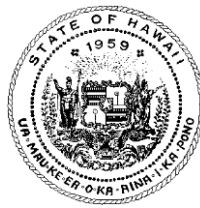


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Shawn H. Tsuha
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 2388
RELATING TO CORRECTIONAL FACILITIES

By
Nolan P. Espinda, Director

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Kyle T. Yamashita, Vice Chair

Thursday, February 4, 2016; 10:00 a.m.
State Capitol, Conference Room 309

Chair Takayama, Vice Chair Yamashita, and Members of the Committee:

The Department of Public Safety (PSD) **supports** the enactment of House Bill (HB) 2388 as addressing the dire need to relocate the Oahu jail (OCCC) out of the urban core community of Kalihi.

The facility's aged and deteriorating infrastructure and the grossly outmoded and inefficient layout of the current campus call for a complete architectural redesign and structural relocation.

For more than a century, the Kalihi community has endured the presence of the Oahu jail, as well as, hosted the old Hawaii State Prison (HSP) up until the late 1980s. It is true that when originally established, the institution sat alone amongst agricultural farms. The reality is that over the years, residences, industrial and commercial enterprises, and even schools, moved in around OCCC, just next door to its armed and razor-wired perimeter. Being in such close proximity to the jail must be a constant safety concern to the residents, business owners, educators, and students in the neighborhood.

The development of Honolulu's new rail system, with plans to locate transit stops near the OCCC property, offers the potential of revitalizing Kalihi, if all or part of the main jail complex can be redeveloped with the mind to enhancing and supporting the rail and Kalihi communities.

Thank you for the opportunity to present this testimony.

DAVID Y. IGE
GOVERNOR



DOUGLAS MURDOCK
Comptroller

AUDREY HIDANO
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY
OF
DOUGLAS MURDOCK, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
HOUSE COMMITTEE
ON
PUBLIC SAFETY
ON
FEBRUARY 4, 2016

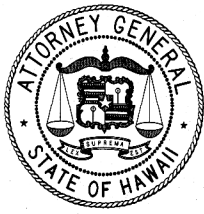
H.B. 2388

RELATING TO CORRECTIONAL FACILITIES

Chair Takayama and members of the Committee, thank you for the opportunity to submit written testimony on H.B. 2388.

The Department of Accounting and General Services (DAGS) supports this measure and will expedite this project to the fullest extent we are able.

Thank you for the opportunity to submit written testimony on this matter.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

H.B. NO. 2388, RELATING TO CORRECTIONAL FACILITIES.

BEFORE THE:

HOUSE COMMITTEE ON PUBLIC SAFETY

DATE: Thursday, February 4, 2016

TIME: 10:00 a.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Diane Taira, Deputy Attorney General

Chair Takayama and Members of the Committee:

The Department of the Attorney General proposes amendments to this bill.

The purpose of this bill is to provide the Department of Public Safety a wide range of options in pursuing much-needed development of new correctional facilities or increasing the capacity of existing facilities, and to provide funding for its current development needs.

The bill in its original form provides for an exemption from section 343-5, Hawaii Revised Statutes, for a single development. This should be amended to avoid the possibility of these provisions being interpreted as violating article XI, section 5, of the Constitution of the State of Hawai'i, which prohibits special legislation regarding lands owned by the State. Further amendments are sought to limit the exemption to preclude only the requirement in administrative rules of the Office of Environmental Quality Control to consider alternative sites as possible sites for the projects. In this regard, we propose that lines 9 through 12 on page 1 of the bill be amended as follows:

. . . provided that the purchase or construction of a Oahu community correctional center on an existing parcel in Halawa Valley, adjacent to the Halawa an existing correctional facility, is exempt from section 343-5, and any rules adopted thereunder, to the extent that the environmental assessments for such purchase or construction shall not be required to include an assessment of other possible locations;

With these proposed amendments, the exemption applies to all properties with existing correctional facilities, only to the extent other sites will not also be required to be assessed as

alternate sites. The environmental impacts to the property to be developed will be assessed as otherwise required by law.

We believe that there is reasonable justification for this provision, with amendments, since it is limited to lands on which correctional facilities already exist.

We also propose that the number of beds noted on line 1, on page 4 of the bill be amended to reflect “1,250” instead of “1,000.” This change is supported by the recommendations of a needs assessment provided by consultants to the Department of Accounting and General Services for the proposed construction of a new OCCC facility.

Lastly, we propose that the following be added to the end of section 3 on page 4 of the bill: “The funds appropriated shall be expended by the department of public safety.” This will allow the PSD to expend the funds appropriated.

Thank you for the opportunity to submit testimony on this measure.

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**Testimony to the House Committee on
The Honorable Gregg Takayama, Chair
The Honorable Kyle Yamashita, Vice-Chair
Members of the Committee
Thursday, February 4, 2016**

RE: HB 2388: Relating to Correctional Facilities.

Dear Chair Takayama, Vice-Chair Yamashita, and members of the Committee:

My name is Gladys Marrone, Chief Executive Officer for the Building Industry Association of Hawaii (BIA-Hawaii), the Voice of the Construction Industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, and affiliated with the National Association of Home Builders.

BIA-HAWAII strongly supports H.B. 2388 which would create an exemption from Hawai'i Revised Statutes §343-5 for a jail facility to be built adjacent to Halawa Correctional Facility and authorize funding for purchasing a jail facility for up to 1,000 beds to be located on the existing state owned lands used to house the Halawa Correction Facility.

The normal trigger for a Chapter 343 HRS document is the use of state/county owned lands or funds. However in this case, the new jail facility is essentially another building within the existing grounds of the Halawa Correction Facility. It would be viewed as adding another building on the grounds of the Halawa Correction Facility.

With the overcrowding of the existing Oahu Community Correctional Center (OCCC), and the site being located near a proposed transit station, the opportunity to not only relocate the existing OCCC facilities to a new, modern facility but also capture the value of redeveloping the existing OCCC site with higher densities and mixed uses that would be consistent with Transit Oriented Development (TOD).

There have been several prior efforts to address the overcrowding and need to modernize the existing OCCC facilities. None of these prior efforts or discussions have resulted in any tangible plan. House Bill No. 2388 provides a unique opportunity to move the state in the right direction and provide a center piece for the redevelopment along the transit corridor in Kalihi.

We strongly support H.B. 2388, and appreciate the opportunity to express our views on this matter.



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Public Safety
Thursday, February 4, 2016 at 10:00 A.M.
Conference Room 309, State Capitol**

RE: HOUSE BILL 2388 RELATING TO CORRECTIONAL FACILITIES

Chair Takayama, Vice Chair Yamashita, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **strongly supports** HB 2388, which would create an exemption from Hawai'i Revised Statutes §343-5 for a jail facility to be built adjacent to Halawa Correctional Facility and authorize funding for purchasing a jail facility for up to 1,000 beds to be located on the existing state owned lands used to house the Halawa Correction Facility.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The normal trigger for a Chapter 343 HRS document is the use of state/county owned lands or funds. However in this case, the new jail facility is essentially another building within the existing grounds of the Halawa Correction Facility. It would be viewed as adding another building on the grounds of the Halawa Correction Facility.

With the overcrowding of the existing Oahu Community Correctional Center (OCCC), and the site being located near a proposed transit station, the opportunity to not only relocate the existing OCCC facilities to a new, modern facility but also capture the value of redeveloping the existing OCCC site with higher densities and mixed uses that would be consistent with Transit Oriented Development (TOD).

There have been several prior efforts to address the overcrowding and need to modernize the existing OCCC facilities. None of these prior efforts or discussions have resulted in any tangible plan. House Bill No. 2388 provides a unique opportunity to move the state in the right direction and provide a center piece for the redevelopment along the transit corridor in Kalihi.

We strongly support H.B. 2388 and appreciate the opportunity to express our views on this matter.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 01, 2016 9:08 PM
To: pbstestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for HB2388 on Feb 4, 2016 10:00AM

HB2388

Submitted on: 2/1/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Oppose	Yes

Comments: We wholly OPPOSE this bill for the following reasons: 1.) Governor Ige repeatedly stated that we must learn from the mistakes of our past. Well, past mistakes included the building of structures without following environmental impact studies. This led to major lawsuits & federal oversights; 2.) Governor Ige repeatedly stated that we must have honesty & TRANSPARENCY in government. This bill denies the public the right to know how the surrounding environment will be impacted & it puts Governor Ige into a situation where it appears that he had lied to his supporters & all of Hawai'i. This is a voting year!; 3.) There are major aspects of that part of Halawa Valley that must be taken into account, a.) Halawa Valley is a known Sacred Archeological site. Remember the H-3 fiasco (echoes of Governor Ige's message that we must "learn from the mistakes of our past!"), b.) What harmful effects will the inmates in the Halawa Medium Security Facility & the Coast Guard housing complex be subjected to, while the new jail is being built? c.) With only one road in to Halawa currently available, that is heavily used by the industrial complex, how will traffic be affected by the building of this new jail? d.) With the latest fiasco regarding the Red Hill Fuel Tank leakages, which is literally across the freeway from Halawa, how will this new jail be impacted from the contamination of the ground water from that fuel tanks? e.) What studies, if any, have recently been done regarding the fuel tanks in the hill that sits right behind Halawa Medium Security Facility? Are they leaking as well? f.) Will the State/PSD need to negotiate with the military to re-open the military access road on the Coast Guard housing side of Halawa, to help alleviate traffic from the industrial road? If so, how will this increase in traffic affect the Coast Guard housing population? Has anyone even thought of informing the Coast Guard neighborhood? As we have just shown, there is a myriad of issues are awaiting the building of the new jail, for which there has been NO INFORMATION from PSD on how it will deal with any of those issues. While it is a cute notion that Government simply has to wave its magic wand by eliminating or circumventing to EIS process, to allow PSD to have its new jail built without accountability to the tax paying citizens of this State, especially in light of the continuing troubles that plagues PSD, in lawsuit settlements & federal oversight of OCCC & WCCC. It would not be prudent, especially in this voting year to go soft on the EIS requirements. For these reasons, we must respectfully OPPOSE this bill & caution this committee to consider the long term ramifications that this bill will have.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 8:17 AM
To: pbstestimony
Cc: mkhan@hawaiiantel.net
Subject: Submitted testimony for HB2388 on Feb 4, 2016 10:00AM

HB2388

Submitted on: 2/3/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Kalihi Palama Hawaiian Civic Club	Oppose	No

Comments: Aloha, Oppose HB2388. While we have waited a long time for the relocation of the OCCC, we must do this right. An environmental assessment should be conducted to disclose potential impacts the relocation to the new site in Halawa would have on the community, the environment, cultural and historic sites, etc. Respectfully, Leimomi Khan, President, Kalihi Palama HCC

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/email: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY

Representative Gregg Takayama, Chair

Representative Kyle T. Yamashita, Vice Chair

Thursday, February 4, 2016

10:00 a.m.

Room 309

STRONG OPPOSITION TO HB 2388 - NEW JAIL: EXEMPTION FROM ENVIRONMENTAL IMPACT STATEMENT LAW - Chapter 343

Aloha Chair Takayama, Vice Chair Yamashita and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for almost two decades. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety. We are always mindful that approximately 1,400 of Hawai'i's imprisoned people are 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.

HB 2388 creates an exemption from Hawai'i Revised Statutes §343-5 for a jail facility to be built adjacent to Halawa Correctional Facility and funding therefore and makes clarifying amendments.

Community Alliance on Prisons is strongly opposed to this bill that seeks to exempt this administration from the law that others must follow. **An environment review is a disclosure document.** It is a health safety document requiring the developer to disclose potential impacts that a proposed development would have on the community, on traffic, on the environment, on cultural and/or historical resources, etc.

§343-5 Applicability and requirements. (a) *Except as otherwise provided, an environmental assessment shall be required for actions that:*

(1) Propose the use of state or county lands or the use of state or county funds, other than funds to be used for feasibility or planning studies for possible future programs or projects that the agency has not approved, adopted, or funded, or funds to be used for the acquisition of unimproved real property; provided that the agency shall consider environmental factors and available alternatives in its feasibility or planning studies; provided further that an environmental assessment for proposed uses under section 205-2(d)(11) or 205-4.5(a)(13) shall only be required pursuant to section 205-5(b);¹

¹ Chapter 343-5, Hawai'i Revised Statutes.

http://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0343/HRS_0343-0005.htm

We have not spoken to one person who thinks that exempting a new jail from the EIS law is a good idea. In fact, people have remarked that it is clear that the administration just wants to shove incarcerated people somewhere out of sight.

Every person in OCCC is a member of our community, thus making visiting from family and friends even more difficult is a huge impact. Has this site ever been surveyed both for cultural sites and potential environmental problems? Has soil sampling been done? Has contamination from nearby Red Hill (i.e. leaking underground fuel tanks) been detected at the site? Has the impact of building been analyzed on the Halawa Correctional Facility and the health and safety of the men inside and the men and women who work there?

Isn't site selection part of the planning process that was intended to involve the community?

Community partnering is a public hearing? Sorry that is NOT THE INTENT OF THE LAW PASSED IN 1998.

§353-16.37 Community partnering. *Regardless of the method for funding new prison facilities, the department of public safety shall develop and implement a community partnering process to be incorporated into the request for proposal; this partnering process shall include a community hearing for the purpose of soliciting community input. Further, a community benefit and enhancement package shall be developed by the department and the affected community to mitigate the negative aspects of building a correctional facility in the community. The benefit and enhancement package may include but is not limited to:*

- (1) Infrastructure improvements;*
- (2) Job training programs or improvements to schools and health care facilities;*
- (3) Social programs; and*
- (4) Other government functions. [L 1998, c 227, pt of §5; am L 1999, c 134, §4]*

Highlighted in red is the section cut out by this administration. The heart of the law – involving the community early on in the process -- in the development of the request for proposals -- has been cut out by this administration. What are they afraid of? What is it that they do not want to disclose? Is it because an environmental review triggers a “No Build” alternative where the state must justify the project with a thorough analysis (open to community review) of other alternatives? The purpose of JRI was to reduce the incarcerated population and we have been told that the administration will look at this after building the jail.

Actions like this do not engender trust in the community. They promote suspicion and fear that the government knows something that it does not want the people to know.

In his campaign, the Governor promised

- Inclusive and transparent style of governing
- Focus on smart economic growth and development while protecting the environment

Please hold this bill. This is an awful precedent; a really bad idea. We are deeply saddened that this administration would even consider offering this bill.

Mahalo for the opportunity to testify.



P.O. Box 37158, Honolulu, Hawai`i 96837-0158
Phone: 927-0709 henry.lifeoftheland@gmail.com

COMMITTEE ON PUBLIC SAFETY
Rep. Gregg Takayama, Chair
Rep. Kyle T. Yamashita, Vice Chair

DATE: Thursday, February 04, 2016
TIME: 10:00 AM
PLACE: Conference Room 309

Re: HB 2388 RELATING TO CORRECTIONAL FACILITIES

PLEASE HOLD

Aloha Chair Takayama, Vice Chair Yamashita, and Members of the Committee

Life of the Land is Hawai`i's own energy, environmental and community action group advocating for the people and `aina for 45 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

HB 2388 proposes a new section of law, Hawaii Revised Statutes (HRS) §353-16.35(a). The bill states in part, "the purchase or construction of Oahu community correctional center on an existing parcel in Halawa Valley, adjacent to the Halawa correctional facility, is exempt from section 343-5."

The bill proposes bad policy whereby a project would be exempted from state environmental law based not on its potential impacts but rather because of special interest legislation.

The State Environmental Impact Law (HRS §343-1) states in part, "The legislature further finds that the process of reviewing environmental effects is desirable because environmental consciousness is enhanced, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole.

It is the purpose of this chapter to establish a system of environmental review which will ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations."

The proposed location of the new Oahu community correctional center (OCCC) is being planned for the footprint of the Halawa Medium and High Security Facilities.

George Ariyoshi accepted the Revised EIS for the Halawa Medium Security Facility on June 22, 1983. The document was prepared for DAGS by Wilson Okamoto & Associates. It was proposed that the new Halawa MSF be located adjacent to Halawa High Security Facility.

The REIS noted that: (1) "Four remnant archeological sites have been identified on the proposed project site"¹; (2) "Based on the preliminary grading plan for the site ... approximately 122,000 cubic yards of excavation and 107,000 cubic yards of embankment are needed"; (3) "Military housing is located at Red Hill, adjacent to Halawa Valley"; and (4) there were two streams in the area, the North Tributary and the South Halawa Stream.

The Naval Base Pearl Harbor filed comments on December 16, 1982. "The proposed site for the correctional facility will be adjacent to the Navy's Red Hill Underground Fuel Storage Facility. Egress/egress to and from the present Halawa High Security Facility and the Red Hill Fuel Storage Facility is the Halawa Jail Access Road." DLNR filed comments on December 2, 1982,

¹ REIS p. 36

“Two small archeological sites are known to exist in the project area: a stone platform and some agricultural terraces” and on April 28, 1983, “the area contains archeological sites with research potential.”

The phrase "existing parcel" is confusing since all parcels exist.

HRS Chapter 353 deals with Corrections. §353-1 defines "Department" to be the Department of Public Safety (DPS) and "Director" to be the Director of Public Safety. The bill proposes that a DPS parcel be exempt from HRS 343 the State Environmental Impact Statement law.

The Environmental Council was designated by the Legislature as overseeing the EIS process. The Environmental Council has established an Exemption List process. Several state agencies have filed exemption lists which were reviewed by the Environmental Council. Approved exemption lists are posted on the Environmental Council webpage.²

State entities with approved exemption lists included but are not limited to the Department of Accounting and General Services (DAGS), Agribusiness Development Corporation (ADC), Department of Agriculture, Department of Defense, Department of Education, Department of Hawaiian Home Lands, Department of Health, Department of Transportation, Hawaii Housing Finance and Development Corporation, Hawaii Public Housing Authority, Hawaii Tourism Authority, and the University of Hawaii.

The Department of Corrections has never filed for an Exemption List.

2

http://oeqc.doh.hawaii.gov/Shared%20Documents/Forms/AllItems.aspx?RootFolder=%2fShared%20Documents%2fEnvironmental_Council%2fExemption_Lists_By_Department&View=%7bC0C5C897-3066-4821-864E-36FB3D77F5D5%7d

The Department of Accounting and General Services (DAGS) Exemption List is illustrative.³ This list does not include large new structures. Exemption Class 1 Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features involving negligible or no expansion or change of use beyond that previously existing. Exemption Class 2 Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced. Exemption Class 3 Construction and location of single, new, small facilities or structures.

An EIS is needed when a proposal uses "state or county lands or the use of state or county funds" (HRS §343-5(a)(1) and is not exempt (HRS §343-6(a)(2)).⁴

Mahalo

Henry Curtis
Executive Director

3

http://oeqc.doh.hawaii.gov/Shared%20Documents/Environmental_Council/Exemption_Lists_By_Department/State_Agencies/Dept-of-Accounting-and-General-Services-04-11.pdf

⁴ "After consultation with the affected agencies, the council shall adopt, amend, or repeal ...rules that ...establish procedures whereby specific types of actions, because they will probably have minimal or no significant effects on the environment, are declared exempt from the preparation of an environmental assessment."

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 11:04 AM
To: pbstestimony
Cc: leilani.maxera@gmail.com
Subject: *Submitted testimony for HB2388 on Feb 4, 2016 10:00AM*

HB2388

Submitted on: 2/3/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Leilani Maxera	The CHOW Project	Oppose	No

Comments:

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Cc: lady.flach@gmail.com
Subject: *Submitted testimony for HB2388 on Feb 4, 2016 10:00AM*

HB2388

Submitted on: 2/3/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 10:36 AM
To: pbstestimony
Cc: gladys.baisa@mauicounty.us
Subject: Submitted testimony for HB2388 on Feb 4, 2016 10:00AM

HB2388

Submitted on: 2/3/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Coelho Baisa	Individual	Oppose	No

Comments: The EIS law is a disclosure law to identify potential impacts before a project is developed. Trying to exempt the state from its own law that protects people and the environment is a bad idea. The people want fairness, transparency, accountability from the state when using public lands.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LATE

HB2388
RELATING TO CORRECTIONAL FACILITIES
House Committee on Public Safety

February 4, 2016

10:00 a.m.

Room 309

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend to the Board of Trustees a position of **COMMENT** on HB2388. OHA appreciates the need to alleviate the overcrowding and substandard conditions at the O'ahu Community Correctional Center, but believes an exemption from Chapter 343, Hawai'i Revised Statutes (HRS), is an unnecessary and inappropriate means to facilitate construction of a new correctional facility.

The environmental review process embodied in Chapter 343, HRS, is of substantial value to the environmental and cultural interests of Native Hawaiians, and to the general public. Environmental assessments and environmental impact statements serve as important mechanisms to ensure that agencies take a "hard look" at the social, environmental, and cultural impacts of certain projects, and render decisions regarding such projects with fuller knowledge of their potential costs and benefits. These mechanisms also allow other agencies, Native Hawaiians, as well as the general public, to provide input on potential environmental and cultural impacts that may be otherwise overlooked.

The exemption in this measure would directly contravene the purpose of Chapter 343, and set a dangerous precedent for any future "high-priority" public projects. Our environmental review process demonstrates our state's well-founded belief that the desire for development should never outweigh the importance of careful, responsible planning, particularly when public resources are involved. The construction of a large correctional facility complex on public land using a substantial sum of public funding is exactly the type of action that the Chapter 343 process was established to examine. Accordingly, a wholesale exemption for such a project from Chapter 343 may not only result in irreparable and unnecessary impacts to natural and cultural resources, but may set a precedent that severely undermines the foundation of our environmental review policy.

Mahalo for the opportunity to testify on this measure.