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GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committees on
AGRICULTURE
and
WATER & LAND

Monday, February 4, 2013
8:30AM
State Capitol, Auditorium

In consideration of
HOUSE BILL 484
RELATING TO THE PROTECTION OF TARO

House Bill 484 proposes to include taro lands and taro growing structures as special agricultural lands to be protected from development. **The Department of Land and Natural Resources (Department) appreciates the intent of the bill, but has concerns and offers the following comments.**

The bill prohibits the Board of Land and Natural Resources from acquiring for development projects, lands used or to be used for taro growing that possess: 1) Existing taro growing systems, 2) Ancient taro lands, or 3) Structural elements of ancient taro growing systems. As written, the bill's prohibitions are overly broad, especially with regard to ancient taro lands and growing structures. The bill does not provide for any determination as to whether the lands may be feasible for present or future taro cultivation. In addition, the bill does not take into account whether there is any demand to engage in taro cultivation on a property. The broad application of bill's language may result in preventing noteworthy public works projects without any taro cultivation being conducted. Furthermore, the bill appears to create a conflict with other language in the statutory provision, which allows for the acquisition of agricultural lands for development under certain limited circumstances.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
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AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Taro Security and Purity Task Force
TESTIMONY

**HOUSE BILL HB484 AND 734
RELATING TO THE PROTECTION OF TARO LANDS**

House Bills HB484 and HB734 adds a Unique (U) class designation to existing Land Use intensive agricultural classes (HRS171.10) and tightens existing land use and planning statutes to increase protections for taro lands and traditional agricultural structures.

Important Agricultural Lands (IAL) designations include a U class for taro and coffee lands, in recognition that there is a limited amount of land in the islands where a special set of conditions converge and are necessary to support a particular crop. In the case of taro, a unique set of soil conditions (loamy clay mud), climactic and topographic configurations make up a limited subset of public lands that would be affected by a change in land use classification.

Currently, HRS171.10 which defines Land Classifications for intensive agriculture lands with only three classes--highly productive such as sugar and pineapple lands, medium productivity and marginal lands. Taro lands are both intensively cultivated and highly productive. Those still in cultivation are some of the highest yielding food producing lands in the State. A medium or marginal designation is influenced by water availability and acreage. Traditional taro lands are typically small parcels under 15 acres that have often been temporarily dewatered but have great potential for rehabilitation and food production. HB734 and HB484 reconciles DLNR Land Classifications for intensive agriculture with IAL classes and corrects the unspoken assumption in the current language that prime agriculture lands are only those of certain sizes, soil classes, and resources.

The Taro Security and Purity Task Force is the legislative body created in 2008 to provide guidance and recommendations regarding research, policy and the challenges that taro and taro farmers face both now and for the future. In 2009, legislators received a report from the task force outlining key issues and recommendations.

During the development of findings for that report, the task force found that taro lands and ancient agricultural structures such as terraces, walls, and 'auwai (irrigation canals) have had a long history of conversion (the removal and reuse of stone for other projects; grubbing and grading; roads, structures and subdivisions built directly on top of terraces and systems) and disruption (the breaking apart of whole systems and interruption of water conveyances across taro lands). We also found that the Hawaii State Historic Preservation Office has had little ability to influence protection of ancient agricultural systems on public and more so, on private lands since statehood.

Taro lands are also valley and gulch lands, many which have clear records of taro production in maps, photograph and written record, and still retain easily discernable walls, terrace and 'auwai structures. These lands are particularly vulnerable, especially in the conservation zoned areas, because of their beauty and are frequently at risk of being reassigned to other allowable uses.

We find that taro lands are often perceived of by many agencies as prevalent when, in reality, they have become an endangered resource for food self-sufficiency. One of the reasons behind that is the observation that the number of taro farmers today seems small; total acreage in production is approximately 600 acres. At least one recent study indicates the need for approximately 30,000 acres to provide Hawaii's current population of 1.3 million people with taro as one key staple starch for a period of one year. This is roughly equivalent to the number of acres registered as kuleana taro lands (lo'i) in 1940; a time when Hawaii was still food self-sufficient.

Agencies, and sometimes the general public, have rationalized that additional preservation of taro lands may be unnecessary. They point to existing fallow lands and what appears to be a dearth of commercial taro farmers statewide. Presently, less than 1 percent of the population in Hawaii grows food for local consumption or export. A demand-based rationale for preserving important agricultural lands would fail the test for all crops and all public and private agriculture lands in Hawaii. The idea that taro lands should be held to a different formula of proof of importance and a demonstrated presence of interested farmers in order to be protected is in conflict with the intent and purpose of land use and agricultural lands protection laws, and has the appearance of prejudice.

Statewide, community efforts to revitalize long fallowed and disrupted taro lands have proven time and again that lands believed to be unfeasible for rehabilitation have been restored to productivity. Expertise in determining the capacity for restoration can be found in the Taro Security and Purity Task Force, as well as well-respected groups such as 'Onipa'a Na Hui Kalo. *If we are planning for our future food sustainability, we must protect the remaining taro lands we have.*

The Taro Task Force has found that a significant portion of DOE, charter and private schools (K-12), and after school, cultural and community enrichment programs include kalo in curriculum and school gardens. The University of Hawaii is training a new generation of kalo planters throughout its system. There has been exponential growth in the number of youth and young adults training in the cultivation and production of taro and poi each year. At the opening day of this year's legislature an estimated 1,200 pounds were turned into poi by these youth; more than has been hand pounded at one time in one place since the 1930s. *If we fail to protect existing taro lands, whether long fallowed or currently in use, our responsibility to these students will have failed.*

Language proposed for HRS226-7 provides for the inclusion of traditional Hawaiian agricultural crops in the State's economic goals for agriculture. This will provide the State Office of Planning will additional guidance for protecting taro lands as a recognized part of the future of agriculture. Traditional Hawaiian crops are a vitally important part of Hawaiian health, community food security, and rising niche markets in organic and restaurant/hotel sectors. These unique crops play a significant role in visitor industry's images of Hawaii.

This bill also addresses the challenge of protecting the capacity to farm when surrounding properties become developed. HRS205-3.5 provides for the prohibition of any action that would interfere with or restrain farming operations.

The Taro Task Force notes numerous instances of road right of ways, property boundary fencing and other obstructions that have failed to protect the integrity of traditional systems and present day taro farms, particularly 'auwai. In the same way that the State and Counties are granted easement for modern electric and water lines as essential elements to a functioning city; so to are the traditional 'auwai systems to taro farming operations. HB734 adds language that clarifies HRS205-3.5 by prohibiting damage or blockage to 'auwai. The bill also adds to permissible uses within an agricultural district under HRS205-4.5 (8) the rehabilitation of ancient agricultural structures, which may be sites of historic or scenic interest, but are neither historic buildings, nor scenic viewplanes, but food producing systems.

Proposed amendments to HRS205-4.5(b) brings land use classifications into alignment with recommended changes to HRS171.10 Land Classes and prevents taro lands, once designated, from reclassification to other purposes.

HB484 aligns the language of HRS206.7 to the recommended changes in HB734 with respect to protection of taro lands. This statute allows for the acquisition of agricultural lands for development under limited circumstances, in particular affordable housing on Oahu.

Rapid development of the edges of urban boundaries and rural lands on all islands in the last 20 years has allowed for particularly high losses of ancient taro lands on private property. Public lands remain a critically important repository for remaining taro lands. Many valleys on Oahu retain remnant systems that can be brought back to life. Because lo'i kalo have unique requirements, there are rarely substitutions that can be made within the same watershed or valley. A community center, public park, housing or other state proposed project frequently has the option of being developed and able to function on alternative lands; lo'i kalo (wetland taro fields) do not, particularly where ancient structures are still present.

Additionally, taro lands are typically located in riparian areas and low areas prone to flash floods, upwelling groundwater and ponding. Building in these sites has typically represented a liability for the County and State both where developers sue for protection from natural environmental occurrences and in ongoing costs for flood mitigation. HB484 and HB734 protect the Counties and the State from potential liability for developing or permitting in known riparian and low-lying flood zones that are also taro lands.

HB734 and HB484 do not pass judgment on the merits of other noteworthy public works. They acknowledges the rarity of taro lands, the limited areas where taro lands remain and the growing importance of their presence for cultural and food sustainability efforts, whether utilized now or protected for future use.

The highest and best use of traditional taro lands that are still viable is to grow taro, whether that means for commercial purposes, subsistence, as a training ground for students, cultural programs and practitioners or as an incubator for future taro farmers.

The Taro Task Force requests the following amendments to HB734:

SECTION 2. Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

§171-1 Definitions. In this chapter, if not inconsistent with the context: "Taro lands" means any lands in taro cultivation prior to statehood, or any lands that retain historic structural evidence of loi kalo (auwai, terraces, walls).

§226-7 Objectives and policies for the economy--agriculture.

(a) Planning for the State's economy with regard to agriculture shall be directed towards achievement of the following objectives:

- (3) Growth and perpetuation of native Hawaiian crops.

The Taro Security and Purity Task Force strongly supports these measures and will work with the Department of Land and Natural Resources where more specific language may be required to reduce the destruction or conversion of taro lands to other uses on State lands.

Respectfully,



Mark Alapaki Luke, Chair
Taro Security and Purity Task Force

onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 31, 2013 9:03 AM
To: AGRtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB484 on Feb 4, 2013 08:30AM*

HB484

Submitted on: 1/31/2013

Testimony for AGR/WAL on Feb 4, 2013 08:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|---------------------|---------------------------|---------------------------|
| Javier Mendez-Alvarez | Individual | Support | No |

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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February 3, 2013 emailed at 5:05 am

Dear Elected Representatives of the House:

RE: H.B. No. 484
Committee: AGR/WAL, FIN
Hearing Date: Monday, February 4, 2013
Time: 8:30 am

This letter is written in support of passing HB No. 484 to include taro lands and taro-growing structures as special agricultural lands to be protected from development.

It is absolutely ridiculous that Hawai'i, home of the *kalo* (taro) imports 1.8 million pounds of taro each year!!! It's about time that we as an ISLAND State start to realize the importance of producing our own healthy food just as the *akamai* (smart) people did thousands of years ago. *Kalo* (taro), one of the most nutritious foods in the world in which every part is edible with more calcium than milk, more fiber than oat meal, hypoallergenic (meaning no one in the world is allergic to this food), easily digestible for all ages young and old, while we as a society battle with childhood obesity, high blood pressure, heart disease, cancers, etc. How long are we going to depend on other countries to ship us something as critically important as FOOD? The price we pay is not only the higher monetary costs due to the ever-increasing shipping costs, but we pay a greater cost in the lack of quality, freshness and nutrition, increased cancer risks due to the man-made chemicals that we are eating since countries such as Mexico, Chile and Argentina aren't abiding by our government's safety and health regulations. The heavier the tomato, the more money – end of story. Mexico for years has provided most of our tomatoes. Meanwhile our precious State lands have been leased since the 1970s to non-food biotech-conglomerates like Monsanto, Syngenta and Pioneer Hybrid with their dangerous franken-crops contaminating nature's true seeds. While ancient and ingeniously made agricultural food systems created thousands of years ago lay under invasive species unused or worse, filled in and destroyed to make toxic golf courses, or other unproductive purposes. On every island, in valleys throughout Hawai'i lay dormant, hidden ancient taro food systems waiting to once again feed her people – heal her people with the *kalo* (taro).

We as a State could and should be EXPORTING the excess taro to other countries after feeding Hawai'i's people. Local sales of taro has yet to even touch the demand so of course it would generate lots of taxable income which would remain within our island State and further boast our local economy. With our unique location in the middle of the Pacific Ocean surrounded by thousands of miles of ocean, how can we afford to not be self-reliant?

To each of you hearing these words, this is YOUR TIME to do what is best for the people of Hawai'i. Your time to make a positive difference, or you can chose not to but you are accountable for your choices. I am confident that if you follow your *na'au* (gut, conscience, "still small voice") you will know the *pono* (right) choice. Please have the courage to choose the right by doing what is best for the people that you represent, putting your own personal or corporate-sponsored interests on the side. Thank you for your time and consideration of this important issue.

With aloha,
L. Kamakanoe Paikuli-Stride