting

"To get input and feedback on Preliminary Alternatives as identified by Kalaupapa National Park Service."

C. DHHL Background on Kalaupapa

To put the meeting into context, Kaleo gave an overview of the Moloka'i Island Plan that specifically talks about the proposed land uses at Kalaupapa and Pala'au, most of which has Special District and Conservation land use designations. Both designations require specialized and detailed planning in order to consider severe development constraints, as well as natural and cultural resources.

Currently, the department's 1,247 acres in Kalaupapa is primarily located in the settlement area and is general leased to the National Park Service for \$230,000 a year until 2041.

Various opportunities and constraints exist in Kalaupapa that include:

- Perpetuating the legacy of Kalaupapa
- Protecting significant cultural and natural resources
- Recognizing the impact of canonization of Father Damien & beatification of Mother Marian Cope
- NPS interest in long term perpetuation of area
- Limited access by trail, plane, and barge
- Expensive maintenance, improvement, and new development costs

In previous beneficiary meetings held by the department, in both the Moloka'i Island Plan and Moloka'i Regional Plan processes, there were various community concerns or comments related to Kalaupapa:

Island Plan

- Preserve legacy
- Respect patients
- Only for education
- Teach old ways
- NPS work with Native Hawaiians

Regional Plan

- DHHL engage with NPS in planning
- Ensure gathering
- Pala'au separate from Kalaupapa
- Ag homesteading
- Consult with beneficiaries

D. Presentation by Kalaupapa National Park Service

Steve Prokop, Superintendent at Kalaupapa National Park, briefly reviewed the General Management Plan process and the Preliminary Alternatives proposed in the NPS Newsletter #3 (See handout). In addition, he also provided some history and background of the National Park Service at Kalaupapa since its establishment in 1980 and ended by highlighting some of their accomplishments and initiatives in 2010.

E. Open Discussion

After the presentations by DHHL and NPS, the meeting was opened up for discussion and to gather mana'o. The table below highlights the comments and questions given by those in attendance at the meeting and any response that may have been provided.

Subject	Question/Comment/Suggestion	Response/Key Point
Planning	Didn't know NPS was going to be here	
Planning	KHNP/DLNR – long range plans suck	
Planning	The no action/tourist alternative = carrying capacity; No accommodations or shared governance, just tourist	
Planning	Since 1992 NPS has had jurisdiction but has no plan (partially due to DOH patients there)	
Planning	Want map for No alternatives	
Planning	Watch for blue color – this changes from map to map	
Planning	The use should not guide the plan	
Planning	Colors disappear from map to map. Why? Are cultural sites not important?	
Planning	I want an Alternative F – we make our own alternative plan	MAKE OUR OWN ALTERNATIVE F
Planning	We want to be proactive – create a task force	
Planning	GMP planning is arbitrary and capricious	
Homesteading	Is homesteading planned?	
Homesteading	Opening for homestead?	OPEN UP TO HOMESTEADING
Homesteading	About 5 years ago we discussed homesteading – but if open up we have to open up to all	CAUTION – HOMESTEADING WOULD OPEN KALAUPAPA UP TO ALL

Subject	Question/Comment/Suggestion	Response/Key Point
Homesteading	Homesteading? Waikolu and Waihanau – get water	HOMESTEAD ADJACENT VALLEYS
Homesteading	What is the purpose of homesteading at Kalaupapa? To live off the land? What are you going to do there? And is National Park still going to be there?	WHAT PURPOSE WOULD HOMESTEADING SERVE
Homesteading	Lighthouse – Coast Guard had a fence to separate – we have ancestors there – spirits are alive so leave them alone; keep like Punchbowl cemetery – monument – no need homesteading because we already have up here	MANY BURIALS IN KALAUPAPA
Management	Ownership of Peninsula – DHHL got the short end – part of land missing; DHHL had the whole peninsula and not just the ahupua'a	We have report on land ownership. It was part of the claims process in 1995 and legislative settlement.
Management	Who claimed other 2 ahupua'a?	State DLNR
Management	Is there any balance of lands owed to DHHL?	No
Management	Need repair money	COST TO REPAIR IMPROVEMENTS
Management	DOH – give holding to DHHL – get DOI to waive payments	
Management	Kalawao County vs. Maui? – so county rules apply	MAINTAIN KALAWAO AS SEPARATE, INDEPENDENT COUNTY
Management	Work with DOI to waive fees – associated with infrastructure development if we were to break lease	TERMINATE LEASE WITH DOI TURNING OVER IMPROVEMENTS TO DHHL
Management	With Father Damien – everyone came wanting to get in on the money	
Management	Audit – how much NPS money was approved by HHC for improvements to Kalaupapa?	
Management	Work with secretary of Dept of Interior to waive cost if we were	

Subject	Question/Comment/Suggestion	Response/Key Point
	to break lease	
Management	NPS has MOUs with everyone	
Management	Pg 4. – management structure: long term – NPS assumes authority over resources	
Management	Kalawao County – DOH runs; when last patient dies DOH will be out...Alternative being proposed is to be absorbed into Maui County; all rules/regs will apply – SMA planning dept.	
Management	Options – Kalawao absorbed into “Molokai County” or Molokai absorbed into Kalawao County/Kalaupapa where we make our own rules	
Management	Long term resource management – Molokai Police Dept. would be rangers – not comfortable with this	
Management	What do you want them to do for us? =1 year notice to vacate; more facilities; if they terminate lease, then we have to pay for improvements – say STOP to improvements because DHHL can't pay back; DOH give buildings to DHHL; DHHL take over management	
Management	We become Kalawao County	
Management	Suggestion: Create joint DHHL/OHA Kalaupapa Task Force – to work out details for an agreement between DHHL/OHA/NPS	
Management	Suggestion: a) DHHL keep control over land b) short term lease, high rent c) Keep Kalaupapa as health facility for rehabilitation, kupuna assisted living, since facilities already exist	DHHL SHOULD KEEP CONTROL OVER LAND HEALTH CARE FACILITY

Subject	Question/Comment/Suggestion	Response/Key Point
Management	Protect the legacy of place – I hope you hear it	PROTECT KALAUPAPA LEGACY
Management	Pala'au Park – every time go up to Park it's ugly – church leans it up – get donations – go back and people destroy again; how are you going to take care of it? I teach my kids to take care of the land – it's not about money, it's because we love it there – do for free; step up and take care	
Management	Community Use/management – teach kids	
Lease	Lease funds – DHHL receives from NPS; how important is the lease rent to DHHL operations	Come July 2011, \$230,000/year lease rent; does not include maintenance and development costs of area Money goes to big pot – HHC allocates (some in Molokai, some financing- reserves) for loans and operations
Lease	Lease Rent - \$230,000/yr paid to who?	NPS pays to DHHL
Lease	Lease – says \$325,000/yr; what happened?	
Lease	Lease – lump sum of \$1 million there after and redetermine fee every 5 years	General Lease determines re-negotiation terms and amounts by appraisal
Lease	Suggestion: Cancel/keep lease: Audit on how much money NPS has invested in Kalaupapa to determine how much DHHL would owe.	
Lease	Land lease to NPS, DLNR – Poor stewards	
Lease	Current and Future Lease Agreements – what are they? Explain “special provision” #6a & #6b?	
Lease	NPS Lease agreements/MOUS a) DOH – 2024? b) DOT – c) DHHL – 2041, 1300 acres	
Lease	Pala'au – leased to DLNR for	

Subject	Question/Comment/Suggestion	Response/Key Point
	\$900/yr; 4 stalls reserved for Native Hawaiian concessions; who knew? Check the lease	
Lease	Up to now – everyone with DHHL lease did poor job at managing	
Lease	Lease – want DHHL to be transparent	
Lease	Lease - Special Provision #6 – explain it	
Lease	Can we stop lease agreement just approved by HHC (Pala’au)?	
Lease	Is the lease extended as long as patients are alive?	Leases have set end dates
Lease	Would you consider year to year lease? In near term?	NPS: Our employees want job security. Long term lease supports investment in the property and use.
Lease	Why settle for year to year if put increase money in?	
Lease	Why give long lease if we are going to take it back?	
Boundaries	Extension of boundaries – this shouldn’t be part of discussion; the focus should be on DHHL lands	
Resources	National Historic Landmark	2 designations – National Natural Landmark (cliffs) & National Historic Landmark (Kalaupapa settlement) Protection is recognized nationwide
Resources	So already have designation?	Yes
Resources	No one is teaching respect for historic and cultural sites	
Resources	Traditional gathering is restrictive under the GMP – you are a visitor and abide by all rules as all – not special	RECOGNIZE TRADITIONAL GATHERING RIGHTS
Resources	Before –taking and use our land without compensation	
Resources	Who is going to tell the stories? The children?	DOCUMENT KALAUPAPA STORIES & HISTORY

Subject	Question/Comment/Suggestion	Response/Key Point
Resources	Where are the interviews? Do we have access to those interviews?	
Resources	The stories need to be told....who?	
Resources	I can share my stories	
Resources	950 marked graves and thousands of unmarked graves	MANY BURIALS AT KALAUPAPA
Resources	Research project – cultural use study of natural resources; spirituality – culturally special place to Native Hawaiians	SIGNIFICANT CULTURAL PLACE
Facilities	Stop/moratorium on building approvals on lease lands “The Money Pit”	
Access	It’s our right to access	RECOGNIZE TRADITIONAL GATHERING RIGHTS
Access	Access – have a right to go down trail but was told by park rangers – NO	
Native Hawaiian	No mention of Native Hawaiians for community in plan – only “visitors”	NEED TO RECOGNIZE NATIVE HAWAIIANS IN NPS PLAN
Native Hawaiian	Native Hawaiians have been left out of the process; no protocol; stewardship needs to include this	
Native Hawaiian	What did kuleana tenants get when they were forced to leave Kalaupapa?	In 1865, the Legislative Assembly passed “An Act to Prevent the Spread of Leprosy” and authorized to acquire land in northern Molokai. The Kingdom of Hawaii acquired the private lands at Kalawao in 1865, Makanalua in 1866, Kalaupapa in 1873, and Waikolu in 1909.
Native Hawaiian	Carrot of concessions – Pg. 2; for non-profit organizations and for Native Hawaiian individuals; on soft \$/grants and few have long term goals	
Native Hawaiian	Trust Obligation – set aside lands to rehabilitate Native Hawaiians	TRUST OBLIGATION TO REHABILITATE NATIVE HAWAIIANS
Native Hawaiian	Evictions – Native Hawaiians were evicted from Kalaupapa for	Kalaupapa acquired by Kingdom of Hawaii in 1873.

Subject	Question/Comment/Suggestion	Response/Key Point
	settlement of Hanson's Disease Patients	
Native Hawaiian	We've had no rights down there with NPS and DOH; it's not clean; we need DHHL to represent us	DHHL REPRESENTS NATIVE HAWAIIAN RIGHTS IN KALAUPAPA
Native Hawaiian	We want to preserve Kalaupapa – my 'ohana are the Kalaukoas	PRESERVE KALAUPAPA
Native Hawaiian	DHHL – you represent Hawaiian People; make decisions that for the benefit of beneficiaries	
Visitor Experience	1970's I went to Kalaupapa – Serenity a) don't rush patients; leave them alone b) make like school project – can teach kids to go down	SERENITY OF KALAUPAPA
ALL	OHA/DHHL should look at what we are paying for general public; not getting due compensation a) homesteading b) access to resources c) use of existing infrastructure and resources d) joint management now – DHHL can't do it on it's own e) provide management level job opportunities f) Governance of Kalawao g) Use of Pala'au State Park h) Acquisition of Waikolu Valley from DLNR	
Other	Waihanau – give back to Meyers	
Other	Protective of patients	
Other	Is there a website we can get Lori Buchanan's information?	DHHL website – will post minutes, lease, and additional information
Other	Can we get access to what other islands saying at meetings?	
Other	Newspaper has NPS website that has all comments received	
Other	Education is important – where is it in Molokai?	
Other	Patients can't see much –	

Subject	Question/Comment/Suggestion	Response/Key Point
	favoritism	
Other	Thank you for beneficiary only session	
Other	President of Ka 'Ohana o Kalaupapa couldn't make meeting – has 28 page position paper – been working with NPS	
Other	KS 5 th graders did play on Kalaupapa	
Other	Very special	
Other	Need to experience Kalaupapa with patients still alive	

The meeting was closed and those in attendance were reminded about another opportunity to provide comments and mana'o on the following day at the open house at Kulana 'Oiwī.

June 30, 2011
Kulana 'Oiwi Complex
9:00 a.m. – 12:00 p.m.

F. Open House

Attendance Sheets (June 30): Iwalani Arakaki, Eliza K. Po'aha Reyes, Jessie L. Pe'elua-Wallace, Beverly Pau'ole-Moore, Sybil Lopez, April Maddera, Justin Avelino, Kamalani Pali

The open house format allows DHHL staff to engage one on one with beneficiaries and community members to get comments and feedback. In addition, all of the notes from the previous night were posted to show what was discussed the night before and to help facilitate discussion on issues related to Kalaupapa.

The table below details some key comments that beneficiaries provided at the open house meeting:

Question/Comment/Suggestion
Iwalani Arakaki: Give 'ohana from Kalaupapa the chance to give mana'o; not my place to tell them what to do with Kalaupapa, I'm not from there
Kupuna Reyes (pure Hawaiian) <ul style="list-style-type: none"> a) Hawaiians should be at the forefront b) Access – what's going to have to us locals and Hawaiians? Stop us? Treat us like po'e haole – NO! c) Po'oha and Kapi'ioho are the 'ohana from there before lepers d) Kalaupapa is a spiritual place e) No resort f) NPS needs to be guided by our culture and our family g) I like more of Alternative B h) Reconnect with place i) Born and raised there so I have a right j) I don't want to minamina that place k) I love my people! I have values, don't hana 'ino l) No homesteading – leave as is; main thing get someone take care of place
Stacy Crivello <ul style="list-style-type: none"> a) NPS going to drive it at this point b) Patients can and should make decisions c) Community gatekeeper – need check and balance d) More transparency from NPS
Aunty Bev: <ul style="list-style-type: none"> a) We love Kalaupapa

***The deadline to provide comment is July 30, 2011*

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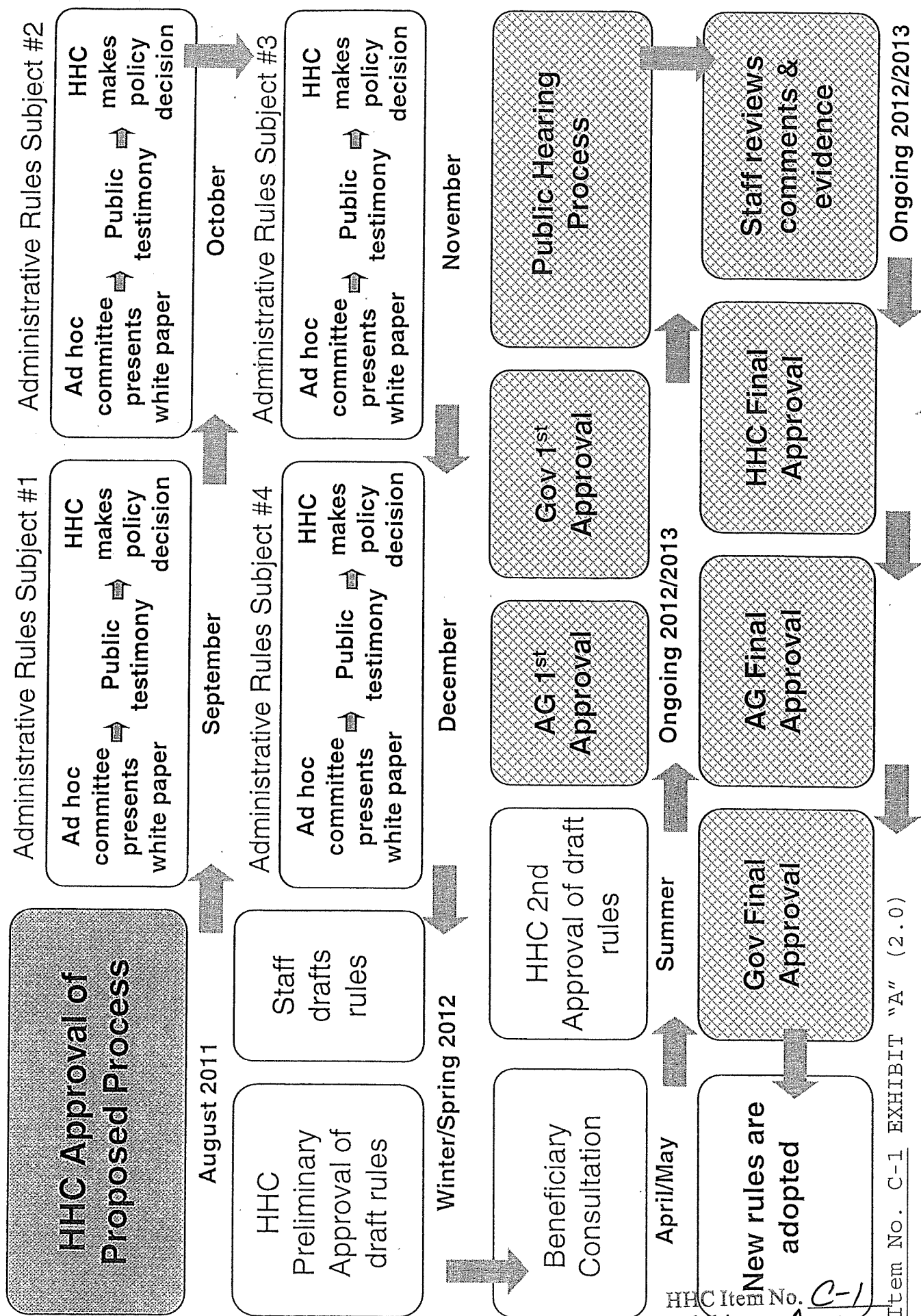
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TESTIMONY

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	NAME	STREET OR P.O. BOX	CITY OR TOWN	ZIP CODE	E
13.	Gabriel K. Malawi	P.O. Box 1462 Kigali 601-4158 Honore St.	Kigali	96793	Emaleu
14.	Heeman Costa -	136 King St	Hilo	96720	UA-32
15.	Bo Kahn				
16.	Naipo Kivard	767 Kailua Rd #212	Kailua	96734	
17.	Kanaia Kapamua	Box 6753	Kailua	"	Julie O'Scan
18.	Sherilyn K. Adams	P.O. Box 70-107 Kailua St. Kailua	Kailua - Kona	96740	hukimua
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Exhibit "A" HAR Title 10 - Amendment Development Process



HHC Item No. C-1
Exhibit A
Date 8-15-1


Item No. C-1 EXHIBIT "A" (2.0)


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

August 15, 2011

TO: Chairman and Members, Hawaiian Homes Commission (HHC)

THROUGH: M. Wai'ale'ale Sarsona, Chief of Staff 

FROM: Dreana Kalili, Policy and Program Analyst 

SUBJECT: Establish Quarterly Meetings with the Office of Hawaiian Affairs Board of Trustees

RECOMMENDATION/ACTION

To approve the establishment of quarterly meetings with the Office of Hawaiian Affairs Board of Trustees.

DISCUSSION

The common goal of the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands, the betterment of native Hawaiians, is the foundation for a natural collaborative partnership between our two trusts. The intent of set quarterly meetings for members of the Hawaiian Homes Commission with the Office of Hawaiian Affairs Board of Trustees is to exchange information on our respective initiatives, and expand opportunities for partnership and coordination to achieve greater efficiency as we serve our beneficiaries.

The results of our trusts' partnership are significant and direct benefits to native Hawaiians; these successes are many. In June 2008, the two trusts forged a historical partnership based on a commitment from the Office of Hawaiian Affairs to pay the debt service for up to \$40 million in revenue bonds. This commitment equals \$90 million over 30 years. This \$40 million in revenue bonds is part of \$100 million in bonds that the department issued to accelerate the development of homestead communities to create homeownership opportunities for hundreds of native Hawaiian families. Our families now residing in Kanehili, Kaupuni, Lai Opua, and on Kumuhau Street in Waimanalo directly benefited from this partnership. At the request of the trustees of the Office of Hawaiian Affairs, \$5 million of the \$90 million has been committed to the department's grant program for homestead associations to advance community-based economic development projects.

Further, in 2008, the Office of Hawaiian Affairs provided a grant for \$500,000 to fund our Home Ownership Assistance Program. With this support, the department has been able to provide homebuyer education, case management and counseling, foreclosure prevention services, job training, and social services to over 7,000 families.

In 2009, our two trusts were partners in the Native Hawaiian Education and Employment Network, a distance learning and telemedicine grant with the U.S. Department of Agriculture Rural Development program. This partnership resulted in providing state-of-the-art

HHC Item No. C-2
Exhibit A
Date 8-15-11

videoconferencing equipment to 17 sites (including the DHHL headquarters, OHA neighbor island offices and several schools) statewide using federal funds.

Finally, the department and the Office of Hawaiian Affairs have been long-time allies in advocacy for the Native Hawaiian Government Reorganization Act. We agree that this measure affirms self-determination, self-governance and self-sufficiency, and its passage enables our agencies to fulfill our respective missions and increase our community successes. This partnership was memorialized in a joint letter to the U.S. Congress in December 2007.

Pu'ukapu Pastoral Water Group

P. O. Box 460

Kamuela, Hawaii 96743

August 15, 2011

TO: Chairman Alapaki Nahale-a
All Commissioners
Hawaiian Homes Commissioners

RE: **CONSTRUCTION OF DHHL HYBRID WATER SYSTEM AT PU'UKAPU**
ACCELERATED PASTORAL PROJECT - 1991

Thank you for this opportunity to comment on behalf of the Puukapu Pastoral Water Group, that group of volunteer lessees who have installed, maintained, and managed a **temporary** gravity-flow water system on behalf of participating member lessees.

Our distribution system comprises three (3) meters serving three (3) sections, one 24,500-gal water tank (provided by DHHL grant funding through the Waimea Hawaiian Homesteaders' Association, Inc.) and lengths of drisco pipe, currently serving 36 lessees. After 17 years, we are finally going to have a water system designed to serve all 183 lessees, all of whom will now be able to occupy and use their land.

I wanted to bring to your attention the fact that beneficiary participation is of utmost importance, not only at the beginning, but through-out the construction period. It is during the contractor, contractor manager, and Land Development Division meetings that concerns can be expressed, discussed, reviewed, and proper remedy identified. I have addressed areas of concern on the sub-standard access roads we use, some areas too narrow and unsafe. As a result, the contractor has, as they finish a section, been able to improve sections of access roads by excavating, crushing material, filling and compacting.

We lessees want to thank Isemoto Contracting for their outstanding and high quality performance, and the department for the opportunity to demonstrate that when the beneficiaries who have the background and related expertise and who reside in the area where improvements are to be made are "allowed" to participate, the whole project area and the lessees benefit.

I will further state that we **have yet to be invited to participate in discussions** on the management of this new system, although we have requested. We are to be included in this decision-making process.

Thank you!

N Duke Kapuniai
President

Phone: 808-936-1042

Email: duke@sandwichisles.net

HHC Item No. J-2
Exhibit A
Date 8-15-11

'Oiwi Lokahi O Ka Mokupuni O Keawe

*P. O. Box 437342
Kamuela, Hawaii 96743
August 15, 2011*

TO: Chairman Alapaki Nahale-a
All Commissioners
Hawaiian Homes Commission

RE: **EXPRESSION OF APPRECIATION FOR APPROVAL OF RECOMMENDED ACTION**
At Regular Meeting May 26, 2011

We would like to formally express our appreciation for the affirmative action on behalf of 'Oiwi's request to amend its License Agreement No. 673:

- A. An extension of twenty-four (24) months, to expire December 31, 2013
- B. Grant additional acreage, up to 1,000 acres
- C. Consent to an Exclusive Sub-License Agreement with Carbon Bio-Engineers, Inc.
To allow for partnership in the eradication and processing of the invasive gorse shrub.

We appreciate efforts of Land Management Division and the Hawaiian Homes Commission in assisting 'Oiwi to *"Restore Hawaiian Homes Trust Lands for Beneficiary Stewardship"*.

Mahalo!

Marion K A Kapuniai
President

Phone: 808-936-0157
Email: duke@sandwichisles.net

HHC Item No. J-3
Exhibit A
Date 8-15-11

Kailapa Community Association

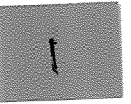
WELLNESS PARK

Letter of Intent

HHC Item No. J-4
Exhibit A
Date 8-15-11

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2. Archaeological Survey
3. Public Access On Beaches and Shorelines
4. Land Use District Boundaries
5. HRS Chapter 183C Conservation District



August 8, 2011

State of Hawaii
Department of Hawaiian Homes
Hawaiian Homes Commission

Dear Commissioners,

With the ever increasing health threats that face our people especially our kupunas, there is a need to assist them in keeping up with physical exercise; longevity is not their issue but quality of life. Our Kailapa community in Kawaihae is determined to develop a long-term, multi-phase program that encourages and supports healthy lifestyles by promoting increased physical activity, better nutrition, and gainful knowledge of our cultural past and be given the opportunity to access needed resources in our surrounding areas for all to share in this proposed project.

Generally, the context in which an individual lives is of great importance on health status and quality of life. It is increasingly recognized that health is maintained and improved not only through the advancement and application of health science, but also through the efforts and intelligent lifestyle choices of the individual and society.

My name is Gabriel Kawehiokalani MALANI; I am part of a steering committee which represents The Kailapa Community Association. We are attempting to create a wellness park, located just makai of our subdivision off of Akoni Pule Highway.

Many of our residents in our community are either young or kupuna status. Both young and old have expressed a desire to utilize such a park, to walk or jog. Many of the older residents are not strong enough to traverse the hilly streets of Kailapa. The vehicular traffic also makes it unsafe for many of our elderly residents to walk in our community.

Some of our residents drive to the coral flats near Kawaihae Harbor, Spencer Beach Park, and Kawaihae canoe landing areas to exercise, walk or jog on the Akoni Pule Highway. Others use the hills to the rear or top of the subdivision, as walking trails. These trails are littered with rocks, and short straw grass which can be hazardous to our older people.

It is with this concept that our association requests a certified lease agreement to benefit the residents of Kailapa, and any other non- Hawaiian residents in the surrounding communities to join Kailapa.

Page 2 of 2 pages

Attached is a study that was done by U'ilani MACABIO. The amount of work, dedication, and research she put into this study is quite amazing. There were other federal entities that assisted with this study.

It is with this intent that the residents and association of Kailapa ask for your support to help us secure and approve a certified lease agreement. Our association would not be able to continue our efforts to create a wellness park if we could not secure this lease agreement, and permission from the Department of Hawaiian Home Lands.

If there any procedures that we need to follow please contact me in order to take the necessary steps to achieve our goal.

The residents of Kailapa Homestead Association look forward to having the Department of Hawaiian Homes and the Hawaiian Homes Commission evaluate and consider our proposed efforts and we eagerly await your response.

Sincerely

A handwritten signature in black ink, appearing to read "Gabriel K. Malani", written over the printed name.

Gabriel K. MALANI

Project Coordinator

61-4158 Honouli Street

Kawaihae, Hawaii 96743

2

Makai O Kawaihae Komohana

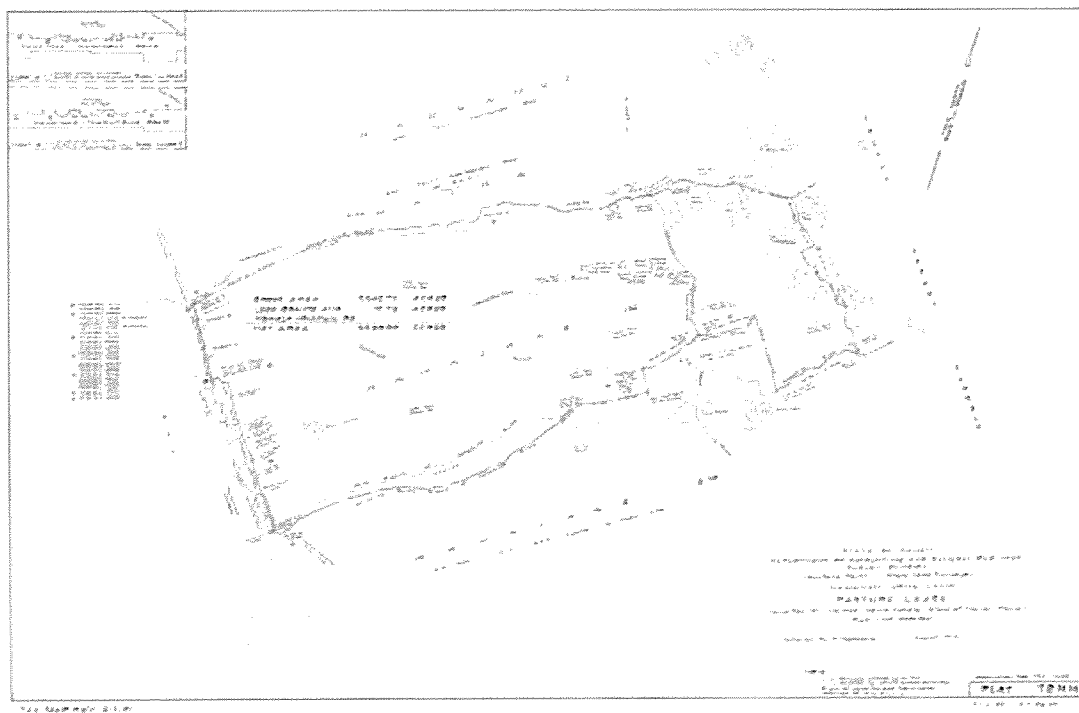
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Directed Studies ANTH 399

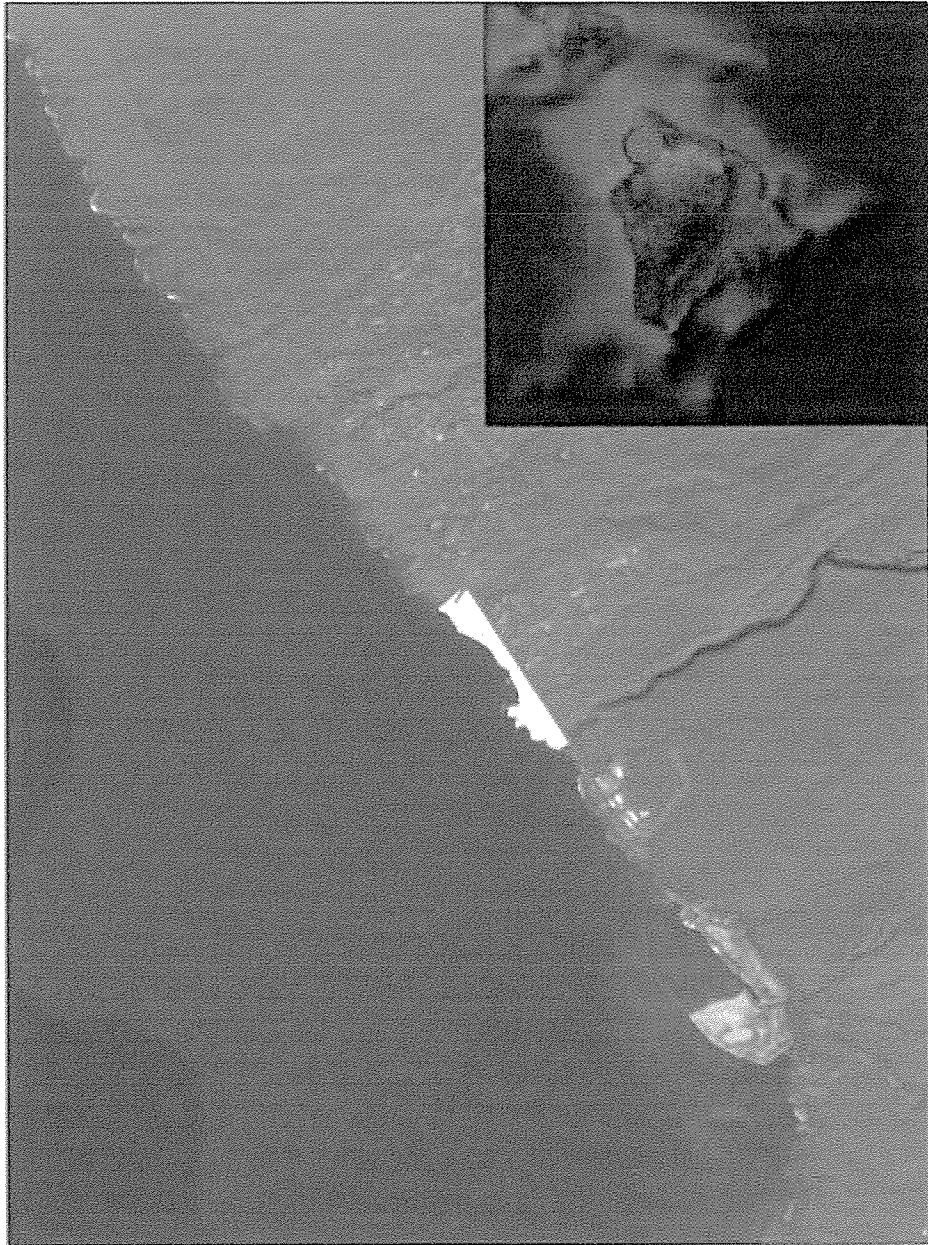
Introduction

The project area is located in the ahupua‘a of Kawaihae 1 in the district of South Kohala on the ocean side. It starts next to the Honokoa gulch and extends to Kaiopae gulch. It is on the costal area of the Akoni Pule Highway across from the Kawaihae Homestead area on the *mauka* (mountain side). It is a total of 72 acres on DHHL community use lands. The purpose of this survey is to help the Kailapa community at the Hawaiian Home land in Kawaihae to see where they could possibly make a walking/ jogging trail, and or sedimentation ponds, revitalize native Hawaiian plants, and better manage cultural sites and resources. With the help of Kailapa community, Anthropology Club (Kūikapiko), and NPS Nā Ala Kahakai we have finished surveying the project area. This was a very good learning experience for all. The project area consisted of 108 different types of cultural sites, midden areas, and or artifacts.

Background Information

The project area belongs to the DHHL, and open to public. The TMK for the project area is (3) 6-1-004, located in the ahupua‘a of Kawaihae 1 in the District of South Kohala. The name Kawaihae means the “water of wrath”. Kawaihae had a fresh water spring that no longer is there. The people of Kawaihae fought over this fresh water spring. Another translation is for the wind and rain that arrives at Kawaihae comes with power and force, hence the name Kawaihae. The ocean and beach life in traditional times referred to the Kawaihae area as “The land of the whispering sea” (‘Ī‘Ī 1959: p4, and Pukui 1983: p178). Kawaihae is known for its strong wind named Mumuku. The ‘ōlelo no‘eau is told, “Na makani paio lua o Kawaihae” “The two conflicting winds of Kawaihae” (Pukui 1983: 246). The two winds that it is referring to the Mumuku wind and the Naulu wind rain from Waimea. When these two winds meets it feed Kawaihae rain. Kawaihae is a very significant area on the Island of Hawai’i from the eras of pre-contact, post- contact, historical, and modern.





Satellite Photo of Project area

Historical Background

This section will go through the different eras of Kawaihae from post-contact or traditional, pre-contact, historic that covers the Paniolo and WWII eras, and modern. Traditional times Kawaihae was known for its long sandy beach. However, the long sandy beach is no longer there, and was destroyed by the making of the breakwater. Kawaihae was known for its spiritual and religious setting also. There were many chiefs that had lived in Kawaihae; such ali'i's as Lonoikamakahiki, 'Umi, Kuaana, Alapai, and Kamehameha just to name a few. Later when westerners started to come to Hawai'i, Kawaihae was one of the main ports on the Big Island, and in the up lands Kawaihae grew sweet potatoes to support the whalers and merchants. The Paniolo era ranching started, during Kamehameha III reign. Later in WWII Kawaihae and Waikoloa was used as a military training area. In modern times Kawaihae is still a major porting area for west Hawai'i. Kawaihae has a small town with a fishing community.

Hi'iaka

In the story of Pele and Hi'iaka, Hi'iaka and her two companions Wahineoma'o and Pa'uopala'e stopped at Kawaihae. It was there at Kawaihae they competed with the people of Kawaihae in diving companion on the cliffs of Kawaihae (Emerson 1997: p 61).

Lonoikamakahiki

Lonoikamakahiki first built the *heiau* (temple) Pu'ukohola and Mailekini, and Kamehameha rebuilt upon the existing *heiau*. Lonoikamakahiki also built a *hieau*, or a rock piling it is not clear, in honor of his dearest friend Kapaihihilina of Kaua'i. Kapaihihilina was Lonoikamakahiki's devoted servant, and helped Lonoikamakahiki overcome his time of craze, due to the killing of his own wife Kaikilani (Kamakau 1961: p 47-52 and Fornander 1917: p350-362).

Kamalalawalu

The story of a Maui ali'i Kamalalawalu and his warriors in Kawaihae is told through different historians. One of the historians is Samuel Kamakau in his book *The Ruling Chiefs of Hawai'i*. According to Kamakau Kamalalawalu sent his half brother Kauhiokalani to observe the activities on the Island of Hawai'i, and to calculate the population. His brother Kauhiokalani did as he was told. Kauhiokalani sailed to

Kawaihae and walked the coastline of South Kohala to Kekaha (North Kona), and continued around the Island of Hawai'i. Later, they went back to Maui and told his brother Kamalalawalu that there were only a few men and that it would be a easy victory. However, Kauhiokalani failed to look in the uplands of all the district. In result of the report of his half brother, Kamalalawalu took heed and placed war upon his cousin of Hawai'i Island. This war went against the advisory of Kamalalawalu's counselors who told him, "Waimea is not a battle site for strangers because the plain is long, and there are no water...they will all be slaughtered" (Kamakau 1961: p58). As Kamalalawalu warriors landed in Kawaihae, and found no one there, because the people went up to Waimea. At Kawaihae, two elderly men from told them that it would be best to take a part their canoes, because there are enough canoes in Hawai'i to send your men back to Maui. Kamalalawalu agreed with the two old men and they destroyed the canoes.

Kamalalawalu and his warriors went up to Waimea. As they proceeded up the hill, they saw Kona men coming towards them with the huge dust storm caused by the feet of all the warriors. Then they saw men coming from the Hills of Mauna Kea, and they were the Kā'ū and Puna Warriors. At the site of Pu'u'oa'oaka, there stood men ready to fight from Kohala and Waimea. Within the plains of Waimea at the battlefield of Pu'u'oa'oaka the stones were light, and contributed to Hawai'i Island victory, and also the men of Maui were weak because of not having any water to drink. As the Warriors of Kamalalawalu tried to retreat back to Maui they couldn't, for they destroyed the canoes. Kamalalawalu was killed at Puako. Kamalalawalu's son Kauhiakama found a canoe in Kekaha with the help of family members and went back to Maui (Kamakau 1961:p 55-61).

It is important to mention here that Maui especially East Maui has a strong tie to Kohala. Kohala has a stronger tie to Hana, Kaupo, and Kipahulu more then the other districts of Hawai'i according to Kohala residents. Up until the 1980's the Kohala people voted for the county of Maui. It is also said that there is an ocean current from Kohala and it will shoot a canoe to Maui with out wind and sails according to a Kohala resident.

Alapa'inuiakauaua, Kalaniopu'u, and Kamehameha

The later years in *wā kahiko* during the reign of many great chiefs their lead many war over resources. During Alapa'inuiakauaua time, he spent his last years in the beautiful land of Kawaihae. Prior to Alapa'i's death, Alapa'i became the *ali'I(s)* of Kohala and Kona. Once he heard that Keawe died the son of the high *ali'iwahine*

(chiefess) Keakealaniwahine, he had obtain these *moku* (districts) by killing the Kohala and Kona ali'i(s). Alapa'i according to Kamakau wanted to take control of the whole island of Hawai'i. However, Alapa'i failed at taking over Hilo and Kā'ū ali'i(s).

Kamehameha was born during the month of Ikuwa. According to Fornander, Ikuwa is the month of storms in February going into March (Fornander 1917: p). His mother was Kamaka'imoku. After, Kamehameha was born Nae'ole took him and ran to hide in the valleys of Kohala. Nae'ole and his wife took care of Kamehameha, and taught him everything that a young *ali'i* boy needed to know. Later as Kamehameha grew up he went under Alapa'i. When Alapa'i died he gave the Kohala and Kona lands to Kamehameha ('Ī'ī 1959: p4). Soon after Kalaniopu'u gain control and Kamehameha spent his youthful years with Kalaniopu'u. Kalaniopu'u became the Ali'i of the Island of Hawai'i, for Kamehameha surrendered his lands to Kalaniopu'u. Therefore, Kamehameha gained the trust of Alapa'i and later Kalaniopu'u ('Ī'ī 1959: p6). During the time of Kalaniopu'u Captain Cook came to Hawaii in January, 1779.

It was at Kealahou Bay where he took anchored and came on shore. At this time of Captain Cook's arrival it was the time of the Makahiki season that indicates that it was a time of peace. The people of Hawai'i thought that he was Lono, for he went around the Island of Hawai'i, as the same way they were to walk the Makahiki. When Captain Cook left it was the end of the Makahiki season. However, as the set sail they encountered ship problems, and turn back to Kealahou Bay. There the people questioned his return, for the time of Lono is over. Upon the return an ali'i named Palea took one of the boats, and destroyed it, so he could get the iron out. It was because of this action that lead to the fight causing Captain Cook's death (Kamakau 1961: p92-104).

When Kalaniopu'u died he gave Hamakua, Kohala, and Kona to Kamehameha, and Kā'ū, Puna, and Hilo was given to Kiwalao ('Ī'ī 1959: p13). Not only Kamehameha was given land but also the war god Kūkailimoku. With the possession of the war god it gives Kamehameha the authority to place war on his cousin Kiwalao. Kamehameha with the pressure of his uncles went to war with Kiwalao. Kiwalao was the son of Kalaniopu'u. Kiwalao died by Ka'ahumanu's father Ke'eaumoku in the battle of Mokuohai in South Kona. This battle made Kamehameha ruler of the whole Island of Hawai'i. Soon After, Kamehameha restored Pu'ukohola and Mailekini *heiau* in Kawaihae for dedication to his war god Kūkailimoku. It was at this *heiau* that Kamehameha took his cousin Keoua as a sacrifice. It is important to understand the full content of the importance of Kawaihae and these two *heiau(s)* that are mentioned. After

the restoring of Pu'ukohola and the sacrifice of Keoua, Kamehameha continued to gain control over the other islands. He took over Maui, Molokai, Lanai, and 'Oahu in the battle of Nu'uaniu. However, as he proceeds to Kauai he was forced to turn around due to a storm, and another due to the sickness of his warriors. In 1810 Kaumali'i the ali'i of Kauai ceded his kingdom of Kauai and Niihau to Kamehameha. It was then that Kamehameha united all the Islands and became Mō'i ('Ī'i 1959: p 3-16).

It is also important to mention that Kamehameha was a very spiritual man, who spent a lot of his time dedicating him self to his gods. When Vancouver arrived in Hawai'i, he took note of how dedicated Kamehameha was to his gods. It was then that Vancouver had told Kamehameha that, "You are a religious chief, Kamehameha, and you worship wooden images. These are not true gods; the true God is in heaven. If you wish, when I return to England I will ask King George to send you Kahunas who will tell you of the true God who is in heaven and you will believe them" (Kamakau 1969: p180). It is said that it was Vancouver was the one who first told Hawaiians about his one God.

John Young and Isaac Davis

John Young and Isaac Davis two of Kamehameha's European Advisors. John Young came on a boat name the *Eleanor*. It was this ship that had caused the Olowalu, Maui massacre by Captain Metcalf. This massacre was named Kalolopahu (the spilled brain). After, the Eleanor went on to the Island of Hawai'i. John Young was sent to shore on the Island of Hawai'i to see the country. When John Young was head back to the ship, Kamehameha stopped him and requested he stay on the Island as a friend. Kamehameha motives were to gain friendship, so that he could teach the people of Hawai'i how to use the musket. It was during this time that he was at war with the Maui. Later on that same day Captain Isaac Davis was took captive of the sister ship of the *Eleanor* named the *Fair American*. Kame'eiamoku one of the royal twins took captive of the ship and Isaac Davis off the shores of Ka'ūpūlehu. Kamehameha made Isaac Davis and John Young as his European advisors, and they both became part of the royal court of Kamehameha. It was with the help of John and Isaac that aided with Kamehameha's conquering of all the Islands (Kamakau 1969: p145-147). Both men were given land in Kawaihae. John Young also grandfather to Emma Na'ea Kaleleonālani Rooke who was the wife of Alexander Liholiho Kamehameha IV. Emma became a huge political figure in the later years of Hawai'i's history. Isaac Davis died in 1810. After his death John Young cared for Isaac's children.

Liholiho and 'Ainoa

After Kamehameha death, Liholiho became Mō'ī, and the 'ainoa (free eating) was practiced. After, Kamehameha's death a lot of the religious practices change. However, It is important to understand that Liholiho spent his days in Kawaihae think of what he should do as the new Mō'ī, before he part took in the 'ainoa. This 'ainoa changed the religious and political governance of Hawai'i.

Changing Kawaihae late 18th and Early 19th Centuries

In the Late 18th and early 19th centuries Kawaihae became a major port for whalers and merchants. They helped supply ships with sweet potatoes, yams, and other crops. Later in the mid 19th century ranching became popular. Cattle were shipped out of Kawaihae. Vancouver was the first person to bring in cattle. By the start of the 1800s cattle became very destructive, because Kamehameha had put a *kapu* (law) to not kill the cows. Salt became very important, so it could keep the beef from rotting, and also became a commodity for whalers, sailors, and merchants. Salt from Kawaihae became in demand. Kawaihae 1 and Kawaihae 2 shared the saltpans. According to Vancouver, the saltpans were man made with stone, and then tī leaf or banana leaves were laid down. The leafs stopped the water from seeping out.

On April 1, 1820 was the arrival of the brig *Thaddeus* that had on board American Missionaries. On this ship was Reverend Bingham. In the summer of 1820 Elisha Loomis an American missionary was given schoolhouse and living quarters in Kawaihae by Kalanimoku, and was given the opportunity to educate 10 children (Kelly 1974:p29).

As beef became a more popular item, Kamehameha III Kauikeaouli sent a man to California to bring back some cattle driver to Hawaii. The Hawaiians need to learn how to train their horse and handle cattle, because of the destruction that they were doing to the land. In Hawai'i at that time there were over 100,000 wild cattle roaming the mountains of Waimea. This was the start of the Paniolo, and the beginning of the cattle kingdom (Brennen 1995: 70).

Reverend Elias Bond established Kohala Sugar Company in 1863. The sugar industry had also affected Hawai'i traditional economy, and lifestyle. Later, the Kohala Sugar Company made a ditch to supply water for sugar, now the ditch feeds Kohala, Honoka'a and Waimea water. This ditch also stopped the flowing waters of the streams in South Kohala. The only time these steams flow are during heavy strong storms.

The California Gold Rush took a over hull on the people of Kohala. "Kawaihae became a port of entrance and is visited by many California vessels for supplies" (Lyons, Mission Station Rept. 1851 in Kelley 1997: p 30). Also, the introductions of disease

were killing of the people in all of Hawai'i. However, in mission statements the people of Kawaihae were dyeing faster due to the abandon agricultural life that they once had. (Mission Station Report 1835 in Hammatt 1991: p7).

In the early 1900s Kawaihae land changed, and a much busier life came to Kawaihae. In 1937, a concrete territorial pier, buildings with restrooms, and two dry docks were constructed. The fishing families of Kawaihae became fish retailers and wholesalers. According to Tom Dye he said that there were about 100 houses in Kawaihae area stretching from Keawehala Point in Kawaihae 2 and to the lighthouse".

During WWII, Kawaihae and Waikoloa were training area for soldiers. "Barbed wire was stretched along the entire shoreline where a series of gun emplacements were established" (Hammatt 1991: p 10). A huge tent camp was built. The soldiers mined the territorial pier with explosives. Fishing was reduced, and no one with Japanese descent could even go into the water. There were blackouts. After the war, Kawaihae suffered economically from the war and the tidal wave in 1946.

In 1959 was the completion of the Kawaihae harbor. A lot of families were divested of this construction, because it also destroyed the most pristine coral life on the island of Hawai'i. Killing the life source of the marine life. It took away the only sandy beach in Kawaihae. Soon to fallow was the boom of the tourist industry.

In resent years, Kawaihae still has the little town of fishermen. However, fishermen from anywhere can come to Kawaihae and fish. There are no longer traditional fishing rights. The water at Pelekāne Bay has lost its pristine water because there is no natural circulation of the ocean current. The breakwater diverted the natural current that helped keep the bay clean. The fresh water spring of Kawaihae is gone, as well as the shared salt pans. Paniolo life has slowed. The tourist industry is one of the main dependencies of the residents of Kohala and Kona people. However, the people of Kawaihae take pride of their land, and ocean.

Māhele Documents

During the time of the Māhele the most land was given to John Young and his hire was Emma Rooke. It is said that he was given awarded the ahupua'a of Kawaihae 2. The Royal Patent is 1666, 8482. Next large land was given to Kaukai who was a Konohiki. Kaukahi claimed 5 pieces of land. He was awarded 34.58 acres, and the Royal Patent # is 7380. Lorenzo Lincoln was a leather tanner awarded 5.2 acres of land,

and Royal Patent # 3605. 3.5 acres of land was awarded to Manuia. The Royal Patent # is 5514. There are more people that were awarded land, but not more than 2 acres.

In 1912, Prince Kūkiō Kalanianaʻole went to Congress and convinced them to develop a rehabilitation program for Hawaiians. The Hawaiian Home Commission Act was put into place. It was because of this act that the United States Government set aside 200,000 acres of land. The ahupuaʻa of Kawaihae 1 is under the Department of Hawaiian Home Land. It was once crown lands/ ceded lands.

Age

According to Hammatt with *Cultural Surveys Hawaiʻi*, The found 7 radiocarbon dates, and 24 volcanic glass dates from Clark's archaeological report.

Some of the volcanic glass determinations indicate early occupation going back as far as 1000AD. These dates do not appear to correlate well with the radiocarbon results. It is safer to establish the Kawaihae settlement on the basis of radiocarbon dates alone, post- dating 1400AD. It should be remembered, however, that the entire shoreline of this particular area was destroyed before the advent of modern data recovery efforts.

The present radiocarbon dates suggest that there was very little occupation at Kawaihae before the 15th century. "The dates provide no evidence of an early coastal occupation prior to the settlement of the uplands. In fact, the inland sites are slightly earlier than the dates for the coast, although the difference is probably not significant" (Clark 1986: 177). (Hammatt 1994: p 6-7)

Past Archaeological Survey

1964	Lloyd Soehren	Bishop Museum	Mahukona- Kawaihae Highway	Archaeological reconnaissance
1968	William Bonk	UH Hilo	Ahupuaʻa of Kawaihae to the Ahupuaʻa of Upolu	Surface Survey
1974	Barrera and Clark		Coastal area of Kawaihae 1 and Kawaihae2 for Waimea – Kawaihae corridor	Inventory Survey and Recovery Investigation
1987	Allen and Hammatt	Hammatt et al	Kawaihae 1	Survey and subsurface testing
1991	Hammatt	Hammatt et al	Kawaihae 1	assessment
1993	Haun	Haun et al.	Kawaihae 1	Inventory Survey
1994	Rosendahl		Kawaihae 1	Inventory Survey
1994	Langlas		Kawaihae 1	Inventory Survey
1995	Rosendahl		Kawaihae 1	Inventory Survey
2000	Hammatt	Hammatt et al	Kawaihae 1	Assessment
2004	Haun	Haun et al.	Kawaihae 1	Inventory Survey
2010	Rieth and	EKNA Services,	Kawaihae Road Bypass	Inventory Survey

	Morrison	Inc.	Corridors Kawaihae 1,2, ‘Ōuli, Lālāmilo, and Waikoloa Ahupua‘a	
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Physical Characteristics

The Kawaihae area was created by basalt flows of the Pololu Volcanic Series. The soil at Kawaihae the project area varies. According to the *Soil Survey of the Island of Hawai‘i* states.

the Kawaihae series consists of somewhat excessively drained extremely stony soils that formed in volcanic ash. These soils have a very thin surface layer of fine sandy loam very silt loam and loam... Kawaihae soils are used mainly for pasture, recreation areas, wildlife habitat, and home sites... (1972: p26)

On the North end of the project area the soil was dark with reddish- brown color it is considered to be sandy loam according to the USDA soil series map. However, on the South end of the project area the soil is very stony with some sandy loam. I thought that the North End might have been for collecting alae dirt. I talked to Kai Koholokai who is a resident at Kawaihae, and a practitioner of La‘au Lapa‘au, and was a student of Papa Auwai La‘au Lapa‘au master who was also a resident of Kawaihae. Kai told me that the area of Kaiopae is a place for collecting alae dirt, and he said hence the name Kaiopae.

The vegetation of the project area mostly consist of Fountain grass or Fox Tail *Pennisetum sectaceum*, there are Kiawe tree *Prosopis pallida*, Ilima *Sida fallax*, and Milo *Thespesia populnea*.

The land environment was rocky with soil. There were multiple brush fires, but during the surface survey it was during the winter season and the environment was stable. There are a few different areas that drainage into the ocean. There is a lot of sedimentation in the project area. The project area has a lot of damage from wild goats. There are a lot of modern activities that happen in the area such as rubbish dumping, bulldozing, and collecting of rocks for modern rock wall structures. Therefore, a lot of sites have been damaged.

Field methods

The Project area total of 72 acres was surveyed in a total of 7 days and about 45 hours. It was a pedestrian survey. One day we took the Kailapa community members, and University of Hawai‘i at Hilo (UH Hilo) Anthropology club to help with

the surveying. We took GPS points for sites, midden, and artifacts. Took Digital photographs of some of the sites, and documentation of each site within the project area.

Findings

There are a total of 108 sites, midden, or lithic findings. Each of the feature (Fe) is on the GIS map. The features that were found were wall, alignments, c-shape, enclosures, platforms, mounds, and terraces. Here is a brief description of these features.

Wall- alignment of stone with 2 or more courses.

Alignment- A single course of rocks laid flat or upright in an alignment.

C-shape- stacked or mounded stones forming a C.

Enclosure- A constructed wall enclosing to protect an area. It also varies in size.

Platforms- A formed structure elevated on all sides with interior stone filled to surface level of the structure. Sometimes

Mounds- Piled rocks or rough construction

Terraces- A structure elevated on one side, and the interior area is filled with sediment or stone.

Survey Findings

- Fe.1
 - Coral
 - Description of landscape- has clay dirt of alae dirt. The dirt is red.
- Fe. 2
 - Coral scatter from where point was taken it extends about 3m in radius.
- Fe.3
 - Coral scatter
- Fe.4
 - Shell midden
- Fe. 5
 - Wall
 - Alignment of rocks with some niho stone (foundation stones) might be connected to midden Fe. 5
 - 12.65 meters long with collapse
 - Maybe a housing or temporary shelter.
 - Shell midden (pūpū ‘awa and Leho)
 - Alignment of rocks
 - Could be connected to pt. 6 and 7
 - 4/95m long
 - midden found (leho)
- Fe 6
 - Wall
 - 3.9m long

- 5 courses with cobbles boulders and pebbles
- In little gulch near little bay. Modern activities, they were going to put a drainage system.
- Bishop Museum tag (BPBM- AIS- 8.1x86)
- Picture

2461



2462



- Fe 7
 - Wall
 - Point taken at the East corner
 - 15.20m Long
 - 7 courses there are cobbles and boulders
 - In between pt. 10 and 9 there are larger rocks.
 - I don't know if it was flat inside making a platform.
 - I could be a little bit recent because of the near vicinity of the jeep road.
- Fe. 8
 - Wall
 - Near jeep road with midden (pūpū 'awa, 'opihi, and pipipi)

- Wall going North and South 12.20m Long
- 1 course , with collapse and with niho stone
- FE. 9
 - Cshape
 - A lot of midden (‘opihi, pūpū ‘awa, leho, pipipi, and clams
 - 2 courses wall low to ground height 47cm
 - on top of small gulch looking at the bay near jeep road.
 - Picture

2465



- FE 10
 - C-shape
 - Nice conditions the leho midden
 - 3.03mWx.55cm H
 - 2 courses with cobbles
 - Picture

2467



- Fe 11
 - C-Shape covered with vegetation weird vines
 - 2 courses, with cobbles
 - did not take picture to much vegetation
- Fe 12

- Wall possible continuation of Pt. 10 and 11 part of fe. 7 Description
 - Located on the other side of the jeep road
 - A wall that the jeep road knocked down in the process of making it.
 - 7.8mL x 1.5mW
 - 5 courses
 - with cobbles and boulders
 - Picture

2467



- Fe 13
 - Wall with Midden (enclosure)
 - Large amount of midden (leho, 'opihi' pipipi
 - Nice smooth basalt
 - 80cmH x 3.80m W x 6.40m L
 - Picture

2468





- Fe 13
 - Enclosure rock circle with midden
 - 60cmH x 3.20mW
 - 3 course with boulders and cobbles
 - C-shape with midden
 - 40cmH x 2.20m W x 2.50mL
- Fe 15
 - C-shape
 - Collapsed
 - Did not take measurements
- Fe 16
 - **Enclosure wall**
 - 1mH x 13mL x 14.10m W
 - nice basalt stone inside
 - looks like people comes inside and looks around
 - midden (leho, pūpū 'awa, coral, pipipi, and 'opihi)
 - wall are nice with boulders cobbles and pebbles
 - there are some collapsing
 - This is a significant site worth going back and tape and compass mapping.
 - Picture
 - 2472 south wall



2471 east wall



2470 east wall



- Facing little cove on the north end corner of project area.
- Along the stream ridge on west end on the other side of rivers natural outcrops temporary shelter about 10m away
- **Fe 17**
 - **Enclosure**
 - Nice walls a large site area
 - Significant to go back and get more information
 - Some of the south wall is collapsed
 - 1mH x 12.2mL x 5.9mW
 - 5 course Cobbles and pebbles
 - About 40 meters away from little cove
 - About 20 meters from fe. 16
 - The rocks used in this site have more river stone on the wall.
 - Some 'ili'ili stones scattered around
 - Might have been something other than a house site because there was another enclosure connected to it . it made a full circle never saw something like this before. It has a kiawe tree growing out of it.
 - Picture



2473



2474

- Fe 18
 - Enclosure
 - Walls are crumbled with cobbles and pebbles
 - No measurements
 - Course 3-4
- *** Fe. 16, 17, and 18 don't have south wall looking at the ocean.
- Fe 19
 - Wall with corner
 - Nice east wall with about 1 meter going out from the corner on both sides
- Fe. 20
 - Enclosure
 - Nice wall and nice corners of the wall.
 - Cobbles and pebbles, and 4 course
 - 4.9mL x 5.20mW x .70mH
 - Pictures



2476



2477

- Fe. 21
 - Enclosure
 - 1 course
 - 3.7mL x 3.30mW x 1.5m H
 - no picture
- Fe. 22
 - Enclosure with midden
 - Midden (leho, pūpū 'awa, pipipi, 'opihi)
 - 5.80mW x 5.5mL x .80mH
 - looking at the bay on top of the cliff about 10 meters back from cliff
 - Picture

2478



- Fe. 23
 - C-shape
 - Above cliff looking at ocean

- Nice walls with boulders and cobbles
- 2-3 course
- 3.5mW x 3.5mL x .60mH
- no picture
- Fe 24
 - Wall
 - Might be apart of fe. 8 and fe. 9
 - 3-5 course
 - boulders, cobbles, some pebbles
 - located right on cliff of the bay
 - 7.2mL x 1mH
 - Picture

** there was some recent maile that was on top of died kiawa tree. Might be an offering.

2479 of wall plan view



- Fe 25
 - C-shape
 - might be apart of 24
 - C-shape over grown with vegetation
 - No picture
- Fe 26
 - Wall
 - **No other wall connecting to it**
 - **Might be a terraces**
 - **2 course**
 - **boulders and cobbles**
 - **runs WNW- ESE**
 - **7.9mL**
- Fe 27
 - Wall
 - **Might be terraces**
 - **1.9mL x .60m H**
 - **Picture**

2483



- **Fe 28**
 - **Wall**
 - **Might connect to fe. 27**
 - **No sides, might be terraces**
 - **Near ocean on cliff**
 - **2 courses cobbles**
- **Fe. 39**
 - **C-shape**
 - **I course Boulders**
 - **89inW x 81inL x 24in H**
- **Fe. 40**
 - **Water Bottles**
 - **(4) 1 gallon water bottles**
 - **Picture**

2489



- **Fe. 41**
 - **Wall**
 - **2 courses**

- Boulders
- With coral midden
- Fe. 42
 - Basalt chippings
 - The largest piece
 - 18cmWx 20cm L x 5cmH
- Fe 43
 - 3 Basalt flakes
 - 7cmW x 6cmL 1cmH
 - 7cmW x 5cmL x 1.75cmH
 - 5cmW x 3cmL 1cmH
 - Lithic Scatter/ Basalt flaking
 - Larger area with flintting
 - Basalt hammer stone/ multi purpose stone
 - Picture

2496



- Hammer stone
 - 5cmW x 7cmL x 3cmH
 - Picture 2497
 - Another area with Bigger basalt 2499- 2498

2497



2499



2498



- Fe 44
 - Enclosure
 - Landscape heavy erosion
 - 3.48mW x 3.64mL x .40mH
- Fe 45
 - Enclosure/ ahu platform with modification and midden
 - Midden (‘opihi, and coral)
 - About 3 meter away there looks like a bulldozer came through and just miss this site.
 - Near the site also has a midden scatter of pūpū ‘awa, and ‘opihi and some ‘ili‘ili artifacts.
- Mauka and Makai path the Ala loa
- Lithic flakes
 - 10 m away there are ‘ili‘ili on top of the ala loa
- Shell and coral midden
 - Big corals
 - Leho and ‘opihi
 - The area extends about 5m in diameter
- Flat platform with water worn cobble artifact with coral
 - Possible burial area
 - And glass shards

- Huge chunks of coral looking into the bay on top of the cliff
 - About 3 meters away another terrace like are towards the ocean heavy midden and 2 meters away
 - And 5 meters away another terrace.
- GPS Shell / list as platform with wana embedded
 - Area of midden and coral
 - Might have been a platform or terrace
 - Wana in the soil a lot of it.
 - What was the wana used for?
 - Bulldozers past through the erosion area
- Lithic flake with leho
 - Leho and embedded rocks
 - 8mL x 8.3mW
 - Picture
 - Mauka side 10 North bulldozer and erosion
 - Connected to other feature coral about 10m radius from (GPS point Shell)
 - A lot of lithics also

2506



- Fe 47
 - Platform possible burial
 - Bishop museum tag- BPBM 8-IX- 86 B-114
 - Location on top of a pu'u next to highway looking at the ocean 245NNW
 - 4.6mW x 4.8mL
- Fe 48
 - Wall or terrace
 - Retaining wall
 - 2 course boulders and cobbles
 - 75cmH x 1mL
 - Might have been a terrace
- Historical Bottle 1
 - Hand blown
 - Blob top
 - Starting turning blue
 - Picture 2508



- Fe 49
 - Water worn cobble
 - Point taken from center 3 meters out from center radius more water worn stones
 - This might have been a site before, but was pushed by bulldozer
 - Or water worn out in the open, but near the jeep road for people to drive to the coastal areas
- Fe 50
 - Platform, mound
 - Possible burial boulders and cobble
 - 3.1mW x 3mL x .75mH
- Fe 51
 - 2 mounds and platform
 - With coral and 'ili'ili
 - 1 mound
 - 75cmW x 90cmL x 25cmH
 - 2 mound
 - 80cmW x 1.5mL x 25cmH
 - Platform
 - 6mW x 7mL x .30mH
- Hammer stone
 - Coral are deeply embedded
- Fe 52
 - Platform right on the bay
- FE 52
 - coral and midden
 - Coral
 - 45cmW x 30cmL x 25cmH
 - Midden (leho, pupu 'awa, and Pipipi)
- Landscape
 - Looking into the ocean nice pools pull of cobble water worn easy to get in and out
 - Recent use for parking truck, however, I think the ancient Hawaiians used this area also it is a good way to get in and out and collecting on shore seafood.
 - There are many disturbances
- FE 53
 - Possible old wall with shell midden

- Wall
 - .60mW x 3mL x .20mH
 - Shell midden
 - Looks like it is near a trail along the cliff. Maybe a fisherman's trail
- FE 54
 - Coral and midden shell
 - Picture 5261- 5262
- FE 55
 - Possible platform
 - 4.5mW x 3.3mL x .60mH
 - on top of hill looking at the bay with the jump in area
 - cobbles and pebbles, 1-3 courses
 - bad condition
- FE 56
 - C-shape
 - 3.3mW x 3.3mL x .60m H
 - Cobbles and pebbles , 4 courses
 - Opening of c-shape facing 210 SW
 - Next to FE 55, 3metters away
 - There are midden opihi , pupu 'awa.
 - Picture
 - Good condition

2653



2654





- FE 57
 - Enclosure
 - Bad condition
 - 3.5mW x 5.3mL x .40mH
 - Nice alignment of rocks running form North to South
 - Some staking with 2-3 courses of North Facing wall
 - There are 'ili'ili stones and really small 'ili'ili' about 5cm at the largest.
- FE 58
 - Coral
- FE 59
 - Platform on top of the Hill
 - Flatten down with cobbles no courses
 - 2.4mW x 3mL x .25mH
 - piled
- FE 60
 - Mound
 - 80cmW x 80cmL x 30cmH
 - cobbles and pebbles
 - piled
- FE 61
 - Mound
 - This mound is about 3meters away from FE 60
 - 1.4mW x 75cmL x 20cmH
 - cobbles and pebbles
 - piled
- FE 62
 - Mound
 - 1.8mW x 1mL x 35cmH
 - Cobbles and pebbles
 - Piled
- FE 63
 - Larger Mound
 - Not in good condition
 - 2.5mW x 3.5mL
 - cobbles and pebbles
 - 1 course
- FE 64

- Possible platform
 - There are some shell midden
 - And Modern disturbances of trucks driving though
 - Landscape
 - Top of the hill in between the 2 little bays. The bay with the possible lele kawa
 - 5mW x 10.4mL 40cmH
 - flatten
 - no to 1 course
 - cobbles and pebbles
 - and some modern rubbish
- FE 65
 - Platform
 - On top of a Hill looking at little bay near a little gulch
 - 4.08mW x 2.4mL x .45mH
 - 1 boulder, with cobbles and pebbles
 - 1-2 course
- FE 66
 - Mound
 - Near FE 65
 - 1.64mW x 1.80mL x .41mH
- FE 67
 - Possible enclosures
 - 5.15mW x 5.85mL x .41mH
 - Cobbles and pebbles
 - 1-3 course
 - there are rocks in the center of the enclosure with some small coral
 - Other rocks from other area, these rocks does not look like it came from the area of the other rocks
- FE 68
 - Clear area with midden
 - This area has small rocks about 10cm or less. It lloks like a pavement
 - 4.16mW x 4.20mL x no height because of paving
- FE 69
 - Enclosure
 - There are coral
 - 3.58mW x 4.35m x .45mH
 - 1-4 courses
 - cobbles and pebbles
 - near jeep road
- FE 70
 - Mound with little terraces
 - There are coral and shell midden
 - With a large water worn
 - 2.48mW x 5.45mL x .65mH
 - 1-4 courses
 - boulders, cobbles, and pebbles
- FE 71
 - Mound
 - 1.53mL x 1.48mW x .30mH
 - cobbles
 - 2course
- FE 72
 - Mound
 - About 1metter away there is a water worn

- About 20cm w
 - 1.40mW x 1.60mL x .20mH
- FE 73
 - Modified outcrop with wall extending NNW 330
 - With on small water worn cobble and some coral
 - 5.50mL x 4.50mW x .75mH
 - 1-3course
 - it is in bad condition
 - There are shell midden out side of the out crop
- FE 74
 - Enclosure
 - There are coral and shell midden all around the enclosure
 - 3.80mW x 7.80mL x .80mH
 - Okay condition some of the west wall is gone
 - 1-3 course
 - Boulder, cobbles, and pebbles
- FE 75
 - Mound on Hill
 - 14.5mL 12.5mW
 - Boulders, Cobbles, and Pebbles
 - Piling of rocks
 - There are a lot coral and small water worn pebbles
 - Nice shape basalt and goat disturbances
 - It could be a possible burial
 - Picture 2602- 2605





- Fe 76
 - Mound
 - 2.40mLx 2.61mWx 30cmH
 - 1 course
 - Cobbles, and pebbles
 - Some coral around the site
- Fe 77
 - Mound cobbles
 - 1.88mLx 2.47mWx 30cm H
 - 1-2 courses
 - Shell midden around the mound

- FE 78
 - Enclosure
 - 8.30mL x 5.5mW x 45cmH
 - 2 courses
 - cobbles and pebbles
 - shell midden all around
 - with a possible hearth not sure
 - Outside of the enclosure there are small water worn and coral.
- FE 79
 - Stones embedded in the ground
 - Cobbles and pebbles
 - Picture 2606-2608



- Fe 80
 - Pit dispersion, possible imu

- Cobbles
 - Alignment of rocks outside, but no fire crack rocks
- Fe 81
 - Enclosure with rooms/units
 - 11.3mL x 5.15mW x 50cm
 - 1-4 courses
 - Boulders, pebbles, and cobbles
 - There are 3 rooms/units
 - The middle room is the larger room
 - No wall facing SW 220
 - Shell midden, with small water worn
- Fe 82
 - Enclosure
 - Boulder, cobbles, and pebbles
 - 3 courses
 - with water worn cobbles
- FE 83
 - Enclosure
 - 9.8mL x 5mW x 80cmH
 - boulders, cobbles, and pebbles
 - 1-3 courses
 - coral outside
- FE 84
 - Enclosure
 - 5.3mLx 3.36mL 37cmH
 - 1-2 courses
 - cobbles and pebbles
 - There is no opening
 - *** there are 7 mounds about 1mLx 1mW. It looks like a collection of mounds for people to make rock wall, or to possibly hold post.
- Fe 85
 - Enclosure with terraces
 - 11.69mL 5.60mW x 60cmH
 - boulders, cobbles, pebbles
 - 1-5 courses
 - 2 terrace going down Hill SE 160
 - There are shell midden inside of enclosure
- FE 86
 - Mound
 - 1.86mLx 1.60mW x 30cm H
 - Cobbles and pebbles
 - 2 courses
 - there are some coral
- Fe 87
 - Mound terrace
 - 10mL x 7mWx 60cm H
 - Boulders, cobbles, and pebbles
 - 1-3 courses
 - There are disturbances by bulldozer facing North of the feature
- Fe 88
 - C-Shape
 - 3.80mL x 3.10mWx 50cm H
 - 3-5 courses
 - Boulder, cobbles, and pebbles

- Opening on the south
- FE 89
 - C-shape
 - 2.55mL x 2.40mW x 40cmH
 - 2 course
 - cobbles and pebbles
- FE 90
 - 2 C-shape
 - C-shape 1
 - 3mL x 3.10mW 30cmH
 - 1 course
 - cobbles, and pebbles
 - opening Southwest
 - C-shape 2
 - 4.10mL x 4.10mW 50cmH
 - 3 course
 - boulder, cobbles, and pebbles
 - opening Southwest
- FE 91
 - Terraces and an c-shape
 - 2.75mL x 2.78mW x 20cm H
 - 1 course
 - cobbles, and pebbles
 - 2 terrace going down the hill next to the c-shape
 - there are little water worn pebbles
- FE 92
 - Enclosure
 - 4.50mL x 4.20mW x 30cmH
 - 1-2 course
 - Cobbles, and pebbles
 - Kiawe tree growing out of the wall on the west corner
 - Bad condition
 - And small water worn pebbles
- FE 93
 - Enclosure
 - 3.84mL x 4.02mW x 70 cmH
 - 3 courses
 - Boulders, cobbles, and pebbles
 - Heavy shell midden facing SE of the enclosure
- FE 94
 - Enclosure
 - 3mL x 3.3mW x 50cmH
 - 1-2 courses
 - Cobbles and pebbles
 - Heavy shell midden all around the enclosure
- FE 95
 - Enclosure
 - 4.2mL x 3.2mW x 35cmH
 - 1 course
 - Boulders, cobbles, and pebbles
 - Enclosure along the cliff
 - Bad condition
 - There are foundation stones
- FE 96
 - Circular Alignment

- 3.4mL x 2.9mW x 43cm H
 - Boulders, and cobbles
 - 1 course
 - with possible hearth on NE corner
 - Hearth
 - 65cmL x 60mW
 - pebbles and 1 course
 - Bad condition both feature
- FE 97
 - Enclosure
 - 3.7mL x 2.95mW x 30cm
 - 1 course
 - Boulders and cobbles
 - Bad condition
- FE 98
 - Possible enclosure
 - 12.15mL x 5.4mW x 1.15mH
 - 1.15mH on the west side of the wall
 - 65cm H on the East facing wall
 - Boulders and cobbles
 - 3 courses are seen, but there might be more under the soil
 - There are a lot of sedimentation coming from the East wall-exposing midden. The wall is stopping sedimentation for going more towards the ocean.
 - On the East side of the wall there are rocks embedded, It might have been a feature that was built into an existing feature before.
 - Picture 2614-2618 of shell midden exposed in deeper layer
 - Picture 2619 picture of wall.





- FE 99
 - Large Uprights
 - 1.15L and 85cmH
 - Picture 2620
 - Could have been connected to the wall of FE 98 or another wall
 - This area has a lot of disturbances, maybe people were taking rocks for here.



- FE 100
 - An area to mark
 - There looks like there is a lot going on here
 - *** this would be a good spot to do a Plain table mapping to see better of what this area could be***
 - There are some pavement
- Fe 101
 - Saltpan (Poho pa'akai)
 - 1.25mL x 60cmWx 5cmH
 - Picture 2622-2623
 - It is carved into rock on sea shore



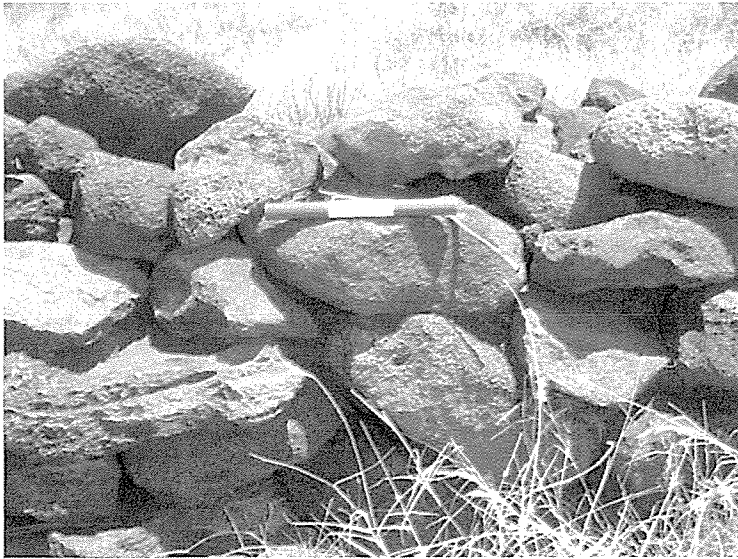
- FE 102
 - 2 circular enclosures with large upright
 - circular enclosure 1
 - 5.9mL x 5.4mWx 90cm H
 - 4 course
 - Boulders, cobbles, and some pebbles
 - Picture 2624- 2626
 - Up right alignment where the interior part was taken to make enclosure





- Circular enclosure 2
 - 6.mL x 6mW x90cm H
 - Boulders, Cobbles, and pebbles
 - 5 courses
 - Picture 2628-2629
- Both enclosure are in good condition





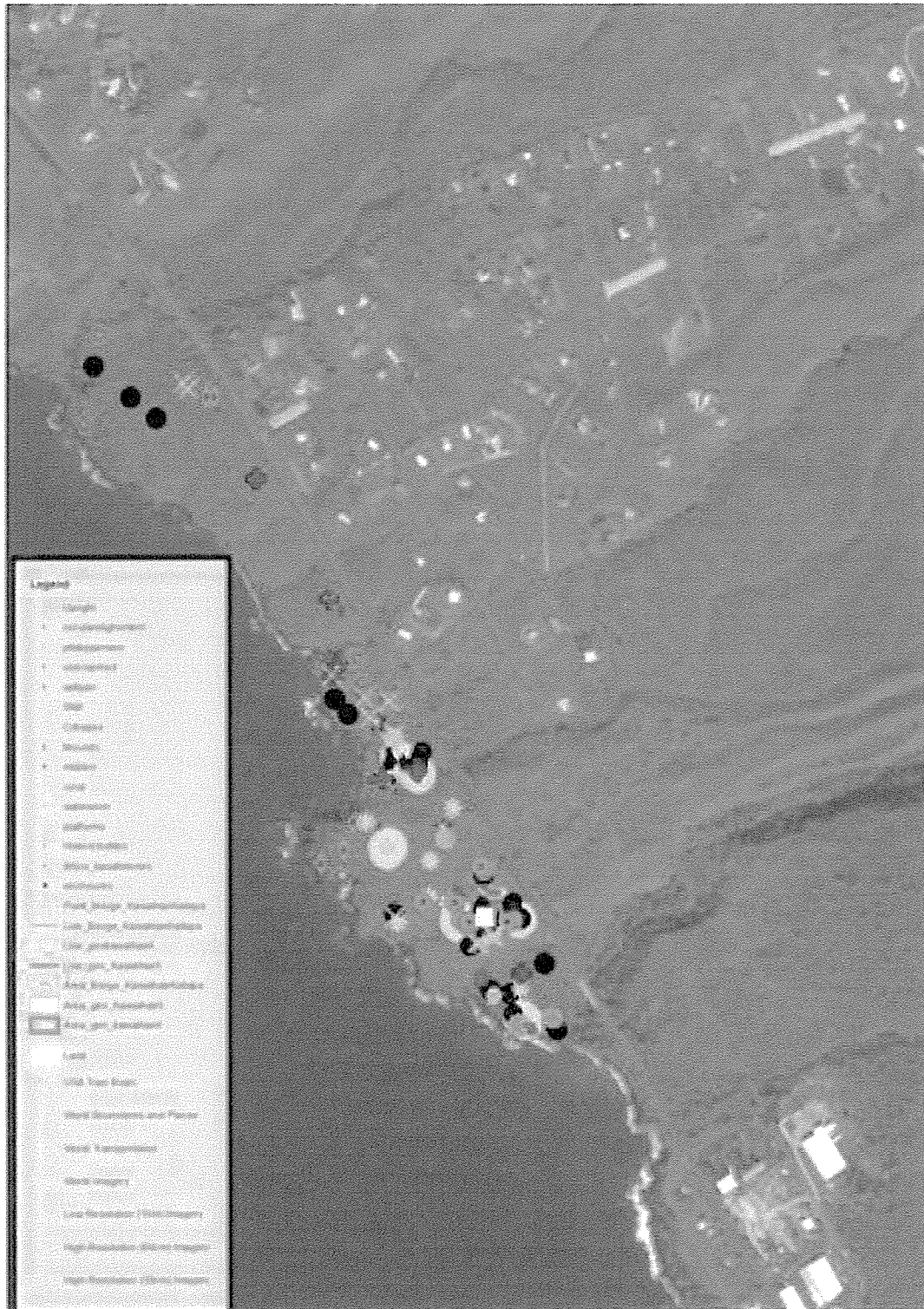
- FE 103
 - Terraces
 - 11.7mL x 7.5mW no height
 - Boulders, Cobble
 - Bad condition
 - Wall exposed to erosion on the ocean side
- FE 104
 - Large Enclosure
 - Did not take measurements
 - 6-8 courses
 - Boulders, cobbles, and pebbles
 - There are evidence of two different types of construction
 - Picture 2631-2635

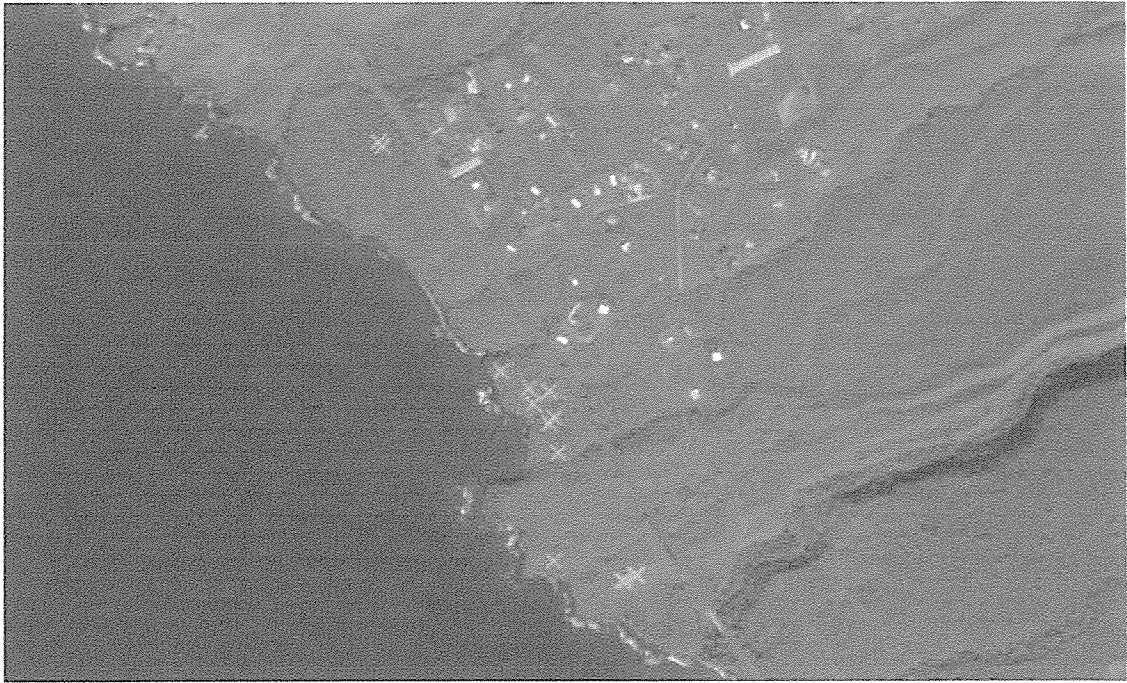




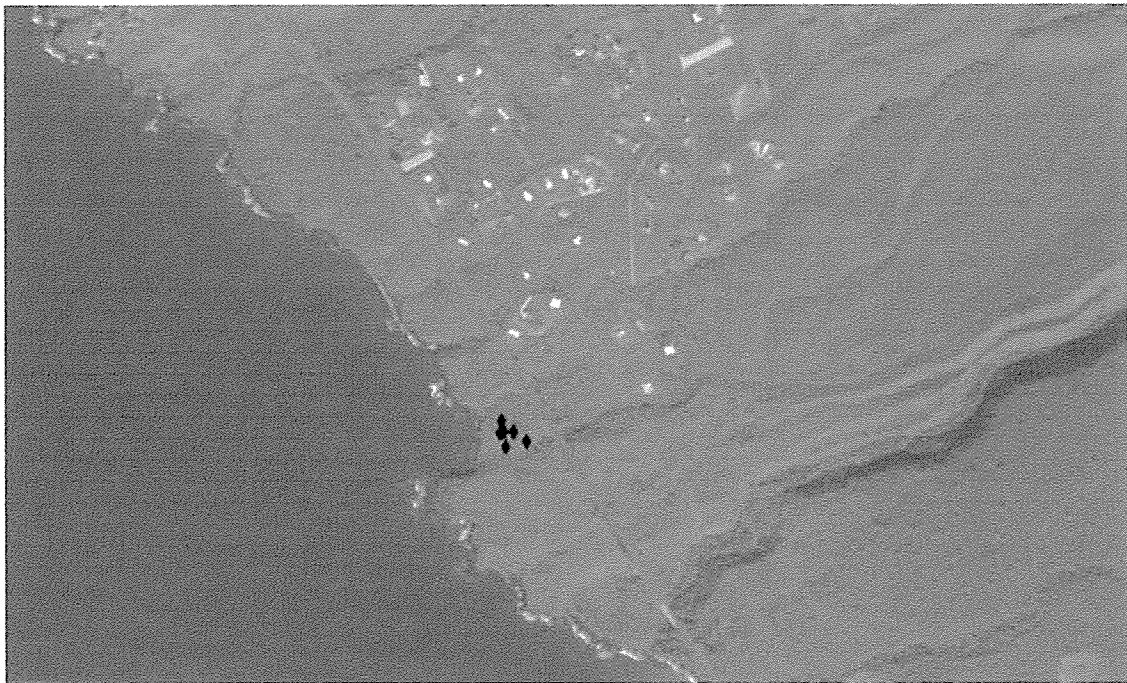


- FE 105
 - Circular Enclosure
 - 3.2mL x 3.3mW x 45cm
 - Cobbles and pebbles
 - 2-3 course
 - Fair condition
- FE 106
 - Flatten mound
 - Bad condition
 - It has Bishop Museum tag (BPBM site B-3 4-9-86)
- Fe 107
 - Mound
 - 2.4mL x 2.1mW
 - Cobbles and pebbles
 - 1 course
- FE 108
 - Enclosure with small enclosure within
 - 8.6mL 3.2mW x 45cm

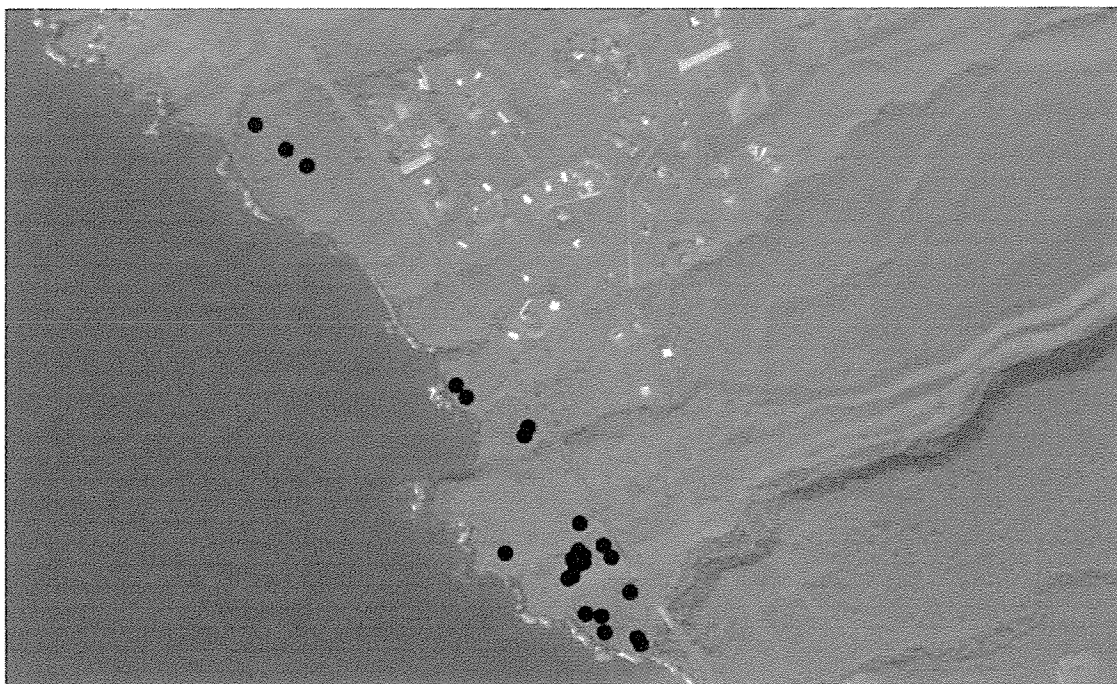




C-shapes



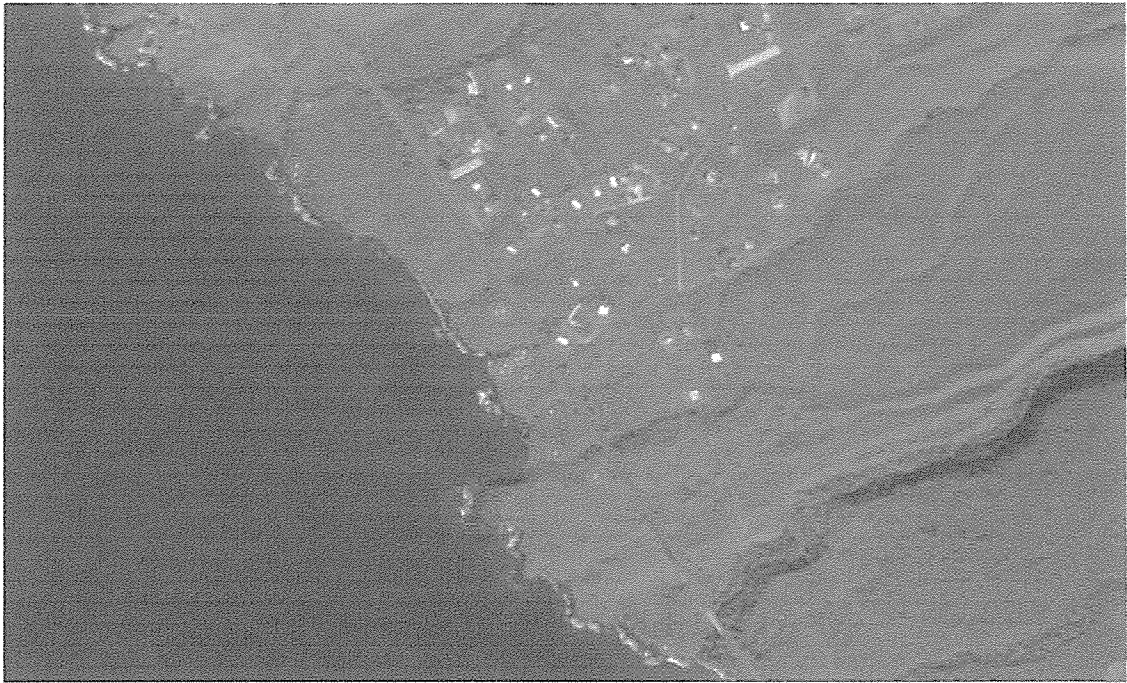
Lithics



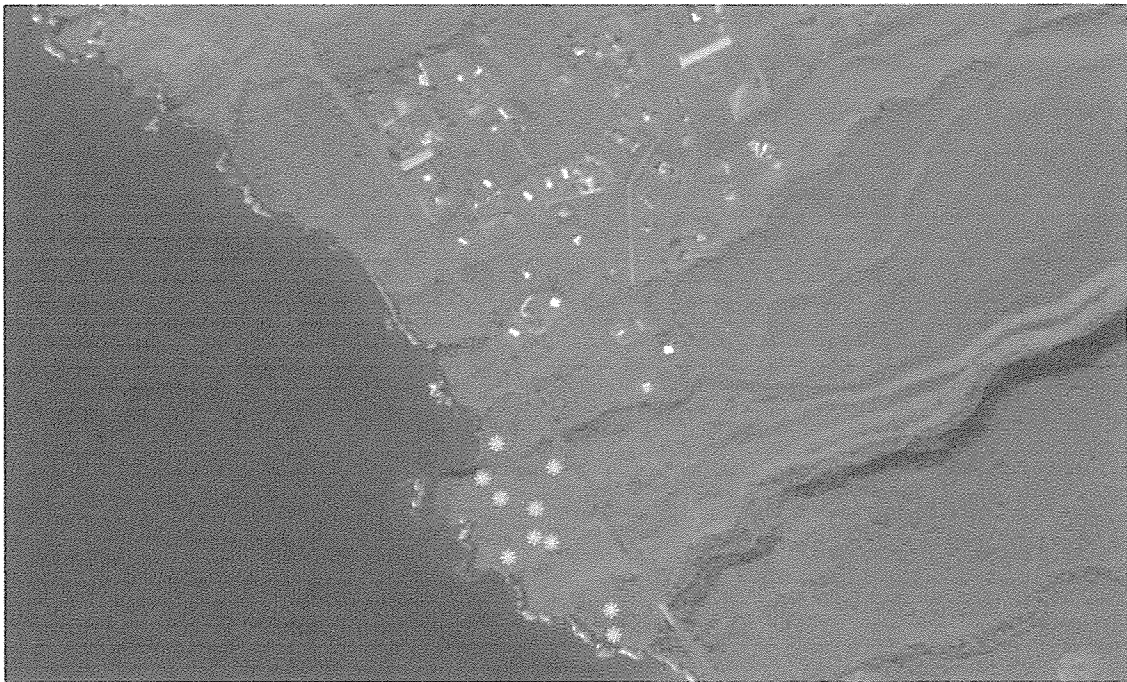
Enclosures



Midden



Walls



Platforms

Management/ Recommendation of Treatment

In result of the surface survey I found ideas that might help the Kailapa community with their decision making with the jogging/walking trail, and or sedimentation ponds, revitalize native Hawaiian plants, and better manage cultural sites and resources.

First, for the Jogging/ walking trail should go along the path of the jeep road. The road is a little rough, but it goes through out the whole property area from North to South. It would be easy to fix, so the road is able to run, walk, and have bikes or jogging strollers on safely. It would also be the cheapest way to fix, and maintain.

Second the sedimentation ponds, I think that the sedimentation ponds would not be able to go into any where in the project area without destroying cultural sites. I think the best areas would be where there are existing sedimentation happening. Also, If there are better ways to have sedimentation ponds that would better protect sites , then that would be a good idea. However, for a large sedimentation pond I don't thin it is possible.

Third revitalizing Native Hawaiian plants, the best plants that I found that grows well in this area is the wild Ilima. I think planting wild Ilima would be a good plant along the jogging/walking path. Also, Pohuehue, Makalapua, and Naupaka would also be good to plant. However, there are large and large amounts of Foxtail/ Fountain grass. This grass has large roots, so when it is pulled out it leaves a huge hole in the ground. Also, by pulling out the grass I also allows a chance to possible alter or destroy cultural sites.

Fourth better managing the cultural sites, because I did not find any that had knowledge about these cultural sites. I think that it would be hard to understand what we are managing. I have went and talked to Uncle Manny Vincen, and said he only knows of the area up to the lighthouse. Also, Aunty Naomi La'au knew of Kawaihae 2 and the only part of Kawaihae 1 is again up to the lighthouse. With that being said, I think I have to spend more time finding information of the project area, because most of the information pertains to Kawaihae 2 or the Industrial area of Kawaihae. If the Kailapa community members would want to restore sites, or protect them from people collecting rocks to build rock walls, I would say restore the sites that are necessary, such as enclosure, walls, and c-shapes. Also, having the community aware

about people stealing the rocks from cultural sites. Having information about the area, and explaining what these sites could be. Therefore, the large community would want to better protect the area. Besides restoring, I think that this area gives the community an opportunity to have a clean up day, and work together. Then latter, have a tape and compass and or plain table mapping done, so that the community can gain an archaeological understanding of what happened here.

This area is very special to the Kailapa community, and think that they can as community make things change to better serve them. Such as, getting more community involvement, because the do have the community and the land base. From the historical background I found Kawaihae seams that it was a very spiritual and peaceful place, for a lot of the *ali'i* spent time in Kawaihae to think. I lead me to believe that there is something more of an importance other then the cultural sites I seen that happened here. I feel that the land and ocean is what makes this area so special, but without the voices of the community being heard, and without the community working into one common goal then it would be hard to have a proper manage that would be appropriate for this area.

Conclusion

This was a wonderful learning experience for me. I still plan to help the Kailapa community with more interview sessions with aunty Anny Akau, and others. I also want to make an interactive adobe GIS maps. All in all this was great opportunity for me to help out a community, and have outreach days in the field. Some of the community members, Nā Ala Kahakai NPS, and Anthropology club Kuikapiko went out into the project area, and helped with the survey. This project allowed the student at UH Hilo and the community members of Kailapa to gain knowledge of surveying, and identifying cultural sites. The community provided lunch and dinner for everyone. As, a student my self this was a very awarding experiences. I feel very honored and privilege to have helped the community of Kailapa. I'm still going to continue my help with the community and

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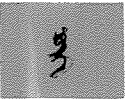
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Public Access on Beaches and Shorelines

- The public has a right of access to and along all beaches and shorelines in the State situated below the "upper reaches of the wash of the waves." HRS Secs. 115-4 & 115-5.
- Generally, the Counties have the primary authority and duty to develop and maintain public access to and along the shorelines. HRS Secs. 46-6.5, 115-5 & 115-7.
- The State's primary role in the shoreline area is to preserve and protect coastal resources within the conservation district and support public access along and below the shoreline. HRS Chap. 205A.
- In limited circumstances, the State, under its Na Ala Hele Program, is responsible for management and maintenance of public rights-of-way that are part of the Na Ala Hele trail system of "ancient trails" that are identified and established public trails with documented historical use and significance. Unlike other public rights-of ways that may exist by virtue of an easement, the Na Ala Hele trails are owned by the State and may lead to and from the shoreline and also provide lateral access along shorelines. HRS Sec. 264-1.
- An inventory of public rights-of-ways should be available at the respective County planning offices and a list of Na Ala Hele trails are available at DLNR's Na Ala Hele Division.
- Members of the public seeking the establishment or enforcement of public beach access should seek the assistance of the appropriate County agencies tasked with that responsibility.
- The State, and DLNR in particular, has been eagerly supportive of County efforts to establish and maintain public access.
- If private homeowners are obstructing existing public rights-of-way to the shoreline, HRS Sec. 115-9 provides a remedy and up to a \$2000 penalty for that kind of situation.

§115-2 Acquisition of lands for public rights-of-way and public transit corridors. When the provisions of section 46-6.5 are not applicable, the various counties shall purchase land for public rights of-way to the shorelines, the sea, and inland recreational areas, and for public transit corridors where topography is such that safe transit does not exist. [L 1974, c 244, §2; am L 1977, c 164, §4]

[§115-3] Criteria for public rights-of-way. A distance at reasonable intervals taking into consideration the topography and physical characteristics of the land the public is desirous of reaching is established as the maximum between public rights-of-way for the purposes of this chapter. [L 1974, c 244, §3]

§115-4 Right of transit along shorelines. The right of access to Hawaii's shorelines includes the right of transit along the shorelines. [L 1974, c 244, §4; am L 1991, c 37, §2]

[§115-5] Transit area and public transit corridor defined. The right of transit along the shoreline exists below the private property line which is defined as being along the upper reaches of the wash of waves, usually evidenced by the edge of vegetation or by the debris left by the wash of waves. However,

in areas of cliffs or areas where the nature of the topography is such that there is no reasonably safe transit for the public along the shoreline below the private property lines, the counties by condemnation shall establish along the makai boundaries of the property lines public transit corridors which shall be not less than six feet wide. [L 1974, c 244, §5]

[§115-7] State and county co-sponsorship of programs. The department of land and natural resources shall enter into agreements with the council of any county providing for the acquisition of public rights of-way and public transit corridors pursuant to this chapter; provided that the county shall match the funds which have been appropriated by the legislature. The development and maintenance of the rights-of-way and public transit corridors shall be the responsibility of the county. [L 1974, c 244, §7]

[§115-9] Obstructing access to public property; penalty. (a) A person commits the offense of obstructing access to public property if the person, by action or by having installed a physical impediment, intentionally prevents a member of the public from traversing:

- (1) A public right-of-way;
- (2) A transit area; or
- (3) A public transit corridor;

and thereby obstructs access to the sea, the shoreline, or any inland public recreational area.

(b) Physical impediments that may prevent traversing include but are not limited to the following:

- (1) Gates;
- (2) Fences;
- (3) Walls;
- (4) Constructed barriers;
- (5) Rubbish;
- (6) Security guards; and
- (7) Guard dogs or animals.

(c) Obstructing access to public property is a misdemeanor.

(d) Minimum fines for violation under this section shall be as follows:

- (1) \$1,000 for a second conviction; and
- (2) \$2,000 for any conviction after a second conviction.

(e) As used in this section:

"Person" means a natural person or a legal entity.

"Public recreational area" means public lands or bodies of water opened to the public for recreational use.

[L 2004, c 169, §2]

[§46-6.5] Public access. (a) Each county shall adopt ordinances which shall require a subdivider or developer, as a condition precedent to final approval of a subdivision, in cases where public access is not already provided, to dedicate land for public access by right-of-way or easement for pedestrian travel from a public highway or public streets to the land below the high-water mark on any coastal shoreline, and to dedicate land for public access by right of way from a public highway to areas in the mountains where there are existing facilities for hiking, hunting, fruit-picking, ti-leaf sliding, and other recreational purposes, and where there are existing mountain trails.

(b) These ordinances shall be adopted within one year of May 22, 1973.

(c) Upon the dedication of land for a right-of-way, as required by this section and acceptance by the county, the county concerned shall thereafter assume the cost of improvements for and the maintenance of the right-of-way, and the subdivider shall accordingly be relieved from such costs.

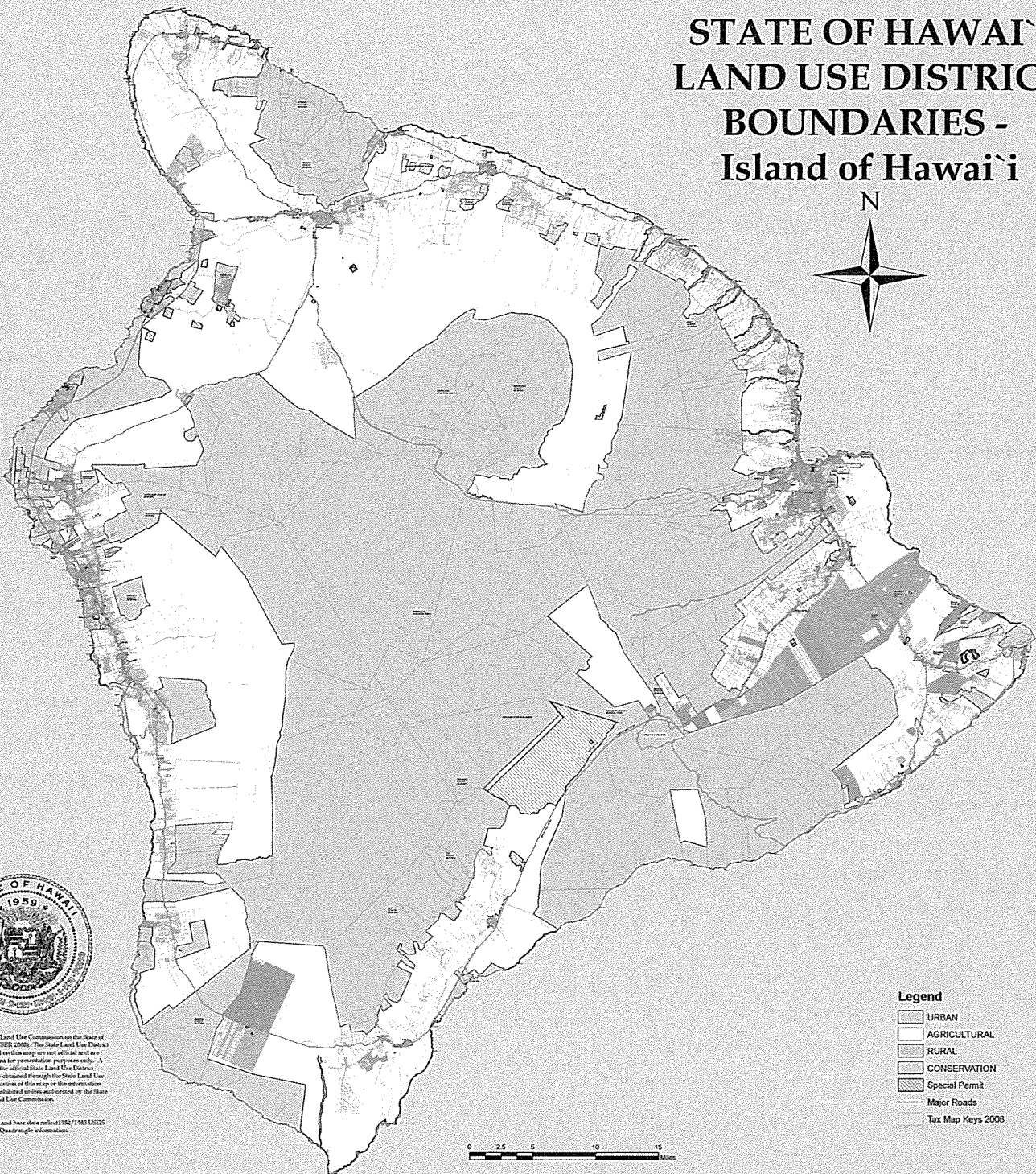
(d) For the purposes of this section, "subdivision" means any land which is divided or is proposed to be divided for the purpose of disposition into six or more lots, parcels, units, or interests and also includes any land whether contiguous or not, if six or more lots are offered as part of a common promotional plan of advertising and sale.

(e) The right-of-way shall be clearly designated on the final map of the subdivision or

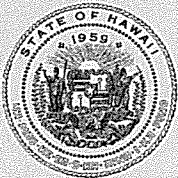
development.

(f) This section shall apply to the plan of any subdivision or development which has not been approved by the respective counties prior to July 1, 1973. [L 1973, c 143, §2]

STATE OF HAWAII
LAND USE DISTRICT
BOUNDARIES -
Island of Hawai'i



- Legend**
- URBAN
 - AGRICULTURAL
 - RURAL
 - CONSERVATION
 - Special Permit
 - Major Roads
 - Tax Map Keys 2008

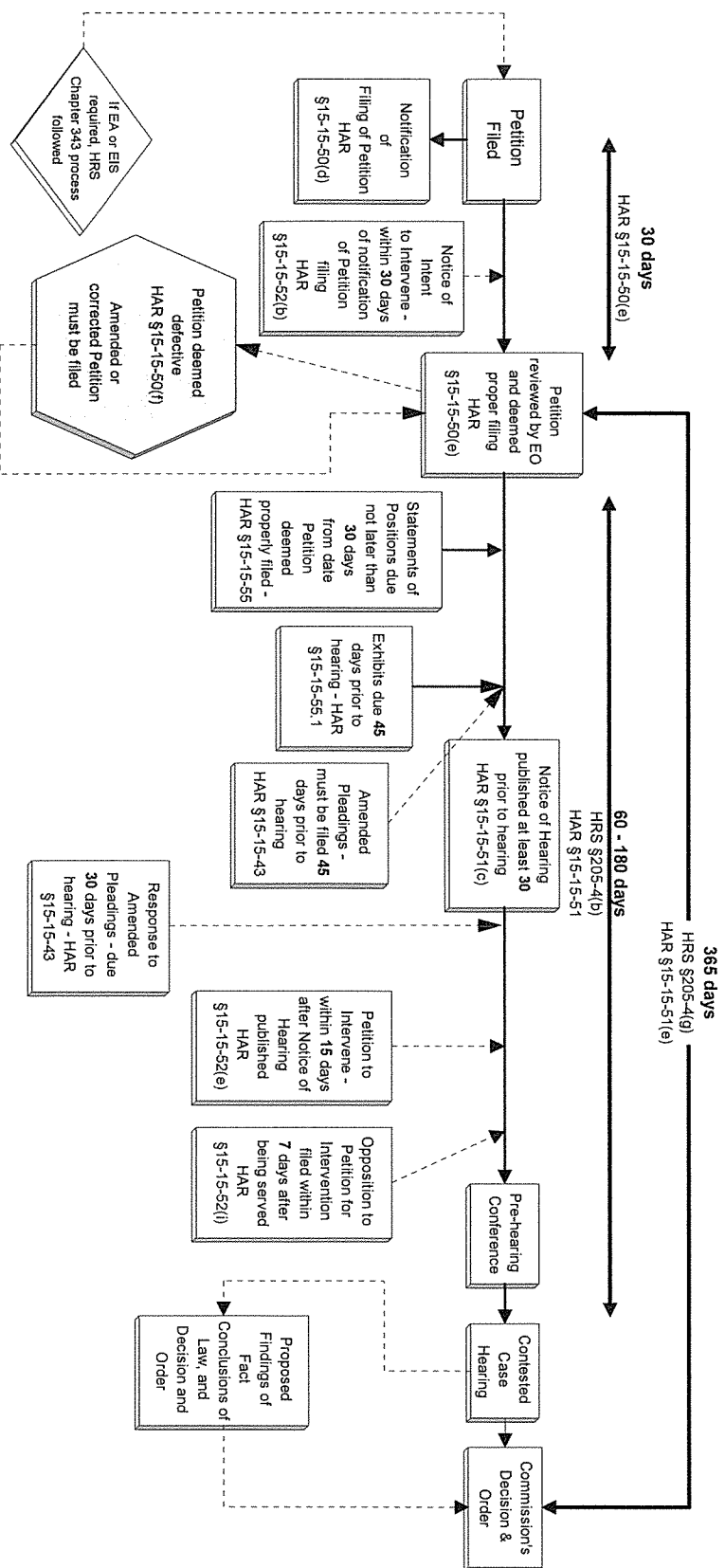


Prepared by the State Land Use Commission on the State of Hawaii's GIS (PUCV 10/02/08). The State Land Use District boundaries depicted on this map are not official and are merely representations for presentation purposes only. A determination of the official State Land Use District boundaries should be obtained through the State Land Use Commission. Duplication of this map or the information contained within, is prohibited unless authorized by the State Land Use Commission.

Note: The coastline and base data reflect 1982/1983 USGS Quadangle information.



Overview of District Boundary Amendment Process



**HAWAII REVISED STATUTES
CHAPTER 183C
CONSERVATION DISTRICT**

Updated as of April 2008

(UNOFFICIAL)

Section

- 183C-1 Findings and purpose
- 183C-2 Definitions
- 183C-3 Powers and duties of the board and department
- 183C-4 Zoning; amendments
- 183C-5 Nonconforming uses
- 183C-6 Permits and site plan approvals
- 183C-7 Penalty for violation
- 183C-8 Zoning order; appeal to circuit court

Note

‘Aha moku system (expires June 30, 2009). L 2007, c 212.

Attorney General Opinions

New administrative rules superseded old rules as to all matters except permit applications that were filed before July 1, 1994, when statutory authority for old rules was repealed. Att. Gen. Op. 97-4.

§183C-1 Findings and purpose. The legislature finds that lands within the state land use conservation district contain important natural resources essential to the preservation of the State's fragile natural ecosystems and the sustainability of the State's water supply. It is therefore, the intent of the legislature to conserve, protect, and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare. [L 1994, c 270, pt of §1]

§183C-2 Definitions. As used in this chapter unless the context otherwise requires:

"Board" means the board of land and natural resources.

"Chairperson" means the chairperson of the board of land and natural resources.

"Conservation district" means those lands within the various counties of the State bounded by the conservation district line, as established under provisions of Act 187, Session Laws of Hawaii 1961, and Act 205, Session Laws of Hawaii 1963, or future amendments thereto.

"Department" means the department of land and natural resources.

"Kuleana" means those lands granted to native tenants pursuant to L. 1850, p. 202 entitled "An Act Confirming Certain Resolutions of the King and Privy Council, Passed on the 21st Day of December, A.D. 1849, Granting to the Common People Allodial Titles for Their Own Lands and House Lots, and Certain Other Privileges," as originally enacted and as amended.

"Land" means all real property, fast or submerged, and all interests therein, including fauna, flora, minerals, and all such natural resources, unless otherwise expressly provided.

"Landowner" means an owner of land or any estate or interest in that land.

"Land use" means:

- (1) The placement or erection of any solid material on land;
- (2) The grading, removing, harvesting, dredging, mining, or extraction of any material or natural resource on land;
- (3) The subdivision of land; or
- (4) The construction, reconstruction, demolition, or alteration of any structure, building, or facility on land.

"Nonconforming" use means the lawful use of any building, premises or land for any trade, industry, residence or other purposes which is the same as and no greater than that established prior to October 1, 1964, or prior to the inclusion of the building, premises, or land within the conservation district. [L 1994, c 270, pt of §1]

§183C-3 Powers and duties of the board and department. The board and department shall:

- (1) Maintain an accurate inventory of lands classified within the state conservation district by the state land use commission, pursuant to chapter 205;
- (2) Identify and appropriately zone those lands classified within the conservation district;
- (3) Adopt rules, in compliance with chapter 91 which shall have the force and effect of law;
- (4) Set, charge, and collect reasonable fees in an amount sufficient to defray the cost of processing applications for zoning, use, and subdivision of conservation lands;
- (5) Establish categories of uses or activities on conservation lands, including allowable uses or activities for which no permit shall be required;
- (6) Establish restrictions, requirements, and conditions consistent with the standards set forth in this chapter on the use of conservation lands; and
- (7) Establish and enforce land use regulations on conservation district lands including the collection of fines for violations of land use and terms and conditions of permits issued by the department. [L 1994, c 270, pt of §1];

Case Notes

Section 13-5-23(L-6), Hawaii Administrative Rules, allowing for construction of single family residences within floodplains and coastal high hazard areas when granted permit approval from the board of land and natural resources, was not facially unconstitutional under the equal protection clause of the Fourteenth Amendment to the U.S. Constitution because it was rationally related to the State's legitimate interests. 438 F. Supp. 2d 1186.

§183C-4 Zoning; amendments. (a) The department, after notice and hearing as provided in this section, shall review and redefine the boundaries of the zones within the conservation district.

(b) The department shall adopt rules governing the use of land within the boundaries of the conservation district that are consistent with the conservation of necessary forest growth, the conservation and development of land and natural resources adequate for present and future needs, and the conservation and preservation of open space areas for public use and enjoyment. No use except a nonconforming use as defined in section 183C-5, shall be made within the conservation district unless the use is in accordance with a zoning rule.

(c) The department may allow a temporary variance from zoned use where good cause is shown and where the proposed temporary variance is for a use determined by the department to be in accordance with good conservation practices.

(d) The department shall establish zones within the conservation district, which shall be restricted to certain uses. The department, by rules, may specify the land uses permitted therein which may include, but are not limited to, farming, flower gardening, operation of nurseries or orchards, growth of commercial timber, grazing, recreational or hunting pursuits, or residential use. The rules may control the extent, manner, and times of the uses, and may specifically prohibit unlimited cutting of forest growth, soil mining, or other activities detrimental to good conservation practices.

(e) Whenever any landowner or government agency whose property will be directly affected makes an application to change the boundaries or land uses of any zone, or to establish a zone with certain land uses, or where the department proposes to make the change or changes itself, the change or changes shall be put in the form of a proposed rule by the applicant and the department shall then give public notice thereof during three successive weeks statewide and in the county in which the property is located. The notice shall be given not less than thirty days prior to the date set for the hearing, and shall state the time and place of the hearing and the changes proposed. Any proposed rules and the necessary maps shall be made available for inspection by interested members of the public. The hearing shall be held in the county in which the land is located and may be delegated to an agent or representative of the board as may otherwise be provided by law and in accordance with rules adopted by the board. For the purpose of its public hearing or hearings, the board may summon witnesses, administer oaths, and require the giving of testimony. [L 1994, c 270, pt of §1; am L 1998, c 2, §49]

§183C-5 Nonconforming uses. (a) Neither this chapter nor any rules adopted hereunder shall prohibit the continuance of the lawful use of any building, premises, or land for any trade, industrial, residential, or other purpose for which the building, premises, or land was

used on October 1, 1964, or at the time any rule adopted under authority of this part takes effect. All such existing uses shall be nonconforming uses. Any land identified as a kuleana may be put to those uses which were historically, customarily, and actually found on the particular lot including, if applicable, the construction of a single family residence. Any structures may be subject to conditions to ensure they are consistent with the surrounding environment. [L 1994, c 270, pt of §1]

§183C-6 Permits and site plan approvals. (a) The department shall regulate land use in the conservation district by the issuance of permits.

(b) The department shall render a decision on a completed application for a permit within one-hundred-eighty days of its acceptance by the department. If within one-hundred-eighty days after acceptance of a completed application for a permit, the department shall fail to give notice, hold a hearing, and render a decision, the owner may automatically put the owner's land to the use or uses requested in the owner's application. When an environmental impact statement is required pursuant to chapter 343, or when a contested case hearing is requested pursuant to chapter 91, the one-hundred-eighty days may be extended an additional ninety days at the request of the applicant. Any request for additional extensions shall be subject to the approval of the board.

(c) The department shall hold a public hearing in every case involving the proposed use of land for commercial purposes, at which hearing interested persons shall be afforded a reasonable opportunity to be heard. Public notice of the time and place of the hearing shall be given at least once statewide and in the county in which the property is located. The notice shall be given not less than twenty days prior to the date set for the hearing. The hearing shall be held in the county in which the land is located and may be delegated to an agent or representative of the board as may otherwise be provided by law and in accordance with rules adopted by the board. For the purposes of its public hearing or hearings, the department shall have the power to summon witnesses, administer oaths, and require the giving of testimony. As used in this subsection, the term "commercial purposes" shall not include the use of land for utility purposes.

(d) The department shall regulate the construction, reconstruction, demolition, or alteration of any structure, building, or facility by the issuance of site plan approvals.

(e) Any permit for the reconstruction, restoration, repair, or use of any Hawaiian fishpond exempted from the requirements of chapter 343 under section 183B-2 shall provide for compliance with the conditions of section 183B-2. [L 1994, c 270, pt of §1; am L 1995, c 177, §4; am L 1998, c 2, §50]

Case Notes

Decisions under prior law (§183-41).

Where a majority of the board (pre-2001 amendment to §171-5) did not affirmatively approve or disapprove of electric company's application to modernize and expand electric generating station on conservation land within the time established, the board failed to render a "decision" so as to avoid the 180-day default mechanism of §183-41; thus, electric company was allowed to subject land to the use applied for. 102 H. 257, 75 P.3d 160.

§183C-7 Penalty for violation. (a) The department shall prescribe administrative procedures as it deems necessary for the enforcement of this chapter and any zoning rule adopted in accordance therewith. These rules may be enforced by court order at the suit of the department or of the owner or owners of real estate directly affected by the rules. The provisions of section 607-25 shall apply to this chapter.

(b) Any person violating this chapter or any rule adopted in accordance with this chapter shall be fined not more than \$2,000 per violation in addition to administrative costs and costs associated with land or habitat restoration, or both, if required, and damages to state land. After written or verbal notification from the department, wilful violation of this section may incur an additional fine of up to \$2,000 per day per violation for each day in which the violation persists. [L 1994, c 270, pt of §1; am L 2003, c 16, §1]

§183C-8 Zoning order; appeal to circuit court. Any final order of the department based upon this [chapter] may be appealed to the circuit court of the circuit in which the land in question is found. The appeal shall be in accord with chapter 91 and the Hawaii rules of civil procedure. [L 1994, c 270, pt of §1]

Rules of Court

Appeal to circuit court, see HRCP rule 72.

**HAWAII REVISED STATUTES
CHAPTER 343
ENVIRONMENTAL IMPACT STATEMENTS**

Updated as of January 2008

(UNOFFICIAL)

Section

343-1	Findings and purpose
343-2	Definitions
343-3	Public records and notice
343-4	Repealed
343-5	Applicability and requirements
343-6	Rules
343-6.5	Waiahole water system; exemption
343-7	Limitation of actions
343-8	Severability

Note

Comprehensive review of the environmental impact statement process (report to legislature 2008). L 2006, c 294.

Law Journals and Reviews

A Suggested Framework for Judicial Review of Challenges to the Adequacy of an Environmental Impact Statement Prepared under the Hawaii Environmental Policy Act. 18 UH L. Rev. 719.

Case Notes

Environmental impact statement addressed all statutory requirements of chapter, was compiled in good faith, and set forth sufficient information to enable decisionmaker to consider fully the environmental factors involved. 81 H. 171, 914 P.2d 1364.

Chapter does not conflict with Hawaiian homes commission act, has only incidental impact on Hawaiian home lands, and is not inconsistent with interests of the beneficiaries; thus, chapter applies to Hawaiian home lands. 87 H. 91, 952 P.2d 379.

HHCA §204 not violated by application of this chapter. 87 H. 91, 952 P.2d 379.

Where lease was executed in contravention of this chapter, power plant developers were not “existing Hawaiian homes commission act lessees”; trial court's decision that the lease was void did not deprive developers of any interest they were entitled to under the law. 106 H. 270, 103 P.3d 939.

§343-1 Findings and purpose. The legislature finds that the quality of humanity's environment is critical to humanity's well being, that humanity's activities have broad and profound effects upon the interrelations of all components of the environment, and that an environmental review process will integrate the review of environmental concerns with existing planning processes of the State and counties and alert decision makers to significant environmental effects which may result from the implementation of certain actions. The legislature further finds that the process of reviewing environmental effects is desirable because environmental consciousness is enhanced, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole.

It is the purpose of this chapter 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. [L 1979, c 197, §1(1); am L 1983, c 140, §4]

§343-2 Definitions. As used in this chapter unless the context otherwise requires:

"Acceptance" means a formal determination that the document required to be filed pursuant to section 343-5 fulfills the definition of an environmental impact statement, adequately describes identifiable environmental impacts, and satisfactorily responds to comments received during the review of the statement.

"Action" means any program or project to be initiated by any agency or applicant.

"Agency" means any department, office, board, or commission of the state or county government which is a part of the executive branch of that government.

"Applicant" means any person who, pursuant to statute, ordinance, or rule, officially requests approval for a proposed action.

"Approval" means a discretionary consent required from an agency prior to actual implementation of an action.

"Council" means the environmental council.

"Discretionary consent" means a consent, sanction, or recommendation from an agency for which judgment and free will may be exercised by the issuing agency, as distinguished from a ministerial consent.

"Environmental assessment" means a written evaluation to determine whether an action may have a significant effect.

"Environmental impact statement" or "statement" means an informational document prepared in compliance with the rules adopted under section 343-6 and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic welfare, social welfare, and cultural practices of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

The initial statement filed for public review shall be referred to as the draft statement and shall be distinguished from the final statement which is the document that has incorporated the public's comments and the responses to those comments. The final statement is the document that shall be evaluated for acceptability by the respective accepting authority.

“Finding of no significant impact” means a determination based on an environmental assessment that the subject action will not have a significant effect and, therefore, will not require the preparation of an environmental impact statement.

“Helicopter facility” means any area of land or water which is used, or intended for use for the landing or takeoff of helicopters; and any appurtenant areas which are used, or intended for use for helicopter related activities or rights-of-way.

“Office” means the office of environmental quality control.

“Person” includes any individual, partnership, firm, association, trust, estate, private corporation, or other legal entity other than an agency.

“Power-generating facility” means:

- (1) A new, fossil-fueled, electricity-generating facility, where the electrical output rating of the new equipment exceeds 5.0 megawatts; or
- (2) An expansion in generating capacity of an existing, fossil-fueled, electricity-generating facility, where the incremental electrical output rating of the new equipment exceeds 5.0 megawatts.

“Significant effect” means the sum of effects on the quality of the environment, including actions that irrevocably commit a natural resource, curtail the range of beneficial uses of the environment, are contrary to the State's environmental policies or long-term environmental goals as established by law, or adversely affect the economic welfare, social welfare, or cultural practices of the community and State.

“Wastewater treatment unit” means any plant or facility used in the treatment of wastewater. [L 1974, c 246, pt of §1; am and ren L 1979, c 197, §1(2); am L 1983, c 140, §5; am L 1986, c 186, §1; am L 1987, c 187, §1 and c 325, §2; am L 1996, c 61, §1; am L 2000, c 50, §2; am L 2004, c 55, §2; am L 2005, c 130, §2]

Attorney General Opinions

“Action” includes a subdivision proposal. Att. Gen. Op. 75-14.

“Action” includes issuance of building permits. Att. Gen. Op. 75-15.

Case Notes

Sufficiency of an environmental impact statement is a question of law. 81 H. 171, 914 P.2d 1364.

The proper inquiry for determining the necessity of an environmental impact statement (EIS) based on the language of §343-5(c) is whether the proposed action will “likely” have a significant effect on the environment; as defined in this section, “significant effect” includes irrevocable commitment of natural resources; where the burning of thousands of gallons of fuel and the withdrawal of millions of gallons of groundwater on a daily basis would “likely” cause such irrevocable commitment, an EIS was required pursuant to both the common meaning of “may” and the statutory definition of “significant effect”. 106 H. 270, 103 P.3d 939.

§343-3 Public records and notice. (a) All statements, environmental assessments, and other documents prepared under this chapter shall be made available for inspection by the public during established office hours.

(b) The office shall inform the public of notices filed by agencies of the availability of environmental assessments for review and comments, of determinations that statements are required or not required, of the availability of statements for review and comments, and of the acceptance or nonacceptance of statements.

(c) The office shall inform the public of:

- (1) A public comment process or public hearing if a federal agency provides for the public comment process or public hearing to process a habitat conservation plan, safe harbor agreement, or incidental take license pursuant to the federal Endangered Species Act;
- (2) A proposed habitat conservation plan or proposed safe harbor agreement, and availability for inspection of the proposed agreement, plan, and application to enter into a planning process for the preparation and implementation of the habitat conservation plan for public review and comment;
- (3) A proposed incidental take license as part of a habitat conservation plan or safe harbor agreement; and
- (4) An application for the registration of land by accretion pursuant to section 501-33 or 669-1(e) for any land accreted along the ocean.

(d) The office shall inform the public by the publication of a periodic bulletin to be available to persons requesting this information. The bulletin shall be available through the office and public libraries. [L 1974, c 246, pt of §1; ren L 1979, c 197, §1(3); am L 1983, c 140, §6; am L 1992, c 241, §1; am L 1997, c 380, §8; am L 1998, c 237, §7; am L 2003, c 73, §3]

§343-4 REPEALED. L 1983, c 140, §7.

§343-5 Applicability and requirements. (a) Except as otherwise provided, an environmental assessment shall be required for actions that:

- (1) Propose the use of state or county lands or the use of state or county funds, other than funds to be used for feasibility or planning studies for possible future programs or projects that the agency has not approved, adopted, or funded, or funds to be used for the acquisition of unimproved real property; provided that the agency shall consider environmental factors and available alternatives in its feasibility or planning studies; provided further that an environmental assessment for proposed uses under section [205-2(d)(10)] or [205-4.5(a)(13)] shall only be required pursuant to section 205-5(b);
- (2) Propose any use within any land classified as a conservation district by the state land use commission under chapter 205;
- (3) Propose any use within a shoreline area as defined in section 205A-41;
- (4) Propose any use within any historic site as designated in the National Register or Hawaii Register, as provided for in the Historic Preservation Act of 1966, Public Law 89-665, or chapter 6E;

- (5) Propose any use within the Waikiki area of Oahu, the boundaries of which are delineated in the land use ordinance as amended, establishing the "Waikiki Special District";
- (6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plan initiated by a county;
- (7) Propose any reclassification of any land classified as a conservation district by the state land use commission under chapter 205;
- (8) Propose the construction of new or the expansion or modification of existing helicopter facilities within the State, that by way of their activities, may affect:
 - (A) Any land classified as a conservation district by the state land use commission under chapter 205;
 - (B) A shoreline area as defined in section 205A-41; or
 - (C) Any historic site as designated in the National Register or Hawaii Register, as provided for in the Historic Preservation Act of 1966, Public Law 89-665, or chapter 6E; or until the statewide historic places inventory is completed, any historic site that is found by a field reconnaissance of the area affected by the helicopter facility and is under consideration for placement on the National Register or the Hawaii Register of Historic Places; and
- (9) Propose any:
 - (A) Wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent;
 - (B) Waste-to-energy facility;
 - (C) Landfill;
 - (D) Oil refinery; or
 - (E) Power-generating facility.

(b) Whenever an agency proposes an action in subsection (a), other than feasibility or planning studies for possible future programs or projects that the agency has not approved, adopted, or funded, or other than the use of state or county funds for the acquisition of unimproved real property that is not a specific type of action declared exempt under section 343-6, the agency shall prepare an environmental assessment for such action at the earliest practicable time to determine whether an environmental impact statement shall be required.

- (1) For environmental assessments for which a finding of no significant impact is anticipated:
 - (A) A draft environmental assessment shall be made available for public review and comment for a period of thirty days;

- (B) The office shall inform the public of the availability of the draft environmental assessment for public review and comment pursuant to section 343-3;
- (C) The agency shall respond in writing to comments received during the review and prepare a final environmental assessment to determine whether an environmental impact statement shall be required;
- (D) A statement shall be required if the agency finds that the proposed action may have a significant effect on the environment; and
- (E) The agency shall file notice of such determination with the office. When a conflict of interest may exist because the proposing agency and the agency making the determination are the same, the office may review the agency's determination, consult the agency, and advise the agency of potential conflicts, to comply with this section. The office shall publish the final determination for the public's information pursuant to section 343-3.

The draft and final statements, if required, shall be prepared by the agency and submitted to the office. The draft statement shall be made available for public review and comment through the office for a period of forty-five days. The office shall inform the public of the availability of the draft statement for public review and comment pursuant to section 343-3. The agency shall respond in writing to comments received during the review and prepare a final statement.

The office, when requested by the agency, may make a recommendation as to the acceptability of the final statement.

- (2) The final authority to accept a final statement shall rest with:
 - (A) The governor, or the governor's authorized representative, whenever an action proposes the use of state lands or the use of state funds, or whenever a state agency proposes an action within the categories in subsection (a); or
 - (B) The mayor, or the mayor's authorized representative, of the respective county whenever an action proposes only the use of county lands or county funds.

Acceptance of a required final statement shall be a condition precedent to implementation of the proposed action. Upon acceptance or nonacceptance of the final statement, the governor or mayor, or the governor's or mayor's authorized representative, shall file notice of such determination with the office. The office, in turn, shall publish the determination of acceptance or nonacceptance pursuant to section 343-3.

(c) Whenever an applicant proposes an action specified by subsection (a) that requires approval of an agency and that is not a specific type of action declared exempt under section 343-6, the agency initially receiving and agreeing to process the request for approval shall prepare an environmental assessment of the proposed action at the earliest practicable time to determine whether an environmental impact statement shall be required. The final approving agency for the request for approval is not required to be the accepting authority.

For environmental assessments for which a finding of no significant impact is anticipated:

- (1) A draft environmental assessment shall be made available for public review and comment for a period of thirty days;
- (2) The office shall inform the public of the availability of the draft environmental assessment for public review and comment pursuant to section 343-3;
- (3) The applicant shall respond in writing to comments received during the review, and the agency shall prepare a final environmental assessment to determine whether an environmental impact statement shall be required. A statement shall be required if the agency finds that the proposed action may have a significant effect on the environment.

The agency shall file notice of the agency's determination with the office, which, in turn, shall publish the agency's determination for the public's information pursuant to section 343-3.

The draft and final statements, if required, shall be prepared by the applicant, who shall file these statements with the office.

The draft statement shall be made available for public review and comment through the office for a period of forty-five days. The office shall inform the public of the availability of the draft statement for public review and comment pursuant to section 343-3.

The applicant shall respond in writing to comments received during the review and prepare a final statement. The office, when requested by the applicant or agency, may make a recommendation as to the acceptability of the final statement.

The authority to accept a final statement shall rest with the agency initially receiving and agreeing to process the request for approval. The final decision-making body or approving agency for the request for approval is not required to be the accepting authority. The planning department for the county in which the proposed action will occur shall be a permissible accepting authority for the final statement.

Acceptance of a required final statement shall be a condition precedent to approval of the request and commencement of the proposed action. Upon acceptance or nonacceptance of the final statement, the agency shall file notice of such determination with the office. The office, in turn, shall publish the determination of acceptance or nonacceptance of the final statement pursuant to section 343-3.

The agency receiving the request, within thirty days of receipt of the final statement, shall notify the applicant and the office of the acceptance or nonacceptance of the final statement. The final statement shall be deemed to be accepted if the agency fails to accept or not accept the final statement within thirty days after receipt of the final statement; provided that the thirty-day period may be extended at the request of the applicant for a period not to exceed fifteen days.

In any acceptance or nonacceptance, the agency shall provide the applicant with the specific findings and reasons for its determination. An applicant, within sixty days after nonacceptance of a final statement by an agency, may appeal the nonacceptance to the environmental council, which, within thirty days of receipt of the appeal, shall notify the applicant of the council's determination. In any affirmation or reversal of an appealed

nonacceptance, the council shall provide the applicant and agency with specific findings and reasons for its determination. The agency shall abide by the council's decision.

(d) Whenever an applicant simultaneously requests approval for a proposed action from two or more agencies and there is a question as to which agency has the responsibility of preparing the environmental assessment, the office, after consultation with the agencies involved, shall determine which agency shall prepare the assessment.

(e) In preparing an environmental assessment, an agency may consider and, where applicable and appropriate, incorporate by reference, in whole or in part, previous determinations of whether a statement is required and previously accepted statements. The council, by rule, shall establish criteria and procedures for the use of previous determinations and statements.

(f) Whenever an action is subject to both the National Environmental Policy Act of 1969 (Public Law 91-190) and the requirements of this chapter, the office and agencies shall cooperate with federal agencies to the fullest extent possible to reduce duplication between federal and state requirements. Such cooperation, to the fullest extent possible, shall include joint environmental impact statements with concurrent public review and processing at both levels of government. Where federal law has environmental impact statement requirements in addition to but not in conflict with this chapter, the office and agencies shall cooperate in fulfilling these requirements so that one document shall comply with all applicable laws.

(g) A statement that is accepted with respect to a particular action shall satisfy the requirements of this chapter, and no other statement for the proposed action shall be required. [L 1974, c 246, pt of §1; am and ren L 1979, c 197, §1(5) and (6); am L 1980, c 22, §1; am L 1983, c 140, §8; gen ch 1985; am L 1987, c 187, §2, c 195, §1, c 283, §23, and c 325, §1; am L 1992, c 241, §2; am L 1996, c 61, §2; am L 2004, c 55, §3; am L 2005, c 130, §3; am L 2006, c 250, §4]

Attorney General Opinions

Amendments to county development plans; when environmental assessments required. Att. Gen. Op. 85-30.

Applicable to housing developed under chapter 359G. Att. Gen. Op. 86-13.

Case Notes

Law contemplates consideration of secondary and nonphysical aspects of proposal, including socio-economic consequences. 63 H. 453, 629 P.2d 1134.

Requirements not applicable to project pending when law took effect unless agency requested statement. 63 H. 453, 629 P.2d 1134.

Construction and use of home and underground utilities near Paiko Lagoon wildlife sanctuary. 64 H. 27, 636 P.2d 158.

Environmental assessment required before land use commission can reclassify conservation land to other uses. 65 H. 133, 648 P.2d 702.

Participation by plaintiffs at contested case hearing did not excuse preparation of environmental assessment. 86 H. 66, 947 P.2d 378.

For Hawaiian home lands, the department of Hawaiian home lands is the accepting authority for applicant proposals under subsection (c); because the governor is not involved, there is no conflict with Hawaiian homes commission act. 87 H. 91, 952 P.2d 379.

“State lands” in subsection (a)(1) includes Hawaiian home lands. 87 H. 91, 952 P.2d 379.

In order to achieve the salutary objectives of the Hawaii environmental policy act, and because developer's proposed underpasses had been, from the start, an integral part of the project, developer's proposed construction of two underpasses under highway constituted “use of state lands” within the meaning of subsection (a)(1). 91 H. 94, 979 P.2d 1120.

The proper inquiry for determining the necessity of an environmental impact statement (EIS) based on the language of subsection (c) is whether the proposed action will “likely” have a significant effect on the environment; as defined in §343-2, “significant effect” includes irrevocable commitment of natural resources; where the burning of thousands of gallons of fuel and the withdrawal of millions of gallons of groundwater on a daily basis would “likely” cause such irrevocable commitment, an EIS was required pursuant to both the common meaning of “may” and the statutory definition of “significant effect”. 106 H. 270, 103 P.3d 939.

Where department of Hawaiian home lands lease was executed in contravention of subsection (c) inasmuch as the condition precedent--acceptance of a required final environmental impact statement--was not satisfied, the lease was void. 106 H. 270, 103 P.3d 939.

Where all three elements under subsection (c) were present: (1) an applicant proposed an action specified by subsection (a), (2) the action required the approval of an agency, and (3) the action was not exempt under §343-6, the land use commission, as the agency that received the request for approval of the boundary amendment petition, was required by statute to prepare an environmental assessment of the proposed action at the earliest practical time. 109 H. 411, 126 P.3d 1098.

Hawaii Legal Reporter Citations

Decision on preparation of EIS. 79 HLR 790667.

§343-6 Rules. (a) After consultation with the affected agencies, the council shall adopt, amend, or repeal necessary rules for the purposes of this chapter in accordance with chapter 91 including, but not limited to, rules which shall:

- (1) Prescribe the contents of an environmental impact statement;
- (2) Prescribe the procedures whereby a group of proposed actions may be treated by a single statement;
- (3) Prescribe procedures for the preparation and contents of an environmental assessment;
- (4) Prescribe procedures for the submission, distribution, review, acceptance or nonacceptance, and withdrawal of a statement;
- (5) Prescribe procedures to appeal the nonacceptance of a statement to the environmental council;

- (6) Establish criteria to determine whether a statement is acceptable or not;
 - (7) Establish procedures whereby specific types of actions, because they will probably have minimal or no significant effects on the environment, are declared exempt from the preparation of an assessment;
 - (8) Prescribe procedures for informing the public of determinations that a statement is either required or not required, for informing the public of the availability of draft statements for review and comments, and for informing the public of the acceptance or nonacceptance of the final statement; and
 - (9) Prescribe the contents of an environmental assessment.
- (b) At least one public hearing shall be held in each county prior to the final adoption, amendment, or repeal of any rule. [L 1974, c 246, pt of §1; am and ren L 1979, c 197, §1(7); am L 1983, c 140, §9; am L 1986, c 186, §2; am L 1987, c 187, §3]

Case Notes

Project requiring completely new drainage system serving over 300 residences was qualitatively incompatible with both letter and intent of administrative rules implementing subsection (a)(7) which intended to exempt only very minor projects from requirements of this chapter. 86 H. 66, 947 P.2d 378.

Where all three elements under §343-5(c) were present: (1) an applicant proposed an action specified by §343-5(a), (2) the action required the approval of an agency, and (3) the action was not exempt under this section, the land use commission, as the agency that received the request for approval of the boundary amendment petition, was required by statute to prepare an environmental assessment of the proposed action at the earliest practical time. 109 H. 411, 126 P.3d 1098.

§343-6.5 Waiahole water system; exemption. The purchase of the assets of the Waiahole water system shall be specifically exempt from the requirements of chapter 343. [L 1998, c 111, §4]

§343-7 Limitation of actions. (a) Any judicial proceeding, the subject of which is the lack of assessment required under section 343-5, shall be initiated within one hundred twenty days of the agency's decision to carry out or approve the action, or, if a proposed action is undertaken without a formal determination by the agency that a statement is or is not required, a judicial proceeding shall be instituted within one hundred twenty days after the proposed action is started. The council or office, any agency responsible for approval of the action, or the applicant shall be adjudged an aggrieved party for the purposes of bringing judicial action under this subsection. Others, by court action, may be adjudged aggrieved.

(b) Any judicial proceeding, the subject of which is the determination that a statement is required for a proposed action, shall be initiated within sixty days after the public has been informed of such determination pursuant to section 343-3. Any judicial proceeding, the subject of which is the determination that a statement is not required for a proposed action, shall be initiated within thirty days after the public has been informed of such determination pursuant to section 343-3. The council or the applicant shall be adjudged an aggrieved party for the

purposes of bringing judicial action under this subsection. Others, by court action, may be adjudged aggrieved.

(c) Any judicial proceeding, the subject of which is the acceptance of an environmental impact statement required under section 343-5, shall be initiated within sixty days after the public has been informed pursuant to section 343-3 of the acceptance of such statement. The council shall be adjudged an aggrieved party for the purpose of bringing judicial action under this subsection. Affected agencies and persons who provided written comment to such statement during the designated review period shall be adjudged aggrieved parties for the purpose of bringing judicial action under this subsection; provided that the contestable issues shall be limited to issues identified and discussed in the written comment. [L 1974, c 246, pt of §1; am and ren L 1979, c 197, §1(8); am L 1983, c 140, §10; am L 1992, c 241, §3]

Case Notes

Plaintiff's claims that Hawai'i environmental policy act was violated were barred; plaintiff did not submit comment and filed suit more than sixty days after office of environmental quality control informed the public that the state final environmental impact statement had been accepted. 307 F. Supp. 2d 1149.

Court has no jurisdiction over actions initiated after time limit. 64 H. 126, 637 P.2d 776.

Date of commission's decision to grant SMA permit triggered time period for appeal, not date when commission made express determination that no environmental assessment was required for project; plaintiff's challenge to lack of environmental assessment thus timely. 86 H. 66, 947 P.2d 378.

Where the federal construct of a procedural right was not germane to case because this section, the statute at issue, establishes who and under what circumstances the lack of an environmental assessment, may be challenged, and federal cases recognizing this standard were inapposite because they rested on non-analogous statutes, petitioner could not be afforded so-called "procedural standing" under subsection (a). 100 H. 242, 59 P.3d 877.

Where Hawaiian homes commission did not accept the proposal for an environmental impact statement, the subject of the judicial proceeding before the trial court was not the "acceptance" of such statement; intervenors were not required to provide written comments pursuant to subsection (c) as subsection (c) did not apply; intervenor's objections, therefore, were subject to judicial review under subsection (b). 106 H. 270, 103 P.3d 939.

§343-8 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application; and to this end, the provisions of this chapter are declared to be severable. [L 1974, c 246, pt of §1; ren L 1979, c 197, §1(9)]

Chairman Nahale'a, members of the Commission, thank you for inviting me to appear before you today. I appreciate the opportunity to present my ideas for your consideration.

I am leasing pastoral lot #4 in Puukapu on the Big Island, TMK 6-4-4-13. My father was awarded the original lease when these lots were first offered in 1952. In 1982, I took over the lease. In 1983, I built a home here, and have lived here ever since. In 1987, under the Ohana program, I gave 15 acres to my sister, Carol Davis. She and her husband built a home on that parcel and have lived there ever since. My lot's current size is about 296 acres.

I am here today to request permission to install a limited number of wind turbines on my leased property. . The exact location and number of turbines would be dependent upon technical review feasibility studies currently under way. As of today, I am requesting installation of 2 turbines. The power produced would all be sold to HELCO. I would receive income based on a percentage of the price HELCO will pay for wind energy.

I believe there are several advantages to this arrangement:

1. **Wind turbines are proven technology that co-exist well with pastoral use.**
 - a. Each turbine occupies a small footprint. There are numerous installations across the U.S. where cattle ranching coexists with wind turbines. One such installation is the Upolu Wind farm here on the Big Island. The placement of wind turbines on a ranch lot does not prohibit pastoral use of the land. I will still be using my lease to raise livestock just as my father and I have done since 1952.
2. **It provides me with supplemental income as an Agriculture Enterprise**
 - a. In my opinion, the original intent of the Hawaiian Homes Act, to further rehabilitation of native Hawaiians, includes allowing thoughtful, responsible, innovative use of lease lands. I cannot see how my proposed use would adversely affect the Department, the land, the spirit of the Act, or any other person or group. When the Act was written many years ago, such synergistic use of the lands could never have been anticipated. Now is the time to innovate ways and explore policy on how lands might be used to help native Hawaiians without harming the land or preventing its primary intended use.
3. **It may serve as a model that can be duplicated on other DHHL lease parcels.**
 - a. There are many DHHL ranch leases in this and other areas. If this idea proves fruitful, other lessees or the Department could pursue the same strategy.
4. **It is a clean renewable source of power that will help our island to reduce its dependence on fossil fuels and reduce its pollutants into the air for future generations.**
 - a. On January 31, 2008, Governor Lingle signed a Memorandum of Understanding with the U.S. Department of Energy for the Hawaii-DOE Clean Energy Initiative. The goal is to decrease energy demand and accelerate use of renewable, indigenous energy resources in Hawaii. For our island and the entire state to achieve this goal, we need to tap into all forms of renewable energy available to us. Wind is a primary source of renewable energy.

HHC Item No. J-5
Exhibit A
Date 8-15-11

5. The company I have been working with and their strategic partners have a proven track record of success in the renewable energy industry.

- a. Gen-X Energy Development, LLC, based in Hawaii, was founded by a team of individuals who have over thirty-five (35) years of combined professional experience in renewable energy development, installation, operation, maintenance and financing throughout the world. The Gen-X team was formed specifically to originate, install and oversee the continued operation and maintenance of wind, solar and micro-hydro renewable energy projects primarily in California and Hawaii. They are presently working on 4 wind projects on the Big Island and 2 on Maui.

6. My lease parcel is strategically located to take advantage of wind resources and proximity to the electric grid.

- a. Gen-X Energy Development, LLC, has done a preliminary study of the wind resources at my ranch. Although a complete on-site survey would be required to fully assess wind resources here, the early results are promising.
- b. Wind turbines require electric distribution lines in order to supply electricity to the grid. There are electric lines along two sides of my ranch.

7. Economic Benefit:

This project would create tax revenue for the state of Hawaii and construction job opportunities locally in an ailing job market.

8. Renewable Energy continues to grow because of many tax incentives in place.

These tax incentives will expire and we don't know what the incentives look like on the horizon. My goal is to obtain a conditional consent for my proposed use in order to preserve some financial incentives in place. The project may not be built this year, but a consent would allow the project to move forward into the contract process with the utility.

Thank you for your consideration.

Aloha,

Edgar Spencer

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING September 19, 2011, Kapolei, O`ahu.

ANNOUNCEMENTS Hawaiian Homes Commission is scheduled to meet with Office of
Hawaiian Affairs, Tuesday, September 20, 2011 at approximately
1:00 p.m. in Kapolei, O`ahu


ADJOURNMENT 4:30 P.M.

Respectfully submitted:



Albert "Alapaki" Nahale-a, Chairman
Hawaiian Homes Commission

Prepared by:



Elaine Searle
Secretary to the Commission

APPROVED BY:
The Hawaiian Homes Commission
At Its Regular Monthly Meeting Of
September 19, 2011



Albert "Alapaki" Nahale-a
Hawaiian Homes Commission