



Environment



Hawai'i
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Menu



Sovereignty Declaration Derails Plans For Kaloko-Honokohau National Park

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Last fall marked a milestone for Kaloko Honokohau National Historical Park. Almost 20 years after a national park on the site was first proposed, and nearly 15 years after Congress passed enabling legislation, the parks Draft General Management Plan/Environmental Impact Statement was finally ready to go out for public comment.

But when the public hearings on the plan were held, the high hopes with which all concerned with the park had awaited the plan's unveiling were shattered. Native Hawaiians tended to attack the plan as a betrayal of their original intent in proposing establishment of the park. Many environmentalists commenting on the plan sympathized with the Hawaiians concerns. Park Service personnel appeared to be dismayed by the depth and vigor of the criticism, whose general thrust was that the Park Service was proposing to manage the area for visitors and scientists rather than for Native Hawaiians, and would turn what was supposed to be a "living park" into a lifeless museum.

Nine months later, the divisions between the Park Service and a significant faction of Native Hawaiians have grown broader, if anything. Hawaiians living in the park have declared the area around their settlement part of the sovereign Hawaiian kingdom and are unwilling to negotiate terms of their

residency with the Park Service. Prospects for a resolution of the disputes appear dim.

Permitted Uses

When the Park Service acquired the southernmost private parcel in the park in 1988, about ten families were living in the area of Ai'opio fishtrap. The residents included Felix Caliboso, a man of Filipino ancestry who had been living there since 1937, and four households of the Pai 'ohana (translatable as clan or family). The Pairs and their ancestors have lived in the Kaloko-Honokohau area since before Western contact, although they moved back into the area of Ai'opio fishtrap sometime around 1980.

According to Park Superintendent Francis Kuailani, "When the Park Service acquired the Property, there were some concerns about people living there.... Technically, the prior owners were responsible for relocating the tenants.

"But," Kuailani continued, "the owners told us that if the National Park Service doesn't arrange for the tenants, they would hold up sale of the land." Further delays would have been costly, Kuailani noted. Thus, the Park Service issued five-year; renewable special use permits to the tenants in August 1988.

NPS Regional Director Bryan Harry says the Park Service has no plans to force anyone to relocate – that the permits will be renewed indefinitely, so long as the occupants want to and are able to continue living there, pay the \$50 annual fee, and abide by other permit terms. But the permits are restrictive: they may not be transferred and, unless the permittees comply with the National Environmental Policy Act, they may not make any improvements or changes to the dwellings, including hookups for electricity; running water, telephone service and sewerage. Should the permit holders desire to move, the Park Service has held open a standing offer of relocation assistance.

Since Park Service acquisition of the land, the number of permits declined by four. As of last September, six permits were valid, four of them held by Pairs.

Enter 'Iniki

In September, Hurricane 'Iniki swept across the state. Kaua'i was hardest hit, but areas on the leeward coasts of all other major islands were affected. Four dwellings on an island in the fishtrap were damaged by storm waves. Caliboso's was destroyed. Three of the houses belonging to members of the Pai family were left standing, although only one – that of William Pai was fit for habitation.

The Federal Emergency Management Agency offered relocation assistance to the permittees wanting to move elsewhere. At first, no one accepted the aid. Eventually, two of the Pai households chose to leave.

Caliboso was living with relatives after the storm, but he indicated his desire to return to the park. Until his house is ready, he is living with relatives.

The remaining permittee at Ai'opio was Mahealani Pai, who found the Park Service's conditions on rebuilding his house unacceptable. So, since last September, Mahealani Pai, his brothers and their households have been living in tents in the area. Altogether, about 15 members of the Pai family now reside at Ai'opio.

On October 23, 1992, the Pais declared their sovereign jurisdiction over the area around Ai'opio.

Worsening Relations

The Park Service has not pressed the issue of its jurisdiction against the Pais. However, conflicts have been inevitable.

One conflict involves Felix Caliboso, the elderly Filipino park resident. Caliboso is eager to build a new house on a site that has been assigned him by the Park Service, but he has been kept from doing so by menacing words from William Pai.

On February 25, 1993, Regional NPS Director Bryan Harry wrote William Pai, informing him that "you cannot stop the Caliboso family from returning to their Special Use Permit home site. Threatening or harassing any person within a national park area is a serious criminal offense under both federal and state law...

"Mr. Caliboso has resided at Ai'opio since 1937. The National Park Service has assured him he has the right to continue that residency under the terms and conditions of the Special Use Permit the park has granted. Mr. Caliboso and his attorney advise us that they will be returning to Ai'opio in the near future."

Park Signage

The Pais and another non-Hawaiian resident of the park, Gene Elliott, have placed signs near their houses. In the case of the Pais, the sign informs visitors that the area beyond the sign is under the jurisdiction of the Pai 'ohana of the sovereign kingdom of Hawai'i. In the case of Elliott, the sign, at the end of the road at Honokohau Harbor, tells readers that the land beyond is private property; protected by pit bulls.

The Park Service has allowed the signs to stay up. According to Superintendent Francis Kuailani, posting of the signs is not a violation. The Pais and Elliott are "just expressing themselves," Kuailani told *Environment Hawai'i*. At most, their actions might constitute a misdemeanor. Only if they block public access would the Park Service intervene, Kuailani said.

According to some visitors, the Pais have done just that. In response to an inquiry from a member of Congress, Harry, the Park Service regional director, described the Park Service's deteriorating relationship with the Pai family.

In the past few months, Harry wrote in mid-March, “One or another of the Pai family members has:

“Blocked park employees on official business from the area (public park lands).

“Excluded park visitors access along public park trails through the area (public parklands).

“Situated pit bull dogs to block public access to trails through the area (public park lands).

“Denied state officials on official business into the area (public park lands).

“Assaulted a state employee when he attempted access to the area (public park lands).

“Cut and burned trees on about three acres blocking public trails in the area (all public park lands).

“Denied a long time resident permittee access to his place of residence at Ai’opio (public park lands).

“Denied fishermen (also Hawaiians) access to the Ai’opio area (public park lands).

Still, both Kuailani and Harry, the Park Service’s regional director, are eager to avoid confrontation. Kuailani, who is himself a Native Hawaiian, was asked if the situation could continue indefinitely “The situation exists because the Pais want it to exist,” he answered. “They have the option to relocate, but they haven’t done that.”

Harry was more direct. “The *‘ohana* would like to have the feds drag them away in a big brouhaha,” he said. “I’m better off just letting people see what’s really going on.” And, while he acknowledges that visitors have been harassed, “I can’t prove who did it.”

* * *

At the Ai’opio fishtrap, near the southern end of Kaloko-Honokohau National Historical Park, about 15 members of three generations of the Pai *‘ohana* make their home. In the one house left inhabitable following Hurricane Iniki lives William Pai. In three nearby tents live four of his five sons and their households. A sign posted nearby informs passersby that the area is the Pai *‘Ohana*’s *‘Aina* within the Sovereign Jurisdiction of the Kingdom of Hawai’i.

In the last seven months, relations between the Pai *‘ohana* and the legal owner of the land they live on, the National Park Service, have been damaged. Relations within the family itself have been strained. The Pai *‘ohanas* dealings with neighbors in the park are on the verge of moving into the courtroom. Park visitors have taken offense at some of the Pai actions, prompting complaints to their congressmen.

Mahealani Pai, son of William and spokesman for the *‘ohana* remaining at Ai’opio, acknowledges the problems, but says the family has never been happier.

Calm Before the Storm

The Pais and their ancestors have lived in the Honokohau ahupua'a for at least nine generations. William Pai was born at Ai'opio in 1932. When his children were small, they visited their grandparents there frequently. After Mahealani was discharged from the Army in 1979, he went back to live there.

On the morning that 'Iniki struck, four houses, raised above the water on stilts, stood at Ai'opio fishtrap. Three were occupied by Pais. Storm waves associated with 'Iniki made two of the Pai houses uninhabitable. The fourth house, occupied by Felix Caliboso, was demolished by the high surge waves.

According to Mahealani, "The house of Caliboso was smashed. The three Hawaiian houses were left standing. To us, this was a sign that we were to retain there, we belong there. And a sign, for us, to have nature come in and clean the land. And for the family to close that chapter of life and give birth to a new."

Mahealani Pai and his brothers wanted to rebuild on the island in the fishtrap. The Park Service would not let them. "I want to emphasize that the reason that the National Park Service did not want us to go back on the little island is that it is a historically significant site." By not allowing the family to live there, he added, they were saying "my family were not significant, also. They wanted us to move out of the park. And should we leave, we would not be allowed to come back."

Since 'Iniki, Mahealani Pai, his brothers and their households have been living in tents in the area.

Mahealani says that his family had suggested rebuilding in an area that was in close proximity to the damaged houses, at a site with a clear view of Pu'uoina heiau, a large, stone platform-type heiau. "It is the custom of our family to wake up and see the heiau and to see it again before we go to sleep. We had to be in sight of the heiau," he said. But the Park Service could not give its permission in a timely fashion. The reviews – what the Park Service says is needed to comply with the National Environmental Policy Act – could take too long.

Against the Wall

In the weeks following 'Iniki, Mahealani Pai sought help from a number of government agencies: the Office of State Planning, the Office of Hawaiian Affairs, members of the state legislature, the Hawai'i congressional delegation. "When it came down to the nitty gritty," he said, "no one could help our family. Therefore, our family, on October 23, declared to go back to our sovereign, inherent, and pre-emptive rights."

The Pais informed the Park Service that the five-year special use permits they had signed with the Department of Interior in August 1988 were null and void. They notified the United Nations, the

International Indian Treaty Council, the World Council of Churches, and the Department of Justice – among others – of their declaration. At their settlement at Ai’opio fishtrap, they announced their decision to local government representatives, including those from the National Park Service, the state Department of Land and Natural Resources, state legislators, and several local Hawaiian and environmental groups.

“We exhausted all avenues on our part. We have thoroughly thought everything out,” Mahealani says. “In our family’s case, we had done everything we could possibly do. The result was to stand, to declare, to go back. It was just like we turned the switch to ‘on,’ and we could suddenly see better.”

A House Divided

The Pai family split over the decision to declare sovereignty. William’s two brothers, whose houses had been damaged in the storm, decided at that point to move out rather than seek to rebuild. “They did not understand sovereignty,” Mahealani says. “No one can say they’ve made a blueprint for step one, step two, step three, of how to pursue sovereignty. Our family is traveling in uncharted waters. We only have the spiritual side to guide us and the values of our culture.”

In any case, every family has its problems, Mahealani says; the Pai family is no different. Things are being worked out. What is important, Mahealani says, “is that this is how we wish to control our destiny. It’s probably not for everyone.”

Another conflict has arisen over how the *‘ohana* should deal with Felix Caliboso. Caliboso, a man of Filipino ancestry who is nearly 90 years old, had lived in the Ai’opio area since 1937. He did not interpret his house being blown away as a sign from the gods that he should leave the area. With the permission of the Park Service, he wanted to rebuild. The Pais told him he could not.

“The reason why,” Mahealani said, is that it is “within the best interests of my family and his” that Caliboso stay out. Actually, he added, “it is only the wife and her family” whose presence the Pais find objectionable, not that of the elderly Caliboso. “They” – the wife’s family – “do not respect the customs of the fishing practices in that area. They overfish. Also, Mrs. Caliboso has a problem with drinking. There are skirmishes with the relatives, who threaten Mr. Caliboso also. And thereby they also threaten our family.”

Under Pai *‘ohana* rule, the area has become off-limits to alcohol and drugs. No guns are permitted, either, Mahealani says.

Park Signage

In late February; the Pais erected a sign along the trail to Honokohau Beach, frequented by nude bathers. The sign directs visitors away from the Pai settlement and identifies the land behind the sign as “Pai ‘Ohana’s Aina within the Sovereign Jurisdiction of the Kingdom of Hawai’i.” At first, the sign informed

readers that trespassing “renders your civil human rights to be null and void within the perimeters of the Pai ‘Ohana.” That statement has since been removed from the sign, Mahealani Pai said; that it was there at all was, he said, the result of a misunderstanding with the sign painter.

What prompted the sign, Mahealani says, was behavior by park visitors that was disturbing family members’ peace, infringing on their privacy; and insulting to their culture.

People wanting to go to the nude beach would pass by at all hours, Mahealani says, causing the Pais’ dogs to bark “at two, three in the morning” and disrupt their sleep. Also, the Pais objected to the traffic through their living area by people who Mahealani says were drug users – “we found syringes and hypodermic needles on the beach” – and some who flaunted their homosexuality.

“All this activity just made us more aware of the fact that we need to take care of the family,” Mahealani says. For this reason, they erected the sign. The sign, at a fork in the trail that leads from Honokohau Harbor, simply provides visitors with a more direct route to the beach, he says.

Still, family members have had to alter their behavior and the exercise of their customs to accommodate park visitors. According to Mahealani, at times when family members were fishing near the nude beach or trying to gather bark for making cordage, they’ve been subjected to abusive, degrading behavior by tourists. One time, a female family member fishing in the water turned around and found a nude bather masturbating behind her, he says. Since then, the family has gone to the Honokohau beach area only at hours when it visitors are least likely to be there- usually the early morning.

“The National Park Service has neglected to inform the public of the need to be respectful of the Native Hawaiian family living there,” Mahealani says.

When the Park Service read newspaper accounts of the Pais’ claims of harassment, it asked the Pais to inform park rangers whenever such problems arose in the future, and the Park Service would deal with the troublemakers.

The Pais are not likely to take up the offer. “We do not see the National Park – they’re there, but they’re really not there. If the federal government and its agencies had taken care of our land and the welfare of our people, we surely would not be in the position we are in today.”

Ancient EIS’s

Mahealani Pai says that his family can care for the natural resources of the area as well as anyone else, and better than most. They can draw on their history and traditions – including “chants and oral history from our elders” – to find “Things that work for our people ... in such a manner that our welfare was maintained. We knew that there would be subsistence for generations to come with proper management” of the land and the water, he says.

“Our ancestors had already done their EIS’s way back when. They knew these things, they were very much in tune with their surroundings.”

Management of the fishponds, of the anchialine ponds, of the land and all living things therein – according to Mahealani -can and should be made the responsibility of the Hawaiians.

He lists many of the current problems in the area. “Prior to the construction of Honokohau Harbor, there was an upwelling of fresh water right on the shoreline by our living area and also a nearby well. That’s not the case today. The harbor altered that.

“Also, prior to the harbor, the akule – the big-eye scad – congregated in Honokohau Bay. We had fish to dry and to share with families up the mountain.

“That’s not the case today. The akule have gone elsewhere. The harbor allows bigger fish to come in and deprives our family of going in and catching the fish.

“The maintenance and repair of boats in the harbor impacts ground water. A lot of paints have arsenic and the drainage system goes into the ground, seeps into the groundwater.

“Also, there’s the nearby sewage treatment plant. The golfcourse that was going to accept the effluent isn’t ready yet, so now the county wants to put the effluent into an unlined pond. That’s going to impact us.”

“The Park Service doesn’t know the potential of our people, what we can do. They talk about endangered species – endangered this and endangered that. But the Hawaiian people are endangered – and we’re the natural caretakers of all this. We’ve been deprived of our responsibility to put things back in order.

“There’s a dire need, yes, to protect endangered flora and fauna, but also a dire need to protect and give back the responsibility to the real caretakers.”

Where to now?

The Pai `ohana has began giving workshops in the Ai’opio area, sharing their Hawaiian skills and traditions with others. Perhaps more people will move into the area; Mahealani envisions a community that lives in harmony with nature, using composting toilets and solar-powered conveniences.

Might it be possible to do this in concert with the Park Service? Might the Pais someday be able to share their *aloha*, their *mana’o*, with others as Park Service employees?

Mahealani is skeptical when the questions are put to him. “Today the Park Service is trying really hard ... But the family would never be on the Park Service payroll. That would mean the Park Service would

govern us.”

As to sharing the park with visitors, Mahealani explains the family’s leeriness. “It is a natural response for us because of all the oppression. We truly do not know the intentions of other people, so there is a response to just guard whatever you have of the things that are still vital to our people.

“However, if people can understand,... we can come down, and it’s time to come down, and re-educate other people as long as they recognize and respect our responsibilities. As long as that is in place, we can talk. As long as we know, truly know, that they are very sincere and respectful, then by all means, we’ll share.”

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Contact Us

☐ Environment Hawai'i

☐ 421 Kaanini St.

Hilo HI 96720

☐ 808-933-2455

☐ mail@environment-hawaii.org

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