



LAND USE COMMISSION

Komikina Ho'ohana 'Āina

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
Ka 'Oihana Ho'omōhala Pā'oihana, 'Imi Wai wai a Ho'omāka'ika'i

JOSH GREEN, MD
GOVERNOR

DANIEL ORODENKER
EXECUTIVE OFFICER

235 S. Beretania Street, RM 406, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804
Email Address: dbedt.luc.web@hawaii.gov

Telephone: (808) 587-3822
Fax: (808) 587-3827
Website: luc.hawaii.gov

March 20, 2023

Statement of
Daniel E. Orodener
Executive Officer
State Land Use Commission

Before the
House Committee on
Water and Land

Wednesday March 22, 2023
9:30 AM
State Capitol, Room 430

In consideration of
SB 1498 SD1 HD1
RELATING TO PROTECTION OF TARO

Chair Ichiyama; Vice Chair Poepoe; and members of the House Committee on Water and Land:

The Land Use Commission (LUC) supports SB 1498 SD1 HD1 which would authorize the LUC to create an inventory of taro lands after consulting with former members of the Taro Security and Purity Task Force.

However, it should be noted that the LUC does not currently have the capacity to undertake such an effort. In order to ensure the study can be completed in a reasonable and efficient manner the LUC would require sufficient staff resources in addition to current staff as the proposed study would be outside, and above and beyond current workloads.

Thank you for the opportunity to testify on this matter.



SB1498 SD1 HD1
RELATING TO THE PROTECTION OF TARO
House Committee on Water & Land

March 22, 2023

9:30 AM

Room 430

The Office of Hawaiian Affairs (OHA) offers its **STRONG SUPPORT WITH AMENDMENTS** to SB1498, which would improve protections for lo'i kalo and traditional Native Hawaiian wetland agricultural systems on undeveloped State lands. **OHA offers amendments to this measure that would extend these necessary protections beyond traditional wetland systems to include māla, traditional dryland agricultural cultivation systems, that were equally important to the production of food, and are now vulnerable to the same destructive practices that this measure's preamble makes note of. OHA emphasizes that the preamble of this measure references māla as an important agricultural resource that was mentioned by the Taro Security and Purity Task Force.**

OHA respectfully asks the Legislature to include the following amendments, which include consideration for dryland taro lands in addition to the wetlands that have previously been considered:

Page 2, lines 11-18:

“Taro lands” means any undeveloped public lands of high productivity determination situated in the land use conservation district established pursuant to chapter 205 in wetland or dryland taro cultivation before statehood, or any undeveloped public lands that were traditional taro lands situated in the land use conservation district established pursuant to chapter 205 that retain historic structural evidence of loi kalo and mala, including auwai irrigation ditches, terraces, or walls.”

Page 10, lines 12-15:

- (B) Walls, terraces, or supporting structure for loi and mala taro fields in wetland and dryland taro cultivation before statehood and currently in use for taro cultivation;

Page 21, lines 7-11:

The board shall not disturb existing ancient taro-growing systems, ancient wetland or dryland taro lands, or structural elements of ancient wetland or dryland taro-growing systems on



SB1498 SD1 HD1
RELATING TO THE PROTECTION OF TARO
House Committee on Water & Land

undeveloped lands used for wetland or dryland cultivation before statehood and currently in use for wetland or dryland taro cultivation.

Page 22, lines 19-21, and page 23, lines 1-2:

- (5) Undeveloped lands and infrastructure used for wetland or dryland cultivation before statehood and currently in use for wetland or dryland cultivation, including ancient wetland or dryland taro lands and structural elements of ancient wetland taro-growing systems.

This measure carries out the obligation of the State to protect the “traditional and customary rights” of Native Hawaiians under Article XII, Section 7 of the Hawai‘i Constitution. As the principal public agency in the State responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians,¹ as well as a funder and supporter of the Taro Security and Purity Task Force, OHA appreciates the opportunity to offer its continued kōkua for the preservation and protection of Native Hawaiian historical and cultural resources and the traditional and customary practices maintained within.

Mahalo nui loa for the opportunity to testify and to provide our mana‘o (thoughts) on this important measure that also affects food security in Hawai‘i – an issue impacting both Native Hawaiians and all of the peoples of Hawai‘i Nei. Mahalo nui loa!

¹ HRS §10-3.



Aloha Committee Members,

My name is Arwen Revere and I am a high school student from Kailua. Today, I am testifying on behalf of the student-run environmental organization Wild Kids in strong support of SB1498. We believe that protecting and conserving state agricultural lands for Hawai'i's future food security is critical. Kalo cultivation and taro production should be a cornerstone of this effort. In a 2009 report entitled "E Ola Hou Ke Kalo; Hoi Hou Ka Aina Leia" (The Taro Lives; Abundance Returns to the Land), the Taro Security and Purity Task Force recommended improved protections for taro growing lands, including lo'i (wet fields and terraces), mala (dry fields and terraces), kuana or paepae pohaku (stone walls), and auwai (irrigation ditches).

The task force, which was responsible for developing guidelines, protocols, and recommendations for taro policy, among other duties, found that these key structural elements for viable wetland taro production were being destroyed, severed, and built upon by private and public development because of gaps in land use, historic preservation, and planning laws and policies. Additionally, this bill would improve protections for wetland taro lands (lo'i kalo) and ancient wetland agricultural structures on undeveloped state-owned or -acquired lands.

Please pass this vital legislation and help protect our planet for future generations.

Thank you for hearing our testimony,
Arwen Revere on behalf of Wild Kids



Officers

Kaipo Kekona
State President

Anabella Bruch
Vice-President

Maureen Datta
Secretary

Reba Lopez
Treasurer

Chapter Presidents

Madeline Ross
Kohala, Hawai'i

Odysseus Yacalis
East Hawai'i

Puna, Hawai'i

Andrea Drayer
Ka'u, Hawai'i

Chantal Chung
Kona, Hawai'i

Fawn Helekahi-Burns
Hana, Maui

Reba Lopez
Haleakala, Maui

Kaiea Medeiros
Mauna Kahalawai,
Maui

Kaipo Kekona
Lahaina, Maui

Rufina Kaauwai
Molokai

Negus Manna
Lāna'i

Brynn Foster
North Shore, O'ahu

Christian Zuckerman
Wai'anae, O'ahu

Ted Radovich
Waimanalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Ray Maki
Kauai

Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the House Water & Land Committee,

The Hawaii Farmers Union United (HFUU) is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports SB1498.**

Taro is a traditional Hawaiian crop that has sustained Hawaii's people and culture for centuries. Preserving and protecting taro is a significant part of our cultural identity and our food security.

This bill will help preserve Hawaii's cultural heritage and protect the environment. By prohibiting the Board of Land and Natural Resources from disturbing or acquiring for development certain wetland taro-growing lands, this bill will help ensure that these lands are preserved for future generations. Additionally, by establishing a taro lands classification for public lands, this bill will help protect these lands from development and ensure that they are used for their intended purpose.

Furthermore, the Protection Of Taro bill permits structures for loi taro fields in the agricultural district. This is an important provision that will help support local farmers and ensure that they have the resources they need to grow taro. We believe it is important to provide farmers with the ability to restore and improve infrastructures for loi taro fields, so that they can continue to grow taro and support their families and communities.

Finally, HFUU supports the provision that establishes the growth and perpetuation of traditional Hawaiian crops as a goal of the Hawaii State Planning Act. We believe it crucial to preserve and protect traditional Hawaiian crops and cropping systems, such as taro and loi kalo. By authorizing the Land Use Commission to create an inventory of taro lands and consult with former members of the Taro Security and Purity Task Force in the creation of the inventory, this bill will help ensure that these lands are protected and preserved for future generations

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF



Hawai'i Alliance for Progressive Action (HAPA) Supports: SB1498 SD1 HD1

Wednesday, March 22, 2023 9:30 am Conference Room 430

Aloha Chair Ichiyama, Vice Chair Poepoe and Members of the Committee,

HAPA supports SB1498 SD1 HD1 which prohibits the Board of Land and Natural Resources from disturbing or acquiring for development certain wetland taro growing lands. Establishes a taro lands classification for public lands. Permits structures for lo'i taro fields in the agricultural district. Establishes growth and perpetuation of traditional Hawaiian crops as a goal of the Hawai'i State Planning Act. Authorizes the Land Use Commission to create an inventory of taro lands and consult with former members of the Taro Security and Purity Task Force in the creation of the inventory.

This bill seeks to improve protections for wetland taro lands (lo'i kalo) and ancient wetland agricultural structures on undeveloped state-owned or -acquired lands. Wetland taro lands are vital to the identity of Native Hawaiians. When walls that outline the various wetland taro are destroyed due to development, that permanently destroys important historical and culturally significant structures that were built hundreds, if not thousands of years ago by the indigenous people of Hawaii. To destroy these structures and not protect them means the erasure of the identity of a people and the loss of important infrastructure for a food sovereign future.

We believe this measure is a great way to support a native cultural practice and Hawai'i's staple food. Supporting taro farmers will also help to keep native Hawaiian traditional and customary cultural practices & its vital agricultural knowledge alive.

Kalo is a valued landscape and is recognized as the State Plant. Kalo farmers need and deserve support to ensure taro farming continues to grow and expand into the future. This measure helps to incentivize farmers to grow taro, one of the healthiest staple starch foods available.

Please pass SB1498 SD1 HD1.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', is written in a cursive style.

Anne Frederick
Executive Director



Food+ Policy Internship 2023

food@purplemaia.org

March 21, 2023

To: Water and Land Committee Chair Ichiyama, Vice Chair Poepoe, Representatives Chun, Ganaden, Hashem, Morikawa, Takayama, and Souza

Subject: **SB 1498**, Relating to the protection of Taro

Hawai'i Food Plus Policy strongly supports SB1498 in order to protect wetland taro lands and wetland agricultural structures on state-owned and state-acquired lands. It is vital for the State of Hawai'i to improve the sustainability of food in Hawai'i. Currently, two million pounds of taro is imported to Hawai'i.

Taro is a very culturally significant food to the Kanaka 'Ōiwi. It is important that their food system is protected—a food system that has existed since the beginning of the Hawaiian people and is closely tied to their identity.

We appreciate your understanding. We thank you for your support in passing SB1498.

Mahalo,
Kelsey Amos & the Food+ Policy Team
#fixourfoodsystem

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2023, the cohort of interns are undergraduate and graduate students from throughout the UH System. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

SB-1498-HD-1

Submitted on: 3/18/2023 6:21:13 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Protecting and conserving state agricultural lands for Hawai‘i's future food security is critical. Kalo cultivation and taro production should be a cornerstone of this effort.

In a 2009 report entitled “E Ola Hou Ke Kalo; Hoi Hou Ka Aina Leia” (The Taro Lives; Abundance Returns to the Land), the Taro Security and Purity Task Force recommended improved protections for taro growing lands, including lo‘i (wet fields and terraces), mala (dry fields and terraces), kuana or paepae pohaku (stone walls), and auwai (irrigation ditches).

The task force, which was responsible for developing guidelines, protocols and recommendations for taro policy, among other duties, found that these key structural elements for viable wetland taro production were being destroyed, severed, and built upon by private and public development because of gaps in land use, historic preservation, and planning laws and policies.

This bill would improve protections for wetland taro lands (lo‘i kalo) and ancient wetland agricultural structures on undeveloped state-owned or -acquired lands. Please support SB1498 SD1 HD1.

SB-1498-HD-1

Submitted on: 3/20/2023 9:05:20 AM

Testimony for WAL on 3/22/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

Aloha Chairs and members of the House Water and Land Committee;

I am a former member of the Taro Security and Purity Task Force and long-time member of 'Onipa'a Nā Hui Kalo, a recognized statewide organization of taro growers. The Taro Security and Purity Task Force made clear recommendations regarding the description and protection of taro lands in 2010 and 2015. SB1498 is based upon those recommendations. This bill is also meant to bring several statutes into alignment to address conflicting definitions and status. You will find those recommendations in the committee report of the Senate Agriculture and Environment Committee (Feb 2023).

The aim of SB1498 is to protect historic taro lands both in cultivation now *and those sites with the potential for cultivation in the future*. This directly addresses the state's goal of planning for and becoming more locally food secure. It creates opportunity to engage communities and families in land revitalization. Taro growing sites that are managed by nonprofits, of which there are many, multiply the positive impacts of lo'i kalo by connecting youth and families to this practice and providing education, health and wellness opportunities. Kalo lands serve so many more important purposes in our communities than just producing food and the value of that to the state as a whole is immeasurable (from cultural wellbeing to riparian flood mitigation to the visitor industry).

As it is currently written, SB1498 does very little to improve protections for taro lands in Hawai'i for two simple reasons that require simple adjustments to the bill to correct:

1. The definition of taro lands demands that such lands be of "high productivity". This criterion disqualifies all taro lands for the simple reason that the term "high productivity" is derived from outdated soil maps language that was used to designate lands of deep soil and access to plentiful water for the sugar and pineapple industry (Class A and B lands). Taro lands do not, by their very nature and location, qualify by the intended land uses assigned to that outdated language. More so, trying to define "high productivity" as a standard for agricultural lands beyond heavily mechanized and chemically driven sugar and pine lands is futile as its meaning would need to change for every crop, each seasonal condition, soil type, elevation, etc.

The productivity of taro lands is the result of numerous factors, including but not limited to, water flows, climate/temperature, soil health, the health of taro huli (planting material), planting practices, and farmer skill, as well as the degree to which invasive species (from apples snails to feral ungulates) are present.

This is a new era in agriculture and the definition of taro lands should match that envisioned goal of rebuilding local food security and our communities. I urge you to strike "of high productivity" from the definition of taro lands and from the description of Fourth class – Taro land (Sections 2 and 3).

SECTION 2..."Taro lands" means any undeveloped public lands ~~of high productivity determination~~ situated in the land use conservation district established pursuant to chapter 205 in wetland taro cultivation before statehood..

SECTION 3...(D) Fourth class—Taro land ~~of high productivity determination limited to lands~~ in the conservation district and having cultural, social, economic, and food self-sufficiency value if preserved for wetland taro cultivation.

2. Under SB1498, as currently written, protections are also only extended to such lands “currently in use” Coupled with the requirement of “high productivity”, the only lands that might qualify under this restriction, for example, would be the state portions of Hanalei, Waipā, and Waimea on Kaua‘i, Ke‘anae, Maui, Luluku and Wai‘ahole on O‘ahu, although the latter two would fail any definition of “high productivity.” Waipi‘o, Hawai‘i taro lands are under the jurisdiction of Kamehameha Schools; Kohala is a mix of private and public owners and jurisdictions.

The criterion of “currently in use” protects no new taro lands. There are numerous small, viable, and revivable lo‘i kalo and mala (dryland terraces) on lands under state jurisdiction, particularly on Maui and O‘ahu that deserve this protection – and the recognition of their potential.

If you are serious about the goal of improving our food security, we can protect those historic taro lands waiting to be revitalized – in addition to those that are already in production - with a simple word change from “and” to “or”, as follows (Section 4(e)(8) and Section 5(a) and (b)5):

wetland taro cultivation before statehood ~~and~~ or currently in use for wetland taro cultivation

Lastly, the Taro Security and Purity Task Force and taro farmers have asked the state to conduct an inventory of taro lands within their portfolios for more than a decade in the hopes of access to affordable taro lands to grow food, as well as to increase their protection with no response. The word “may” allows DLNR to continue to ignore that request and push it to the bottom of the priority list. We understand the challenges the agency faces in regards to staffing and budgets, however, the time has come for this to be addressed, whether in-house, by contract, or through community collaboration. Let’s get it done.

SECTION 7. The land use commission ~~may~~ shall create an inventory of taro lands, pursuant to chapter 91, Hawaii Revised Statutes,

As a long time kalo farmer, my hope with the passing of SB1498 is that we create more opportunities to grow our ability to feed ourselves and support new generations of kalo growers long into the future by protecting taro lands now. Please support SB1498 with the recommended changes.

I strongly support SB1498 with the above recommendations.

Mahalo for your support,
Penny Levin, taro farmer
Wailuku, Maui

SB-1498-HD-1

Submitted on: 3/21/2023 9:07:36 PM

Testimony for WAL on 3/22/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
jeanne wheeler	Individual	Support	Written Testimony Only

Comments:

Please protect our Taro & pass this bill :) Mahalo, JW