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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson**

**Before the House Committee on
WATER & LAND**

**Tuesday, March 17, 2026
9:00 AM
State Capitol, Conference Room 411**

**In consideration of
SENATE BILL 2799, SENATE DRAFT 1
RELATING TO THE KALAUPAPA SETTLEMENT**

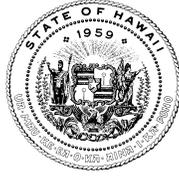
Senate Bill 2799, Senate Draft 1 proposes to require the Department of Health (DOH), in consultation with the Department of Land and Natural Resources (Department) and Department of Hawaiian Home Lands (DHHL), to submit a report on the plan for the transfer of powers and duties of Kalaupapa Settlement prior to the Regular Session of 2027. **The Department supports this measure.**

The Department appreciates the intent of this measure which encourages collaborative work between the Department, DHHL, and DOH. The Department notes that it has been actively working with DHHL and DOH on plans for the transition of the Kalaupapa Settlement and is committed to continuing this collaborative work

Mahalo for the opportunity to comment on this measure.

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TESTIMONY OF KALI WATSON, CHAIR
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON
WATER AND LAND
ON MARCH 17, 2026 AT 9:00AM IN CR 411

SB 2799, SD1, RELATING TO THE KALAUPAPA SETTLEMENT

March 17, 2026

Aloha Chair Hashem, Vice Chair Morikawa, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) **supports** with comments this bill which requires the Department of Hawaiian Home Lands and Department of Land and Natural Resources, in consultation with the Department of Health, to submit to the Legislature a report on the plan for the transfer of powers and duties of Kalaupapa Settlement prior to the Regular Session of 2027.

DHHL recognizes that this bill requires the noted stakeholders to provide a report that specifies interests in and responsibility over Kalawao county or the Kalaupapa Settlement, covers details on the plans and necessary procedures for the permanent transfer of powers and duties, notes pre- and post-transfer roles and responsibilities, as well as budget proposals within a feasible timeline.

The parcel identified by tax map key: 6-1-01:01 located in Kalaupapa is part of the Hawaiian Home Lands land inventory. DHHL remains supportive of the collaborative efforts necessary to plan and prepare for the transition of powers and duties of the Kalaupapa Settlement among all stakeholders. DHHL recognizes that the Department of Transportation Airports Division owns land in the area and they should be involved in the management questions and decision-making process. DHHL also understands that other stakeholders for this matter may include the National Parks Service, Maui County, and community stakeholders.

Thank you for your consideration of our testimony.



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**Testimony COMMENTING on SB2799 SD1
RELATING TO THE KALAUPAPA SETTLEMENT**

REPRESENTATIVE MARK J. HASHEM, CHAIR

HOUSE COMMITTEE ON WATER AND LAND

Hearing Date: Tuesday, March 17, 2026, 9:00 am

Room Number: 411

1 **Fiscal Implications:** None

2 **Department Position:** The Department offers comments.

3 **Department Testimony:** The Communicable Disease and Public Health Nursing Division
4 provides comments on behalf of the Department of Health.

5 Kalaupapa is a site of profound cultural and historical significance, and its future management is
6 a matter of critical importance. The Department has jurisdiction and control of Kalawao County
7 for the purpose of caring for patients diagnosed with Hansen's disease. Kalawao County is
8 comprised of land owned by the Department of Hawaiian Home Lands (DHHL) and the
9 Department of Land and Natural Resources (DLNR). These landowners have a lease and
10 cooperative agreement, respectively, with the National Park Service (NPS) and allow use by the
11 Department in partnership with the NPS. Furthermore, federal law specifies that the
12 geographic boundary of Kalaupapa National Historical Park is co-terminus with the county
13 boundary. As a result, the National Park Service holds clear authority and responsibility for
14 managing the area.

1 Our understanding is that other uses of the land would require changes to DHHL's current
2 lease, which ends in 2041, and/or DLNR's cooperative agreement, or incorporation into a future
3 lease or cooperative agreement. While we defer to DHHL, our understanding is that the
4 current lease terms make changes to the lease cost-prohibitive with land use changes
5 unfeasible prior to 2041. The next 15 years would provide ample opportunity for community
6 input on future land uses.

7 In 2041, the youngest patient on the Kalaupapa Registry would be 96years old. We believe it is
8 important to have an approved plan to transfer the jurisdiction and control of Kalawao County,
9 which is not dependent upon decisions on future land uses, in order to allow preparation by the
10 receiving entity prior to the passing of the last patient there. To that end, we respectfully
11 request that the Committee on Water and Land hear SB1432 SD2HD1.

12 The Department is happy to continue ongoing collaborations with the Department of Hawaiian
13 Home Lands and the Department of Land and Natural Resources regarding Kalaupapa. The
14 Department continues to focus on its current responsibilities of patient care and co-
15 management of Kalawao County and Kalaupapa with the National Park Service, while making
16 plans for when its statutory responsibility to care for patients at Kalaupapa is no longer
17 applicable.

18 To clarify much of this work, a transition plan update was created by all three involved state
19 agencies (DOH, DHHL, DLNR) in conjunction with the National Park Service and submitted to the
20 legislature in 2024. DOH's specific transfer plan and timeline was also provided to the
21 legislature in 2025. Both of these documents are attached to this testimony.

22 The Department also clearly recognizes that the future land use and activities at Kalaupapa will
23 be determined by the landowners and other stakeholders according to the multiple processes
24 and plans currently in place.

1 A description of the “future of Kalaupapa Settlement” can already be found in the following
2 resources:

3 **A. FEDERAL OVERSIGHT OF KALAUPAPA SETTLEMENT**

- 4 • [Public Law 96-565](#) (1980), the law which created Kalaupapa National Historical Park
5 (KNHP); and
- 6 • the [Kalaupapa NHP General Management Plan](#) (2021), published by the National
7 Park Service (NPS) after more than six years of continuous public outreach and
8 engagement. The plan provides broad guidance for the park’s operations over the
9 next 15 to 20 years; and
- 10 • the [Kalaupapa NHP Superintendent’s Compendium](#) (2025), which is reviewed
11 annually and revised as necessary, summarizes the locally tailored rules derived
12 from Federal Regulations that the Kalaupapa NHP Superintendent is authorized to
13 implement – such as park-specific regulations, areas closed to public use, activities
14 that require permits or reservations, and detailed rules on visitor use and resource
15 protection.

16 The most important point we wish to emphasize in this testimony regarding “powers
17 and duties at Kalaupapa” is that when DOH is no longer providing for patient care at
18 Kalaupapa and DOH’s statutory jurisdiction and control over Kalawao County is
19 eventually repealed, NPS is already legally assigned, and organizationally prepared to
20 assume the powers and duties that will be necessary to assure the protection and
21 care of Kalaupapa into the future.

22 **B. STATE OVERSIGHT OF KALAUPAPA SETTLEMENT**

23 Both the Department of Hawaiian Home Lands (DHHL) and the Department of Land and
24 Natural Resources (DLNR) maintain ongoing responsibilities for their lands at Kalaupapa
25 through long-term agreements with the National Park Service (NPS):

1 **1. DHHL - Land Lease (1991-2041)**

2 DHHL has a lease agreement dating to 1991—lasting through 2041—covering
3 approximately 1,290 acres of the Kalaupapa Settlement. Under this lease, NPS
4 manages overall park operations while DHHL retains responsibility for future
5 land use on its parcel

6 **DHHL Public Participation & Planning Involvement**

7 DHHL actively engages beneficiaries via consultation on [their own long-term](#)
8 [planning processes](#) and has already led an extensive public engagement process
9 for beneficiaries regarding the 2021 Kalaupapa National Historic Park General
10 Management Plan.

11 **2. DLNR - Cooperative Agreement (since 1989)**

12 DLNR and NPS have long collaborated under the terms of a cooperative
13 agreement governing approximately 9,394 acres at Kalaupapa. Under this
14 partnership, NPS preserves cultural and natural resources—such as
15 archaeological sites, native ecosystems, threatened and endangered species, and
16 air/water quality—within DLNR-managed lands.

17 **DLNR Formal Public Reporting & Review**

18 Together with NPS, DLNR ensures ongoing reporting and public participation
19 associated with land management activities. These include NEPA-driven public
20 scoping, environmental assessments, and park planning documents accessible
21 via NPS’s [PEPC portal](#).

22 **C. COUNTY OVERSIGHT OF KALAUPAPA SETTLEMENT**

23 The area designated as “county of Kalawao” currently falls under the jurisdiction and
24 control of DOH as per HRS 326-34(b). However, by statute, the oversight of Kalawao
25 County does not confer the same responsibilities or powers as other counties in Hawaii.

1 As a county it has only the powers specially given by sections HRS 326-34 to 326-38
2 (which refer to governance by DOH statutes and rules and the ability to appoint a
3 sheriff). Except as specifically provided in these sections, “none of the provisions of the
4 Hawaii Revised Statutes regarding counties shall be applicable to the county of
5 Kalawao.” This means that Kalawao County is not assigned most of the typical “county
6 powers.” For example, the following county “powers” are not applicable to the
7 jurisdictional administrators of Kalawao County (DOH):

- 8 • enacting zoning/land use ordinances,
- 9 • taxation/finance powers,
- 10 • management of public works and infrastructure,
- 11 • regulation of business and commercial operations,
- 12 • permitting of construction/development projects, or
- 13 • authority over utilities

14 DOH has already signaled its intent – through a bill introduced during the 2025
15 Legislative session ([SB 1432 SD2 HD1](#)) – that would repeal HRS 326-34(b) on an
16 “effective date” that would occur one year after the confirmed death of the last patient
17 on the Kalaupapa registry.

18 **SUMMARY: Government entities and responsibility for “the future of Kalaupapa**
19 **Settlement/county of Kalawao”**

- 20 **1. When there are no longer patients at Kalaupapa and DOH repeals jurisdiction over the**
21 **area, the powers and duties already outlined in federal legislation and the cooperative**
22 **agreements with state landowners will not change unless they are renegotiated or**
23 **they time out.**
- 24 **2. Accordingly, future land uses and activities at Kalaupapa fall under the jurisdiction of**
25 **DHHL, and DLNR, as delineated in their agreements with the National Park Service to**

1 **manage those lands, and in the National Park Service’s General Management Plan,**
2 **and subject to existing federal, state and county laws.**

3 **3. Opportunities for public engagement regarding the future of the Kalaupapa Peninsula**
4 **and all areas located within the boundaries of the region that is now designated as the**
5 **county of Kalawao will continue to be available and guaranteed into the future under**
6 **existing federal, state and county laws.**

7 **4. The Department of Health – which owns no land or structures at Kalaupapa – has**
8 **already provided the legislature with details of a phased withdrawal of staff and**
9 **equipment, a process for handing over management responsibilities to NPS, and**
10 **repeals of appropriate sections of HRS §326. Aside from a commitment to ongoing**
11 **environmental remediation efforts, DOH will not have a direct role in any future**
12 **management decisions for Kalaupapa.**

13 The Department feels, therefore, that the additional report specified in this bill (SB2799 SD1) is
14 duplicative and unnecessary. However, should this measure pass, the Department will work
15 diligently with DHHL and DLNR on the required report.

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

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 counties of Maui and Kalawao shall be divided into seven districts as follows: (E)€ All that portion of the island of Molokai known as Kalaupapa, Kalawao, and Waikolu forming the county of Kalawao, to be styled the Kalawao district
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) The Moloka`i council shall include the following geographic regions: West Moloka`i, Central Moloka`i, East Moloka`i, and Kalawao)
HRS 11	HRS §11-61	"Political party" defined. (.....maintains a general organization throughout the State, including a regularly constituted central committee and county committees in each county other than Kalawao)
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 HRS 237-23 (a) (9) 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 including the county of Kalawao.)
HRS 101	HRS §101-1	Definitions. (In this part, except where the context otherwise requires: "County" means a county (except the county of Kalawao) 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, except the county of Kalawao
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; provided that the county of Maui shall include the county of Kalawao for the purposes of this chapter.)

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	Establishment of emergency planning districts. (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	Taxation districts. (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)	Exemptions, persons exempt, applications for exemption. (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)	License taxes. (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	Definitions. ("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	License inspectors. (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	By whom allowed. (.....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)

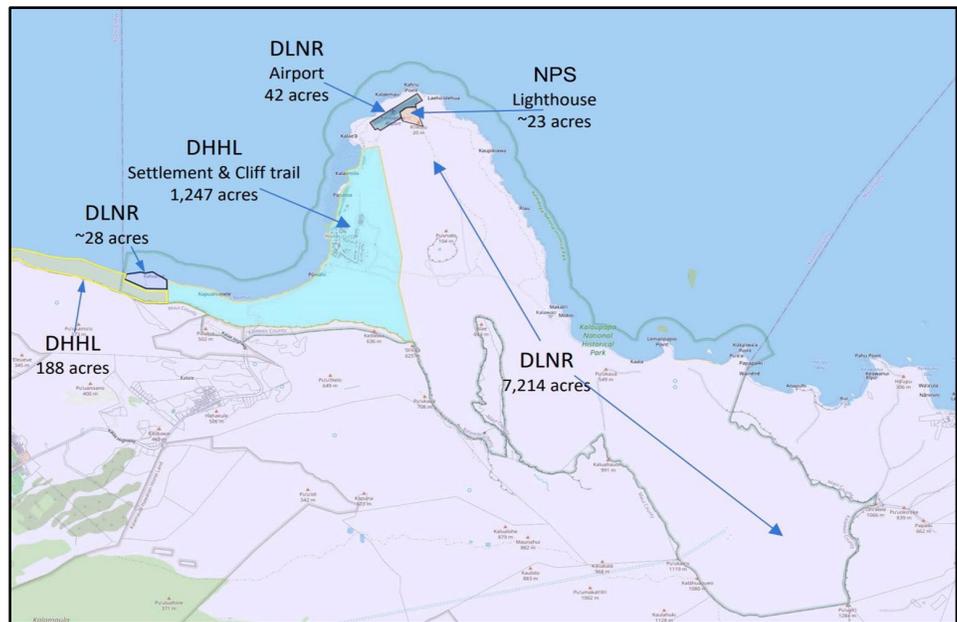
Letter of Intent to Award funds to Ka Ohana (2023)



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. BOX 3378
HONOLULU, HI 96801-3378

Kalaupapa Transfer Plan
November 2024

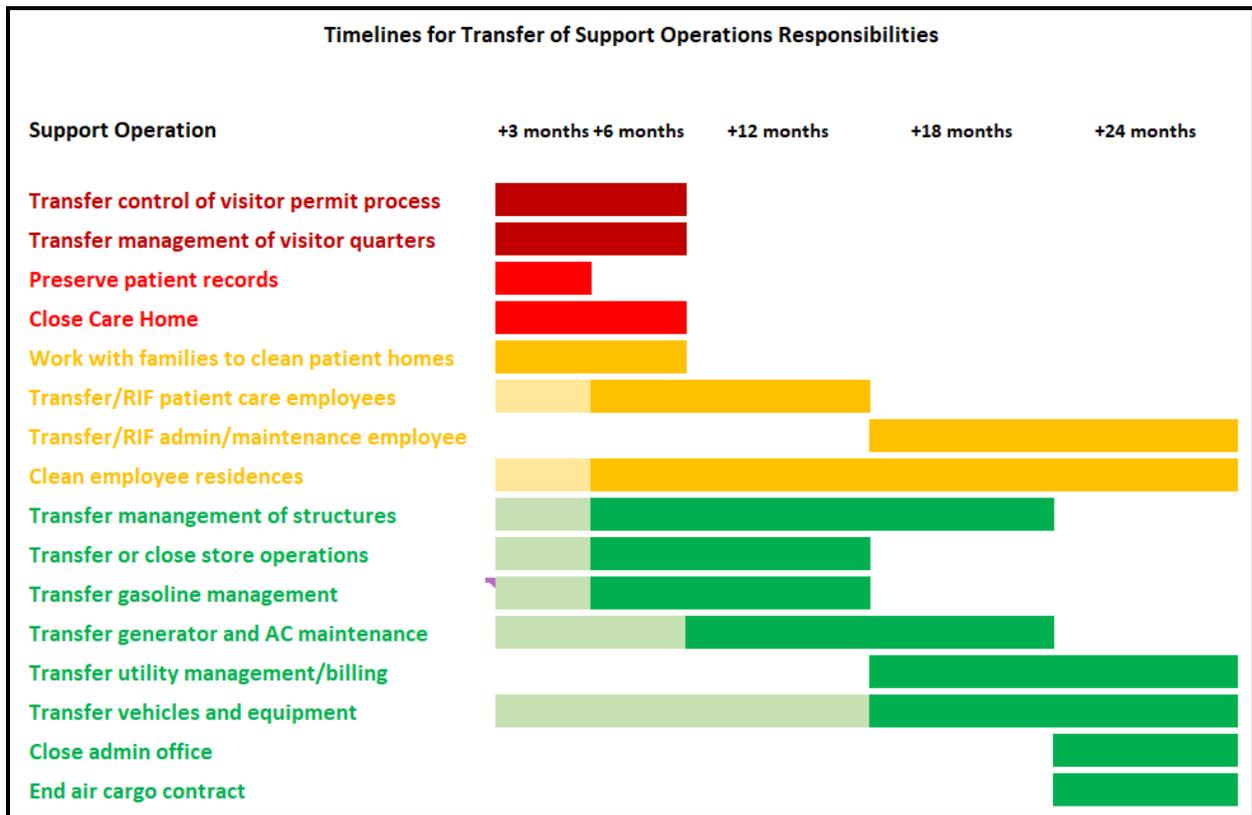
Kalaupapa National Historical Park (outlined in green in map below) was created by the U.S. Congress in 1980 and is managed by the National Park Service (NPS). “[Kalaupapa National Historical Park](#) honors the mo'olelo (story) of the isolated Hansen's disease (leprosy) community by preserving and interpreting its site and values. The historical park also tells the story of the rich Hawaiian culture and traditions at Kalaupapa that go back at least 900 years.” NPS has a [cooperative agreement](#) with the State of Hawaii Department of Land and Natural Resources (DLNR) for conservation and land management purposes that expires in 2029, and it has a [lease](#) with the State of Hawaii Department of Hawaiian Home Lands (DHHL), upon which the Kalaupapa settlement is located, to utilize its land to advance the purpose of the Kalaupapa National Historic Park that expires in 2041.



Prior to the creation of the Kalaupapa National Historical Park, Kalawao County was established and placed under the control and jurisdiction of the State of Hawaii Department of Health (DOH) as described in [Hawaii Revised Statutes §326](#). DOH has a mission to provide care for patients who had Hansen's Disease and administers operations to support the care of patients there such as utilities, maintenance, and supplies. These general support operations also support the NPS mission at Kalaupapa National Historical Park. DOH has operated under a [cooperative agreement with NPS](#) since 1984, and the two parties have been collaborating to gradually transfer responsibility of support operations from DOH to NPS.

When DOH's patient care mission at Kalaupapa National Historical Park concludes, it will begin the final transfer of its responsibilities in Kalaupapa to NPS based on the estimated timeline below. This timeline

represents the key activities that DOH anticipates embarking on when the Department’s patient care role at Kalaupapa ends but is not intended as an exhaustive list. Additions and changes are expected.



*Support operations are grouped by category.

**Lighter colors indicate the timeline of planning and preliminary efforts for that operation with bright colors indicating estimated official start of that activity.

DOH will maintain responsibility for environmental remediation until completion. The timing is dependent on the availability of funding. The currently identified projects are:

- Applying synthetic cover to closed municipal solid waste (MSW) landfill
- Closing the construction and demolition (C&D) landfill
- Reroofing the care home building and the storage warehouse
- Coordinating with NPS and DHHL on abandoned vehicle removal
- Cesspools closure
- Hazardous material identification and abatement

The cooperative agreement between NPS and DLNR as well as the lease between NPS and DHHL will continue beyond DOH’s role in managing Kalaupapa Settlement/Kalawao County, and NPS will continue to manage the Park for the foreseeable future under the guidance outlined in its [General Management Plan \(2021\)](#). Should a landowner seek to change the use of its land in the National Historical Park, this would be negotiated between the landowner and NPS.

DOH will continue to work closely with all stakeholders to ensure a smooth transfer of its responsibilities at Kalaupapa and will frequently review and update this plan as conditions change.



TESTIMONY WITH COMMENTS ON SB2799 SD1

RELATING TO THE KALAUPAPA SETTLEMENT

House Committee on Water & Land

Hawai'i State Capitol

March 17, 2026

9:00 AM

Room 411

Aloha e Chair Hashem, Vice Chair Morikawa and Members of the House Committee on Water & Land:

The Office of Hawaiian Affairs (OHA) provides COMMENTS on **SB2799 SD1**, which would require the Department of Land and Natural Resources (DLNR) and the Department of Hawaiian Home Lands (DHHL), in consultation with the Department of Health (DOH), to submit a report on the permanent transfer of powers and duties relating to the Kalaupapa Settlement.

OHA appreciates the Legislature's continued attention to the future of Kalaupapa as the State prepares for the inevitable transfer of kuleana. Kalaupapa is not only a place of profound historical significance, but also a wahi pana deeply connected to Native Hawaiian 'ohana, memory, and loss. Any transition of authority must therefore be approached with the highest level of care, transparency, and cultural responsibility.

The lands comprising Kalaupapa are crown and government lands, held in trust by the State for the benefit of Native Hawaiians. As such, decisions regarding the permanent transfer of jurisdiction, management authority, and future uses of Kalaupapa directly implicate the State's public land trust obligations and the fiduciary responsibilities owed to Native Hawaiians. Prior OHA testimony has consistently emphasized that changes in governance over Kalaupapa must explicitly recognize these trust obligations and ensure Native Hawaiian perspectives are integrated into decision-making.

While **SB2799 SD1** supports the appropriate requirement for interagency consultation among DOH, DLNR, and DHHL, however we comment on OHA's constitutional and statutory role as the principal public agency responsible for advocating on behalf of Native Hawaiians. OHA's inclusion in the interagency consultation with DOH, DLNR and DHHL is important given that the bill contemplates a permanent transfer of authority over crown and government lands with substantial cultural, historical, and trust implications.

OHA respectfully suggests that **SB2799 SD1** be amended to formally include OHA in the transition planning process. Such inclusion could be achieved by requiring consultation with OHA in the preparation of the report, and by directing that the report address how Native Hawaiian trust interests, cultural resources, and historic sites will be protected and stewarded following any transfer. OHA's, with DHHL's, participation would help ensure that the planning process reflects not only agency operational considerations, but also the broader fiduciary duties owed to Native Hawaiians and the unique legacy of Kalaupapa.

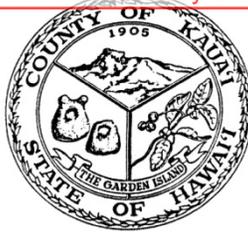
Additionally, OHA encourages the Legislature to ensure that the transition planning process meaningfully engages the Ka 'Ohana 'o Kalaupapa, former resident's 'ohana and Moloka'i community organizations, including those with long-standing ties to the settlement. Past testimony has underscored that transparency, community inclusion, and cultural continuity are essential to honoring the lives of those who were forcibly sent to Kalaupapa nearly ninety percent of whom were Native Hawaiian and to safeguarding the integrity of the site for future generations.

OHA does support the intent of **SB2799 SD1** and provides comments to urge the Legislature to amend the measure to expressly include OHA in the transition planning process and to affirm the crown and government land and trust dimensions of Kalaupapa. Doing so will strengthen the bill, promote accountability, and help ensure that the future governance of Kalaupapa is guided by respect, cultural integrity, and the State's enduring trust responsibilities.

Mahalo for the opportunity to provide comments on this important measure.

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawaii 96766

March 16, 2026

TESTIMONY OF KIPUKAI KUALII
COUNCIL VICE CHAIR, KAUAI COUNTY COUNCIL
ON
SB 2799, SD 1, RELATING TO THE KALAUPAPA SETTLEMENT
House Committee on Water & Land
March 17, 2026
9:00 a.m.
Conference Room 411
Via Videoconference

Dear Chair Hashem and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of SB 2799, SD 1, Relating to the Kalaupapa Settlement. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I support the intent of SB2799, SD 1, which requires the Department of Hawaiian Home Lands (DHHL) and Department of Land and Natural Resources (DLNR), in consultation with the Department of Health, to submit to the Legislature a report on the plan for the transfer of powers and duties of the Kalaupapa Settlement. It would also be beneficial to formally include the Office of Hawaiian Affairs (OHA) as a consultative agency in this matter given their statutory role as the principal agency responsible for advocating on behalf of Native Hawaiians.

Mahalo for your leadership and thank you again for this opportunity to provide testimony in support of SB 2799, SD 1. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

KIPUKAI KUALII
Council Vice Chair, Kaua'i County Council

RM:sf

SB-2799-SD-1

Submitted on: 3/12/2026 6:55:04 PM

Testimony for WAL on 3/17/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2799 SB RELATING TO THE KALAUPAPA SETTLEMENT

TESTIMONY OF DEGRAY VANDERBILT
,
BEFORE THE HOUSE COMMITTEE ON WATER AND LAND
TUESDAY, MARCH 17 9 a.m. CONFERENCE ROOM
REGARDING SENATE BILL 2799 RELATING TO THE KALAUPAPA
SETTLEMENT

Aloha Chair Hashem , Vice-Chair Morikawa and members of the House Committee on Water and Land

My name is DeGray Vanderbilt. I am testifying as an individual. For a number of years, I have continued to serve on the Board of Directors of Ka 'Ohana O Kalaupapa, a non-profit organization conceived and fostered by Kalaupapa residents. In past years as a resident of Molokai, I had the pleasure of serving as Chair of the Molokai Planning Commission.

Mahalo for providing me with this opportunity to comment on SB2799. The Bill calls for much needed accountability on the transition plan and its fiscal impacts.

Last session, the Senate Committee on Ways and Means (WAM) heard a similar bill—SB1432. At that hearing, Gloria Marks, a Kalaupapa resident and long-time member of the Ka 'Ohana O Kalaupapa Board of Directors, who has since passed away, testified and raised several pertinent points, which are very relevant to SB2799. I feel they are very worthy of being considered during today's hearing.

Gloria wrote the following: *“Ka 'Ohana has Congressional authority to operate at Kalaupapa. We are on the same level as government agencies, which continue to dismiss our status. Ka 'Ohana was conceived of and formed by patient residents at Kalaupapa. Certainly, Ka 'Ohana must be at the table when the future of Kalaupapa and its legacy are being determined.”*

As such, I would humbly request an amendment to SB2799 be considered, one which would include Ka 'Ohana as a party “at the table “ during the Department of Health's requirement to collaborate with the Department of Land and Natural Resources (DLNR) and the Department of Hawaiian Home Lands (DHHL) to create a plan for transferring powers/duties at the Kalaupapa Settlement and

mandating a report to address the future of the area when there is a longer a resident patient community there.

Like DHHL and DLNR, Ka 'Ohana has certain existing powers/duties and established responsibilities at Kalaupapa that carry financial implications. These obligations need to be considered.

Another valid consideration for including Ka 'Ohana with DHHL and DLNR to create a plan for transferring powers and duties is that the National Park Service (NPS) manages the Kalaupapa lands under the jurisdiction of DHHL and DLNR. In a NPS's Foundation Statement, which is associated with the General Management Plan NPS prepared for Kalaupapa, Ka 'Ohana's Memorial project is listed as a "special mandate".

NPS defines a "special manadte" as follows: "*Many management decisions for a park unit are directed or influenced by special mandates and administrative commitments with other federal agencies, state and local governments, utility companies, partnering organizations, and other entities. **Special mandates are requirements specific to a park that must be fulfilled.** Special mandates are an essential component of managing and planning for Kalaupapa National Historical Park.*

As a reminder, Ka 'Ohana is a non-government organization which was conceived and fostered by Kalaupapa patent residents. The residents also conceived of the Kalaupapa Memorial project. To date, the government agencies have not fostered any meaningful community engagement with the residents of Kalaupapa or with residents residing in the topside Molokai island community, despite some of these agencies having testified otherwise to the state legislators at recent hearings.

Mahalo for your consideration, and this opportunity to provide testimony.

Respectfully submitted

DeGray Vanderbilt

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