

Honolulu, Hawaii

FEB 08 , 2022

RE: H.B. No. 1768  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Agriculture, to which was referred H.B. No. 1768 entitled:

"A BILL FOR AN ACT RELATING TO THE DISPOSITION OF WATER RIGHTS,"

begs leave to report as follows:

The purpose of this measure is to exempt the instream use of water for traditional and customary kalo cultivation practices from the existing process for disposition of water rights.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands, County of Kauai, County of Kauai Planning Department, one member of the Hawaii County Council, Hawaii State Aha Moku, Wai'oli Valley Taro Hui, Waipā Foundation, Kua'āina Ulu 'Auamo, Kūpuna for the Mo'opuna, Ka Ohana O Na Pua, Hawai'i Alliance for Progressive Action, Hawai'i SEED, Hanalei Hawaiian Civic Club, Council for Native Hawaiian Advancement, Hawai'i Land Trust, and numerous individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that kalo is integral to the Hawaiian culture and a staple of the Native Hawaiian diet. Water and water rights are central for taro cultivation. This measure provides support for traditional and customary kalo cultivation practices

2022-1137 HB1768 HD1 HSCR HMSO



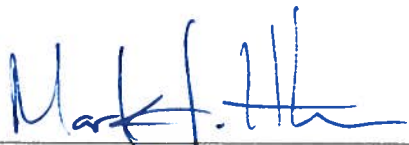
by exempting the instream use of water for these practices from the existing process for disposition of water rights.

Your Committee notes the concerns raised by the Department of Land and Natural Resources in its testimony that limiting the exemption, as provided in the measure, to "traditional and customary kalo cultivation practices" may not encompass taro farmers who would benefit from the exemption but have some commercial aspect to their operations beyond solely subsistence needs. Your Committee respectfully requests your Committee on Water and Land to include this matter in its deliberations should it hear this measure.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1768, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1768, H.D. 1, and be referred to your Committee on Water & Land.

Respectfully submitted on  
behalf of the members of the  
Committee on Agriculture,

  
\_\_\_\_\_  
MARK J. HASHEM, Chair



