

Kalaupapa Working Group

September 8, 2021



Agenda

- Introductions
- Background & Commitments from the Department
- Suggested Working Group Goals
- Projected Process
- Discussion
 - Suggested Goals, Potential Participants, Projected Process
 - Potential Areas of Agreement & Non-Agreement
 - Other Helpful Information Regarding Kalaupapa that the Department Can Provide
- Looking Ahead

Ground Rules

- Be respectful of other participants' mana'o, please do not interrupt
- Please be aware of the air you take up in the room
- Respect the viewpoint of others: non-agreement can be a respectful process
- Do your best to be an active listener and a thoughtful participant
- Please remember to mute yourself when not speaking to help minimize background noise
- Be understanding of those who are juggling multiple responsibilities (childcare, schooling, kupuna care, etc.)

Background + Commitments from the Department

- Role of the Department Staff
- Department advocating for Beneficiaries
- General Lease runs until 2041
 - Department is not looking to cancel the lease
- Convening Working Group based on Beneficiary feedback to better understand:
 - Concerns regarding the Park
 - Ways the Department can better interact with NPS
 - Ways the Department can assist with or facilitate improvements to communication between NPS and beneficiaries
- Department willing to hold quarterly meetings after initial process is done

Suggested Working Group Goals

Informing cooperative agreements called forth in General Management Plan with a focus on:

- Use of / access to Department lands in Kalaupapa by Beneficiaries, particularly community use areas
- Revenue producing services / economic development opportunities for Beneficiaries in coordination with implementation of programmatic elements of the NPS' General Management Plan

First Series of Meetings to Set Process

Meeting 1: Laying the Groundwork (September 8)

- DHHL Updates & Context
 - Suggested Working Group Goal
 - Initial Working Group Thoughts
- Discussion on Initial Process & Thoughts
- Next Steps

Meeting 2: Fleshing Out Process & Expectations (TBD)

- Provide Updates
- Follow-up on Initial Process & Thoughts
- Next Steps

Meeting 3 (if needed)

Second Series of Meetings Focused on Feedback for the Cooperative Agreements

Meeting 1: Feedback on Substance

- Introductions
- Updates + Goals for the Process
- Initial Thoughts on Cooperative Agreement Language
- Next Steps

Meeting 2: Feedback on Implementation

- Recap of Feedback
- Suggested Cooperative Agreement Language
- Additional Discussion
- Next Steps

Meeting 3 Finalize Cooperative Agreement

- Recap of Feedback
- Finalize Cooperative Agreement Language
- Next Steps

Discussion - Thoughts on Goals & Expectations?

Informing cooperative agreements called forth in General Management Plan with a focus on:

- Use of / access to Department lands in Kalaupapa by Beneficiaries, particularly community use areas
- Revenue producing services / economic development opportunities for Beneficiaries in coordination with implementation of programmatic elements of the NPS' General Management Plan
- DHHL drawing a hard line in the sand
 - I not attending to talk about cooperative agreements
 - DHHL not willing to talk about problems
 - DHHL just wants to talk about money
 - Not acknowledging hewa done to beneficiaries
 - NPS has not been a good partner for beneficiaries
 - I am hearing we have a contract, we can't do anything about it
 - Don't believe that
 - Feel like the only avenue I have is to take legal action against everyone -- DHHL, NPS, DLNR<)
 - No one wants to acknowledge bad stuff
 - Programmatic Agreement has all these problems for beneficiaries
 - Department not willing to acknowledge did something wrong by giving long term lease to the federal government
 - Not here to talk about how I want to make money with Kalaupapa
 - Denied Hawaiians access forever
 - I thought we had rights and privileges
 - Thought land ownership mattered

Discussion cont...

- Can't figure out is what benefits
 - Land use is a huge issue to resolve
 - How can we as beneficiaries use land on this peninsula
 - Thinking about traditional land uses
 - Hope is DHHL to put muscle behind land use for beneficiaries
 - Not just on Hawaiian home lands
 - Also on conservation land like Halawa Valley
 - Important to get access to Kalaupapa and valley as homesteaders
 - Obligation park has to get rid of invasive species
 - Land above the park -- state managed
 - Doing poor job
 - Hope can get lands back under control of Hawaiian homes and put into hands of beneficiaries
- Relationship btw Park and DHHL -- feel ashamed at how we mihi down to the NPS and grumble about what we want and would like to see
 - Want to see DHHL with muscle
 - Fed program
 - Hoping not calling us together to kiss the hand of the park
 - Hope kick some okole over there
- National Historic Landscape area -- under the Park
 - Take offense at calling it a "Park"
- The Park did not incorporate our feedback into their consultation
 - Just rolled right ahead and abruptly ended talking
- *Adjust process > identify issues & solutions?*
 - *Postpone vehicle until after ID issues*

Discussion cont...

- NPS lease with Dept and Commission approved
 - Plans derived from from terms of lease?
 - Authority for plans?
 - How do we use lease vehicle to create leverage nec to make sure NPS is responsive to community concerns?
 - Maybe AG could attend meetings so we know what part of lease allows lessor to revisit / address concerns of beneficiaries
- Really BAD lease
 - DHHL just validated that lease again by signing the PA
 - Park is and has been in violation of “The Lease”
 - DHHL can legally get out of lease
- Lease signed in 1992
 - Not going to find too much power
 - Think we have more political savvy in 2021

- PA meetings & 106 process -- disturbed at lack of regards NPS had for beneficiary input
 - Return to goals
 - How make sure beneficiary needs are met
 - How to improve communication btw beneficiaries and NPS
 - 3rd goal for PA?
 - Worked with Dept to see how could help with PA
 - Need Dept to have more muscle so it can work as advocate for beneficiary
 - Processes not being used right now
 - How make sure beneficiaries are heard by NPS
- Last Administration -- 106 taken out of process
 - Illegal/stink about process
 - Stuff DHHL can use that didn't follow normal process that allow ppl input
 - Look at what happened and excuse for not doing 106 / GP
 - Didn't answer question, just moved on

Discussion cont...

- Opportunity -- Biden appointed a Native American to be director of NPS
 - Confirmation process
 - His tribe had these kinds of issues with NPS in their area and noted for getting NPS to work with his tribe
 - Maybe something we can look at
 - Joseph willing to look
 - DHHL staff?
- NPS threw all 343 out the window
 - Moved to NEPA thru the PA
 - Everyone has a fiduciary responsibility to follow
- “The Plan” calls for “unfettered access” for tourism
 - They need to make \$\$\$ to manage tourism
- The PA does not have DHHL as a Cooperative partner that they want to do anything for them, instead they rely heavily on TNC, DLNR, etc.
 - One of the first actions is to remove the 100 visitors/day restriction
 - \$millions are being spent on airport improvements
- Agree about land use / traditional use of the land
 - Place where we could preserve, no tourists
 - Like to see the park employ beneficiaries
 - Like to see beneficiaries living there v. people from mainland working for park
 - Have program to train beneficiaries and state should lease/hire beneficiaries from Moloka‘i to live/work there
 - Use traditional practices
 - Possible for people to live here and make it come alive
 - Have this relationship with NPS
 - What are they doing
 - What are they managing
 - What is their goal
 - Want to see area vibrant with beneficiaries
 - Everytime we have this meeting, I feel this hewa
 - Department needs to be more accountable
- Concern -- tourism tied to having 2 saints tied to Kalaupapa
- Movement to canonize Joseph Dutton as a 3rd saint
- *Nancy can email 4 docs*
 - *2 beneficiary consultation reports*
 - *2 updates to the Commission*

Discussion cont...

- Before park came in, applied to homestead
 - Got letter saying not accepting applications for Kalaupapa
 - NPS came in and said no applications
- As Hawaiians, we need a voice
 - What is at stake here for us
 - Shared our views -- a lot of things that are undone or uncared
 - Shedding light and Hawaiians as #1
 - Need to have say there if not we'll be pushed aside
- Like know I'm not wasting my time
 - So much going on on Moloka'i
 - Spent countless hours on the PA -- lot of feedback but didn't integrate
 - *Wouldn't mind sharing all that in one meeting*
 - NPS has chokehold on PA for management of lands
 - By them operating without GMP, lots of bad things happened
- *Spend chunk of time on lease to go over lease*
 - *See how we leverage lease to get more cooperation from NPS and better assert beneficiaries' position*
- *Other info to help us strategize on how to best use the instrument to get better results*
- *Compare letters DHHL wrote as part of GMP and see if concerns were responded to*

Discussion cont...

- Status of access issues?
 - Surfers getting arrested
 - DOH is managing access
 - Patient rules say only patients can collect resources
 - Relying on NPS to enforce DOH rules
 - Also have a “compact” with Maui Police
 - If arrested -- fed detention or OCCC?
 - Overlapping jurisdiction
 - Still in process of formulating

Discussion - Potential Areas of Agreement?

Informing cooperative agreements called forth in General Management Plan with a focus on:

- Access and land use are critical issues

- Use of / access to Department lands in Kalaupapa by Beneficiaries, particularly community use areas
- Revenue producing services / economic development opportunities for Beneficiaries in coordination with implementation of programmatic elements of the NPS' General Management Plan

Discussion - Potential Areas of Non-Agreement?

Informing cooperative agreements called forth in General Management Plan with a focus on:

- Revenue producing
- Use of / access to Department lands in Kalaupapa by Beneficiaries, particularly community use areas
- Revenue producing services / economic development opportunities for Beneficiaries in coordination with implementation of programmatic elements of the NPS' General Management Plan

Discussion - Thoughts on Process?

First Series of Meetings to Clarify Process

- Laying the Groundwork (Today)
- Fleshing Out Process & Expectations
- Meeting 3 (if needed)

Second Series of Meetings to Set Substance of the Cooperative Agreements

- Feedback on Substance of Cooperative Agreement
- Feedback on Implementation of Cooperative Agreement
- Finalize Cooperative Agreement Language

- 1 meeting to identify all issues
 - How beneficiaries are being negatively impacted on homestead land?
 - How can we correct it?
 - Good for Dept to give reasons why they feel have to give beneficiary lands to federal government
 - See how can flip that to have beneficiary benefit
 - Determine issues to go deeper into
 - In PA promised a lot of things
 - In lease promised the world but clause that says if don't have money to do what we promised
- Future meetings to do deeper dive and determine solutions
 - Access
 - Other issues
- Go over NHPA and Section 106 and PA do/not do?
 - Know they already violated it
 - In mtg just work on what's wrong and see cxn

Discussion - Thoughts on Potential Participants?

Guidelines shared with the Commission:

- Beneficiaries on the Moloka'i Island wait list
 - Beneficiaries who have family members buried in Kalaupapa
 - Lineal descendants of Native Hawaiian 'ohana who were displaced from Kalaupapa in 1865
 - Beneficiaries who have participated consistently in the NPS GMP and Section 106 process
 - Beneficiary representative of Ka 'Ohana O Kalaupapa
- OHA Trustee? OHA staff?
 - Beneficiary feedback first
 - Potential down the road
 - Kehau Watson
 - Catholic Church
 - Family members with loved ones buried at Kalaupapa

Looking Ahead

Next Steps

- Nancy
 - Email 4 docs
 - 2 beneficiary consultation reports
 - 2 updates to the Commission
 - Compare letters DHHL wrote as part of GMP and see if concerns were responded to
 - Work on getting copy of Cooperative Agreement for Nez Perce NHP
- DHHL review lease and other info to help us strategize on how to best use the instrument to get better result
- All send names to Nancy to include
 - Individuals with family members buried at Kalaupapa
 - Joseph will check Ka 'Ohana's records
- HACBED send notes and deck (aim to do so by 9/17)

Potential Next Meeting (Monday, 10/25, 6-8pm)

- Identify issues
 - How beneficiaries are being negatively impacted on homestead land?
 - How can we correct it?
 - Good for Dept to give reasons why they feel have to give beneficiary lands to federal government
 - See how can flip that to have beneficiary benefit
 - Timeline -- when threw Section 106 out
- Spend chunk of time to go over lease
 - See how we leverage lease to get more cooperation from NPS and better assert beneficiaries' position
- Determine future meetings to take deeper dive into issues and see some solutions
 - Access
 - DHHL staff spread thin -- Makanalua warrants dedicated staff > ask Commission / Trustees for more resources for DHHL staff