

---

---

# SENATE CONCURRENT RESOLUTION

DISAPPROVING THE RESET ASIDE OF THE FORMER KULANI CORRECTIONAL FACILITY LANDS FROM THE DEPARTMENT OF PUBLIC SAFETY 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 614.14  
3 acres of former Kulani Correctional Facility lands from the  
4 Department of Public Safety to the Department of Defense for a  
5 Youth Challenge Academy, and related easements; and  
6

7           WHEREAS, this action led to the cancellations of Governor's  
8 Executive Order Nos. 1225 (527.86 acres) and 1588 (86.28 acres)  
9 for a total of 614.4 acres and reset asides of the lands  
10 identified in those Executive Orders under Governor's Executive  
11 Order No. 4341; and  
12

13           WHEREAS, pursuant to section 171-11, Hawaii Revised  
14 Statutes, the Governor may, with the prior approval of the Board  
15 of Land and Natural Resources, set aside public lands to any  
16 department or agency of the State or its political subdivisions  
17 for a public use or purpose; and  
18

19           WHEREAS, the power granted to the Governor to set aside,  
20 withdraw, or withdraw and set aside public lands shall be  
21 exercised subject to disapproval by the Legislature by  
22 two-thirds vote of either the Senate or the House of  
23 Representatives or by the majority vote of both, in any regular  
24 or special session next following the date of the setting aside  
25 or withdrawal, or both; and  
26

27           WHEREAS, while the Youth Challenge Academy would provide  
28 benefits to the residents of the Island of Hawaii and the State,  
29 the speed of the transfer of 614.14 acres gives the community  
30 very little time to assess and react to these proposed actions  
31 and renders it more difficult for the new state administration  
32 to respond to those concerns with constructive actions; and



1 WHEREAS, the closure of Kulani Correctional Facility in the  
2 fall of 2009 had a widespread impact on the Island of Hawaii, as  
3 well as the correctional system statewide; and  
4

5 WHEREAS, in response to the announced closure, the State  
6 Senate initiated a review and assessment of the impact to the  
7 community from the planned closure of the Kulani Correctional  
8 Facility; and  
9

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

15 WHEREAS, prior to the Honolulu informational briefing,  
16 three subpoenas commanding appearance and testimony before the  
17 Committee were served: one to the Chairperson of the  
18 Correctional Industries Advisory Committee, and two to the  
19 administrators at Kulani Correctional Facility; and  
20

21 WHEREAS, written comments were received from the Department  
22 of Public Safety, the Mayor of the County of Hawaii, Community  
23 Alliance on Prisons, and six individuals, and approximately two  
24 dozen people presented oral testimony; and  
25

26 WHEREAS, unfortunately, the closure of Kulani Correctional  
27 Facility was completed in October 2009, and as anticipated, that  
28 closure has had a detrimental economic and environmental impact  
29 on the Island of Hawaii; and  
30

31 WHEREAS, from its 1946 opening as a work camp through the  
32 2009 closure, Kulani Correctional Facility incorporated  
33 vocational training and specialized programming for the inmates;  
34 and  
35

36 WHEREAS, the inmates used these skills to contribute  
37 substantially to the needs of the Big Island, providing  
38 mechanical repair and maintenance, construction, heavy equipment  
39 operation, computer work, as well as horticulture and  
40 conservation assistance through community service projects, and  
41 many communities relied heavily on the inmates from Kulani  
42 Correctional Facility for work they would not otherwise have  
43 been able to complete by themselves; and  
44



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

6  
7 WHEREAS, the Department of Defense has proposed to use  
8 these facilities for an expansion of the Hawaii National Guard  
9 Youth Challenge Academy, which would allow the Youth Challenge  
10 Academy program to double the current annual number of graduates  
11 from approximately 200 to 400; and

12  
13 WHEREAS, the Youth Challenge Academy, which is currently  
14 housed at Kalaeloa, Oahu, has been in operation since 1994, and  
15 works with 16- to 18-year-old at-risk youth who did not complete  
16 high school, providing vocational training and General  
17 Educational Development completion; and

18  
19 WHEREAS, at the September 9, 2010, Board of Land and  
20 Natural Resources hearing, the reset aside of lands to the Youth  
21 Challenge Academy generated considerable discussion, and a  
22 number of issues were raised, including funding, land tenure,  
23 and the size of the facility needed for the Youth Challenge  
24 Academy; and

25  
26 WHEREAS, until these issues are resolved, the reset aside  
27 of approximately 600 acres of the land for the Hawaii National  
28 Guard Youth Challenge Academy may not be the best possible use  
29 of this unique state resource; now, therefore,

30  
31 BE IT RESOLVED by the Senate of the Twenty-sixth  
32 Legislature of the State of Hawaii, Regular Session of 2011, the  
33 House of Representatives concurring, that the Legislature  
34 disapprove the reset aside of 614.14 acres of former Kulani  
35 Correctional Facility lands from the Department of Public Safety  
36 to the Department of Defense for a Youth Challenge Academy, and  
37 related easements; and

38  
39 BE IT FURTHER RESOLVED that the Department of Defense  
40 initiate a further review and assessment of the environmental  
41 and fiscal implications and benefits of the resetting aside of  
42 the 614.14 acres under the cancellations of Governor's Executive  
43 Order Nos. 1225 (527.86 acres) and 1588 (86.28 acres); and  
44



1 BE IT FURTHER RESOLVED that the Department of Defense  
2 report its findings and recommendations to the Legislature no  
3 later than twenty days prior to the Regular Session of 2012; and

4  
5 BE IT FURTHER RESOLVED that certified copies of this  
6 Concurrent Resolution be transmitted to the Governor,  
7 Chairperson of the Board of Land and Natural Resources, Director  
8 of Public Safety, and Adjutant General.

