

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i 96813

February 23, 2018

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Moloka'i

Request Approval of Final Environmental Assessment (FEA) and Authorization for the Chairperson to Issue a Finding of No Significant Impact (FONSI), Proposed Kalaupapa Memorial, Kalaupapa National Historical Park, Kalawao, Moloka'i, Tax Map Key: (2) 6-1-001: 002 (por.)

PURPOSE:

Approve Final Environmental Assessment and authorize the Chairperson to issue a Finding of No Significant Impact for a proposed memorial to be constructed and maintained by a Hawai'i non-profit group, Ka 'Ohana O Kalaupapa, at Kalaupapa, Moloka'i. The memorial will honor and perpetuate the memory of individuals relocated to Kalaupapa Peninsula from 1866 and 1969 and would be located on currently unencumbered State of Hawaii land.

LEGAL REFERENCE:

Chapter 343, Hawaii Revised Statutes, and Section 11-200-12, Hawaii Administrative Rules

LOCATION:

Portion of State of Hawaii lands of Kalawao, situated at Kalaupapa National Historical Park, Kalawao, Moloka'i, identified by Tax Map Key: (2) 6-1-001: 002 (por.)

AREA:

5.9 acres, more or less

ZONING:

State Land Use District: Agriculture
County of Kalawao: None (Administrated by DOH)

TRUST LAND STATUS:

Section 5(b) land of the Hawaii Admissions Act
DHHL 30% entitlement land pursuant to the Hawaii State Constitution: Yes No

ITEM E-1

CURRENT USE STATUS:

Vacant and unencumbered

CHARACTER OF USE:

Memorial, construction, operation and maintenance of purposes.

REMARKS:

Background:

On March 30, 2009, President Barack Obama signed into law the Kalaupapa Memorial Act of 2009.¹ The Act directs the Secretary of the Interior to authorize Ka 'Ohana O Kalaupapa ('Ohana), a 501(c)(3) non-profit organization consisting of:

...patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Moloka'i, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

The Act further requires the 'Ohana to be solely responsible for payment of expenses associated with the establishment of the proposed Kalaupapa Memorial (Memorial).

One of the responsibilities associated with establishing the Memorial is preparing a Final Environmental Assessment (FEA) for the Memorial that complies with the requirements of the Hawaii Environmental Impact Statements law, Chapter 343, Hawaii Revised Statutes (HRS), and implementing regulations, Chapter 11-200, Hawaii Administrative Rules (HAR). The FEA being considered here was funded by the 'Ohana and prepared with the assistance of Munekiyo Hiraga, a planning and project management firm.²

Preparation of the FEA is required because the proposed Memorial site is located on State of Hawaii land and a lease approved by the Board of Land and Natural Resources (BLNR) is needed for the proposed use.³ At its July 26, 2013 meeting, the BLNR approved issuance of a direct lease to the 'Ohana for the purpose of constructing and managing the Memorial on 5.9 acres of unencumbered land under the jurisdiction of the Department of Land and Natural Resources (DLNR). This approval was amended by the BLNR at its February 14, 2014 meeting

¹ Omnibus Public Land Management Act, Title VII, Subtitle B., Section 7108: Kalaupapa National Historical Park Memorial.

² Ka 'Ohana O Kalaupapa. *Final Environmental Assessment, Proposed Kalaupapa Memorial Located at Kalaupapa National Historical Park, Island of Moloka'i, Hawai'i, TMK (2) 6-1-001: 002 (por.)*, November 2017.

³ NOTE: While no Division of State Park (DSP) lands are involved, under the previous Administration DSP was asked to be the intermediary between the National Park Service, the 'Ohana and DLNR in preparing and requesting the Board approvals for the entitlements, memorial design and general lease. The site of the proposed memorial is on unencumbered State land under the purview of the Land Division.

to clarify that the previous action constituted approval of the lease “in principle” only because the BLNR cannot approve issuance of a lease until considering the environmental impacts of the lease pursuant to HRS Chapter 343. Once this FEA is approved, negotiations can proceed between DLNR and the ‘Ohana to agree on the specific terms of a lease, consistent with the FEA, that can then be brought to the BLNR for final approval.

The FEA presents a conceptual plan for the design and layout of the Memorial in the selected location and analyzes the potential environmental, cultural, and social impacts of the memorial during its construction and long-term use (Exhibit A).

The proposed location is situated within the 5.9 acre lot previously occupied by the Old Baldwin Boy’s Home (Boy’s Home) which served as an orphanage at the Hansen’s Disease Settlement. The home was closed in 1932 and all remaining buildings demolished or burned by 1936 due to their deteriorating condition. The entire site was bulldozed in the 1950s and is now mostly overgrown with invasive or non-native vegetation. The stone wall enclosing the Boy’s Home grounds remains. Strongly influencing the selection of this site is its location immediately inland of an open field containing about 2,000 unmarked graves of Kalaupapa residents, many of whom will be honored and remembered by the Memorial (Exhibit A, Figs. 1.2.3 and 1.3.1). Directly northwest from the proposed Memorial site is the Catholic Church, St. Philomena, and the Protestant Church, Siloama. All are within the historic settlement of Kalawao located on the eastern side of the Kalaupapa peninsula.

The entire Kalaupapa peninsula, including the proposed Memorial site, is part of Kalawao County, Moloka‘i, which falls under the jurisdiction of the Department of Health. Most of the lands on the peninsula are owned by Department of Hawaiian Home Lands or DLNR but are primarily managed by the National Park Service (NPS) as Kalaupapa National Historical Park (Park).⁴ The Park was established in 1980. NPS manages this approximately 8,725-acre Park through a series of agreements with the Departments of Health, Hawaiian Home Lands, Transportation, and Land and Natural Resources and other entities within the Park boundary. In 1989, NPS and BLNR entered into a 20-year cooperative agreement setting forth the terms and conditions under which NPS manages the DLNR portion of the Park. It was renewed for another 20 years in 2009.⁵ Most provisions specify, in broad terms, the resources NPS will manage as well as how or when NPS will coordinate with DLNR in these efforts. For example, NPS is responsible for operating and maintaining all Park facilities (e.g., utilities, roads, trails, cemeteries, historic structures and public grounds); protecting and preserving the Park’s cultural and natural resources as well as conducting research on these resources; and preparing plans for various aspects of management, operations, preservation, and interpretation of the Park.

⁴ The Department of Transportation has jurisdiction over 42.2 acres at the northern end of the Kalaupapa peninsula which encompasses the airport runway, associated facilities, and adjacent lands (Kalaupapa National Historical Park Draft General Management Plan and Environmental Impact Statement, April 2015:52).

⁵ The original agreement, Cooperative Agreement No: CA 8896-9-8004, was dated August 16, 1989 and the renewed agreement, No. H8896090017, was dated September 15, 2009 (See *Draft General Management Plan and Environmental Impact Statement, Kalaupapa National Historical Park*, April 2015, page 59)

Given these overarching and day-to-day operational responsibilities, NPS participation is not only critical to establishing the Memorial, but to providing the broader infrastructure and park management needed to maintain the Memorial and its setting in the long-term. The Memorial being located within a designated National Park managed by a federal agency with federal funds also means that a number of federal laws, regulations, and NPS policies apply to this project. The Memorial is thus subject to various federal review and approval processes as well as those of the State of Hawaii. The peninsula was also designated a National Historic Landmark in 1976 and later listed in the Hawaii and National Registers of Historic Places. This designation heightens scrutiny during both the State and Federal historic preservation review processes.

Conceptual Plan for Memorial:

The conceptual plan for the Memorial was prepared by a design team convened by the 'Ohana and supporters of the Memorial. This effort was largely funded by a grant from the County of Maui which allowed the 'Ohana to retain the services of a nationally recognized architect with experience in designing memorials who helped facilitate the team meetings. The resulting plan is based on the design concept of two overlapping circular areas (Exhibit A, Figs. 1.3.1). The mauka (inland) circle symbolizes those who were relocated to Kalaupapa and the makai (seaward) circle, which is smaller, represents those left behind when family members were forcibly relocated to Kalaupapa. The overlapping intersection of the two circles signifies a place of reconciliation or reunion between the two. The Hawaiian cultural concepts and beliefs inspiring the design and orientation of the Memorial's features is discussed in detail in the FEA (Section 1.3, pages 11-15; Appendix C).

The conceptual design depicted in the FEA rendering places the Memorial wall with the inscribed names of those relocated to Kalaupapa along the outer edge of the mauka and larger circle (diameter of about 75 feet) (Exhibit A, Fig 1.3.2). The wall would be composed of granite tablets backed and rimed by basalt stone walls that will not exceed a total height of 10 feet. The names will be inscribed in the granite. A concrete path parallels the wall to allow visitors access to read the inscribed names. Marking the path along the edge of the inner core of the circle is a series of six stone wall segments that can serve as benches. A much lower basalt stone wall forms the periphery of the makai and smaller circle (diameter of about 60 foot diameter). At the intersection of these circles, a shade structure provides protection from the sun, allowing visitors to spend more time reflecting on the intent of the Memorial and the lives of those whose names are inscribed on the wall. A single concrete pathway, 6 to 8 feet wide, provides access to the Memorial through an opening in the stone wall across from St. Philomena Church. This opening was the site of the historic gate to the Boy's Home. Two optional pathway alignments are shown in the FEA, both of which will comply with American Disabilities Act requirements (Fig. 1.3.1).

The footprint of the proposed Memorial components is approximately 9,000 square feet and a total of 13,000 square feet when either proposed the access pathway is included. This is roughly 0.3 acres of the 5.9 acres the BLNR approved, in principle, to lease to the 'Ohana.

The 'Ohana acknowledges in the FEA that the Memorial as proposed in the conceptual plan is subject to modification for multiple reasons. Additional research is needed on material

availability and expense before the final materials can be selected, including assessing the costs of transporting non-locally sourced materials to this remote location. Discovery of intact subsurface archaeological deposits could shift the footprint of some project elements. A structural analysis has yet to be conducted on the proposed wall design to determine the footings needed to support a wall composed of granite tablets and basalt stone walls. The results of this analysis could also prompt a redesign. The 'Ohana believes the proposed conceptual plan meets the design criteria and standards agreed upon for the Memorial with NPS in 2010 (Appendix E)⁶. Modifications could be required if NPS or the Hawaii State Historic Preservation Office determine that some elements of the design do not meet these criteria.

Staff Comments:

The State Parks staff has reviewed the FEA prepared by Ka 'Ohana O Kalaupapa and agree that a Finding of No Significant Impact is justified for the Memorial conceptual plan as presented in the FEA. Staff believes the FEA demonstrates that the applicant and its representatives have completed the requisite agency reviews, consulted with numerous individuals who expressed interest in the project over the years, and addressed the environmental considerations required under HRS Chapter 343 and implementing regulations, HAR Chapter 11-200 (Exhibit B). Note that NPS previously published a Final Environmental Assessment which addressed the general concept of a memorial in Kalaupapa National Historical Park (November 23, 2010) and subsequently issued a FONSI for this concept. It determined that the Boy's Home site was the preferred alternative. This NPS FEA was prepared in accordance with federal, not State of Hawaii, requirements and guidelines (National Environmental Policy Act, 1969; 40 CFR 1500-1508).

In considering approval of the 'Ohana FEA, the Board should keep in mind that the design, layout, scale, and exact siting of the proposed Memorial are all conceptual in nature. Preparing this FEA is just one step in a series of agency reviews and agreements needed before the Memorial can be constructed. Any one of these could result in some modification of the Memorial's design and layout before a plan could be considered final. For example, the BLNR needs to approve a final lease before one can be issued to Ka 'Ohana O Kalaupapa and this will require review by the State Historic Preservation Division under the state historic preservation law, HRS §6E-42. As is standard practice, conditions of the lease will require BLNR approve the final Memorial plans. Agreement documents are still needed to clarify the respective roles and responsibilities of NPS, DLNR, and 'Ohana during construction of the memorial and for the ongoing operations and maintenance of the memorial and its setting. The federal historic preservation review process established under Section 106 of National Historic Preservation Act must be completed once the parties agree on final plans for the Memorial and the final plans must be approved by the Secretary of the Interior as required under the Kalaupapa Memorial Act of 2009. Ultimately, aspects of the final design will depend on the 'Ohana raising sufficient funds to construct the memorial as proposed in the FEA and to create an adequate endowment to insure its maintenance in perpetuity.

⁶ Letter dated December 21, 2010 from Stephen Prokop, Superintendent, Kalaupapa National Historical Landmark. Subject heading is "Section 106 Consultations for Proposed Memorial at Kalaupapa National Historical Park."

With these considerations in mind, staff recommends approval of the Final Environmental Assessment and authorization for the Chairperson to issue a Finding of No Significant Impact with the understanding that the final Memorial plans will not exceed the general layout, location and size of that proposed in FEA. Should the final plans exceed these parameters, a Supplemental Environmental Assessment for the project shall be prepared.

RECOMMENDATION: That the Board:

1. Approve the Final Environmental Assessment prepared for the proposed Kalaupapa Memorial, Kalaupapa National Historical Park, Kalawao, Moloka'i, with the condition that a Supplemental Environmental Assessment shall be required if the final Memorial plans exceed the general layout, location, or size of the conceptual plan analyzed in the Final Environmental Assessment;
2. Authorize the Chairperson to issue a Finding of No Significant Impact (FONSI) for the proposed memorial based on staff review of the Final Environment Assessment, the comments received within the 30-day public review period, and responses provided by Ka 'Ohana O Kalaupapa to these comments; and
3. Authorize the Chairperson to publish a FONSI for the proposed memorial project in The Environmental Notice, Office of Environment Quality Control.

Respectfully submitted,



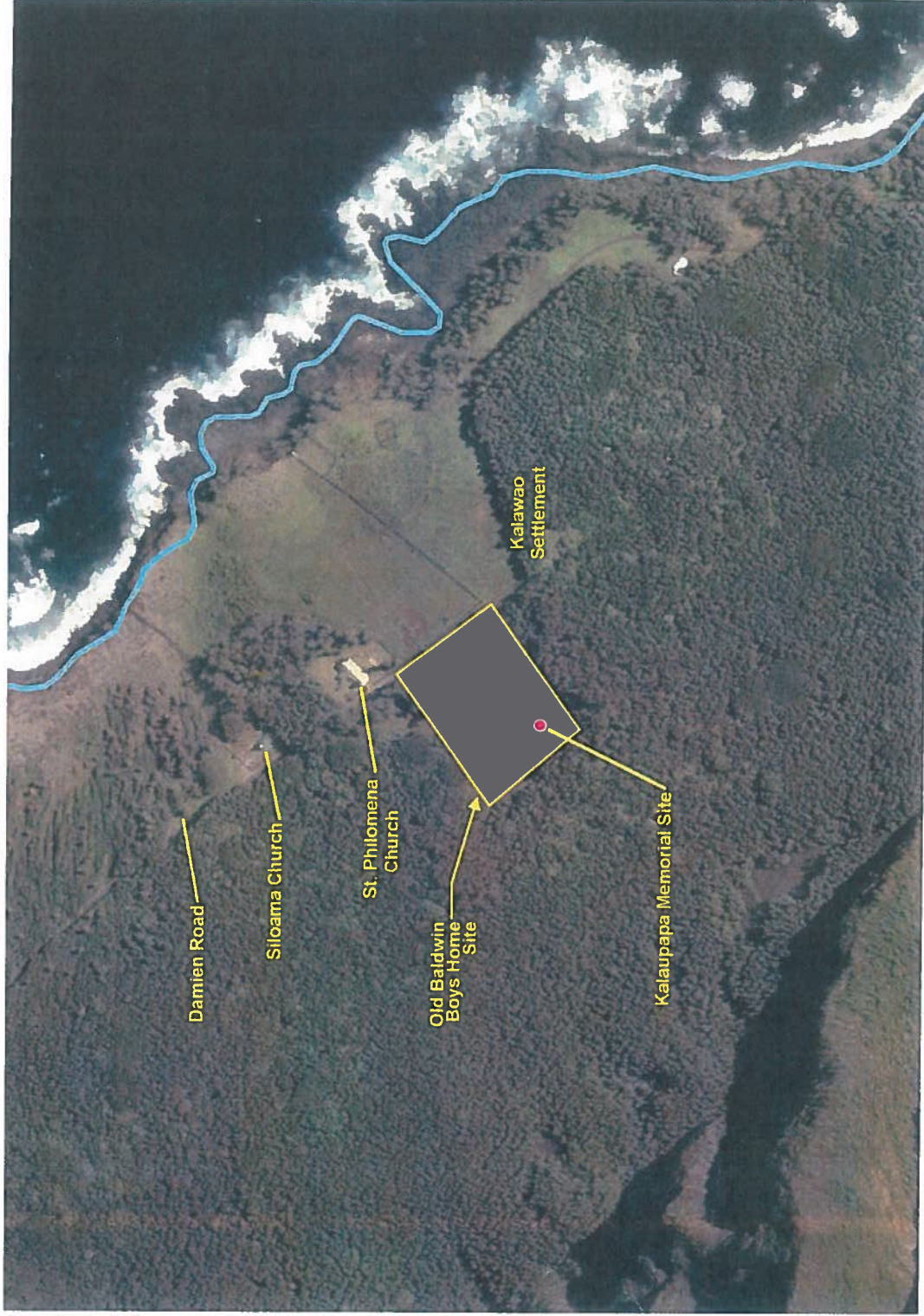
CURT A. COTTRELL
State Parks Administrator

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson

EXHIBIT A
Figures Extracted from the Final Environmental Assessment

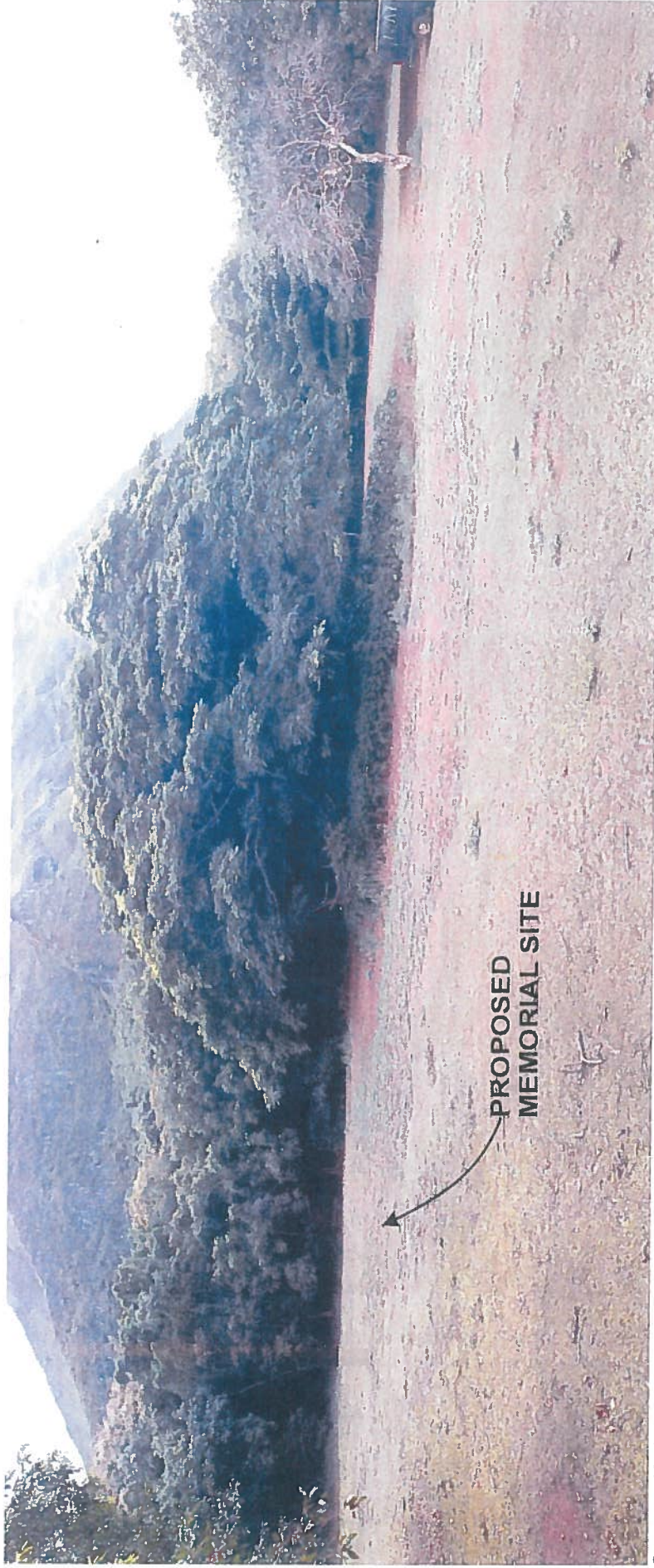


Source: Ka 'Ohana O Kalaupapa

Ka'OhanaO'Kalaupapa\Memorial\Final EAS\SiteLoc

Figure 1.2.3
Site Location Map



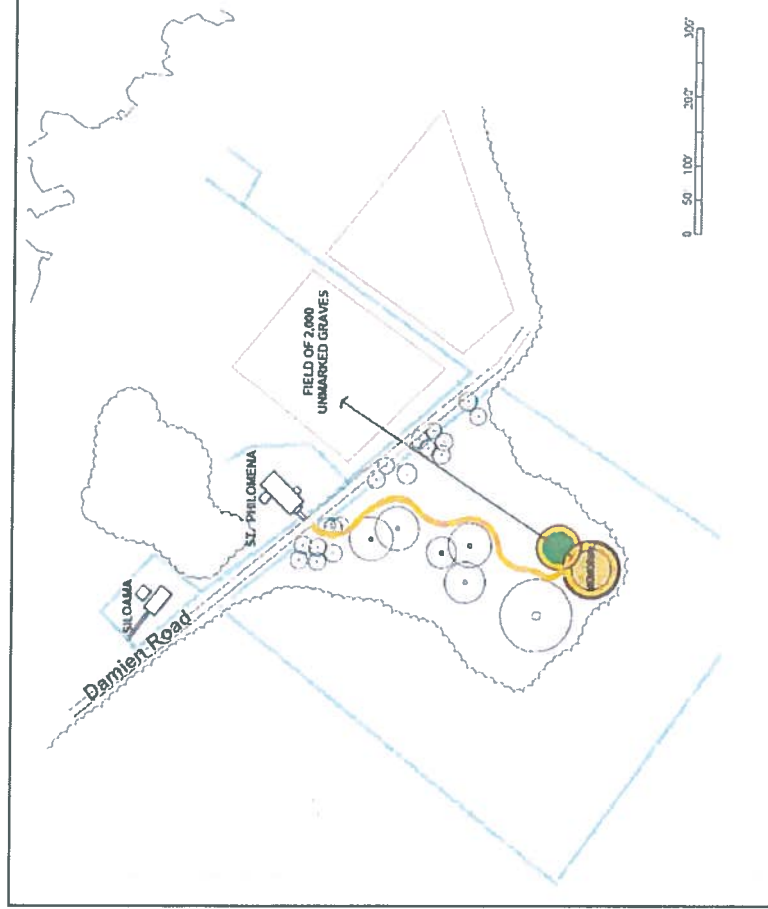


Source: Ka 'Ohana O Kalaupapa

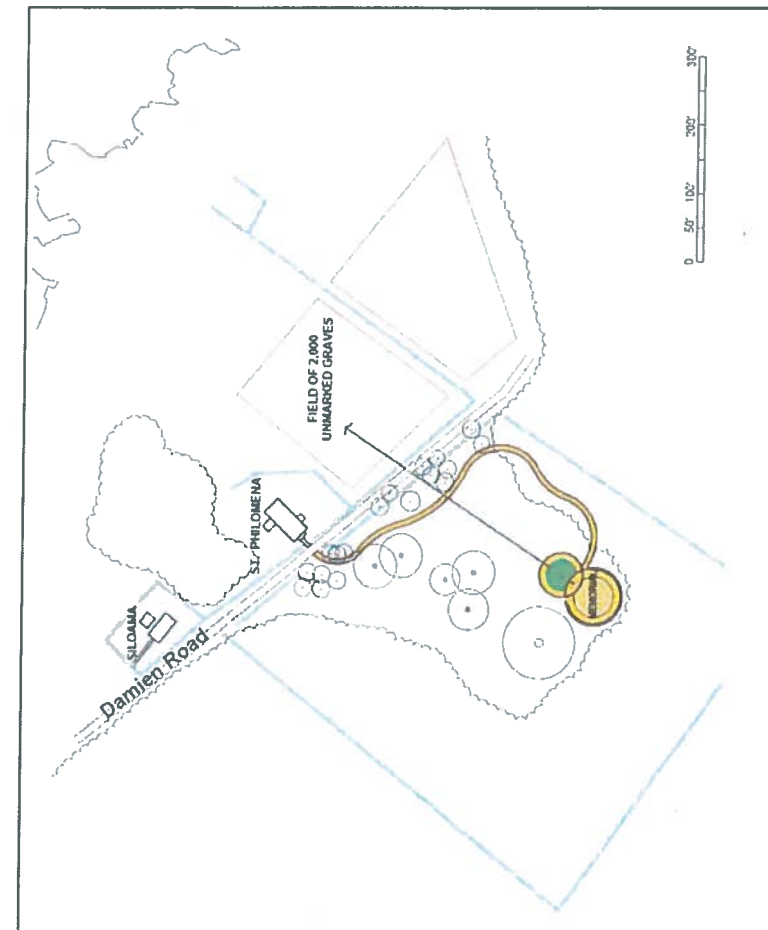
Ka'OhanaOKalaupapa/Memorial/Final EA/Photo Location

Figure 1.2.4
Photograph of Proposed Memorial Location

Central Path Option



East Path Option



Source: Ka 'Ohana Kalaupapa

Ka'Ohana'O'KalaupapaMemorial\Final EA\RevConceptPlan

Figure 1.3.1 Conceptual Site Plan



Source: Ka 'Ohana O Kalaupapa

Ka'Ohana O Kalaupapa/Memorial/Final EA/Memorial/Rendering

Figure 1.3.2
Memorial Rendering

EXHIBIT B

Summary of Findings and Reasons Supporting Recommended Determination (Extracted from the Final Environmental Assessment, Pages 82-84)

The "Significance Criteria", Section 12, of the Hawai'i Administrative Rules, Title 11, Chapter 200, "Environmental Impact Statement Rules", were reviewed and analyzed to determine whether the proposed project will have significant adverse impacts to the environment. The following analysis is provided:

1. *Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;*

The proposed Memorial is intended to serve as a tribute to the thousands of individuals who endured the challenges of being forcibly separated from family and friends while dealing with Hansen's disease. It will also provide family members with a fitting place to pay tribute to their ancestors and find a place of pride and healing. In this regard, the proposed action is viewed as a positive impact to bringing richness and life to the cultural and historic heritage of Kalaupapa. Furthermore, the commitment of land is small, as the Memorial's footprint shall be less than one-third of an acre.

2. *Curtails the range of beneficial uses of the environment.*

The proposed Memorial and the commitment of limited land resources are not anticipated to curtail the range of beneficial uses of the environment. With proposed mitigation measures, such as implementation of BMPs during construction, the proposed Memorial is not expected to result in adverse effects on beneficial uses of the environment.

3. *Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders;*

The State's Environmental Policy and Guidelines are set forth in Chapter 344, Hawai'i Revised Statutes (HRS). The proposed action does not contravene provisions of Chapter 344, HRS, court decisions, or executive orders.

4. *Substantially affects the economic welfare, social welfare, and cultural practices of the community or State;*

The proposed action would provide a direct, short-term economic benefit to the community during the construction phase. As noted previously, the proposed action will enhance the history and culture of the Kalaupapa Peninsula.

5. *Substantially affects public health;*

No adverse impacts to public health are anticipated to result from the proposed action.

6. *Involves substantial secondary impacts, such as population changes or effects on public facilities;*

The proposed project is limited to the construction of a Memorial to commemorate the Kalaupapa residents and will not have significant impacts on population. There are also no anticipated adverse effects upon public services, such as police, fire, medical, educational, or waste collection services.

7. *Involves a substantial degradation of environmental quality;*

The proposed project is not anticipated to substantially degrade environmental quality. During project construction, appropriate measures such as Best Management Practices (BMPs) will be utilized to mitigate potential short-term environmental impacts.

8. *Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;*

The proposed Memorial is not part of a larger action and is not anticipated to result in significant cumulative impacts.

9. *Substantially affects rare, threatened or endangered species or its habitat;*

There are no identified rare, endangered, or threatened species of flora, fauna, avifauna and their habitats within the project site. Thus, impacts to rare, threatened or endangered species of flora, fauna, avifauna and their habitats from the proposed action are not anticipated.

10. *Detrimentially affects air or water quality or ambient noise levels;*

With implementation of appropriate BMPs, as discussed in Chapter 2 of this EA, the proposed project is not expected to adversely impact air, water, and noise quality during construction. Upon completion, the proposed Memorial will not impact local or regional air, water, or ambient noise quality.

11. *Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a floodplain, tsunami zone, beach, erosion prone area, geological hazardous land, estuary, fresh water or coastal waters;*

The Memorial site is located within Flood Zone X, an area of minimal flooding and is outside of the tsunami evacuation zone. The site is not located in a floodplain, or near beaches, estuaries, or any body of fresh or coastal waters. The proposed Memorial will be located within higher lying areas of the Old Baldwin Boys Home site. As such, this project is not anticipated to result in an adverse effect on environmentally sensitive areas.

12. *Substantially affects scenic vistas and viewplanes identified in County or State plans or studies; or*

The proposed action is not anticipated to result in substantive, adverse impacts to identified scenic vistas or viewplanes.

13. Requires substantial energy consumption

The proposed action will involve the short-term commitment of fuel for equipment, vehicles, and machinery during construction activities. In the past, contractors have purchased fuel for construction equipment from the Department of Health. The 'Ohana will coordinate fuel alternatives with the Department of Health. Upon completion of construction, the project will not involve energy consumption.