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# A BILL FOR AN ACT

RELATING TO THE PROTECTION OF TARO.

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

1       SECTION 1. The legislature finds that section 205-41,  
2       Hawaii Revised Statutes, states that there is a compelling  
3       interest in preserving agricultural lands. Protecting such  
4       resources for Hawaii's future food security on public, as well  
5       as private, lands is in strong alignment with Governor  
6       Abercrombie's 2010 *A New Day in Hawaii* plan for food and  
7       agriculture. The legislature also finds that the taro security  
8       and purity task force established under Act 211, Session Laws of  
9       Hawaii 2008, reported to the legislature in the 2010 legislative  
10      report *E ola hou ke kalo; ho'i hou ka 'āina lē'ia: The taro lives;*  
11      *abundance returns to the land* and recommended improved  
12      protections for taro growing lands, including lo'i (wet fields  
13      and terraces), mala (dry fields and terraces), kuauna or paepae  
14      pohaku (stone walls), and 'auwai (irrigation ditches). The taro  
15      task force found that these key structural elements for viable  
16      wetland taro production were being destroyed, severed, and built



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

3 The purpose of this Act is to improve protections for  
4 wetland taro lands (lo'i kalo) and ancient agricultural  
5 structures on state-owned or -acquired lands.

6 SECTION 2. Section 206-7, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 **"§206-7 Property which shall not be acquired for**  
9 **development projects.** In declaring development areas, and  
10 acquiring land therein, the board of land and natural resources  
11 shall avoid disturbing existing uses which are in accord with  
12 the highest use permitted under any existing zoning ordinance in  
13 the political subdivision concerned. The board shall not  
14 disturb existing taro-growing systems, ancient wetland taro  
15 lands, or structural elements of ancient taro-growing systems.

16 The board shall not acquire for development projects:

17 (1) Lands already developed and improved as business or  
18 industrial areas where use of the lands for  
19 residential purposes or as a part of a development  
20 project would be economically unsound or where an  
21 undue hardship would be suffered by the community  
22 through loss of service because of the acquisition;



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



1       (5) Lands and infrastructures used or to be used for  
2           wetland taro-growing, including ancient wetland taro  
3           lands and structural elements of ancient taro-growing  
4           systems;

5 provided that portions of the lands mentioned under (1), (2),  
6 (3), and (4) of this section, or interests therein, may be taken  
7 to provide access and utility easements where no other  
8 reasonable means of access or utility easements are available.

9       In acquiring agricultural land for a development project,  
10 where the land though used for agricultural purposes is not  
11 being used in accord with the highest use permitted under any  
12 existing zoning ordinance, the board shall exercise all  
13 reasonable care not to jeopardize the agricultural enterprise  
14 concerned. If, however, the board finds that the land is  
15 necessary for a development project, it may provide assistance,  
16 monetary or otherwise, in relocating the enterprise elsewhere or  
17 pay such damages to the owner or operator of such enterprise as  
18 will reasonably compensate the owner or operator for the owner's  
19 or operator's loss, if the owner or operator has not already  
20 been so compensated under a lease agreement, or both."

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- 1 SECTION 3. New statutory material is underscored.
- 2 SECTION 4. This Act shall take effect on July 1, 2050.
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**Report Title:**

Agricultural Lands; Taro Land Protection

**Description:**

Prohibits the board of land and natural resources, in declaring residential development areas and acquiring lands therein, from disturbing lands and infrastructure used or to be used for wetland taro growing, including ancient wetland taro lands and structural elements of ancient taro-growing systems. (SD1)

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

