

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Thursday, February 24, 2022
10:00 A.M.**

State Capitol, Conference Room 211, & Via Videoconference

**In consideration of
SENATE BILL 2664, SENATE DRAFT 1
RELATING TO THE PROTECTION OF TARO**

Senate Bill 2664, Senate Draft 1, proposes to create a classification of agricultural public lands entitled “taro lands” and appropriate funds to the Land Use Commission (LUC) to create an inventory of lands classified as taro lands. **The Department of Land and Natural Resources (Department) supports this measure.**

The measure proposes to create a fourth class of intensive agricultural use under Section 171-10, Hawaii Revised Statutes, for “[t]aro lands of no particular productivity determination, but having cultural, social, economic, and food self-sufficiency value if preserved for wetland taro cultivation.” The measure prohibits a district boundary amendment for lands subject to this classification.

Senate Draft 1 provides that the LUC, in conjunction with the Taro Security Task Force, may create an inventory of lands classified as fourth class taro lands and submit the inventory to the Board of Land and Natural Resources for approval. The Department appreciates the amendment made to the bill by the Senate Committees on Agriculture and Environment and Water and Land in Senate Draft 1.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON
SENATE BILL NO. 2664, S.D. 1

February 24, 2022
10:00 a.m.
Room 211 and Videoconference

RELATING TO THE PROTECTION OF TARO

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 2664, S.D. 1: establishes a new class of public lands as taro lands to preserve wetland taro lands and supporting structures; and appropriates an unspecified amount of general funds for FY 23 for the Land Use Commission to create an inventory of lands classified as taro lands.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and

- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

SB-2664-SD-1

Submitted on: 2/18/2022 9:20:26 PM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Vince Kana`i Dodge	Testifying for `Ai Pohaku	Support	No

Comments:

Aloha legislators!

We write in strong support of SB2664 SD1 for the classification of “Taro lands” and engagement of the Taro Security and Purity task force in identifying these Taro Lands.

Taro/Kalo and the farmers who grow it need protection and support to continue to be the foundation of Hawaiian agricultural.

Aloha Nui!

Vince Kana`i Dodge

for `Ai Pohaku- The Stone Eaters

SB-2664-SD-1

Submitted on: 2/21/2022 10:16:14 AM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Scott Crawford	Testifying for Kipahulu Ohana, Inc.	Support	No

Comments:

Kipahulu 'Ohana Inc. maintains Kapahu Living Farm, a traditional wetland taro farm, through a Cooperative Agreement with Haleakala National Park. The farm also serves as an educational center for school and community groups on traditional Hawaiian agriculture and ahupuaa management.

As traditional taro farmers, we strongly support a "taro lands" classification, and an inventory of taro lands, something we have sought to work on ourselves in our own moku.

We your support of this bill.

SB2664

The Senate Ways and Means Committee,

The Green Party of Hawai'i asks you to support SB2664 relating to the classification agricultural public lands entitled "taro lands". The passage of SB2664 adds protections that Hawai'i needs for our taro farmers. Please support SB2664 our peoples and future generations.

Mahalo,

Green Party of Hawai'i

Co-Chair GPH Susan Roberts Emery



Environmental Caucus of The Democratic Party of Hawai'i

To: The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Committee on Ways and Means

Re: **SB 2664 SD 1 RELATING TO THE PROTECTION OF TARO**
Hearing: Wednesday, February 16, 2022, 1:00 p.m., Room 229 & videoconference

Position: **Strong Support**

Aloha, Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee on Ways and Means:

The Environmental Caucus of the Democratic Party of Hawai'i stands in strong support of SB 2664 SD1. This measure would create a classification of agricultural public lands entitled "taro lands." It also appropriates funds to the Land Use Commission to create an inventory of lands classified as taro lands.

This measure will improve protections of lo'i kalo and ancient wetland agricultural structures on undeveloped state-owned or -acquired conservation lands for Hawai'i's long-term future food security and well-being.

The new classification designates Taro Lands as Fourth-class lands, having no particular productivity determination, but having cultural, social, economic, and food self-sufficiency value if preserved for wetland taro cultivation.

In our view, this bill is highly beneficial for food security, taro security, and diversity; accordingly, we respectfully request that this bill be passed by your Committees.

Mahalo for the opportunity to testify,

Melodie Adyja

Alan A. Burdick

Co-Chairs, Environmental Caucus of the
Democratic Party of Hawai'i

Email: legislativepriorities@gmail.com

SB-2664-SD-1

Submitted on: 2/23/2022 7:56:41 AM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brian Miyamoto	Testifying for Hawaii Farm Bureau	Support	No

Comments:

The Hawaii Farm Bureau recognizes taro's importance in Hawaii's cultural identity and role in local food security. We support any effort to improve the taro farmer's ability to not only sustain themselves but also to expand their long-term success.

SB-2664-SD-1

Submitted on: 2/20/2022 4:08:30 PM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Deborah Umiamaka	Individual	Support	No

Comments:

I strongly support SB2664.

Sincerely, Deborah Umiamaka.

SB-2664-SD-1

Submitted on: 2/21/2022 6:41:23 AM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Barbara Barry	Individual	Support	No

Comments:

Aloha,

I strongly support tSB2664 SD1,

Mahalo,

SB-2664-SD-1

Submitted on: 2/21/2022 7:43:52 PM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shannon Lush	Individual	Support	No

Comments:

In support of protection of Taro

SB-2664-SD-1

Submitted on: 2/21/2022 8:59:47 PM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Johnnie-Mae L. Perry	Individual	Support	No

Comments:

SUPPORT SB 2664 RELATING TO THE PROTECTION OF TARO.

SB-2664-SD-1

Submitted on: 2/22/2022 12:47:27 AM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Janet L Pappas	Individual	Support	No

Comments:

Dear WAM members,

Please protect "taro lands" by passing SB2664 SD1.

Sincerely,

Jan Pappas

Aiea, Hawaii 96701

SB-2664-SD-1

Submitted on: 2/22/2022 6:24:30 AM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Drew Wilkinson	Individual	Support	No

Comments:

Dear Senatars,

I fully support bill SB2664 and hope that you will too. By doing so you will help perpetuate a cultural crop, incentivise additional production, and help farmers financially.

Mahalo,

Drew Wilkinson

SB-2664-SD-1

Submitted on: 2/22/2022 8:25:58 AM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dennis F Lokmer	Individual	Support	No

Comments:

I urge strong support for this bill.

Aloha;

I am testifying as taro farmer, consumer of kalo and poi, former member of the Taro Security and Purity Task Force which sunset in 2015, and long-time member of 'Onipa'a Nā Hui Kalo, a recognized statewide organization of taro growers, in strong support for SB2664 SD1 and SB2665 SD1 (with recommended amendments, see below) Relating to the Protection of Taro

SB2664 SD1 creates a classification of public lands entitled "taro lands" and appropriates funds to the Department of Land and Natural Resources to create an inventory of lands classified as taro lands within the public lands inventory. This is the first step to creating a process for DLNR to open up these lands for taro farmers. SB2665 SD1 creates a "taro lands" classification and further protects the historic infrastructure (terraces, walls, 'auwai/ditches) that will allow such lands to remain functional and sustainable over time.

The Taro Security and Purity Task Force was the legislative body created in 2008 to provide guidance and recommendations regarding research, policy and the challenges that taro and taro farmers face both now and for the future. In 2009, legislators received a report from the task force outlining key issues and recommendations.

During the development of findings for that report, the task force found that taro lands and ancient agricultural structures such as terraces, walls and 'auwai (irrigation canals) have had a long history of conversion (the removal and reuse of stone for other projects; grubbing and grading; roads, structures and subdivisions built directly on top of terraces and systems) and disruption (the breaking apart of whole systems and interruption of water conveyances across and to taro lands). They also found that the Hawai'i State Historic Preservation Office has had little ability to influence protection of ancient agricultural systems on public and more so, on private lands since statehood.

Taro lands are also valley and gulch lands, many which have clear records of taro production in historic maps, photograph, and written record, and still retain easily discernable walls, terrace and 'auwai structures. These lands are particularly vulnerable, especially in Conservation zoned areas, because of their beauty and are frequently at risk of being reassigned to other allowable uses. Yet, these traditional taro lands have great potential for rehabilitation and food production.

Taro lands are often perceived of by many agencies as prevalent when, in reality, they have become an endangered resource for community well-being, food self-sufficiency and food security. One of the reasons behind that is the observation that the number of taro farmers today seems small; total acreage in production is approximately 600 acres. At least one recent study indicates the need for approximately 30,000 acres to provide Hawaii's current population of 1.3 million people with taro as one key staple starch for a period of one year. This is roughly equivalent to the number of acres registered as kuleana taro lands (lo'i) in 1940; a time when Hawaii was still food self-sufficient. The Department of Agriculture has also identified starches as the highest at-risk category for food security in the State.

Agencies, and sometimes the general public, have rationalized that additional preservation of taro lands may be unnecessary. They point to existing fallow lands and what appears to be a

dearth of commercial taro farmers statewide. Presently, less than 1 percent of the population in Hawai‘i grows food for local consumption or export. A demand-based rationale for preserving important agricultural lands would fail the test for all crops and all public and private agriculture lands in Hawaii. The idea that taro lands should be held to a different formula of proof of importance and a demonstrated presence of interested farmers in order to be protected is in conflict with the intent and purpose of land use and agricultural lands protection laws, and has the appearance of prejudice.

Statewide, community efforts to revitalize long fallowed and disrupted taro lands have proven time and again that lands believed to be unfeasible for rehabilitation have been restored to productivity. Expertise in determining the capacity for restoration can be found in the Taro Security and Purity Task Force, as well as well-respected groups such as ‘Onipa‘a Nā Hui Kalo. *If we are planning for our future food security, we must protect the remaining taro lands we have for present and future generations of taro growers.*

A significant portion of DOE, charter and private schools (K-12), and after school, cultural and community enrichment programs include kalo in curriculum and school gardens. The University of Hawaii Hawai‘inuiākea School of Hawaiian Knowledge is training a new generation of kalo planters throughout its system. There has been exponential growth in the number of youth and young adults learning how to cultivate and produce taro and poi each year. At the opening day of each year’s legislative session for the past 10 years, thousands of pounds of kalo were turned into poi by these youth; in the last year of the Ku‘i at the Capitol it was more than has been hand pounded at one time in one place since the 1930s. *If we fail to protect existing taro lands, whether long fallowed or currently in use, our responsibility to these students will have failed.*

Traditional Hawaiian crops are also a vitally important part of Hawaiian health, community food security, and rising niche markets in organic and restaurant/hotel sectors. These unique crops and croplands play a significant role in visitor industry’s images of Hawai‘i, and provide opportunities for us to share the *terroir* of our islands through culinary experiences curated around the Hawaiian crop biodiversity that still exists here. *That can only happen when we recognize their importance, fully protect what remains, and support their growth.*

Rapid development at the edges of urban boundaries and rural lands on all islands in the last 20 years has allowed for particularly high losses of ancient taro lands on private property. Public lands remain a critically important repository for remaining taro lands. Many valleys on O‘ahu and Maui retain remnant systems that can be brought back to life.

Because lo‘i kalo have unique requirements for soils and site conditions, there are rarely substitutions that can be made within the same watershed or valley. On O‘ahu, ancient taro lands with existing structural elements are some of the most at-risk agricultural lands in the state. A community center, public park, housing, or other state proposed project frequently has the option of being developed and able to function on alternative lands; lo‘i kalo (wetland taro fields) do not, particularly where ancient structures are still present.

Additionally, taro lands are typically located in riparian areas and low areas prone to flash floods, upwelling groundwater and ponding. Developing anything other than lo‘i in these sites

represents a significant liability for the County and State, both where developers sue for protection from natural environmental occurrences, and in ongoing costs to government for flood mitigation. O'ahu examples abound from Māpunapuna, with its annual flooding, to Kulio'o, cases which cost the State more than \$25 million in damages in 2010; in 2018 the cost to repair damage in Wailupe (a boulder basin that tells you instantly that big water comes through the area) was almost \$1.8 billion. Maui has seen massive stream movement and home damage on Iao/Wailuku (2016; \$15 million), Waiehu and Waihe'e (2018) streams, and more recently in Ha'ikā (Dec 2021) where homes have been allowed to be built on former taro growing lands in riparian zones. Flood damage (and its costs) continues to worsen annually on Kaua'i due to exponential growth in developments that interrupts traditional mauka to makai waterflows. *SB2665 SD1 will lead to protection for the Counties and the State from potential liability for developing on or permitting development in known riparian and low-lying flood zones that are also taro lands.*

SB2664 SD1 and SB2665 SD1 do not pass judgment on the merits of other noteworthy public works on public lands. It acknowledges the rarity of taro lands, the limited areas where taro lands remain and the growing importance of their presence for cultural and food sustainability efforts, whether utilized now or protected for future use.

The highest and best use of traditional taro lands that are still viable is to grow taro, whether that means for commercial purposes, subsistence, as a training ground for students, cultural programs and practitioners or as an incubator for future taro farmers.

For SB2665 SD1 I make the following recommendations to ensure that loi system structures are protected **whether or not they are in current use**:

SECTION 4. Section 205-4.5, Hawaii Revised Statutes, is amended...

(8) Retention, restoration, rehabilitation, or improvement of [buildings]:

(B) Walls, terraces, or supporting structure for lo'i taro fields in wetland taro cultivation prior to statehood and/or currently in use for wetland taro cultivation;

SECTION 5. Section 206-7, Hawaii Revised Statutes, is amended to read as follows:

"§206-7 Property that shall not be acquired for development projects. (a) In declaring development areas.. The board shall not disturb existing ancient taro-growing systems, ancient wetland taro lands, or structural elements of ancient wetland taro-growing systems on undeveloped lands used for wetland taro cultivation prior to statehood and/or currently in use for wetland taro cultivation.

(b) The board shall not acquire for development projects:

(5) Undeveloped lands and infrastructure used for wetland cultivation prior to statehood and/or currently in use for wetland taro cultivation, including ancient wetland taro lands and structural elements of ancient wetland taro-growing systems;

I strongly support these measures with the above amendments and in addition I offer to work with the Department of Land and Natural Resources and Department of Agriculture to assist in the identification of taro lands.

Mahalo,
Penny Levin

To: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
And committee members

RE: SB2664

Thursday February 24, 2022
Conference room 211 and Videoconference

My name is Kaipo Correa and I am writing to testify my support for Senate Bill No. 2664
RELATING TO THE PRODUCTION OF TARO.

Taro is an important aspect of the Hawaiian culture. Allowing lands to be placed for the cultivation of taro will benefit the land and people alike. It could make way for learning opportunities for future Mahi'ai and encourage cultural values of the connection one has with the aina.

The value of our cultural significant in our homelands are faced with changing times and technologies. We must hold on to our cultural connections with the aina in order for future generations to be able to benefit, learn, and grow from the soil of their homelands and roots of their culture. I support Bbill No. 2664.

Kaipo Correa

Email: Kaipocorrea@gmail.com

Constituent of Chris Lee and Lisa Marten

SB-2664-SD-1

Submitted on: 2/23/2022 1:34:53 AM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nancy & Zeb Jones	Individual	Support	No

Comments:

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Honorable Committee on Ways & Means Members:

We submit this testimony in SUPPORT of SB 2664, SD 1, which relates to protecting taro/kalo. As a dietary staple crop and significant source of nutrients in the Hawaiian diet, kalo/taro represents an essential component of Hawai'i's agricultural landscape and must be preserved. The language of SB 2664, SD 1 includes "taro lands" as a much-needed, additional land classification of agricultural lands and also ensures sufficient funding to generate an inventory and monitoring activities for such lands. We agree with the proposed language change that the Land Use Commission should serve as the agency that spearheads conducting the inventory of taro/kalo lands and as the agency that expends any appropriations for such an inventory.

For these reasons, we urge your honorable members to please pass SB2664, SD1 out of your committees – that includes the term "kalo." Mahalo again for this opportunity to present this testimony supporting SB2664, SD 1.

With warm aloha,

Nancy & Zeb Jones

Hydroponics Alternatives LLC

LATE

SB-2664-SD-1

Submitted on: 2/24/2022 9:43:26 AM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Regina Peterson	Individual	Support	No

Comments:

I am in support of this bill. We need more land for food, not buildings!!!

LATE

SB-2664-SD-1

Submitted on: 2/24/2022 10:36:59 AM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jocina Alani	Individual	Support	No

Comments:

Aloha,

I would like to express my support For bill SB2664. It would be amazing to be able produce our own kalo and poi for our community in Hawai'i. Please pass this bill so that we can go towards a more self sufficient Hawai'i. Why import when we can grow it here. Please support and pass this bill.

Mahalo,

Jocina Alani