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

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- 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
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 terms of lease?
  - Authority for plans?
  - How do we use lease vehicle to create leverage 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 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
Discussing - Potential Areas of Agreement?

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

- Access and land use are critical issues
Discussion - Potential Areas of Non-Agreement?

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
- Revenue producing
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