

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
FINANCE**

**Tuesday, April 1, 2014
2:00 P.M.
State Capitol, Conference Room 308**

**In consideration of
SENATE BILL 2241, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO THE PROTECTION OF TARO**

Senate Bill 2241, Senate Draft 1, House Draft 1 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) supports the intent of this bill and offers the following comments with suggested amendments.**

The bill prohibits the Board of Land and Natural Resources (Board) from acquiring for development projects, lands and infrastructures used or to be used for wetland taro growing. In addition the measure prohibits the Board from disturbing existing taro growing systems, ancient wetland taro lands or structural elements of ancient wetland taro growing systems on currently undeveloped public lands. The bill prohibitions are specific to only wetland taro lands and growing systems, of which there are only a limited number of lands left capable of maintaining those systems. The Department has worked closely with the Taro Security and Purity Task Force to refine the language of the bill this year. The Department recognizes the need to protect these sites in perpetuity for future food security.

The Department suggests the following amendments:

SECTION 2 of the bill, page 2 amending §171-1 to read as follows:

""Taro lands" means any undeveloped land in wetland taro cultivation prior to statehood that retain historic structural evidence of lo'i kalo, such as 'auwai irrigation ditches, terraces, and walls."

SECTION 3 of the bill, page 3 amending §171-10 to read as follows:

(D) Fourth class--Taro land of high productivity determination and having cultural, social, economic, and food self-sufficiency value if preserved for wetland taro cultivation.

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

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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

District boundary amendment of fourth class taro lands shall be prohibited. Notwithstanding any other law to the contrary, public land classified as fourth class taro lands pursuant to this section shall not be subject to a district boundary amendment.

SECTION 4 of the bill, page 9 amending subsection (a)(8) of §205-4 to read as follows:

(8) Retention, restoration, rehabilitation, or improvement of [~~buildings~~]:

(A) Buildings or sites of historic or scenic interest; and

(B) Walls, terraces, or supporting structures for lo‘i taro fields in wetland taro cultivation prior to statehood;

SECTION 5 of the bill, pages 16 amending §206-7 to read as follows:

SECTION 5. Section 206-7, Hawaii Revised Statutes, is amended to read as follows:

"§206-7 Property which shall not be acquired for development projects. In declaring development areas, and acquiring land therein, the board of land and natural resources shall avoid disturbing existing uses which are in accord with the highest use permitted under any existing zoning ordinance in the political subdivision concerned. The board shall not disturb existing ancient taro-growing systems, ancient wetland taro lands, or structural elements of ancient wetland taro-growing systems on undeveloped lands.

SECTION 5 of the bill on page 18, amending paragraph 5 of §206-7 to read as follows:

(5) Undeveloped lands and infrastructure used for wetland cultivation prior to statehood and currently in use for wetland taro cultivation, including ancient wetland taro lands and structural elements of ancient wetland taro-growing systems;

Thank you for the opportunity to testify.



SB2241 SD1 HD1
RELATING TO THE PROTECTION OF TARO
House Committee on Finance

April 1, 2014

2:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2241 SD1 HD1, which recognizes kalo-growing lands and infrastructure on O‘ahu as special agricultural lands, and protects such lands and infrastructure from designation or acquisition by the state for development projects.

The traditional mo‘olelo of Wākea and Papahānaumoku explains that the first kalo plant, Hāloanakalaukapalili, is the elder brother of Native Hawaiians. As the elder sibling, Hāloa provides sustenance to Native Hawaiians and, in return, we as the younger siblings care for Hāloa by ensuring that kalo flourishes. The bond that connects Native Hawaiians to kalo remains a sacred one, and it is our kuleana to preserve it. As the plant that has sustained the people of Hawai‘i since time immemorial, kalo is not only integral to the identity of Native Hawaiians, but also to the State of Hawai‘i as a whole.

This legislature created the Taro Security and Purity Task Force (Act 211, Session Laws 2008) to explore ways to strengthen state policy to restore our once-flourishing kalo economy. In their 2010 report to the legislature, the Taro Task Force’s primary recommendation was for the state to take an active role in remedying the severe reduction in the amount of and access to kalo-growing lands. **The Task Force found that rapid development in the last 20 years has led to a catastrophic loss of lands with the unique set of natural conditions necessary for kalo growth, and the dismantling of ancient structures most efficient for fostering thriving kalo production.** Protecting these historic lands and structures from further destruction and development will ensure that they are available to help support our present and future kalo needs, and may facilitate our return to a more traditional, self-sufficient and sustainable model of local food production.

Ironically, while much of Hawai‘i’s resident population still relies on kalo as a staple starch, and while our tourism industry requires a high volume of kalo to create a more authentic cultural imprint upon our visitors, the lack of active kalo lands means that Hawai‘i must now import millions of pounds of kalo every year. **Accordingly, this bill would promote greater local production of kalo, to improve our state’s food self-sufficiency and keep jobs and resources in our local economy.**

Therefore, OHA urges the Committee to **PASS** HB2241 SD1 HD1. Mahalo for the opportunity to testify on this important measure.



Association of Hawaiian Civic Clubs

P. O. Box 1135
Honolulu, Hawai'i 96807

COMMITTEE ON FINANCE

SB2241, SD1, HD1 RELATING TO THE PROTECTION OF TARO

Tuesday, 4/01/14; 2:00 pm; Room 308

Aloha Madam Chair Luke, vice chairs Nishimoto and Johanson and members of the Committee on Finance. I am Soulee Stroud, president of the Association of Hawaiian Civic Clubs here to support this bill on taro. As the progenitor of the Hawaiian people through Haloa, kalo, in all its aspects has had consistent support from the Association of Hawaiian Civic Clubs.

Individual clubs have been very involved in the preservation and rehabilitation of lo`i, as well as preservation and sharing the huli of favored kalo varieties. Our clubs have in the past even adopted resolutions calling for a limit on the amount of water allowed in each bag of poi. Kalo is a serious concern to Hawaiians for spiritual as well as physical reasons.

We urge the passage of this bill that authorize the Board of Land and Natural Resources and the Taro Security and Purity Task Force to inventory current taro lands and to protect kalo lands and the ancient kalo agricultural systems.

Thank you for the opportunity to testify in support of this bill.

Contact: jalna.keala2@hawaiiantel.net

finance1

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 30, 2014 5:57 PM
To: FINTestimony
Cc: pennysfh@Hawaii.rr.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Penny Levin	E kupaku ka aina	Support	No

Comments: E kupaku ka aina is in strong support of SB2241 in its amended form from the House Agriculture Committee and proposed by the Taro Security and Purity Task Force. There can be no better show of faith from the legislature than to support the protection of lo 'i kalo on state conservation lands and to include the growth of traditional Hawaiian crops as a goal for State Planning towards food security in Hawaii. The task force 2010 recommendations report makes clear that the majority of lands that are the focus of this bill are 1) wetland kalo sites; 2) in upland areas typically zoned as Conservation, and that 3) there is a growing demand for affordable taro lands under DLNR jurisdiction. The State and counties will benefit by reducing flood liability between the uplands and residential communities and will provide DLNR with an increased capacity to lease lo'i lands specifically for the purpose of kalo production. State law regarding public lands (HRS171) and allowable uses of Conservation zoned lands (Chpt 13-5 HAR) does not impact private lands. It is consistent with existing statutes under HRS205. While IALs do allow for the designation of taro lands for agriculture, they have yet to be effectively applied. State land use statutes clearly indicate that conservation land use decisions are the solely the jurisdiction of DLNR, as they should be. SB2241 will aide DLNR, and help local organizations and young farmers, to rebuild communities, and bring ancient Hawaiian kalo growing sites back to life in each district. As an organization that has long supported the recovery of traditional Hawaiian kalo varieties and the unique lands that once grew them, we encourage the House Finance Committee to support this measure in full. Mahalo.

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TARO SECURITY AND PURITY TASK FORCE

**Testimony of
MARK ALAPAKI LUKE
Chair**

**Before the House Committee on
FINANCE**

**Tuesday, April 2, 2014, 2:00PM
State Capitol, Conference Room 308**

**In consideration of
SENATE BILL 2241
RELATING TO THE PROTECTION OF TARO**

Senate Bill 2241 proposes to amend the list of lands that the State shall not acquire for development purposes on the Island of Oahu, to include undeveloped lands where wetland taro lands and taro growing structures are present.

The Taro Security and Purity Task Force strongly supports this bill as amended.

The Taro Security and Purity Task Force was created by the legislature by Act 211 in 2008 specifically to guide policy and research related to taro and taro farming, as well as to support the vitality, economic viability and perpetuation of taro and taro farming in the state. In bringing this bill to the legislature we are fulfilling a portion of the kuleana that this body was tasked with under Act 211.

The Task Force's 2010 report to the legislature was the result of a year-long community consultation and included 89 recommendations across seven key issues. Legislators received an update on task force progress in relation to the recommendations of that report at the start of the 2014 legislative session. Access to affordable lands to grow taro was of significant importance to young taro growers and organizations looking to create resilient options for food security in their communities as well as mentoring programs that develop new farmers. This represents a different sector than existing commercial taro growers. The task force recognizes the important role that taro plays in addressing the need for staple starch production in Hawaii at a time when we are dependent on 85 percent of our food from out of state.

The task force has worked closely with the Department of Land and Natural Resources this year, and earlier with the Department of Agriculture, to refine the language of SB2241 and address concerns relating to the broadness of applicability of the proposed legislation.

The Island of Oahu is dependent on the neighbor islands as its source of raw taro in the production of poi. An estimated 30 acres of commercial taro is currently recorded for the island for a population of almost 1 million residents. In the event of environmental

Contact: Emily Kandagawa, Taro Task Force Coordinator (808) 754-7395 or tsptfhi@gmail.com

disasters, such as floods or hurricanes on Kauai, or earthquakes that disrupt large portions of Honolulu, Oahu suffers extreme poi shortages.

SB2241 prohibits the Board of Land and Natural Resources from acquiring for development projects, undeveloped lands and infrastructures used or to be used for wetland taro growing on the Island of Oahu. In addition the measure prohibits the Board from disturbing existing taro growing systems, as yet undisturbed ancient wetland taro lands or structural elements of ancient wetland taro growing systems for public development purposes.

Given the extreme shortage of wetland taro lands on Oahu, the task force feels that the State should not participate in the further reduction of lo'i lands through the acquisition of parcels for other purposes, including affordable housing units whose residents ironically are likely to be consumers of taro and poi. The bill does not prevent or inhibit a private landowner from the sale or development of their private property to a private buyer; nor does it impact already developed state-owned properties.

There is a growing interest in producing taro, as well as in the traditional Hawaiian taro cultivars, as indicated by the distribution of an estimated quarter million huli (taro planting stock) of 40 traditional taro varieties by task force members and taro collection projects in 2013. Many of these varieties are best suited to mid-elevation, cooler lo'i sites such as can be found on Conservation zoned lands under DLNR jurisdiction.

In addition, the task force notes that by state and federal definition, lo'i kalo are wetlands and retain wetland soil characteristics, whether they are active or have long been fallow. The physical character of such sites is a primary indicator for future and ongoing high costs of flood mitigation for the State and City and County of Honolulu. This includes where groundwater levels rise quickly and persistently in lowland areas, as the State and County have learned in such areas as the Mapunapuna industrial district, or where topography indicates locations are collection points for upstream surface water flows such as Manoa, Palolo, Kuliouou and Punaluu – all former lo'i kalo lands. The instability of wetland soils translates to increased costs and higher risks for long-term structural integrity. SB2241 provides state agencies with a measure of liability protection by prohibiting the further acquisition of such lands by the state for development purposes.

Wetland taro growing sites represent important traditional agricultural resources and features, centers for cultural practice, and places of tremendous food productivity. Beyond the more well-known localities, lo'i kalo are typically small in size, with clay soils prone to flooding, and frequently in upland elevations which fall within state Conservation districts and outside urban district boundaries. The rehabilitation of lo'i kalo sites is an allowable use of public Conservation lands under HAR Chapter 13-5 Conservation district subzones. The DLNR retains authority over district boundaries for Conservation zoned lands (HRS205-5 and Chpt183C).

While taro lands have the potential to be designated as important agricultural lands (IAL), HRS 205-49.3 explicitly excludes "lands held in the conservation district" from the process of designation and adoption of IAL maps by the Land Use Commission.

Contact: Emily Kandagawa, Taro Task Force Coordinator (808) 754-7395 or tsptfhi@gmail.com

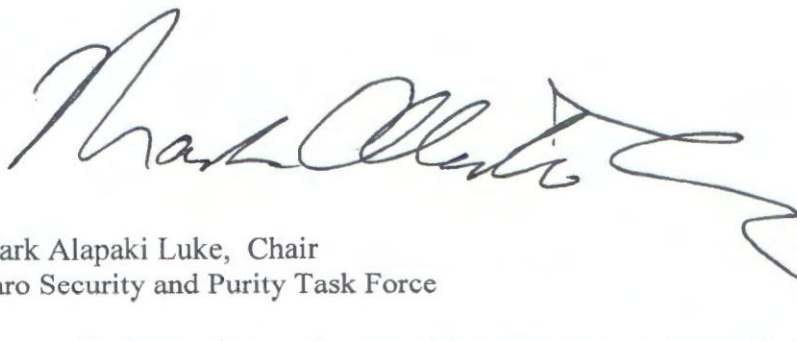
To support and enable implementation of SB2241, additional language was necessary to define taro lands under HRS171 Public lands, and create a fourth class for wetland taro lands on undeveloped, unencumbered public lands under HRS171-10 Classes of lands. The amendments in this regard proposed that the use of these conservation lands shall remain for taro production. This amendment eliminates the need for a district boundary amendment for lands designated as fourth class taro lands. The specific designation of fourth class taro lands will allow DLNR to lease those lands specifically for taro production. This will create economic opportunities for young taro farmers in this diversified and growing market, as well as places to train new taro farmers through community-based taro farms. Additionally, the fourth class designation has the potential to generate revenue for DLNR. In recognition of the importance of these historic agricultural structures, we recommended a clarification of allowable activities under HRS205-4.5 to recognize that the rehabilitation of wetland taro structures is active farming as opposed to the restoration of historic buildings or view planes. The Taro Task Force further recommended that “the growth and perpetuation of traditional Hawaiian crops” be added to the State’s Planning objectives for agriculture under HRS226-7 in recognition of the importance that traditional Hawaiian food crops play in local food security.

The task force has committed to assisting Department of Land and Natural Resources in the mapping of lo’i lands within state lands and has been actively pursuing resources to conduct GIS surveys on each island. The task force agreed with the DLNR that existing rules may be sufficient to support the changes in statute created by these amendments. We note that suggestions earlier this session to require attachment of a list of sites to the proposed statute would 1) require immense resources on the part of DLNR; 2) require DLNR to come before the legislature every year to add hundreds of sites to the statute as survey work progresses, a process that would negatively impact staff time and duties already stretched thin by budget cuts, as well as lengthening the proposed statute to the extreme; and 3) these taro sites are primarily located on and within state Conservation lands, a zoning category for which DLNR has agency jurisdiction to define use through the HAR process.

The House Committee on Agriculture passed the amended SB2241 and we encourage full support from House Finance Committee members.

The Taro Security and Purity Task Force strongly supports SB2241 as amended.

Mahalo nui loa,

A handwritten signature in black ink, appearing to read 'Mark Alapaki Luke', with a long, sweeping flourish extending to the right.

Mark Alapaki Luke, Chair
Taro Security and Purity Task Force

Contact: Emily Kandagawa, Taro Task Force Coordinator (808) 754-7395 or tsptfhi@gmail.com

finance1

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 31, 2014 12:46 PM
To: FINTestimony
Cc: evernw@aol.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Evern Williams	Ka Lei Maile Alii Hawaiian Civic Club	Support	No

Comments: Support with the amendments recommended by the Taro Task Force.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 30, 2014 1:18 PM
To: FINTestimony
Cc: mdeycaza@yahoo.com
Subject: *Submitted testimony for SB2241 on Apr 1, 2014 14:00PM*

SB2241

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
mike deYcaza	Individual	Support	No

Comments:

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finance8-Danyl

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 30, 2014 7:19 AM
To: FINTestimony
Cc: sethraabe@gmail.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Seth	Individual	Support	No

Comments: I support all the recommendations made to the legislature by the Taro Task Force. I am a taro farmer myself and have friends who farm kalo wet and dry land. We need these proposed changes to help make it possible to farm kalo on public lands and restore the precious lo'i which are cultural treasures and connections with our past. Please pass this bill. Mahalo Kakou

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 28, 2014 11:01 PM
To: FINTestimony
Cc: kaulanipereira@gmail.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/28/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kaulani Pereira	Individual	Support	No

Comments: Please protect wetland taro lands. Mahalo!

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finance8-Danyl

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 30, 2014 10:22 AM
To: FINTestimony
Cc: hokuokekai50@msn.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Lacques	Individual	Support	No

Comments: Please support our taro farmers with the amendments recommended by the Taro Task Force.

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Sent: Sunday, March 30, 2014 3:54 PM
To: FINTestimony
Cc: autumnrose2010@yahoo.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Wynnie Hee	Individual	Support	No

Comments: Support with the amendments recommended by the Taro Task Force. "This bill only affects wetland taro growing sites and systems existing on State Conservation lands. It does not prevent or inhibit a private landowner from the sale or development of their property to a private buyer and only prohibits the State from acquiring lo'i lands for public purposes other than taro production. It honors the legacy of food self-sufficiency of Hawaiians by providing greater protections for these lands and by making Hawaiian food crops part of the State's planning goals for agriculture."

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To: FINTestimony
Cc: brimohi@msn.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Emmons	Individual	Support	No

Comments: Support with the amendments recommended by the Taro Task Force!

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Sent: Sunday, March 30, 2014 4:35 PM
To: FINTestimony
Cc: ksunny@gmail.com
Subject: *Submitted testimony for SB2241 on Apr 1, 2014 14:00PM*

SB2241

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Hardeep Kharbanda	Individual	Support	No

Comments:

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Sent: Monday, March 31, 2014 4:52 AM
To: FINTestimony
Cc: paikoman@yahoo.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/31/2014
Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Hallett	Individual	Support	No

Comments: I strongly support this bill. This bill is a beautiful thing and I would like to thank the introducers for it. This bill saves, for now and the future, one of the things that make Hawai'i, Hawai'i. For people of Hawai'i and visitors alike, to see, appreciate and eat from. With petroleum prices going up, it is imperative that poi and taro products come from Hawai'i and not brought in from elsewhere. Poi is a whole food and able to nourish our keiki to kupuna. Babies allergic to dairy or soy, can turn to poi. This saving of taro and taro lands is a valuable thing for many reasons - Hawai'i culture/pride, nutritional health, aina health, tourism/visitor industry (we will not end up looking like just any other island in the tropic... taro is so iconic - represents Hawai'i and its people), provides opportunity to walk the walk of sustainability, job and business opportunity - economic health, etc. Mahalo

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 30, 2014 9:14 PM
To: FINTestimony
Cc: foodsovereigntynow@gmail.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Mitsuko Hayakawa	Individual	Support	No

Comments: Support with the amendments recommended by the Taro Task Force.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 30, 2014 11:19 PM
To: FINTestimony
Cc: kananakahilo@gmail.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Regina K. Hilo	Individual	Support	No

Comments: Strongly support the initiative to grow and perpetuate taro farming and the creation of infrastructure to support taro farmers, especially farmers committed to producing 100% certifiable organic taro for the local hand-pounding market.

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To: FINTestimony
Cc: paulakomarajr@yahoo.com
Subject: *Submitted testimony for SB2241 on Apr 1, 2014 14:00PM*

SB2241

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Paul A. komara, Jr.	Individual	Support	No

Comments:

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Sent: Sunday, March 30, 2014 10:16 PM
To: FINTestimony
Cc: haha@hawaii.rr.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/30/2014
Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kong	Individual	Support	No

Comments: Protects strictly wetland taro lands solely on undeveloped, unencumbered state lands in the State (public) Conservation district under the jurisdiction of DLNR. Provides for a fourth class taro lands designation under DLNR Public Lands, Land Use designations (HRS171); and Adds "growth and perpetuation of Hawaiian crops" to the State Office of Planning goals for agriculture.

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To: FINTestimony
Cc: sherrianwitt@aol.com
Subject: *Submitted testimony for SB2241 on Apr 1, 2014 14:00PM*

SB2241

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
sherrian witt	Individual	Support	No

Comments:

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finance1

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 31, 2014 9:56 AM
To: FINTestimony
Cc: slwsurfing@yahoo.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
sharon	Individual	Support	No

Comments: Support with the amendments recommended by the Taro Task Force. Hawai'i Island - very important!

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finance8-Danyl

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 31, 2014 8:45 AM
To: FINTestimony
Cc: shannonkona@gmail.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments: Support

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Cc: vallohfoto@yahoo.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Valerie Loh	Individual	Support	No

Comments: Please SUPPORT with the amendments recommended by the Taro Task Force. Mahalo!

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To: FINTestimony
Cc: tjsimms2000@hotmail.com
Subject: *Submitted testimony for SB2241 on Apr 1, 2014 14:00PM*

SB2241

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
tj simms	Individual	Support	No

Comments:

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Cc: kamakane73@gmail.com
Subject: *Submitted testimony for SB2241 on Apr 1, 2014 14:00PM*

SB2241

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kama Hopkins	Individual	Support	No

Comments:

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State of Hawaii, 27th Legislature, 2014 Regular Session

SB2241 SD1 HD1

RELATING TO THE PROTECTION OF TARO

House Committee on Finance
Public Hearing – Tuesday April 01, 2014
2:00 p.m., State Capitol, Conference Room 308

By
Dave Penn, Private Citizen
March 31, 2014
IN SUPPORT

Aloha Chair Luke, Vice Chairs Nishimoto and Johanson, Representatives, and other readers

I **support** SB2241 SD1 HD1, with reservations about (1) inconsistency in the terminology that defines the types of land and structures to be protected; (2) defining "undeveloped lands"; and (3) unclear and possibly overly-broad prohibitions on amending the "district boundary" for "taro lands." I urge the House to address these reservations as discussed below, redraft the bill accordingly, and send it to the floor for third reading.

(1) Resolve inconsistent terminology

(a) Defining time-based qualifications for protection

The bill uses four terms to define the time-based qualifications for protecting lo'i kalo, associated agricultural structures, and other taro-growing systems: ancient, prior to statehood, historic, and existing. "Existing" and "prior to statehood" seem unambiguous, and because "historic" occurs within the context of features already identified as "prior to statehood," it seems unlikely that the usage of "historic" could be interpreted so as to expand protection to post-statehood structures that are over fifty years old (but younger than statehood) and would meet the definition of "historic property" established under the state historic preservation statutes.

However, the unqualified use of "ancient," which is less restrictive and more ambiguous than

"before statehood," may be problematic, and the legislature may wish to consider defining "ancient" term in the appropriate statutes or replacing it accordingly.

(b) Defining lands and structural elements to be protected

The bill, if enacted, would provide specific protections for lo'i kalo, associated agricultural structures, and other taro-growing systems by amending four sections of Hawaii Revised Statutes: 171-1, 71-10, 205-4.5, and 206-7. The bill proposes an amendment to section 171-1 would provide a definition of "taro lands" that seems to provide a workable umbrella for all these protective measures. However, the use throughout the amended sections of other terms—i.e. wetland taro land, lo'i kalo, lo'i taro field, wetland agricultural structure, taro-growing system, wetland taro-growing system, wall, terrace, irrigation ditch, and supporting structure—may be inconsistent, confusing, and unnecessary in various passages. The legislature may wish to consider (i) refining the definition of "taro lands" in section 171-1 to more clearly and comprehensively clarify the subject lands and structures for this measure; (ii) adding the definition of "taro lands" to other statutes, so as to explicitly effect its operation in sections 205-4.5 and 306-7, and where otherwise necessary or appropriate ; and (iii) revising the terminology throughout the statutes to provide greater consistency and clarity in usage within and between statutes. Terminology previously identified by the Taro Security and Purity Task Force, as found in Section 1 of this bill and elsewhere, may be useful in this regard.

(2) Definition of "undeveloped lands"

Restricting the Board of Land and Natural Resources (BLNR) from acquiring taro lands for residential development seems like a good idea. However, interpreting the application of this restriction to "undeveloped lands" could be problematic. The legislature may wish to define

"undeveloped lands" for purposes of this statute, or direct the BLNR to conduct rulemaking that incorporates criteria for determining when land is "undeveloped."

(3) Clarify and narrow the prohibitions on district boundary amendment

"District boundary amendment" is not defined in the bill or in Chapter 171, Hawaii Revised Statutes, however the statute does define "district" as "the land district constituted under this chapter," meaning the island and reef-based districts established in section 171-9. If the legislature intends for this bill to prohibit the amendment of land use district boundaries as governed by the Land Use Commission (LUC), then the legislature may wish to consider adding a definition of "district boundary amendment," or an explicit reference to LUC statute, to the bill.

If this is indeed the legislature's intent, then it seems to me that it is possible for public lands and taro lands to occupy each of the land use districts governed by the LUC, and that regardless of the classification assigned by BLNR, it may be desirable in some cases to amend the land use district boundary for taro lands in order to further protect them from the other uses that are allowed in the existing land use district. The legislature may wish to consider narrowing the proposed prohibition on amending the land use district boundary for taro lands, so as to allow, for example, redistricting from urban to agricultural, agricultural to conservation, etc. If it is BLNR's practice to assign agricultural use classifications only to public lands in the state agricultural land use district, such practice may unduly limit the protection afforded by this bill.

My knowledge of this bill's subject matter stems from substantial experience with taro growing, lo'i kalo leasing and restoration, and research, service, education, and advocacy on taro water rights and water use. Thank you for considering this mana'o on SB2241 SD1 HD1.

HAWAIIAN AFFAIRS CAUCUS

Democratic Party of Hawaii

e-mail: mkhan@hawaiiintel.net or raytanv@aol.com

April 1, 2014

LEGISLATIVE TESTIMONY IN SUPPORT OF

SB2241, SD1, HD1, RELATING TO THE PROTECTION OF TARO

Hearing Tuesday, Apr 1, 2:00 p.m.

Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair
Members of the Committee on Finance

LATE

Aloha mai kākou

The Hawaiian Affairs Caucus of the Democratic Party of Hawai‘i strongly supports SB2241, SD1, HD1, Relating to the Protection of Taro. The purpose of this bill is to improve protections for wetland taro lands (lo‘i kalo) and ancient wetland agricultural structures on undeveloped state-owned or – acquired lands.

Preservation of wetland kalo systems is crucial to the survival of the unique character of Hawai‘i nei and its host culture. Without it we lose so much that is valuable to our society in so many ways. The educational value of understanding the advanced cultivation methods of such a well-rounded crop, kalo, is critical in developing a more sustainable Hawai‘i nei going forward. It is the knowledge held by traditional mahi`ai kalo (taro farmers) that will actually guide us in developing a more sustainable Hawai‘i.

The farming practices of mahi`ai kalo are the most environmentally sound forms of food production to exist in the world. Wetland kalo systems serve as flood and erosion deterrents in the watersheds in which they are maintained and also serve as a nutrient source and a filter for the surrounding streams and shoreline ecosystems. It has been proven time and again that these wetland farming systems breed healthy ecosystems, it is IMPERATIVE that existing systems and structures are protected. Please support SB 2241, SD1, HD1.

Me ka `oia`io

DAVIS PRICE
Chair



From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 31, 2014 9:35 PM
To: FINTestimony
Cc: nneedle816@gmail.com
Subject: *Submitted testimony for SB2241 on Apr 1, 2014 14:00PM*

SB2241

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Nicholas Needle	Individual	Support	No

Comments:

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Sent: Monday, March 31, 2014 8:20 PM
To: FINTestimony
Cc: crystalkpaul@yahoo.com
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Kia Paul	Individual	Support	No

Comments: Aloha Chair Luke and Vice Chairs Nishimoto and Johanson, I am in SUPPORT of this bill. My paternal grandmother is Charlotte Werner Kia of Hanalei, Kauai and her father was Sherriff William Werner of Hanalei, Kauai, she worked her ancestral kalo land in Wainiha well into her 70's with my Aunties, Uncles and Cousins. This Wainiha property as well as others in the area were designated by Royal Patent as kalo land with foot paths, as time marched forward families sold off, development ensued and homes were built where kalo was to be planted. In 2006 while visiting the land our caretaker contacted the State Water Dept (e kala mai I don't recall the exact title) who sent a person out because our neighbor had taken the pohaku's that were in place for hundreds of years to protect the lo'i from being washed away during the big rains; removed the berms and put up a gate on our property. This neighbor used the pohaku's for yard art, destroyed the berm so he could drive to his property easier and the gate to keep us from going to our property. I am not anti development, I am for responsible development. Property owners should have some common sense and not remove the pohaku's because it causes flooding and changes the way the water travels. Having this law on the books will help do this. And yes the state issued a citation for the neighbor for changing the water flow. Respectfully submitted, Crystal Kia-Paul PO BOX 51192 Denton, Texas 76206

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LATE

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To: FINTestimony
Cc: dkapua@gmail.com
Subject: *Submitted testimony for SB2241 on Apr 1, 2014 14:00PM*

SB2241

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kapua Keliikoa-Kamai	Individual	Support	No

Comments:

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Sent: Tuesday, April 01, 2014 1:38 PM
To: FINTestimony
Cc: darakawa@lurf.org
Subject: Submitted testimony for SB2241 on Apr 1, 2014 14:00PM

SB2241

Submitted on: 4/1/2014
Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
David Z. Arakawa	Land Use Research Foundation of Hawaii	Oppose	No

Comments: LURF OPPOSES the HD1 version of the bill; however, LURF SUPPORTS the SD1 version of the bill. The HD1 version is a "gut and replace" of a bill that the Senate Committees deferred. The SD1 Senate Committees' report includes the concerns of the Senate's Committees, and the issues to be addressed if the bill will be passed. LURF respectfully recommends that FIN amend the bill back to it's SD1 form, and address the issues raised by the Senate Committees (need to specifically identify taro lands; confirm that the bill applies to State lands, etc.). LURF has testified; and has contacted a member of the Task Force, to confirm that LURF is willing to help them with IAL incentives, and historic preservation issues to assure the preservation of State taro lands and funding.

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