

**JOINT HEARING OF THE SENATE COMMITTEES  
ON HAWAIIAN AFFAIRS AND WATER & LAND**

**ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUYE &  
VICE CHAIRS JARRETT KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN**

**Testimony in Strong Support of SR11 and SCR22**

**Supporting the Wai‘oli Valley Taro Hui and Traditional Lo‘i Kalo Cultivation in Wai‘oli, Kaua‘i**

**February 23, 2021, 1:00 p.m.  
Via Videoconference**

Dear Chairs Shimabukuro and Inouye, and Members of your Honorable Committees:

**Mahalo for scheduling this joint hearing on SR11 and SCR22. The Wai‘oli Valley Taro Hui strongly supports both measures, which are critical to perpetuate our Native Hawaiian and local kalo culture on Kaua‘i’s North Shore.**

Our Hui of about a dozen small family farmers has been growing kalo on the same ‘āina in Wai‘oli Valley for many, many generations. We work to support and enhance the ma uka to ma kai biocultural resources primarily in the Wai‘oli Stream Watershed, protect the natural and cultural resources that enable traditional and customary Native Hawaiian practices, maintain habitat for endangered Hawaiian waterbirds, and engage the greater Kaua‘i community through educational outreach programs and initiatives relating to kalo farming and community-based stewardship of water resources.

Although our community has always been close, we did not formally organize as a state nonprofit with federal tax exempt status until 2019, after devastating floods made it painfully clear that our entire community and way of life was at risk. As a part of the disaster relief effort, the Department of Land and Natural Resources informed us that portions of our centuries-old kalo irrigation system, which predates modern zoning laws and even the water licensing provision of HRS 171, was located on conservation land. So, we are now required to get a water lease, even though our farms have operated in essentially the same way for centuries.

After those 2018 floods, our mānowai (traditional, Native Hawaiian break-away dam), po‘owai (dam at the head of the ‘auwai), and entire ‘auwai (ditch) systems were completely devastated. Our river changed course and some described what we experienced as a thousand-year flood event. As wetland kalo farmers, water from Wai‘oli Stream is our lifeline. Almost three years after the 2018 floods, and despite significant kōkua from the State of Hawai‘i, County of Kaua‘i, and University of Hawai‘i at Mānoa’s Richardson School of Law, we are still in basic recovery mode. The County helped to fix our māno in the Summer of 2020, but recent flooding has caused damage that will require further repairs. For the last two years, we have been working closely with the Law School’s Environmental and Native Hawaiian Rights Clinics. They helped us to apply for and secure an easement for our irrigation system and a revocable permit for our water use, but a longer term water lease remains elusive. We have completed consultation with the Department of Hawaiian Home Lands, a draft Watershed Plan, and are working with the Water

Commission on an interim instream flow standard amendment, and with others on a draft environmental assessment. To say that this process is complicated and confusing is a gross understatement – we would never have gotten this far without the hard work of the Clinic’s students, fellows, and attorneys.

Although the end is now in sight, we have significant concerns about our own Hui’s ability to prevail at a public auction. Moreover, our ancient, Native Hawaiian water use for kalo cultivation is non-consumptive, non-polluting, instream, and in-watershed, and appropriate for direct negotiation with DLNR. Our Hui utilizes a traditional mānowai to take some water from Wai‘oli Stream. That water flows through our ‘auwai, into our taro patches, then back to either Wai‘oli Stream or the lower reaches of Hanalei River. Like other kalo farmers, we need throughflow – water flowing through our taro patches – but we do not “consume” water like most offstream users because it returns to the streams. All of our use is within the watershed where our water supply originates. So, any seepage, for example, also goes back to feed our water cycle in the larger Hanalei Bay Watershed.

For these reasons, Hawai‘i’s Constitution (including Article XI sections 1 and 7 and Article XII, section 7), Water Code (HRS 174C-101), and court decisions (*Waiāhole*), grant special protection and respect to traditional instream, in-watershed cultivation of kalo like our Hui’s. Our water use is fundamentally different than most of the “big users” regulated under HRS 171, such as EMI/Mahi Pono’s use of East Maui water where water is taken out of the watershed, distributed across the island, and never returns to its ahupua‘a of origin.

**Given these unique circumstances, we humbly ask your committees to pass out SR11 and SCR22 and allow our Hui to directly negotiate with BLNR after we have completed the rest of the water lease application process.**

Mahalo for your time and consideration. Our farmers will be available at the hearing to answer any questions that you may have.

Reid Yoshida  
President, Wai‘oli Valley Taro Hui  
Kaua‘i, Hawai‘i  
waiolivalleytarohui@gmail.com

February 21, 2020

JOINT HEARING OF THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND  
WATER & LAND  
February 23, 2021, 1:00 p.m.

ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUYE & VICE  
CHAIRS JARRETT KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN

**RE: Testimony Strongly Supporting SR11  
Supporting the Wai'oli Valley Taro Hui and Traditional Lo'i Kalo  
Cultivation in Wai'oli, Kaua'i**

Aloha,

On behalf of Kīpuka Kuleana, a 501(c)3 non-profit, I am writing in strong support of SR11. Our organization mission is,

*Perpetuating kuleana, ahupua'a based natural resource management and connection to place through protection of cultural landscapes and family lands.*

Kipuka Kuleana support the Wai'oli Valley Taro Hui (WVTH), and its water use; which is an example of how communities with connection to place continue to practice and perpetuate traditions that protect cultural landscapes. The WVTH not only provides a huge source (over 1/3<sup>rd</sup>) of that grown for poi in the State, but their maintenance of the traditional Wai'oli water system protects and sustains a huge wetland area behind Hanalei town; which in times of floods helps to disseminate and direct the flow of water and post flood drainage.

We are currently undertaking a multi-year water study on Wai'oli Stream intended to inform active restoration of stream sedimentation accumulated during the devastating 2018 floods. We are so fortunate to have a solid multi-generational hui like the WVTH in this community, to continue to maintain a large and complex traditional lo'i (irrigated wetland) agricultural system. The Wai'oli wetland irrigated farm system is integral to continued connection to place for many families across Kauai, through food, practice, and farming.

Without continued access to water, and reasonable access to water (that does not unduly burden these small farmers) taro in Wai'oli could not endure. The native waterbird population in Wai'oli would not have habitat. The only intact and actively managed flood control mechanism for Wai'oli and part of Hanalei, the taro fields and their 'auwai (ditch system), would not function.

We are all dedicated to preserving and perpetuating Hawai‘i’s ‘ohana, ‘āina and resources in the work we do. Please acknowledge the importance of traditional water use for taro farming in Wai‘oli by supporting this Resolution.

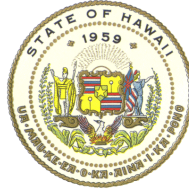
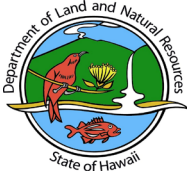
Me ka ha‘aha‘a,

Dominique Leu Cordy

[Kīpuka Kuleana](#), Board of Directors, Secretary

*\*Kīpuka Kuleana’s vision is to realize longtime families  
continue to live in, take care of and share the practices and history  
of every ahupua‘a on Kaua‘i.*

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 Committees on  
HAWAIIAN AFFAIRS  
and  
WATER AND LAND**

**Tuesday, February 23, 2021  
1:00PM**

**State Capitol, Via Videoconference, Conference Room 016**

**In consideration of  
SENATE CONCURRENT RESOLUTION 22/SENATE RESOLUTION 11  
SUPPORTING THE WAI'OLI VALLEY TARO HUI AND TRADITIONAL LO'I KALO  
CULTIVATION IN WAI'OLI, KAUA'I**

Senate Concurrent Resolution 22/Senate Resolution 11 propose to support the Wai'oli Valley Taro Hui (Hui) and traditional lo'i kalo cultivation in Wai'oli, Kaua'i. **The Department of Land and Natural Resources (Department) supports these resolutions.**

The Department continues to work with the Hui to complete the water leasing process pursuant to Section 171-58, Hawaii Revised Statutes (HRS). The Hui has worked in good faith to comply with the requirements of Section 171-58, HRS. The Hui has consulted with the Department of Hawaiian Home Lands on water reservations, and is in the process of developing a watershed management plan with the Department, working with the Department's Commission on Water Resource Management to determine interim instream flow standards and producing a draft environmental assessment in compliance with Chapter 343, HRS.

Thank you for the opportunity to comment on these resolutions.

**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

**SR-11**

Submitted on: 2/21/2021 12:24:16 PM

Testimony for HWN on 2/23/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Russell Tsuji	Testifying for DLNR	Support	No

Comments:

I am available for questions. Please allow me Zoom access. Thank you.

# OFFICE OF THE MAYOR

DEREK S.K. KAWAKAMI, MAYOR

MICHAEL A. DAHLIG, MANAGING DIRECTOR

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## TESTIMONY OF MAYOR DEREK S.K KAWAKAMI

Mayor, County of Kauai

Before the

### JOINT HEARING OF THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND WATER & LAND

February 23, 2021, 1:00 p.m.

Via Videoconference

In consideration of

#### SENATE RESOLUTION 11

#### Relating to Support for Wai'oli Valley Taro Hui

Aloha Chair Shimabukuro, Chair Inouye, Vice Chair Keohokalole, Vice Chair Keith-Agaran, and Honorable Members of the Senate Committees on Hawaiian Affairs and Water and Land:

I am testifying today in **strong support** of Senate Resolution 11. Farmers throughout the island, particularly those in our North Shore, were severely impacted by the 2018 floods. Although that happened almost three years ago, we on Kaua'i still have a long way to go.

For example, the kalo farmers in Wai'oli valley continue to face challenges in restoring their agricultural and cultural practice through cultivating a staple in our community. Without water, there is no kalo. This resolution supports these farmers as their hui seeks to directly negotiate with the Board of Land and Natural Resources in securing a water lease.

Actions speak louder than words. Generations of farmers in Wai'oli have shown their respect and stewardship of the land and resources. Their track record of stewardship should weigh heavily in entrusting them with doing what needs to be done in order to perpetuate the cultural practices that have stretched back millennia.

I respectfully ask your respective committees approve this resolution in support of traditional Hawaiian practices and Wai'oli Valley Taro Hui.

Mahalo for your time and consideration.



# SIERRA CLUB OF HAWAI'I

**LATE**

## SENATE COMMITTEE ON JUDICIARY

February 23, 2021 1:00PM Room 16

### In SUPPORT of SCR22/SR11:

Supporting the Wai'oli Valley Taro Hui and Traditional Lo'i Kalo Cultivation in Wai'oli, Kaua'i

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Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the committee,

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **supports SCR22 and SR11** to encourage the Department of Land and Natural Resources to directly negotiate a water license with the taro farmers of Wai'oli Valley.

Like much of Kaua'i, the taro farming community of Wai'oli was devastated by the massive floods of 2018. Experts recognize that climate change morphed an otherwise typical rainy weather into a dangerous extreme weather event that this community is recovering from.

We urge the legislature to support the recovery of this community and the perseverance of their unique traditional kalo farming practices by facilitating their compliance with state laws protecting stream water. The Native Hawaiian residents of Wai'oli have been farming kalo -- and supplying kalo products to Hawai'i nei -- for generations. They have a close relationship with this land and they have demonstrated their commitment to steward these natural resources over centuries.

The hui of taro farmers that have come together in Wai'oli to re-build have done so in complete compliance with all of the state protections for natural and cultural resources, especially stream water. They are currently working to complete all of the requirements of Haw. Rev. Stat. §171 and §343.

Given their use of this stream water is relatively small and is expected to not have a significant impact on the environment, and that there is no one else anywhere better qualified or more committed to steward these resources, the Sierra Club supports a directly negotiated license between the Wai'oli Taro Hui and the Department of Land and Natural Resources.

As the legislature works to diversify local agriculture and support communities harmed by drastic changes in our climate, it is crucial to support the small family farms and the traditional kalo cultivation techniques of long-standing communities like Wai'oli.

Thank you very much for this opportunity to provide testimony in **support of SCR22/SR11**.

Mahalo,

Marti Townsend, Chapter Director



**LATE**



JOINT HEARING OF THE SENATE COMMITTEES  
ON HAWAIIAN AFFAIRS AND WATER & LAND

ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R.  
INOUYE &  
VICE CHAIRS JARRETT KEOHOKALOLE AND GILBERT S.C.  
KEITH-AGARAN

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ph: 808.791.0729  
126 Queen St., Ste. 306  
Honolulu, Hawaii 96813  
[www.hilt.org](http://www.hilt.org)

Testimony in Strong Support of SR11 and SCR22

February 23, 2021, 1:00 p.m.  
Via Videoconference

Aloha Chairs Shimabukuro and Inouye, Vice Chairs Keohokalole and Keith-Agaran, and Honorable Members of the Senate Committees on Hawaiian Affairs, and Water & Land,

Hawaiian Islands Land Trust d/b/a Hawai'i Land Trust (HILT) is Hawai'i's islands-wide land trust that is both a Hawai'i 501(c)3 nonprofit, and a nationally accredited land trust. Our mission is to protect and steward the lands that sustain Hawai'i, and perpetuate Hawaiian values by connecting people to 'āina. We appreciate the opportunity to provide testimony in strong support of Senate Resolution 11 and Senate Concurrent Resolution 22. HILT has protected over 21,500 acres throughout Hawai'i, owns and stewards 7 preserves, including Kāhili Beach Preserve and Wainiha Beach Preserve on Kaua'i's North Shore, and holds 45 conservation easements permanently protecting conservation values of private lands across the state. HILT's land protection priorities include Hawaiian cultural landscapes, coastlines, and lands that produce healthy food for Hawai'i's people.

Since 2015, HILT holds two conservation easements permanently protecting approximately 39 acres of kalo producing 'āina in Wai'oli that is currently farmed by members of the Wai'oli Valley Taro Hui. HILT has seen firsthand the ongoing effects of the devastating 2018 floods. These lo'i kalo have fed 'ohana and community for generations and we acknowledge the importance that SR11 and SCR22 has to ensure active stewardship and farming of these lands by allowing the Wai'oli Valley Taro Hui to directly negotiate with the Board of Land and Natural Resources for a water lease.

These small family farmers that make up the Wai'oli Valley Taro Hui, including those who currently farm on 'āina protected by HILT, provide an important source of food for our island community. For example, they supply taro to the Waipā Foundation, whose poi feeds families from Hā'ena to Waimea, Kaua'i and even Ni'ihau. Moreover, the Wai'oli Valley Taro Hui's collective stewardship of the ma uka (upland, directioned towards the mountain) reaches of Wai'oli Valley and each



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Laura H. E. Kaakua

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[www.hilt.org](http://www.hilt.org)

families' respective lo'i kalo, provides critical and invaluable ecosystem services that protect Hanalei town and surrounding areas from minor and major flooding events. Lastly, kalo cultivation is integral to the community's identity on Kaua'i and HILT supports Hawai'i's local farmers who maintain this lifestyle and the generational knowledge inherent in this cultural tradition of growing food, caring for Hawai'i's water sources and systems, in ways that provide for reciprocated benefits for people and the environment. Without the families of Wai'oli farmers, without cultural practitioners, we have no culture.

Mahalo nui loa for all of your service to our communities statewide and mahalo for the opportunity to provide testimony in strong support of SR11 and SCR22.

Mālama pono,

Shae Kamakaala  
Director of 'Āina Protection, [shae@hilt.org](mailto:shae@hilt.org), 808-940-0639



**SR-11**

Submitted on: 2/21/2021 3:56:55 AM

Testimony for HWN on 2/23/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Miguel (Micco) Godinez	Individual	Support	No

Comments:

Et al,

Thank you for your tiem....should be supported for all these reasons.

Sincerely

Micco

\* the importance of supporting kalo cultivation in Hawai'i and small family farmers in particular,

\* how the Hui has been devastated by the 2018 floods, is still in basic recovery mode, and needs our support to persevere,

\* the Hui's longstanding relationship with this 'Ä• ina and community -- including its history of supplying kalo and poi across Kaua'i and Hawai'i nei,

\* how the Hui has worked diligently to comply with HRS 171-58 and should be able to negotiate directly with BLNR once it has completed the Chapter 343 environmental review process, and

\* how given the Hui's centuries-long stewardship of these resources, there is no one better situated to continue this important Native Hawaiian tradition.

**SR-11**

Submitted on: 2/21/2021 11:20:08 AM

Testimony for HWN on 2/23/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gloria Palma	Individual	Support	No

Comments:

I support this resolution because the farmers, who have worked hard to comply with state law to secure a long term lease in order to continue to farm in their lo'i, deserve an opportunity to secure their lands through direct negotiation with the BLNR. It would be too much of a risk for the farmers, who do not have the financial strength compared with other interested parties, to have their lands put to public auction after completing the long 171-58 process.

**SR-11**

Submitted on: 2/21/2021 11:48:27 AM

Testimony for HWN on 2/23/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dana Keawe	Individual	Support	No

Comments:

I support sr11

JOINT HEARING OF THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND  
WATER & LAND

ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUE &  
VICE CHAIRS JARRETT KEOHOKALO AND GILBERT S.C. KEITH-AGARAN

**Testimony in STRONG SUPPORT of Senate Resolution 11:**  
**Supporting the Wai‘oli Valley Taro Hui and Traditional Lo‘i Kalo Cultivation in Wai‘oli,  
Kaua‘i**

February 23, 2021, 1:00 p.m.

Via Videoconference

Aloha Chairs, Vice Chairs, and Honorable Members of the Senate Committees on Hawaiian  
Affairs and Water and Land,

My name is Ashley Kaono and in my capacity as an advocate, a recent graduate of the William  
S. Richardson School of Law, and a Native Hawaiian, I strongly support Senate Resolution 11.

While I grew up in Honolulu, O‘ahu, many of my ‘ohana are from Koholālele in Hāmākua on  
Hawai‘i Island. I share that to, of course, provide you with some background about myself, but  
to also express something very simple, and also very special. That is: to know the place I come  
from, where my ‘ohana comes from, and where many of them remain today. This knowledge is  
not something I always possessed; it was something I learned much later in life. That is not the  
case, however, with most of the farmers from Wai‘oli Valley. For them, and their ‘ohana,  
farming in Wai‘oli Valley has been a way of life for generations, where they continue to steward  
the same lands and farm kalo on the same ‘āina, with the same kuleana, because they know how  
important this is to their ‘ohana, their communities, and to all of Hawai‘i nei.

In my last year of law school, I worked as a clinician with both the Native Hawaiian Rights and  
Environmental Law Clinics to learn more about the practical effects the law has on our  
communities, and our Native Hawaiian community in particular. What I’ve come to appreciate,  
but also struggle with, is how complex the law is in these arenas. It is difficult to comprehend,  
let alone navigate, which is why it is important for me to submit testimony in strong support of  
this resolution.

While the law can be convoluted and at times ambiguous, many of the principles that our laws  
have been developed around are clear and manifest. Here, instream, in-watershed cultivation of  
kalo in a traditional manner has special protection and respect in our State Constitution, our  
Water Code, and in Hawai‘i case law, where it has been elevated to a mandate. The work of the  
Wai‘oli Valley Taro Hui is an example of kalo cultivation practiced in a traditional manner,

which the black letter of our laws claims to protect. This resolution is the next step in what has been a long and complex journey for the Hui and would allow them to directly negotiate with the Board of Land and Natural Resources for a water lease. Please vote to support the important work of kalo farming in Wai'oli Valley so that it, and these communities, can continue to live our culture and be a model of indigeneity and sustainability for the generations yet to come.

I appreciate the opportunity to briefly share my thoughts and express my strong support for the work of the Wai'oli Valley Taro Hui.

Mahalo for your time and consideration,

Ashley B. Kaono

**SR-11**

Submitted on: 2/22/2021 8:35:44 AM

Testimony for HWN on 2/23/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
MJ McDonald	Individual	Support	No

Comments:

Aloha,

My name is MJ McDonald, and I write in strong support of Senate Resolution 11. Kalo cultivation is vital for cultural identity and community sustainability. The Wai'oli Valley Taro Hui (Hui) has stewarded their lo'i kalo for centuries, so there is no one better situated to continue this important Native Hawaiian tradition. The Hui has worked tirelessly to restore their lo'i kalo after the devastating 2018 floods, but they still are in the early stages of recovery and need our support to persevere. The Hui are diligently complying with HRS 171-58 and should be able to directly negotiate with the BLNR once it has completed the Chapter 343 environmental review process. I strongly urge you to support Senate Resolution 11.

Mahalo for your time,

MJ McDonald



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KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN

Testimony Strongly Supporting SR11 and SCR22

Supporting the Wai'oli Valley Taro Hui and Traditional Lo'i Kalo Cultivation in Wai'oli, Kaua'i

February 23, 2021, 1:00 p.m.

Via Videoconference

Aloha Chairs Shimabukuro, Inouye, and Members of the Committees on Hawaiian Affairs and Water & Land,

My name is Conrad "Kimo" Inanod, and I am a kalo farmer in Wai'oli Valley and the Vice President of the Wai'oli Valley Taro Hui. Mahalo for hearing these resolutions so that we can continue to steward our ancient lo'i kalo system. Like many others in our hui, my family has been farming kalo and taking care of Wai'oli's natural and cultural resources since before I was born. I am a fourth generation Native Hawaiian kalo farmer in Wai'oli; I cultivate one kuleana that my family owns and about 7 acres that I lease from Wai'oli Corporation. Because of this, I also help to mālama Wai'oli Stream and the larger watershed.

I was raised by my grandpa, James Masada, right here in Wai'oli. Over thirty years ago in May 1989, my grandpa and I submitted declarations of our water use with the Commission on Water Resource Management. In 1993, the Commission verified our water uses from the same mānowai, po'owai, and 'auwai that feeds Wai'oli Valley taro patches today. I am also an avid hunter, and regularly access the ma uka reaches of our watershed to exercise my traditional and customary Native Hawaiian rights and practices. Because of this, I am intimately familiar with this 'āina and feel an obligation to ensure responsible use of this land and its resources.

For me, and so many others, obtaining a long-term water lease is more than just a legal issue. For us, this is about protecting and restoring our quality of life as Native Hawaiian practitioners and small family farmers. Kaua'i's North Shore has changed dramatically, and our sleepy farming community has been transformed into a bustling tourist destination and construction zone. While the resolutions you are considering today will not repair our māno, lo'i, or equipment that were devastated by the historic floods almost three years ago, it will provide important assurance and hope that we will be able to persevere and maintain this way of life for our children and the generations yet to come.

Our road to recovery is perpetual. Within the past few days, we were hit with heavy rainfall and my lo'i is completely flooded again (I included a picture below). Some members of our hui almost got washed away in the flash floods as they rushed out to save some of their huli (stocks of kalo meant to be replanted for the next crop). I cannot see the yard that surrounds my house, there is only water. Wai'oli

Valley is flooded again, and the bridge to Hanalei only re-opened on Saturday. We need your committees' support more than ever as we try to save our lo'i and overcome the many procedural hurdles to obtain a long-term water license. Our community is resilient and committed to this work but, we need your kōkua — and the ability to directly negotiate — to continue our efforts in earnest. Please act today to pass these resolutions.



This is my lo'i on Friday (2/19/2021)

Mahalo piha,

C. Kimo Inanod

JOINT HEARING OF THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND WATER & LAND  
ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUE &  
VICE CHAIRS JARRETT KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN

Testimony Strongly Supporting SR11 and SCR22

Supporting the Wai'oli Valley Taro Hui and Traditional Lo'i Kalo Cultivation in Wai'oli, Kaua'i

February 23, 2021, 1:00 p.m.

Via Videoconference

Aloha Chairs and Members:

My name is Bobby Watari and I am the Treasurer of the Wai'oli Valley Taro Hui. I urge you to support SR11 and SCR22, which will allow our hui to directly negotiate with the Board of Land and Natural Resources for a long-term water lease. I am a 3<sup>rd</sup> generation taro farmer who has been farming full-time for the past 40 years. Farming kalo is my life's work and passion. I learned to farm from my father, who moved to Hanalei in the 1950s to farm taro. My father started farming on leased land, and I now steward the same lo'i and have added to it. I cultivate the kuleana land that my family owns and I lease other lo'i from Wai'oli Corporation.

Farming has been my life. My wife Lilian and I are now grooming my step-son, Kaisen Carillo, to take over. I am not sure if our daughter Lily is interested in farming, but it feels like I am working constantly to ensure that our farm is operational and healthy so that my kids have the option of continuing this important family tradition.

Unfortunately, this has been a struggle. Farming is so much more than planting and harvesting. We work hard to preserve the land for taro, and to steward the lo'i kalo system that has been in place long before I started farming. In Wai'oli, we use a traditional Hawaiian irrigation system that has been in place since before the arrival of Captain Cook in the 1700s. We are honored to be a part of the handful of farmers who continue this important practice — one that has been our way of life in Wai'oli for hundreds of years. We feed our community by supplying this staple to small nonprofits like the Waipā Foundation and others throughout Hawai'i. My step-son Kaisen also provides lū'au leaf so local families can make laulau and other Hawaiian food.

Restoring and maintaining our existing lo'i kalo system is so critical — not only for my family's livelihood and the livelihood of the other famers — but also to perpetuate our way of life and the community here in Wai'oli that we are all a part of. We use a mānowai, a traditional, Native Hawaiian breakaway dam, to take some water from Wai'oli Stream. That water flows through our 'auwai (ditches), then into our taro patches, then back to either Wai'oli Stream or the lower reaches of Hanalei River. Like other taro farmers, we need throughflow — water

flowing through our taro patches — but we don't "consume" water like most offstream users because it goes back to the stream. All of our use is within the watershed where our water supply originates (Wai'oli). So the water that runs through our patches eventually goes back to feed our water cycle in Wai'oli. For these reasons, instream, in-watershed cultivation of kalo in a traditional manner (like ours) has earned special protection and respect under our State Constitution and laws.

Our responsible water use and efforts to maintain the watershed and stream system not only benefits us, but many others. Having worked with these resources for generations, we take care of them and they take care of us. Although much has been done, we still have more work to do. For the first time in my life, I have had to face the harsh reality of many of my fields remaining unplanted. Prior to the 2018 floods, I had never seen so many of my fields empty. It has taken a toll on me personally and on our family. We enjoy, and are proud of, being able to farm as family. The vision I have of farming this land with my wife, Lillian, step-son, Kaisen, and his kids gives me the strength needed to continue during these difficult times. Knowing that in the future our 'ohana will have access to water would give me hope that they will be able to continue our family tradition of farming taro. The Resolutions you are considering and the ability to directly negotiate for a long-term water lease, or an exception from needing to go through the process to qualify for a long-term water lease, is the critical next step for us to maintain our way of life in Wai'oli.

Mahalo for considering my testimony and for your continued work to protect our valuable natural resources and traditional practices. Please approve these Resolutions.

Mahalo nui,

Robert "Bobby" Watari

JOINT HEARING OF THE SENATE COMMITTEES

ON HAWAIIAN AFFAIRS AND WATER & LAND

ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUE &

VICE CHAIRS JARRETT KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN

Testimony in Support of SR11 and SCR22

Supporting the Wai‘oli Valley Taro Hui and Traditional Lo‘i Kalo Cultivation in Wai‘oli, Kaua‘i

February 23, 2021, 1:00 p.m.

Via Videoconference

Aloha to the Chairs, Vice Chairs, and all the members of the Hawaiian Affairs and Water & Land Committees,

My name is Clarence “Shorty” Kaona. I am a 3<sup>rd</sup> generation kalo farmer in Wai‘oli Valley, 100% Native Hawaiian, and a member of the Wai‘oli Valley Taro Hui. **I am testifying in strong support of these resolutions.** I have been farming the same kuleana land since I was 6 years old. My grandfather started farming kalo in Hanalei Valley in the 1930s. When he passed away, my dad took over. In the 1940s, my Dad acquired land in Wai‘oli Valley. This is the same kuleana that I continue to farm and that will be passed down to my daughter, JoAnne Kaona, and to the generations yet to come.

When we were kids, we would walk to the kalo patch to work every day. We were tasked with weeding, tilling, planting, and any other work my Mom and Dad needed. I think back to these days fondly. We would make poi every week with a model A Ford engine that my Dad hooked up to our grinder. We would share this with our ‘ohana and friends in the community. As long as I remember, we always had a bowl of poi on the table. From grade school and through high school, my brothers, sisters, and I spent countless hours in the lo‘i. This was our routine and cultural practice as an ‘ohana. I am very grateful for this because it taught me many lessons and values. I learned how to work hard, to work diligently, and to work in harmony with nature. Everything in the environment, including us humans, has an impact on the growth of the kalo.

Because our Hui has always shared one lo‘i system, we know how to use water responsibly. If we didn’t, our farms and families would not survive. For many of us in the Hui, our families have been working together for generations. This experience taught me the importance of valuing our culture as Native Hawaiians and the importance of ‘ohana. I lived in California for some time, but when my dad passed away in 1986, I moved back to Kaua‘i and have been farming kalo in Wai‘oli Valley full-time ever since. I knew that no one else would step up to this

responsibility, and I really wanted to honor my dad's legacy and continue kalo farming. I hope to pass down the lessons learned in the lo'i to my children and the generations after them.

My family has been here in Wai'oli for generations, and I work hard to continue our traditional and customary Native Hawaiian practice of wetland kalo cultivation. The devastating floods from 2018 have made it hard to continue. In all of my years here in Wai'oli, I have never seen a flood like that. The damage was devastating. It ruined my equipment and tools, most of the banks that border my patches, and the 'auwai, our traditional irrigation system. The 'auwai needs continual maintenance and restoration after extreme weather events, which have become more frequent. The struggle to keep up with the needs of our irrigation system has impeded our ability to continue farming at the capacity needed to feed our families.

As I understand it, these resolutions have language encouraging BLNR to directly negotiate a long-term water lease with us. It would do so much for my peace of mind. There would still be problems, but it would really help our small Hui. Over the last three years since the floods, we have made some progress; but so much work remains. Despite delays, our Hui regularly cleans out the mānowai, po'owai, and 'auwai, which is very important for healthy water flow, streams, and watersheds. Over the years, I've come to know that it also helps to prevent flooding. It has been a blessing to have younger farmers like my daughter, JoAnne, who do this work for our farms.

Today, we are asking for your kōkua to approve these resolutions. Doing so would give us a little more stability in Wai'oli Valley. All we want to do is continue farming so that our traditional and customary practices, knowledge, and lessons, can be continued by future generations. These resolutions give me hope that the younger generations will be able to continue kalo farming in Wai'oli. This knowledge and the lessons learned can only be gained through the hard work and love that comes with spending time in the lo'i.

Mahalo for the opportunity to testify in strong support of these resolutions of vital importance for my 'ohana and our larger community. Please vote today to approve SR11 and SCR22.

Mahalo,

Clarence "Shorty" Kaona

JOINT HEARING OF THE SENATE COMMITTEES  
ON HAWAIIAN AFFAIRS AND WATER & LAND

ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUE &  
VICE CHAIRS JARRETT KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN

Testimony Strongly Supporting SR11 and SCR22  
Supporting the Wai'oli Valley Taro Hui and Lo'i Kalo Cultivation in Wai'oli, Kaua'i

February 23, 2021, 1:00 p.m.  
Via Videoconference

Aloha Chairs Shimabukuro and Inouye and Committee Members!

My name is JoAnne Kaona. I am a fourth generation Native Hawaiian kalo farmer in Wai'oli Valley and the Secretary of the Wai'oli Valley Taro Hui. Mahalo for the opportunity to testify on this issue, which is of grave importance to our community: our ability as a Hui to directly negotiate with the Board of Land and Natural Resources for a long-term water lease.

I am one of only a handful of wahine farmers of my generation in Wa'oli. I help my Dad, Clarence "Shorty" Kaona, to mālama our family kuleana and some leased land, which is altogether about 3½ acres of kalo. For us, kalo farming defines our 'ohana; it is what we do and something special that we share. It is also how we contribute to our community: by providing kalo, the ultimate staple of Hawaiian culture, as food that is enjoyed by all in Wai'oli and the larger Hanalei area.

Our 'āina in Wai'oli is perfectly suited for wetland kalo cultivation. The 'ohana who have been farming for multiple generations, like mine, have taken on this kuleana to ensure accessibility to our lāhui's most basic and essential food. But, we were hit hard by the 2018 floods, and for the first time in my entire life, many of the Hui's lo'i were barren. It has been a long road to get our patches back into cultivation. We continue to face damage from more frequent and severe weather events due to climate change.

I also work at the Waipā Foundation where I teach kids about aloha 'āina, sustainability, natural resource management, and traditional and customary Native Hawaiian practices.

The Waipā Foundation's mission is to create a healthier community by educating our people about an indigenous diet while also keeping it affordable. One way to maintain this is by ensuring that our community has local kalo and poi to eat. The Waipā Foundation gets between 70-90% of our kalo from the Wai'oli farmers, including my Dad and me. The Foundation processes that kalo and poi at our certified kitchen with volunteer labor and provides pa'i'ai for our community at or below cost. For example, Waipā's pa'i'ai price for kūpuna is \$1 per pound.

My Dad took over kalo farming from his dad in 1987 and even now in his 80s, he still works in the lo'i almost every day. I know that this kuleana will fall upon me when my Dad is no longer able, and I am ready. After four generations of this work, it would be impossible for me to turn away from a practice that has been a part of our family for so long. There is no alternative for me — I just have to do it. Part of my kuleana in preparation to take on farming my 'ohana's lands has been to help our Hui obtain an easement from the Board of Land and Natural resources so we could fix and maintain our traditional ditch system. Our hui has also worked with BLNR on a revocable permit for our water use. Now, we are working with BLNR and Ian Hirokawa on a water lease. To be able to directly negotiate is crucial for our community.

The truth of the matter is that we, as small family-run farms, won't be able to compete in a public auction process with the wealthy individuals and corporations who have moved to Kaua'i's North Shore. Our desire to continue kalo farming is not for us as individuals, but for our entire community who relies on our small farms to feed them. Please support this Native Hawaiian tradition and way of life that has become all too rare on Kaua'i and throughout Hawai'i.

**I humbly request that you support these resolutions.** The ability to directly negotiate a long-term water lease with BLNR will bring our Hui one step closer to upholding our mission to provide this staple Hawaiian food for our community in a way that was done by our ancestors since time immemorial.

Mahalo for your time and consideration,

JoAnne Kaona



JOINT HEARING OF THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS & WATER & LAND  
ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUYE & VICE CHAIRS  
JARRETT KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN

Testimony Strongly Supporting SR11 and SCR22

Supporting the Wai'oli Valley Taro Hui and Traditional Lo'i Kalo Cultivation in Wai'oli,  
Kaua'i

February 23, 2021, 1:00 p.m.

Via Videoconference

Aloha,

I am a kalo farmer in Wai'oli Valley and also a Board Member of the Wai'oli Valley Taro Hui. My daughters are the sixth generation of their 'ohana in Hanalei and, skipping a couple generations, the fourth generation to be farming lo'i in Wai'oli. Culture and practices like kalo farming are still very much here and they must be protected so that they can be passed on to our keiki.

I would have loved to speak with you all during this hearing, but due to the heavy flooding we experienced this past weekend, I must tend to my farm to assess and mitigate the damage that likely occurred. But, I am grateful to be able to share my thoughts with you in writing on why **supporting these resolutions is so important.**

Although I am relatively new to farming, I know how important it is to grow kalo. I have developed an intimate understanding of how the plant, over many generations, has allowed our people to pass on ancestral knowledge; knowledge that teaches us about sustainability, how to be better stewards of our 'āina, how to act in our environment, and how those principles translate to how we interact with each other as humans.

The April 2018 flood devastated our 'āina and taro patches, and my 'ohana and I have been forced to start over from the beginning. The silver lining in it all, however, has been the closeness and cohesiveness we have developed between us Wai'oli farmers, working together to help to better the conditions to the extent that we can so we can all return to farming. I know I have to do this for my 'ohana and for our Wai'oli farmers' 'ohana, too.

Despite the rapid changes in our small communities of Wai'oli and Hanalei with tourism

and the change in demographics, it is important for me to let these committees know that Native Hawaiian cultural practitioners and practices are still alive here. This pandemic has also revealed the weaknesses of relying on a single industry. We in Wai‘oli have always been, and will continue to be, committed to providing sustenance for our communities.

These cultural practices such as kalo farming must be protected so we can pass them on to our keiki. It is also important to continue these practices so they can be taught to others when the time is right. The ability to negotiate directly with the Board of Land and Natural Resources for a long-term water lease, or even better to be exempted given our unique circumstances, would greatly help us to secure water that is so crucial for us to continue our cultural practices as Native Hawaiians into perpetuity for generations to come.

Mahalo for your time and aloha,

Nathaniel Tin Wong

JOINT HEARING OF THE SENATE COMMITTEES  
ON HAWAIIAN AFFAIRS AND WATER & LAND

ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUE &  
VICE CHAIRS JARRETT KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN

Testimony in Strong Support of SR11 and SCR22

Supporting the Wai‘oli Valley Taro Hui and Traditional Lo‘i Kalo Cultivation in Wai‘oli, Kaua‘i

February 23, 2021, 1:00 p.m.

Via Videoconference

Aloha Chairs and Committee Members,

My name is Lillian Watari and I am a 4<sup>th</sup> generation Native Hawaiian kalo farmer. I have been farming for 45 years. Our ‘ohana started farming kalo in Lumaha‘i with my great-grandfather Saburo Harada. My grandfather Genichi Harada, then moved the farm to Wai‘oli and the tradition continued with my mother and father who still farm in Wai‘oli Valley at 74 & 83 years old. I am married to Bobby Watari who also farms in Wai‘oli Valley with our son, Kaisen Carillo.

Kalo farming is more than a longstanding custom and tradition in our family, it’s our way of life and our family legacy. Growing up, I was the eldest of 5 children. As soon as we were physically able, we were out in the lo‘i helping our parents and grandparents maintain and cultivate kalo. At such a young age, I didn’t understand the commitment necessary to farm kalo. It felt like a burden. Our lives revolved around the kalo’s needs. Our routine consisted of coming home after school, having just enough time to grab a quick snack, and loading up the truck to head down to the lo‘i. Looking back now, the value of the lessons I learned working in the lo‘i is hard to put into words. I am proud of my family’s tradition of farming kalo and the person it has made me. It taught me the value of hard work and the importance of being able to spend time with nature.

I currently work full-time at a hotel. Yet, even now, I look forward to the weekends and being able to go to the lo‘i and have the opportunity to be there with my family. It gives me the peace of mind that is often hard to find in today’s complex world. It’s hard work, but I enjoy it and wouldn’t trade it for anything. It’s beautiful to continue the legacy built by my grandparents in Wai‘oli and to pass that on to my children and, hopefully, my grandchildren.

The ability to directly negotiate with BLNR, for a long-term water lease, would allow our Hui to continue our family tradition of farming kalo. It would enable us to continue to be together in the environment and on the land we love most. It has been hard since the floods almost three years ago, both emotionally and in terms of our kalo production. Our family farm may have been hit the hardest because of where our lo‘i are situated in relation to the floodwaters. For the first time in our lives, our farm was left with many empty fields for a number of reasons, including a decrease in water flow. Yet, we are resilient and will persevere. We are still here. We just want to be able to get back on our feet and continue to practice the culture we love in our small

community. Hanalei has changed so much over the years. Yet, what holds together our identity as a community is the kalo farming that has been here since the beginning of time in these islands. It is a true testament to our community that we work together and help each other get through challenges like this. We are proud of who we are and what we do, and hope to continue to pass down this tradition to future generations. The ability to negotiate directly with BLNR for a long-term water lease would help to provide some assurance that our family tradition can continue.

Mahalo for your time and consideration of this solution that is vital to our survival. Please act today to ensure the viability of our future.

Mahalo,

Lilian Watari

**SR-11**

Submitted on: 2/22/2021 10:08:12 AM

Testimony for HWN on 2/23/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mahina Tuteur	Individual	Support	No

Comments:

Aloha Chairs, Vice Chairs, and Honorable Members of the Senate Committees on Hawaiian Affairs and Water and Land,

My name is Mahina Tuteur and I am submitting testimony in strong support of Senate Resolution 11. I am a Post-JD Fellow at Ka Huli Ao Center for Excellence in Native Hawaiian Law and had the great pleasure and kuleana of working with the Wai'oli Valley Taro Hui ("Hui") in the Fall 2020 Environmental Law Clinic. I am also a member of the State Environmental Council.

The Hui is comprised of small family farmers, many of whom have been stewarding the same land for generations. Given the Hui's long-standing stewardship of this 'Ä• ina and its steadfast commitment to continuing abundance in the future, there is no one better situated to care for this important place and continue this traditional practice. As you know, the Hui remains hard at work seeking the approvals necessary to continue their 'ohana's stewardship of lo'i kalo that have fed not just Kaua'i, but communities across Hawai'i, for generations. Over the last two years, the farmers have been working diligently to comply with all the requirements of HRS 171-58, and in my opinion, have gone above and beyond in all respects. As the Hui nears the end of this complicated and expensive process, I urge you to please pass this resolution and allow the Hui to directly negotiate with the Board of Land and Natural Resources for a water lease. Supporting traditional kalo cultivation, and local family farmers in particular, is exactly what the State should be doing in the face of food insecurity and climate change.

Please vote today to pass this resolution and support traditional lo'i kalo cultivation and the Wai'oli Valley Taro Hui.

Mahalo nui for your time and consideration,

Mahina Tuteur, Esq.

JOINT HEARING OF THE SENATE COMMITTEES  
ON HAWAIIAN AFFAIRS AND WATER & LAND

ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUE &  
VICE CHAIRS JARRETT KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN

Testimony Strongly Supporting SR11 and SCR22

Supporting the Wai'oli Valley Taro Hui and Traditional Lo'i Kalo Cultivation in Wai'oli, Kaua'i

February 23, 2021, 1:00 p.m.

Via Videoconference

Aloha Members of these Important Committees,

Mahalo for taking the time to consider the Wai'oli Valley Taro Hui's desire to directly negotiate with the Board of Land and Natural Resources for a long-term water lease. These resolutions would be a game-changer for our kalo farmers, and would help to provide certainty around water flow so we can continue to cultivate this important crop that feeds our community.

My name is Kaisen Carrillo and I come from multiple generations of kalo farmers on both sides of my 'ohana. My mother's side of the family, the Haradas, started farming with my great-great-grandfather, Saburo Harada, in Lumaha'i. My great-grandfather, Genichi Harada, eventually moved the farm to Wai'oli and my 'ohana has been farming in the valley ever since. My great grandfather's daughter, my grandma Lily, married Ahfook Tai Hook and both of them still farm in Wai'oli at 74 and 83 years old. Finally, my mom Lillian, daughter of Ahfook, married Bobby Watari, who also farms in Wai'oli Valley.

That leaves me, a 29-year-old 5<sup>th</sup> generation Native Hawaiian kalo farmer in Wai'oli Valley. I am one of only three farmers in Wai'oli younger than 35-years-old. I have just started my own family and I am raising my 4-year-old daughter and 1-year-old son to farm this land as well. With your support, they will be 6<sup>th</sup> generation Wai'oli kalo farmers. I spent some time outside of Kaua'i, going to school, earning my associate's degree in hospitality and my bachelor's degree in business. I'm grateful to have earned these degrees and have been putting them to good use since I moved back to Kaua'i from O'ahu about 4 years ago. Now, as an adult, I am able to use my formal education to expand my own farming efforts and am currently being groomed to run our family-operated farm some day.

Since the 2018 floods, though, things have really been hard. As a full-time farmer with a young family, it's been stressful trying to figure out how to provide for my family. I need to not only repair the damage to my farm, but also provide for my growing family's needs. At the same time, I have been trying to engage more in the administrative aspects of farming by working with our Hui to learn about the issues unique to Wai'oli kalo farmers. These include securing a perpetual easement and revocable water permit from BLNR, and now, applying for a long-term water

lease. I am committed to these issues because I know this will make it possible for my children to farm, just as my kūpuna did all they could to pave the way for me to continue farming.

One of the most important reasons our Wai‘oli Valley Taro Hui should be allowed to directly negotiate with BLNR is because farming kalo is different from most other uses. Our traditional, Native Hawaiian methods of kalo cultivation rely on “throughflow.” Water from the stream flows into our lo‘i then returns to the stream. So, it’s not consumptive or polluting, and all use is within the same watershed.

For the last two years, our Hui of kalo farmers has been trying to complete the application for a water lease with the amazing support from the University of Hawai‘i’s Richardson School of Law’s free legal clinics. Even with all this help, we still have so much to do before we can even apply. The water lease process has been long and challenging for us and it is difficult to imagine that after this application is pau, we might have to go up against private interests in a public auction who have no connection to our ‘āina or wai. That is why direct negotiation with BLNR is our best hope to secure water for future generations of Wai‘oli kalo farmers.

This is very important to me because I am raising my keiki with Native Hawaiian values in the hopes that they will develop a passion for kalo as a connection to our culture. But, without the security of a long-term water lease, it is difficult for me to look them in the eye and promise that they will be able to cultivate the same patches that their ancestors stewarded for generations.

As difficult as things have been, I love what I do. This is my culture. It is what my family has been doing for generations. I feel a deep sense of pride and honor to ‘auamo my kuleana and perpetuate this practice — especially now when many of my generation are becoming less interested in taro farming. To be honest, there are more lucrative ventures for some. But, what we do goes beyond monetary value; this is about kuleana. It is our way of life and we will continue to farm taro on these lands for as long as we are physically able.

The ability to negotiate directly with BLNR to secure a long-term water lease would bring me some peace of mind during a stressful time for our Wai‘oli farmers.

Mahalo for the opportunity to explain why this issue is so incredibly important to our way of life in Wai‘oli. Please vote to pass out these resolutions today.

Mahalo,

Kaisen Carillo

JOINT HEARING OF THE SENATE COMMITTEES  
ON HAWAIIAN AFFAIRS AND WATER & LAND

ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUE &  
VICE CHAIRS JARRETT KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN

Testimony in Strong Support of SR11 and SCR22

Supporting the Wai'oli Valley Taro Hui and Traditional Lo'i Kalo Cultivation in Wai'oli, Kaua'i

February 23, 2021, 1:00 p.m.

Via Videoconference

Aloha Chair Shimabukuro, Chair Inouye, and Members of the Committees on Hawaiian Affairs and Water and Land,

Mahalo for hearing the resolutions before you today. **The ability to directly negotiate a long-term water lease with the Board of Land and Natural Resources given our special circumstances would mean so much to our small hui of farmers.** As a kalo farmer in Wai'oli Valley, and a member of the Wai'oli Valley Taro Hui, I humbly continue to care for our precious resources that are an important part of our livelihood and our community.

My name is Chris Kobayashi and my family has been living and farming in Wai'oli Valley for three generations and over one hundred years. My grandfather moved here from Japan and chose to begin farming in Wai'oli. Initially, my family farmed rice, but by the early 1940s, we expanded to wetland kalo.

My father was born in Wai'oli in 1920, the fifth of six siblings. I was born and raised on the same land. My father spent his entire life farming that land. And, this is the same land that I continue to farm today in Wai'oli. One day, my father spoke to me about how worried he was that there might not be anyone left to carry on our kalo farm. I thought of all of his blood, sweat, and tears that had gone into clearing, preparing, planting, maintaining, and taking care of the kalo and the land. I thought: I can't let all that he put into our farm be for nothing. In that moment, I decided to take over our family farm.

Over 20 years ago, we started growing various vegetables and fruits using organic methods and inputs. We also applied that knowledge to our kalo cultivation and started implementing sustainable practices.



We are always trying to be better. We work really hard to grow food for ourselves and to supply good kalo to small poi millers who make poi or pa'i'ai for their communities. We also support 'āina-based education and organizations; and students and families who do traditional ku'i with their native food. It has been a heartfelt honor to have been part of this and we hope to continue to supply these friends and others.

Though we continued to harvest kalo until November of 2018, we were unable to plant new fields because all of our equipment, amendments, small tools, and our truck were ruined in the April 2018 flood. After numerous repairs, we finally got our tractor fully working again in March 2019 and, weather permitting, we started mowing, tilling and cover cropping our farm and preparing our fields. With the huli that we had available to us, **we were able to plant 3 fields. We have the potential to plant 26 lo'i of various sizes. Today, we are still not operating at full capacity.**



Since the devastation of the 2018 flood, the condition of the stream is in constant flux. Frequent heavy rains cause 'ili'ili to build up and water to breach our banks, requiring us to shovel out the 'ili'ili and build up the banks at the same time. We are constantly working to maintain the māno and 'auwai, especially after heavy rain and wind events. Even now as I am writing this, storm waters are rising and flash flooding is occurring. But, our small hui always shows up because this is what we do; we all work together to maintain the lo'i kalo system. We all depend on managing that flowing water for our farms and larger community.

Because the Hui's lo'i are not operating at full capacity, when it rains, the water in the river is high and floods the area, including Hanalei town.

As a kalo farmer, I accept nature's unpredictability and work to maintain my relationship with this land. But, we need help. Where we can, we need stability and predictability in those areas that can be actively managed. We need reliable access to water. The ability to directly negotiate a long-term water lease with BLNR, or the ability to be exempted from the complicated and expensive water leasing process due to our special "legal unicorn-like" status, would allow us to continue to take care of Wai'oli and our traditional lo'i system. This would be so helpful for us and for future generations to continue farming kalo to feed ourselves, our 'ohana, and our community. We're just small farmers and there is no way we could compete at a public auction. Since 2018, we have been working really hard to understand and go through all the necessary processes. It's a lot, but we also know that it is important

for the greater good. As the tides ebb and flow, farmers working with the land and water and kalo are so intertwined with nature and their own lives, that we too ebb and flow.

Thank you for this opportunity to share my testimony and for your continued support of the Wai'oli Valley Taro Hui. We humbly ask you to please vote to approve SR11 and SCR 22 today.

Mahalo,

Chris Kobayashi

**SR-11**

Submitted on: 2/22/2021 11:29:28 AM

Testimony for HWN on 2/23/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Terina Faagau	Individual	Support	No

Comments:

Aloha Chairs, Vice Chairs, and Honorable Members of the Senate Committees on Hawaiian Affairs and Water and Land,

My name is Terina Faagau and I am testifying today in strong support of Senate Resolution 11. Three years after the devastating floods on Kaua'i, many on Kaua'i have yet to fully recover. For example, the Wai'oli Valley Taro Hui ("Hui") remains hard at work seeking the approvals necessary to continue their 'ohana's stewardship of lo'i kalo that have fed our community for generations. After several years and thousands of hours of pro bono work from the Richardson School of Law's legal clinics, the farmers are nearing the end of this complex process. Please pass this resolution and allow the Hui to directly negotiate with the Board of Land and Natural Resources for a water lease.

These family farmers provide an important source of food for our island community; for example, they supply taro to the Waipā• Foundation, whose poi feeds families from HĀ• 'ena to Waimea and even Ni'ihau. Moreover, the Hui's stewardship of the mauka reaches of Wai'oli Valley and their own lo'i kalo helps to protect Hanalei Town and surrounding areas from flooding, which continues even today. Finally, kalo cultivation is integral to our identity on Kaua'i and we support those who maintain this lifestyle and Native Hawaiian tradition. Without cultural practitioners, we have no culture.

Please vote today to pass this resolution and support traditional lo'i kalo cultivation and the Wai'oli Valley Taro Hui.

Mahalo for your time and consideration.

Terina Faagau

JOINT HEARING OF THE SENATE COMMITTEES  
ON HAWAIIAN AFFAIRS AND WATER & LAND

ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUE &  
VICE CHAIRS JARRETT KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN

Testimony in Strong Support of SR11 and SCR22

Supporting the Wai'oli Valley Taro Hui and Traditional Lo'i Kalo Cultivation in Wai'oli, Kaua'i

February 23, 2021, 1:00 p.m.

Via Videoconference

Aloha to the Chairs and Members of both Committees at this Joint Hearing,

Mahalo for the opportunity to testify in strong support of SR11 and SCR22. Please pass both resolutions today and allow the Wai'oli Valley Taro Hui to directly negotiate a long-term water lease with BLNR.

My name is Demetri Rivera. I am a kalo farmer and a Board Member with the Wai'oli Valley Taro Hui. I farm with Chris Kobayashi in Wai'oli. Together, we maintain and farm about 10 acres of lo'i, banks, and roads. I have been farming kalo full-time for over 25 years.

I know that you cannot farm wetland kalo without good, fresh, flowing water from the mountains. If there is a lack of water or inconsistent water, you will get lots of weeds growing and your kalo quality can be so bad, that sometimes, you just gotta plow under. If water flow is low in the summer and the other hot months, the water is warm and the kalo will rot due to diseases and a poor environment. No sense plant.

As a hui, we have been maintaining the Wai'oli mānowai, po'owai, and 'auwai on a regular basis and especially during emergencies, which happens to be every time there is a big rain these days. In fact, heavy rain is pouring in Wai'oli Valley right now. In the winter months, we brace ourselves for big rains and storms, hoping that there won't be any flooding. The 2018 flood, however, was unlike anything we've ever seen. And we are still recovering.

Over the last couple years, we've worked really hard to repair the māno, clear the stream of debris, and fix the 'auwai. But, none of that matters without having access to enough water to start planting again and a reliable supply so that we know our kalo will survive.

Mahalo for this opportunity to testify. I humbly ask you to please vote in support of SR11 and SCR22 and allow us to directly negotiate for a long-term waterlease and complete our recovery process.

Aloha,

Demetri Rivera

JOINT HEARING OF THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND WATER & LAND  
ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUE & VICE CHAIRS JARRETT  
KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN

Testimony in Strong Support of SR11 and SCR22

Supporting the Wai'oli Valley Taro Hui and Traditional Lo'i Kalo Cultivation in Wai'oli, Kaua'i

February 23, 2021, 1:00 p.m.

Via Videoconference

Dear Chairs and Members of the Hawaiian Affairs and Water & Land Committees,

Thank you for the opportunity to testify on this important matter. As a kalo farmer in Wai'oli Valley, Kaua'i, and a member of the Wai'oli Valley Taro Hui, I strongly support these Resolutions.

My name is Dwight Morishige and I am a 3rd generation kalo farmer. I have been farming in Wai'oli Valley for over 40 years. From before I can remember, my father and his family farmed kalo. I grew up in a community that dedicated itself to farming kalo. I learned how to farm kalo from my father-in-law and other farmers in this area.

My family has been here in Wai'oli for decades, and I have continued our traditional and customary practice of wetland kalo cultivation. I currently lease 10 acres to grow kalo. The 2018 flood was the worst I have ever seen. As you may know, all of the Wai'oli Valley taro farmers experienced damage individually and collectively. That damage was mostly caused by flooding, landslides, and silt and erosion being deposited in our lo'i.

This community has always been close and centered around kalo cultivation. Kalo is a very nutritional food that we grow right here in our own town. Culturally, it is important for our younger generation to continue farming. Even though our community has always been tight knit, this is the first time we received so much help and have since organized in response to the flood. Our community has worked really hard to make sure we can continue the practice of kalo farming in Wai'oli. Without help, kalo farming in 2021 and into the future would be impossible.

Thank you again for this opportunity to testify in support of SR11 and SCR22 and for your work for the people of Hawai'i. Please approve these resolutions so our hui can directly negotiate a long-term water lease with BLNR.

Mahalo,

Dwight Morishige

JOINT HEARING OF THE SENATE COMMITTEES  
ON HAWAIIAN AFFAIRS AND WATER & LAND

ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUE &  
VICE CHAIRS JARRETT KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN

Testimony Strongly Supporting SR11 and SCR22

Supporting the Wai‘oli Valley Taro Hui and Traditional Lo‘i Kalo Cultivation in Wai‘oli, Kaua‘i

February 23, 2021, 1:00 p.m.

Via Videoconference

Aloha Chair Shimabukuro and Members of the Committee on Hawaiian Affairs; and, Chair Inouye and the Members of the Committee On Water and Land,

Mahalo for the opportunity to testify on this important matter. As a kalo farmer and member of the Wai‘oli Valley Taro Hui, I strongly support SR11 and SCR22. I urge you to allow us to directly negotiate a long-term water lease, or to exempt us from the water leasing process altogether.

My name is Sierra-Lynn Boro-Harada and my family has been farming kalo for generations. The legacy my family has created inspired me to begin farming and it is what drives me to continue. Farming kalo is my passion and is a purposeful way to live life. The dedication I have for farming is genuine, and I come before you with the hope that your Committees can help to ensure a future in farming for me, my young family, and the families of all the other kalo farmers in Wai‘oli Valley.

My love for farming began at an early age. I was raised in the fields where I learned and grew to enjoy the culture of kalo, the various aspects of hard work, and how to have fun while working. My dream is to carry on this tradition and lifestyle, and to teach my children and future generations of my family to love it as I do.

Initially, my career pathway was very different. After I graduated from high school, I went off to Washington State University to become a registered nurse. While there, my grandfather’s health took a turn for the worse. I had the option of continuing school in Washington, but instead, I chose to return home to run the family farm. Since 2010, I have been running the entire farm and steadily trying to grow my operations. Challenges have come and gone for us, but I always persevered and overcame them. That is why I am asking for your Committees’ help with this particular matter.

Our farm consists of 9 acres. Since the flooding in 2018, we have struggled to maintain our normal operations. We have had to deal with many challenges, but we work really hard to continue. Right after the 2018 flood, the Department of Land and Natural Resources informed us that portions of our centuries-old lo‘i kalo irrigation system, a system that predates modern zoning laws and the water licensing provision, was located on conservation land. Since then we have worked hard to get a permanent easement so we could access our mānowai and po‘owai and repair them. We have also worked

hard to apply for a long-term water lease with the state and established that our situation is unique. We have worked to gain access to the water needed for us to continue farming. We have worked hard for stability. This dilemma has affected our entire community. It is important to us all, as a Hui, to have stability with our water and its delivery infrastructure. With your Committees' help, we will have a chance to ensure enough water for us to gain stability and to continue doing what we love.

While we've been able to make some progress since the devastating floods, our farm, as well as all the other farms in Wai'oli, still have a long way to go. Flooding continues to happen in Wai'oli — it is flooding now. Our families and our community rely on us to face challenges as they come. To do this, it is imperative that we secure the ability to directly negotiate for a long-term water lease or to be exempted from those requirements. This would bring peace of mind that we will be able to continue responsible stewardship of our lo'i kalo system into the future.

My love for farming is limitless — it is hard to put into words. The opportunity to love what you do, and do what you love, is an experience that I hold dear. It is priceless and I plan to continue my family's tradition of farming here on the North Shore of Kaua'i. With the Committees' help, I can do just that.

Thank you again for this opportunity to testify. Please vote to approve SR11 and SCR22.

Mahalo,

Sierra-Lynn Boro-Harada

JOINT HEARING OF THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS & WATER & LAND

ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUE & VICE CHAIRS JARRETT  
KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN

Testimony in Strong Support of SR11 and SCR22

Supporting the Wai'oli Valley Taro Hui and Lo'i Kalo Cultivation in Wai'oli, Kaua'i

February 23, 2021, 1:00 p.m.

Via Videoconference

Dear Chair Shimabukuro, Chair Inouye, and Members of these Committees,

Thank you for the opportunity to testify on this important matter. As a taro farmer in Wai'oli Valley and a member of the Wai'oli Valley Taro Hui, **I respectfully request that you vote to pass Senate Resolution 11 and Senate Concurrent Resolution 22.**

My name is Wayne Tanji and I have been farming in Wai'oli Valley for over 30 years. Prior to becoming a farmer, I worked retail in Hanalei. Back then, my friends were taro farmers and so I eased into farming by slowly acquiring patches from them. Eventually, I decided to farm full-time. I currently lease a little over an acre of land where, prior to the flood, I maintained 6 wetland kalo patches.

The flood three years ago completely devastated my farming operations. Because of the location of my patches, the damage to the 'auwai system hit me particularly hard. After the 2018 floods, my patches could not receive enough water to ensure a consistent level of through-flow and, as a result, my taro couldn't grow properly. This event highlighted how important it is for us to have a stable water supply. We know the water we use affects others further down the 'auwai in our Hui. Because of this, we are all considerate about how our water use impacts others.

Currently, at 70 years old, I am barely able to maintain only 2 of my original 6 patches. Although sometimes friends come over to give me a hand, I mostly farm alone. Water is so vital for us to continue farming. It is the lifeblood. Without it, we cannot survive. To say that this situation is causing me stress is an understatement.

There is still much work to be done as we recover from the 2018 floods and other damage that keeps happening – like this weekend's heavy rains – but your approval of these resolutions and the ability to directly negotiate for a long-term water lease, or an exemption from needing one, would help a ton; especially because we have been working



hard to make sure that we comply with all the necessary requirements. We are trying our best.

Thank you again for this opportunity to testify in support of SR11 and SCR22 that would allow our hui to directly negotiate for a long-term water lease. Please act on these resolutions today.

Mahalo,

Wayne Taniji  
Farmer, Wai'oli Valley Taro Hui

**SR-11**

Submitted on: 2/22/2021 12:33:28 PM

Testimony for HWN on 2/23/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Emily	Individual	Support	No

Comments:

Aloha Chair Shimabukuro, Chair Inouye, Vice Chair Keohokalole, Vice Chair Keith-Agaran, and Honorable Members of the Senate Committees on Hawaiian Affairs and Water and Land,

My name is Emily Schlack and I am strongly in support of Senate Resolution 11. The Wai`oli Valley Taro Hui provides an incredible example of how cultural traditions and practices can be passed down through generations and continue to grow in strength. The Hui's ancestors have been stewarding this same land, cultivating kalo, and feeding the IÄ• hui for generations, and theirs are the voices who should be heard on this important issue. These small family farms are so integral to the community both of Kaua'i and the larger community of Hawai'i, and it is more important than ever to support local farmers both as cultural practitioners and as providers of local and sustainable food. I respectfully urge you to pass Senate Resolution 11.

Mahalo for your time,

Emily

Support

JOINT HEARING OF THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND  
WATER & LAND  
ATTN: CHAIRS MAILE S.L. SHIMABUKURO AND LORRAINE R. INOUE &  
VICE CHAIRS JARRETT KEOHOKALO AND GILBERT S.C. KEITH-AGARAN

Testimony in Strong Support of SCR22 & SR11:  
Supporting the Wai'oli Valley Taro Hui and Traditional Lo'i Kalo Cultivation in Wai'oli,  
Kaua'i

February 23, 2021, 1:00 p.m.  
Via Videoconference

Aloha mai e nā Chairs and members of these Honorable Committees,

I am testifying today in **strong support** of SCR22 and SR11 that kōkua the Wai'oli Valley Taro Hui. My name is U'ilani Tanigawa Lum and I am an attorney and a Post-J.D. Fellow at Ka Huli Ao Center for Excellence in Native Hawaiian Law.

I first worked with the Wai'oli Valley Taro Hui ("Hui") as a 3<sup>rd</sup> year law student in the Environmental Law Clinic in 2019. As a student, I visited Wai'oli, understood and assessed the damage, and contemplated next steps to help the farmers recover. I also had the pleasure of meeting the humble farmers of the Wai'oli Valley Taro Hui. At each step of the way, the Hui was 'eleu, ready to undertake the necessary requirements. It was clear to me early on that their incredible work – from supplying kalo to kama'āina, to 'āina-based education, and generational stewardship of the land – needed to continue; but they needed help. I have been helping them, and co-teaching Clinic, since then. The complex permitting process designed to protect our natural resources has, ironically, been particularly difficult for the Hui. As kama'āina of the land, they are uniquely situated to manage the natural and cultural resources of this area. In reality, they know this place the best. As an attorney, I have to believe that our laws can and should support such uniquely situated folks such as the Hui.

As a hula practitioner deeply passionate about Native Hawaiian practices, I also understand the difficulties of continuing traditional and customary practices in Hawai'i nei. The Hui, however, continues one of the most foundational practices for Kānaka Maoli. Without any hesitation, they humbly continue to 'auamo their kuleana: for their 'ohana, their practice of kalo cultivation, and most importantly, their 'āina.

This Hui not only represents the longstanding and understated work ethic of kalo farmers across Hawai'i, but they also illustrate our collective success as Hawai'i. They taught me much more than practical legal skills in that class in law school – they taught me fundamental values and a vision for the best of Hawai'i pae 'āina. They embody the *practice* of mālama 'āina (caring for the land), kuleana, hard work, and most of all, aloha.

**I respectfully ask you to please vote to pass these resolutions and support traditional lo'i kalo cultivation and the Wai'oli Valley Taro Hui.**

Mahalo nui,

U'ilani Tanigawa Lum

JOINT HEARING OF THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND  
WATER & LAND

ATTN: CHAIRS MAILE S. SHIMABUKURO AND LORRAINE E. INOUYE & VICE  
CHAIRS JARRETT KEOHOKALOLE AND GILBERT S.C. KEITH-AGARAN

Testimony in Strong Support of SR11:  
Supporting Wai'oli Valley Taro Hui and Traditional Lo'i Kalo Cultivation  
in Wai'oli. Kaua'i

February 23, 2021, 1:00 p.m.  
Via Videoconference

Aloha Chairs, Vice Chairs, and Honorable Members of the Senate Committees on Hawaiian  
Affairs and Water and Land,

My name is Alexa Deike and I am testifying in **strong support** of SR11. I am a student at the  
William S. Richardson School of Law at the University of Hawai'i at Mānoa and had the  
privilege and honor to work with the farmers of the Wai'oli Valley Taro Hui for three semesters  
in the Environmental Law and Native Hawaiian Rights clinics.

During our site visit in Wai'oli in February 2020, I have met the humble and extremely hard-  
working farmers and could see for myself the on-going devastation of the 2018 floods and the  
long, arduous road of recovery to have water returned to their lo'i and return to growing kalo.  
Besides facing the challenge of repairing their water intake from the stream and their silt  
damaged lo'i fields, the Wai'oli Valley Taro Hui was confronted with the extremely difficult  
legal hurdle of obtaining a water lease.

Wai'oli Valley is a truly uniquely and special place. This lo'i kalo system has been in place  
since time immemorial as Wai'oli Stream is one of the very few streams in the state that has not  
been diverted for plantation needs. The farmers have stewarded this 'āina and wai for multiple  
generations and supplied kalo and poi for the community in Kaua'i and across Hawaii nei.

The Wai'oli Valley Taro Hui has worked diligently with the DLNR to fulfill all the requirements  
needed to obtain a water lease under HRS § 171-58 and should be able to negotiate directly with  
the BLNR once it has completed the Chapter 343 environmental review process.

Your vote today will ease the Wai'oli Valley Taro Hui's burden to obtain a lease and support  
traditional lo'i kalo cultivation.

Mahalo for your time and consideration,

Alexa Deike

**SR-11**

Submitted on: 2/22/2021 12:58:13 PM

Testimony for HWN on 2/23/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kekoa S Andrade	Individual	Support	No

Comments:

Aloha Chairs, Vice Chairs, and Honorable Members of the Senate Committees on Hawaiian Affairs and Water and Land,

My name is Kekoa Andrade, and I am a 3rd year law student at the William S. Richardson School of Law at the University of Hawai'i at Mānoa. Thank you for considering this testimony in strong support of the Wai'oli Valley Taro Hui (Hui) in their efforts to secure a long-term water lease for use of water from Wai'oli Stream.

Hanalei Valley has a long history of taro cultivation extending past the arrival of Captain James Cook. The Hui is only the modern-day manifestation of this community-orientated system of sustainable land management. For generations, the Hui has cultivated lo'i fields as an important pillar of the community supplying both physical and cultural nourishment. So when the floods in 2018 inundated the local community, the farmers and the rest of the community were left in shambles. To this day, while much progress has been made in community outreach and resilient planning, things are still not where they were before the floods. The course of Wai'oli Stream changed and as such, there came the need for the farmers to adapt their traditional diversion works to the changing environment. The Hui has done countless hours of work to try and maintain their traditional way of life so it can go back to supporting the community and has worked diligently to comply with H.R.S. 171-58. There is truly no one better suited to be the first successful long-term water lease in Hawaii because the Hui fundamentally encompasses the values of traditionally managed, sustainable water usage.

Thank you.