



SB2289 SD2
RELATING TO KALAUPAPA
House Committee on Water and Land

March 12, 2024

9:00 AM

Conference Room 430

The Office of Hawaiian Affairs (OHA) offers **SUPPORT and comments on SB2289 SD2** 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

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



SB2289 SD2
RELATING TO KALAUPAPA
House Committee on Water and Land

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 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.**

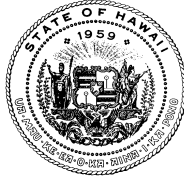
In conclusion, the Office of Hawaiian Affairs urges the Legislature to **PASS SB2289 SD 2** and promote greater community transparency and coordination and ensure accurate and detailed reporting of activities at Kalaupapa Settlement. By doing so, we honor the historical significance of the land, respect the rights and perspectives of the Native Hawaiian



SB2289 SD2
RELATING TO KALAUPAPA
House Committee on Water and Land

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.



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

**Testimony in SUPPORT of SB2289-SD2
RELATING TO KALAUPAPA**

REPRESENTATIVE LINDA ICHIYAMA, CHAIR
HOUSE COMMITTEE ON WATER AND LAND

Hearing: Tuesday, March 12, 2024; 9:00 AM; Conference Room 430

- 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

12

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

14

15

16

17



March 11, 2024

SB2289, SD2 -- Relating to Kalaupapa
State House Committee on Water and Land
Tuesday, March 12, 2024, 9 a.m., Room 430

**I write in SUPPORT of SB2289-D2 (including amendments inserted during this session),
regarding the future of Kalaupapa**

Dear Chair Ichiyama, Vice Chair Poepoe and members of the House Committee on Water and Land,

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 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)***

Ka 'Ohana O Kalaupapa testified before the Senate Health and Human Services Committee and the Ways and Means 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.

This is not right.

We found support from both Senate committees to get the public involved in this process. Some key amendments inserted by the Ways and Means Committee would include Ka 'Ohana O Kalaupapa and the topside Molokai community in these important discussions now -- before decisions are reached -- and would also consider transferring Kalaupapa to "non-government agencies" instead of only government agencies.

Even though this is a report from DOH, I was so pleased to see this bill referred to the Water and Land Committee because that's what the transition will be about: land and water. Who will have jurisdiction over this most sacred Hawaiian land and its pristine drinking water in the future?

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.**

Nearly all of the new 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 -- 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. This transition team would benefit 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. 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.

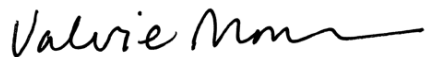
Before Kalaupapa was designated as a leprosy settlement in 1865, a thriving Hawaiian community had lived for generations on the Kalaupapa peninsula and in nearby Waikolu Valley.

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 ask this committee to support SB2289-SD2, including these important amendments directing that Ka 'Ohana O Kalaupapa and a non-governmental organization from the Molokai community be included 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

SB-2289-SD-2

Submitted on: 3/10/2024 9:15:32 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

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

Comments:

Rep. Linda Ichiyama, Chair; Rep. Mahina Poepoe, Vice-Chair and

Members of House Committee on Water and Land:

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

It is imperative that the Senate amendments made to the original bill be retained or strengthened. This will insure that the transition of Kalaupapa within various government agencies is done publicly and with full citizen participation. The bill requires the Department of Health to report on its community engagement efforts with Kalaupapa residents and the wider Molokai community.

The bill further asks that the non-governmental 'Ohana o Kalaupa be added to the transition team. As I member of this 'ohana, which includes family members and friends of Kalaupapa residents past and present, I know that this organization will make sure that community voices are heard.

Forty years ago Hansens disease patients at Hale Mohalu in Pearl City, supported by Kalaupapa residents, staged well-publicized protests because they were not being included in decisions affecting their lives. The Department of Health should have learned from this history the importance of listening to those who have the most at stake.

Mahalo for your attention to this important issue.

Wally Inglis

Palolo Valley

REPRESENTATIVE LINDA ICHIYAMA ,CHAIR AND REPRESENTATIVE MAHINA POEPOE, VICE CHAIR.

HOUSE COMMITTEE ON WATER AND LAND (WAL)

Hearing: Tuesday March 12, 2024, House Conference Room 211 at 9 a.m.

In support of SB2289 SD2 with its highlighted amendments.

Aloha Chair Ichiyama, Vice Chair Poepoe and members of the WAL Committee.

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

Respectfully submitted

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

SB-2289-SD-2

Submitted on: 3/11/2024 5:52:42 PM

Testimony for WAL on 3/12/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lori Buchanan	Individual	Support	Written Testimony Only

Comments:

In Support

There has been little to NO communication about the current and future plans for Kalaupapa. Please we need help with notification, consultation, and transparency. Many of our ohana are buried there and we are very sad and angry that all parties having some jurisdiction, claim, and MOU's are not talking to ohana and stakeholders. Please help us.....Lori Buchanan