

---

---

# HOUSE CONCURRENT RESOLUTION

REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO ENTER INTO  
A LONG-TERM WATER LEASE WITH THE WAI'OLI VALLEY TARO HUI FOR  
THE HUI'S EXISTING USE OF WATER FROM WAI'OLI STREAM VIA  
DIRECT NEGOTIATION, UPON ITS COMPLETION OF REQUIREMENTS  
PURSUANT TO CHAPTER 343, HAWAII REVISED STATUTES.

1           WHEREAS, for Hawai'i's people, culture, and resources, ola i  
2 ka wai (water is life); and  
3

4           WHEREAS, the traditional cultural practice of lo'i kalo  
5 cultivation in Wai'oli Valley has fed Wai'oli Valley and  
6 neighboring ahupua'a for centuries; and  
7

8           WHEREAS, for over a century, the kalo farmers of Wai'oli  
9 Valley Taro Hui have worked to steward and maintain Wai'oli  
10 Valley's natural resources, and thereby the cultural lifeways  
11 and community identity that are reliant upon those resources;  
12 and  
13

14           WHEREAS, the traditional lo'i kalo irrigation system is an  
15 indigenous surface water system that has long been used to  
16 connect flowing water to kalo fields; and  
17

18           WHEREAS, Wai'oli's lo'i kalo have been thriving, dating to  
19 at least the fifteenth century; and  
20

21           WHEREAS, Wai'oli Stream is one of only six streams  
22 throughout Hawai'i pae 'āina that the Hawai'i Stream Assessment  
23 identified as having traditionally supported more than fifty  
24 acres of kalo cultivation; and  
25

26           WHEREAS, the water that flows through Wai'oli's ancient  
27 system is a lifeway that supports kalo cultivation traditions  
28 and perpetuates the native Hawaiian culture while feeding the



1 community and preparing the next generation to carry on this  
2 vital practice; and  
3

4 WHEREAS, lo'i kalo cultivation in Wai'oli Valley uses water  
5 in a nonpolluting way, and the water that flows through the lo'i  
6 kalo is nonconsumptive, as it is returned to the same watersheds  
7 of origin and recharges related ground and surface water  
8 sources, including Wai'oli Stream and Hanalei River; and  
9

10 WHEREAS, this body supports the traditional and customary  
11 practice of kalo cultivation by the Wai'oli Valley Taro Hui in  
12 Wai'oli, Kaua'i; and  
13

14 WHEREAS, the unprecedented floods of 2018 destroyed the  
15 historic mānowai (traditional instream diversion structure) and  
16 severely damaged the 'auwai (irrigation ditch) in Wai'oli, Kaua'i,  
17 thereby impacting water flow to ancient lo'i kalo and reducing  
18 Wai'oli Valley Taro Hui's ability to restore its fields and feed  
19 its community; and  
20

21 WHEREAS, in response to this devastation, the Governor and  
22 Mayor of the County of Kaua'i issued emergency proclamations and  
23 extensions to the proclamations, that proclaimed Kaua'i County as  
24 a disaster area; and  
25

26 WHEREAS, the Legislature appropriated funds for disaster  
27 recovery efforts via Act 12, Session Laws of Hawaii 2018, and  
28 Act 35, Session Laws of Hawaii 2019, which included the repair  
29 of Wai'oli Valley Taro Hui's mānowai and 'auwai; and  
30

31 WHEREAS, during the disaster recovery and repair efforts,  
32 the Wai'oli Valley Taro Hui was informed that its traditional  
33 lo'i kalo irrigation system, including the mānowai and 'auwai,  
34 was located on state conservation land; and  
35

36 WHEREAS, the Wai'oli Valley Taro Hui worked closely with the  
37 County of Kaua'i and the State to understand and pursue the  
38 appropriate entitlements and exemptions to ensure the long-term  
39 viability of traditional lo'i kalo cultivation in Wai'oli Valley;  
40 and  
41



1 WHEREAS, the Board of Land and Natural Resources' unanimous  
2 approval of a perpetual easement for the Wai'oli Valley Taro  
3 Hui's continued use and maintenance of its traditional lo'i kalo  
4 irrigation system, including the mānowai and 'auwai, represents  
5 the first co-management of natural and cultural terrestrial  
6 resources between a community group and the Board of Land and  
7 Natural Resources; and  
8

9 WHEREAS, the Wai'oli Valley Taro Hui seeks to continue to  
10 steward this traditional system and practice by pursuing a long-  
11 term water lease from the Board of Land and Natural Resources;  
12 and  
13

14 WHEREAS, traditional lo'i kalo cultivation creates  
15 opportunities for community-based cultural and agricultural  
16 education while providing vital environmental benefits, such as  
17 flood mitigation and groundwater recharge; preserving native  
18 habitat for endangered and threatened water birds; advancing  
19 food security; and building community and cultural resilience in  
20 the face of the rising costs of imported food; and  
21

22 WHEREAS, lo'i kalo cultivation in Wai'oli Valley will not  
23 persevere without a long-term water lease from the Board of Land  
24 and Natural Resources; and  
25

26 WHEREAS, article XII, section 7, of the Hawaii State  
27 Constitution mandates the State to protect the traditional and  
28 customary practices of native Hawaiians, such as those  
29 perpetuated by the Wai'oli Valley Taro Hui members; and  
30

31 WHEREAS, a water lease to the Wai'oli Valley Taro Hui  
32 supports appurtenant, riparian, and traditional and customary  
33 native Hawaiian rights and practices; and  
34

35 WHEREAS, an environmental assessment of the Wai'oli Valley  
36 Taro Hui's continued traditional cultivation of lo'i kalo is in  
37 progress and will be published for public hearing, pursuant to  
38 section 171-58, Hawaii Revised Statutes; and  
39

40 WHEREAS, the Department of Land and Natural Resources'  
41 Office of Conservation and Coastal Lands did not require a  
42 conservation district use permit from the Wai'oli Valley Taro



1 Hui, given that the Wai'oli Valley Taro Hui's use of water from  
2 Wai'oli Stream preceded the State's creation of conservation  
3 districts or related use permits; and  
4

5 WHEREAS, pursuant to section 171-58(e), Hawaii Revised  
6 Statutes, the Wai'oli Valley Taro Hui and Department of Land and  
7 Natural Resources developed a watershed management plan, and  
8 pursuant to section 171-58(g), Hawaii Revised Statutes, the  
9 Department of Hawaiian Home Lands consulted with the affected  
10 beneficiaries in November 2020 and did not request a reservation  
11 of water from Wai'oli Stream; and  
12

13 WHEREAS, a long-term water lease will help the Wai'oli  
14 Valley Taro Hui recover and thrive after the 2018 floods and  
15 perpetuate lo'i kalo cultivation as its spiritual foundation,  
16 culture, and lifeway into the future: Make nō ke kalo a ola i  
17 ka palili (The taro may die, but lives on in the young plants  
18 that it produces); now, therefore,  
19

20 BE IT RESOLVED by the House of Representatives of the  
21 Thirty-first Legislature of the State of Hawaii, Regular Session  
22 of 2021, the Senate concurring, that the Board of Land and  
23 Natural Resources is requested to enter into a long-term water  
24 lease with Wai'oli Valley Taro Hui for the Hui's existing use of  
25 water from Wai'oli Stream via direct negotiation, upon its  
26 completion of requirements pursuant to chapter 343, Hawaii  
27 Revised Statutes; and  
28

29 BE IT FURTHER RESOLVED that certified copies of this  
30 Concurrent Resolution be transmitted to the Chairperson of the  
31 Board of Land and Natural Resources, Mayor of the County of  
32 Kauai, and President of Wai'oli Valley Taro Hui.

