

*Welina mai me ke aloha,*

On behalf of the Department of Hawaiian Homelands (DHHL), [Nohopapa Hawai'i](#), LLC, is completing a Ka Pa‘akai Framework Analysis for a proposed DHHL water development project in Kahului and Wai‘aha Ahupua‘a at the Gianulias property (TMK: [3] 7-5-014:001) and Keauhou Ahupua‘a at a Kamehameha Schools well site (TMK: [3] 7-8-004:013 and -015) (see Figure 1).

Once construction on La‘i ‘Ōpua Village 4 Hema is completed, DHHL will have exhausted all of its water credits for homestead and community development in Kona. DHHL will need to seek additional water credits from the County in order to continue with the planned development of its homestead and community lands in Kealakehe. The County of Hawai‘i [Department of Water Supply](#) (DWS) has asked that in order for DHHL to gain additional water credits, DHHL must add new water sources to the County system in Kona. This means the development of well sites and transmission lines to connect each well site to the nearest existing water lines in the DWS system. No long-distance transmission pipelines from the proposed groundwater well sites to DHHL lands in Kealakehe are being proposed by this project, just the water transmission lines from the well sites to the nearest DWS interconnection point in their existing system.

The purpose of the Ka Pa‘akai Framework Analysis is to ensure the DHHL is in compliance with Article VII, Section 7 of Hawai‘i’s Constitution, which “places an affirmative duty on the State and its agencies to preserve and protect traditional and customary native Hawaiian rights and confers upon the State and its agencies the power to protect these rights and to prevent any interference with the exercise of these rights.”<sup>1</sup> In order to fulfill its constitutional obligations agencies, like the DHHL, must consider the following three considerations regarding possible impacts of their proposed actions

- (1) the identity and scope of ‘valued cultural, historical, or natural resources’ in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
- (2) the extent to which those resources—including traditional and customary native Hawaiian rights—will be affected or impaired by the proposed action; and
- (3) the feasible action, if any, to be taken ... by the [State and/or its political subdivisions] to reasonably protect native Hawaiian rights if they are found to exist.<sup>2</sup>

Nohopapa Hawai‘i is currently conducting research and outreach to identify ‘valued cultural, historical, or natural resources’ to better understand how traditional customary Native Hawaiian practices and rights may be impacted by groundwater development in the area of North Kona spanning from the ahupua‘a of Kāloko to Keauhou. Additionally, the Ka Pa‘akai Framework Analysis requires the identification of appropriate mitigation measures (feasible action) that can be implemented to protect identified impacted resources and Native Hawaiian rights and practices associated with those resources.

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<sup>1</sup> Ka Pa‘akai o Ka ‘Āina v. State of Hawai‘i Land Use Com’n [*Ka Pa ‘akai*], 94 Haw. 31, 47, 7 P.3d 1068, 1084 (2000).

<sup>2</sup> Ibid



We would like to engage with individuals, ‘ohana, and/or organizations with relationships to this area. In particular, we would like to gather information relating to the many manifestations of Kāne and the resources, traditional customary practices, and rights that rely on them. We are interested in the following as related to the proposed water improvement sites (at Wai‘aha and Keauhou) and larger project area (Kāloko to Keauhou):

- » Biocultural forms of water in the study area, including, rainfall, fog, mist, seeps, catches, springs, flowing water, where water enters the sea, algae blooms, anchialine ponds, loko, clouds, storm patterns, etc.
- » Observation of *changes* over time to the area's water resources, as well as to the birds, plants, and animals, marine or terrestrial, that rely on those waters.
- » Mo‘olelo, ka‘ao, inoa ‘āina, mele, oli, ‘ōlelo no‘eau, and hula and other stories related to the knowledge of wahi pana, wahi kapu, and wahi kūpuna and cultural practices and resources associated with these wahi
- » Traditional and historical land use and specific use or larger area models relate to water
- » Coastal to upland traditional and local relationships, especially regarding water
- » Recommended traditional & local strategies for resource management and conservation in Kona
- » Traditional practices you or those you know engage with or have engaged with in the past
- » Potential short and long-term impacts of the proposed project on Hawaiian cultural resources, rights, and traditional customary practices
- » Recommended mitigations for the proposed project
- » Referrals of kūpuna and kama‘āina who are knowledgeable of the project area and might be willing to participate in this study

Please let us know if you are interested and available to participate in consultation for this important project. You may participate virtually or in person, as an individual or group, named or anonymously.

Mahalo for your time and consideration. We look forward to collaborating with you to document your thoughts and recommendations.

*Me ka ha‘aha‘a,*

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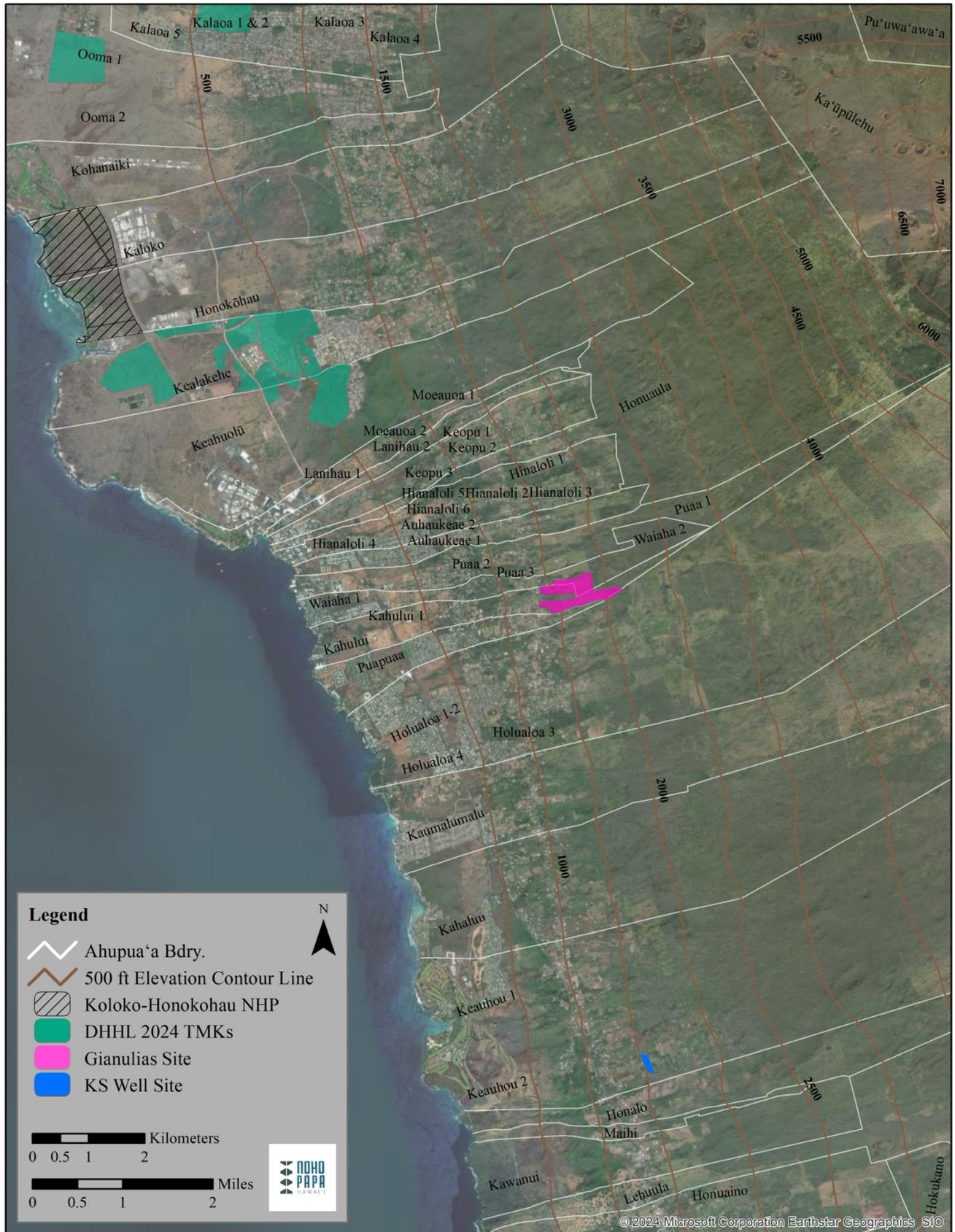


Figure 1. Showing a portion of North Kona, with the DHHL homestead at Kealakehe identified in the north in relation to proposed ground water development sites to the south in pink (Gianulias) and blue (Kamehameha Schools).