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# A BILL FOR AN ACT

RELATING TO THE PROTECTION OF TARO LANDS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature recognizes that pursuant to  
2 section 205-41, Hawaii Revised Statutes, there is a compelling  
3 state interest in conserving state agricultural lands. The  
4 legislature also recognizes that Act 211, Session Laws of Hawaii  
5 2008, as amended by Act 196, Session Laws of Hawaii 2010,  
6 established a taro security and purity task force that was  
7 responsible for developing guidelines, protocols, and  
8 recommendations for taro policy, among other duties. In a 2009  
9 report entitled "E Ola Hou Ke Kalo; Hoi Hou Ka Aina Leia (The  
10 Taro Lives; Abundance Returns to the Land), the task force  
11 recommended improved protections for taro growing lands,  
12 including loi (wet fields and terraces), mala (dry fields and  
13 terraces), kuana or paepae pohaku (stone walls), and auwai  
14 (irrigation ditches). The task force found that these key  
15 structural elements for viable taro production were being  
16 destroyed, severed, and built upon by private and public



1 development because of gaps in land use, historic preservation,  
2 and planning laws and policies.

3 The purpose of this Act is to improve protections for  
4 wetland taro lands and ancient agricultural structures on state  
5 owned or acquired lands.

6 SECTION 2. Section 206-7, Hawaii Revised Statutes, is  
7 amended by amending subsections (a) and (b) to read as follows:

8 "(a) In declaring development areas, and acquiring land  
9 therein, the board of land and natural resources shall avoid  
10 disturbing existing uses that are in accord with the highest use  
11 permitted under any existing zoning ordinance in the political  
12 subdivision concerned. The board shall not disturb existing  
13 ancient taro-growing systems, ancient wetland taro lands, or  
14 structural elements of ancient wetland taro-growing systems on  
15 underdeveloped lands used for wetland taro cultivation before  
16 statehood and currently in use for wetland taro cultivation.

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

18 (1) Lands already developed and improved as business or  
19 industrial areas where use of the lands for  
20 residential purposes or as a part of a development  
21 project would be economically unsound or where an



- 1           undue hardship would be suffered by the community  
2           through loss of service because of the acquisition;
- 3           (2) Lands already in use for residential purposes by the  
4           owner thereof or by a lessee holding a lease with an  
5           original term of twenty years or more, except where  
6           the acquisition of parts of the lands is reasonably  
7           necessary for the proper development of a project, but  
8           in no case shall any part of the lands be taken where  
9           the taking will reduce the parcel to less than three  
10          acres in extent;
- 11          (3) Lands in the process of subdivision and development  
12          where the owner or the owner's agent has provided that  
13          at least fifty per cent of the lots to be sold shall  
14          be sold in fee simple, prepared subdivision and  
15          construction plans, arranged for financing, and  
16          applied to government agencies and otherwise taken  
17          steps that may be appropriate for the construction of  
18          the proposed development in good faith and filed an  
19          affidavit with the board to that effect; [œ]
- 20          (4) Lands used or to be used as sites for churches,  
21          private or parochial schools, clubs, meeting houses,



1 or other private uses of a community, civic, social,  
2 or religious nature; or

3 (5) Undeveloped lands and infrastructure used for wetland  
4 taro cultivation before statehood and currently in use  
5 for wetland taro cultivation, including ancient  
6 wetland taro lands and structural elements of ancient  
7 wetland taro-growing systems;

8 provided that portions of the lands [~~mentioned under paragraphs~~  
9 ~~(1), (2), (3), and (4),~~] described in this subsection, or  
10 interests therein, may be taken to provide access and utility  
11 easements where no other reasonable means of access or utility  
12 easements are available."

13 SECTION 3. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2023.



**Report Title:**

Board of Land and Natural Resources; Agricultural Lands; Taro  
Land Protection

**Description:**

Prohibits the Board of Land and Natural Resources from  
disturbing or acquiring for development certain wetland  
taro-growing lands. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

