
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The legislature finds that Hawaii's traditional
2 farming systems, such as loko ia (fishponds), mala (cultivated
3 gardens), and loi (irrigated patches), were important
4 agricultural technologies that historically sustained
5 significant populations with complete self-sufficiency. The
6 legislature further finds that these traditional Hawaiian
7 farming systems still play a critical role in Hawaii and should
8 be encouraged to promote greater self-sufficiency, crop
9 diversity, and food security. Moreover, traditional Hawaiian
10 crops like kalo (taro), uala (sweet potato), limu (various
11 seaweeds), awa, hoio (large native fern), and olena (turmeric)
12 that were cultivated using these traditional Hawaiian farming
13 techniques continue to be important agricultural products for
14 food, medicine, and cultural practices today.

15 Prioritizing traditional agricultural techniques such as
16 traditional Hawaiian farming is increasingly viewed as good
17 policy. The United Nations Commission on Trade and Development



1 urges nation states to support the development of sustainable
2 small-scale farms and traditional farming systems to achieve
3 food security and perpetuate viable agricultural resources for
4 future generations, particularly considering climate change.
5 Supporting traditional farming is also consistent with the
6 recommendations of the taro security and purity task force's
7 2010 legislative report *E ola hou ke kalo; hoi hou ka aina leia:*
8 *The taro lives; abundance returns to the land.* The report
9 emphasizes the need to invest in traditional farming and crops
10 to perpetuate culture, and to support disaster preparedness and
11 food security in our islands. Traditional and customary
12 subsistence farming may help meet Hawaii's growing demand for
13 food in a manner that is socially equitable, economically
14 stable, and ecologically sustainable over the long term.

15 The legislature finds that article XI, section 3, of the
16 Hawaii State Constitution requires the legislature to provide
17 standards and criteria to increase Hawaii's agricultural self-
18 sufficiency. Additionally, article XII, section 7, of the
19 Hawaii State Constitution acknowledges the rights of native
20 Hawaiians to engage in customary and traditional practices.
21 Traditional and customary and subsistence farming communities,



1 such as multi-family cooperatives, act as critically important
2 repositories for traditional knowledge and help to perpetuate
3 native Hawaiian culture and lifestyles. In addition, these
4 communities have been shown to provide opportunities for native
5 Hawaiians to reconnect with the land and assist at-risk youth
6 diversion efforts. Subsistence farming communities collectively
7 provide a diverse array of fresh, locally-produced agricultural
8 products that are not subject to changing shipping costs and
9 fees or fluctuating national and global markets. These
10 cooperatives provide Hawaii's local food production with the
11 greatest protection against unforeseen circumstances, such as
12 pest introductions, disease, or climate-change related impacts.

13 The purpose of this Act is to assert that the state
14 planning office shall provide assurances of the right of native
15 Hawaiian traditional and customary subsistence farmers to engage
16 in subsistence farming.

17 SECTION 2. Section 226-25, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) To achieve the culture objective, it shall be the
20 policy of this State to:



- 1 (1) Foster increased knowledge and understanding of
2 Hawaii's ethnic and cultural heritages and the history
3 of Hawaii.
- 4 (2) Support activities and conditions that promote
5 cultural values, customs, and arts that enrich the
6 lifestyles of Hawaii's people and which are sensitive
7 and responsive to family and community needs.
- 8 (3) Encourage increased awareness of the effects of
9 proposed public and private actions on the integrity
10 and quality of cultural and community lifestyles in
11 Hawaii.
- 12 (4) Encourage the essence of the aloha spirit in people's
13 daily activities to promote harmonious relationships
14 among Hawaii's people and visitors.
- 15 (5) Assure the right of traditional and customary
16 subsistence farming by:
- 17 (A) Providing that the right of traditional and
18 customary subsistence farming is not to be
19 preempted by any judicial interpretation of
20 article XII, section 7, of the Hawaii State
21 Constitution;



1 (B) Allowing persons engaged in traditional and
 2 customary subsistence farming to reside on their
 3 land upon approval by the department of
 4 agriculture and verification by a cultural
 5 practitioner council that the land use is
 6 traditional and customary; and

7 (C) Declaring that no court, official, public
 8 servant, or public employee shall declare any
 9 operation of traditional and customary
 10 subsistence farming a nuisance if the farming
 11 operation is conducted in a manner consistent
 12 with generally accepted agricultural and
 13 management practices.

14 For the purposes of this paragraph, "traditional and
 15 customary subsistence farming" means farming conducted
 16 by a native Hawaiian cultural practitioner for direct
 17 personal or family consumption."

18 SECTION 3. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 2060.



Report Title:

Hawaii State Planning Act; Native Hawaiian Traditional and Customary Practices; Subsistence Farming; Agricultural Lands

Description:

Clarifies that "traditional and customary subsistence farming", which is customary and traditional subsistence farming conducted by a native Hawaiian cultural practitioner for direct personal or family consumption. Provides that one of the State's policies under the Hawaii State Planning Act's socio-cultural advancement objectives is to assure the right of native Hawaiian cultural practitioners to engage in customary and traditional subsistence farming. Effective 7/1/2060. (SD1)

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