

**Hawaiian Homes Commission Meeting  
August 18, 2020**

**PUBLIC TESTIMONY ON  
AGENDIZED ITEMS**

- 1. Kauai Almeida**
- 2. Jojo Tanimoto**
- 3. Liko Wallace**
- 4. Blossom Feiteira**
- 5. James Kincaid**
- 6. Jade Smith – WCDC**
- 7. Jade Smith – Individual**
- 8. Kaipo MacDonald**
- 9. Val Monson**
- 10. DeGray Vanderbilt**
- 11. Shawndell Kamalani**
- 12. Paahana Kincaid**

Panaewa Hawaiian Home Lands Community Association (PHHLCA)  
132 Kaieie Place Hilo Hawaii 96720 Tele: (808) 938-3330

July 24, 2020

Chairman Aila and all Commission Members  
Department of Hawaiian Home Lands  
91-5420 Kapolei Pkwy  
Kapolei, Hawaii 96707

PHHLCA Homestead Association  
132 Kaieie Place  
Hilo, Hawaii 96720

Aloha,

On Tuesday, July 21, 2020 PHHLCA held a Special Meeting ( per PHHLCA Bylaws )requested by 10 General Members to solidify the results of the PHHLCA elections of December 18, 2018.

Members who had a claim contrary to the election results were invited to give oral testimony or, due to COVID-19 concern, written testimony.

No contrary testimony was submitted and by unanimous vote it was agreed to support the results of the 12/18/18 PHHLCA elections and recognize Kaulani Almeida as the president of PHHLCA from the time of her election until the end of her term in December of 2021.

Mahalo to East Hawaii Commissioner Michael Kaleikini for being present as an observer.

The moratorium placed by the DHHL Commission should be removed immediately allowing our Panewa homestead community to thrive again in our efforts to resurrect the Kamoleao Health and Wellness Center in partnership with DHHL.

#2

Ms. Jojo Tanimoto  
P.O.Box 44337  
Kamuela, Hawaii 96740  
Phone: 808-895-5226  
Email: [Guavaland622@gmail.com](mailto:Guavaland622@gmail.com)

Hawaiian Homes Commission  
91-5420 Kapolei Parkway  
Kapolei, Hawaii. 96707

Item F-1, Renewable Energy Project-Kawaihae.  
Request to Gate and Fence off the Road to the Kailapa Water Tank  
Remove the gate above the Water Tank

Aloha

Thank you for the opportunity to bring to your attention, a long standing problem that My neighbors and now me, seek your assistance in resolving an important issue: No enforcement of TRESPASSING on the Roadway to our potable water resource. We believe a gate and fence will limit the access to only DHHL staff and the water company staff; and protect our water resource.

Apparently, this water tank was built in 1997. My brother had the lot below this tank. He passed and I succeeded him. He used to say there is a lot of people going up the road; but it is clearly marked "KAPU" DHHL. The problem I observe is enforcing this signage. No amount of complaints to the Kamuela office has resolved this issue, all this time.

Recently during COVID, it has become even more noisy-24/7, and in the dark. (No school). Seems there are a number of ATV's (off road vehicles) in this subdivision using this road for recreation. A lot of children-usually unescorted; challenge themselves on this steep and dangerous slope. The youngest I saw last week could barely reach the peddles, he had to shift his weight to reach the peddles.

There are people that trailer their ATV and dogs and guns. I have small dogs and a 1 ½ year old at home, next to this road. A few months back, a helicopter landed above my backyard, going around the pu'u and coming back. It was so loud, I called the FAA to remove this noisy chopper. I found out from the workers at Kohala Center that they were installing fencing for the ungulates and the Commission approved this action; but nobody told me or my neighbors. We would have objected to them using this road. I checked with my commissioner and found out the entry is not supposed to be from this road. Now, there is a gate with a few locks. My neighbors and I are wondering what considerations are made to resolve our issue. Further, does this ROE also stipulate no spraying of poison next to the water tank? I saw a spray tank in the truck. **Please remove this gate and move it elsewhere.**

#### (F-1) Renewable Energy in Kawaihae

There are a number of neighbors in my community that have no idea what this is. I have not seen an Environmental Report or any beneficiary consultation; and **I am requesting this consultation.** There are a lot of questions we would like to understand.

For example, Is this a lease or Right of Entry. Who acquired these three parcels? When does this Project begin and end? Where will it be located? Where are they getting their water needs? What happened to the Kawaihae Plan? What happened to the Bypass Road above the harbor? Get us out from the tsunami zone. The State Highways already did the survey and archaeological research. What about the animals that got fenced? Will there a Mauna Aina Program so the community can acquire food resources, or does this unknown entity get that for free?

**Please, do not let them enter the Water Tank Road?**

Most important-please install the gate, fence the area, and move the Mauka gate away from the water tank.

We await your reply. Mahalo.

Sincerely,

Ms Jojo Tanimoto-Kailapa Subdivision

#3

First Name: Liko  
Last Name: Wallace

Message:

Update on Legislative Appropriations in FY 2018 of \$1.5 million for Hoolehua Scattered Lots site improvements and FY 2019 of \$1.5 million for Na'iwa subdivision-site improvements.

Hawaiian Homes Commission  
Mr. William J. Aila, Jr., Chairperson  
Via Teleconference Meeting  
August 18, 2020

Testimony on Agendized Items  
By  
Blossom Feiteira  
Association of Hawaiian Home Lands  
President-Maui Island

Aloha Mr. Chair and Members of the Hawaiian Homes Commission. Submitted for your consideration is my testimony on various agenda items.

Mahalo for your time.

B. Regular Agenda

C-2: Establishing a P.I.G. (Permitted Interaction Group) to update the DHHL General Plan.

The General Plan was first established in 2002 and is a policy document developed by staff and approved by Commission.

This document provides the department with guidance on the various uses of Trust lands up to and including non-homesteading use.

Its timeframe was set at 20 years and it took approximately 12-18 months to finalize. All island plans were developed based on the policies and recommendations of the General Plan.

Support. The 20 year time frame is coming to a close. Updates and amendments to the General Plan is necessary as use of our lands have changed somewhat in particular with the use of our lands for renewable energy. Additional policies should also be added, in particular the policy of putting our trust lands in short and long term holding patterns (i.e. general ag) that are then used for long term non-homestead developments. (i.e. renewable energy development with life span of 20+ years.) I am not opposed to generating revenue for the department, however, given the amount of information the department has acquired over the past 20 years and technology being what it now is, there are more opportunities to explore the use of our lands for homesteading and meeting beneficiary demands.

C-4: Extending DHHL Covid 19 Emergency Rental Assistance program.

Support with recommendations for expansion and distribution.

Since the program was established, there has been numerous inquiries from those that are on the waitlist, or UI lessees that were struggling before COVID and are worse off with COVID. All Emergency Assistance programs are focused on COVID, however there are those that due to circumstances outside of COVID are suffering as well.

Case in point: An applicant who was working a fulltime position making minimum wage when COVID arrived was suddenly taken off the work schedule with no explanation. She assumed that she was laid off and applied for unemployment. She was denied benefits because the employer indicated that she voluntarily left her position. Her appeal timeframe has since passed.

But because of the situation, she has been denied assistance from all potential programs, since they are all geared to COVID.

In this case as well as many others, it is because our people are unaware of their rights and have difficulty in seeking out assistance in pursuing a resolution.

I would ask the commission to amend the criteria for this emergency assistance to include addressing hardship circumstances.

C-6: Approval Of Activities for Centennial Celebration.

Support. Our Trust has survived through the numerous attacks against it. From the numerous lawsuits, to the lack of sufficient financial support, we should celebrate this wonderful milestone.

F-1: Authorizing 2020 Renewable Energy Project Solicitations.

I am in support of the delegation of authority to the Chair. However, given the past interactions with our beneficiary community in these matters, I would recommend that before the item is placed on the agenda in this manner that the department take the time to at least inform the beneficiary community of their intentions before the item goes before the Commission. Beneficiaries learning after the fact creates the animosity and challenges for both the beneficiaries and Department. Understanding that when these solicitations are announced by the utility companies, the time frame for response is a very short, which is why I believe this process takes place the way it does.

In order to avoid continued opposition and challenges to future offerings for renewable energy, I would like to make the following recommendations:

In light of the adopted policy for renewable energy by the department the proposed submittal C-2, it might be a good time for the department, in their deliberations and beneficiary consultations, that lands be identified specifically for renewable energy development.

G-1: Response to Notice of Availability of Surplus Property.

Support. Based on information from the submittal it seems that this property would be well suited to the development of homestead opportunities.

F-4: Moanalua Kai Redevelopment Options.

Based on the submittal, it sounds like this property should be left as is with at the very most, maintenance of existing buildings for continuation of existing revenue base. Any other developments by the department would not be cost effective and a potential loss given the current state of climate change.

G-3: Update on Kalaupapa.

While this briefing is information only, I want to share some thoughts about the NPS and its switch from an EIS to an EA.

The draft EIS contains significant information that is not included in the EA, including: NPS opposition to homesteading, the lifting of the 100 visitors per day restriction, their education strategy of the history of Kalaupapa, and visitor access.

The premise in which their opposition to homesteading is based on is that there are no residences in National Parks. I would disagree as I know of at least one National Park that does. Canyon De Cheney, a 6 million acre park in Northern Arizona sits on Navajo Nation Land. There are approximately 47 Navajo families who reside in the park and are the owners and operators of all the commercial enterprises that take place in the park, including guided hikes, tours and concessions.

In their desire to lift the 100 visitor/day restrictions, they have not indicated what the number of visitors will be only that control will be determined by some process within the NPS system. However, in the appendices of the EIS, the NPS conducted a study to determine “pillow count” which is a study used by hotels and other tourism activities to determine occupancy and capacity. According to the EIS, the pillow count for Kalaupapa is 300. The study used the current residence structures to make that determination. In other parts of the EIS it clearly identifies the residences of the demised residents as potential “cottages” for both staff and visitors.

Their plan for sharing the history of Kalaupapa is to establish kiosks in various areas of the settlement (including Kalawao) with plaques that visitors can read about.

The plan for tours and visitors include both escorted and unescorted access by visitors across the proposed park area, which also includes Kalawao. The highly sensitive nature of Kalaupapa as a whole (both archaeological and spiritual) will be significantly impacted by access activities without any due consideration for the protection of sites, burial areas and historic buildings or the settlement itself.

As the Commission and department moves forward in the deliberations with the NPS, I would ask that the Commission and department include those that will be most impacted by any



decision made. Based on the recommendation in the submittal, support from the Commission to establish a task force for Kalaupapa is most timely.

C-7 and H-1.

It is difficult to weigh in on such important items such as these without a submittal to review prior to Commission meetings. Issues and challenges regarding NHQ have been a contact point of concern for beneficiaries, and this would have been an excellent opportunity to hear from beneficiaries on the deliberations that took place.

I want to commend the Commission in their decision to waive mortgage payments during this very difficult economic times. I understand that the loan fund is taking a severe financial hit and will continue to do so until some sense of normalcy can return. Until then, however, I would ask the Commission to continue in your support for the suspension of mortgage payments for loans in the department's portfolio through an extension of time.

To:  
HHC Secretary

#5

First Name: James  
Last Name: Kincaid

Phone:  
8082210193

Email:  
[surfskiguy7@gmail.com](mailto:surfskiguy7@gmail.com)

Subject:  
Submit Written Testimony

Message:  
Paukukalo Hawaiian Homestead Community Association Inc.  
644 Waihona Street  
Wailuku, Hawai'i 96793  
Cellphone/text (808) 276-8978  
Email: [manavel\\_11@msn.com](mailto:manavel_11@msn.com)

August 17, 2020

Aloha e Hawaiian Homes Commissioners,

We are The Rev. Velma Mariano and James Kincaid of Paukukalo homestead advocating on agenda item C-3 Acceptance of the 2020 Annual Performance Report (APR) — Native Hawaiian Housing Block Grant (NHHBG). I, The Rev. Velma Mariano, serve as a director and grants manager for the Paukukalo Hawaiian Homestead Community Association Inc. And I, James Kincaid, am a contractor and 29-year Paukukalo homesteader.

Regarding agenda item C-3 on NHHBG aka NAHASDA (Native American Housing Assistance and Self Determination Act of 1996), homelands leader Robin Puanani Danner last December had told her peers, "NAHASDA provides Indians and Hawaiians federal funds for low-income housing on trust lands. Hawaiians were getting \$13 million a year (to DHHL to administer), thanks to Senator Inouye back in 2002.

"Five years ago, the feds cut Hawaiians off, the level went down to \$500,000 and is now at \$2 million, because DHHL failed to spend \$60 million in backlog funds. Which means we, the people, have lost about \$10 million a year the last five years = \$50 million in pure equity to build, build, build affordable housing on trust lands," said Danner, who chairs the Sovereign Council of Hawaiian Homestead Associations, or SCHHA.

In mid-June, Danner had updated that "it looks like Senator Hoeven (John Hoeven of North Dakota) has . . . decided to include Hawaiians in the reauthorization bill for NAHASDA (that) raises the annual allocation from \$2 million to \$13 million annually."

In agenda item C-3, DHHL legislative analyst Lehua Kinilau-Cano reports an unspent \$3.98 million NAHASDA balance. In the interests of DHHL not accumulating backlog funds and again threatening its annual NAHASDA allocation, we propose that DHHL deploy the \$3.98 million NAHASDA balance to renovate kupuna homes at Paukukalo.

Paukukalo was the Valley Isle's first homestead subdivision in the 1960s and contains 182 single-family units on 61 acres in Central Maui. The 64 first-phase homes are some 5.5 decades old. DHHL Neighbor Islands district operations supervisor Mona Kapaku estimates that construction to provide ADA (Americans with Disabilities Act) accessibility alone would cost from \$20,000 to \$50,000 per home. To renovate 55-year-old homes at Paukukalo homestead, we seek the available NAHASDA balance of \$3.98 million, to provide an average of \$62,197.50 per renovation.

In conclusion, we advocate that the commission not accept the 2020 Annual Performance Report on Native Hawaiian Housing Block Grant unless and until DHHL encumbers the available NAHASDA balance of \$3,980,640.26 toward the renovation of kupuna housing at Paukukalo.

Mahalo for your consideration,  
The Rev. Velma Mariano  
James Kincaid

cc: U.S. Senator Brian Schatz  
Stephen Cramer, president, Paukukalo Hawaiian Homestead Community Association Inc.  
Lehua Kinilau-Cano, legislative analyst, DHHL Robin Puanani Danner, chairwoman, SCHHA Lee Imada,  
managing editor, The Maui News

Wakiu Community Development Corporation  
Post Office Box 1269  
Kula, Hawai'i 96790  
Cellphone/text (808) 870-2820  
Email: [kaukaulani@gmail.com](mailto:kaukaulani@gmail.com)  
August 17, 2020

Aloha Commissioners,

My name is Alohalani Smith, Founder & Interim President of Wakiu Community Development Corporation and I've lived in Kaupo for 20 years.

By way of introduction, Wakiu CDC operates under the auspices of the Hawaiian Homes Commission Act, its six-member charter board of directors are waitlist beneficiaries, as follows:

Founding chairwoman Jade Alohalani Smith  
Vice president Sam Kalalau  
Directors: Desiree Manaois Graham  
            Fawn Kukunaokala Helekahi-Burns  
            Loretta O'Hara  
            Mary Kahana

The Wakiu board adopted on July 31, 2020, organizational bylaws and a mission statement, as follows:

To empower native Hawaiian beneficiaries of East Maui through engagement and understanding of the Hawaiian Homes Commission Act;

To develop a strategic community plan for land use and resource management of the Hawaiian Homes Trust Lands in Wakiu, Hana;

To provide assistance to native Hawaiian beneficiaries to help them successfully acquire a lease of trust lands located in East Maui;

To advocate for the prioritization of East Maui beneficiaries for an award of trust lands within the East Maui Communities.

To Provide assistance for Economic and business training to utilize homesteads for financial sustainability.

We would like to state for the record that we Wakiu CDC DO **NOT APPROVE** the Authority to the chairperson to solicit any HHL that will be used for anything other than placing Native Hawaiians on the lands in a prompt manner as it is deemed in various sections of the Hawaiian Home Lands Act as listed below:

Sec 101. Purpose – Sub-section:

a. “..that the policy of this Act is to enable Native Hawaiians to return to their lands in order to fully support self-sufficiency,...self-determination...and the preservation of the values, traditions, and culture of native Hawaiians.”

b. (1) Establishing a permanent land base for the benefit and USE of Native Hawaiians upon which they may live, farm, ranch...,and otherwise engage in commercial or industrial or any other activities as authorized in this Act;...

(2) Placing Native Hawaiians on lands set aside..under this Act.... in a PROMPT and efficient manner...and assuring long-term tenancy to beneficiaries of this act and their successors;

(3) Preventing alienation of the fee title...to the lands set aside under this Act...so that these lands will always be held in trust for the continued use by NATIVE HAWAIIANS in PERPETUITY

Which prohibits "solicitation of DHHL" so it can ALWAYS remain for future native Hawaiian Use.

Mahalo for giving me the opportunity to testify. Aloha

Jade Alohalani Smith  
33275 Piilani Highway  
Kaupo, Hawai'i 96713  
Cellphone/text (808) 870-2820  
Email: [kaukaulani@gmail.com](mailto:kaukaulani@gmail.com)  
August 17, 2020

My name is Jade Alohalani Smith, I'm a Beneficiary of the Prince Kuhio's Trust. I'm here to state for the record that I oppose Agenda Item F-1 - under Land Management Division for approval to Authorize 2020 Renewable Energy Project Solicitations and for delegation of Authority to the Chairman to facilitate implementation of these solicitations for Oahu, Maui, Molokai and Hawaii.

It seems that there wasn't any consultation with the Beneficiary (s) at large to solicit any Hawaiian Home Lands to Non-Beneficiary on any Land mandated to the Beneficiary. Section 208: Conditions of the leases require the original lessee shall be a native Hawaiian. It does not support the Hawaiian Homes Commission Act.

All proposals or projects are to be brought forward for the Beneficiary Consultation. We want all our lands. We never gave any to Non-Beneficiary because we are dying on the list for our lands, water, mercantile and capital.

May I remind you that Prince Kuhio's Legacy is to rescue the Hawaiian people from extinction by placing Hawaiians on their ancestral lands and to perpetuate the growth of healthy Hawaiian community on aina hoopulapula (homestead lands).

Thank you for giving me the opportunity to testify on Agenda J, item F-1. Aloha

First Name: Kainoa  
Last Name: MacDonald

Subject:  
Submit Written Testimony

Message:  
Aloha e members of the Hawaiian Homes Commission,

‘O Kainoa Lei MacDonald ko`u inoa. I am a native Hawaiian entrepreneur, a Maui residential waitlister and the volunteer digital facilitator for a number of homelands community initiatives. The latter include monthly Maui/Lana`i Mokupuni Council meetings; the Maui Grants Hui grant-writing support group, and the four-part Maui Centennial Puwalu (conference) series celebrating the 100th anniversary of the 1920 Hawaiian Homes Commission Act federal trust.

I offer advocacy on agendized item C-5 regarding proposed DHHL legislation action, since I was not an email recipient of a 7/23/20 legislation-action request 2.5 weeks before the 8/10/20 submission deadline, and on agendized item D-1-A Homestead lease and application totals and monthly activity reports.

I propose two pieces of DHHL legislation action, as follows:

- The Kuhio Awards Program that would make accelerated awards of all available trust lands statewide as soon as feasible to 45,386 homestead applicants (per 7/31/20 homestead application totals), as follows:

23,233 residential waitlisters — 1 acre each, or	23,233 acres
19,075 agricultural waitlisters — 2 acres each, or	38,150 acres
3,078 pastoral waitlisters — 10 acres each, or	30,780 acres
Subtotal —	91,163 acres to be awarded

Currently beneficiaries lease an estimated	41,000 acres
Nonbeneficiaries lease an estimated	60,000 acres*
Subtotal	101,000 already leased
Subtracted from trust lands inventory of	203,500 acres
Equals	102,500 acres available

Balance of available acres (102,500 minus 91,163) = 11,337 aggregate acres to be used for subdivisions’ roads and amenities, e.g., parks; schools; community facilities (kupuna center, commercial kitchen); gym and athletic fields; clinic and dialysis center; intergenerational agricultural facility with adjacent cooperative ag fields; farmers market; wastewater reclamation; church and cemetery; retail complex; arts, theater, and hula halau facility; green waste and composting facility; indigenous university; industrial area and sod manufacturing, and/or community pasture.

\* (For future homestead awards, more 50-percent blood-quantum applicants would access 60,000 homelands acres upon repatriation from non-beneficiary use.)

- The Kuhio Awards Reparations Program in the context of the 7/1/20 Hawai`i Supreme Court decision regarding “the ever-lengthening waitlist for lease awards of Hawaiian homelands.” Under the Kuhio Awards Reparations Program, DHHL immediately would satisfy plaintiffs’ homestead-award preferences (residential, ag and/or pastoral on one’s preferred island) statewide; in turn, plaintiffs would sign an agreement that they will accept the homestead awards in lieu of monetary reparations mandated by the court decision.

Mahalo for this opportunity to propose DHHL legislation action on behalf of The Lahui, including more than 45,300 of us homestead applicants. I offer this proposed legislation because I do not want to see the department leasing Hawaiian homelands to non-beneficiary entities in order to raise tens of millions of dollars to satisfy court-mandated monetary reparations; the latter DHHL action would further alienate native Hawaiian beneficiaries from our trust lands.

Moreover, I am sure that DHHL does not want to see another waitlisters lawsuit against the State of Hawai`i because of bureaucracy, inequities, or whatever reasons or excuses, in addressing the homelands waitlist. Therefore, we beneficiaries implore DHHL to address the waitlist in a meaningful, effective, revolutionary way, appropriate to Kuhio’s intent in spearheading the then-revolutionary Hawaiian Homes Commission Act federal law a century ago.

cc: U.S. Senator Brian Schatz

Ka`i`ini Kimo Kaloi, director, Office of Native Hawaiian Relations, U.S. Department of the Interior (DOI)

Stanton K. Enomoto, senior program director, DOI Office of Native Hawaiian Relations

Lisa C. Oshiro Suganuma, policy analyst, DOI Office of Native Hawaiian Relations

Hawai`i Senator Maile Shimaburkuro, chairwoman, Senate Committee on Hawaiian Affairs

Hawai`i Representative Ryan Yamane, chairman, House Committee on Water, Land & Hawaiian Affairs

Lee Imada, managing editor, The Maui News

Rob Perez, reporter, Honolulu Star-Advertiser

Na`u me ka `oia`i`o  
Kainoa Lei MacDonald  
Owner and Strategy Consultant  
Credit Edge Solutions LLC



First Name: Valerie  
Last Name: Monson

Subject:  
Submit Written Testimony

Message:  
August 17, 2020

William Aila, Chairman  
Hawaiian Homes Commission  
Department of Hawaiian Homelands  
PO Box 1879  
Honolulu, Hawai'i 96805

Dear Chairman Aila and Commissioners,

I am writing on behalf of Ka 'Ohana O Kalaupapa, a nonprofit organization made up of Kalaupapa residents, family members/descendants, friends of the community and anyone who supports remembering this important history. Ka 'Ohana was the idea of Bernard K. Punikai`a, one of the great leaders in the history of Kalaupapa. Ka 'Ohana was established in 2003 at the request of Punikai`a and other Kalaupapa residents. The President of Ka 'Ohana has always been a Kalaupapa resident: our current President is Clarence "Boogie" Kahilihiwa.

Thank you for this opportunity to provide testimony for the Hawaiian Homes Commission on the ongoing management of Kalaupapa.

Over the years, Ka 'Ohana O Kalaupapa has created a number of programs to help descendants reconnect to their Kalaupapa ancestors and to educate the general public, students and teachers by providing a way to learn a more accurate and inclusive history of Kalaupapa. We have helped more than 800 descendants reconnect to their Kalaupapa ancestors, developed traveling exhibits that have appeared on every island at least once and are in the midst of establishing The Kalaupapa Memorial which will display the names of nearly 8,000 men, women and children who were forcibly isolated at Kalaupapa because of government policies regarding leprosy (now also called Hansen's disease).

Kalaupapa National Historical Park began discussions on its General Management Plan/Environmental Impact Statement in the Spring of 2009.

For the past 11+ years, Ka 'Ohana O Kalaupapa has been an active participant in this process, conducting our own research, attending meetings and providing testimony every step of the way. In 2009, Ka 'Ohana developed a 28-page Position Paper for the future of Kalaupapa and endorsed by the Office of Hawaiian Affairs, Senator Mazie Hirono (then US Representative) and others. We have spent countless hours trying to help NPS develop the best plan possible for the future of Kalaupapa. Our Position Paper and subsequent comment letters issued in 2013, 2015 and 2019 are all available on our website: [www.kalaupapaohana.org](http://www.kalaupapaohana.org)

We submitted our last comments on the GMP/EIS in June, 2015. We were shocked to hear in 2018 -- shortly before Thanksgiving -- that NPS had made the unilateral decision to change from a GMP/EIS to a

GMP/Environmental Assessment. We have continued to ask NPS why -- after six years of presenting the GMP as an EIS and seemingly being very close to issuing a Record of Decision -- it would suddenly change from an EIS to an EA. We have not received a sufficient answer.

In March, 2019, five key organizations -- the Department of Hawaiian Homelands, the State Historic Preservation Division, The Maui County Cultural Resources Commission, Historic Hawai'i Foundation and Ka 'Ohana O Kalaupapa -- all submitted testimony that did not support NPS' conclusion to issue a Finding of No Significant Impact on the GMP/EA.

Since May 7, 2020, we have been involved in regular conference call meetings with NPS and other consulting parties -- including DHHL -- on a Programmatic Agreement to accompany the GMP/EA. Most of these meetings include participants expressing frustration at the process and a lack of understanding of what the PA will accomplish.

We are respectfully asking the Hawaiian Homes Commission to:

\*Request that Kalaupapa National Historical Park (KNHP) provide DHHL with a written explanation of why It decided to change from a GMP/EIS to a GMP/EA unilaterally with no discussion among the consulting parties who have been involved in this process for many years, including DHHL -- and to provide specific details of the rationale behind this decision.

\*Support the development of a Working Group of knowledgeable organizations or individuals who have participated in the GMP process faithfully over the years to provide advice and oversight to Kalaupapa National Historical Park which currently has no real oversight at Kalaupapa.

This working group needs to "have teeth" so KNHP takes the recommendations of the Working Group seriously and is held accountable. The idea of such a group has been discussed by consulting parties in the Programmatic Agreement meetings. Ka 'Ohana O Kalaupapa believes the Working Group should not be appointed by the NPS because individuals could be sought out who would simply rubberstamp any NPS projects.

We thank you for your attention to this very important matter. There are only 12 Kalaupapa residents who have the right to live at Kalaupapa under the old laws. Through Ka 'Ohana O Kalaupapa, the number of descendants reconnecting to their Kalaupapa ancestors and making sure their legacy is always remembered is growing. The descendants will keep Kalaupapa alive for years to come.

Ka 'Ohana O Kalaupapa would be happy to meet with the Hawaiian Homes Commission at anytime.

Please feel free to contact me at:

[vmonson@kalaupapaohana.org](mailto:vmonson@kalaupapaohana.org)

With aloha,

Valerie Monson  
Executive Director

Please note that our letterhead and my signature would not copy onto this link along with the text. I'm happy to fax or send a PDF.

Chair William J. Aila, Jr., Chairman and Members  
Hawaiian Homes Commission  
P.O. Box 1879  
Honolulu, Hawaii 96805

Subject: Testimony on Agenda item III G-3 Update on Kalaupapa Management, Kalawao County, Island of Molokai.

Aloha Chair Aila and Members:

My testimony today is as an individual who has been involved with Kalaupapa for over a quarter of a century. As background, I was former Chair of the Molokai Planning Commission and was a founding member of Ka 'Ohana O Kalaupapa in 2003 along with Kalaupapa residents, their extended ohana and long time friends of the community. Since 1993 I have had the honor of serving as Santa ant the annual Kalaupapa Lions Club Christmas Party. I am currently a member of the Ka 'Ohana Board of Directors and Kalaupapa Memorial Committee and have done much of the work for the 'Ohana interfacing with professional firms as Ka 'Ohana has navigated through a total of several state and federal environmental compliance process for the Kalaupapa Memorial project.

I have read the submittal on the DHHL website of the submittal provided to the Commission on the subject item by Nancy McPherson of your Planning Office. The submittal primarily seems to be focused on the current negotiations between NPS and consulting parties, including major stakeholders at Kalaupapa who own or have an interest in properties at Kalaupapa and/or have special mandate status such as the Department of Hawaiian Home Lands (DHHL), the Office of Hawaiian Affairs (OHA), the Department of Land and Natural Resources (DLNR), Ka 'Ohana O Kalaupapa, the Catholic Diocese of Honolulu, the County of Maui, the Department of Health, etc.

I have attached a list of recommendations that I respectfully request the Hawaiian Homes Commission to consider. Several recommendations dovetail with concerns expressed in DHHL's March 7, 2019, 6-page comment letter signed by Jobie M.K. Masagatani, Chair of the HHC, which responded to NPS's new draft GMPEA released a few months earlier. I sincerely believe if the Commission supports these recommendations, it will greatly assist the efforts by all consulting parties to expedite the completion complete of a final General Management Plan (GMP) for the Kalaupapa, one that would be worthy of the special place in the history of Hawaii.

In the remainder of this testimony I will share some information that may contribute to supporting some of the recommendation I am requesting the Commission to consider.

As you many know, Kalaupapa National Historical Park differs significantly from most other national parks in that nearly all of the 8,725 acres of land, 2,000 acres of water, and

improvements within the authorized boundary may remain in non-Federal ownership to be managed by the National Park Service through cooperative agreements. Land and facilities within the National Historical Park boundaries are administered by the State of Hawai'i, Departments of Health, Land and Natural Resources, Transportation, and Hawaiian Home Lands; and small private holdings at the top of the cliffs. The National Park Service owns only 23 acres that includes two historic houses and four outbuildings that surround the Moloka'i Light Station.

Kalaupapa National Historical Park became a unit of the National Park System in 1980 and has never had a general management plan to guide the management of the national park for the various landowners.

In 2009 NPS and consulting parties, including DHHL, began the process to develop a GMP for Kalaupapa. NPS and the consulting parties agreed to develop the GMP in the format of an Environmental Impact Statement (GMP/EIS), not only because of the complexities surrounding the fact that NPS did not own but 23 acres at the Park and the fact that every other National Park in the Country developed their respective, initial GMPs in an EIS format, but also because at the time there were not only issues in the GMP that had obvious potential to adversely effect historic properties in a significant way, but there already existed issues that were cause adverse effects as acknowledged by NPS as early as 2005 (those adverse effects continue to significantly impact historic properties up until today). In addition, there were issues to be covered in the GMP that were bound to be surrounded by controversy since most of the land at Kalaupapa is state-owned, a fact that proved to be true.

All National Parks start out with the premise that their presence in a certain renowned area is bound to have the potential of causing adverse impact to historic /cultural resources properties and most likely will involve some degree of controversy, and that is why all the initial GMPs developed by Parks are in the GMP format.

For whatever reason NPS has not made provided any of the consulting parties, including DHHL with a logical explanation as to why it made the unilateral decision to switch the GMP from and EIS format to an EA format.

DHHL's above mentioned comment letter to NPS dated March 7, 2019, regarding their new GMP in an EA format included the following concern:

"DHHL is somewhat dismayed that after so many years of dedicated preparation by this agency, as well as the beneficiaries, and the gradual building of a good faith relationship with NPS, no consultation with DHHL was conducted prior to such a major shift in approach."

Several other consulting parties have expressed the same disappointment and concern with regard to NPS's unilateral decision on such a major issue and have asked NPS for an explanation regarding its decision making on this important issue.

In NPS's Management Policies, Section 2.1.1. entitled "Decision-making" is the following policy statements: NPS will use planning to bring logic, analysis, public involvement, and accountability into the decision-making process. Each park will be able to demonstrate to decision-makers, staff, and the public how decisions relate to one another in terms of a comprehensive, logical, and trackable rationale."

This is all the consulting parties are asking for a rational explanation that the logic for can be understood.

In numerous National Park GMPs, including other comparable Parks in Hawaii, there are cost estimates included regarding the estimated cost of implementation the GMP. It is important to have this baseline data for planning purposes as the management of respective National Parks move forward with their government and non-government partners. It seems even more important to Kalaupapa NHP with it multiple partnerships, special mandates and jurisdictional issues for everyone to have an idea of the basic cost estimates to implement the general plan based on information available at the time.

In 2012 NPS represented to the Kalaupapa NHP Advisory Commission, a federal entity, the following:

" One key thing that is happening right now is that we have a consultant doing cost estimates. So this is the financial side of this plan. This is understanding how much it's going to cost, how many dollars is it going to cost to maintain Kalaupapa for the long term, how much is it going to cost to maintain over 200 historic buildings at Kalaupapa and all of the associated resources."

Those cost estimates were included in the draft GMP/EIS that DHHL and other consulting parties provided comment letters on. The figures showed that to implement the three phases of the NPS's preferred alternative for the GMP, it would cost a total of \$39, 870,000, which includes contributions from NPS's partners at Kalaupapa of \$6,085,000.

In addition, the GMP/EIS cost estimates showed NPS's annual operating cost at Kalaupapa of \$\$6,175,000.

Also, one of adverse effects to historic properties that exists today and was acknowledged as such by NPS as far back as 2005 is deferred maintenance. In a report prepared by NPS for FY 2018, deferred maintenance at Kalaupapa has grown to over \$27,000,000. A copy of that report was provided to me by a DHHL beneficiary. Who has been concerned about the ability of NPS to sustain it operations at Kalaupapa, a concern by others during the GMP process.

It is important not to hide the reality of costs but rather highlight them so that NPS and its partners can work together to resolve an issue that is important to Kalaupapa's future. At one of the recent Section 106 meetings with consulting parties NPS did acknowledge they didn't know what they were going to do about the massive deferred maintenance that has

accumulated over the years and has generated a major challenge for NPS in its efforts to move forward on a sustained financial level.

At a recent Section 106 meeting NPS shared with the consulting parties that the cost estimates deleted were still good cost estimates. It seems then that NPS should include them in the new draft GMP and if needed massage them a bit to account for inflation etc.

One cost associated measure was included in an attachment to DHHL's Planning Office submittal for the August 18, 2020 HHC meeting included the following position NPS had adopted: " NPS won't reinvest if they don't get an extension 20 years prior" This was NPS position on the lease in response to the following inquiry at a public beneficiary meeting on Molokai regarding the issue of the 50-year lease between NPS and DHHL which is scheduled to expire in 2014: "Do we get a clean slate in 2014".

The lease can be renewed, but should it not be DHHL takes over any improvements NPS has made on DHHL lands at no cost. In the past NPS has shared with DHHL if DHHL terminates the lease early it will owe NPS \$44,000,000 for improvement made by NPS. DHHLand beneficiaries have questioned this figure as being inflated.

When this issue was raised in one of the GMP Section 106 meeting, NPS said they were unaware of taking that position and would look into the matter and get back to the consulting parties. NPS has not responded to date.

One other matter of concern among consulting parties is the transition team that has been put together to work out how things might evolve when the Department of Health transitions out of Kalaupapa in the not so distant future when there is no longer a patient community there. There are twelve residents left with the right to live at Kalaupapa. The average age is 85.

At this juncture the members of the transition team are all government agencies. None of the non-government stakeholders at Kalaupapa who are property owners ther and/or have special mandate status as NPS has acknowledged are on the team. Non-government stakeholders should be included, as well as some representation from a NHO organization(s) on topside. This seems critical if a meaningful and well throughout transition plan is going to be crafted.

Below, I have attached some suggested recommendation that hopefully the Commission and/or Planning Office will encourage NPS to follow through on. Several of these, if not all, seem to be concerns that have been raised by DHHL in the past but ignored by NPS.

I appreciate the opportunity to share my thoughts for the Commission and staff consider. I hope the information is helpful. I also would like to express my sincere gratitude to DHHL and many of your beneficiaries for the support given to Ka 'Ohana O Kalaupapa over the years.

Me ka mahalo nui, DeGray Vanderbilt  
808-283-8171: Email: [degray.vanderbilt@gmail.com](mailto:degray.vanderbilt@gmail.com)

REQUESTED RECOMMENDATIONS FOR THE COMMISSION TO CONSIDER:

1. Please request National Park Service provide DHHL and the other GMP consulting parties with a logical explanation that includes specific rationale for NPS making the unilateral decision to change the format of the Kalaupapa General Management Plan (GMP) from an Environmental Impact Statement (EIS) format to a less detailed Environmental Assessment (EA) format.
2. Please recommend to NPS that it deleted from the GMP/EIS document when it decided to adopt an EA format in anew draft GMP, along with the name of the of the professional consulting party (s) that developed the cost estimates and the assumptions the consultants used in developing the estimates.

These include the cost to implement the GMP in three phases along with the annual operating and maintenance cost estimates.

3. It would be appreciated if DHHL would also ask for NPS to provide a breakdown of the \$27,000,000 in deferred maintenance at Kalaupapa that provide to the government in FY 2018.

NPS came up with the deferred maintenance total it seems they would have the line item cost that contributed to the total to share with DHHL and the consulting parties.

4. I would also like the Commission or staff to consider requesting that DHHL be a invited by NPS to be a signatory on any final Section 106 programmatic agreement that is developed to implement the GMP.

This is import. The following federal regulations address this issue: “ In accordance with 36 CFR § 800.6(c)(2), an invited signatory, upon signing, has the authority to amend and terminate the agreement. The agency official may invite additional parties to sign the agreement, such as an Indian tribe or NHO who attaches religious and cultural significance to historic properties affected by the undertaking (off tribal lands), or any party that assumes a responsibility under the agreement. “

NPS has been asked by consulting parties to invite DHHL as a signatory party. It seems obvious because of the fact that DHHL is not only a landowner, but consistent with the federal regulations cited above, that DHHL should be a signatory on this important document. NPS says it is looking into the matter. I believe DHHL’s staff is researching the matter as well. NPS has said it want to offer DHHL to be a consenting/consulting party like everyone else, a position that does not have the authority of being a signatory to the agreement.

Mahalo for your consideration. Please excuse any misspellings or grammar mishaps.

First Name: Shawndelle

Last Name: Kamalani

Subject:

Submit Written Testimony

Message:

Pu'unani

Hawaiian Homestead Association

225 Halona Street

Kihei, Maui, Hawai'i 96753

Cell/text (808) 344-9762

Email: [keoiwa7@gmail.com](mailto:keoiwa7@gmail.com)

May 18, 2020

Aloha Mai e Hawaiian Homes Commissioners,

I am Shawndelle Keoiwa Kamalani, Interim President of Pu'unani Hawaiian Homestead Association in Waikapu, Maui. I am advocating on agenda item F-1, the first motion that is being made should be reworded to state; (1) The department will solicit from waitlisters and beneficiaries, proposals for Renewable Energy projects, on one or more parcels of the available lands shown in Table 2.

The second motion should not be passed. I do not want to give full authority to the Chairman to take all actions necessary and appropriate to implement, execute, and otherwise facilitate the solicitation and offering of those available lands. All decisions and actions should be made by the whole Commission, with beneficiary consultation. The lands and projects should be used by beneficiaries and not non-beneficiaries.

That would be tragic to give all the authority to the Chairman, he would be pushing his own agenda, and he would not put the beneficiaries' priorities first. I plead to all of you, Commissioners to not approve this motion. Please inquire to those whom are currently on the lands, they have great ideas for renewable energy resources.

I am grateful to be given the opportunity to advocate on this agenda.

Mahalo nui loa,

Shawndelle Keoiwa Kamalani

Interim President

Pu'unani Hawaiian Homestead Association



First Name: Paahana

Last Name: Kincaid

Subject:

A Request to be on the "J" Agenda

Message:

Aloha e Hawaiian Homes Commission members,

I am Pa`ahana Kincaid, a Maui Native Hawaiian entrepreneur offering advocacy on agenda item G-1 Delegate authority to the chairman to respond to the notice of availability for surplus property from the General Services Administration, concerning the selection of up to 80 acres of the former National Oceanic and Atmospheric Administration National Weather Service Pacific Tsunami Warning Center `Ewa Beach, O`ahu, TMK (1) 9-001-001 (por.).

Before the department, the commission and the chairman expend untold resources of time, energy and moneys on procuring surplus property, kindly devote time and attention to the estimated 29,000 acres of unimproved, unawarded Hawaiian homelands on my island of Maui. I seek to use constructively a 75-acre Makena parcel and will be forwarding a land-use request to do so. My hope is that DHHL will dedicate as much time and hundreds of pages of due diligence to my request as to agenda item G-1.

May this letter find you to be healthy and well.

My father has been on the Maui Pastoral/Agricultural waitlist since April 30, 1980--currently 40 years. He is currently number eight (8) on the list. Our Ohana; are all beneficiaries of our Kupuna and their Legacy. It is a Kuleana that we all, as Kanaka Maoli, freely and honorably accept: to continue the love and guidance they have bestowed upon us.

In this same spirit, the purpose of this letter is to inform you of our intent, on behalf of my Ohana, to initiate actions to secure the subject 75-acre parcel, referred to as Ahihi hereon; referenced in the Maui Island Plan Document, published in September 2004; which details The Department of Hawaiian Homelands (DHHL) Maui Nui land inventory, encompassing Maui, Molokai, and Lanai, in its entirety.

This particular property has been vacate since the enactment of the Hawaiian Home Lands and currently has no plans for development according to the 2004 Maui Island Plan. There is no reason to believe that anything is going to happen with said parcel in the foreseeable future since it is located in a very remote section of south Maui and has no infrastructure. We have a viable plan to utilize said parcel, invest tremendous amounts of time, energy and expertise to make this property self-sustaining. We hope to bring Life to the Aina.

Our Plan is to construct and build roads to access this parcel from the upper road (Papaka Road, Old Government Road) and the lower road (Makena Road) which abuts the property. There is currently a 2-inch Driscoll water line that services that area and we are currently applying with the Department of Water Supply, Maui County to secure a meter for this parcel. As we move forward to grub the property, determine the metes and bounds, and identify the perimeters of said parcel, we will move forward to drill a well to secure a permanent source for water and build water tanks to catch and store this precious resource. Furthermore, we will employ a photovoltaic electrical system to drive our electrical needs. We will move on site several containers for storage of agriculture and construction equipment

and materials and utilize these storage spaces as living quarters as will be required to maintain progress in all phases of the game management, agricultural plans, conservation management, and construction build-out. Moreover, we will employ the latest technology in wastewater treatment.

We currently have reached out to the DLNR with regards to grants that are available for conservation and reforestation. Additionally, we are reaching out to the Kahikinui community for support and we are optimistic that Ulupalakua Ranch will be cooperative in our endeavors.

Our position is to utilize state /public /ceded lands to access said parcel. We hereby request that the commission grant a Lease for this

75- acres at TMK (2) 2 -1-04: 114 in favor of James Kahelelani Kincaid. Please let me know what additional information you need from us in order for the Commission to vote on this request.

Kind Regards,

Paahana Kincaid