



National Park Service  
U.S. Department of the Interior

Kaloko-Honokōhau  
National Historical Park

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## Kaloko-Honokōhau

IN REPLY REFER TO:  
L54 2015-10

September 10, 2015  
STATE LAND USE COMMISSION DOCKET NO. No. A89-643 McClean Honokohau  
Properties

PUBLIC TESTIMONY OF THE NATIONAL PARK SERVICE  
Given by Dr. Jeff Zimpfer, Kaloko-Honokōhau National Historical Park.

Good morning, my name is Jeff Zimpfer. I am the Environmental Protection Specialist at Kaloko-Honokōhau National Historical Park (Park).

The National Park Service is here today in response to the McClean Honokohau Properties' (Petitioner) Motion to Release, Discharge, and Delete All Conditions, dated December 23, 2014, related to the April 16, 1991 Decision and Order (1991 D&O) for this docket (No. A89-643 McClean Honokohau Properties, Honokohau). More specifically, the National Park Service requested that the Land Use Commission (LUC) deny the Motion as to conditions 1, 3, 6, and 12, for the reasons set out below. Conditions 1, 3, 6, and 12 were intended to protect the resources within Kaloko-Honokōhau National Historical Park and should remain in place. The Petitioner's Property is near the Park (the western boundary of the Property is approximately ¼ mile from the Park's eastern boundary) and the Park is downgradient (groundwater) from the Property. The National Park Service is particularly concerned with the impacts of non-point pollution from land uses adjacent to and uphill from the Park. In 2008, the State identified Honokōhau Bay as impaired under section 303(d) of the Clean Water Act for increased nutrients; that listing remains in effect.<sup>1 2 3</sup> Conditions 3, 6 and 12 in the 1991 D&O address sources of non-point pollution originating upslope from the Park.

The area comprising the Park includes the Honokōhau Settlement, which was designated a National Historic Landmark in 1962. By 1972, local community members, including many Native Hawaiians, were concerned about proposals to develop the area for urban and resort uses and approached the Hawai'i Congressional delegation about preserving Kaloko-Honokōhau as a part of the National Park System. As a result, the United States Congress directed the Secretary

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<sup>1</sup> Hawai'i State Department of Health Clean Water Branch (DOH-CWB). 2011. 2008/2010 State Of Hawai'i Water Quality Monitoring And Assessment Report: Integrated Report To The U.S. Environmental Protection Agency and The U.S. Congress Pursuant To Sections Section 303(d) and Section 305(b), Clean Water Act (P.L. 97-117).

<sup>2</sup> Hawai'i State Department of Health Clean Water Branch (DOH-CWB). 2013. 2012 State Of Hawai'i Water Quality Monitoring And Assessment Report: Integrated Report To The U.S. Environmental Protection Agency and The U.S. Congress Pursuant To Sections Section 303(d) and Section 305(b), Clean Water Act (P.L. 97-117).

<sup>3</sup> Hawai'i State Department of Health Clean Water Branch (DOH-CWB). 2014. 2014 State Of Hawai'i Water Quality Monitoring And Assessment Report: Integrated Report To The U.S. Environmental Protection Agency and The U.S. Congress Pursuant To Sections Section 303(d) and Section 305(b), Clean Water Act (P.L. 97-117).

of the Interior to appoint an advisory commission of 15 people including prominent Native Hawaiian leaders to study the issue. The Honokōhau Study Advisory Commission (1974) produced “The Spirit of Ka-loko-Hono-kō-hau, a proposal for the establishment of a Ka-loko Honō-ko-hau National Cultural Park, Island of Hawai‘i, State of Hawai‘i,” often referred to as the “Spirit Report.” In response to the Spirit Report, on November 10, 1978, Congress established Kaloko-Honokōhau National Historical Park “to provide a center for the preservation, interpretation, and perpetuation of traditional Native Hawaiian activities and culture, and to demonstrate historic land use patterns as well as to provide a needed resource for the education, enjoyment, and appreciation of such traditional Native Hawaiian activities and culture by local residents and visitors” 16 U.S.C. §396d(a).

The Park contains more than 450 known archeological and cultural sites, among which are several heiau, networks of ancient and historic trails, seawalls, more than 180 known anchialine pools, two ancient Hawaiian fishponds with associated wetlands, and a fishtrap. The Park lands and waters provide habitat for 17 species that are listed or candidates for listing under the Endangered Species Act. ‘Aimakapā Fishpond and wetland is “core habitat” for the recovery of two native endangered waterbirds, the Hawaiian stilt (*Himantopus mexicanus knudseni*) and the Hawaiian coot (*Fulica americana alai*), and is an important habitat for migratory waterfowl.<sup>4</sup> In addition to the fishponds and pools, the Park boundary encompasses 596 acres of marine waters and coral reef habitat. Many of the Park’s water resources are dependent upon the continued flow of abundant supplies of clean groundwater to maintain the ecological integrity of these ecosystems, especially as habitat for culturally important and rare native aquatic species.

Approximately 150,000 visitors per year visit the Park.<sup>5</sup> Local residents, cultural practitioners, and visitors from around the world come to experience Kaloko-Honokōhau’s unique sense of place, cultural and natural history, and to understand and carry on Hawaiian traditions.

The Petitioner is seeking to be released from conditions in the 1991 D&O. Conditions 1, 3, 6 and 12 are directly related to protecting the natural and cultural resources within Kaloko-Honokohau National Historical Park. Condition 1 focuses on visual screening of the property from the surrounding property and the Park. Conditions 3, 6 and 12 are directed at preventing pollutants from Petitioner’s property from degrading groundwater and coastal waters that are downslope. These conditions help protect the resources within the Park and areas outside of the Park; neither water pollution or plant and animal species recognize property boundaries and these conditions address the resources found along the entire Kona coast. Both the conditions for visual screening and protecting groundwater and the ocean should be kept in place as the issues those conditions address are ongoing, requiring maintenance and ongoing oversight and monitoring; unlike a condition to dedicate a new County road, where once the road is built and given to the County, the obligation is met. The obligations to maintain the visual integrity of the area and to protect groundwater and the ocean should remain in place to ensure that the resources are protected. Our concern is not that the conditions are not being met currently; instead, our concern is that the issues addressed by these conditions are themselves ongoing and cannot be met with a single act of compliance.

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<sup>4</sup> U.S. Fish and Wildlife Service. 2011. Recovery Plan for Hawaiian Waterbirds, Second Revision.

<sup>5</sup> <https://irma.nps.gov/Stats/>

In establishing the Park, Congress recognized that urban and resort development in the area surrounding the Park would threaten resources within the Park. Therefore, Congress specifically authorized the Secretary of the Interior “to enter into agreements with other governmental entities and private landowners to establish adequate controls on air and water quality and the scenic and esthetic values of the surrounding land and water areas” 16U.S.C. §396d(d)(4). Additionally, the National Park Service’s own management polices<sup>6</sup> direct the National Park Service to encourage compatible adjacent land uses and to pursue mitigation of potential adverse effects on National Park resources and values by communicating with land owners and participating in the planning and regulatory processes of other entities, such as this Commission.

For the last 15 years the National Park Service has intervened in land use proceedings at the State and County level. When we have not intervened, we have worked with the land owners to incorporate conditions that are protective of Park resources. We would note here that these conditions also protect the resources along the Kona coast generally -- as mentioned above, the potential impacts from ongoing development cross property boundaries and can be widespread. This Commission has long recognized the value of protecting Kaloko-Honokōhau and did so in the 1991 D&O for McClean Honokohau Properties as well as many other developments since, for example, TSA Corp. (Docket A00-732; 2002), Lanihau Properties (Docket A00-730; 2003), the Shopoff Group (Docket A06-770; 2008) and Forest City (Docket A10-788; 2010). In the TSA Corp (A00-732 FFCLDO; 2002) and Lanihau Properties (A00-730 FFCLDO; 2003) Findings, 54 percent of the 475 Findings were devoted to the issues of non-point source pollution and protecting the resources and values of the Park. This Commission found Kaloko-Honokōhau to be “...a natural and cultural resource of the utmost value both to the State of Hawaii and the nation as a whole, representing some of the State’s most important natural systems, habitats, and valued cultural, historical, and natural resources.” (A00-732 FFCLDO; 2002; Finding of Fact 154) We would like to highlight that when the Petitioner, McClean Properties, sought to get the land use boundary reclassification for Increment II on its property, the National Park Service worked with the Petitioner to incorporate protective measures into the Decision and Order for Increment II of Petitioner’s property (D&O A89-643; 2002).

This Commission has stated “This Commission is acutely aware that continuous development is planned for this coastline. Although each developer might claim that only a “small amount” of pollution will result from their development and that the area’s ecosystem will show “little” effects, these developments and their impacts are cumulative and, absent strong mitigation measures, have the potential to devastate the fragile resources of the coastal and marine aquatic environments of the entire Kona coastal region.” (TSA Corp.; A00-732 FFCLDO; 2002, pg. 103) This finding is even more relevant today as we learn about the impacts from pollution on the groundwater and the ocean and as more property is developed or is planned to be developed. Even where the potential impacts from any one development, including Petitioner’s, may be relatively minor, those impacts, when combined with impacts from neighboring land uses, can be significant and irreversible.

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<sup>6</sup> 2006 NPS Management Policies, <http://www.nps.gov/policy/MP2006.pdf>

In order to protect the views from surrounding areas and to protect the ecological integrity of the aquatic ecosystems downgradient from the McClean Honokohau Properties, we are asking you to deny the Petitioner's request to delete Conditions 1, 3, 6 and 12.