
HOUSE RESOLUTION

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

1 WHEREAS, this body supports the traditional and customary
2 practice of kalo cultivation by Wai'oli Valley Taro Hui in
3 Wai'oli, Kaua'i; and
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5 WHEREAS, the unprecedented floods of 2018 destroyed the
6 historic mānowai, the traditional instream diversion structure,
7 and severely damaged the 'auwai, the irrigation ditch, in
8 Wai'oli, Kaua'i, thereby impacting water flow to ancient lo'i kalo
9 and reducing Wai'oli Valley Taro Hui's ability to restore its
10 fields and feed its community; and
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12 WHEREAS, in response to this devastation, the Governor and
13 Mayor of the County of Kaua'i issued emergency proclamations and
14 extensions to the proclamations, and the Legislature
15 appropriated funds for disaster recovery efforts via Act 12,
16 Session Laws of Hawaii 2018, and Act 35, Session Laws of Hawaii
17 2019, which included the County of Kaua'i's repair of Wai'oli
18 Valley Taro Hui's mānowai and 'auwai; and
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20 WHEREAS, during the disaster recovery and repair efforts,
21 Wai'oli Valley Taro Hui was informed that its traditional lo'i
22 kalo irrigation system, including the mānowai and 'auwai, was
23 located on state conservation land; and
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25 WHEREAS, Wai'oli Valley Taro Hui worked closely with the
26 County of Kaua'i and the State to understand and pursue the
27 appropriate entitlements and exemptions to ensure the long-term
28 viability of lo'i kalo cultivation in a traditional manner in
29 Wai'oli Valley; and



1 WHEREAS, the Board of Land and Natural Resources
2 unanimously approved a perpetual easement for Wai'oli Valley Taro
3 Hui to continue to use and maintain its traditional lo'i kalo
4 irrigation system, including the mānowai and 'auwai, which
5 represents the first co-management of natural and cultural
6 terrestrial resources between a community group and the Board of
7 Land and Natural Resources; and
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9 WHEREAS, 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
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14 WHEREAS, for Hawai'i's people, culture, and resources, ola i
15 ka wai, "water is life"; and
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17 WHEREAS, the traditional cultural practice of lo'i kalo
18 cultivation in Wai'oli Valley has fed Wai'oli Valley and
19 neighboring ahupua'a for centuries: the kalo farmers of Wai'oli
20 Valley Taro Hui have collaborated informally for over a century
21 to steward and maintain Wai'oli Valley's natural resources,
22 cultural lifeways, and community identity, which are reliant
23 upon those resources; and
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25 WHEREAS, the traditional lo'i kalo irrigation system is an
26 indigenous surface water system that has been used since time
27 immemorial and connects flowing water to kalo fields: Wai'oli's
28 lo'i kalo have been thriving, dating to at least the fifteenth
29 century; and
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31 WHEREAS, Wai'oli Stream is one of only six streams
32 throughout Hawai'i pae 'āina that the Hawai'i Stream Assessment
33 identified as having traditionally supported more than fifty
34 acres of kalo cultivation; and
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36 WHEREAS, the water that flows through Wai'oli's ancient
37 system is a lifeway that supports kalo cultivation traditions
38 and perpetuates a living Native Hawaiian culture while feeding
39 the community and preparing the next generation to carry on this
40 vital practice; and



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

7 WHEREAS, lo'i kalo cultivation in a traditional manner
8 continues to create opportunities for community-based cultural
9 and agricultural education while providing vital environmental
10 benefits, such as flood mitigation and groundwater recharge;
11 preserving native habitat for endangered and threatened water
12 birds; advancing food security; and building community and
13 cultural resilience in the face of the rising costs of imported
14 food; and
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16 WHEREAS, lo'i kalo cultivation in Wai'oli Valley will not
17 persevere without a long-term water lease from the Board of Land
18 and Natural Resources; and
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20 WHEREAS, Article XII, section 7, of the Hawaii State
21 Constitution mandates the State to protect the traditional and
22 customary rights of Native Hawaiians, such as those perpetuated
23 by Wai'oli Valley Taro Hui members; and
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25 WHEREAS, a water lease to Wai'oli Valley Taro Hui honors and
26 supports appurtenant, riparian, and traditional and customary
27 Native Hawaiian rights and practices; and
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29 WHEREAS, pursuant to section 171-58, Hawaii Revised
30 Statutes, which authorizes the disposition of water rights by
31 lease at public auction, an environmental assessment of Wai'oli
32 Valley Taro Hui's continued cultivation of lo'i kalo in a
33 traditional manner is in progress and is about to be noticed for
34 public hearing; and
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36 WHEREAS, the Department of Land and Natural Resources
37 Office of Conservation and Coastal Lands did not require a
38 conservation district use permit given that the Hui's use is
39 "existing" because it preceded the State and creation of
40 conservation districts or related use permits; and



1 WHEREAS, pursuant to section 171-58(e), Hawaii Revised
2 Statutes, Wai'oli Valley Taro Hui and Department of Land and
3 Natural Resources staff jointly developed a watershed management
4 plan, and pursuant to section 171-58(g), Hawaii Revised
5 Statutes, the Department of Hawaiian Home Lands consulted with
6 the affected beneficiaries in November 2020, but did not request
7 a reservation of water from Waioli Stream; and
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9 WHEREAS, a long-term water lease will help Wai'oli Valley
10 Taro Hui recover and thrive again after the 2018 floods and
11 perpetuate lo'i kalo cultivation as its spiritual foundation,
12 culture, and lifeway into the future: make nō ke kalo a ola i
13 ka palili, "the taro may die, but lives on in the young plants
14 that it produces"; now, therefore,
15

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

24 BE IT FURTHER RESOLVED that certified copies of this
25 Resolution be transmitted to the Chairperson of the Board of
26 Land and Natural Resources, Mayor of the County of Kauai, and
27 President of Wai'oli Valley Taro Hui.

