

Honolulu, Hawaii

FEB 05 2020

RE: S.B. No. 3018

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Water and Land, to which was referred S.B. No. 3018 entitled:

"A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN PRACTICES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Exempt the traditional and customary practice of kalo farming on kuleana lands by native Hawaiians from the requisite permit for withdrawal, diversion, impoundment, or consumptive use of water; and
- (2) Exempt the traditional and customary practice of kalo farming on kuleana lands by native Hawaiians from the requisite permit for construction or alteration of a stream diversion works.

Your Committees received testimony in support of this measure from the Ahu Moku Advisory Committee, Pono Hawai'i Initiative, Ho'oulu 'Aina Farms, and eighteen individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that native Hawaiians have been farming lands throughout the Hawaiian islands for nearly two thousand years. They have done so successfully and without creating



adverse impacts to the land and ahupua'a in which they operated. Traditional farming and the native Hawaiian culture generally play a vital role in preserving and advancing the quality of life and cultural vitality of Hawaii. Additionally, the rights of native Hawaiians are codified in articles IX and XII of the Hawaii State Constitution, as well as numerous state laws and judicial decisions.

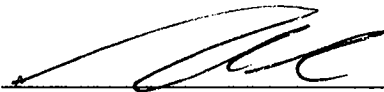
Your Committees further find that supporting traditional farming is critical towards helping the State achieve food security and increasing domestic production of a local food supply. The State has an affirmative obligation to ensure that its regulatory actions do not adversely impact the constitutionally protected rights of native Hawaiians. This measure allows the native Hawaiians to farm on Kuleana lands without certain permits, which allows native Hawaiians to continue the native Hawaiian traditional way of farming with less hurdles.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3018 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Hawaiian Affairs
and Water and Land,



KAIALII KAHELE, Chair




MAILE S.L. SHIMABUKURO, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>SB 3018</i>	<i>HWN/WTL, JDL</i>	<i>1/31/20</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KAHELE, Kaiali'i (C)	<i>X</i>			
KEITH-AGARAN, Gilbert S.C. (VC)				<i>X</i>
NISHIHARA, Clarence K.				<i>X</i>
RIVIERE, Gil	<i>X</i>			
FEVELLA, Kurt	<i>X</i>			
TOTAL	<i>3</i>	<i>0</i>	<i>0</i>	<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes