



United States Department of the Interior

NATIONAL PARK SERVICE

Pacific West Region

1111 Jackson Street, Suite 700

Oakland, California 94607-4807



2008 APR -3 AM 10:42

IN REPLY REFER TO:

A3615(PWR-C)

MAR 31 2008

The Honorable Daniel K. Akaka
United States Senator
300 Ala Moana Boulevard, Room 3106
Box 50144
Honolulu, Hawaii 96850

Aloha Senator Akaka:

We are in receipt of your inquiry on behalf of your constituent, Mr. Greg Marshall, regarding the home of Charles Lindbergh. In early 2005, Mr. Marshall brought a federal lawsuit against the National Park Service (NPS) and the Historic Hawaii Foundation (HHF) concerning the Argonauta Project and the former home of Charles and Ann Morrow Lindbergh in Kipahulu, Maui. A jury trial of two weeks duration concluded on March 17, 2008, and the findings were favorable to the co-defendants, NPS and HHF. The "general agreement" was found not be an enforceable contract; there were no claims against the NPS and the court was precluded from ordering specific performance by the NPS in the matter before it. (*Greg Marshall and Source International, Inc. v. National Park Service and Historic Hawaii Foundation*, 1:05-cv-00316 HG-BMK).

The Lindbergh home, known as the Argonauta, and the Writer's Cottage were originally located in Kipahulu outside of the boundary of Haleakalā National Park. A friendship between Mr. Marshall, a former NPS park superintendent, and an employee of the Historic Hawaii Foundation, led to work on a site within park boundaries where the Argonauta was to be relocated. To that end, concrete foundations were poured, a storage container was placed and piles of building materials were dumped on the site under a "general agreement" but the project languished for more than five years.

For the five years prior to Mr. Marshall's suit, the NPS tried to accommodate the project in good faith; however, five years is long enough to wait for the parties to follow through on their commitment. Furthermore:

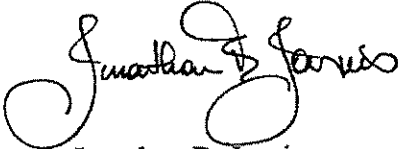
- Whatever historical integrity the house had, has been lost; the structure does not meet and cannot meet the criteria to qualify for the National Register of Historic Places.
- The NPS contends that it would be a disservice to the Lindbergh history to pretend that what remains represents historic material.

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- The Lindbergh family stated in court that they neither support nor oppose the project; Land Lindbergh specifically stated in his deposition presented at trial that he personally did not want to see the project completed for all the reasons stated above.
- The structure is not relevant to the mission of Haleakalā National Park nor is it culturally relevant to the rich native Hawaiian cultural ties to the area.
- The site has become a hazard and attractive nuisance in its current condition and there are potential health and safety concerns.
- The court decision clears the way for the Park to restore the area to its natural habitat.

The Park has invited Mr. Marshall to remove the Argonauta materials from the Kipahulu site within the park, within 60 days, at his sole expense, under NPS conditions and supervision. This includes the completion and approval (by the NPS and their legal counsel) of a "Removal Plan" no later than April 23, 2008. This will allow the Park to restore the site, and will allow Mr. Marshall, if he chooses, to continue with his plans at a location outside of the park. We anticipate a timely response from Mr. Marshall in this matter and we will keep your office advised.

Sincerely,



Jonathan B. Jarvis
Regional Director, Pacific West Region

cc:

The Honorable Daniel Inouye
United States Senator
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Honolulu, HI 96850-4975

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Pacific Area Director Frank Hays
Haleakalā National Park Superintendent Marilyn Parris



United States Department of the Interior

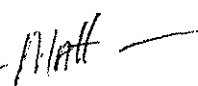
National Park Service
Haleakalā National Park

P. O. Box 369
Makawao, Hawai'i 96768

IN REPLY REFER TO:

March 24, 2008

Matt Wordeman, President
Friends of Haleakalā National Park
P.O. Box 322
Makawao, HI 96768

Dear Matt: 

I am writing this letter to help clarify the position of the National Park Service (NPS) on the Argonauta project. I hope this information provides the community, the Ohana, and the Friends with critical background information. As you know, the park is supported by the Friends of Haleakalā National Park to assist us in preserving Haleakalā's unique ecosystems, scenic character, and associated Native Hawaiian cultural and spiritual resources. The Friends provide valuable educational, inspirational, and recreational opportunities compatible with preserving the many natural, cultural, and spiritual resources of Haleakalā.

Several years ago, Mr. Greg Marshall developed a relationship with a former NPS employee and a Friends member, resulting in the pouring of a concrete foundation, the placement of a storage container and a pile of wood in an area of Kipahulu within the development zone of Haleakalā. This occurred under a "general agreement" and the project, which has languished for five years, was intended to be a reconstruction of the Lindbergh Home. The home was originally located outside of the park.

You may have heard media reports of the current status of the Lindbergh Home or the disposition of a lawsuit concerning the Home. Mr. Marshall named Haleakalā National Park and the Historic Hawaii Foundation as co-defendants in a case he brought in federal court which concluded on March 17, 2008. (Greg Marshall and Source International Inc. vs. National Park Service and Historic Hawaii Foundation, 1:05- cv- 00316- HG- BMK). After a full two week trial, the jury found in favor of Haleakalā National Park and the Historic Hawaii Foundation, and the court entered judgment in favor of the defendants on March 17, 2008. **Given this judgment, under no circumstances will the NPS allow the Argonauta to be constructed within the park's boundaries.**

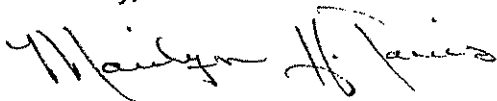
For the five years before Mr. Marshall's suit, the NPS tried to accommodate the project in good faith; however five years is long enough to wait for the parties to follow through on their commitment. Furthermore:

- Whatever historical integrity the house had has been lost and the structure does not meet and cannot meet the criteria to qualify for the National Register of Historic Places.
- The NPS contends it would be a disservice to the Lindbergh history to pretend what remains represents historical material.
- The Lindbergh family stated in court that they neither support nor oppose the project; Land Lindbergh specifically stated in his presented deposition at trial that he personally does not want to see the completion of this project for all the reasons stated above.
- The structure is not relevant to the mission of Haleakalā National Park nor is it culturally relevant to the rich native Hawaiian ties to the area.
- The site has become a hazard and nuisance in its current condition and there are potential health and safety concerns.
- The court decision clears the way for the Park to restore the area to its natural habitat.

The Park has invited Mr. Marshall to remove the Argonauta materials from the site at his sole expense and under NPS supervision. This includes the completion and approval (by the NPS and our legal counsel) of a Removal Plan no later than April 23, 2008. This will allow the Park to restore the site, and will allow Mr. Marshall, if he chooses, to continue with his plans at a location outside the Park. We anticipate a timely response from Mr. Marshall in this matter.

Hopefully this clarification provides you and the Friends with a better understanding of the NPS position on this issue and the relevant findings from the jury verdict and the court's decision. Please feel free to contact me should you have further questions.

Sincerely,



Marilyn H. Parris
Superintendent
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808.572.4401