

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 21 - 22, 2025

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Andrew H. Choy, Planning Program Manager

Nancy M. McPherson, Planner *Nancy M. McPherson*

Subject: For Information Only - Status Update on Plan Implementation, Island of Moloka'i

Recommended Action

None. For information only.

Background

The Department of Hawaiian Home Lands (DHHL) provides the Hawaiian Homes Commission (HHC) with updates for the respective DHHL geographic regions in which the HHC conducts its regularly scheduled community meetings. The purpose of the monthly update is to provide the HHC with information related to DHHL plans, programs and projects previously adopted by the HHC that are specific to that geographic region. A status report of DHHL and beneficiary progress in implementing these initiatives is included for the HHC's consideration.

For April 2025, the Planning Office is providing an update on planning projects for the island of Moloka'i. Note that status updates on the following Planning Office and Land Development Division plans and projects are also provided to the HHC under separate staff submittals:

- Item E-1, LDD Molokai Project Updates
- Item G-2, Molokai Water Issues and Projects Update

Discussion

EXISTING DHHL PLANS AND IMPLEMENTATION STATUS

DHHL Moloka'i Island Plan (2005)

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island; (2) establish land use goals and objectives of the General Plan, specific to each island; and (3) identify island-wide needs, opportunities, and priorities. At a minimum, an island plan shall do the following:

- (1) Apply the criteria from the general plan to identify suitable homestead lands, including areas for new development, infill, and redevelopment;
- (2) Apply criteria to determine available lands not required for homesteading, including areas for revenue generation, community use, and other non-homesteading uses designated in the general plan;
- (3) Prioritize the development or redevelopment of designated homestead lands based on defined criteria;
- (4) Identify infrastructure requirements; and
- (5) Analyze state and county plans to identify potential impacts on department land use and infrastructure.

The DHHL Moloka'i Island Plan was approved by the HHC in June 2005, under the 2002 General Plan. DHHL lands on Moloka'i are situated in five major areas: 'Ualapu'e, Kapa'akea-Kamiloloa-Makakupa'ia, Kalama'ula, Kalaupapa-Pālā'au (Apana 3) and Ho'olehua-Pālā'au (Apana 1 & 2). Since the 2005 Moloka'i Island Plan was approved by the HHC, the following updates have been made:

- The Mo'omomi-Anahaki land use designations for 1,050 acres were amended from "General Agriculture" and "Community Use" to "Special District". This amendment was requested by beneficiaries, underwent extensive beneficiary consultation and was approved by the HHC in December 2010. See Fig. 1, Land Use Amendment for Mo'omomi-Anahaki, below.

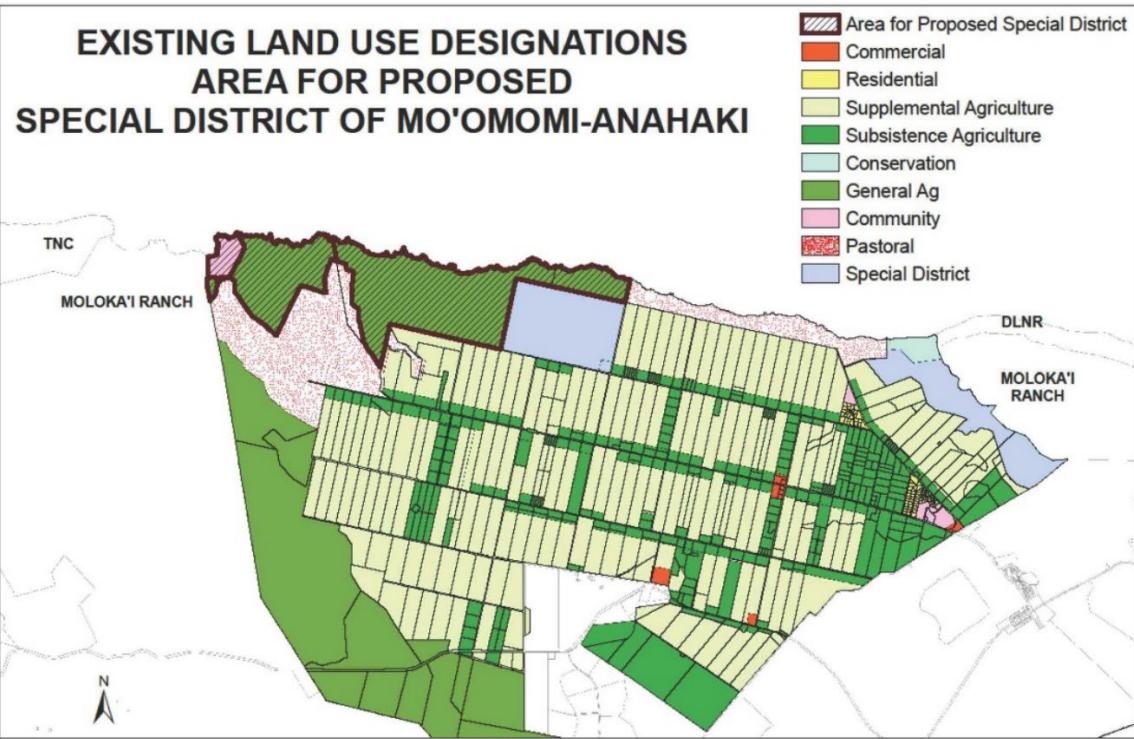


Figure 1 Land Use Amendment for Mo'omomi-Anahaki

- A land exchange of 34 acres of land on Moloka'i for 89 acres of State land in Mā'ili on O'ahu was completed in 2010 in order for DHHL to develop residential homesteads on O'ahu. The 34 acres of land in Ho'olehua consisted of 22 acres in Community Use and 12 acres in Subsistence Agriculture. Transferred to the State Dept. of Education, the land was adjacent to the Ho'olehua Fire Station and the Lanikeha Community Center and included the Moloka'i High School and Middle School site and the athletic field across Farrington Avenue. See Figs. 2 & 3, below.

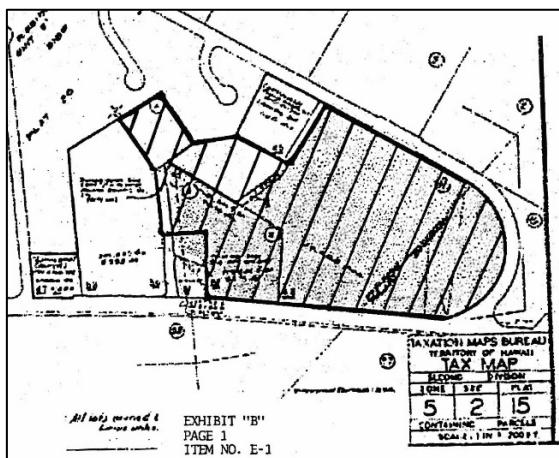


Fig. 2 Land Exchange Map

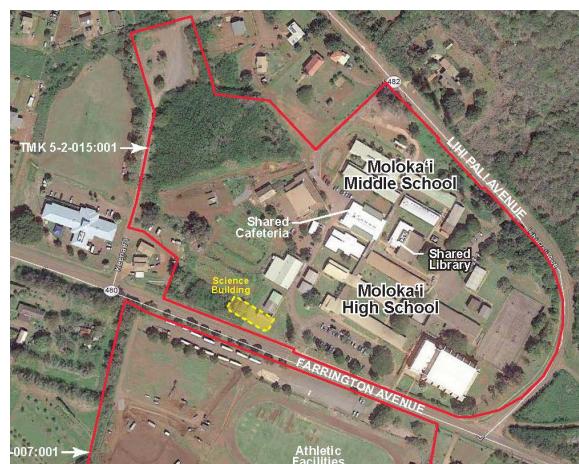


Fig. 3 Land transferred to DOE

- In June 2011, the Department of Land and Natural Resources (DLNR) transferred to DHHL four parcels totaling 4.6 acres at Malama Park, near Kaunakakai Wharf. In January 2018, the HHC approved the recommended land use designation of "Special District" for the Malama Park lands. See Fig. 4.

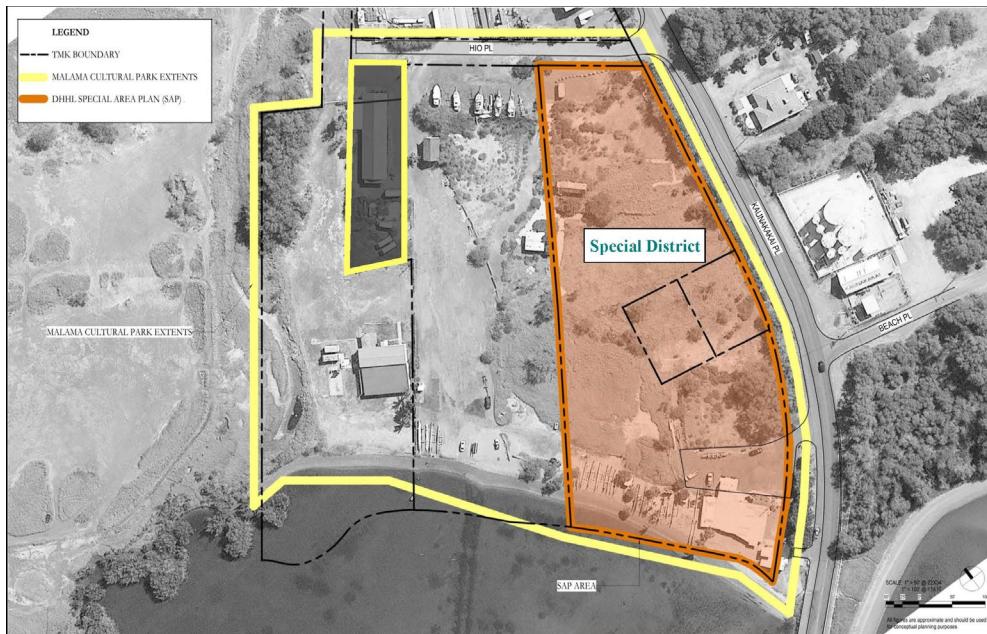


Fig. 4 Malama Park SAP Area – Special District

These amendments to the 2005 Moloka'i Island Plan have resulted in the following land use designations and acreage amounts shown in Table 1, below.

Table 1 Amended Moloka'i Land Use Designations

Moloka'i Land Use Designations	Acres	Percent
Residential Homestead	742	2.87
Subsistence Agriculture	2,338	9.04
Supplemental Agriculture	5,862	22.66
Pastoral	1,927	7.45
General Agriculture	6,415	24.80
Special District	7,758	29.99
Community Use	93	0.36
Conservation	655	2.53
Commercial	58	0.22
Industrial	16	0.06
TOTALS	25,864	100.0

DHHL Moloka'i Island Plan (2005) Implementation Status

Priority for completion: Nā'iwa Agricultural Homestead

- 58 agricultural lots were awarded in the 1986 Acceleration Program. *Update: 50 lots leased, 8 lots are vacant (marked with red X's) and will be subdivided to produce 8 more lots for a total of 16 lots to be leased, 66 lots total.*
- Located on 298 acres southeast of the Moloka'i Airport. *Update: Subdivision is comprised of 6 parcels totaling 340.9 acres. County of Maui subdivision process is underway.*
- Implementation challenges: access to and availability of potable water supply from the DHHL Ho'olehua water system (Public Water System No. 230) and non-potable water from the Department of Agriculture Moloka'i Irrigation System. *Update: Adequate potable water supply is available as authorized via WUPA approved by CWRM. Potable and non-potable water lines to be installed.*

Status: In Progress. See Agenda Item E-1, LDD Molokai Projects Update for more information. The Final Environmental Assessment and Finding of No Significant Impact (FEA-FONSI) was approved by the HHC at its meeting in August 2021 and provides further discussion on provision of potable and irrigation water to the subdivision.¹ See Fig. 5, Site Plan, below.

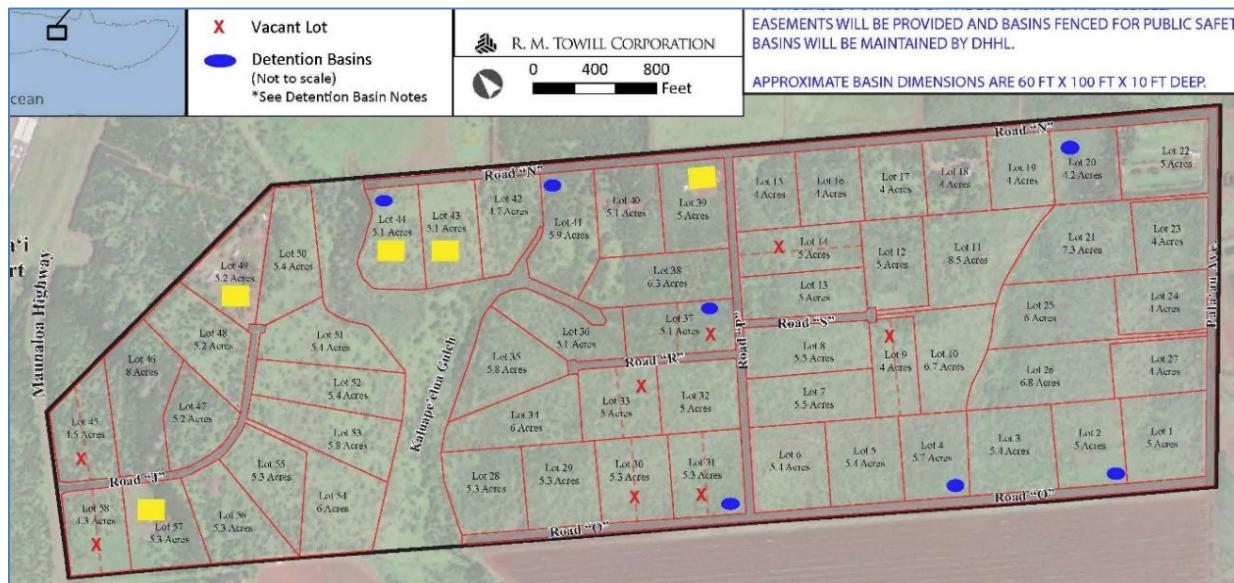


Fig. 5 Preliminary Road Layout and Site Plan

¹ https://files.hawaii.gov/dbedt/erp/Doc_Library/2023-12-08-MO-FEA-Naiwa-Agricultural-Subdivision.pdf

First priority for new residential areas: 'Ualapu'e

- The 2005 DHHL Molokai Island Plan recommended development of 74 residential homestead lots on 25 acres between the 20 to 80 foot elevations near existing infrastructure in Mana'e (East End), mauka of Kamehameha V Highway.

Status: On hiatus while Planning Office conducts Administrative Rules amendment process for Pilina-Based Priority Waitlist (lineal descendants and previous/existing residents of a wahi)

Update:

- During the 2019-2020 DHHL Moloka'i Regional Plan update process, beneficiaries proposed a Kuleana Subsistence Agriculture Homestead in the 'Ualapu'e tract. This became the number one priority project in the DHHL Moloka'i Regional Plan. More details are provided below in the DHHL Moloka'i Regional Plan implementation discussion.
- An update on the planning process for the Draft 'Ualapu'e Kuleana Homestead Settlement Plan was presented to the HHC in April 2023. The Draft Plan proposes 30 1-acre kuleana agricultural homestead lots in two phases. Implementation is contingent on the allocation of sufficient funding for metes and bounds survey and road improvements.
- Extensive meetings were conducted with the East Molokai beneficiaries and greater Mana'e community during this process. East Molokai community members, who are predominantly Native Hawaiian families that have lived in Mana'e for generations if not centuries, expressed tentative support for DHHL homesteading, but only if homestead opportunities were prioritized for DHHL beneficiaries that were also lineal descendants of the area. In the interim, the Ahonui Homestead Association has obtained a Right of Entry permit to steward the land and conduct additional community outreach.

Second priority for new residential areas: Kapa'akea-Kamiloloa-Makakupa'ia

- Develop 286 residential homestead lots on 201 acres two miles east of Kaunakakai, mauka of Kamehameha V Highway.
- An onsite wastewater treatment facility will be required.

Status: This project is on hold until the County of Maui's water allocation is increased and/or an additional water source is identified and developed. DHHL will investigate infrastructure options, including wastewater treatment

alternatives, as these lands are at higher elevation and will likely be needed to accommodate existing coastal homesteaders experiencing the impacts of sea level rise.

Molokai Island Plan Update

DHHL Planning Office staff are completing the procurement process to select a consultant and initiate this Island Plan update in late 2025. Beneficiary input from other planning efforts currently underway, such as for Kalaupapa and the Molokai Coastal Homesteads Community Resilience Plan (MCH-CRP), will be included in the Molokai Island Plan update, informing and enriching the land use decision making process.

DHHL Moloka'i Regional Plan (2020)

The DHHL Moloka'i Regional Plan was updated in 2019 and approved by the HHC in February 2020. Moloka'i beneficiaries, responding to outreach and engagement efforts throughout the extensive planning process (over 15 months), identified the following priority projects:

- (1) 'Ualapu'e Kuleana Subsistence Agriculture Homestead Project and Cultural Resources Management Plan
- (2) Ho'olehua Hale Improvements
- (3) Water Rates Assessment and Legal Analysis of Beneficiary Rights Given Potable Water Rate Disparities
- (4) Shared Farm Equipment for Agricultural lessees
- (5) Road Improvements

DHHL Moloka'i Regional Plan Implementation Status

Table 2 below identifies the "project champion(s)" and summarizes the status of each Regional Plan priority project.

Table 2
2020 DHHL Moloka'i Regional Plan Priority Projects Status

PRIORITY PROJECTS	PROJECT CHAMPION(S)	STATUS
'Ualapu'e Kuleana Subsistence Agriculture Homestead Project and Cultural Resources Management Plan	Ahonui Homestead Association and DHHL	In response to concerns expressed by the Mana'e Native Hawaiian community that kuleana homesteading could negatively impact their way of life, including traditional & customary practices, the homesteading phase of this project is on hiatus until adoption of administrative rules for the Pilina-based Priority Waitlist. In January 2025 HHC approved an ROE for Ahonui Homestead Association to steward the land in the interim & conduct ongoing community outreach.
Ho'olehua Hale Improvements	Ahupua'a o Moloka'i	Project has been delayed due to permitting & construction challenges such as difficulties in obtaining materials.
Water Rates Assessment and Legal Analysis of Beneficiary Rights Given Potable Water Rate Disparities	DHHL	PLO is requesting monies in the budget for next fiscal year to conduct Cost of Service Studies & Water System Rate Studies for homestead areas such as Kailapa, Anahola & Molokai.
Shared Farm Equipment for Agricultural lessees	Ho'opili Farmer's Association & Ahupua'a o Moloka'i (AOM)	AOM is partnering with Ho'opili Farmers Association to implement this project. They have run a pilot program to test the concept with several farmers & are developing a cost-sharing program for maintenance & repairs of existing equipment.
Roads Improvements	DHHL and Kalama'ula Homesteaders Association	To assist DHHL, Kalama'ula Homesteaders Association received a DHHL Regional Plan Priority Project grant in FY22 to inventory roads & conditions & prioritize which roads to address. Kalama'ula has been completed & Ho'olehua is underway.

OTHER MOLOKAI DHHL PROJECTS IN PLANNING OR IMPLEMENTATION PHASES

Kalama'ula Mauka Agriculture Lots - Planning and Design (LDD & PLO)

- 66 agriculture lots were awarded above the Kalaniana'ole Settlement in the 1985 Acceleration Program (Kalaniana'ole 2nd Series).
- LDD has initiated the procurement process for planning and design of subsistence agriculture lots and needed infrastructure. See Item E-1, LDD Molokai Projects Update for more information on project status.

Next Steps:

- Complete procurement process and select consultant.
- Prepare Master Plan, subdivision design and Environmental Assessment for HRS Chapter 343 compliance.
- Obtain County subdivision approval; provide roads, drainage, water and other infrastructure required for agriculture lots.

Malama Cultural Park Special Area Plan (LMD & PLO)

The final Malama Cultural Park Special Area Plan was approved by the HHC at its July 2022 meeting. The SAP's Implementation Plan describes beneficiary desires for collaboration with the Molokai community to pursue a Community-Based Stewardship Management Model for the Park. The first step in the plan's implementation is to identify potential community partners to help DHHL effectively manage the designated park lands.

Update:

- Hui Ho'okahua o Molokai submitted a land use application in November 2023 requesting to be the community entity to manage the park. Hui Ho'okahua o Molokai is a 501(c)3 organization that is comprised of six Molokai DHHL Homestead Associations: Ho'olehua, Kapa'akea, Kamiloloa-One Ali'i, Kalamaula Mauka, Nā'iwa, and the Waitlisters of Ahonui Homestead Association.
- DHHL held a beneficiary consultation meeting on Hui Ho'okahua o Molokai's request on April 4, 2024 and conducted the required 30-day comment period.
- The beneficiary consultation report for the land use application was accepted by the HHC at its May 2024 meeting, and at the same meeting the HHC approved the ROE for Hui Ho'okahua o Molokai to conduct due diligence studies prior to HHC approval of a long-term disposition (lease or license) to the group.

- DHHL will continue to work with stakeholders to develop a park management structure that meets the needs of all beneficiaries and the greater Molokai community.

Kalaupapa Update -- Beneficiary Consultation

The DHHL Planning Office has been consulting with beneficiaries on issues and concerns surrounding management of and access to Kalaupapa since at least 2004, when the process for the last Molokai Island Plan update was initiated. Two rounds of beneficiary consultation meetings on the National Park Service's (NPS) General Management Plan (GMP) for Kalaupapa National Historic Park (NHP) were conducted in 2011 and 2015.

In response to beneficiary requests and direction from the Hawaiian Homes Commission, the Kalaupapa Beneficiary Working Group (KBWG) was convened by the DHHL Planning Office with facilitation assistance from the Hawaii Alliance for Community-Based Economic Development (HACBED). Four virtual meetings were held from September 2021 to January 2022. The last update on this process was given to the HHC at its meeting in Kapolei in December 2023 and at its meeting on Molokai in April 2024 as part of the annual Status Update on Plan Implementation for the Island of Moloka'i.

DHHL staff made trips to Kalaupapa in December 2022 and August 2023 as well as with members of the Hawaiian Homes Commission in April 2024 and met with beneficiaries who live and work in the Settlement in order to consult and learn from their unique perspectives and 'ike as well as to remedy the lack of opportunities for consultation offered to them in the past.

One idea coming out of the Kalaupapa beneficiary meetings that DHHL would like to pursue is to bring a small group of KBWG members (and potentially others that meet the HHC criteria) down to Kalaupapa to "shadow" the Kalaupapa beneficiaries as they work on various projects in order to learn more about the reality of life in Kalaupapa as well as to reconnect with the place and its cultural sites and history. DHHL is working on scheduling visits in May 2025, prior to initiating larger group meetings Topside, which are tentatively scheduled for early fall.

DHHL continues to engage with NPS during monthly meetings, which include discussions on ways to improve communication and coordination with Molokai beneficiaries and facilitate participation of beneficiaries in NPS planning processes.

Kalaupapa Transition Planning

As described in previous updates to the HHC, since 2015 DHHL staff have been participating in multi-agency coordination meetings to address issues and needs that will be triggered by the Department of Health's eventual relinquishment of the roles of caring for patients at Kalaupapa and of Administrator for the County of Kalawao. These meetings have mainly been focused on operations and maintenance, ownership and management of infrastructure and facilities, and access.

In October 2024, a community informational briefing was held on Molokai to share out information on the kuleana of the various agencies with administrative and other responsibilities in Kalaupapa. Those agencies include the State Department of Health (DOH), the State Department of Land and Natural Resources (DLNR), DHHL, the State Department of Transportation-Airports (DOT-Airports), and the National Park Service. County of Maui representatives were also present. The agencies shared information about the complex history regarding the management of Kalaupapa and Kalawao County, and representatives from each agency outlined how they work together to care for the patients and steward this important place. For more information on Kalaupapa history, transition planning, a recording of the meeting and to access the presentation slides, go to health.hawaii.gov/kalaupapaupdates. Also see Exhibit A, DHHL Talking Points and Exhibit B, Kalaupapa Informational Briefing Questions & Answers.

Next Steps

- Continue to work with HACBED on refining and framing the issues and improving how DHHL engages with beneficiaries.
- Continue to engage with beneficiaries living and working in Kalaupapa as well as those living Topside Molokai, with the goal of bringing a small group of beneficiary stakeholders to Kalaupapa over the summer to engage in productive dialogue with Kalaupapa beneficiaries about the reality of life in the Settlement and visioning for the future of Hawaiian Home Lands in Kalaupapa.
- Prepare for the next round of wider community discussions, to tentatively start in early fall of 2025. These meetings will include more beneficiary participants with ties to Kalaupapa based on the criteria previously approved by the HHC.
- Continue to participate in transition planning meetings and help develop a community outreach strategy that will meet the needs of DHHL beneficiaries as key stakeholders.

Community Resiliency and Hazard Mitigation Planning

Molokai Coastal Homesteads Community Resiliency Plan (MCH-CRP) – – Developing Community Resilience for Moloka'i Coastal Homesteads

DHHL received grant funding from the National Fish and Wildlife Foundation (NFWF) National Coastal Resilience Fund (NCRF) in 2022 to develop a resilience plan for homestead communities on the island of Moloka'i through scientific analyses and modeling of projected sea-level rise, flooding, groundwater upwelling and other increasing coastal hazards.

This two- to three-year project is analyzing the entire tracts of Kalama'ula, Kapa'akea and Kamiloloa-Makakupa'ia, includes the DHHL portion of Malama Park, and is conducting extensive beneficiary participation to identify five (5) priority projects for each ahupua'a that will stabilize and restore shorelines, mitigate coastal flooding and sedimentation, mitigate upland erosion and emphasize culturally grounded, nature-based solutions. Multiple huaka'i (site visits) have been conducted with beneficiaries, DHHL staff and consultants.

During the workshops, the beneficiaries have raised multiple concerns regarding the need for disaster preparedness, evacuation planning, and flooding and erosion mitigation. They are acutely aware of the vulnerabilities of their communities, particularly in Kapa'akea, and are concerned that DHHL and the Molokai District Office may not have the resources available to mount adequate responses to acute hazards and disasters such as flooding, which seem to be increasing in severity.

Illegal activities such as dumping and stockpiling up mauka is a big concern, as is failing cesspools that are affected by high tides and elevated groundwater levels, and chronic and episodic shoreline erosion resulting in loss of lot area fronting the ocean. These are legitimate community health and safety concerns that DHHL, possibly in partnership with other state and county emergency management and hazard mitigation agencies, needs to address in the short-term with strategic implementing actions.

For the medium- and long-term, the intention is that a comprehensive prioritization plan for community resilience will lead to additional NFWF NCRF grants and/or grants from other sources, for project site assessments and preliminary design, final design and permitting, and restoration, which is DHHL's long term

implementation strategy. The draft plan is in preparation and will be brought to the beneficiaries and the HHC for review and finalization in Summer 2025. See Fig. 5 and Fig. 6, below.

Next Steps:

- Finalize priority projects and prepare draft plan (April - June 2025)
- Bring Draft Plan back to beneficiaries and circulate for a 30-day comment period and request HHC approval of Final Plan (Summer/Fall 2025)



Fig. 5 MCH-CRP Project Area

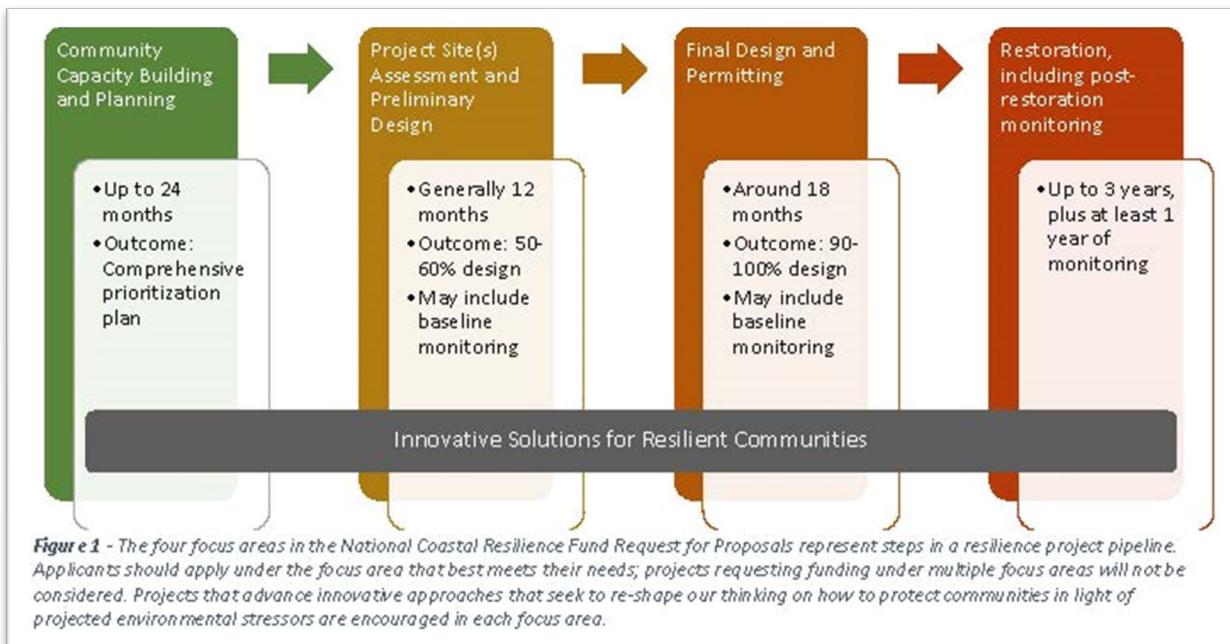


Fig. 6 NCRF Focus Areas

Recommendation

None. For information only.

DHHL Talking Points:

- Land Management Division (LMD) manages General Lease No. 231(GL) approved and issued to NPS.
 - NPS is authorized to use the premises as an integral part of the Kalaupapa National Park, as established by Public Law 96-565 and for the purposes expressed therein.
 - Ensures compliance with the terms and conditions of the GL.
 - Processes DHHL approvals for new NPS construction projects.
 - Processes approvals for contracts subject to DHHL consent.
 - Collects annual lease rent and coordinates determination of rental upon the five-year re-openings of the annual rent.
- Planning Office (PO) handles community outreach, planning processes, environmental review and consultation with other agencies
 - Conducts beneficiary consultations and outreach, both Topside and in Kalaupapa
 - Updates the Hawaiian Homes Commission on Kalaupapa BC and emerging issues
 - Updates the Moloka‘i Island Plan and Moloka‘i Regional Plan
 - Sets up site visits to familiarize Commissioners and staff with Kalaupapa and its unique issues
 - Monitors HRS Ch. 343 and 6E compliance for new projects
 - Works with DOH on environmental remediation projects
 - Participates in interagency coordination meetings
- Tentative timeline for future community engagement
 - Beneficiary Consultations: 2024-2025
 - Will include site visits to Kalaupapa in Fall 2024 and Spring 2025
 - Results of BC will roll into the Moloka‘i Island Plan update
 - Moloka‘i Island Plan update: 2025-2027
 - Currently in procurement process
 - Anticipate beneficiary outreach starting in mid- to late-2025

Access Related Questions

Q: *When will descendants of Kalaupapa patients be allowed access to enter Kalaupapa again?*

NPS Response: Lineal descendants already have access. Access is granted in partnership between NPS and DOH. DOH has the final say in how visitors enter Kalaupapa. Lineal descendants looking to connect with their ancestors in Kalaupapa can either contact NPS to work with their cultural anthropologist, Ka'ohulani McGuire, to plan a gravesite visit, or work with Ka 'Ohana O Kalaupapa, who provides a similar service.

Q: *NPS has contracted with tribes to manage indigenous lands. Can NPS do something similar with Native Hawaiians?*

NPS Response: There is a specific federal government contracting process. You can find out more about how the process works and how to bid on federal contracts, including contracts at Kalaupapa, at the website: [Contract Opportunities | SAM.gov](https://www.sam.gov/contractopportunities). There are mechanisms to privilege small businesses in the contracting process. There is no mechanism to privilege Native Hawaiian owned businesses in the contracting process. However, a Native Hawaiian business may qualify as a small business and compete as such.

There are several mechanisms that allow for collaboration and cooperative management of federal land with affiliated indigenous people. Most of these mechanisms do not apply to Kalaupapa because the majority of the land is owned by the state.

NPS is working to extend the invitation regarding co-stewardship of Kalaupapa NHP to Native Hawaiians and other potential partners. If you are interested in stewardship, or use, of resources within Kalaupapa NHP, please contact the park and/or state landowner. Park and State Agency staff can assist your organization in exploring possible pathways and process that fit the specific request.

Q: *1827 Royal Patent: 6405 Ap. 3 to Kaunuohua (Konohiki lands) for the ahupua'a of Kalaupapa. When will you return the kuleana lands back to surviving heirs?*

DLNR Response: DLNR staff are researching this Royal Patent.

Interagency Working Group Related Questions

Q: *Transition meetings are not open to the public and there are no stakeholders invited. Why? Why is there no public record?*

DOH Response: The meetings which have been held have related to daily operational tasks such as law enforcement, facilities maintenance, utilities, solid waste management and other environmental issues and governmental functions. The government agencies responsible for each of these areas, including DOH, DHHL, DLNR, and NPS, participated in these meetings with respect to their operational kuleana.

NPS Response: In addition, the NPS gathered information throughout the 10-year-long development of the park's General Management Plan (GMP). NPS uses the finalized

October 5, 2024 Kalaupapa Informational Briefing Questions & Answers

GMP and stakeholder comments gathered throughout the process to inform management and planning.

Q: NPS - Interdisciplinary Team. Why are there no community advocates or Native Hawaiian representation or DHHL representation on the team? There are only NPS staff deciding what actions / issues need to consult with Native Hawaiians.

DHHL Response: In 2015, DOH and NPS invited DHHL to participate in its discussions. DHHL has been a regular participant in these discussions. DHHL also has regular meetings with NPS as it pertains to issues governed under the current DHHL lease for the land at Kalaupapa (General Lease 231).

NPS Response: The meetings that have been referred to as "Transition meetings" started in 1980 when Congress created the National Park. Congress required NPS and DOH to have regular meetings to work together. These meetings have and continue to be about transferring infrastructure responsibilities from the Department of Health (DOH) to NPS. Responsibilities taken over by NPS include the water system in 1980, waste management and electrical systems, and conversion of high flush cesspools to septic tanks. DHHL, as the landowner, began attending meetings in 2015. Representatives from Maui County, DLNR, and DOT were also encouraged to participate in these meetings. As the age of the patients has progressed, DOH believed it was important that the executive leadership of all state, federal and county agencies convened to ensure a smooth transfer of responsibilities at the appropriate times.

Q: Is Emergency Management part of the Interagency Working Group? (tsunami evacuation, flood, cyber attacks, pandemics, hurricane evacuation)

NPS Response: National Park Service (NPS) jointly manages emergency response between Department of Health (DOH) and NPS. Generally, NPS will take the lead as NPS has staff who are trained and actively exercises emergency response skills. Last year NPS started an interagency emergency response planning process with all of the agencies who do emergency response in Hawai'i. This was from the USGS system called the Strategic Hazard Identification and Risk Assessment Project (SHIRA). This was done to plan for emergencies and discuss what emergency responses would be. Depending on the activity, there are various emergency responses, especially as Kalaupapa is an isolated area and would require the place to be self-sufficient in the case of an emergency in Moloka'i. DHHL representatives were also invited to participate in the planning process.

Q: I have many comments, too many but main one. How will DOT, DLNR, NPS, and DOH carry out their mandated consultations with Native Hawaiians after today? Has everyone punted this responsibility to NPS? Can I expound?

DHHL Response: DHHL anticipates doing beneficiary consultation pursuant to its applicable policies and procedures. This engagement is specific to Trust beneficiaries and not the general public.

DLNR Response: DLNR will continue to engage with the public, including Native Hawaiians and Molokai residents, on issues related to DLNR's kuleana. This may

include hunting, fishing, access on public trails, management of endangered species and invasive species. However, there are issues we coordinate with NPS that fall under the Cooperative Agreement. DLNR has appreciated the collaboration with NPS that has physical presence in Kalaupapa that DLNR does not, and therefore in those areas that fall under the Cooperative Agreement we follow the terms of the agreement.

DOH Response: There are no mandated consultations with Native Hawaiians required of DOH. DOH defers to DHHL and DLNR as the landowners to address this question.

DOT Response: DOT defers to DHHL and DLNR as the legal land owners and guardians of this land to address the community's questions.

NPS Response: Regarding whether NPS has been delegated all of the consultation responsibilities, the answer is no. Parsing apart jurisdiction and legal characterization is critical. NPS recommends that if there is something you care about and would like NPS to know, you do not have to wait for a formal consultation process to speak with NPS. Individuals are encouraged to talk to NPS anytime. All agencies are well versed in where their boundaries of responsibilities begin and end.

Questions Regarding Next Steps

Q: Please inform the community which range of months the next meeting will be held. It is important to the community to be involved in any proposed next steps. Decisions should not be made without the community having the opportunity to be involved.

DHHL Response: DHHL is planning for beneficiary consultation in late 2024 through 2025. DHHL is also planning to update the Moloka'i Island Plan from 2025-2027 and anticipate beneficiary outreach starting mid-to-late 2025.

DOH Response: DOH plans to participate in the community meetings to be convened by Councilmember Keani Rawlins-Fernandez and Representative Mahina Poepoe. DOH's primary responsibility is to care for patients and to continue to address the existing environmental hazards. DOH is willing to help facilitate convening of interagency collaborative community meetings, however, DOH's role in any future meetings will be to report on any updates to our transfer plans. DOH's involvement with the grant to Ka 'Ohana for the construction of a memorial will continue for the duration of the grant. Any planning for the future use of Kalaupapa lies in the hands of the landowners and NPS.

DOT Response: DOT's role revolves around highways, harbors, and airports. DOT has an airport in Kalaupapa and is responsible for getting people and goods to the places that are necessary. DOT is an access vehicle and will continue to work as a support to all of the agencies present.

Q: What is the status of the \$5M that the legislature appropriated for the construction of the monument for the patients of Kalaupapa?

DOH Response: In 2022, \$5 million dollars was appropriated to DOH for the purpose of building a memorial in Kalaupapa. While the legislative intent was for Ka 'Ohana O Kalaupapa to be awarded the funds to build the memorial, no specific entity was named in the legislative Act. Therefore, DOH was required to request a procurement exemption to be able to legally contract directly with Ka 'Ohana. DOH continues to follow the State's

October 5, 2024 Kalaupapa Informational Briefing Questions & Answers

procurement laws surrounding the disbursal of these funds. DOH is in the final phase of executing a contract with Ka 'Ohana. The final draft is currently being reviewed by Ka Ohana and once accepted, Ka Ohana will be able to request payment for the initial phases of their work.

It should be noted that the release of the full \$5M legislative appropriation is subject to Ka Ohana meeting several conditions, including:

- 1) Obtaining a lease with the Board of Land and Natural Resources for the state lands where the Memorial is proposed to be constructed,
- 2) Compliance with regulatory requirements to construct the memorial including HRS chapter 343,
- 3) Developing a maintenance plan for the memorial,
- 4) Review and approval of the memorial design by the Secretary of Interior, and
- 5) Holding a public community meeting on the Memorial.

While Ka 'Ohana has completed several of these conditions there are several outstanding items.

Additional Questions

Q: You as a department know we have an association that represents all Native Hawaiians of every ahupua'a and Kalaupapa falls in our ahupua'a. Why aren't we able to meet with DHHL? Will we be able to meet with you?

DHHL Response: The Department is going to have meetings with beneficiaries and native Hawaiians in the community separately to hear you, independent of all organizations. In regard to homesteading, we look forward to having dialogue with you and your families.

Q: For the Memorial, having funds secured and if the legislature approved and released them, what needs to be secured and who is in charge of the contract?

DOH Response: DOH is required to follow State procurement rules for the awarding and issuing of these funds. A contract must be executed before funds can be released. The contract is a joint effort between DOH staff, Ka 'Ohana O Kalaupapa and their legal team. DOH is working with Ka 'Ohana O Kalaupapa attorneys and have found a way for partial funds to be released without all the terms required to build the memorial being met. We feel we have a good pathway to move forward.

Q: When is the next meeting?

Maui County Council Response: Councilmember Keani Rawlins Fernandez and Representative Mahina Poepoe will be organizing a virtual working group involving community stakeholders and they will invite the state and federal agencies with responsibilities at Kalaupapa to attend.