The Senate
STATE CAPITOL
HONOLULU, HAWAI'I 96813
May 13, 2011

The Honorable William J. Aila, Jr.
Chair, Board of Land and Natural Resources
Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawai‘i 96813

Dear Mr. Aila:

I write in response to your Department's request for information on the Senate vote on the following Senate Concurrent Resolution:

S.C.R. No. 14, S.D. 2
Disapproving the Reset Aside of the Former Kulani Correctional Facility Lands from the Department of Public Safety to the Department of Defense for the Youth Challenge Academy, Requesting the Department of Defense to Look to Other Places on the Big Island to Relocate the Youth Challenge Academy, and Urging the Department of Public Safety to Reopen Kulani Correctional Facility at the Present Site of the Youth Challenge Academy and Rehire the Same Staff

S.C.R. No. 14, S.D. 2 was adopted by the Senate on April 5, 2011 by voice vote, with no objections. All 25 members of the Senate were present for the vote.

Attached for your information is a copy of the Concurrent Resolution that was adopted by the Senate.

If you have any questions or need additional information, please do not hesitate to contact me at 586-6656 or c.taniguchi@capitol.hawaii.gov.

Sincerely,

CAROL TANIGUCHI
Senate Clerk

Attachment

cc: Mr. Russell Y. Tsuji, Administrator, Land Division, DLNR
Mr. Paul J. Conry, Administrator, Division of Forestry & Wildlife, DLNR
Senate President Shan S. Tsutsui
Senator Gilbert Kahele
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 THE YOUTH CHALLENGE ACADEMY, REQUESTING THE DEPARTMENT OF DEFENSE TO LOOK TO OTHER PLACES ON THE BIG ISLAND TO RELOCATE THE YOUTH CHALLENGE ACADEMY, AND URGING THE DEPARTMENT OF PUBLIC SAFETY TO REOPEN KULANI CORRECTIONAL FACILITY AT THE PRESENT SITE OF THE YOUTH CHALLENGE ACADEMY AND REHIRE THE SAME STAFF.

WHEREAS, on September 9, 2010, the Board of Land and Natural Resources voted to approve the reset aside of 614.14 acres of former Kulani Correctional Facility lands from the Department of Public Safety to the Department of Defense for a Youth Challenge Academy, and related easements; and

WHEREAS, this action led to the cancellations of Governor's Executive Order Nos. 1225 (527.86 acres) and 1588 (86.28 acres) for a total of 614.14 acres and reset asides of the lands identified in those Executive Orders under Governor's Executive Order No. 4341; 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 or its political subdivisions for a public use or purpose; and

WHEREAS, the power granted to the Governor to set aside, 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 both; 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 Industries Advisory Committee, and two to the administrators at Kulani Correctional Facility; 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 Kulani Correctional Facility was completed in October 2009, and as anticipated, that closure has had a detrimental economic and environmental impact on the Island of Hawaii; and

WHEREAS, from its 1946 opening as a work camp through the 2009 closure, Kulani Correctional Facility 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 the inmates from Kulani Correctional Facility for work they would not have been able to complete by themselves; and
WHEREAS, Kulani Correctional Facility 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, which would allow the Youth Challenge Academy program to double the current annual number of graduates from approximately 200 to 400; and

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

WHEREAS, while the Youth Challenge Academy would provide benefits to the residents of the Island of Hawaii and the State, the speed of the transfer of 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, at the September 9, 2010, Board of Land and Natural Resources hearing, the reset aside of lands to the Youth Challenge Academy generated considerable discussion, and a number of issues were raised, including funding, land tenure, and the size of the facility needed for the Youth Challenge Academy; 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 disapprove the reset aside of 614.14 acres of former Kulani Correctional Facility lands from the Department of Public Safety to the Department of Defense for a Youth Challenge Academy, and related easements; and
BE IT FURTHER RESOLVED that the Department of Defense initiate a further review and assessment of the environmental and fiscal implications and benefits of the resetting aside of the 614.14 acres under the cancellations of Governor's Executive Order Nos. 1225 (527.86 acres) and 1588 (86.28 acres); and

BE IT FURTHER RESOLVED that the Department of Defense is requested to look to other places on the Big Island to relocate the Youth Challenge Academy; and

BE IT FURTHER RESOLVED that the Department of Public Safety is urged to reopen Kulani Correctional Facility at the present site of the Youth Challenge Academy as referenced above, and re-hire the same staff that worked at the Facility before the transfer to the Department of Defense; and

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

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