

JAN 16 2014

A BILL FOR AN ACT

RELATING TO THE PROTECTION OF TARO.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that section 205-41,
2 Hawaii Revised Statutes, states that there is a compelling
3 interest in preserving agricultural lands. Protecting such
4 resources for Hawaii's future food security on public, as well
5 as private, lands is in strong alignment with Governor
6 Abercrombie's 2010 *A New Day in Hawaii* plan for food and
7 agriculture. The legislature also finds that the taro security
8 and purity task force established under Act 211, Session Laws of
9 Hawaii 2008, reported to the legislature in the 2010 legislative
10 report *E ola hou ke kalo; ho'i hou ka 'āina lē'ia: The taro lives;*
11 *abundance returns to the land* and recommended improved
12 protections for taro growing lands, including lo'i (wet fields
13 and terraces), mala (dry fields and terraces), kuauna or paepae
14 pohaku (stone walls), and 'auwai (irrigation ditches). The taro
15 task force found that these key structural elements for viable
16 wetland taro production were being destroyed, severed, and built



1 upon by private and public development because of gaps in land
2 use, historic preservation, and planning laws and policies.

3 The purpose of this Act is to improve protections for
4 wetland taro lands (lo'i kalo) and ancient agricultural
5 structures on state-owned or -acquired lands.

6 SECTION 2. Section 206-7, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§206-7 Property which shall not be acquired for**
9 **development projects.** In declaring development areas, and
10 acquiring land therein, the board of land and natural resources
11 shall avoid disturbing existing uses which are in accord with
12 the highest use permitted under any existing zoning ordinance in
13 the political subdivision concerned. The board shall not
14 disturb existing taro-growing systems, ancient wetland taro
15 lands, or structural elements of ancient taro-growing systems.

16 The board shall not acquire for development projects:

- 17 (1) Lands already developed and improved as business or
18 industrial areas where use of the lands for
19 residential purposes or as a part of a development
20 project would be economically unsound or where an
21 undue hardship would be suffered by the community
22 through loss of service because of the acquisition;



1 (2) Lands already in use for residential purposes by the
2 owner thereof or by a lessee holding a lease with an
3 original term of twenty years or more, except where
4 the acquisition of parts of the lands is reasonably
5 necessary for the proper development of a project, but
6 in no case shall any part of the lands be taken where
7 the taking will reduce the parcel to less than three
8 acres in extent;

9 (3) Lands in the process of subdivision and development
10 where the owner or the owner's agent has provided that
11 at least fifty per cent of the lots to be sold shall
12 be sold in fee simple, prepared subdivision and
13 construction plans, arranged for financing, and
14 applied to government agencies and otherwise taken
15 such steps as may be appropriate for the construction
16 of the proposed development in good faith and filed an
17 affidavit with the board to that effect;

18 (4) Lands used or to be used as sites for churches,
19 private or parochial schools, clubs, meeting houses,
20 other private uses of a community, civic, social, or
21 religious nature; and



1 (5) Lands and infrastructures used or to be used for
2 wetland taro-growing, including ancient wetland taro
3 lands and structural elements of ancient taro-growing
4 systems;

5 provided that portions of the lands mentioned under (1), (2),
6 (3), and (4) of this section, or interests therein, may be taken
7 to provide access and utility easements where no other
8 reasonable means of access or utility easements are available.

9 In acquiring agricultural land for a development project,
10 where the land though used for agricultural purposes is not
11 being used in accord with the highest use permitted under any
12 existing zoning ordinance, the board shall exercise all
13 reasonable care not to jeopardize the agricultural enterprise
14 concerned. If, however, the board finds that the land is
15 necessary for a development project, it may provide assistance,
16 monetary or otherwise, in relocating the enterprise elsewhere or
17 pay such damages to the owner or operator of such enterprise as
18 will reasonably compensate the owner or operator for the owner's
19 or operator's loss, if the owner or operator has not already
20 been so compensated under a lease agreement, or both."

21 SECTION 3. New statutory material is underscored.

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1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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S.B. NO. 2241

Report Title:

Agricultural Lands; Taro Land Protection

Description:

Includes taro lands and taro-growing structures as special agricultural lands to be protected from development.

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