

# SB2407

# Testimony

Prohibits district boundary amendments of taro lands.  
Amends public land classifications to add taro lands for wetland cultivation as a fourth class of intensive agricultural use lands. Defines taro lands. Requires retention of supporting structures associated with taro fields. Adds growth and perpetuation of traditional Hawaiian crops to agricultural state planning objectives.

## **TARO SECURITY AND PURITY TASK FORCE**

**Testimony of  
MARK ALAPAKI LUKE  
Chair**

**Before the Senate Committees on  
AGRICULTURE  
and  
WATER AND LAND  
and  
HAWAIIAN AFFAIRS**

**Tuesday, February 11, 2014, 2:55PM  
State Capitol, Conference Room 229**

**In consideration of  
SENATE BILL 2407  
RELATING TO AGRICULTURAL LANDS**

Senate Bill 2407 adds a fourth class taro lands to the list of classes of intensive agricultural use lands under HRS171-10 for wetland taro lands on public lands and defines taro lands in relation to the proposed class. The bill proposes that the use of these lands shall remain for taro production and allows for the retention, restoration, rehabilitation or improvement of walls, terraces and supporting structures as an appropriate agriculture activity on such lands. The bill eliminates the need for a district boundary amendment for lands designated as fourth class taro lands. The bill adds protections for ‘auwai irrigation ditches that support lo’i kalo where they may cross parcel boundaries. It adds “the growth and perpetuation of traditional Hawaiian crops” to the State’s Planning objectives for agriculture.

**The Taro Security and Purity Task Force strongly supports this bill with minor amendments.**

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, near to where people lived, 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. 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 SB2407 and address concerns relating to the broadness of a taro lands designation.

The bill creates a fourth class of taro lands specifically and only for undeveloped, unencumbered wetland taro lands and traditional wetland taro growing systems on State (public) lands. These sites represent important traditional agricultural resources and features, centers for cultural practice, and places of tremendous food productivity. They are typically small in size, with clay soils prone to flooding, and fall within allowable uses of Conservation and Agriculture zones on public lands under HRS13-5.

The task force finds that existing commercial and subsistence wetland taro farms are approximately 500-600 acres, less than one percent of all lands in agriculture. An estimated 30,000 acres of taro lands are needed to grow enough taro to feed Hawaii's 1.3 million people, as just one portion of a basic set of starch crops necessary for residents' wellbeing over the course of a single year. The state imports an estimated 2 million pounds of taro from other countries annually, placing Hawaii and taro growers at high risk from hitch-hiking invasive pests and pathogens not currently found within the state. The gap between existing and projected acreage, the narrow range of characteristics required for wetland taro production, the rapid loss of such lands to other uses in the private sector, and the rising cost of land and leases in the private sector necessitates the protection of such sites on public lands.

There is a growing interest in growing taro, as well as the traditional Hawaiian taro cultivars, as indicated by the distribution of an estimated quarter million huli (taro planting stock) of 40 traditional taro varieties in 2013. Many of these varieties are best suited to mid-elevation, cooler lo'i sites such as can be found on state lands. The task force has committed to assisting DLNR in the mapping of lo'i lands within state lands and has been actively pursuing resources to conduct GIS surveys on each island.

SB2407 is prudent in relieving the State and the Counties of the expense and staff time involved in the boundary amendment process under HRS 205 where fourth class taro lands designations are applied. It prevents abuse of the application of this new class by requiring that fourth class lands be specified for wetland taro production.

In addition, the task force notes that where other uses of ancient lo'i kalo lands have been allowed that the slopes, soils and locations of such sites are primary indicators for future high costs in flood mitigation for the State and Counties, as revealed in the last several decades in valleys such as Manoa, Palolo, Kuliouou and Punaluu, Oahu. SB2407 provides state agencies with a measure of liability protection by limiting the allowable uses of ancient wetland taro sites on public lands.

The bill adds the protection of traditional 'auwai where they may cross parcel boundaries to HRS205-3.5. The task force documents that main 'auwai can extend for a mile or more and that

presently taro farmers use both open ‘auwai and pipes within traditional wetland taro systems to reduce time and labor in maintenance of the system, to reduce the impacts of leakage caused by crayfish and other invasive species, and where changes in streambed or ‘auwai levels have occurred in relation to lo’i. The task force notes that main ‘auwai were, and in many cases still are, the traditional access for taro farms and that these channels were maintained by all land users/owners along the ‘auwai as a necessity to the livelihood of all taro growers on a system. This is threatened by changes in land ownership and use. The inclusion of protections under HRS205-3.5 clarifies this and prevents disruption of taro farm productivity.

More importantly, HRS46-11.5 requires that each county shall provide for the maintenance of, and removal of debris from, channels, streambeds, streambanks and drainageways, whether natural or artificial, and allows the counties to enforce maintenance where it is a private responsibility, for flood mitigation purposes. The amendments to HRS205-3.5 bring the two statutes into alignment by disallowing the disruption of existing ‘auwai through boundary amendment changes or changes in land use in order to preserve flood mitigation purposes.

The bill allows for the refunctioning of traditional lo’i kalo structures as an appropriate use on agricultural lands under HRS 205-4.5. While the cultivation of crops including taro are already an allowable use, the presence of ancient agricultural structures at many sites on public lands requires amendment of subsection (8) to distinguish between “historic structure, sites and places of scenic interest” and the rehabilitation of walls, terraces or supporting structures of lo’i kalo to practical subsistence or commercial taro farms. The task force has found that such traditional agricultural sites are capable of returning to productive use and we note individual and organizations that have and are currently in the process of removing invasive species and recovering ancient lo’i kalo systems on each island, including Onipaa Na Hui Kalo.

The bill proposes the “growth and perpetuation of traditional Hawaiian crops” as a state planning goal for agriculture under HRS226-7. The task force finds that a focus on sugar and pineapple and diversified crops, fails to recognize the significant and unique contribution that traditional Hawaiian food and use crops have made and continue to make in the state. The revival of interest in growing traditional Hawaiian varieties of kalo, uala, banana, ulu, awa, sugarcane, hala, wauke, dye, medicine, and cordage plants has been acknowledged by the University of Hawaii with the development of a new position for an indigenous crop specialist. These crops are part of what make Hawaii unique in relation to all other states in the nation and should be reflected in the State’s agricultural goals.

The task force agrees with the Department of Land and Natural Resources that existing rules may be sufficient to support the changes in statute created by this bill and recommends that language be changed to reflect this within the measure.

The Taro Security and Purity Task Force strongly supports SB2407 with the following minor amendments (in red):

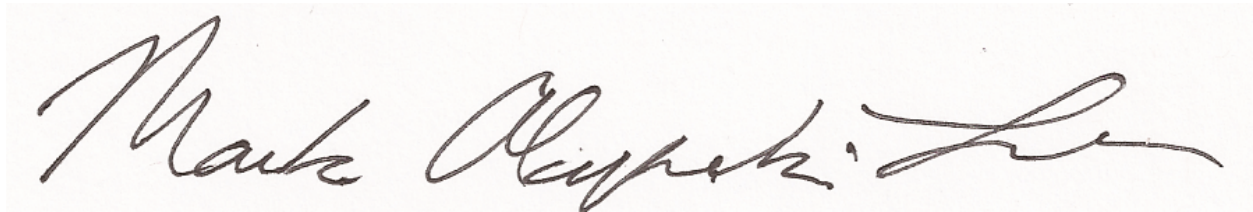
(1) A prohibition on any action that would interfere with or restrain farming operations[+], including blockage, disturbance, or destruction of

traditional 'auwai irrigation ditches or pipes used solely for conveyance of water to lo'i systems that may cross property boundaries;

(4) Growth and perpetuation of traditional Hawaiian crops."

SECTION 8. No later than December 1, 2015, the board of land and natural resources, in conjunction with the taro security and purity task force, may adopt rules under chapter 91, Hawaii Revised Statutes, regarding lands classified as fourth class-taro lands and the protection of historic agricultural structures associated with taro farming.

Mahalo nui loa,

A handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and reads "Mark Alapaki Luke".

Mark Alapaki Luke  
Chair, Taro Security and Purity Task Force

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**SB2407**

Submitted on: 2/9/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul Towers	PAN North America	Support	No

Comments: PAN North America supports SB2407 and efforts to protect taro wetlands on public lands, increase food security, and preserve cultural identity.

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**SB2407**

Submitted on: 2/9/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Simon Russell	Hui 'O Malama 'Aina	Support	No

Comments: We need more Kalo production on all islands and the resources to do that as well as the protections in place for what we have. Thank you for hearing this bill.

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# CENTER FOR FOOD SAFETY

## Senate Agriculture, Water and Land, and Hawaiian Affairs Committees

### Center for Food Safety Strongly Supports SB 2241 and 2407

Dear Chair Nishihara, Chair Soloman, Chair Shimabukuro, Vice Chair Kouchi, Vice Chair Galuteria, Vice Chair Hee, and members of the committees:

My name is Dr. Ashley Lukens and I am the Hawai'i Program Director for the Center for Food Safety (CFS). CFS is a nationwide public interest, consumer and sustainable agriculture nonprofit organization whose mission includes centers on furthering the public's right to know how their food is produced, through labeling and other means. We have over 400,000 farmer and consumer members across the country, including many thousands in Hawai'i.

I am also an adjunct professor of Political Science at UH Mānoa and UH West Oahu, where I have taught classes on food, agriculture, and policy since 2006. Through my work with the Indigenous Politics Department and Sea Grant, I have spent several years working closely with Kāko'o 'oiwi, a 405-acre wetland farm project in He'eia, O'ahu working to restore agricultural and ecological productivity to this once abundant landscape.

Center for Food Safety strongly supports SB 2241 and 2407 as they help to protect and promote the native diversity of the Hawaiian Islands by protecting the lands and structures critical to kalo production. As established by the 2010 Legislative Report, *E ola hou ke kalo; ho 'i hou ka 'āina lē 'ia*, the production and consumption of kalo is under threat from many forces including the development of near-shore wetlands and the degradation of historical structures that constituted lo'i. The state is uniquely poised to protect these lands and structures, and by doing so they will help preserve the land-based culture of Native Hawaiians.

Despite the challenges facing kalo farmers, we have seen resurgence in consumer demand for kalo products and the re-integration of kalo into local diets. The protection of agricultural wetlands and the structures that have historically constituted lo'i kalo are vital to the revitalization of this industry and the preservation of our native diversity and food cultures here in Hawai'i.

Thank you for the opportunity to testify.

Respectfully,

Ashley Lukens, PhD  
Hawaii Program Director  
Center for Food Safety

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**SB2407**

Submitted on: 2/10/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

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

Comments:

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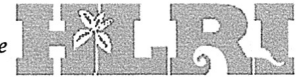


E KŪPAKU KA 'ĀINA

THE HAWAII LAND RESTORATION INSTITUTE

E KŪPAKU KA 'ĀINA – THE HAWAII LAND RESTORATION INSTITUTE

*bringing severely degraded lands back...to places of ecological health and abundance*



## TESTIMONY SB2407 Relating to Agriculture

before the Senate Committees on

Agriculture/Water and Land/Hawaiian Affairs

Tuesday, 11 February 2014, Rm 229 2:55PM

### Board of Directors

Ana Zir, President

Michelle Cockett, VP

Deborah Ward, Secretary

Juenlee Brown, Treasurer

### Project Coordinator

Penny Levin

9 February 2014

Aloha Honorable Chairs Nishihara, Solomon and Shimabukuro and Committee Members;

E kūpaku ka 'āina – the Hawai'i Land Restoration Institute (EKKA) is in strong support of SB2407 with amendments.

EKKA is a Maui-based, registered 501(c)(3) nonprofit whose mission is *bringing severely degraded lands back to places of ecological health and abundance*. We are dedicated to fostering an economy of abundance through the critical business of land restoration and the art of traditional cultural practice. We do so by assisting agencies, organizations, landowners and communities to develop practical skills and affordable strategies for degraded lands and native ecosystems recovery and agriculture fit to the land - because if the 'āina is not well, neither are we.

Along with habitat restoration, EKKA has been engaged in taro lands revitalization projects and the recovery of the Hawaiian kalo varieties in partnership with many individuals and organizations since its formation in 2004. During the course of our work, we have observed the stone walls, terraces and 'auwai of numerous ancient lo'i kalo sites still present on state lands throughout the islands; many well-suited to rehabilitation.

In the last several years, we have provided mentorship for interns, students and individuals whose interest is in learning how to grow kalo, from the building of lo'i to caring for the soil during fallows, from planting to harvest to plate. Our challenge has been to connect these future growers to affordable lands where they can begin their own practice as new farmers.

Senate bill 2407 provides the next generation with the opportunity to grow taro in the communities they live by creating a fourth class of land use specifically for wetland taro lands on state lands. However, the bill fails to provide protection for these lands in perpetuity for future food security. Based on our own observations, historic record, and the modeling of Ladefoged and Gon (2009, 2010), we note that the total acreage of wetland taro lands that might be found on public lands will likely remain small, perhaps a few thousand acres. As the loss of ancient lo'i kalo increases on private lands, it is essential that these rare sites retain their fourth class taro lands status. Private agricultural lands may be protected in perpetuity through IAL designation. Public fourth class wetland taro lands should receive the same protection.

As the first, and most intensely productive, agricultural crop in Hawai'i, kalo supported a thriving population. In the late 1800's and well after significant

declines in cultivation had occurred, wetland taro lands were still estimated at 30,000 acres and described as some of the richest food producing lands in the islands. This is not much different than the predicated need for taro lands as part of statewide food security efforts, today. The recognition and inclusion of traditional Hawaiian crops in state agricultural planning goals is long overdue.

We urge the members of the Committees on Agriculture, Water and Land, and Hawaiian Affairs to make a vote for food self-sufficiency and security in Hawai'i and vote to support SB2407 with the amendments provided by the Taro Task Force and the following amendment;

Section 4 (b) uses not expressly permitted...

Par 2 last line.

Fourth class taro lands designations shall not be reclassified.

EKKA is greatly encouraged by the efforts of the Taro Task Force, in collaboration with the Department of Land and Natural Resources, many other institutions and organizations, and the legislature to create real protections for ancient taro sites on public lands.

Respectfully,



Michelle Cockett  
Vice President, BoD

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**SB2407**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brad Parsons	Individual	Oppose	No

Comments:

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**SB2407**

Submitted on: 2/7/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Warren Fritsch	Individual	Support	No

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**SB2407**

Submitted on: 2/7/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

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**SB2407**

Submitted on: 2/8/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
IRA CALKINS	Individual	Support	No

Comments: IRA CALKINS GOVERNMENTAL RESEARCHER 730 Captain Cook Ave Unit 426 Honolulu, Hawaii 96813-2161 Your actions will prove the following assertions to be the truth and factual. The Democratic Party Line has taken away the voice of the people in the making of laws. Taxation with out representation in the State of Hawaii. It appears the Hawaii State Legislators are being blackmailed in to voting the Democratic party line, or else the Democratic Party will not support the State of Hawaii Legislators in all state wide elections. It does not matter what the tax payers think, the Democratic Party line lays down the law on all bills before the State of Hawaii Legislature. The chairman's in all committee meetings has a predisposed script to follow that the Speaker of the House, and the Speaker of the Senate has given the Committee Chairs to follow, to instruct the committee members how to vote on a any given measures, all Bills in all committees of the State of Hawaii Legislature. It is determined ahead of time by the Democratic Party members how a committee member will vote when staying with in the party line on any given Bill in the State of Hawaii Legislature, Democracy has been taken away from the tax payers in the State of Hawaii. Ira Calkins Honolulu 4696434 or 3498667 FAX 808-545-4707 Washington D.C. 202-697-9782

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**SB2407**

Submitted on: 2/9/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bryna Storch	Individual	Support	No

Comments: I support WITH AMENDMENTS RECOMMENDED BY THE TARO TASK FORCE. I am a fulltime, young commercial farmer and would benefit from affordable taro lease lands made available by this bill. Mahalo. Finally some legislation that benefits taro farmers!

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**SB2407**

Submitted on: 2/9/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Redfeather	Individual	Support	No

Comments: Support with Recommendations from the Taro Task Force

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**SB2407**

Submitted on: 2/9/2014

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Markus Faigle	Individual	Support	No

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

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**SB2407**

Submitted on: 2/9/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eileen Cain	Individual	Support	No

Comments: Aloha to the Committee Chairs and Members, The State government needs to take a leadership role in protecting kalo (taro) wetlands for farming and food production for all the people. We cannot simply go around saying "Aloha 'aina"; we must ACT on that phrase. Kalo is a highly nutritious food source. We also need to respect the importance of kalo (taro) culturally and spiritual practices surrounding it. Farmers need to be able to find land and water for this important crop. In addition, food security is a crucial concern for our islands; this bill empowers us to feed our own people. It is foolish and unnecessary for the islands to be so dependent on outside food sources. Greater kalo (taro) production is an important step in the process of increasing food self-sufficiency here in Hawai'i. Please support this bill! Mahalo! Respectfully submitted, Eileen Cain, Honolulu

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**SB2407**

Submitted on: 2/9/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Kohn MD	Individual	Support	No

Comments: Strongly Support with the amendments recommended by the Taro Task Force. I respectfully submit that there is no rational reason to pollute our own environment, or destroy ecosystems. [www.WeAreOne.cc](http://www.WeAreOne.cc)

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Subject: Submitted testimony for SB2407 on Feb 11, 2014 14:55PM  
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**SB2407**

Submitted on: 2/9/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
David Strauch	Individual	Support	No

Comments: Dear Senators, Please support SB 2407 with the amendments recommended by the Taro Task Force. Lands suitable for wetland kalo cultivation are all too rare, and need to be protected. I live in the Manoa/Makiki/Wakiki ahupua'a, an area once famous for its kalo production, in which most former lo'i have disappeared under development. What remains in all parts of the state is precious. As an educator at UH Manoa, I have brought classes to visit lo'i in Manoa and Windward O'ahu. Wetland kalo cultivation is important not only for the food it produces but for the social organization and cultural values it entails and reinforces. In my experience, students always enjoy and benefit from time spent in a lo'i. I was fortunate enough to be part of the Kalopa'a project, which maintained lo'i on public lands to produce kalo for local non-profit consumption, and to bring school groups to experience traditional Hawaiian agroecology. Similar projects, and programs in Hawai'i schools and at the University, have trained many enthusiastic students in the art of growing kalo, and I am sure that many would love to continue practicing this art, but are limited by the lack available land. I myself have dryland kalo in my garden, and still nourish hopes of being able to grow wetland kalo in the future, if I am able to find appropriate land. As a conscientious eater, I bemoan the fact that it is difficult to even find local kalo to buy. The Hawaiian/Polynesian varieties are really a different vegetable than araimo and Chinese taro, and are a staple of both traditional and modern island culture, nutritious and delicious! Creating a designation for land appropriate for wetland cultivation, and protecting these lands from destructive uses, are essential steps to encourage more local kalo production, benefiting everyone — growers and eaters, residents and visitors — in Hawai'i nei. Please do what you can to get this and its accompanying bill passed. mahalo, David Strauch

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**SB2407**

Submitted on: 2/9/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Emmons	Individual	Support	No

Comments: Kalo is great! Please support KALO!

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**SB2407**

Submitted on: 2/9/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
shaelene	Individual	Support	No

Comments: I strongly support this bill.

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**SB2407**

Submitted on: 2/10/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Deluze	Individual	Support	No

Comments: Aloha mai my name is Anthony Deluze , I am a 33 year old mahi'ai kalo (taro farmer) in the ahupua'a of Kalauao (now bundled up into the districts of pearlcity and aiea) I fall under the district of Sen Clarence Nishihara. i thank you all for hearing this bill and hope u continue to do good by your constituents and moive forward to pass this. me and my ohana support this bill with the following amendments and ask you to as well. "§205- District boundary amendment of fourth class-taro land prohibited. Notwithstanding any law to the contrary, public land classified as fourth class-taro lands pursuant to section 171-10 shall not be subject to district boundary amendment." ""Taro lands" means any lands in wetland taro cultivation prior to statehood, or any traditional taro lands that retain historic structural evidence of lo'i kalo, such as 'auwai irrigation ditches, terraces, or walls." "§171-10 Classes of lands (D) Fourth class--Taro lands of no particular productivity determination but having cultural, social, economic, and food selfsufficiency value if preserved for wetland taro cultivation. SECTION 5. Section 205-3.5 (a) (1) operations[;], including blockage, disturbance, or destruction of traditional 'auwai irrigation ditches or pipes used solely for conveyance of water for wetland taro production that may cross property boundaries; provided that SECTION 6. Section 205-4.5 B, or public lands classified as fourth class—taro lands pursuant to section 171-10, (8)(A) Buildings or sites of historic or scenic interest; and (B) Walls, terraces, or supporting structures for lo'i taro fields; (21) (b)class A or B, or subdivision of public land within the agricultural district classified as fourth class-taro lands pursuant to section 171-10,shall be approved by a county unless those class A [and] or B or fourth class-taro lands SECTION 7. Section 226-7 (a) (4) Growth and perpetuation of traditional Hawaiian crops." may adopt rules it is very important these amendments be added to define and preserve our taro lands . enough have already been filled in and lost. nuff concrete already.. with all the imported food coming in with all this prime ag we have ..it is unstable , unsustainable and just rediculous. we need to take care of and preserve what we have. taro lands are unique and are capable of yielding a great amount of food . we need more taro farmers and lands to put them on mahalo in advance for doing the right thing me ke aloha Anthony D

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**SB2407**

Submitted on: 2/10/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Valerie Loh	Individual	Support	No

Comments: Please Support with the amendments recommended by the Taro Task Force and vote YES on SB2407. Thank you very much.

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**SB2407**

Submitted on: 2/10/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Martha Lind	Individual	Support	No

Comments: I support this bill with the amendments recommended by the Taro Task Force. Mahalo.

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Date: February 10, 2014

To: Senator Clarence K. Nishihara; Senator Ronald D. Kouchi; Senator Malama Solomon;  
Senator Brickwood Galuteria; Senator Maile S.L. Shimabukuro; Senator Clayton Hee

Fr: Nicholas Needle

Re: SB2407

To whom it may concern:

My name is Nicholas Needle. I strongly support SB2407, relating to the protection of taro lands. As an educator and taro farmer living in Kaneohe, Oahu, I know firsthand that taro lands, and more specifically wetland taro lands, are limited, invaluable resources that we must protect. Wetland taro lands provide the environmental conditions necessary to grow taro under wetland culture. Wetland taro culture has been practiced in Hawaii since time immemorial, and for many good reasons. For one, it provides many advantages to the taro farmer, including weed suppression and consistent irrigation. The water in a wetland taro patch prevents most weeds from growing and competing with the taro, and it provides the semi-aquatic conditions in which taro thrives and yields well. Taro farming (and indeed farming in general) is extremely laborious, and the wetland taro patch helps the taro farmer to save time and energy from weeding and irrigating and focus on other laborious aspects of taro farming, including planting, harvesting, and preparing the next wetland patch to be planted.

Another great advantage of wetland taro lands is their function in the watershed. If managed properly, wetland taro lands will act as filters in the watershed, capturing sedimentation and returning clean water to the *kahawai* or stream. From *mauka to makai* (mountains to the sea), this function is vital to keeping our watersheds clean and to protecting fragile ecosystems that are threatened by development, run-off, and erosion.

In addition to the value of wetland taro lands to taro farmers and the watershed, we must seriously consider the value of wetland taro lands to the people of Hawaii, both Hawaiian and non-Hawaiian alike, in terms of health, education, family, community, and culture. Taro, as most of us already know, is the cultural *piko* (center) of Hawaii. Taro is integral to the mental, physical, and spiritual health of Hawaiians, who view taro as their elder brother, *Haloanakalaukapalili*. In order to keep taro culture alive and flourishing into the future, we must obviously take all measures necessary to protect the house of *Haloa*, which is the wetland taro patch.

Although I am not Hawaiian, I understand the place and importance of taro in Hawaii. I also understand that taro cultivation in Hawaii is still a shadow of what it used to be. According to the Hawaii DOA, we have only around 500-acres left in taro production (which, by the way, is not all under wetland cultivation. The wetland taro lands we have left, whether fallow or in production, are limited, finite resources. Once they are paved over or developed, they are lost

forever. In a time where we are trying to strengthen our food security and sustainability in Hawaii, we cannot allow this to happen.

As our elected leaders, I ask that you all please seriously consider the social and economic importance of taro and taro lands in Hawaii, and that you work together to pass SB2407 so that we may protect taro lands for our future generations.

To: Senate Agriculture, Water & Land and Hawaiian Affairs Committees

Re: SB2407

RELATING TO THE PROTECTION OF TARO.

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

DATE: Tuesday, February 11, 2014

TIME: 2:55pm

PLACE: Conference Room 229

February 10, 2013

Aloha to the Chair, Vice Chairs and members of the AGL/WTL/HWN committees.

I am a member of the Taro Security Purity Task Force and I strongly support the submitted testimony from the Taro Task Force.

I am writing today as an individual and commercial taro farmer in Hanalei, Kauai.

I would like to add that there is a need for this type of taro lands not only for the protection and perpetuation of traditional growing sites and cultivation of taro. There is a growing sector of young and family members that have a strong desire to grow taro but have no access to land and water. These are not your typical commercial taro farmers on the flat lowlands with substantial acreage and equipment.

These lands would likely have to be cleared and restored by those who understand and appreciate the value of many hands working together without heavy equipment. Those who respect and know that taking care of the land and water means that the `aina will then provide abundantly in return. The feeling of contribution, accomplishment and gratitude is pretty amazing in just a day's work like I have experienced with Onipa`a na Hui Kalo as we help restore lo`i kalo throughout the state of Hawaii.

Another reason to designate and protect these lo`i kalo lands is because they can serve as sources of clean huli and food in case of invasive pests, diseases, natural or man made disasters as they will be isolated from many other areas growing taro.

This is for the present and future of our ability to malama the land and water and people and provide food.

Thank you for your support.

Chris Kobayashi  
Diversified Taro Farm  
Hanalei, Kaua`i

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**SB2407**

Submitted on: 2/9/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
maureen Langberg	Individual	Support	No

Comments:

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**SB2407**

Submitted on: 2/9/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Steve Sakala	Individual	Support	No

Comments:

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**SB2407**

Submitted on: 2/10/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Silver	Individual	Support	No

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**SB2407**

Submitted on: 2/10/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Brinker	Individual	Support	No

Comments:

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Carl I. Evensen  
45-744 Ko St.  
Kaneohe, Hi. 96744

LEGISLATIVE TESTIMONY

Personal Testimony Presented before the  
Senate Committees on Agriculture  
Water and Land  
and  
Hawaiian Affairs  
February 11, 2014 at 2:55pm

**SB 2407 RELATING TO AGRICULTURAL LANDS**

Aloha Chairs Nishihara, Solomon, and Shimabukuro, Vice Chairs Kouchi, Galuteria and Hee, and Members of the Committees:

My name is Carl Evensen and I serve as an Associate Dean of the University of Hawaii at Mānoa College of Tropical Agriculture and Human Resources. I am pleased to provide personal testimony **in support of SB 2407**. This testimony does not represent the position of the University of Hawaii or CTAHR. I am a crop and soil scientist by training and have a special interest in the cultivation of taro. I also serve as a member of the Hawaii Taro Security and Purity Task Force and my testimony supports the position of this Task Force.

SB 2207 provides for designation and protection of wetland taro land (*lo'i kalo*) and ancient agricultural structures on undeveloped state lands. Specifically the bill provides a T (taro) designation under DLNR land use codes and increases protections for traditional irrigation structures which connect to these lands.

Wetland taro lands are very limited in area statewide have special characteristics, including rich soils which can retain impounded water and position in the landscape where irrigation can be provided by gravity flow of water from streams and springs. These lands were highly valued by ancient Hawaiians as the most productive and sustainable agricultural lands. They exist mainly in low areas in the landscape and along stream systems and are therefore prone to flooding. The protection and future use of these lands for *lo'i kalo* would provide many benefits such as increased local food production, cultural preservation, and a wide variety of ecosystem services like wetland habitat, flood mitigation, and water quality improvement.

Thank you for your consideration and for the opportunity to testify in support of SB 2407.

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**SB2407**

Submitted on: 2/10/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joan Lander	Individual	Support	No

Comments: I support this bill with the amendments recommended by the Taro Task Force.

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**State of Hawaii, 27th Legislature, Second Regular Session**

**SB2407**

**RELATING TO AGRICULTURAL LANDS**

Senate Committees on Agriculture, Water and Land, and Hawaiian Affairs  
Public Hearing – Tuesday February 11, 2014  
2:55 p.m., State Capitol, Conference Room 229

By  
Dave Penn, Private Citizen  
February 10, 2014  
**IN SUPPORT**

Aloha Chairs Nishihara, Solomon, and Shimabukuro; Vice Chairs Kouchi, Galuteria, and Hee;  
Senators and other readers

I wholeheartedly **support** SB2407 and its purpose of protecting wetland taro sites and support structures on government lands. I suggest that the legislature consider revisions to this bill that might solidify its language and strengthen the achievement of its purpose, particularly with regard to (1) perpetuity of taro lands designations, (2) definition of taro lands, and (3) land use district boundary amendment with adjacency to taro lands. Please note that my knowledge of this bill's subject matter stems from substantial experience with taro growing, lo'i kalo leasing and restoration, research and advocacy on wetland taro water rights and water use (including contributions to a taro industry analysis performed for the Governor's Agricultural Coordinating Committee and a taro production manual published by the University of Hawaii College of Tropical Agriculture and Human Resources), and federal-state regulation and planning of inland water quality under the Clean Water Act.

**(1) Perpetuity of taro lands designations**

Given the long-term importance of taro lands for island food security and community sustainability, it would be useful to ensure that taro land classifications established by the Board of Land and Natural Resources (BLNR) are not undone by future BLNR actions.

Therefore I suggest that the legislature consider revising Section 4 of the bill, amending Haw. Rev. Stat. 171-10, to read as follows, or to similar effect (emphasis added):

(D) Fourth class--Taro lands of no particular productivity determination but having cultural, social, economic, and food self-sufficiency value if preserved for wetland taro cultivation. **Public lands classified as Fourth class--Taro lands shall not be reclassified.**

**(2) Definition of "taro lands"**

In order to minimize potential ambiguity and to sharpen the scope of the bill, I suggest that the legislature consider revising Section 3 of the bill as follows, or to similar effect:

"Taro lands" means any lands in wetland taro cultivation at any time prior to statehood, ~~or~~ along with ~~[any traditional taro]~~ associated lands that retain ~~[historic]~~ structural evidence of pre-statehood lo'i kalo, ~~[such as]~~ 'auwai, kuana, paepae pohaku, po'owai, and other support structures (including irrigation ditches, terraces, ~~or~~ walls, or dams/diversions).

Rationale: "Traditional" is another level/element of definition to be clarified; historic" has specific meaning within historic preservation statutes; structural terms used in the bill's preamble are appropriate for inclusion in the definition; and it may be useful to comprehensively identify elements of the sites and structures that contribute to the functioning of taro lands. It may also be useful to assure that the language of this section is closely mirrored in Section 6 of the bill, amending Haw. Rev. Stat. § 205-4.5(a)(8).

**(3) Land Use District boundary amendment with adjacency to taro lands**

Stronger protection of taro lands could perhaps be accomplished by revising Section 5 of the bill and amending Haw. Rev. Stat. §205-3.5(a) to read as follows, or to similar effect:

(a) Any decision approving a petition for a boundary amendment pursuant to this chapter where lands in the petition area are contiguous or adjacent to lands in the agricultural district, or to taro lands as defined in Section 171-1, Hawaii Revised Statutes, shall include the following conditions in the decision granting approval:

- (1) A prohibition on any action that would interfere with or restrain farming operations ~~[~~+~~]~~, including blockage, disturbance, or destruction of ~~[traditional 'auwai irrigation ditches]~~ taro lands and associated water conveyance infrastructure that may cross property boundaries . . . .

I urge the committees to carefully review and revise this bill and move it forward as rapidly as possible. Thank you for considering this mana'o on SB2407.