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GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKULĀ'ĀINA 'O HAWAII



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August 30, 2023

Senator Donovan M. Dela Cruz
Chair, Committee on Ways and Means
Hawaii State Capitol
415 South Beretania Street, Room 208
Honolulu, Hawaii 96813

RE: Senate Committee on Ways and Means Maui Site Visit

Dear Senator Dela Cruz:

The Departments of Health, Land and Natural Resources, and Hawaiian Home Lands received your request for information related to Kalaupapa dated August 11, 2023. The enclosed information provides a coordinated response from all three agencies.

Please don't hesitate to contact us with any additional questions.

Sincerely,

Kenneth Fink

Kenneth Fink, MD, MGA, MPH
Director of Health

A stylized signature of Dawn N. S. Chang, consisting of a large, bold letter 'D' followed by a horizontal line.

Dawn N. S. Chang
Chairperson, Board of Land and Natural Resources

A cursive signature of Kali Watson.

Kali Watson
Chairman, Hawaiian Homes Commission

c: Debbie Kim Morikawa, DOH Deputy Director. Health Resources Administration
Laura H.E. Kaakua, DLNR Deputy Director
Katie L. Ducatt, DHHL Deputy to the Chair
Diana Felton, MD, DOH Communicable Disease and Public Health Nursing Division
Baron Chan, DOH Hansen's Disease Branch
Scott Fuji, Ways and Means Committee

RECEIVED AT KAĀ MEETING ON 01/29/2026

KALAUPAPA TRANSITION UPDATE

AUGUST 2023

A collaborative summary by DOH, DHHL and DLNR

1. Overview

Kalawao County is the fifth county within the State of Hawaii, under the jurisdiction and control of the Department of Health per HRS 326. HRS 326 directs the DOH to “. . . establish and maintain facilities and services as are necessary for the care and treatment of persons with Hansen's Disease . . .” Kalawao County is comprised of DHHL land, upon which the Kalaupapa Settlement is located, and DLNR land.

- The U.S. National Park Service (NPS) has a general lease agreement with DHHL (lease term 1991-2041)
- NPS has a cooperative agreement with DLNR (agreement established in 1989 outlining the division of efforts to protect and preserve critical historic and natural resources on DLNR lands within Kalaupapa National Historical Park)
- NPS had a cooperative agreement with DOT that was established in 1987 outlining the division of responsibilities related to the Kalaupapa Airport; however, it is currently expired and a new agreement is in the process of being reviewed for approval by the U.S. Department of the Interior.

Since 1980, when Kalaupapa became a National Historical Park per an act of Congress (US PL 96-565), the National Park Service (NPS) has been a key partner with DOH in providing a well-maintained community that ensures the present patient-residents of Kalaupapa may live out their lives peacefully and comfortably. As the patient-residents age, and their population decreases over time, facilities and infrastructure repair and maintenance have transferred over to NPS. In recent years, NPS has taken on the larger capital and infrastructure projects such as the pier and harbor repair, the conversion of the large capacity cesspools to septic tanks, and the renovation and repair of the larger structures in Kalaupapa such as Paschoal Hall. These major projects cost upwards of tens of millions of dollars. NPS's next major facility project is the modernization of the electrical power grid, and the construction of an above ground fuel farm, both in Kalaupapa.

In anticipation of the passing of the last Hansen's Disease patient, and at the request of the 1989 Legislature, the DOH contracted with Pacific Basin Development Council to develop a transition plan, "[A Strategic Plan for Transition at Kalaupapa Settlement](#)", also referred to as the "Pink Book". The document was organized into five (5) sections (see sections below) and to this day has served as a detailed framework for transition efforts.

A Strategic Plan for Transition at Kalaupapa Settlement

- I. Introduction
- II. Assessment by Functional Areas

- III. Summary of Issues, Needs & Options
- IV. Endnotes and References
- V. Appendices

From 1990-2015 the DOH and National Park Service (NPS) met regularly to manage and transition operations as appropriate under the strategic framework of this document. In 2015 the “**Inter-Agency Transition Working Group**” was formed consisting of the following agencies:

- Department of Health (DOH)
- National Park Service (NPS)
- Department of Hawaiian Homelands (DHHL)
- Department of Land and Natural Resources (DLNR)
- Department of Transportation (DOT)
- Maui County
- U.S. Department of the Interior, Office of Native Hawaiian Relations

This group has been convening regularly, with periodic participation of executive level staff. Historically, the **Inter-Agency Transition Working Group** focused on the general operation of the settlement.

Under the new administration, all involved state departments are collaborating to provide leadership and direction for the next phase of Kalaupapa’s existence. At this year’s 2-day Annual Inter-Agency Meeting, convened in the beginning of August, Deputy Directors from DOH, DHHL, and DLNR were all present. DOT while absent from this year’s meeting has expressed willingness to be involved at the appropriate time (there are currently no urgent issues requiring DOT’s input). Maui County leadership has also been a regular participant but was not able to attend this year due to the Maui County wildfires.

With the current patient population at eight (8), ranging in age from 82 through 99, it is recognized that DOH’s statutory responsibility to provide care for Kalaupapa patients will soon be ending. All agencies recognize the urgency and need for a specific transition plan. The next steps will involve community engagement and higher-level direction regarding the vision for Kalaupapa’s future.

In the interim, all agencies are working collaboratively to address the tasks at hand.

2. What is the Transition?

The “transition” involves multiple agencies and multiple transitions. The trigger for the transitions to begin is when the last Kalaupapa patient passes.

An overly simplistic explanation is that when the last patient expires, DOH's statutory mandate to provide patient care ends, and DOH then terminates its cooperative agreement with NPS. The following are the subsequent changes that will occur.

- When the patient care role at Kalaupapa ends, DOH intends to request a repeal or sunset of HRS 326. It is anticipated that approximately 2 years will be required to close down existing care operations (physical relocation of and reassignment of employees to other positions) and general operations (disposition of DOH property and preparation of structures for transfer to DHHL).
- With the passing of the last Kalaupapa registry patient, all structures and facilities will revert to DHHL, per the Attorney General's July 30, 2010 opinion regarding the transfer of property.
- DOH transfers all operations to NPS.
- A new mutual aid agreement for police, fire and emergency response will need to be established between Maui County and NPS and/or the agency that assumes jurisdiction over Kalawao County.

NPS' relationships with other agencies will be governed by their corresponding lease or cooperative agreements which determine the administrative/operational responsibilities of Kalawao County.

The final transition decisions will be determined by who will take over jurisdiction of Kalawao County and how the Kalaupapa State Historic Park will continue to operate without DOH involvement or control. These higher-level decisions will require community engagement, executive direction, and interagency dialogue and collaboration.

3. Involved Agencies & Relationships

A. Hawaii Department of Health (DOH)

- HRS 326-1 authorizes DOH to "...establish and maintain facilities and services as are necessary for the care and treatment of persons with Hansen's Disease and persons who were institutionalized for segregation by order of the Department of Health because of Hansen's Disease."
- Per HRS 326-34, Kalawao County is "under the jurisdiction and control of the department of health and ... governed by the laws, and rules relating to the department and the care and treatment of persons affected with Hansen's Disease..."
- DOH has a Cooperative Agreement with National Park Service which has been in place since 1984

B. Hawaii Department of Hawaiian Home Lands (DHHL)

- DHHL is the fee owner of one land parcel in Kalawao County (1,475 acres)

- Most of Kalaupapa’s structures are located on the DHHL land parcel (“Kalaupapa Settlement”)
- DHHL manages its lands in Kalaupapa through a partnership with NPS via a general lease with NPS (lease term 1991-2041)

C. U.S. National Park Service (NPS)

- NPS has managed Kalaupapa National Historical Park (US PL 96-565) since 1980 with the primary purpose of preservation and interpretation of the Kalaupapa settlement for the education and inspiration of present and future generations; to provide a well-maintained community in which the Kalaupapa patient-residents are guaranteed that they may remain at Kalaupapa as long as they wish; to protect the current lifestyle of these patients and their individual privacy; to research, preserve, and maintain the present character of the community; to research, preserve, and maintain important historic structures, traditional Hawaiian sites, cultural values, and natural features: and to provide for limited visitation by the general public.
- NPS’s current lease agreement with DHHL runs through 2041 to manage DHHL lands in Kalaupapa
- The U.S. government is the fee owner of a small parcel of land that includes the lighthouse in Kalawao County
- NPS has Cooperative Agreements with DOH, DLNR and DOT

D. Hawaii Department of Land & Natural Resources (DLNR)

- DLNR is the fee owner of multiple land parcels in Kalawao County outside of the settlement including the Eastern 2/3 of the peninsula, the Airport, and significant forest and native ecosystems
- Division of Forestry and Wildlife (DOFAW): Active land steward of the 1,330-acre Puu Alii Natural Area Reserve, the Makanalua and Kalawao sections of Molokai Forest Reserve, and Waikolu Valley. DOFAW activities: ungulate fence installation and maintenance, invasive species control, rare plant and animal surveys and monitoring, Waikolu stream habitat management, public hunting unit access and management in the Molokai Forest Reserve, wildfire response
- Land Division: owner of the unencumbered lands that comprise the Eastern 2/3 of the peninsula, and parcels at the Western boundary of Kalaupapa NHP. The proposed site for the Kalaupapa Memorial is on Land Division property. NPS manages Land Division’s properties for DLNR.
- State Historic Preservation Division (SHPD): Regulates proposals for historic site and building work.
- Division of Aquatic Resources (DAR) and Division of Conservation Enforcement (DOCARE): Provides guidance to NPS on marine resource protection. If access is opened or the population at Kalaupapa changes, both Divisions may need additional

staff and funding for natural and cultural resource management and enforcement at Kalaupapa

- DLNR has a Cooperative Agreement with NPS that expires in 2029

E. Maui County

- Maui County currently has a Mutual Aid Agreement with DOH (fire, police, emergency response)

F. Hawaii Department of Transportation (DOT)

- DOT administers and manages the Kalaupapa Airport
- DOT is a partner in facilitating emergency rescue and medical evacuation
- DLNR Land Division is the fee owner of the airport land tract
- DOT is currently developing a new Cooperative Agreement with NPS

G. US Department of the Interior, Office of Native Hawaiian Relations

- Any proposed future land transfers would require DOI review and approval
- Approval by the Secretary of the Interior is required for the Kalaupapa Memorial siting, design and inscriptions

4. Current Projects & Activities

A. DOH

Capital Improvement Projects FY23-24

Dept Org Code	Amount Funded	Description of CIP Project	Justification
HTH100	\$7,200,000	Required Closure of the Kalaupapa Construction & Demolition Landfill	Final construction required to complete approved closure plan for the Construction & Demolition (C & D) landfill.
HTH100	\$945,000	Re-roofing (Care Home & Warehouse) and other improvements	Variety of building repairs & improvements - priorities: re-roofing of Care Home and storage warehouse
HTH100	\$580,000	Assessment and Plan for Removal of Underground Storage Tanks (USTs) at the Kalaupapa Gas Station	Develop a plan for required removal of three USTs located at the Kalaupapa Gas Station that store gasoline (Additional CIP request will be necessary to

			implement removal plan prior to July 2028)
HTH100	\$540,000	Lead/Asbestos assessment and abatement for Settlement structures	Project will assess Settlement structures for presence of Lead/Asbestos (Planning) and perform necessary Abatement (Construction).

FY24-25 Potential Capital Improvement Projects

Dept Org Code	Amount Funded	Description of CIP Project	Justification
HTH100	\$2,300,000.00	Kalaupapa MSW Landfill Artificial Cover	Natural cover has not fully covered the MSW landfill due to pigs, deer, and rainfall. Artificial cover, similar to what will be used on the C&D Landfill closure is being requested.
HTH100	\$150,000.00	Assessment of Kalaupapa Care Home Wastewater System	Existing system is unable to handle the current volume, and often backs up. Includes cost estimate for repair/replacement.
HTH100	\$350,000.00	Assessment of old Kalaupapa dump/landfill	Items from the old dump are falling into the ocean as the shoreline erodes. Assess the best way to address the issue and develop a cost estimate if remediation or containment is recommended.
HTH100	\$350,000.00	Assessment of approximately 30-50 Kalaupapa Buildings managed by DOH	Assessment of buildings' structural integrity, electrical, and plumbing systems actively used by DOH, and to determine cost to renovate and repair.
HTH100	\$350,000.00	Assessment of Cesspools	Locate and assess all cesspools that are required to convert to septic tank by 2050. Cost estimates for conversions.

Revisions to existing statutes

DOH intends to request a revision, sunset, or repeal of HRS 326 when the patient care role at Kalaupapa ends or to work with the Legislature to enact a law that would

become effective upon the passing of the last patient. The table below contains a preliminary list of other Hawaii Revised Statutes that ***may require revision when HRS 326 is amended/repealed in any way*** (these statutes either directly or indirectly reference Kalaupapa, Kalaupapa Settlement or Kalawao County).

HRS Number	Citation and Link	Description
HRS 4	HRS §4-1 (2) (F)	Districts, generally. (For election, taxation, city, county, and all other purposes, the State shall be divided into the following districts; (2) The islands of Maui, Molokai, Lanai, and Kahoolawe and the <i>counties of Maui and Kalawao</i> shall be divided into seven districts as follows: (E)€ All that portion of the island of Molokai known as Kalaupapa, Kalawao, and Waikolu <i>forming the county of Kalawao, to be styled the Kalawao district</i>
HRS 6E	HRS §6E-43.5	Island burial councils; creation; appointment; composition; duties. ((a) There are established within the department five island burial councils, one each for Hawai`i, Maui/Lāna`i, Moloka`i, O`ahu, and Kaula`i/Ni`ihau, to implement section 6E-43... (3) <i>The Moloka`i council shall include</i> the following geographic regions: West Moloka`i, Central Moloka`i, East Moloka`i, and <i>Kalawao</i>)
HRS 11	HRS §11-61	"Political party" defined. (.....maintains a general organization throughout the State, including a regularly constituted central committee and county committees <i>in each county other than Kalawao</i>)
HRS 15	HRS§15-4	Request for absentee ballot. (Conducting an absentee ballot-only election for small population areas - < 180,000)
HRS 23	HRS§23-81 (c)(7)	Review for 2028 and every tenth year thereafter. (Review of exemptions or exclusions under the general excise tax shall be reviewed in 2028 and every tenth year thereafter — applies to <i>HRS 237-23 (a) (9)</i> Persons affected with Hansen’s disease and kokuas with respect to business within the county of Kalawao
HRS 26	HRS§26-13	Department of health. (The appointed members shall include at least one resident of each of the major counties <i>including the county of Kalawao.</i>)
HRS 101	HRS §101-1	Definitions. (In this part, except where the context otherwise requires: "County" means a county <i>(except the county of Kalawao)</i> and any agency of a county, including the board of water supply thereof, duly authorized to exercise the power of eminent domain...)
HRS 103F	HRS§103F-202 (a)	Community council. There is established a community council on purchase of health and human services... There shall be a member from each county, <i>except the county of Kalawao</i>
HRS 127A	HRS §127A-2	Definitions. (When used in this chapter, unless the context otherwise requires: "County" means the city and county of Honolulu, and the counties of Hawaii, Kauai, and Maui; <i>provided that the county of Maui shall include the county of Kalawao for the purposes of this chapter.</i>)

HRS 128A	HRS §128A-2	Definitions. ("County" means any of the political subdivisions of the State, including the counties of Hawaii, Maui, and Kauai and the city and county of Honolulu, but does not include the county of Kalawao.)
HRS 128E	HRS §128E-4	<u>Establishment of emergency planning districts.</u> (Each county is designated as an emergency planning district for the purposes of this chapter; provided that the department shall be responsible for Kalawao county ("Department" is defined as "department of health" in HRS §128E-1)
HRS 231	HRS §231-2	<u>Taxation districts.</u> (For the purpose of taxation, the State is divided into the following four districts: (1) The city and county of Honolulu, to be called the first district; (2) The counties of Maui and Kalawao, to be called the second district; (3) The county of Hawaii, to be called the third district; and (4) The county of Kauai, to be called the fourth district.
HRS 237	HRS§237-23 (a) (9)	<u>Exemptions, persons exempt, applications for exemption.</u> (This chapter shall not apply to the following persons: ... (9) Persons affected with Hansen's disease and kokuas, with respect to business within the county of Kalawao)
HRS 243	HRS §243-4 (d)	<u>License taxes.</u> (No tax shall be collected in respect to any liquid fuel, including diesel oil and liquefied petroleum gas, shown to the satisfaction of the department to have been sold for use in and actually delivered to, or sold in, the county of Kalawao)
HRS 281	HRS §281-1	<u>Definitions.</u> ("County" means the county in respect of which each commission has jurisdiction under this chapter; provided that in the county of Kalawao liquor may be sold only by such persons and only under such conditions as may be permitted or prescribed from time to time by the department of health.)
HRS 329	HRS §329D-2	Medical cannabis dispensaries; authorized; licensure. ((d) no dispensary license shall be issued for the county of Kalawao)
HRS 445	HRS §445-13	<u>License inspectors.</u> (The deputy sheriff of Kalawao, any police officer, or any authorized representative of the county director of finance duly authorized by a chief of police shall be ex officio license inspectors of the counties for which they are appointed or authorized, and as such, they shall from time to time report to the county director of finance the names of all persons within the county who are liable for the payment of license fees.
HRS 804	HRS §804-5	<u>By whom allowed.</u> (.....and in cases, except under section 712-1207, where the punishment for the offense charged may not exceed two years" imprisonment with or without fine, the sheriff, the sheriff's deputy, the chief of police or any person named by the chief of police, or the sheriff of Kalawao, regardless of the circuit within which the alleged offense was committed, may admit the accused person to bail.)

Monument

The involved agencies have been working with Ka Ohana O Kalaupapa to advance the progress of the long-planned Kalaupapa Memorial. In 2023, five million dollars in state funding was secured for this project. Please see the attached letter from stakeholders to Ka Ohana outlining the next steps for the monument and the funds.

Ongoing Maintenance & Management of the Settlement & Transition Needs

Staffing: As DOH transitions out of Kalaupapa, positions will be transferred to other programs, with the employees placed in other positions or laid off per the civil service negotiated union process known as a reduction in force (RIF).

Below is a table of DOH positions currently appropriated for Kalaupapa and the anticipated time when the employees will be transferred, placed in other positions, or laid off. Efforts will be made to transition the employee to positions within Kalaupapa with NPS or other state agencies if feasible.

Section	Positions	Positions	Time Post Last Patient	Salaries per Year
Care Home	Supervisor, Nurses (7), Paramedical Assistant, Homemakers (3), Office Assistant	13	9 Months	\$1,638,360
Food Services	Supervisor, Cooks (2), Kitchen Helpers (3)	6	9 Months	\$343,692
Housekeeping	Supervisor, Janitors (2)	3	9 Months	\$156,216
Construction & Maintenance	Carpenters (2), Electrician, Painter	5	1 Year	\$270,384
Administration	OA IV, OA III	2	1 Year	\$79,680
Housekeeping	Janitor (1)	1	2 Years	\$50,640
Construction & Maintenance	Supervisor, Carpenter, Auto Mechanic, General Laborer, Building Maintenance Worker	5	2 Years	\$326,868
Administration	Institution Operations Manager, Business Services Supervisor, OA IV	3	2 Years	\$204,204

B. DHHL

DHHL is reviewing their building inventory list to determine which structures they may want to retain upon DOH's exit to help prioritize which structures DOH will need to maintain for the transfer.

DHHL is currently focused on community engagement and are in the process of identifying stakeholders and designing appropriate outreach methods to engage their community stakeholders.

C. DLNR

The current twenty (20) year Cooperative Agreement (CA) entered into in 2009 between DLNR and NPS expires in 2029. The CA broadly describes the agreements between the DLNR and NPS. The area under the CA includes unencumbered state lands which is managed by NPS. The lands that are set aside for forest reserve and the Pu'u Ali'i Natural Area Reserve are managed by DOFAW that installs and maintain animal control fencing for feral ungulates and manages and controls the Molokai Public Hunting Areas.

DLNR and NPS are meeting to discuss the future of the CA, including redefined roles and responsibilities of management of state lands, coordinating of the hunting and trail access, continued management of the feral ungulates and invasive species.

In addition, DLNR and NPS are coordinating with Ka Ohana o Kalaupapa to support their efforts to plan, design, construct, and maintain a Kalaupapa Memorial. Ka Ohana received a \$5M appropriation from the Legislature (FY 22) for the Memorial. The funds have been appropriated to DOH to be released to Ka Ohana for the Memorial contingent upon several conditions. DLNR, NPS, and Ka Ohana are meeting to address those conditions.

Natural and Cultural Resources Stewardship including evaluating the feasibility and budgetary needs for the following potential projects and services:

- DOFAW axis deer control if NPS has limited capacity to control invasive species.
- DLNR DOFAW Firefighting crew, and the need for a revised fire safety and response plan.
- DOFAW - Determination of who will manage the trail to Kalaupapa, and what is the appropriate amount of access.
- DAR – issues related to management of nearshore waters for fishing and protection of marine resources.
- DOCARE- feasibility of enforcement, currently DOCARE has no capacity within Kalaupapa. Further discussions with NPS, MPD, and DOCARE on appropriate enforcement in Kalaupapa to address potential increased accessed for hiking, hunting, and fishing.

5. Long Range Planning

The transition process is complex, requiring coordination between various government entities that have some responsibility for Kalaupapa. It will also require extensive

community engagement to ensure the plans and actions reflect the wishes of Kalaupapa patient descendants, DHHL beneficiaries, and the greater Moloka'i community.

The following are two key issues which require such discussion:

A. Future use of Kalaupapa Settlement by DHHL

Discussions between NPS and DHHL about NPS' management of DHHL lands have touched on how to identify and design appropriate outreach methods to engage community stakeholders; access to Kalaupapa for Native Hawaiian traditional and customary practices (i.e., fishing, hunting, and salt gathering), and facilitating native Hawaiian preference/first right of refusal for employment and commercial services contracts. Further discussions as to the future use of Kalaupapa will determine the number of residents, visitors, and business activities in Kalaupapa, which will help guide DOH, NPS and DLNR with their operational, capital, and personnel planning and future budget requests.

B. Governance of Kalawao County

Further research needs to occur to determine what the steps are to transfer jurisdiction from DOH to another entity once DOH exits Kalaupapa (HRS 326-34 — County of Kalawao; governance). And a decision needs to be made as to who will assume jurisdiction over Kalawao County upon DOH's departure. The following were contemplated scenarios:

- Jurisdiction over Kalawao County could be assigned to a willing State agency (e.g., DHHL or DLNR)
- Jurisdiction over Kalawao County could be assigned to a willing County government (e.g., Maui County)
- Jurisdiction may not need to be assigned to any government entity (e.g., remaining government entities — NPS, DLNR, DHHL, DOT — would coordinate and enforce existing laws within the county boundaries)

6. Closing Summary

The associated state agencies are committed to working together to ensure a smooth transition that preserves the cultural legacy and natural resources of Kalaupapa. The **Inter-Agency Transition Working Group** will continue to address the ongoing operational needs and short-term transition issues until the vision for Kalaupapa's future is determined.

Enclosures:

Act by Congress to Establish Kalaupapa National Historic Park (1980)

A Strategic Plan for the Transition at Kalaupapa — "Pink Book" (1990)

NPS-DHHL General Lease (1991)

NPS-DOT Memorandum of Agreement (2007)

NPS-DLNR Cooperative Agreement (2009)

NPS Kalaupapa National Historic Park General Management Plan (2021)

NPS-DOH Cooperative Agreement (2021)

Letter of Intent to Award funds to Ka Ohana (2023)