



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Hawaii State Aha Moku Response
To the Board of Land and Natural Resources (Land Board)

For the meeting of the Land Board

January 22, 2021
Honolulu, Hawaii

Agenda Item E3: Request Land Board Approve Submitting and Recommending to the Governor Acceptance of the Final Environmental Impact Statement for the Kealakekua Bay State Historical Park Master Plan Project, Kealakekua, South Kona, Hawai'i; Tax Map Key Nos.: (3) 8-1-007: 050; (3) 8-1-010: 001; (3) 8-1-011: 001, 003, 004, 005, 006, 007, 008, 009, 010, 012, 013, 014 & 016; and (3) 8-2-004: 001, 002, 008, 009, 010 & 015.

Aloha Chairperson Case and Honorable Members of the Land Board,

On behalf of the Aha Moku participants and members of Native Hawaiian generational families connected to the Kealakekua Bay on the ahupua'a of Kealakekua, **we support the request of the Division of State Parks (DSP) to the Land Board to accept the Final Environmental Impact Statement.** This Board action is not approving the master plan. Future land use permits would still be required that would be subject to the Board's review before project improvements can be implemented. The Board's action at this time is limited to completion of the EIS process. Although Aha Moku supports this submittal in its entirety, we focus on the critically important segments of native Hawaiian traditional and cultural components.

Aha Moku Foundation

COMPOSED BY KAWAIKAPUOKALANI K. HEWETT JAN. 3, 2021

*E MĀLAMALAMA KE AKUA
E MĀLAMALAMA KA 'ĀINA
E MĀLAMALAMA KEKAHI I KEKAHI
E MĀLAMALAMA NA IWI HANAU O KA 'AINA
E MĀLAMALAMA KA PONO O HAWAI'I*

*HAVE HONOR AND RESPECT FOR THE GOD
HAVE HONOR AND RESPECT FOR THE 'ĀINA
HAVE HONOR AND RESECT FOR ONE ANOTHER
HAVE HONOR AND RESPECT FOR THE ORDER OF HAWAI'I...*

*IN THE LANGUAGE THER IS LIFE
IN THE LANGUAGE THERE IS DEATH
A POWERFUL LANGUAGE FROM OUR ANCESTORS
THE LANGUAGE IS A COVENANT FROM AKUA*

THESE ANCIENT PROCLAMATIONS/EDICTS WE MUST PERPETUATE

In these words of the last living founder of the Hawaii State Aha Moku, Kawaikapuokalani Hewett brings forth the *'uhane* (spirit) and *'ike* (knowledge) of the kupuna of all the islands. And, in this case, particularly of Kealakekua. The generational families of Kealakekua primarily come from Ka'awaloa and Napo'opo'o in South Kona on Moku O Keawe (Island of Hawaii). All believe in and practice the Foundation of Aha Moku.

Synopsis of Research

The Aha Moku began work with the traditional families of Ka'awaloa and Napo'opo'o after concerns about the on-going Master Plan were brought up at a public community hearing in Kona in 2018. As a result of this hearing, an organization of traditional and generational families impacted by activities in the Kealakekua State Park (Kealakekua Bay) was undertaken to address the Cultural Impact Statement attached to the developing Master Plan. The Report of that undertaking is attached to this testimony.

Kapa'akai O Ka Aina¹ Analysis

The Kapa'akai Analysis was used in determining whether traditional and customary practices would be impacted by the Kealakekua State Park EIS.

Findings of Fact and Conclusions of Law of the Kapa'akai Case

- Identification and scope of “valued cultural, historical, or natural resources” in petition or impacted area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
- The extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed actions;
- The feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist.

The petition area in this case is the Kealakekua State Park.

Area of Concern:

Since 2018, the families of Ka'awaloa and Napo'opo'o who are the members of the *Kealakekua Historic State Park Cultural Advisory Council* (Kealakekua Council) wish to transform Kealakekua Bay from a recreational park to a cultural park. Discussion continues with Division of State Parks on the Master Plan.

Aha Moku Recommendations to the Land Board

There has been respect shown to the families of Ka'awaloa and Napo'opo'o by DLNR and DSP. Consultation and Discussions are on-going to recognize and implement the continuing traditional practices, notably fishing practices and cultural practices at Hikiau Heiau.

The people support the Historical and Recreational-Historical Focus as listed in the DSP Submittal and highlighted here. Note: *(signifies addition of content to the original submittal)*

“3. Historical Focus. This alternative seeks to recognize the cultural and historical importance of Kealakekua Bay and the surrounding land area by promoting preservation and interpretation of the historic sites and

¹ Ka Pa'akai O Ka'Aina v. Land Use Commission, State of Hawai'i, 2000, Supreme Court of Hawai'i

restoration of the cultural landscape. Recreation and traditional practices are respectfully woven into the cultural landscape and park programs. Traditional Hawaiian outrigger canoes would replace kayaks for transport across the bay and the number of other vessels in the Bay would be limited to promote a sense of the historical and cultural setting. Visitor access at Ka‘awaloa would be limited to hiking or by guided tour/canoe shuttle. This alternative was not adopted because “members” community felt it restricted the recreational activities in the bay.

4. Recreational-Historical Focus. This preferred alternative seeks to bring in elements of the other two alternatives and balance the managed recreational activities with historical and cultural values and traditional practices. Interpretive programs at both the Nāpō‘opo‘o and Ka‘awaloa Sections include guided and self-guided tours, interpretive trails, and an interpretive shelter with displays. **The establishment of a cultural advisory committee will promote the incorporation of traditional knowledge and practices into these programs.** Cultural resource management includes stabilization and rehabilitation of cultural and historical sites and removal of invasive vegetation. There will be a continuation of existing recreational activities, including hiking to Ka‘awaloa, ocean recreation in the bay and at Nāpō‘opo‘o Beach, and boating from Nāpō‘opo‘o Landing. This recreation will be managed through permits.

To strengthen the FEIS and the Master Plan, it is recommended that the Kealakekua Historic State Park Cultural Advisory Council (Kealakekua Council) become a formally adopted and permanent Council by the BLNR to be attached to State Parks. This would ensure the perpetual cultural and natural resource protection of Kealakekua Bay, one of the most important native Hawaiian historical sites in Hawaii as this is where “visitors” first contacted the aboriginal people of Hawaii.

Therefore, it is recommended that the Board approve submitting the Final EIS for Kealakekua Bay State Historical Park to the State Office of Environmental Quality Control for publication of its availability in The Environmental Notice and transmit this Final EIS to the Governor with a recommendation for Acceptance.

Further, we ask that steps be taken to transform the existing Kealakekua Historic State Park Cultural Advisory Council to a permanent one attached to the DLNR Division of State Parks.

Respectfully and humbly yours,

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Attachment: Kealakekua State Historic Park Cultural Advisory ‘Ohana Kuka Report, 5/23/18

Attachment

Kealakekua State Historic Park Cultural Advisory ‘Ohana

Kuka Report

In support of the collaboration between the DLNR State Parks Division, and the Hawaii State Aha Moku, a meeting (known by Native Hawaiians as a *kuka*) at Yano Hall, 82-6156 Mamalahoa Highway, Captain Cook, HI 96704 on Wednesday, May 23, 2018.

The purpose of the meeting was to discuss cultural concerns raised by the community of Napo’opo’o Village, and Native Hawaiians from the adjoining land parcels of Kaawaloa, Ke’ei, and Kaumo’o regarding the Draft Cultural Impact Statement (CIS) which is a mandatory part of the Kealakekua Historic State Park (KHSP) Master Plan and Environmental Impact Statement. Further, the KHSP Cultural Advisory Council (CAC) was to be resurrected at this meeting with the membership to be comprised of lineal descendants and those with generational knowledge of the cultural and natural resources of Kealakekua. Per the request of those who hold traditional knowledge of Kealakekua, the KHSP Cultural Advisory Council name was changed to the KHSP Cultural Advisory ‘Ohana. This difference in name is important to the people of Napo’opo’o because the term “Council” is a westernized title for a group that could be comprised of anyone. “Ohana” identifies the members as family – those who support one another, are connected – like family members – physically, intellectually and emotionally to Kealakekua.

Notice of this *kuka* was sent to those who attended the April 14, 2018 KHSP Master Plan meeting in Kona and to those who indicated interest in participating in and organizing this cultural component to the EIS and Master Plan.

Participants in this meeting included: Curt Cottrell, Administrator of Hawaii State Parks; Martha Yent, State Parks Archaeologist; Tracy Tim Sand, Hawaii Island State Park Archaeologist; Maile David, Hawaii County Councilwoman representing the Kealakekua District (and a Native Hawaiian who holds generational knowledge of Kealakekua as a lineal descendant); Leinani Wessel, representing Hawaii County Councilman Dru Kanuha; and Leimana DaMate, Hawaii State Aha Moku.

Also participating were members of families who are traditionally from Napo’opo’o and Kaawaloa; and who hold the generational knowledge that has been handed down generation to generation.

Aha Moku Presentation

Because many of the members of the audience were not fully cognizant of what the Hawaii State Aha Moku was and how it works with ahupua’a, a short presentation was presented on its background and purpose. Signed into law in 2012 and attached to the Department of Land and Natural Resources (DLNR), the Hawaii State Aha Moku works with the tenants and communities of a site-specific place, particularly those who intimately know, and have traditional and knowledge of the natural and cultural resources of an ahupua’a. In this case, it was deemed beneficial to use the Aha Moku process as a tool through which the traditional and generational knowledge of the resources and specific cultural practices unique to Kealakekua Bay could be brought forward through the voices of the people of that place. (Attached to this report are copies of the handouts given to the participants during the presentation).

In summary, the Aha Moku was brought forward by kupuna and masters of different Native Hawaiian disciplines from the 9th century through the translations of ancient oral Mo'olelo. It is a vehicle through which communities of an ahupua'a can bring their voices forward to the DLNR relative to natural and cultural resources within their ahupua'a.

Master Plan – Kealakekua Historic State Park

The first community meeting to formalize a Master Plan for Kealakekua was in 1985. Discussions and plans were made but never formalized. The original Kealakekua Cultural Advisory Council (CAC) was formed but faded out. The Master Plan was incomplete.

Currently, planning to restart the Kealakekua Bay State Historic Park resumed in May 2015. Belt Collins was retained to finish the Master Plan and prepare the Environmental Impact Statement (EIS) and the Cultural Impact Statement (CIS). Work is on-going.

Kuka-concerns and proposals for resolution brought forward, discussed and decided upon by the group.

How would the CAC work one-to-one with State Parks? And, how would it be integrated into the Park? Several members of the audience responded that 1) The purpose of the CAC is to fulfill the cultural condition of the Kealakekua Master Plan that safeguards the perpetual sustainability of the bay itself. To fulfill that, the generational knowledge of the people needs to be implemented into the plan.

The purpose, make-up, and intent of the Cultural Advisory Council (CAC)

- The cultural and natural resource must take priority in this group;
- To be committed to Kealakekua Bay and its ahupua'a through which it is attached;
- **To revitalize the natural and cultural resources which encompasses the land and ocean;**
- The Master Plan should not commercialize Kealakekua (Note: Members of the group feel that the Plan does not support non-commercializing the Bay)
- The 'Ohana must be a part of Napo'opo'o Village;
- Although some things may create alterations to the Plan, the CAC must be sensitive and aware of generational knowledge;
- The State must be part of the 'Ohana;
- Other families who live outside of Kealakekua, but are generationally connected may be allowed to participate;
- Protocol is needed;
- The 'Ohana can, and should be the filter to the Master Plan;
- Kuleana is important, such as the wall. The 'Ohana must have resolutions; education is needed for those who work in significant areas; people need to be able to identify the members of the 'Ohana;
- The significance of this group will be precedent setting
 - It can be advocates at the Legislature
 - It can point to legislation and adoption;
- Conflict points to accessibility and control
 - How does the group address this kuleana?
 - How far is the State willing to go to handle specific conflicts?
 - Example: There are places in Kaawaloa where previous kahuna decided to let vegetation become overgrown to protect the Hikiau complex and heiau which is kapu, to protect it from outsiders;

- Everyone knows that Helehelekalani is there, but the community wants to keep it closed. Kupuna were not secretive but took steps to protect it.
- State Parks sees this area as part of the public park – The community sees it as a *hale pule* (house of prayer, or culturally significant place).
- Kealakekua Bay should be a cultural park, not a recreational park (Note: Statement made by Maile David, native Hawaiian lineal descendant of Kealakekua and Hawaii County Councilwoman representing Kealakekua) reflecting the wishes of the larger Hawaiian community.

Resurrection of the Kealakekua Historic State Park Cultural Advisory Council - Discussion

- The terminology needs to be changed from Kealakekua Historic State Park Cultural Advisory Council (CAC) to Kealakekua Historic Cultural State Park Cultural Advisory ‘Ohana (‘Ohana);
 - The group understands that this may be problematic for the State, but the community needs State Parks to do the *pono* thing;
- An educational component must be part of this group;
- The community is treading into new waters – State Parks has not addressed much of the dilemma that is attached to the Kealakekua cultural component;
- State Parks agrees with the group that this is an opportunity for a paradigm shift from thinking of Kealakekua as one of many recreational parks to a unique historic cultural site that holds an essentially important place in the history of Hawaii as a whole
 - The mana’o that will come out of this group will be precedent-setting and State Parks need to understand and accept that.
- The previous Master Plan, EIS’s, may have worked 20 years ago, but do not work today;
 - The Hawaiian culture, prior to 1778 believed that land was not owned, but the kuleana of the ali’i. Today, the kuleana of the land, especially Kealakekua, is with State Parks.
 - The State may own the land, but they do not own the Hawaiian culture.
- In determining the size and scope of the group, the following was discussed:
 - How big should this group be? And, how often should they meet? The group agreed that they must meet sooner than later, and **everyone who attended this meeting will make up the membership** of the now called Kealakekua Historic State Park Cultural Advisory ‘Ohana (‘Ohana)

Kealakekua Historic State Park Cultural Advisory ‘Ohana (KHSP-CAO) Formation

Through the wishes of the Napo’opo’o Village community, lineal and cultural descendants of the Kealakekua Moku, specifically the communities of the Keopuka, Kaawaloa, Keei, and Kaumo’o ahupua’a within, the Kealakekua Historic State Park Cultural Advisory ‘Ohana (‘Ohana) was formed on Wednesday, May 23, 2018 at Yano Hall, 82-6156 Mamalahoa Highway, Capt.Cook, HI 96704.

The membership of the newly resurrected ‘Ohana is comprised of all who attended this meeting and are members of families who hold the generational and traditional knowledge of the culture, history and natural resources of Kealakekua Ahupua’a, which includes Kealakekua Bay.

The ‘Ohana will hold enrollment open for a while to give other families who have generational knowledge of the cultural and natural resources of the Kealakekua ahupua’a a chance to become involved should they wish to.

Tommy Hickcox (kupuna)
Gerry Palacat (kupuna)

Carolyn Machado (kupuna)
Jimmy Medeiros (kupuna)
Maile Medeiros David (kupuna)
Rae Godden
Shane Palacat-Nelson
Jesse Kekoa Kahoonei
Kahaka'io Ravenscraft
Cherish Ravenscraft
Melody Carvalho
Mike Vitousik

There was commitment from the 'Ohana and from State Parks to work together, to increase their capacity, and strengthen their partnership. And, although it was deemed necessary to hold a follow-up meeting of the 'Ohana as soon as possible, a confirmed date will be decided upon soon.

The meeting adjourned at 8:00 p.m. with a closing Pule.

Respectfully submitted,

Leimana DaMate
Hawaii State Aha Moku

Attachments: May 23, 2018 Meeting Agenda
Aha Moku Power Point Presentation
Act 288 (The Aha Moku Bill)
Pae'Aina Hawaii Nei (Listing of Moku, Moku, Ahupua'a)
Eligibility Criteria

Shane Akoni Palacat-Nelsen

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‘O Hilo ka pō mahina, a ‘o Kā‘elo i ka malama

January 13, 2021

Board of Land and Natural Resources
Kalanimoku Building, Board Rm. 132
1151 Punchbowl St.
Honolulu HI. 96813

RE: PUBLIC COMMENT ON THE FINAL EIS FOR KEALAKEKUA BAY STATE HISTORICAL PARK
MASTER PLAN IMPROVEMENTS.

‘O Kua i ka la‘i – Kua in the calm

Kua, a celebrated ancestor of Kealakekua

One of the most popular stories that was generationally passed down within each family of Kealakekua Bay was the story of the ancestor Kua. He provided protection and peace, support, and abundance on both the land and sea. His name became worthy for a place name, and poetically the Bay is called Kapukapu due to Kua’s perpetual promise to his pulapula (offsprings/people). His kapu guides families of Kealakekua Bay to this day.

Welina e ka Lunaho‘omalua Case and members of the Board, aloha aku,

I am providing testimony in **SUPPORT** of this proposed FEIS. As a generational resident of Kealakekua Bay I grew up attending meetings and hearing family discussions of proposed Park plans, and for decades these meetings, presentations and proposals were long debated and sometimes heated. I feel we have reached a place where we can agree to begin active stewardship and management of Kealakekua Bay. The Bay can no longer be neglected and it needs to be stewarded with proper input and collaboration. After reviewing this proposed FDEIS, I feel confident this will provide the foundation and avenues needed to provide a working relationship between the Department of State Parks (DSP) and residents of Nāpo‘opo‘o Village, as well as other users of the bay.

At the last DEIS hearing in Kealakekua, some of the Villagers as well as cultural and traditional practitioners provided solutions that would mitigate their concerns, and are now included into the FEIS.

3.7 Historical and Cultural Resources

1. The DSP to establish a Kealakekua Cultural Advisory ‘Ohana to assist with the development of culturally appropriate programs and management strategies. To

which it was done immediately to assist in mitigating some of the issues pointed out during the review of the DEIS. I am pleased to see the inclusion in the draft.

2. An Appendix was included to provide active cultural practices and traditions that may be in conflict with recreation/visitor.

Growing up in a wahipana that attracts thousands of tourists and recreation users yearly is a lifestyle that requires constant collaboration between the Villagers, DSP, and other users that support nā malihini. I hope that this Board will emphasize in their decision making the importance for all necessary departments that are required or needed to manage Kealakekua Bay, and to ensure meaningful and effective consulting that goes beyond the minimum requirements of HRS 91, to include updated and current kupuna/cultural knowledge as a consultation priority.

We look forward to our continued collaboration with DSP, and mahalo for receiving my testimony.

Mahalo nui,
Shane Akoni Palacat-Nelsen