

TESTIMONY
HB 1351 HD2
LATE

Taro Security and Purity Task Force
Legislative Testimony

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HB1351 HD 2 Relating to Private Agriculture Parks
Senate Committee on Water, Land, Agriculture and Hawaiian Affairs
April 6, 2009 2:45 p.m. Room 229

Aloha Honorable Committee members,

The Taro Security and Purity Task Force **strongly opposes** HB1351 HD 2 because of the measure's possible adverse impacts on agricultural lands and the public's water resources.

Established by Act 211, Regular Session Laws 2008, the Taro Security and Purity Task Force is an 18-member group of taro farmers and state agency representatives. The task force was created to help protect kalo, which was recently the named the official plant of the state.

The Taro Security and Purity Task Force finds that HB 1351 HD 2 lacks clarity in its purpose and intent. We believe this bill may result in unintended and undesirable uses of agriculture lands under Article XI of the Hawai'i State Constitution and Chapter 205 Hawai'i Revised Statutes. Agriculture parks are not a necessary mechanism to promote cooperation between and among adjoining and neighboring agriculture lands and owners. Moreover, existing laws and incentives under a variety of federal, state and county level programs already support the type of collaborations contemplated in this bill.

However, the larger concern for the Task Force is the provisions of Section 2 (2) and (3) (lines 15-21 on page 3 of the HB1351 HD 2), which relate to the collection and distribution of water. The language of this bill relating to the collection, storage, sale and redistribution of water by a private entity may not be clear enough to ensure compliance with the Hawai'i Supreme Court's landmark ruling in the Wai'āhole Water Rights Case (Waiahole Ditch Combined Contested Case, 94 Haw. 97, 9 P.3d 409 (2000)). In this ruling, the court affirmed that water is a public trust resource and that it must be used in such a way that supports native stream life and community uses, such as taro farming. The court also noted that private commercial use of water was not a protected "trust purpose." HB1351 HD2 implies a commercial use of water while making no mention of water being a highly-protected public trust resource. We believe this omission may lead to the misuse and mismanagement of our precious water resources.

Therefore, the Taro Security and Purity Task Force strongly
opposes HB1351 HD 2, and we humbly ask that the Committee hold
this bill. Mahalo for the opportunity to testify.

Respectfully,

Jim Cain, Chair
Glenn Teves, Vice Chair
Taro Security and Purity Task Force

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