

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of SB2289-SD1
RELATING TO KALAUPAPA**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing: Friday, February, 23, 2024; 10:30 AM; Conference Room 211

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-SD1 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

12

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

14

15

16

17



SB2289 SD1
RELATING TO KALAUPAPA
Senate Committee on Ways and Means

February 23, 2024

10:30 AM

Conference Room 211

The Office of Hawaiian Affairs (OHA) offers **SUPPORT and comments** on **SB2289**, which would require the Department of Health to include comprehensive details and updated information in its annual report regarding the Kalaupapa Settlement. 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.

The Office of Hawaiian Affairs (OHA) provided support testimony during the 2022 session for SB3338 SD2, which appropriated funds for the design, planning, and construction of the Kalaupapa Memorial which was to be coordinated with the State and Federal entities by the nonprofit organization, Ka 'Ohana O Kalaupapa. As longstanding stakeholders in the care of Kalaupapa Settlement and its patients' 'ohana, Ka 'Ohana O Kalaupapa and the native Hawaiian community hold significant knowledge and perspectives that are critical to future plans by the Department of Health. The land upon which Kalaupapa Settlement sits is ceded lands, underscoring the special interest of the Native Hawaiian community in the outcome of control over the area and the nature of any transfers and subsequent management. 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

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



SB2289 SD1
RELATING TO KALAUPAPA
Senate Committee on Ways and Means

recognizes OHA as the principal public agency in the State responsible for the performance, development, and 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.

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 Molokai community, especially the inclusion of Ka 'Ohana O Kalaupapa. We appreciate the inclusion of Ka 'Ohana O Kalaupapa in the most recent 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** and any necessary amendments that 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



SB2289 SD1
RELATING TO KALAUPAPA
Senate Committee on Ways and Means

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.



February 21, 2024

Senator Donovan Dela Cruz, Chairman, Ways and Means Committee

SB2289, SD1 -- Relating to Kalaupapa
Friday, February 23, 10:30 a.m., Room 211

I write with CONCERNS about SB2289, regarding the future of Kalaupapa

Aloha Chair Dela Cruz and members of the Senate Ways and Means Committee,

Thank you for considering the testimony of Ka 'Ohana O Kalaupapa, a nonprofit organization created by Kalaupapa residents 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 been 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 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)***

Ka 'Ohana O Kalaupapa testified before the Senate Health and Human Services Committee, explaining that DOH and other government agencies have been meeting for years about the transfer of Kalaupapa to another entity when there is no longer a living community. However, this “transition team” has never included non-governmental voices such as Ka 'Ohana O Kalaupapa and the upper Molokai community and has never held community meetings about what plans are being discussed.

We thank Senator Joy A. San Buenaventura for amending SB2289 to direct DOH to reach out to Ka 'Ohana O Kalaupapa and the Molokai community for input on the future of Kalaupapa and the eventual transfer. After that meeting earlier this month, DOH asked to meet with Ka 'Ohana. Our meeting is scheduled in two weeks.

The future of Kalaupapa is an important and complex subject that requires serious discussions that are open to the public. A key reason why Kalaupapa residents (patients) wanted to bring in family members and friends to support them and make sure their wishes would guide the future of Kalaupapa was because 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.

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. 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 National Park Service's General Management Plan in 2009, Ka 'Ohana developed a 28-page Position Paper on the future of Kalaupapa.

The voices of Ka 'Ohana also deserve to be included in determining the future of Kalaupapa.

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.

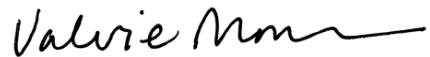
Our Position Paper took a strong stand in 2009 that the public needs to be included in these discussions about homesteading. We do not believe that has yet to take place. If there is homesteading, would the National Park Service continue at Kalaupapa? We don't know. If there is no homesteading and the Park Service has full control at Kalaupapa, how will NPS be held accountable? We don't know.

Will the State of Hawai'i allow one of the most sacred places in all the islands to be solely managed by the federal government? Does the public support that? Ninety percent of the nearly 8,000 men, women and children who were forcibly isolated at Kalaupapa were Native Hawaiians. Shouldn't independent Hawaiian voices and Hawaiian values guide the future of Kalaupapa?

I ask this committee to send a strong message to DOH, NPS and DOH that hearings be held to allow public input on the transition -- and that certain organizations and individuals be included on this transition team. The future of Kalaupapa cannot and should not be determined in Honolulu government buildings away from any public involvement.

Thank you for considering these comments.

With aloha,

A handwritten signature in black ink that reads "Valerie Monson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Valerie Monson, Executive Director
Ka 'Ohana O Kalaupapa

SB-2289-SD-1

Submitted on: 2/21/2024 10:11:44 AM

Testimony for WAM on 2/23/2024 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Todd Yamashita	Individual	Support	Written Testimony Only

Comments:

My family has lived on Molokai five generations... all of Molokai is important to my family and community. Topside Molokai has had a long history of supporting the peninsula and I have to say, since COVID, this is the most detached our topside community has felt about Kalaupapa. The optics seems to paint the picture that the topside Molokai community is unimportant and largely unnecessary toward the support of Kalaupapa, it's patients, and the staff who keep it going.

We've have bared witness over the decades of the state and fed's top down approach with respect to Molokai. The result: we are always last to know and first to be impacted; and projects tend to be delayed or shut down based on a broken system of consultation and consent.

In the past several years, community leaders here have developed community-led planning processes including in energy, water rights, and aina buy-back.

In terms of Kalaupapa, we need an improved system of transparency, communication and upfront planning that puts the community at the front of the process. I hope our Hawaii leadership will respect and support Molokai's right to consultation and consent and fight to strengthen our community-wide effort to care for this special place and it's people.

Todd Yamashita

SENATOR DONOVAN M. DELA CRUZ , CHAIR, SENATOR SHARON Y MORIWAKI, VICE CHAIR.

SENATE COMMITTEE ON WAYS AND MEANS

Hearing: Friday February 23, 2024 Conference Room 211 at 10:45 a.m.

Aloha Chair Dela Cruz, Vice Chair Moriwaki and members of the WAM Committee.

My name is DeGray Vanderbilt. I am a member of Ka ‘Ohana O Kalaupapa Board of Directors but am providing comments on SB2289-D1 as an individual. Ka ‘Ohana O Kalaupapa is formally organized non-profit and is a Native Hawaiian organization. The organization was conceived and fostered by patient residents of Kalaupapa in 2003 and just recently held its 20th anniversary celebration at Kalaupapa.

Kalaupapa residents formed 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 three text amendments to the Bill to Lines (10) and (11) in Section 1

and the first sentence in Section 2. Hopefully, in my testimony I am able to provide rationale for you to consider these amendments.. The suggested amendments, shown in bold type, are as follows:

Section 1 Line (10): Details and updated information, as available, regarding the permanent transfer to other governmental **and/or qualified non-governmental** entities

Section 1 Line (11): Details include efforts of engagement by the department with Molokai community groups [~~such as Ka ‘Ohana O Kalaupapa and the Molokai community~~], **including extending an invitation to become members of the current transition team to Ka ‘Ohana O Kalaupapa and also to an organization from topside Molokai selected by the department in consultation with the topside community.**

Section 2, first sentence: After all of the powers and duties of the department of health over Kalaupapa Settlement have been permanently transferred to other government agencies **and/or qualified non-governmental organizations**, the governor shall.....

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 has not been invited by DOH to attend nor have any of the Native Hawaiian organizations at Kalaupapa and/or on topside Molokai been invited, despite the fact these organizations are major stakeholders/partners in determining the future of Kalaupapa.

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 transition team has been meeting since 2015. There have been over 30 meetings. The meetings were not recorded. There are no minutes for most of the meetings. DOH was in charge of running the meetings but recently it is my understanding that DOH turned that responsibility over to National Park Service because staff shortages.

At the initial hearing for SB2289 before the Senate Committee on Health and Human Services, Chair Senator Joy Buenavenura shared the following: My understanding is that when WAM visited Kalaupapa, there was no actual transition plan.” This is all the more reason, it seems, to give consideration 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.

Based on the above comments, I believe that it is important to consider the amendments to SB2289 I have proposed. It seems that it's a forgone conclusion that the transfer of DOH's powers and duties are destined to be transferred only to government agencies. This not something supported by many within Molokai's island-wide community, who feel the public needs to be included in the transition discussions and directly

involved with the government agencies in`formulating the transition plan.

The DOH annual report for 2023 recently provided the legislature (DC267) concludes with the following quote: “DOH is greatly appreciative for the opportunity to share with the Hawaii Legislature all the actions it has taken to address the auditor’s report and improve the quality of life for the patients of the Kalaupapa Settlement.”

I hope that I have been able to provide some meaningful rationale as to why the amendments I have shared with you should be considered for adoption. Their approval would certainly bring peace and enhancement to their quality of life knowing that the legacy for the future of Kalaupapa they have dreamed of will have a greater chance of being realized.

Mahalo for the opportunity to testify.

Respectfully submitted

DeGray Vanderbilt