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## HOUSE 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  
39

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

3  
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

32  
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

37  
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

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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 House of Representatives of the  
7 Twenty-sixth Legislature of the State of Hawaii, Regular Session  
8 of 2011, the Senate concurring, that the Legislature disapproves  
9 the reset aside of former Kulani Correctional Facility lands  
10 from the Department of Public Safety as follows: approximately  
11 6,600 acres to the Department of Land and Natural Resources as  
12 an extension of Pu'u Maka'ala Natural Area Reserve, approximately  
13 600 acres to the Department of Defense for a Youth Challenge  
14 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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OFFERED BY:



JAN 21 2011

