

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 & Videoconference

**In consideration of
SENATE BILL 2665, SENATE DRAFT 1
RELATING TO THE PROTECTION OF TARO**

Senate Bill 2665, Senate Draft 1, proposes to (1) prohibit the Board of Land and Natural Resources (Board) from disturbing wetland taro lands and infrastructure on undeveloped lands within the conservation district established pursuant to Chapter 205, Hawaii Revised Statutes (HRS), when declaring residential development areas and acquiring lands therein; (2) establish a fourth class--taro lands classification for public lands; (3) permit structures for lo'i taro fields in the agricultural district; (4) establish growth and perpetuation of traditional Hawaiian crops as a goal of the State Planning Act; and (5) authorize the Land Use Commission (LUC), with the Taro Security and Purity Task Force (Task Force), to create an inventory of taro lands. **The Department of Land and Natural Resources (Department) supports this bill.**

The measure proposes to create a fourth class of intensive agricultural lands under Section 171-10, HRS, designated "taro lands 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." The measure prohibits a district boundary amendment for lands subject to this classification.

Senate Draft 1 provides that the LUC, in conjunction with the Task Force, may create an inventory of lands classified as fourth class taro lands and submit to the Board for approval.

Department appreciates the amendments made to the bill by the Senate Committees on Agriculture and Environment and Water and Land in Senate Draft 1. Although, the Department believes many of the protections for wetland taro lands and ancient wetland agricultural structures are provided for through the Department's State Historic Preservation Division, its administrative rules and applicable statutes, specifically Chapter 6E, HRS, Historic Preservation, the Department supports the measure as amended 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

SB-2665-SD-1

Submitted on: 2/18/2022 9:26:51 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 SB2665 SD1 for the protection of Taro Lands so they will continue to grow taro/kalo.

Taro/Kalo cultivation is the foundation of Hawaiian agricultural and cultural.

Aloha Nui!

Vince Kana`i Dodge

For `Ai Pohaku-The Stone Eater

SB-2665-SD-1

Submitted on: 2/21/2022 10:18:30 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:

For over 25 years, Kipahulu Ohana, Inc. has maintained Kapahu Living Farm, a traditional wetland taro farm, through a Cooperative Agreement with Haleakala National Park.

As taro farmers, we strongly support this bill and feel that the measures would do a lot to protect and enable taro lands and taro farming, and it is deserving of your support.

SB-2665-SD-1

Submitted on: 2/22/2022 8:55:33 AM

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

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Susan B Roberts Emery	Testifying for Green Party Hawai'i	Support	No

Comments:

SB2665

The Senate Ways and Means Committee,

The Green Party of Hawai'i asks you to support SB2665 relating to the protection of Taro - prohibits the Board of Land and Natural Resources in declaring residential development areas, and acquiring lands therein, from disturbing certain wetland Taro lands and infrastructure on undeveloped lands within the conservation district. The passage of SB2665 adds protections that Hawai'i needs for our taro farmers. Please support SB2665 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 Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Committee on Ways and Means

Re: **SB 2665 SD 1 - RELATING TO THE PROTECTION OF TARO**

Hearing: Thursday, February 24, 2022, 10:00 a.m., Room 211 & 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 2665 SD 1. This measure would prohibit the Board of Land and Natural Resources, in declaring residential development areas and acquiring lands therein, from disturbing certain wetland taro lands and infrastructure on undeveloped lands within the conservation district established pursuant to chapter 205, Hawaii Revised Statutes. It establishes a fourth class – taro land clarification for public lands. It permits structures for lo'i taro fields in the agricultural district and establishes growth and perpetuation of traditional Hawaiian crops as a goal of the State Planning Act. It authorizes the Land Use Commission, with the Taro Security and Purity Task Force, to create an inventory of 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 Hawaii's long-term future food security and well-being.

The new classification designates Taro Lands as Fourth-class lands. Fourth class is 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.

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 committee.

Mahalo for the opportunity to testify,

Melodie Akuya

Alan A. Burdick

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

SB-2665-SD-1

Submitted on: 2/23/2022 7:57:22 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.

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

SB-2665-SD-1

Submitted on: 2/20/2022 4:10:01 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 SB2665.

Sincerely, Deborah Umiamaka.

SB-2665-SD-1

Submitted on: 2/21/2022 6:42:26 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 SB2665 SD1,

Mahalo,

SB-2665-SD-1

Submitted on: 2/21/2022 7:44:21 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-2665-SD-1

Submitted on: 2/21/2022 9:03:20 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 2665 RELATING TO THE PROTECTION OF TARO.

SB-2665-SD-1

Submitted on: 2/22/2022 12:50:03 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 wetland taro land by passing SB2665 SD1.

Sincerely,

Jan Pappas

Aiea, Hawaii 96701

SB-2665-SD-1

Submitted on: 2/22/2022 6:30:00 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 SB2665 and hope that you will too. By doing so you will help perpetuate a cultural crop and help with food sustainability goals.

Mahalo,

Drew Wilkinson

SB-2665-SD-1

Submitted on: 2/22/2022 8:27:00 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.

SB-2665-SD-1

Submitted on: 2/22/2022 10:58:53 AM

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

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Amy Brinker	Individual	Support	No

Comments:

Support

SB-2665-SD-1

Submitted on: 2/23/2022 1:36:27 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 2665, SD 1, which relates to further protections for taro/kalo lands. As Hawai'i moves toward greater food security and self-sufficiency, it is vital to further identify and protect lands available for kalo/taro farming. This is a dietary staple and nutrient dense crop that requires protections from land reclassification (agricultural to residential/commercial) and development NOT dedicated to wetland and/or dry land kalo/taro cultivation. The language of SB 2665, 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 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 all of the above reasons, we urge your honorable members to please pass SB2665, SD 1 out of your committee. Mahalo again for this opportunity to present this testimony supporting SB2665, SD 1.

With warm aloha,

Nancy & Zeb Jones

Hydroponics Alternatives LLC