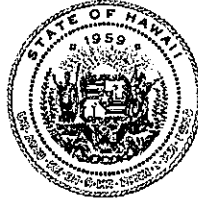
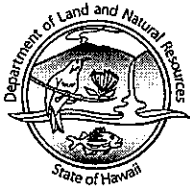


NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the Senate Committee on  
WATER, LAND, AND HOUSING**

**Tuesday, March 1, 2011  
1:15 P.M.  
State Capitol, Conference Room 225**

**In consideration of  
SENATE CONCURRENT RESOLUTION 14  
DISAPPROVING THE RESET ASIDE OF THE FORMER KŪLANI CORRECTIONAL  
FACILITY LANDS FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE  
DEPARTMENT OF LAND AND NATURAL RESOURCES AS AN EXTENSION OF  
PU'U MAKA'ALA NATURAL AREA RESERVE AND TO THE DEPARTMENT OF  
DEFENSE FOR A YOUTH CHALLENGE ACADEMY**

The purpose of Senate Concurrent Resolution (SCR) 14 is to disapprove the reset aside of the former Kūlani Correctional Facility lands from the Department of Public Safety (PSD) to the Department of Land and Natural Resources (DLNR) as an extension of Pu'u Maka'ala Natural Area Reserve and to the Department of Defense (DOD) for a Youth Challenge Academy. The Department of Land and Natural Resources strongly opposes the portion of this resolution that disapproves the reset aside from the Department of Public Safety (PSD) to DLNR for the extension of Pu'u Maka'ala Natural Area Reserve for the following reasons:

1. The Natural Area Reserve (NAR) will not impact the reopening of the Correctional Facility because the boundaries of the NAR were specifically drawn in order to exclude the developed areas and access roads used by the facility and a wide buffer (see attached aerial map). The Executive Orders (EOs) that transfer areas from PSD to DLNR (EOs 4336, 4337, and 4338) only affect the forested land that does not include the campus of the former Kūlani Correctional Facility so should not be combined with this resolution which seeks to re-open the correctional facility. Reestablishment of the Correctional Facility would only require disapproving EOs 4339, 4340, and 4341 which transfer the facility area from PSD to DOD.
2. DLNR received overwhelmingly (85%) supportive testimony for the NAR in this high-profile issue during 6 public hearings held over the span of a year. Supportive testimony highlighted the importance of preserving the forested areas of Kūlani as a NAR for the

**WILLIAM J. AILA, JR.  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT**

**GUY H. KAULUKUKUI  
FIRST DEPUTY**

**WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER**

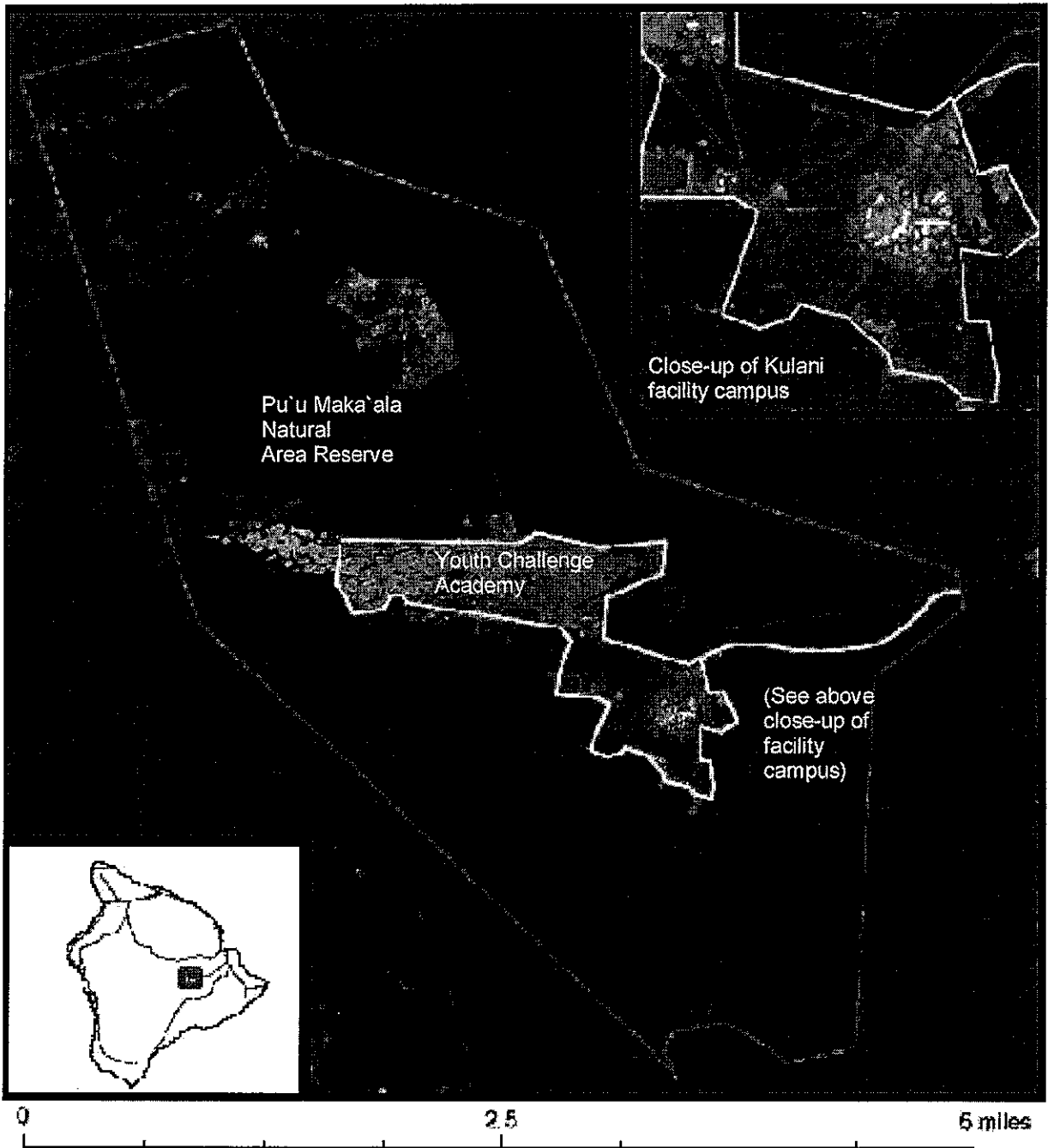
**AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS**

public access, cultural importance of the upland wao akua forests and native birds and plants, as well as for the conservation and watershed resources. Most of those opposed to closing down the prison facility still supported transferring the forest to DLNR for an addition to the NAR. The sixty-six testimonies on the proposed NAR are available at: <http://hawaii.gov/dlnr/chair/meeting/submittals/100909/C-FW-Submittals-C1.pdf>.

3. A NAR is the most appropriate designation for the highest quality native forest on the Big Island, rather than under the management of the PSD, an agency that is not tasked with the conservation of Hawaii's natural resources. The NAR System (NARS) protects in perpetuity Hawaii's unique natural communities and geological features for the enjoyment of current and future generations. Large portions of the approximately 7,200-acre area were not used for Correctional Facility purposes and contain koa and `ohi`a forests that are core habitat for the island's rarest native Hawaiian bird and plant species. Agencies with this land under their jurisdiction are responsible for the protection of 17 State and Federally listed endangered species and associated regulatory compliance including Habitat Conservation Plans and rules of the Conservation District. SCR 14 proposes that the 6,600 acres of forested land lose the protective designation and management of the Natural Area Reserves System. The Department of Public Safety would then assume responsibility for the protection of endangered species and associated regulatory compliance, a task for which PSD does not have experience or funding. Disapproval of the Executive Orders for NAR would reverse the move to provide more public access and NAR management of the area and undo decades of protective management and threaten critically endangered plants and bird species.
4. SCR 14 highlights the staffing and funding needs of the Department of Land and Natural Resources as justification for removing the NAR, yet NARS has managed this area for many years. NAR designation aids, rather than burdens, existing management in Kūlani by providing dedicated management access and responsibility for the area under the NARS. NARS has been managing the high priority area in partnership with members of the Three Mountain Alliance watershed partnership for over a decade and continued NAR designation is within the DLNR's capacity.
5. DLNR can partner with either the Correctional Facility or Youth Challenge Academy in support of cooperative conservation management of the entire area. DLNR defers to PSD & DOD regarding the disposition of the 600 acres that contains the facility that is also addressed in this resolution.

In conclusion, DLNR recommends amending SCR 14 to remove EOs 4336, 4337 and 4338 from this resolution and approve the transfer of the 6,600 acres of forested land to DLNR for the extension of the Pu`u Maka`ala NAR. A revised draft SCR 14 is attached with DLNR's proposed amendments.

# Kulani Correctional Facility Land Dispositions



**Natural Area Reserve:** 6,600 acres of forested land removed from the PSD by EOs 4336 and 4337 and set aside as an Extension of Pu'u Makaala Natural Area Reserve by EO 4338

**Youth Challenge Academy:** 600 acres containing buildings, access roads and a wide buffer, removed from PSD by EOs 4339 and 4340 and set aside as the Youth Challenge Academy by EO 4341

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## SENATE CONCURRENT RESOLUTION

DISAPPROVING THE RESET ASIDE OF THE FORMER KULANI CORRECTIONAL FACILITY LANDS FROM THE DEPARTMENT OF PUBLIC SAFETY [~~TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES AS AN EXTENSION OF PU'U MAKA'ALA NATURAL AREA RESERVE AND~~] TO THE DEPARTMENT OF DEFENSE FOR A YOUTH CHALLENGE ACADEMY.

WHEREAS, On September 9, 2010, the Board of Land and Natural Resources voted to approve the reset aside of former Kulani Correctional Facility lands from the Department of Public Safety as follows: [~~approximately 6,600 acres to the Department of Land and Natural Resources as an extension of Pu'u Maka'ala Natural Area Reserve,~~] approximately 600 acres to the Department of Defense for a Youth Challenge Academy, and related easements; and

WHEREAS, [~~these~~] this action[s] will require the cancellations and reset asides of Governor's Executive Order Nos. 1225 (~~[5,600]~~ 527.86 acres) and 1588 (~~[2,300.27]~~ 86.26 acres); and

WHEREAS, pursuant to section 171-11, Hawaii Revised Statutes, the Governor may, with the prior approval of the Board of Land and Natural Resources, set aside public lands to any department or agency of the State, the city and county, county, or other political subdivisions of the State for public use or purpose; and

WHEREAS, the power granted to the Governor to set aside or withdraw or withdraw and set aside public lands shall be exercised subject to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by the majority vote of both, in any regular or special session next following the date of the setting aside or withdrawal, or withdrawal and setting aside; and

WHEREAS, while [~~both~~] the proposed new uses would provide benefits to the residents of the Island of Hawaii and the State,

the speed of the transfer of [~~7,900~~] 614.14 acres gives the community very little time to assess and react to these proposed actions and renders it more difficult for the new state administration to respond to those concerns with constructive actions; and

WHEREAS, the closure of Kulani Correctional Facility in the fall of 2009 had a widespread impact on the Island of Hawaii, as well as the correctional system statewide; and

WHEREAS, in response to the announced closure, the State Senate initiated a review and assessment of the impact to the community from the planned closure of the Kulani Correctional Facility; and

WHEREAS, as part of that review, a Senate Ad Hoc Committee conducted three informational briefings: on August 13, 2009, in Hilo, Hawaii, on August 14, 2009, in Kailua-Kona, Hawaii, and on August 19, 2009, in Honolulu, Hawaii; and

WHEREAS, prior to the Honolulu informational briefing, three subpoenas commanding appearance and testimony before the Committee were served: one to the Chairperson of the Correctional Industrial Advisory Committee, and two to administrators at Kulani Correctional Facility (KCF); and

WHEREAS, written comments were received from the Department of Public Safety, the Mayor of the County of Hawaii, Community Alliance on Prisons, and six individuals, and approximately two dozen people presented oral testimony; and

WHEREAS, unfortunately, the closure of KCF was completed in October 2009, and as anticipated, that closure has had a detrimental impact on the island - economically and environmentally; and

WHEREAS, from its 1946 opening as a work camp through the 2009 closure, KCF incorporated vocational training and specialized programming for the inmates; and

WHEREAS, the inmates used these skills to contribute substantially to the needs of the Big Island, providing mechanical repair and maintenance, construction, heavy equipment operation, computer work, as well as horticulture and conservation assistance through community service projects, and many communities relied heavily on KCF for work they would not otherwise have been able to fund; and

~~[WHEREAS, the reset aside of approximately 6,600 acres as an extension of Pu'u Maka'ala Natural Area Reserve supports the mandate of the Natural Area Reserve System under chapter 195, Hawaii Revised Statutes, to protect and preserve Hawaii's unique natural resources; and]~~

~~[WHEREAS, however, adding such a significant acreage to the present system of preserves, sanctuaries, and refuges would require additional fiscal and staffing resources for the Department of Land and Natural Resources, which has had both reduced substantially under the current biennium budget; and]~~

~~[WHEREAS, in October 2010, the Department of Land and Natural Resources began preparation of an environmental assessment (EA) in compliance with chapter 343, Hawaii Revised Statutes, for a Management Plan for Pu'u Maka'ala Natural Area Reserve, including 6,600 acres of forest at Kulani; and]~~

WHEREAS, KCF has received significant state investments through capital improvement projects - \$8,136,937 since 2000 - and it would be a serious dereliction of the State's fiscal obligations to let these facilities sit idle; and

WHEREAS, the Department of Defense has proposed to use these facilities for an expansion of the Hawaii National Guard Youth Challenge Academy (YCA), which would allow the YCA program to double the current number of graduates from approximately 200 annually to 400; and

WHEREAS, the YCA, which is currently housed at Kalaeloa, Oahu, has been in operation since 1994, and works with 16-18-year-old at-risk youth who did not complete high school, providing vocational training and GED completion; and

WHEREAS, at the September 9, 2010, Board of Land and Natural Resources hearing, the reset aside of lands to the YCA generated considerable discussion, and a number of issues were raised, including funding, land tenure, and the size of the facility needed for YCA; and

WHEREAS, until these issues are resolved, the reset aside of approximately 600 acres of the land for the Hawaii National Guard Youth Challenge Academy may not be the best possible use of this unique State resource; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-sixth Legislature of the State of Hawaii, Regular Session of 2011, the House of Representatives concurring, that the Legislature disapproves the reset aside of former Kulani Correctional Facility lands from the

Department of Public Safety as follows: [~~approximately 6,600 acres to the Department of Land and Natural Resources as an extension of Pu'u Maka'ala Natural Area Reserve,~~] approximately 600 acres to the Department of Defense for a Youth Challenge Academy, and related easements; and

BE IT FURTHER RESOLVED that [~~the Department of Land and Natural Resources and~~] the Department of Defense initiate a further review and assessment of the environmental and fiscal implications and benefits of the resetting aside of the [~~7,900~~] 614.14 acres under the cancellations and reset asides of Governor's Executive Order Nos. 1225 ([~~5,600~~] 527.86 acres) and 1588 ([~~2,300.27~~] 86.26 acres); and

BE IT FURTHER RESOLVED that [~~the Department of Land and Natural Resources and~~] the Department of Defense report their findings and recommendations to the Legislature no later than twenty days prior to the Regular Session of 2012; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, the Chairperson of the Board of Land and Natural Resources, the Director of Public Safety, and the Adjutant General.

OFFERED BY: \_\_\_\_\_



# Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803  
808.538.6616 hawaii.chapter@sierraclub.org

## SENATE COMMITTEE ON WATER, LAND, AND HOUSING

March 1, 2011, 1:15 PM  
(Testimony is 1 page long)

### TESTIMONY IN OPPOSITION TO SCR 14

Aloha Chair Dela Cruz and Committee Members -

The Sierra Club, Hawai'i Chapter, *opposes* SCR 14, to the extent this measure seeks to undue the extension of the Pu'u Maka'ala Natural Area Reserve. This 6,600-acre area contains a precious mixed koa/'ohi'a forest that is the natural habitat for numerous rare and endangered Hawaiian bird and plant species.

Hawai'i's stunning environment inspires us, nurtures us, and sustains us. Our environment is the foundation of our economy. Too often, though, we take a healthy environment for granted. We assume that our wild places and abundant, diverse life will always be with us. It is a dangerous assumption.

Unless we actively protect and highlight unique forest areas, these places (and the plants, birds, and people that populate them) will disappear. Hawai'i is well-known as the endangered species capitol of the world. With hundreds of plants and animals listed as endangered or threatened, there are more endangered species per square mile on these islands than any other place on the planet.

By designating this area as a Natural Area Reserve, DLNR is given the capacity to actively manage and protect it for future generations.

We note the Resolution wrongly indicates "the speed of the transfer of 7,900 acres gives the community very little time to assess and react to these proposed actions . . ." Nearly 85% of the testimony received during *6 public hearings held over the span of a year* was in support of the natural area reserve. If a span of a year is "speed," then all legislative bills should be similarly be rejected.

Please either hold or amend this measure to protect the natural area reserve designation. Thank you for the opportunity to testify.





HAWAII CHAPTER  
U.S. GREEN BUILDING COUNCIL

Senator Donovan Dela Cruz, Chair  
Senator Malama Solomon, Vice Chair  
Water, Land, and Housing Committee

United States Green Building Council Hawaii Chapter

March 1, 2011  
(Testimony is 1 pages long)

**Testimony in Support of SB283, Relating to Sustainability; State Planning**

Aloha Chair Dela Cruz, Vice Chair Solomon, and Members of the Committee:

The United States Green Building Council's (USGBC) mission is to transform the way buildings and communities are designed, built and operated, enabling an environmentally and socially responsible, healthy, and prosperous environment that improves the quality of life.

The USGBC Hawaii Chapter supports SB283, Incorporate the definitions, guiding principles, and goals of the Hawaii 2050 sustainability task force report into the Hawaii State Planning Act, codified as chapter 226.

1. The ahupua'a land division system, recognized the diverse ecosystem and amazing environment Hawaii offers. History shows that this system provided a balance between social, economic, community, and environmental priorities. Similar principles, like smart growth and LEED ND (New Development), supported in the Hawaii 2050 Plan, should be reflected in current planning as stated in SB283.
2. Integrating sustainable principles and metrics into long term planning initiatives have provided municipals throughout the nation a framework to implement and develop innovative and feasible solutions. The City of Portland's Bureau of Planning and Sustainability created a public-private partnership in 2006, Solarize Portland, to help homeowners overcome financial and logistical hurdles of going solar. Today, the program has tripled its initial goals and has added 350 kilowatts of new PV capacity to Portland, estimating to produce 359,000 kWh of electricity per year.

Thank you for this opportunity to testify in support of SB283.

Brent I. Tokita, AIA, LEED AP  
Chair USGBC Hawaii Governmental Advocacy Committee  
Phone: 808.371.4053  
Email: brentt@rmaia-architects.com

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## CONSERVATION COUNCIL FOR HAWAII

Testimony Submitted to the Senate Committee on Water, Land, and Housing

Hearing: Tuesday, March 1, 2011

1:15 p.m.

Room 225

Opposition and Support for SCR 14

Aloha. The Conservation Council for Hawaii opposes the withdrawal of 6,600 acres at Kulani from the Pu'u Maka'ala Natural Area Reserve. Last year, the BLNR received overwhelming support for adding native forest at Kulani to the Natural Area Reserves System. The area provides habitat for rare and endangered unique Hawaiian plants and animals. A Natural Area Reserve is the most appropriate designation and highest and best use of the 6,600 acres.

Keeping the Natural Area Reserve intact will NOT affect the possible reopening of the Kulani Correctional Facility because the Reserve is not within the developed portions of Kulani that would be used for a reopened correctional facility. Protecting native forest in the NAR is compatible with the correctional facility. In the past, state agencies, including the Department of Land and Natural Resources and Hawaii Department of Public Safety, worked in partnership to protect the native forest at Kulani and provide a safe and productive environment for low-risk inmates at the correctional facility. Inmates at the reopened correctional facility could help protect the native forest at Kulani, and gain knowledge about the importance of the forest to the environment and Native Hawaiian culture. They could also gain skills and experience which they could apply upon their release.

CCH supports the withdrawal of land at Kulani that is currently used by the Department of Defense for the Youth Challenge Academy.

Thank you for the opportunity to testify.

Marjorie Ziegler



Hawaii's Voice for Wildlife – *Ko Leo Hawai'i no na holoholona lohiu*

Telephone/Fax 808.593.0255 • email: [info@conservehi.org](mailto:info@conservehi.org) • web: [www.conservehi.org](http://www.conservehi.org)

P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 212 • Honolulu, HI 96814

President: Maura O'Connor \* Vice-President: Hannah Springer \* Treasurer: Kim Ramos \* Secretary: Rick Barboza

Directors: Madelyn D'Enbeau \* Maka'ala Ka'aumoana \* Julie Leialoha

Executive Director: Marjorie Ziegler

Testimony of The Nature Conservancy of Hawai'i  
Commenting on S.C.R 14 Disapproving the Reset Aside of the Former Kūlani  
Correctional Facility Lands from the Department of Public Safety to the Department of Land and  
Natural Resources as an Extension of Pu'u Maka'ala Natural Area Reserve and to the  
Department of Defense for a Youth Challenge Academy  
Senate Committee on Water, Land and Housing  
Tuesday, March 1, 2011, 1:15PM, Rm. 225

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*The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.*

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The Nature Conservancy of Hawai'i supports the addition of the 6,600 acres as an extension to the Pu'u Maka'ala Natural Area Reserve. We do not take a position on the approximately 600 acres provided to the Department of Defense for a Youth Challenge Academy.

The wet koa and 'ōhi'a forests in the 6,600-acre parcel support important populations of Hawaiian forest native birds, including 'akiapōlā'au 'i'iwi and 'ākepa, as well as several rare plant species. The Natural Area Reserve designation for this parcel is appropriate for managing these native forest resources, including those that are on both state and federal endangered species lists, while also allowing public access to the forest. The DLNR has been managing the existing 12,000-acre natural area reserve for years as well as working the Department of Public Safety to help manage 6,600-acre area. The official addition of the 6,600-acre parcel to the NAR system should not be a significant added burden on the DLNR. Further, DLNR can work with whatever party is in control of the 600-acre parcel that includes the correctional facility in support of cooperative conservation management of the entire area.

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**American Friends  
Service Committee**

***Hawai'i Area Program***

2426 O'ahu Avenue • Honolulu, HI 96822 • Phone 808/988-6266 • Fax 808/988-4876

Website: [www.afschawaii.org](http://www.afschawaii.org) • Email: [afschawaii@afsc.org](mailto:afschawaii@afsc.org)

March 1, 2011

TO: Senator Donovan M. Dela Cruz, Chair, Senator Malama Solomon, Vice Chair and Members of the Senate Committee on Water, Land, and Housing; Tuesday, March 1, 2011 at 1:15 pm in Room 325

FROM: Kyle Kajihiro, Program Director

SUBJECT: SCR 14 DISAPPROVING THE RESET ASIDE OF THE FORMER KULANI CORRECTIONAL FACILITY LANDS FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES AS AN EXTENSION OF PU'U MAKA'ALA NATURAL AREA RESERVE AND TO THE DEPARTMENT OF DEFENSE FOR A YOUTH CHALLENGE ACADEMY

Aloha Chair Dela Cruz, Vice Chair Solomon and members of the Committee.

American Friends Service Committee has been concerned about the closure of Kulani Prison and has opposed the transfer of its facilities to the State Department of Defense. We joined with others in petitioning the Board of Land and Natural Resources for a contested case hearing to challenge the decision to reset aside the Kulani prison to the Department of Defense.

We believe that the transfer of Kulani facilities to the Department of Defense violates the existing executive order. We support the reopening of the Kulani Correctional Facility.

AFSC Hawai'i SUPPORTS the resolution language disapproving of the reset aside of land to the Department of Defense for the Youth Challenge Academy.

However, we OPPOSE the language reversing of the reset aside of 6,600 acres of native Hawaiian forest to Pu'u Maka'ala Natural Area Reserves System. These pristine forest lands should be properly protected as part of the NARS.

Thank you for the opportunity to testify.

# COMMUNITY ALLIANCE ON PRISONS

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Phone/E-mail: (808) 533-3454/ [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON WATER, LAND, AND HOUSING

Sen. Donovan Dela Cruz, Chair

Sen. Malama Solomon, Vice Chair

Tuesday March 1, 2011

Room 225

1:15 p.m.

**SCR 14 - KULANI LANDS SET ASIDE**

**SUPPORT with amendments**

<http://www.capitol.hawaii.gov/emailtestimony>

Aloha Chair Dela Cruz, Vice Chair Solomon and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working on prison reform and justice issues in Hawai`i for more than a decade. We respectfully offer our testimony always being mindful that Hawai`i has some 6,000 people behind bars with almost 1,800 individuals serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SCR 14 disapproves the reset aside of the former Kulani Correctional Facility lands from the Department of Public Safety to the Department of Land and Natural Resources as an extension of the Pu`u Maka`ala Natural Reserve and to the Department of Defense for a Youth Challenge Academy.

Community Alliance on Prisons supports the reopening of Kulani and restoring its use as either a prison or a wellness center for individuals who have broken the law to address their programming needs, support the development of marketable job skills, and assist in their transition from institutional to community life.

### COMMUNITY ALLIANCE ON PRISONS' SUGGESTION:

Community Alliance respectfully asks that the legislature suggest that Governor Abercrombie execute two new Executive Orders:

1. **PU`U MAKA`ALA:** Maintain the expansion of Pu`u Maka`ala in the Natural Area Reserve by approximately 6,600 acres
2. **KULANI CORRECTIONAL FACILITY:** Turn over the approximately 600 acres, the footprint of Kulani Correctional Facility and related easements necessary for access or other facility uses, to the Department of Public Safety (PSD) as was the original intent for this parcel and ensure that PSD remains an active partner in the Three Mountain Alliance, the partnership that protects the forest and rare species by removing invasive species such as feral pigs, which destroy native plants and spread weed seeds, planting native species, and monitoring the health of the forest.

Community Alliance on Prisons and two other parties (Kyle Kajihiro of American Friends Service Committee and Michael Kumukauoha, a lineal descendent) asked for a contested case hearing to appeal this decision. Community Alliance on Prisons filed a 31 page petition with the Board of Land and Natural Resources after they voted to turn over public trust assets to the state Department of Defense with virtually no public notice or discussion.

In our research preparing the petition for the contested case hearing we discovered the wonderful history of how Kulani came to be used as a site for a prison. Ironically, that very same concept is what Governor Abercrombie's administration is championing...rehabilitation and reentry. *Back to the Future!*

### HISTORY AND BACKGROUND OF KULANI PRISON<sup>1</sup>

#### *"The Kulani Prison Farm*

One additional activity began in the forest lands in the 1940s, in the vicinity of what is now the Pu'u Maka'ala NAR. This was the relocation of the Waiakea Prison Camp from the Hilo Airport to the remote, Kūlani site. Howard Ellis, former employee and manager of the Mauna Loa Weather Station, began working on Mauna Loa in 1961. During the early years on Mauna Loa, Mr. Ellis was close friends with Tom Vance, who opened the Kūlani Prison Farm (later, the Kulani Honor Camp); the access roadway (Stainback Highway); and the Mauna Loa Observatory.

Government survey records document that on January 8, 1948, the lands for the Kulani Prison Site were confirmed by a survey.<sup>2</sup>

Being portions of Upper Waiakea Forest Reserve and Upper Oiaa Forest Reserve to be withdrawn by Governor's Executive Order and set aside under the control of the Board of Institutions as a prison site.

Governor Ingram M. Stainback, issued Executive Order No. 1224 on March 4th, 1948, formally removing the Kulani Prison site lands from the Upper Waiakea and Oiaa Forest Reserves, and setting aside the land for use by the Department of Institutions for the Kulani Prison Farm (Governor's Executive Order No. 1224).

... In 1952, the Kulani Prison Farm site was modified, taking in an additional 4,461.99 acres of forest land from the Upper Waiakea and Oiaa Forest Reserves. C.S.F. No. 11,550 lays out the **mete and bounds and map of the addition** (see *Figure 6*). Governor, S.W. King. Signed Executive Order No. 1588, on October 16th, 1953, setting aside the additional land for the facility and support programs.

From Tom Vance, Howard Ellis learned first-hand accounts about the Kūlani facility and access across the forest lands in the 1940s to 1950s (pers. comm. H. Ellis, 2004). *Figure 7*, HTS Plat No. 788-A (A.S. Chaney, surveyor, dated 1922); with additions to 1956, provides the locations of sites and facilities described by Mr. Ellis, who wrote of his recollections in 1988:

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<sup>1</sup> HE MO'OLELO 'ĀINA: A CULTURAL STUDY OF THE PU'U MAKĀ'ALA NATURAL AREA RESERVE DISTRICTS OF HILO AND PUNA, ISLAND OF HAWAII, HiNARS80-Makaala (053104), © 2004 Kumu Pono Associates LLC, MAY 31, 2004.

<sup>2</sup> C.S.F. 10,543, January 8, 1948, Kulani Prison Site, South Hilo and Puna Island of Hawaii

...Mr. Ingram M. Stainback, a prominent attorney in the islands...helped Mr. Vance establish the Waiakea Prison Camp near Hilo for the purpose of forming an airstrip by hand labor using only picks, shovels and wheelbarrows.

When the war started, the military took over this airstrip, expanding it, making it a Navy Air Station only to realize that virtually in its center there was a prison camp... [page 3]

With concern for their safety and with his philosophy that if any person is to be retrained to function in society he must be given constructive work and a chance to learn a trade, he set his sights up the slope in the direction of the summit of Mauna Loa to that area where he had seen that rich soil and huge *koa* trees. It was a long way off and partly through a rainforest. They started out packing in with each cutting the trail with a cane knife.

[Mr. Vance] ...said that people thought him crazy to do this... They finally made it to the base of the Kulani Cone where the Territorial Board of Agriculture had come in from the other side, up the Puu O'o trail from the Volcano area, and built a pig hunter's cabin to encourage the reduction of damage to the forest by pigs.

Mr. Vance had found that the territorial government's half million acres in the area they had cut through were ideal not only for forests, which could foster a lumber and furniture industry, but the mile high area provided a climate ideal for temperate zone agriculture.

He felt that as soon as the prison industry was thought to be competitive with private industry, there would be a legislation that would be passed to stop the activity.

However, they [page 4] might be safe in their isolation up there, he thought. There were 17 miles of road to be built through dense jungle with little likelihood of special appropriations since it was during war time.

#### **PU`U MAKA`ALA NATURAL AREA RESERVE:**

Community Alliance on Prisons supports the highest preservation of this pristine forest, always mindful that the constitutionally-protected rights of Native Hawaiians to exercise their traditional and customary rights must be preserved as well.

Pu`u Maka`ala is a public trust resource and one of Hawai`i's most treasured natural resources. At the dedication<sup>3</sup> of the additional 6600 acres, the Chair of DLNR reminded us that this *wahi pana* (special place) sustains the life *wao akua* (the realm of the gods) of the misty upland forests, and important native Hawaiian cultural resources such as the ancient *koa* and 'ohia forests, and the Mauna Loa silversword 'Ahinahina, one of the world's most endangered plants. The forest sustains us all by collecting rainwater, purifying Hawai`i's drinking water, and gracing our world with the colors and songs of Hawai`i's amazing and rare birds.

Community Alliance on Prisons would like to ensure that the Department of Public Safety continues as a partner in the Three Mountain Alliance. This partnership protects the forests and rare species by removing invasive species such as feral pigs, which destroy native plants and spread weed seeds, planting native species, and monitoring the health of the forest. Kulani inmates are perfectly situated to continue this work and become good stewards of the forest, if properly trained.

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<sup>3</sup> Dedication of New Reserve at Kulani is Highlight of 40 Years of Natural Area Reserve System, February 3, 2011.

A partnership with the College of Forestry, Agriculture and Natural Resource Management to teach and train Kulani inmates in conservation techniques could be a win-win situation for Hawai'i's natural resources.

There are actually many partnerships that could benefit from the re-opening of Kulani. Certainly the millions of dollars worth of work for Hawai'i County provided by Kulani inmates would be a big help. There are many projects in the community that could be done by individuals transitioning back to their communities. This helps the individual, the community, and the resource-strapped government.

In these tough economic times, we need to do some out-of-cell thinking. The government cannot do everything it wants to do; therefore, we must look for ways that we can better utilize our fragile resources.

The Kulani Lands situation can be resolved by the Governor issuing two Executive Orders separating designation of the 6600 acres of Pu'u Maka'ala as a Natural Area Reserve from the Kulani Correctional Facility lands, approximately 600 acres. Retain the Kulani footprint for the philosophy that conceived it: *"... that if any person is to be retrained to function in society he must be given constructive work and a chance to learn a trade..."*

The state DOD signed an Intergovernmental Agreement (IGA) with the Department of Public Safety that says either party can cancel the agreement by filing a letter. Thirty days after receipt of the letter, the Department of Defense (National Guard) would have 1 year to vacate the premises. Community Alliance on Prisons has heard that the National Guard is currently looking for another location for their Youth Challenge Academy.

We respectfully ask that the committee consider our recommendations. Re-opening Kulani would provide space to bring at least 200 of our people home.

Mahalo for this opportunity to testify.



**Robert K. Merce**  
2467 Aha Aina Place  
Honolulu, Hawai'i 96821  
February 28, 2011

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**COMMITTEE ON WATER, LAND, AND HOUSING**

Sen. Donovan Dela Cruz, Chair  
Sen. Malama Solomon, Vice Chair  
Tuesday March 1, 2011  
Room 225  
1:15 p.m.  
SCR 14 – Kulani Lands Set Aside  
SUPPORT with amendments

Dear Chair Dela Cruz, Vice Chair Solomon, and Committee Members:

I am a retired member of the Hawaii State Bar. Before retiring, my practice included the representation of prison inmates on a wide array of issues. This made me aware of the many ways in which our justice system is failing inmates and the community, and since retiring I have decided to try to do something about it.

I have read the testimony submitted by the Community Alliance on Prisons (CAP) on SCR 14 and support the measure with the amendments recommended by CAP.

Thank you for giving me the opportunity to testify on this measure.

I do not acknowledge the presence of the Department of Defense (DOD) and its Youth Challenge Academy (YCA) at Kulani. Do our honorable State legislative members realize the YCA in Kalaeloa affords our children to engage into the field of robotics for Warfare purposes and calling this action education? Education to kill, murder other countries' citizens through Warfare robotics. The DOD could allow such tactics to occur right here in the islands, use this upon us. Yes, the people of Hawaii are expendable. The YCA should expand in at the designated area of Kalaeloa and utilize the strengths of the non-profit ahupua'a concept communities to have these challenged youths to participate in their respective programs. Hands-on learning to take care of the 'aina, aloha for 'ohana and the inner healing of self.

What are the present cost share numbers between the State and the DOD? Did the State save money from allowing the YCA into Kalani and the Kulani Correctional Facility operations closed its doors to a remarkable functioning healing center for the incarcerated population? The gesture by our former Governor was illegal, blatant abuse of executive power and while the investigation into the U.S. National Guard officials of declining the use of psy-ops occurrence upon Congressional members leads me to think that, our former Governor was influenced by the tactic.

I strongly **SUPPORT** the lands of Kulani are to be kept in perpetuity and the re-establishing of Kulani Correctional Facility is sorely needed to continue its positive existence as the top facility in programs to maintain those incarcerated to heal, to adjust to an ever changing society, learn the trade of animal husbandry (cattle ranching/piggery/hydroponic gardening). Skills to continue their existence to provide food for themselves and their 'ohana, including their respective communities. Let us, the people, have Kulani Correctional Facility returned to its

rightful designated home and incorporate the co-managing of its lands with the Department of Public Safety and the Department of Land and Natural Resources. Mahalo for this last minute opportunity to send in testimony. Please do the right thing.

Tammy Harp

(808)885-8540

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLH Testimony](#)  
**Cc:** [maukalani78@hotmail.com](mailto:maukalani78@hotmail.com)  
**Subject:** Testimony for SCR14 on 3/1/2011 1:15:00 PM  
**Date:** Monday, February 28, 2011 2:21:07 PM

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Testimony for WLH 3/1/2011 1:15:00 PM SCR14

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Elaine Funakoshi  
Organization: Individual  
Address:  
Phone:  
E-mail: [maukalani78@hotmail.com](mailto:maukalani78@hotmail.com)  
Submitted on: 2/28/2011

Comments:

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLH Testimony](#)  
**Cc:** [palmtree7@earthlink.net](mailto:palmtree7@earthlink.net)  
**Subject:** Testimony for SCR14 on 3/1/2011 1:15:00 PM  
**Date:** Monday, February 28, 2011 1:51:12 PM

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Testimony for WLH 3/1/2011 1:15:00 PM SCR14

Conference room: 225  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: janice palma-glennie  
Organization: Individual  
Address:  
Phone:  
E-mail: [palmtree7@earthlink.net](mailto:palmtree7@earthlink.net)  
Submitted on: 2/28/2011

Comments:

Aloha,

Please oppose the withdrawal of 6,600 acres of critical native Hawaiian forest at Kulani from the Natural Area Reserves System on the Big Island. This area was added to the Pu'u Maka'ala Natural Area Reserve by the Board of Land and Natural Resources in 2010.

I am also opposed to the withdrawal of land currently used by the Department of Defense for the Youth Challenge Academy with a goal to reopen the Kulani Correctional Facility.

Please OPPOSE the NAR withdrawal, and SUPPORT the withdrawal of Department of Defense land.

Mahalo.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLH Testimony](#)  
**Cc:** [anitabanana@hawaiiantel.net](mailto:anitabanana@hawaiiantel.net)  
**Subject:** Testimony for SCR14 on 3/1/2011 1:15:00 PM  
**Date:** Monday, February 28, 2011 2:00:04 PM

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Testimony for WLH 3/1/2011 1:15:00 PM SCR14

Conference room: 225  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: anita wintner  
Organization: Individual  
Address:  
Phone:  
E-mail: [anitabanana@hawaiiantel.net](mailto:anitabanana@hawaiiantel.net)  
Submitted on: 2/28/2011

Comments:

**From:** [Al Samuelson](#)  
**To:** [WJH Testimony](#)  
**Subject:** Pu"u Maka"ala NAR  
**Date:** Monday, February 28, 2011 2:12:46 PM

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Dear Sirs,

Writing as an individual and a retired entomologist from Bishop Museum, I am opposed to seeing 6,600 acres withdrawn from the Pu'u Maka'ala Natural Area Reserve. In keeping this NAR intact will not affect the Kulani Correctional Facility as I understand it, because the Reserve is not within the developed portion of this facility. Actually, I think, having this NAR would be compatible with the re-opened correctional facility and would have the potential of helping some inmates gain experience and pride in managing this NAR, if they are so fortunate to do so.

Sincerely, G. A. Samuelson  
c/o Bishop Museum  
1525 Bernice Street  
Honolulu, HI 96817

**From:** [David Foote](#)  
**To:** [WLH Testimony](#)  
**Subject:** Opposition to withdrawal of 6,600 acres at Kulani from the Natural Area Reserves System  
**Date:** Monday, February 28, 2011 1:17:25 PM

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To: Members of the Senate Committee on Water, Land, and Housing

Via email testimony sent to: [WLHTestimony@Capitol.hawaii.gov](mailto:WLHTestimony@Capitol.hawaii.gov)

From: David Foote, Research Ecologist

February 28, 2011

Re: Opposition to SCR14 (Tuesday, March 1, 2011 at 1:15 pm in Room 32) provision to remove Kulani tract from Pu'u Maka'ala Natural Area Reserve

Dear Committee Members

I have spent more than twenty years working in and around Pu'u Maka'ala Natural Area Reserve (NAR) and the 6,600 acres that were added to the reserve by the Hawaii Board of Land and Natural Resources (BLNR) in 2010. I recall a conversation with the late Dr. Hampton Carson of the University of Hawaii in the early 1990s about this particular tract in what was then the Kulani Correctional Facility. Dr. Carson, an elected member of the National Academy of Sciences and an expert on the evolution of Hawaiian biota, expressed skepticism that "anything new" would be found in this area because of how well forests around Kulani had been surveyed for biota. He was surprised and impressed with reports I sent him from our Kulani transects and finally asked to accompany me to this site. The Kulani tract that was added to the NARS is unique in part because it lies along an "ecotone" or edge between two or more different habitat types. The site is also especially rich because it lacks invasive species, such as the western yellowjacket wasp, that has reduced endemic diversity of insects (and the prey of a number of endangered honeycreepers) in places like Hawaii Volcanoes National Park.

I oppose withdrawing 6,600 acres at Kulani from the Pu'u Maka'ala Natural Area Reserve. I do not oppose redeveloping the Kulani Correctional Facility through a transfer from the Department of Defense, back to the Hawaii Department of Corrections.

Keeping the Natural Area Reserve intact will **NOT** affect reopening of the Kulani Correctional Facility because the Reserve is not within the developed portions of Kulani that would be used for a reopened correctional facility. Historically, protecting native forest in the NAR is compatible with the correctional facility. In the past, state agencies, including the Department of Land and Natural Resources and Hawai'i Department of Public Safety, worked in partnership to protect the native forest at Kulani and provide a safe and productive environment for low-risk inmates at the correctional facility. Inmates at the reopened correctional facility could help protect the native forest at Kulani, and gain



knowledge about the importance of the forest to the environment and Native Hawaiian culture. They could also gain skills and experience which they could apply upon their release.

The BLNR received overwhelming support in 2010 for adding native forest at Kulani to the Natural Area Reserves System. The area provides habitat for rare and endangered unique Hawaiian plants and animals. A Natural Area Reserve is the most appropriate designation and highest and best use of the 6,600 acres.

The United Nations declared 2011 as the International Year of Forests to raise awareness and strengthen sustainable forest management, conservation and sustainable development on all forests. It would be a shame to reverse the BLNR decision regarding the conservation designation of this unique tract of native Hawaiian forest when there is a history of successful partnerships between the Department of Corrections and conservation agencies at Kulani to protect and manage this area.

Sincerely,

David Foote

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLH Testimony](#)  
**Cc:** [scoleman34@gmail.com](mailto:scoleman34@gmail.com)  
**Subject:** Testimony for SCR14 on 3/1/2011 1:15:00 PM  
**Date:** Monday, February 28, 2011 1:00:29 PM

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Testimony for WLH 3/1/2011 1:15:00 PM SCR14

Conference room: 225  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Stuart Coleman  
Organization: Individual  
Address:  
Phone:  
E-mail: [scoleman34@gmail.com](mailto:scoleman34@gmail.com)  
Submitted on: 2/28/2011

**Comments:**

Dear Committee members,

My name is Stuart Coleman, and I am a resident of Moiliili. I oppose withdrawing 6,600 acres at Kulani from the Pu'u Maka'ala Natural Area Reserve.

The BLNR received overwhelming support for adding native forest at Kulani to the Natural Area Reserves System. The area provides habitat for rare and endangered unique Hawaiian plants and animals. A Natural Area Reserve is the most appropriate designation and highest and best use of the 6,600 acres. I support withdrawing the land at Kulani currently used by the Department of Defense for the Youth Challenge Academy.

Keeping the Natural Area Reserve intact will NOT affect reopening of the Kulani Correctional Facility because the Reserve is not within the developed portions of Kulani that would be used for a reopened correctional facility.

Protecting native forest in the NAR is compatible with the correctional facility.

In the past, state agencies, including the Department of Land and Natural Resources and Hawai'i Department of Public Safety, worked in partnership to protect the native forest at Kulani and provide a safe and productive environment for low-risk inmates at the correctional facility.

Inmates at the reopened correctional facility could help protect the native forest at Kulani, and gain knowledge about the importance of the forest to the environment and Native Hawaiian culture. They could also gain skills and experience which they could apply upon their release.

Mahalo, Stuart

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLH Testimony](#)  
**Cc:** [cheryl.lohr@gmail.com](mailto:cheryl.lohr@gmail.com)  
**Subject:** Testimony for SCR14 on 3/1/2011 1:15:00 PM  
**Date:** Monday, February 28, 2011 1:35:54 PM

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Testimony for WLH 3/1/2011 1:15:00 PM SCR14

Conference room: 225  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Cheryl Lohr  
Organization: Individual  
Address:  
Phone:  
E-mail: [cheryl.lohr@gmail.com](mailto:cheryl.lohr@gmail.com)  
Submitted on: 2/28/2011

**Comments:**

I oppose the withdrawal of 6,600 acres of choice native Hawaiian forest at Kulani from the Natural Area Reserves System on the Big Island. Inmates at the correctional facility can give back to the community by protecting native forests, and simultaneously gain skills which may help them to reintegrate into society. The Dept of Public Safety does not have the expertise to oversee a multi-dept project like rehabilitation through conservation. If the land is left as a NAR then the Dept of Public Safety and DLNR can collaborate, to the benefit of everyone in Hawaii.

Darcianne Ernce  
437 Manono Street  
Kailua, HI 96734  
darci@hawaii.rr.com

February 28, 2011

Chair Donovan M. Dela Cruz  
Hawai'i State Capitol  
415 South Beretania Street, Room 202  
Honolulu, HI 96813

Vice Chair Malama Solomon  
Hawai'i State Capitol  
415 South Beretania Street, Room 207  
Honolulu, HI 96813

Senator Carol Fukunaga  
Hawaii State Capitol, Room 216  
415 South Beretania Street  
Honolulu, HI 96813

Senator Pohai Ryan  
Hawaii State Capitol, Room 213  
415 South Beretania Street  
Honolulu, HI 96813

Senator Maile Shimabukuro  
Hawaii State Capitol, Room 223  
415 South Beretania Street  
Honolulu, HI 96813

Senator Sam Slom  
Hawaii State Capitol, Room 214  
415 South Beretania Street  
Honolulu, HI 96813

RE: SCR 14  
HEARING: TUESDAY, MARCH 2, 2011 AT 1:15 PM IN ROOM 225

Dear Mr. Chair Dela Cruz, Ms. Vice Chair Solomon, and Committee Members:

Please oppose the withdrawal of 6,600 acres of native Hawaiian forest from the Natural Area Reserves System at Kulani on the Big Island. Last year, this land was made a part of the Pu'u Maka'ala Natural Area Reserve by the Board of Land and Natural Resources. It is imperative that we take steps to ensure that we protect Forest Reserves for us and future generations and supporting this initiative would be backtracking on progress made last year by the BLNR.

I do, however, support withdrawal of land from the Department of Defense if the goal is truly to reopen the Kulani Correctional Facility. Reopening Kulani would employ more people and keep the money in Hawai'i rather being shipped to mainland companies.

Thank you for your consideration.

Sincerely,  
DARCIANNE ERNCE

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLH Testimony](#)  
**Cc:** [mikagawa@hawaii.rr.com](mailto:mikagawa@hawaii.rr.com)  
**Subject:** Testimony for SCR14 on 3/1/2011 1:15:00 PM  
**Date:** Monday, February 28, 2011 1:29:27 PM

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Testimony for WLH 3/1/2011 1:15:00 PM SCR14

Conference room: 225  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Mary Ikagawa  
Organization: Individual  
Address:  
Phone:  
E-mail: [mikagawa@hawaii.rr.com](mailto:mikagawa@hawaii.rr.com)  
Submitted on: 2/28/2011

**Comments:**

This resolution undoes a lot of work that was done for the good for Hawaii's people. Something that protected, in perpetuity, an area worthy of the Natural Area Reserves System, which represents a very small percentage of Hawaii's once-spectacular, but now endangered native ecosystems. Why would the legislature, at this juncture, deny the tremendous public support that led to the addition of the Kulani area to the Pu'u Maka'ala NAR? Why waste all the effort that already went into supplementing this important reserve? And to what overriding purpose? Keeping this area as reserve does not prevent the proposed use of the developed portions of Kulani, and could be a benefit to site residents in terms improving their future lives, which benefits us all. I hope the Committee will not pass this resolution.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLH Testimony](#)  
**Cc:** [bisaki@gmail.com](mailto:bisaki@gmail.com)  
**Subject:** Testimony for SCR14 on 3/1/2011 1:15:00 PM  
**Date:** Monday, February 28, 2011 12:45:27 PM

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Testimony for WLH 3/1/2011 1:15:00 PM SCR14

Conference room: 225  
Testifier position: comments only  
Testifier will be present: No  
Submitted by: Bianca Isaki  
Organization: Individual  
Address:  
Phone:  
E-mail: [bisaki@gmail.com](mailto:bisaki@gmail.com)  
Submitted on: 2/28/2011

**Comments:**

I oppose withdrawing 6,600 acres at Kulani from the Pu'u Maka'ala Natural Area Reserve. The BLNR received overwhelming support for adding native forest at Kulani to the Natural Area Reserves System. The area provides habitat for rare and endangered unique Hawaiian plants and animals. A Natural Area Reserve is the most appropriate designation and highest and best use of the 6,600 acres. However, I support withdrawing the land at Kulani currently used by the Department of Defense for the Youth Challenge Academy.

Keeping the Natural Area Reserve intact will NOT affect reopening of the Kulani Correctional Facility because the Reserve is not within the developed portions of Kulani that would be used for a reopened correctional facility.

Protecting native forest in the NAR is compatible with the correctional facility.

In the past, state agencies, including the Department of Land and Natural Resources and Hawai'i Department of Public Safety, worked in partnership to protect the native forest at Kulani and provide a safe and productive environment for low-risk inmates at the correctional facility.

Inmates at the reopened correctional facility could help protect the native forest at Kulani, and gain knowledge about the importance of the forest to the environment and Native Hawaiian culture. They could also gain skills and experience which they could apply upon their release.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLH Testimony](#)  
**Cc:** [iliwai34@hawaii.rr.com](mailto:iliwai34@hawaii.rr.com)  
**Subject:** Testimony for SCR14 on 3/1/2011 1:15:00 PM  
**Date:** Monday, February 28, 2011 1:05:02 PM

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Testimony for WLH 3/1/2011 1:15:00 PM SCR14

Conference room: 225  
Testifier position: comments only  
Testifier will be present: No  
Submitted by: Michael J. Duberstein  
Organization: Individual  
Address:  
Phone:  
E-mail: [iliwai34@hawaii.rr.com](mailto:iliwai34@hawaii.rr.com)  
Submitted on: 2/28/2011

Comments:

I join with those environmentalists and native culture proponents who oppose withdrawing 6,600 acres at Kulani from the Pu'u Maka'ala Natural Area Reserve.

Indeed BLNR has received overwhelming support for adding native forest at Kulani to the Natural Area Reserves System. The area provides habitat for rare and endangered unique Hawaiian plants and animals. A Natural Area Reserve is the most appropriate designation and highest and best use of the 6,600 acres.

I strongly support withdrawing the land at Kulani currently used by the Department of Defense for the Youth Challenge Academy; keeping the Natural Area Reserve intact will NOT affect reopening of the Kulani Correctional Facility because the Reserve is not within the developed portions of Kulani that would be used for a reopened correctional facility.

I agree that protecting native forest in the NAR is compatible with the correctional facility.

Mahalo, aloha and malama aina

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLH Testimony](#)  
**Cc:** [volcanogetaway@yahoo.com](mailto:volcanogetaway@yahoo.com)  
**Subject:** Testimony for SCR14 on 3/1/2011 1:15:00 PM  
**Date:** Monday, February 28, 2011 5:14:29 PM

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Testimony for WLH 3/1/2011 1:15:00 PM SCR14

Conference room: 225  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Diane Ware  
Organization: Individual  
Address:  
Phone:  
E-mail: [volcanogetaway@yahoo.com](mailto:volcanogetaway@yahoo.com)  
Submitted on: 2/28/2011

**Comments:**

Regardless of use as a prison or Youth camp, the 6600 acres of pristine native forest needs to be kept in NARS. I recently lead a sierra Club service project there with Nars and this is as prime example of how the State can preserve our forest biodiversity. Without this level of protection/restoration we will lose species and revert to degraded forest. Our group both planted natives and removed invasives. On a hike up Pu'u Kiu we saw 'I'iwi, apappane, 'io, elepaio and amakihi. More importantly we sited no introduced birds. This area connected with Pu'u maka'ala will provided connectivity and decrease fragmentation of the ecosystem. please keep this area in NARS. NARS is the State's best protection of native ecosystems. Aloha 'Aina



3663 Alani Drive  
Honolulu, HI 96822  
28 February 2011

Dear Legislators,

I am resending testimony I wrote and sent to you last month regarding HCR 9 and SCR 14 which would disapprove the designation by the Department of Land and Natural Resources (DLNR) of 6600 acres of land that was part of the Kulani Correctional Facility on the Big Island to be an extension of the Pu`u Maka`ala Natural Area Reserve (NAR), as well as the designation of the remaining 600 acres of the former KCF to the Department of Defense (DOD). I wish to speak mainly to the designation of the 6600 acres of land to become part of Pu`u Maka`ala NAR. These lands are among the best remaining ohia-koa rainforest in the State, and the diversity of native Hawaiian plants and animals there is remarkable. Many of those species are listed as Endangered both by the State of Hawaii as well as the federal U.S. Fish and Wildlife Service. This area has been recognized as a very high priority for natural resource conservation for decades.

The subject 6600 acres of land have already been under the management of the Tri-Mountain Watershed Alliance (TMA), a group of private landowners and public agencies since 1994, hundreds of thousands of dollars and considerable human resources have been invested in managing the area to protect it as a watershed and, simultaneously, as an area of great natural and cultural value. Resources provided by the TMA will continue to be available for management of this area after it has been designated part of an existing NAR, so the argument that the DLNR will be unable to manage the lands due to budget shortfall is actually not correct.

The Natural Area Reserve System Commission, on which I currently serve and have served for more than 12 years, including a 4-year term in the late 1970s, has been working towards including this area in the NAR System (NARS) for a very long time. The Commission feels that the proposed designation of the Kulani lands to be part of a NAR is one of the most significant positive steps towards protect native ecosystems that has been made in many years. All of the required procedures, including surveys, public meetings, public hearings, environmental assessment, etc. were followed, so there has been more than ample time for public input. I attended the public hearing on July 12, 2010 in Volcano on the designation of 6600 acres as part of an existing NAR. Those attending the hearing were overwhelmingly in favor of this action. Although the designation of the 600 acre parcel to the DOD was not actually on the agenda, many people took the opportunity to speak against this action for a variety of reasons. Most of those opposed to designation of 600 acres to DOD were in favor of designation of the 6600 acre parcel to the NARS.

I suspect that these concurrent resolutions were prompted primarily by opposition to the designation of lands to the DOD in combination with a desire to reopen KCF, and much less so by the designation of lands to the NARS. I would not object to a resolution against the designation of the 600 acres to DOD, but I am definitely opposed to a resolution urging a halt to the designation of 6600 acres to the NARS. If the resolution receives serious consideration, I would hope that it could be amended to remove any mention of halting the proposed designation of land to the NARS. Those lands are in the Protected Subzone of the Conservation Zone, and have been actively and successfully managed as a protected natural area since 1994. Before that time, the lands received the protection afforded by their zoning, and former inmates of KCF actively participated in some management activities aimed at protection of the natural resources.

If there is a strong movement to reopen KCF or to halt the designation of the 600 acres to DOD, or both, those things could be done without having to delay the designation of the other parcel to the NARS.

I respectfully urge you to either vote against these resolutions or to vote to amend them so that they exclude mention of the 6600 acre parcel proposed for designation to become part of Pu`u Maka`ala NAR.

Sincerely,



Sheila Conant, Ph.D.

Professor

Department of Zoology

and

University of Hawai`i Representative to the Natural Area Reserve System Commission

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLH Testimony](#)  
**Cc:** [rob@surfbeyond.com](mailto:rob@surfbeyond.com)  
**Subject:** Testimony for SCR14 on 3/1/2011 1:15:00 PM  
**Date:** Monday, February 28, 2011 4:20:05 PM

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Testimony for WLH 3/1/2011 1:15:00 PM SCR14

Conference room: 225  
Testifier position: comments only  
Testifier will be present: No  
Submitted by: Robert Barreca  
Organization: Individual  
Address:  
Phone:  
E-mail: [rob@surfbeyond.com](mailto:rob@surfbeyond.com)  
Submitted on: 2/28/2011

**Comments:**

I oppose withdrawing 6,600 acres at Kulani from the Pu'u Maka'ala Natural Area Reserve. The BLNR received overwhelming support for adding native forest at Kulani to the Natural Area Reserves System. The area provides habitat for rare and endangered unique Hawaiian plants and animals. A Natural Area Reserve is the most appropriate designation and highest and best use of the 6,600 acres.

I also support withdrawing the land at Kulani currently used by the Department of Defense for the Youth Challenge Academy. Keeping the Natural Area Reserve intact will NOT affect reopening of the Kulani Correctional Facility because the Reserve is not within the developed portions of Kulani that would be used for a reopened correctional facility.

Protecting native forest in the NAR is compatible with the correctional facility. In the past, state agencies, including the Department of Land and Natural Resources and Hawai'i Department of Public Safety, worked in partnership to protect the native forest at Kulani and provide a safe and productive environment for low-risk inmates at the correctional facility. Inmates at the reopened correctional facility could help protect the native forest at Kulani, and gain knowledge about the importance of the forest to the environment and Native Hawaiian culture. They could also gain skills and experience which they could apply upon their release.