

**MAUI COUNTY CULTURAL RESOURCES COMMISSION**  
**REGULAR MINUTES**  
**JANUARY 3, 2019**

**A. CALL TO ORDER**

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Deputy Corporation Counsel, Mimi Desjardins, at approximately 11:03 a.m., Thursday, January 3, 2019, in the Planning Department Conference Room, First floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

A quorum of the Commission was present (see Record of Attendance).

Ms. Desjardins: You ready? Okay. I'm going to call the meeting to order. Good morning everybody. I'm Mimi Desjardins, Deputy Corporation Counsel. We don't have our Chair with us today so what I'd like to know is do we have a volunteer for somebody to chair the meeting today? Lori?

Ms. Sablas: Yes. Okay. Anybody else? Hauoli Makahiki Hou. A brand new year. A brand new Mayor, many new Council Members; hopefully, wonderful progressive year for our beloved Maui County. Everybody agree? Cool. It's new energy. I watched the deliberation yesterday and was very, very encouraged to have new blood in and, you know, all of us who love our Maui, hopefully, are very interested at what happens at the top with the decision makers. Anyway, just little bit manao because we sit at this table for a reason, I think we sit at the table to try to make a difference, so thank you one and all for -- for being here, for sharing your manao. Okay, let's move on with the agenda.

First, the meeting has been called to order. Thank you. Item B, Public Testimony. At this time, I would like to open the floor to anyone in the audience who would like to testify on any of the subject matters on today's agenda. Please come up, identify yourself, and what topic you'll be testifying on.

**B. PUBLIC TESTIMONY** - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. Maximum time limits of at least three minutes may be established on individual testimony by the Commission. More information on oral and written testimony can be found below.

Ms. Sybil Lopez: Aloha mai kakou. Hauoli Makahiki Hou. Happy New Year to the CRC, Commission, Chair, members. My name is Sybil Lopez. I actually wanna speak on behalf of being a homestead beneficiary of the Department of Hawaiian Home Lands Homestead Act. I'm the President of our Kalamula Mauka Homestead Association and I would like to please speak on -- on that premise. So I would like to request to the CRC if we can also keep it open discussion with our audience while you guys go through your

topic new -- under New Business, C.1., regarding the Kalaupapa Management Plan, just a request if -- if we would like to hear your discussion and -- and see if we can provide our manao as well if the Commission would wanna feel privy to that, I would ask that. Thank you.

Ms. Sablas: Well, thank you for being here. Thank you.

Ms. Lopez: Mahalo.

Ms. Sablas: Any other testifiers at this time? If not, the public testimony is closed and we would like to hear from staff on the agenda item no. 1.

*Ms. Sablas read the following agenda item description into the record:*

### **C. NEW BUSINESS**

#### **1. Review and comment on the Kalaupapa National Historic Park General Management Plan and Environmental Assessment (A. Kehler)**

***The Commission may comment on the General Management Plan and Environmental Assessment, and advise the National Park Service in carrying out its historic preservation responsibilities, pursuant to Subsection 2.88.060.A., Maui County Code***

Ms. Sablas: Annalise?

Ms. Kehler: Thank you, Chair. So this item is before you folks today because the Park Service wanted your comments on the General Management Plan and Environmental Assessment for the Kalaupapa National Historic Park.

So the park was, just a little bit of background about the park, it was established in 1980, and it encompasses an 8,720-acre area of land, and a 2,060-acre area of submerged and offshore lands, and it's on the north shore of Molokai, and according to the plan, the park was established to preserve and interpret Kalaupapa, research and maintain historic structures, traditional Hawaiian sites, cultural values, natural features, and the character of Kalaupapa. It was also established to provide a community for Hansen's disease patients to protect their lifestyle and privacy, and also provide for limited visitation by the general public.

So the park is -- it sits on lands that are primarily owned by the Department of Hawaiian Homes, there's some Department of Land and Natural Resources lands, and so the Department of Health actually manages the visitor access system, and the Department

of Health is primarily the managing agency, and then the Park Service kind of deals with the park-related issues, and the plan was developed because there are some anticipated changes that will be happening within the next 10 to 15 years regarding the management of the park. So the -- they're anticipating that the patient population at Kalaupapa will cease to exist within the next ten or so years, and at the time that the patient population ceases, the management of the area will transfer from the Department of Health to the -- to the National Park Service, and so this plan is, basically, discussing how the Park Service intends to take over control of this area and what they intend to do, and so the Park Service has developed two alternatives in the future management of this area.

So alternative one is, basically, keeping all of the rules regarding visitation the same as it is currently under the Department of Health. Okay, so there's currently there's a hundred person per day cap on visitation. Children under the age of 16 are not allowed to visit. And commercial activity in -- in the area is limited to patient -- the patient population, and then Department of Hawaiian Home Lands also has an agreement where Native Hawaiians have the first right of refusal to provide these commercial activities in the park. And so, under alternative one, this would pretty much stay the same.

Now, alternative two is where the Park Service, this is -- they've indicated that alternative two is their preferred alternative, and this is where they talk about changing visitor policies, so they want to remove the hundred person per day cap, and they want to allow children.

And, let's see, the plan pretty much discusses different things about how -- what would happen if nothing change, and then what would happen if the visitor policies changed, and, basically, they're arguing that increasing the visitor cap would only benefit the park, and one of my observations is that the plan is very general, very, very general, and it doesn't talk about how many visitors would actually be allowed in the park in any given time and that is, for me, it's a little bit hard to understand what real -- what the real impacts could be to the area if we don't have a defined number of people that are anticipated to be visiting, and I think that, you know, the preferred alternative for the Park Service, it really needs to be studied further to understand potential adverse impacts. You know, they talk about the fact that there's not an anticipated increase need for sewage, and things like that, and infrastructure, but they don't say how many people would be coming so I don't know how they would know that without identifying that number.

The other thing that they are talking about changing is the policy of staying overnight. So, currently, it's not allowed unless you have -- unless you have a patient sponsor and it's real limited on how -- how many days in a three-month period that you can stay overnight, and so the Park Service is talking about opening up staying overnight to the general public, and so that's a -- that's another really big change and, again, we don't know how many people would be staying, and so it's hard to really understand how that might affect the park.

Another thing is that's -- that under the Park Service's preferred alternative is discussions about letting people visit the park and being unescorted in certain areas. Currently, I believe you need to have an escort at all times to be down there, and so they're talking about having the general public be able to access certain locations without an escort. And, you know, they say that would be mitigated by requiring the general public to have sort of an initial orientation, however, I don't -- it doesn't really talk about what might happen if people are unescorted in the park. What I have observed about unescorted people in La Perouse is they tend to take rocks and stack them, and do all these little weird things with coral and so that type of activity is a little concerning to me just because I don't know how much education you could give upfront to prevent that type of behavior, I would hope that that would help, but I just don't know.

The report, it also talks about -- it briefly talks about what kind of resources are down there and it really focuses on what the -- what nomination for the park consist of, which is sites and resources related to the settlement population, and so we know that there was lots of activity down there prior to settlement, and one of my comments or concerns is that, you know, the Park Service should consider reevaluating that nomination that was written back in the '80s to expand the period of significance to include pre-settlement history and resources, and I also think that they should -- there was some discussion in the report about it being difficult to track down people who were associated with Kalaupapa prior to the patient settlement, and they said it was difficult to identify who those people were, and so one of my questions to the Park Service would be: Have they considered the State's process for establishing cultural and lineal descendancy. I mean there is a process in place here that we use to kind of help figure out who has ties to these places and I'm just not sure if the Park Service is aware of that or if they've considered using that process or modeling their process off the existing State process, but I think that the area would benefit from seeking out those descendants and from expanding their focus to pre-settlement because it does acknowledge that there are lots of archaeological pre-contact archaeological sites, but it's not really a focus, and, don't get me wrong, I think that the settlement population and the settlement history is extremely important and I'm glad that they -- they recognize that, but I think that there could be other periods of significance discussed, and focused, and interpreted, and written about. You know, there's a section in the back that -- where they've responded to comments and concerns of other folks who have reviewed previous iterations of this plan and they said, oh well, you know, we focus on pre-settlement history and resources in the Kalaupapa NHP Foundation document, but I don't know how that relates, I don't know how they use that, I don't know how people have access to that, I don't know if that's an adequate educational tool for people. And so, you know, in general, I'm just not sure how potential effects from their preferred alternative can be adequately -- whether they're adequately studied in this report. I also think that, you know, if they go -- when they go further into implementation of this report, and they acknowledge that additional studies will need to be done, but I

think that memorandums of agreement or understanding with the Department of Hawaiian Home Lands, Office of Hawaiian Affairs, and lineal and cultural descendants needs to happen so that everybody is understanding what types of cultural or commercial activities are acceptable, who's doing these cultural activities, how many people are coming there on a daily basis, how they're getting there; I think it needs to be explained and agreed upon by all of these different stakeholders before the Park Service makes a decision. I think that, as I said before, there's just not enough focus on pre-settlement resources and history and they could do more to interpret that portion of Kalaupapa's history.

I don't really have any comments on their preferred alternative, I just think it needs to be studied further to understand potential effects, and then, you know, as I stated for -- I think the Park Service should probably consult State laws related to establishing cultural and lineal descendancy. And that was -- that's pretty much my comments and, you know, I'm very interested to hear the Commission's comments on what they read and what they thought.

Ms. Sablas: Thank you very much, Annalise. So, Members, especially our Molokai here representative, I'd be interested to hear your manao.

Ms. Albino: I was -- I was trying to cram and read everything because we kind of got this, you know, memo a little bit, you know, on short of time, but from I've studied, and I hope that maybe you can clarify if I'm not, you know, being too clear about it, but in my reading of the plan, I agree with you. There are other concerns that I had, the depth of the study because there are many generalizations and there's no clear adverse effects as the result of the plan that has come forth, and along with what you said, I'm concerned about genealogy because that's a cultural, and every culture should have that, but that's a concern because we have moolelo but they haven't made the right contact maybe and with the community resources, which is another concern I had because people don't remember, I spoke to a few people about - do you remember the plan coming forth, the draft, 'cause I got ahold of the draft from the OHA office, it was in their, you know, library, and I just happened to come upon it, so what I want to see done is an EIS, that this -- this -- this is a good beginning but we need more detail, we need more input with the partners, and I -- I look at, you know, their proposal to have, on page 18 I was reading, you know, about the management and how they would, along with other partners, and that's not clearly defined, and I know a lot of Molokai people want to have connection with the place. It -- we have, in Hawaii nei, some of the most sacred and profoundly beautiful places, Kalaupapa is one of them. You know, when I was growing up, my father worked there and he would go to work along the pali line, he was a carpenter and stone cutter, and he walked Ginger, a donkey that we had, and worked there until he was hired to work upside, but he was -- and I think about what he told me, he would share, you know, moolele and stories about what he and Jack Sing would do, and he said those burials are not clearly defined, he said people would sometimes be buried where they're at because nobody

really wanted to touch them, who were free of the disease, and so I remember these stories and he would say he knew their names, and he would tell my mom, and he said we even buried their gold, whatever possessions they had with them. There was a respect for an integrity that existed among them. And I think of them. And I, personally, have family who have been sent there along with Kaohu McGuire had been really helpful when I did research there. But there's just not enough information to make a really good decision regarding the future of Kalaupapa, and details, and so I -- I really believe this should be required, the EIS should be a requirement, and I just wanted to make sure that it is a clear significant subject, and who makes the determination, but I think the community, everyone has, you know, that kuleana to me that -- that decision, but I really believe an EIS should be done.

Ms. Kehler: Yeah, one of the things that I -- that I noticed is there wasn't really a discussion on how, it just sort of said there would be no adverse effect by increased visitation, but it didn't talk about -- so it -- and then it talks about all of these incredible native plant species and native fauna, and there's no discussion about how introduced species might be prevented, and how people might not be -- I mean it just says, well, we won't let them into certain places unescorted but still, I just don't know what kind of resources these people would be walking over unescorted, so there's a lot of -- I think it just kind of brushes over some things and says there's no -- it's only going to be a positive financial benefit, and it might be, and that might be a great thing for the people of Molokai as far as economic development, but there still needs to be --

Ms. Albino: It has to be weighed really carefully because, historically, you know, when we look at how -- how changes from one hand to another brings new, you know, processes that may be overlooked, and I'm thinking did that happen, did they violate, you know, some of the statutes, but I didn't have enough time to really read it through, and compare, and look at, you know, things that were affecting -- I stayed up, and I bothered people because, you know, my family said what? I said think about it. What do you think? But it didn't go into a community in a fair way because they -- they dealt with agencies and some of them do not have connections to Molokai as we would like them to have, but talk to the people and groups. We have groups of people, like the Kalamaula, we have the Aha Kiole, and they've approached and spoke with the Aha Kiole and we've given, you know, information and some of those things have not been included in the, you know, the assessment, and so how thorough do we want this to be before we decide on plan A or, you know, or number 2. And so I look at the State's process, and I -- I spoke with someone from DHHL and they said, well, you know, we wanna turn it over to the Park Service because we don't have enough money, and so what about OHA? And I look at how they've kind of narrowed it down to yes or no, but the alternatives or other options have not really been looked at so that the people of the place can have an input in the care and -- and I don't have a problem with the Park Service in that they can't care for it financially, but the grounds and the boundaries that they have are far reaching now, you

know, and there's a concern that pretty soon those things will be off limits to practitioners, gatherers who have, you know, used those places for subsistence for years, years, and years.

Ms. Kehler: Yeah.

Ms. Albino: So ...(inaudible)...

Ms. Kehler: That would be where a memorandum of understanding with other agencies and other individuals and organizations would really go a long way to ensure that the rights of gathering and practices are --

Ms. Albino: And along with visitors, I read that visitor count may include the Park Service and those people that already are there so that lessens -- you know, which is okay --

Ms. Kehler: Yeah.

Ms. Albino: That lessens the -- the count that's going to be looked at as a visitor so there's so much more to talk about and clear up before we can get total buy in, you know, 'cause I'm sure we'll never get total buy in this. There's always going to be something, you know, not right with some people, but we gotta look at the -- the better, the better plan, and it might be just to leave it alone, you know, and get OHA to help DHHL and -- and then there is another can of worms there, maybe all of the Hawaiians wanna go there and then what are they going to do? So, you know, there's a lot to discuss, and to be fair, and to remember that place is what needs caring for, not so much the people because in our culture, it's the aina is alii, we're kaula, which means we're -- we're less than servants, you know, but so we have to keep that perspective, culturally, we have to remember care that we have to give or we cannot live, you know, and it extends to the ocean and so that's a whole other item to consider, big, this is -- it's not covering everything that it should cover with enough answers, you know, that's how I feel.

Ms. Kehler: Yeah.

Ms. Albino: Thank you.

Ms. Sablas: Thank you very much for sharing your manao. Any other comments from other Commissioners?

Ms. Lee-Greig: So one of the concerns that, as I was reading through this and the preferred alternative looking at increasing visitation and increasing -- allowing for children under 16 to access this place --

Ms. Sablas: Can you speak in the mike?

Ms. Lee-Greig: Sorry. To access this place, right now, the Federal Government is in a situation where there's a government shutdown so a lot of our parks right now are -- are suffering because of that, right, so speaking with some folks up -- who are up at Haleakala, you know, right now, at Haleakala, it's a bit of a free for all. People are being allowed into the park, you know, and there's really no one there to monitor that, and it would be nice to see some sort of contingency or addressing what happens if there's a lapse in Federal funds and who's going to caretake this place and the sensitivity of the resources here in the event of -- of another government shutdown. We've had several over the past 20 years or so. So that was a concern for me. And then even reading about what's happening in the parks on the continent, places like Yosemite and Joshua Tree, and the visitation there, and the people still feeling that they have a right to go to these places and -- and it's -- it's a mess. And so to see something like -- to see the visitor counts be able to open up, is the Park Service going to be the only ones there to caretake it, is there a -- I don't know if there's a friends of the park entity that is onsite if NPS is not on site at the close of the Department of Health's tenure or jurisdiction over the area, so that was really just kind of -- kinda what popped out because of current affairs and the current situation that the Federal Government is in. I was concerned about that.

Ms. Sablas: Thank you. Other Commissioners?

Mr. Skowronski: I have a question.

Ms. Sablas: Sure.

Mr. Skowronski: Is it presently a national park?

Ms. Kehler: Yes, it is. It's a National Historic Park presently.

Mr. Skowronski: And, presently, the rules for visitation are in effect of the hundred per day limit?

Ms. Kehler: Yeah, and those are actually not the Park Service's rules, those are the Department of Health's rules.

Mr. Skowronski: At what point does the Department of Health officially have no influence and the Fed take over? What -- what time does that happen?

Ms. Kehler: Well, the trigger would be the end of the patient population, so once there aren't any more patients, the Department of Health really has no reason for being there anymore, and so that's when.

Mr. Skowronski: Do we have an estimate of what time? Is that a couple years? Is it ten years?

Ms. Kehler: They said ten years, I think, in the plan is their estimate, 2022.

Mr. Skowronski: Who's -- who is going to decide the alternatives? Is that going to be the Department of Health before they give up control, or is that going to be the Fed?

Ms. Albino: According to this plan, they do have a say in the implementation of whatever plan is being brought forward until their time is up so their -- their input will be considered but it's -- we really don't know who the other partners are because Department of Hawaiian Home Lands say they don't have enough funds, and I'm thinking, hey, what about OHA because the money is for Hawaiians, come through, that's the -- the avenue, you know, but so they -- they have to consider that but that is State land and it's being leased to the Federal Government, and so there are issues to -- to consider in this that's beyond what's being presented.

Mr. Skowronski: I was under the impression that national parks are Federally owned. Is this an exception?

Ms. Kehler: Somewhere in the plan it talks about this. I believe it's not unheard of, but it's not common either. So it's sort of a unique situation. I forgot what page it's on. Let's see.

Mr. Skowronski: So if -- if it's going to be leased to the Fed, then is there any State agency that can monitor the terms of that lease to keep the local input and not have decisions made from the Mainland?

Ms. Kehler: So Department of -- it's Department of Hawaiian Home Lands owns the land, so I would think that it would be a key -- key agency and, I think, and that's why they were -- they have been involved and I think they did review this plan and they issued a bunch of comments about it.

Mr. Skowronski: Has the Department of Hawaiian Home Lands made any suggestions as to these alternatives?

Ms. Kehler: I am not aware of their comments as far as this revised plan. I don't know.

Ms. Albino: They haven't included it in the plan but they have mentioned it to the beneficiaries that they're going to pull out because they don't have money for staffing and people that need to be in these places on call ...(inaudible)... so that's a concern with the

community and we don't believe that that's a -- an honest approach because we know there are funds out there, but that's like they want us to accept that but, you know, we need to come together and have articulation with the agencies or the State agencies at least that can make decisions, and so we're not -- we're not having a full picture here. That's what's happening. That is exactly what's happening. So renigging to the National Park Service is not something that is favorable to the people because they don't want to lose more land, and with the Park Service being present, we've noticed that rules are being enforced that we're not aware of and so they violate some of the traditional laws and practices that have been in place before, you know, the Park Service's presence there and that's what's being looked at very carefully.

Ms. Kehler: Is it like the Park Service isn't recognizing the rights of native --

Ms. Albino: Yes.

Ms. Kehler: Okay.

Ms. Albino: Yes.

Ms. Kehler: The State laws.

Ms. Sablas: Isn't there an active group with the ohana descendants? I was aware that they wanted to build a memorial to list all of the descendants. How -- any input from them?

Ms. Albino: The remnant patients that are there and other agencies outside of Kalaupapa that are helping them to put that memorial up, but their political influence is not really -- is just there on the peninsula among themselves. If they don't like you, they're going to get you out, the patients will, but that doesn't expand outside of Kalaupapa, and this issue has to be beyond Kalaupapa because of the partnerships that have been formed and the political as well as the cultural aspects have to be looked at really carefully because some elements are being left out. As I read it, I think, hey, I spoke with someone and their comments were, hey, we didn't know about this. What plan? And I spoke to a few people and I thought, wow, this is going to affect Molokai, and Kalaupapa being part of Molokai and Kalawao, which is a different county, what are the implications for that in the plan and have we violated some of the -- I look at this and I thought is there -- you know, the SMA permit, is that in compliance or are they just saying no, we don't have to have it because it's a separate county, so Chapter 205A, objectives, should be considered relevant and applicable, but that's not in this plan. So we're looking at this in a -- in a really close view at this point, really looking at it closely with other people who want to make sure things happen correctly and not just get approved because it's a plan and nobody else came up with a plan, but all of these, the setbacks, the coastal zone consistency, is it going to meet

with compliance Federally, State, and County. I mean they all have to be considered so how will this issue be determined?

Mr. Skowronski: I think it's not only political and cultural, but there's no addressment in the plan about the financials. I mean it's going to cost a lot of money to maintain this. This is a very, very fragile environment. I mean you can't even get down there now, that bridge is washed out, who's going to pay for replacement of that, who's going to pay for the access, and I think that the partners that everyone wants to come in and have their say or their input are shying away because nobody wants to make the financial commitment because it's going to cost a lot of money to maintain this, and I think that that's might have been one of the political issues as to why the National Park Service was brought into this because they figured that they'd be able to lobby Washington in bringing Fed money, but Federal money has its price.

Ms. Sablas: That's right.

Mr. Skowronski: But, you know, they don't know what they're doing. I mean if you -- if you compare the experience on Haleakala last week as opposed to what it was 15 or 20 years ago, that's not a good history that you want to overlay into Molokai.

Ms. Albino: There's so many rules and regulations that I'm not even aware of. I'm just beginning to find out as we search, and I'm thinking, so what are these coastal zone management plans? What are the special permits? So I spent a lot of time, sleepless nights, and calling people in the middle of the night and telling me, you know, explain to me what this is, you know, because I needed to know before making a decision, you wanna know if we're serious about it, down the road, and it's too late down the road to make changes because you already said yes before. So I look at the permits, the exemptions, and how do they come to be, and are we compliant, and how much compliance do we need to have here where it satisfies Federal, State, and County rules, and that's what I worry about ...(inaudible)...

Mr. Skowronski: Has there ever been an EIS for this location?

Ms. Albino: No. No it hasn't. That's why I'm asking that that be a consideration that an EIS be done rather than an EA.

Mr. Skowronski: Are any of the interested stakeholders in this event adverse to an EIS being done?

Ms. Kehler: I don't -- are they adverse to it, is that what you asked me?

Mr. Skowronski: Right.

Ms. Kehler: I don't think so. I think that the Park Service felt there wasn't a need to do an EIS because this thing was so general and that's what I think they were trying to avoid doing an EIS 'cause they wanted to keep it real general and just say, oh, well, you know, there's a lot of other plans that have to happen to implement this plan, so when we get to that, we'll maybe do an EIS.

Mr. Skowronski: Would it be appropriate for this committee to suggest or request an EIS to be done?

Ms. Kehler: I mean that can definitely be a comment from the Commission that the Commission feels an EIS might be warranted because of the scope of this proposal.

Ms. Sablas: Is there a timeline for comments and action -- before action is taken?

Ms. Kehler: Yeah, so the original deadline was, I don't know, some ridiculous early date, but now they've changed it to the beginning of February so --

Ms. Sablas: February of this year?

Ms. Kehler: Yes.

Ms. Sablas: Oh my.

Ms. Kehler: So if the Commission wants to take more time and revisit this at the next meeting, we can do that too, and we can just -- I'm pretty sure with the government shutdown that they're not going to have a problem with us giving comments a little bit later.

Ms. Sablas: You know, I would -- I would like us to be able to hear more from the other stakeholders that are involved. I mean we are a group here as an advisory, I mean I feel so limited as far as our knowledge, you know, with the exception of our Commissioner from Molokai, but I am well aware that there are others, Valerie Monson, for one thing, who's spent years, decades, you know, at the area and writing about it, the ohana group there that's been very active, if somehow we could have, you know, their manao shared with this group I think would be helpful for us to -- to move forward, and the other thing, how much meat do we have as an advisory group here to -- to share our manao, we might do it, but they might say, oh, you know, whatever. I mean so I mean that's my question. I think it's really important. I've been Kalaupapa at least four times, and I think that's really one of the last treasured island places. I mean if there's a place that's in a time capsule in Hawaii, that's Kalaupapa.

Ms. Kehler: Yeah.

Ms. Sablas: I am very much involved with National Parks, I sit in a board there, so I am -- also know the advantages of having the financial resources of the Feds to carry a park in preservation in perpetuity, so that's a good thing, but along, like Commissioner said, you know, that comes with sometimes guidelines that are not locally -- or enforcements that are not locally considered, and I think that this issue warrants a lot more time for us and it shouldn't be rushed into, so this is why I asked about the time. I would strongly recommend that we not make any rushed decision because we don't have to. You know, there is time involved. And I'd like to have, you know again, input from more of the stakeholders that are truly involved, and I see your hand raised. This is such a sensitive issue. You know, our islands change, and there are some things we can do about it, sometimes we cannot, but I think we can. We can do something about Kalaupapa. And so is it okay with the rest if you'd like to come and share your manao? Again, you know, if you could tell us your involvement and --

Ms. Lopez: Mahalo. Sybil Lopez again. Can I speak on the behalf of the President of Kalamaula Mauka Homestead Association and the stakeholders are the homestead beneficiaries of the Hawaiian Homestead Act with the Department of Hawaiian Home Lands. So the Hawaiian Home Lands did their beneficiary consultation back in 2015, during May and July. Hawaiian Home Lands did provide us -- submit a report back in July 2015 of -- to the NPS, and I would just -- can I -- if I can just read a few paragraphs of what was a part of that report so you kind of get at least the gist of where the Department of Hawaiian Home Lands was going, and they specifically summarize what the -- some of the concerns. So a major concern expressed in the comments is that proposed expansion of park boundaries to include several north shore valleys, which is perceived as a Federal land grab with the potential to impede beneficiaries' ability to access resource for subsistence and traditional and customary practices. Also of major concern, which Commissioner Albino stated, is that the draft overall lacked of recognition of the protection of traditional and customary practices articulated in Article 12, Section 7, of the Hawaii State Constitution, as well as the lack of recognition of the purposes of the Hawaiian Homes Commission Act and the rights of its beneficiaries to benefit from the use of Hawaiian Home Lands. I do have, in 2005, the Department of Hawaiian Home Lands came up with their Molokai Island Plan, as part of Section 6 in this plan, it explains about Kalaupapa and Palaau and what were the existing uses and what were the opportunities and the constraints, and how they see Kalaupapa to be for the beneficiaries, and it does state in page 10 of the -- this plan that they incorporated, that I'll read, that the governance of this Kalawao County, so make known that there's actually two different counties on the Molokai Island, you got County of Maui, and then you got Kalawao County, so this particular area that we're talking about is that the Department of Health would continue to govern Kalawao County under the Hawaii Revised Statutes of 326, however, it states that once the DOH departs Kalaupapa, DOH management authority of

Kalaupapa and Kalawao County may no longer be necessary. So NPS would collaboratively with State of Hawaii, DOH, DHHL, DLNR, and DOT to understand the governance of Kalaupapa when the DOH departs, and I say this because this is a major concern, so they anticipating the departure of Department of Hawaiian Home Lands in 2024, that's like, you count 'em, that's like within six years, so we gotta determine who is going to govern this area, and once DOH leaves, who will be the next person in line to govern, will it be Federal, will or will be DHHL with partnerships with OHA be able to land grab or take that back for their beneficiaries and to understand and -- the Article and the Constitution rights that these Native Hawaiian and their traditional and customary practices that they have entitlement to, so it's a huge discussion, and I -- I really appreciate, Chair, that, you know, you take this into consideration as being -- being not lightly taken and it will be, you know, for our future and how -- what we do today would affect 2024 and years beyond and, you know, we not setting precedence for ourselves now but for our children and our children's children because it is our time capsule, and we take it very sensitive, and to heart, and I really appreciate that, and so one of the recommendations I would like to provide this Commission and to take heart, listening that, you know, you guys want more input and part of the report, the DHHL report, really stress that there was lack of, you know, recognizing traditioning gathering rights, they -- the Section 106 consultation was inadequate, and no comprehensive consultation that went further and beyond what is already generally spoken for in the plan, so my recommendation to you, Commission, is how about we provide it to the Molokai Planning Commission, which they've never seen this, it never went before them, that they could actually provide comments on top side on Molokai regardless of the county disparity but, yet, we speaking beyond 2024, so if we can do something, that's at least one type of recommendation I would want you guys to consider while you guys deliberate, so thank you.

Ms. Sablas: Wonderful. I really appreciate your manao on this.

Ms. Lopez: Mahalo.

Ms. Sablas: And that's what I mean about people who are, like you, who are involved in it. I mean, you know, for us, as volunteers, we really rely on information that we get from in my opinion, from those who live it day by day.

Ms. Lopez: Thank you.

Ms. Sablas: And that's who I'd like to listen to and take some action, but I think we all in agreement, as a group, that we are recommending, highly recommending that we take more time to study and to really involve the lifelong descendants, the stakeholders, we need more manao from them as part of this report and not just to have a pretty report that's done on a -- you know, from a, I hate to say it, but an offsite type of mentality. I

really would like to have more of the stakeholders, their manao as part of the plan and recommendation. You know also, I mean things like remove the hundred-day cap, allow children, you know, allow overnight visitors, they had, I mean back then, put in that rules for specific reasons, I understand now that the patients are not going to be down there and, you know, I have mixed emotions because, as being with the National Parks, I really enjoy going to the National Parks and enjoy, you know, seeing what it's like, and I've been there several times and, you know, so I have mixed emotions about is it good to allow more people, I kinda like the idea that it's limited, that there is a cap because of the -- just the size of the place and the isolation of it; to allow children, I don't think now because before it was health reasons and that's past, so perhaps, you know, I'm okay with that, perhaps; overnight stay, I'm not sure, and I really would not like to see that area turn into a commercial area. It should really be kinda like a sacred place for our culture so --

Ms. Albino: While we working out the details, these are the details, you know, of a plan, however, thank you very much for coming and giving your manao because she represents just one faction of Molokai people who have come forth with concerns, big concerns, the planning commission has not even heard of it, and I just found out this yesterday, so we need all of the partners, not just a little group here and there, not even I -- I respect the people on Kalaupapa, I love them, the remnants there have been greatly influenced by the National Park Service so they will -- they will come and say we support the Park Service, however, that place represents a larger portion of people, including us, right here, that is a treasure that all should be able to enjoy and should be regulated, and as far as children go, you need to have parents who can make sure their children will not go and, culturally, they have to be able to -- to be taught, educated, that when you go there, you cannot just run around, and like you said, pick up stones and do ... (inaudible) ... whatever, that is a place that is sacred enough to be taught don't go run around, jump around. In our culture, like if I take someone to Kaana, they're taught before they go up there, this is how you behave, this is what we think before we go because of the sacredness of the place, so we want to respect that. The more intrusion we have, it disappears, and we've seen that in the past, so we want to invite all, but yet, we do have expectations, you know, to keep this place the way it, we need rules, and so there is a need for rules because of the departure of the Department of Health and Hawaiian Home Lands with their -- in their plans and OHA, so we have these communities, these partners that need to step forward, and so our community would like to have a meeting maybe, you know, on Molokai, maybe, I'm not saying we should go there, but they could come here but it is a considerable amount, you know, for them to think of coming to this, like she has. I really thank you. Because sometimes we think we're alone because I talk to people, they're - what plan? And I said don't you know, you know, we have the draft plan, and they said no, it hadn't come to community, so Molokai, the community will make the choice, and if it is a negative impact to them, we're going to hear it no matter who it is, so we don't want to have confrontations along the trail, the trail will be fixed somehow, but, you know, the partners that -- that have lands associated with the Park Service and Department of Hawaiian

Homes have not committed to being a part of the solution so we need more time. We going need more time to --

Ms. Sablas: So if there's no other comments from the Commissioners, can I ask Annalise to recap what our Commission is recommending, if you could. Oh wait. Sure. Michele.

Ms. McLean: Thank you, Chair. And I apologize for being late. I was tied up in a previous meeting. I just wanted to point out a couple of things. It does appear that they did a draft EIS back in 2015, and received a lot of comments, there's a long summary of that in Appendix G of this document, starting on page 139, and so I guess, Annalise, I'm hoping you're more familiar with the details, that a result of what they gathered in the draft EIS, rather than trying to do a final EIS, they repackaged it into this draft EA instead.

Ms. Kehler: Yeah.

Ms. McLean: That's kind of unusual.

Ms. Kehler: Yeah. It was sort of a weird thing, but there was more alternatives in the previous drafts and so when Sybil commented about DHHL's opposition to a boundary expansion, that was part of the previous EIS's proposal, and they abandoned certain things 'cause of community opposition, and I think because they decreased the scope, they were able to repackage it as an EA instead of an EIS, I'm not quite sure how that worked out, but there was, yes, thank you for bringing that up, there was previously an EIS for this.

Ms. McLean: That is kind of odd. So that sort of substantiates the comment that you were going down the EIS path before and we think that -- that this is big enough and has so many components to it that an EIS is warranted.

Ms. Kehler: Yeah.

Ms. McLean: Because an EA can result in two things, either a finding of no significant impact or the preparation of an EIS, so asking for the EIS isn't, you know, isn't an unusual thing as a comment on a draft EA. The other thing I wanted to mention though is talking about, and if the Commission needs more time, of course you should take more time, I don't know that it's this Commission's responsibility to get input from other stakeholders, that's the responsibility of the Park Service in putting this document together, so it's your input and your thoughts as Commissioners based on your experience, we can do what we can before the next meeting to see if we can get input from others but -- but this Commission is one of the stakeholders so there are other stakeholders too that -- that this group is responsible to reach out to and if they missed those, then that's a flaw in their planning process. So certainly if the Commission needs more time 'cause this is a big

document and it's -- there's so many critical issues, then I think if we meet again in February that that would still be time enough to finalize the comments. So if you wanted to -- I don't know if you were thinking of deferring finalizing your comments today and waiting until the next meeting or --

Ms. Sablas: That's -- that's the direction I think our group --

Ms. McLean: Yeah.

Ms. Sablas: Unless is there any objection from any of the committee members to defer this matter? No? So we are in agreement that we would like to have, you know, further information. And again, I still would like -- I know you said it's, you know, the Parks to get other, but I'd like for us to have data from -- especially from the descendants. I think it's really important. We are the Cultural Resources, I'd like to hear from those who are impacted. So are you going to recap or is what -- I know we said a lot?

Ms. Kehler: I think -- I think Michele hit the two main concerns that, you know, it seems like an EIS might be warranted especially given that they started out with an EIS and now they've reduced it to an EA, and it just seems that the scope still warrants an EIS. And then I think Commissioner Lee-Greig's comments about the Federal Government and having a contingency about shutdowns is really, really important, that's something that I didn't think about, and I didn't know that there was all kinds of stuff happening at Haleakala without supervision, and I think that that could be really dangerous, and I think that that's a great thing that they did not discuss that should be discussed. And then, you know, the -- having sort of like a friends of the park or there is the ohana -- ohana -- I forgot what -- yeah, Kalaupapa, they've been involved, but just maybe suggesting that they do have sort of like -- they do continue to engage a partner to be there at the time of transition to make sure that things go smoothly. Let's see. There's a concern about the NPS not recognizing rights afforded to Native Hawaiians in State law. And there -- burials are not being clearly defined is another one. I did not see that mentioned in here, they did mention 26 cemeteries, they did mention some pre-contact burials, I don't recall there being, you know, a discussion on other potential unidentified or undefined burials. I think that's -- that's it. And then, of course, you know, that maybe -- perhaps this document could be -- could do a better job discussing what the input was, like it -- it glosses over Department of Hawaiian Home Lands' comments, and it refers to some external document on their website, which is shutdown so I didn't get to look at it, but I think that would help at least you folks and the public understand what kind of input they've received thus far from other agencies and other stakeholders 'cause it's not -- not really discussed, I mean it is, but not enough.

Ms. Albino: Another concern, if I may, is the presence of the military in this plan, and there's -- well, there are concerned members of Molokai's island who have posed that,

presence of the military in Kalaupapa and they believe that with the National Park Service being there that there will be increased activity with the U.S. Navy or other military activity there 'cause there was already a proposal for the west and southern part of Molokai to be part of a military activity, which has not sat well with the people of Molokai, but so that's another concern that was -- that I saw in here where there was military, but too much mentioned, and so, you know, we need to get clarification and more input in that -- in that idea that they have.

Ms. Sablas: So we're going to be deferring this to our February agenda with more discussion and probably more public notice or time for people to comment on it, yeah. We're okay on that? Are we okay to move onto the next item then, everyone? Okay. Thank you very much for sharing your manao on this very, very important topic and mahalo for coming in and sharing your manao too. We appreciate that. Thank you.

## **2. 2019 Calendar Year Meeting Schedule**

### ***The Commission may act to approve or modify the proposed schedule***

Ms. Sablas: Under New Business, item no. 2, the calendar year meeting schedule. Any discussion other than say yes, we'll show up? And thank you. I mean at least we have a quorum. I mean one of things, as you know as the Chair, I'm really ticklish about showing up at least for a quorum, I understand different people have different schedules, but for all of us who have committed, at least try to make the meetings so we have a quorum and we can conduct business and help Suzette and the staff, you know, move along, so we -- same time, the first Thursdays of every month, so we have no problem with that? Okay.

Ms. Kehler: Yeah, the only -- only change would be July 3<sup>rd</sup>, that's a Wednesday.

Ms. Sablas: Yeah. Oh yeah.

Ms. Kehler: Yeah.

Ms. Sablas: You don't know want to come on the 4<sup>th</sup>.

Ms. Kehler: Yeah.

## **D. UNFINISHED BUSINESS**

### **1. Discussion on effort to update the Cultural Resources Management Plan for Maui County from 1984 (A. Kehler)**

***The Commission may discuss the effort to update the Plan pursuant to Subsection 2.88.060.A, Maui County Code***

Ms. Sablas: Okay, under Unfinished Business, item D.1., discussion on effort to update the Cultural Resources Management Plan for Maui County from 1984. Annalise.

Ms. Kehler: Thank you, Chair. So this is really brief, just we're finalizing like documents, notices about the community workshops, those will be happening January 21<sup>st</sup> to the 26<sup>th</sup>, Hana, Lahaina, Molokai, Lanai, still -- once this -- as soon as I've gotten all the meeting locations and times confirmed, we're going to publish in The Maui News, and online, and there'll be some press releases. Other than that, I don't have much else to update on.

**E. NEXT MEETING DATE: February 7, 2019**

Ms. Sablas: Okay. So before we adjourn, I'm not sure if it's in -- if it's proper about having, you know, those Commissioners who attended that January -- December 7 workshop if we could just have them share manao on it for the rest of us who could not go there, is that appropriate? It's not on the agenda.

Ms. Desjardins: I think we should probably agendize it for the next meeting.

Ms. Sablas: Oh, okay.

Ms. Desjardins: If you -- because it -- you actually do need to.

Ms. Kehler: Yeah, so what I'll do is I'll put it on the February agenda and we can have our Commissioners that attended share a little bit about what they learned, that's the Native Hawaiian Law Training, yeah?

Ms. Sablas: Right.

Ms. Kehler: Okay.

Ms. Sablas: Thank you.

Ms. McLean: Annalise, do -- which Commissioners attended?

Ms. Albino: I did.

Ms. Kehler: Her, her.

Ms. McLean: Just the two?

Ms. Kehler: I believe so. Yes.

Ms. Sablas: Didn't Christy go? Oh but --

Ms. Kehler: She did not go.

Ms. McLean: Okay.

Ms. Kehler: Yeah.

Ms. McLean: Thanks.

#### **F. ADJOURNMENT**

Ms. Sablas: Okay, then with no other business to discuss, this meeting is adjourned. Mahalo everyone.

**The meeting adjourned at approximately 12:10 p.m.**

Submitted by,

SUZETTE ESMERALDA  
Secretary to Boards & Commissions II

#### **RECORD OF ATTENDANCE:**

##### **Present:**

Lori Sablas, Chair Pro Tem  
Louella Albino  
Ian Bassford  
Tanya Lee-Greig  
Michael Kaleo Ropa  
Frank Skowronski

##### **Excused:**

Ivan Lay, Chairperson  
Christy Kajiwara-Gusman, Vice-Chairperson (*Resigned as of January 2, 2019*)  
Yvette Celiz

**Others:**

Michele McLean, Planning Director (Arrived at 11:12 a.m.), Dept. of Planning  
Annalise Kehler, Cultural Resources Planner, Long-Range Div., Dept. of Planning  
Mimi Desjardins, Deputy Corporation Counsel, Dept. of the Corporation Counsel  
Suzette Esmeralda, Secretary to Boards & Commissions II, Current Div., Dept. of Planning