
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 MAKALA NATURAL AREA RESERVE AND TO THE DEPARTMENT OF DEFENSE FOR A YOUTH CHALLENGE ACADEMY.

1 WHEREAS, On September 9, 2010, the Board of Land and
2 Natural Resources voted to approve the reset aside of former
3 Kulani Correctional Facility lands from the Department of Public
4 Safety as follows: approximately 6,600 acres to the Department
5 of Land and Natural Resources as an extension of Pu'u Maka'ala
6 Natural Area Reserve, approximately 600 acres to the Department
7 of Defense for a Youth Challenge Academy, and related easements;
8 and
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10 WHEREAS, these actions will require the cancellations and
11 reset asides of Governor's Executive Order Nos. 1225 (5,600
12 acres) and 1588 (2,300.27 acres); and
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14 WHEREAS, pursuant to section 171-11, Hawaii Revised
15 Statutes, the Governor may, with the prior approval of the Board
16 of Land and Natural Resources, set aside public lands to any
17 department or agency of the State, the city and county, county,
18 or other political subdivisions of the State for public use or
19 purpose; and
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21 WHEREAS, the power granted to the Governor to set aside or
22 withdraw or withdraw and set aside public lands shall be
23 exercised subject to disapproval by the Legislature by
24 two-thirds vote of either the Senate or the House of
25 Representatives or by the majority vote of both, in any regular
26 or special session next following the date of the setting aside
27 or withdrawal, or withdrawal and setting aside; and
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29 WHEREAS, while both proposed new uses would provide
30 benefits to the residents of the Island of Hawaii and the State,



1 the speed of the transfer of 7,900 acres gives the community
2 very little time to assess and react to these proposed actions
3 and renders it more difficult for the new state administration
4 to respond to those concerns with constructive actions; and
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6 WHEREAS, the closure of Kulani Correctional Facility in the
7 fall of 2009 had a widespread impact on the Island of Hawaii, as
8 well as the correctional system statewide; and
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10 WHEREAS, in response to the announced closure, the State
11 Senate initiated a review and assessment of the impact to the
12 community from the planned closure of the Kulani Correctional
13 Facility; and
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15 WHEREAS, as part of that review, a Senate Ad Hoc Committee
16 conducted three informational briefings: on August 13, 2009, in
17 Hilo, Hawaii, on August 14, 2009, in Kailua-Kona, Hawaii, and on
18 August 19, 2009, in Honolulu, Hawaii; and
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20 WHEREAS, prior to the Honolulu informational briefing,
21 three subpoenas commanding appearance and testimony before the
22 Committee were served: one to the Chairperson of the
23 Correctional Industrial Advisory Committee, and two to
24 administrators at Kulani Correctional Facility (KCF); and
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26 WHEREAS, written comments were received from the Department
27 of Public Safety, the Mayor of the County of Hawaii, Community
28 Alliance on Prisons, and six individuals, and approximately two
29 dozen people presented oral testimony; and
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31 WHEREAS, unfortunately, the closure of KCF was completed in
32 October 2009, and as anticipated, that closure has had a
33 detrimental impact on the island - economically and
34 environmentally; and
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36 WHEREAS, from its 1946 opening as a work camp through the
37 2009 closure, KCF incorporated vocational training and
38 specialized programming for the inmates; and
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40 WHEREAS, the inmates used these skills to contribute
41 substantially to the needs of the Big Island, providing
42 mechanical repair and maintenance, construction, heavy equipment
43 operation, computer work, as well as horticulture and
44 conservation assistance through community service projects, and



1 many communities relied heavily on KCF for work they would not
2 otherwise have been able to fund; and

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

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

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

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

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

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

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



1 WHEREAS, until these issues are resolved, the reset aside
2 of approximately 600 acres of the land for the Hawaii National
3 Guard Youth Challenge Academy may not be the best possible use
4 of this unique State resource; now, therefore,
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6 BE IT RESOLVED by the Senate of the Twenty-sixth
7 Legislature of the State of Hawaii, Regular Session of 2011, the
8 House of Representatives concurring, that the Legislature
9 disapproves the reset aside of former Kulani Correctional
10 Facility lands from the Department of Public Safety as follows:
11 approximately 6,600 acres to the Department of Land and Natural
12 Resources as an extension of Pu'u Maka'ala Natural Area Reserve,
13 approximately 600 acres to the Department of Defense for a Youth
14 Challenge Academy, and related easements; and
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16 BE IT FURTHER RESOLVED that the Department of Land and
17 Natural Resources and the Department of Defense initiate a
18 further review and assessment of the environmental and fiscal
19 implications and benefits of the resetting aside of the 7,900
20 acres under the cancellations and reset asides of Governor's
21 Executive Order Nos. 1225 (5,600 acres) and 1588 (2,300.27
22 acres); and
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24 BE IT FURTHER RESOLVED that the Department of Land and
25 Natural Resources and the Department of Defense report their
26 findings and recommendations to the Legislature no later than
27 twenty days prior to the Regular Session of 2012; and
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29 BE IT FURTHER RESOLVED that certified copies of this
30 Concurrent Resolution be transmitted to the Governor, the
31 Chairperson of the Board of Land and Natural Resources, the
32 Director of Public Safety, and the Adjutant General.
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34 Michelle Iuliani

OFFERED BY:

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