

Honolulu, Hawaii

FEB 17 , 2022

RE: H.B. No. 1768  
H.D. 2

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

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 1768, H.D. 1, 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 Office of Hawaiian Affairs; Department of Hawaiian Home Lands; Office of the Mayor of the County of Kaua'i; Department of Planning of the County of Kaua'i; one member of the Kaua'i County Council; one member of the Hawai'i County Council; Sierra Club of Hawai'i; Kua'āina Ulu 'Auamo; Wai'oli Valley Taro Hui; Hanalei Watershed Hui; Aloha 'Āina Legal Group, LLC; Papa Ola Lōkahi; 'Ahahui o nā Kauka; Hawai'i Alliance for Progressive Action; 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 traditional Hawaiian diet. Water and water rights are critical especially for wetland kalo cultivation. This measure provides support for traditional and customary kalo



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

Your Committee has amended this measure by:

- (1) Also exempting the instream use of water for commercial kalo cultivation conducted in a manner consistent with traditional and customary Native Hawaiian practices from the existing process for disposition of water rights; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1768, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.B. No. 1768, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Water & Land,



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DAVID A. TARNAS, Chair



