

STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of SB2289, SD2, HD1
RELATING TO KALAUPAPA**

REPRESENTATIVE DAVID A. TARNAS CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Hearing: Tuesday, March 19, 2024; 2:00 PM; Conference Room 325

1 **Fiscal Implications:** None

2 **Department Position:** The Department of Health (“Department”) supports this measure.

3 **Department Testimony:** The Communicable Disease and Public Health Nursing Division
4 (CDPHND) provides the following testimony for SB2289-SD2 on behalf of the Department.

5 The Department supports the request to keep the Legislature updated regarding plans for the
6 future transfer of the Department’s existing statutory jurisdiction over Kalawao County (§326-
7 34) and other duties related to Kalaupapa. Work is ongoing to fully comprehend and prepare
8 for the eventual transition of Kalawao County when there are no longer patients residing in
9 Kalaupapa. In addition to preparing for the operational, legal and jurisdictional changes, the
10 Department continues to work on infrastructure repairs and environmental remediation. Part
11 of this work includes a full assessment of the scope and costs of projects such as an inventory of
12 buildings and their repair needs, the remediation of the legacy shoreline dump site, cesspool
13 closure, and repair of the Kalaupapa Care Home wastewater system. The Department estimates
14 these assessments to cost \$1.2M with subsequent funding needed to complete the remediation
15 projects defined in the assessments.

1 The Department recognizes the importance of community involvement in decision making
2 regarding the future of Kalaupapa. Stakeholders with an interest in the future of Kalaupapa
3 including current patients, descendants and family of residents, DHHL beneficiaries, Ka Ohana O
4 Kalaupapa, members of the greater Molokai community and others will play an important role
5 in shaping the successful transfer of the jurisdiction of Kalawao County and future uses of
6 Kalaupapa.

7 The Department will continue to provide the Legislature with updates and details “regarding
8 the permanent transfer to other governmental entities of the powers and duties of the
9 department and any other state agency over Kalaupapa Settlement” as well as efforts at
10 community engagement in our annual report to Legislature.

11 **Offered Amendments:** None

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13 Thank you for the opportunity to testify on this measure.

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SB2289 SD2 HD1
RELATING TO KALAUPAPA
House Committee on Judiciary and Hawaiian Affairs

March 19, 2024

2:00 p.m.

Conference Room 325

The Office of Hawaiian Affairs (OHA) offers **SUPPORT and comments on SB2289 SD2 HD1** which would require the Department of Health to include in its annual report regarding Kalaupapa Settlement details and updated information, as available, regarding the permanent transfer to other governmental or qualified non-governmental entities of the powers and duties of the Department over Kalaupapa Settlement and requires the Department of Health to report on its community engagement efforts with community stakeholders and the Molokai community. This measure is crucial for ensuring transparency and accountability in the management of Kalaupapa Settlement, particularly as the Department of Health considers the permanent transfer of powers and duties over the area to other governmental entities.

Part of the community engagement efforts must include the implementation of the Kalaupapa Memorial Act, which authorizes the nonprofit organization, Ka 'Ohana O Kalaupapa to establish a Memorial listing the names of those who were sent to the peninsula because of government policies regarding leprosy. The Act was signed into law by President Barack Obama on March 30, 2009. (123 STAT. 996; Public Law 111-1 - 3/30/2009). The Act authorized Ka 'Ohana O Kalaupapa to establish the Memorial within the boundaries of Kalaupapa National Historical Park. Moreover, Ka 'Ohana O Kalaupapa has provided and maintains crucial contacts with those who are most significantly impacted by any contemplated management of the settlement and must be part of the discussions and planning moving forward.

Established by our State's Constitution, OHA is the quasi-autonomous State Agency within the State of Hawaii, mandated for the betterment of the conditions of Native Hawaiians. This mandate is pursuant to the unique Trust relationship established in the compact between Native Hawaiians, the United States and the State of Hawaii, also known as the Admissions Act.¹ Guided by a board of nine publicly elected trustees, all of whom are Native Hawaiian, OHA fulfills its mandate through advocacy, research, community engagement, land management and funding of community programs. Hawaii state law recognizes OHA as the principal public agency in the State responsible for the performance, development, and

¹ Pub. L. 86-3, 73 Stat. 4, enacted March 18, 1959.



SB2289 SD2 HD1
RELATING TO KALAUPAPA
House Committee on Judiciary and Hawaiian Affairs

coordination of programs and activities relating to Native Hawaiians. Furthermore, State law directs OHA to advocate on behalf of Native Hawaiians; to advise and inform Federal Officials about Native Hawaiian programs; and to coordinate Federal Activities relating to Native Hawaiians. Accordingly, The Office of Hawaiian Affairs has a vested interest in the outcome of the transition of authority for Kalaupapa. We stand ready to support transition efforts as appropriate.

Additionally, OHA would like to emphasize the importance of the memorial for the patients who have passed away at Kalaupapa. Of the estimated 8,000 Hawai'i citizens sent to Kalaupapa, 90% were Native Hawaiian. Only 1,000 of the 8,000 buried at Kalaupapa have a marked grave. The Memorial will have all 8,000 names inscribed for future generations to see and reconnect with their Kalaupapa 'ohana. The creation of this memorial received significant support from the State Legislature during the 2022 Hawai'i State Legislative Session, with a \$5 million award allocated for its development. As plans for the future of Kalaupapa Settlement are considered, it is essential that the memorial project is integrated into these discussions and that its progress is accurately reflected in the Department of Health's annual reports.

Furthermore, as the Department of Health commences plans for the transition, **it is imperative that there is greater community engagement to adequately plan for the future.** This includes meaningful engagement with community stakeholders and the Moloka'i community, especially the inclusion of Ka 'Ohana O Kalaupapa. **We appreciate the inclusion of Ka 'Ohana O Kalaupapa in the current draft of the bill. Their inclusion in the decision-making process ensures that the voices of those most directly impacted are heard and valued.**

In conclusion, the Office of Hawaiian Affairs urges the Legislature to **PASS SB2289 SD2 HD1** and promote greater community transparency and coordination and ensure accurate and detailed reporting of activities at Kalaupapa Settlement. By doing so, we honor the historical significance of the land, respect the rights and perspectives of the Native Hawaiian community, and ensure that the future of Kalaupapa Settlement is guided by inclusivity, transparency, and respect for the memory of its patients.

Mahalo for the opportunity to testify on this important issue.



March 18, 2024

SB2289, SD2-HD1 -- Relating to Kalaupapa
State House Committee on Judiciary and Hawaiian Affairs
Tuesday, March 19, 2024, 2 p.m., Room 325

I write in SUPPORT of SB2289-SD2-HD1 (including amendments), regarding the future of Kalaupapa

Dear Chair Tarnas, Vice Chair Takayama and Members of the Committee on Judiciary and Hawaiian Affairs,

Thank you for giving attention to the testimony of Ka 'Ohana O Kalaupapa, a nonprofit organization created by Kalaupapa residents (patients) in 2003 to bring together family members and friends to support them and carry on their wishes into the future.

I am Valerie Monson, Executive Director of Ka 'Ohana O Kalaupapa. I have had the opportunity of interviewing and writing about the people of Kalaupapa since 1989 and have gotten to know many descendants of Kalaupapa.

The original SB2289 required that the Department of Health (DOH) include in its annual report regarding Kalaupapapa settlement ***“updated information, as available, regarding the permanent transfer to other governmental entities of the powers and duties of the Department over Kalaupapa Settlement. Sunsets on the first 6/30 after the Revisor or Statutes receives a written gubernatorial proclamation that the referenced transfer is complete.” (emphasis added)***

DOH and other government agencies have been meeting for at least eight years about the transfer of Kalaupapa to another entity when there no longer residents who were isolated under the old laws. However, this “transition team” has **never** included non-governmental voices such as Ka 'Ohana O Kalaupapa and the upper Molokai community. As far as I know, there have never been any community meetings about what plans are being discussed.

This is not right.

Since hearings began on this bill in the Legislature six weeks ago, we have spoken with various government officials who sit on this transition team, who tell us where they are in the process of discussing the future of Kalaupapa -- and everyone seems to have a different point of view. One official says that in the eight years of meeting, the transition team is still only talking about "operational" details such as "who has the key to what."

Another official testified that the team wants to bring in the public, but they must first find funding to bring on board an "Engagement Coordinator" to develop an "Engagement Plan." That scenario could take years before the public is involved. During discussions with another official, we were told that the Department of Hawaiian Homelands has been consulting with its beneficiaries about the future of Kalaupapa -- but the beneficiaries we know say this has not happened.

Someone else told us the future of Kalaupapa has already been sent up to the "Executive level"whatever that means. That's the comment that has scared me the most.

Has the future of Kalaupapa already been decided by Honolulu officials without involving the public? Is this a done deal?

The future of Kalaupapa is an important and complex subject that requires serious discussions which are open to the public. **A key reason why Kalaupapa residents (patients) wanted to organize Ka 'Ohana O Kalaupapa in 2003 and bring in family members and friends to support them and make sure their wishes would guide the future of Kalaupapa. They feared that outsiders or those with little experience at Kalaupapa would be making those decisions without seeking the input of those long involved with the community.**

Here we go again.

Nearly all of the state agency Directors involved at Kalaupapa and the NPS Superintendent have been newly appointed or are recent hires. There will always be new administrations and new department heads at different times -- in the case of the National Park Service, the Superintendent of Kalaupapa National Historical Park could be an individual from the continent who is new to Hawai'i as well as new to Kalaupapa, a huge learning curve.

These new officials and this transition team would benefit greatly from the wisdom and knowledge of Ka 'Ohana O Kalaupapa and the upper Molokai community.

Kalaupapa is part of Molokai -- the voices of the Molokai community must be heard. Molokai residents do not necessarily follow the path of those on other islands and future plans for Kalaupapa must dovetail with the future of Molokai.

For the past 20 years, Ka 'Ohana O Kalaupapa has been diligently and actively creating and implementing programs and projects for Kalaupapa residents and the greater community that had not previously been done. We have helped more than 900 descendants learn more about their Kalaupapa ancestors -- and arranged for a number of them to visit Kalaupapa so they can walk in the footsteps of their kupuna.

Ka 'Ohana was given a Congressional mandate to establish the Kalaupapa Memorial and will be a longtime presence on the peninsula. In preparing testimony for the NPS's General Management Plan when the first draft was issued in 2009, Ka 'Ohana developed a 28-page Position Paper on the future of Kalaupapa. Ka 'Ohana continued to participate in every GMP meeting and offering extensive written comments following each draft of the plan in the years-long process.

One of the most important issues regarding the future of Kalaupapa centers around homesteading. The ahupua`a of Kalaupapa -- approximately 1,300 acres -- is owned by the Department of Hawaiian Homelands which has a 50-year lease with NPS that expires in 2041.

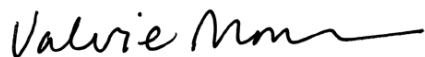
Before Kalaupapa was designated as a leprosy settlement in 1865, a thriving Hawaiian community had lived for generations on the Kalaupapa peninsula and in nearby Waikolu Valley.

Our Position Paper took a strong stand that the public needs to be included in these discussions about homesteading. We do not believe that has yet to take place. If there is homesteading, would the National Park Service continue at Kalaupapa? We don't know. If there is no homesteading and the Park Service has full control at Kalaupapa, how will NPS be held accountable? We don't know.

I respectfully ask this committee to support SB2289-SD2-HD1 -- or add even stronger language which directs that Ka 'Ohana O Kalaupapa and a non-governmental organization from the Molokai community be included immediately on the transition team and that qualified non-government agencies be considered along with other government agencies regarding jurisdictional issues of Kalaupapa when DOH is no longer involved.

Thank you for this opportunity to address this important issue.

With aloha,



Valerie Monson, Executive Director
Ka 'Ohana O Kalaupapa

**DeGray Vanderbilt
175 Kealaloa Avenue
Makawao, Hawaii 96768**

March 18, 2024

SB2289, SD2-HD1 -- Relating to Kalaupapa

State House Committee on Judiciary and Hawaiian Affairs

Tuesday, March 19, 2024, 2 p.m., Room 325

In SUPPORT of SB2289 HD1 regarding the future of Kalaupapa

Aloha kakou Chair Tarnas, Vice Chair Takayama and Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is DeGray Vanderbilt. I am a member of Ka ‘Ohana O Kalaupapa Board of Directors but am providing comments in support of SB2289-HD1 as an individual with the following proposed amendments for consideration. The amendments are to provide clarity to the previous amendments made by the Water and Land Committee.

SECTION 1: Paragraph (10): Details and updated information , as available, regarding the permanent transfer to other **qualified** governmental agencies or qualified non-governmental entities.....

Paragraph (11): Details, including efforts of engagement by the department with Molokai community groups, including the immediate addition to the **executive** transition team of Ka ‘Ohana O Kalaupapa and.....

SECTION 2. After all of the powers and duties of the department of health over the Kalaupapa Settlement have been permanently transferred to other **qualified** governmental agencies or qualified non-governmental organizations

The insertion of the word “qualified” is to clarify that the government agencies being considered as part of the transition process need to be “qualified” just as those non-government community-based agencies need to be qualified to assume future operational and/or jurisdictional responsibilities as Kalaupapa’s administration transitions.

The following is a brief explanation regarding the intent of proposing the amendment involving the word “executive”. The transition team started off with the name of the

“transition team” in 2016. Then when only government agencies were selected to be members of the team, its name changed to “inter-agency transition team” and now the all government transition team has changed its name again, this time to the “executive transition team”. At the recent March 12 hearing before House Committee on Water and Land, a Department of Health (DOH) representative said the transition team was newly named the “Executive Transition Team”. The DOH representative said the executive transition team “*will not include*” Ka ‘Ohana O Kalaupapa, or a community organization from the topside Molokai community.”

This was not the intent of the Water and Land Committee when at their March 12 hearing they amended SB2289 SD2 as follows: Section 1 Paragraph (11): (11) ***Details, including efforts of engagement by the department with Molokai community groups, including the immediate addition to the transition team of Ka Ohana O Kalaupapa and a non- governmental organization from the non-peninsular area of Molokai as soon as it is selected by the department in consultation with the non-peninsular area of the Molokai community.*** (emphasis added)

The proposed three one-word amendments I am respectfully requesting you consider is to clarify that the intent of Water and Land Committee, as I understand it, which was for Ka ‘Ohana O Kalaupapa and a topside Molokai community organization to be “immediately” added to any transition team considering issues that may be applicable to future jurisdictional responsibilities at Kalaupapa, regardless of its name change.

I clarified this with the Water and Land Committee prior to submitting this testimony.

I’d also like to share the following information with your Committee.

Ka ‘Ohana O Kalaupapa is a formally organized non-profit and is a Native Hawaiian organization. The organization recently held its 20th anniversary celebration at Kalaupapa. During this time Ka ‘Ohana has accomplished much, including receiving seven (7) Historic Preservation awards by the Hawaii Historic Foundation for the organizations work at Kalaupapa.

Kalaupapa residents conceived of and fostered Ka ‘Ohana O Kalaupapa so that as their numbers grew smaller, their voices would continue to be heard and the legacy they dreamed of for Kalaupapa’s future would be realized and sustained in perpetuity.

In the Kalaupapa Memorial Act, which directed the Secretary of the Interior to authorize Ka ‘Ohana O Kalaapapa to establish the Kalaupapa Memorial, Congress recognized that the organization consists of patient residents at Kalaupapa and their family members and

friends. The Act was signed into law March 30, 2009 by President Barack Obama, and has no sunset date.

As noted in my earlier testimony on SB2289 before the Senate Committee on Health and Human Services, I shared that the 2017 Kalaupapa Foundation Statement, which is associated with the Kalaupapa General Management Plan, includes the following section on how a transition plan will be developed for the Department to permanently transfer its powers and duties over the Kalaupapa Settlement.

“A transition management plan would be developed in partnership with state agencies and organizations, including the Department of Health, Department of Hawaiian Home Lands, Department of Land and Natural Resources, Department of Transportation, and the Office of Hawaiian Affairs, to provide a smooth transition. The plan would define responsibilities of the agencies and other partners during the transition, include timelines, and address maintenance and other costs related to facilities and utilities, housing, emergency operations, and law enforcement.” (emphasis added)

The current transition team was selected by NPS and DOH and includes only the following government agencies National Park Service and Department of the Interior (federal); State agencies - DOH, DLNR, DHHL DOT; and the County of Maui.

To my understanding, Office of Hawaiian Affairs (OHA) has not been invited by DOH or NPS to attend nor have any of the Native Hawaiian organizations at Kalaupapa and/or from the topside Molokai community been invited, despite the fact these organizations are major stakeholders/partners in determining the future of Kalaupapa.

However, OHA has provided meaningful testimonies at earlier SB2289 hearings.

The Office of Hawaiian Affairs is a public agency with a high degree of autonomy with an entitlement interest in the ceded lands at Kalaupapa. OHA is responsible for improving the well-being of Native Hawaiians. Ninety percent of the Hawaii citizens exiled to Kalaupapa are Native Hawaiian. It seems logical that would have been invited to serve on the transition team.

The current all-government agency transition team has been meeting since 2016 during which time there have been approximately 30 meetings. It's been acknowledged by the current transition team that their meetings are not recorded, and there are no meaningful minutes for most meetings. DOH was initially in charge of running the meetings, but DOH has turned that responsibility over to the National Park Service because of a staff shortage.

A member of the current transition team member noted on the record at a meeting with a few topside Molokai Homestead beneficiaries that the transition team has been “*aware*

that there is a lot of interest in the future of Kalaupapa and that key stakeholders will need to be included. So we're trying to figure out how to do that and we actually haven't been able to figure that out yet." These statements were made over two years ago.

More recently, at the initial hearing for SB2289 before the Senate Committee on Health and Human Services on January 31 of this year, Senator Joy Buenavenura, Chair, shared the following: *"My understanding is that when the Senate Committee on Ways and Means visited Kalaupapa, there was no actual transition plan."*

These are all the more reasons, it seems, to include some long established non-governmental organizations from the Island of Molokai on the transition team. It is tough when only government agencies are involved in the long planning process required to come up with a detailed and complex transition plan when government agency leadership is changing every few years.

In addition, at the March 12 Water and Land hearing, the Department of Health Deputy Director Debbie Moriwaka said, and I quote: *"The only reason that Ka 'Ohana O Kalaupapa and a topside Molokai community organization have not been involved up to this point is because a lot of the discussions have been trying to identify all of the legal issues regarding the transition. So a lot of the state agencies have been involved and we have not figured out jurisdictional issues. So we need to settle those first before we bring in the community members."*

At the same March 12 hearing, DLNR Chair said that the discussion that have taken place in the last two recently scheduled executive transition team meetings have been about, and I quote: *"who's going to take over Kalaupapa when the last patient passed and the Department of Health exits Kalaupapa?"*

Based on the above statements, what better time to include the two long established community-based organizations in the discussions regarding jurisdictional and operational issues associated with the future administration of Kalaupapa. They have so much institutional knowledge to offer.

As Water and Land Committee Vice Chair Mahina Poepoe stated at the March 12 WAL hearing, *"I think as much as possible involving community upfront makes for a much smoother process than later. I don't know if the reason for choosing to not include community at this point has to do with personal health information because it has to do with patients. But from what I'm hearing, I think it's rather a choice than something that the community has to be excluded from for legal reasons. I feel like the community could be included at this point. It's just a choice not to."*

I mentioned at the March 12 Water and Land hearing that *"time is of the essence."* A transition plan needs to be in place when DOH leaves Kalaupapa, which will be when

there is no longer a patient community living there. Today there are only five patient residents are living at Kalaupapa—three in the Kalaupapa Care Home and two still living independently.

Their average age is over 92.

I hope that I have been able to provide some meaningful rationale as to why I not only support your Committee's approval of SB2289 HD1, but also why I have proposed the aforementioned slight amendments for the sake of clarification.

Having Ka 'Ohana O Kalaupapa and a community organization from topside Molokai on the transition team will insure more transparency in the transition planning process, and provide a great deal of institutional knowledge that should prove a valuable asset to the existing transition team and its government agency members.

Mahalo for your consideration and allowing me to share my testimony with you.

Respectfully submitted

DeGray Vanderbilt, degray.vanderbilt@gmail.com; (808) 283-8171

My name is DeGray Vanderbilt. I am a member of Ka ‘Ohana O Kalaupapa Board of Directors but am providing comments on SB2289-D2 as an individual. Ka ‘Ohana O Kalaupapa is a formally organized non-profit and is a Native Hawaiian organization. The organization recently held its 20th anniversary celebration at Kalaupapa. During this time Ka ‘Ohana has accomplished much, including receiving seven (7) Historic Preservation awards by the Hawaii Historic Foundation for the organizations work at Kalaupapa.

Kalaupapa residents conceived of and fostered Ka ‘Ohana O Kalaupapa so that as their numbers grew smaller, their voices would continue to be heard and the legacy they dreamed of for Kalaupapa’s future would be realized and sustained in perpetuity.

As noted by Congress, which approved the Kalaupapa Memorial Act that was signed into law March 30, 2009 by President Barack Obama, the organization consists of patient residents at Kalaupapa and their family members and friends. The Act has no sunset date.

I am requesting the Committee to please consider approving SB2289 SD2 as amended in its highlighted text.

As noted in my earlier testimony on SB2289 before the Senate Committee on Health and Human Services, I shared that the 2017 Kalaupapa Foundation Statement associated with the Kalaupapa General Management Plan includes the following section how a transition plan will be developed for the Department to permanently transfer its powers and duties over the Kalaupapa Settlement.

“A transition management plan would be developed in partnership with state agencies and organizations, including the Department of Health, Department of Hawaiian Home Lands, Department of Land and Natural Resources, Department of Transportation, and the Office of Hawaiian Affairs, to provide a smooth transition. The plan would define responsibilities of the agencies and other partners during the transition, include timelines, and address maintenance and other costs related to facilities and utilities, housing, emergency operations, and law enforcement.” (emphasis added)

The current transition team was selected by NPS and DOH and includes only the following government agencies National Park Service and Department of the Interior (federal); State agencies - DOH, DLNR, DHHL DOT; and the County of Maui.

To my understanding, Office of Hawaiian Affairs (OHA) has not been invited by DOH to attend nor have any of the Native Hawaiian organizations at Kalaupapa and/or from the topside Molokai community been invited, despite the fact these organizations are major stakeholders/partners in determining the future of Kalaupapa.

However, OHA did provide meaningful testimony before the Senate WAM Committee on Senate Draft 1 of SB2289.

The Office of Hawaiian Affairs is a public agency with a high degree of autonomy with an entitlement interest in the ceded lands at Kalaupapa. OHA is responsible for improving the well-being of Native Hawaiians. Ninety percent of the Hawaii citizens exiled to Kalaupapa are Native Hawaiian.

The current all-government agency transition team has been meeting since 2016 during which time there have been approximately 30 meetings. It's been acknowledged by the current transition team that their meetings are not recorded, and there are no meaningful minutes for most meetings. DOH was initially in charge of running the meetings, but DOH has turned that responsibility over to the National Park Service because of a staff shortage.

A member of the current transition team member noted on the record at a meeting with a few topside Molokai Homestead beneficiaries that the transition team has been *“aware that there is a lot of interest in the future of Kalaupapa and that key stakeholders will need to be included. So we're trying to figure out how to do that and we actually haven't been able to figure that out yet.”* These statements were made over two years ago.

More recently, at the initial hearing for SB2289 before the Senate Committee on Health and Human Services on January 31 of this year, Senator Joy Buenavenura, Chair, shared the following: *“My understanding is that when the Senate Committee on Ways and Means visited Kalaupapa, there was no actual transition plan.”*

This is all the more reason, it seems, to include some non-governmental entities on the transition team. It is tough when only government agencies are involved in the long planning process required to come up with a detailed and complex transition plan when government agency leadership is changing every few years.

Time is of the essence. A transition plan needs to be in place when DOH leaves Kalaupapa, which will be when there is no longer a patient community living there. Today there are only five patient residents are living at Kalaupapa—three in the Kalaupapa Care Home and two still living independently. Their average age is over 92.

I hope that I have been able to provide some meaningful rationale as to why I support your Committee's approval of SB2289 D2 with its highlighted amendments. Having Ka 'Ohana O Kalaupapa and a community organization from topside Molokai on the transition team will insure more transparency in the transition planning process, and provide a great deal of institutional knowledge that should prove a valuable asset to the existing transition team.

It is difficult for me to understand why the government agencies that make up the current transition team would not want to immediately welcome these two knowledgeable community stakeholders starting with their next meeting, especially in light of the fact

that they have recognized the need to include Molokai/Kalaupapa stakeholders on the transition team.

Mahalo for you consideration and allowing me to share my testimont with you.

Respectfully submitted

DeGray Vanderbilt, degray.vanderbilt@gmail.com; (808) 283-8171

Honorable Members of the Judiciary and Hawaiian Affairs

Thank you for this opportunity to testify on SB2289. I stand in **support** of any bill or resolution to **increase the transparency over all jurisdictions, agencies etc. that will establish communication with the Molokai community.**

For nearly 40 years I have been pili to Kalaupapa and worked assertively to participate in nearly ALL meetings by multiple agencies that conducted or proposed actions in the peninsula of Makanalua aka Kalaupapa. A few of the agencies/projects: State and Federal Department of Defense, Department of the Interior, Department of Water Supply, Department of Land and Natural Resources, US Fish and Wildlife Service, Advisory Council on Historic preservation, State Department of Health, Department of Hawaiian Homes Commission.

First, I would like to respond to testimony made on the record at the last meeting concerning the current bill to dispel comments made on the record.

Testimony Excerpts from the March 12, 2024 WAL meeting verbatim transcript with numbered paragraphs:

Paragraph 19. DEBBIE MORIWAKA: We're looking at sources of funding now where we can possibly allocate funding within this current fiscal year, as well as looking to see who might be an appropriate entity, an outside consulting entity that could carry forward this engagement plan. **We know that individual organizations like DHHL, they're doing their own community engagement with their beneficiaries.**

Paragraph 41. DLNR DIRECTOR DAWN CHANG: The Department of Hawaiian Homes is having their community outreach. We recognize that they're meeting with their beneficiaries.

In my written testimony to the House Committee on Water and Land hearing on March 12, 2024, I stated that **DHHL has had no communication with beneficiaries about the transition team.**

Both the Department of Health and the Department of Land and Natural Resources should make every attempt to consult with the Molokai Community and should not make any statements or assumptions or waive any responsibility to DHHL for the consultation to the Molokai community outside of DHHL beneficiaries because DHHL has their own difficulties with engaging beneficiaries concerning Kalaupapa.

To my knowledge there has been 0 meetings with the Molokai Community to report on what is transpiring with the future of Kalaupapa BY ANYONE with kuleana in Makanalua-Kalaupapa, transition team or not. The only organization that makes any attempt to do outreach to community has been Ka Ohana Kalaupapa who has a focused mission.

It is critical and imperative that the **entire Molokai community** has an opportunity to be included in the plans for the future of Kalaupapa because Makanalua is connected to Molokai. Look at a map, we are CONNECTED. We are an island and for too long outside management of the peninsula have worked to DISCONNECT Makanalua from the rest of Molokai as evidenced by its UNIQUE administration, multiple federal designations, absence of a community led GMP, its county designation as a part of Honolulu County and consistent referencing of the Molokai community as "Topside" historically entrenching division in the "us" and "them". Stop it! This has been a source of HURT and OPPRESSION to the Molokai community since the beginning.

Please help Molokai to care for our island as a WHOLE and direct those with kuleana in Kalaupapa to engage with the Molokai Community.

Mahalo Legislators for this opportunity to provide testimony for our Kalaupapa.

Lori Buchanan

Molokai Advocate
(808) 658-6706

SB-2289-HD-1

Submitted on: 3/18/2024 10:42:33 AM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wally Inglis	Individual	Support	Written Testimony Only

Comments:

Representative David Tarnas, Chair; Representative Gregg Takayama, Vice-Chair and

Members of the House Committee on Judiciary and Hawaiian Affairs:

I strongly urge you to vote favorably on SB 2289 SD2, HD1, a measure having profound implications for the future of Kalaupapa, its land and its people.

The bill has been strengthened by amendments made by previous House and Senate Committees, but there are still concerns that the level of community engagement may be insufficient at all levels of the proposed transition process. The possibility that "Executives" alone will be the decision-makers--with community members and organizations being brought in only after major decisions have been made--is wrong and unacceptable.

Earlier versions of the bill ask that the non-governmental 'Ohana o Kalaupapa be included in the transition team. This 'ohana, which includes family members and friends of Kalaupapa residents past and present, will make sure that community voices will be heard.

Forty years ago, Hansen's disease patients at Hale Mohalu in Pearl City, with wide community support, staged dramatic public protests because they were left out of decisions that impacted their lives. The Department of Health should have learned from this history the importance of listening to those who have most at stake. Other departments--DLNR, DHHL, NPS, et al--involved in the transition process should be equally sensitive to the need for active community participation.

Mahalo for listening.

Respectfully,

Wally Inglis

Palolo Valley