
SENATE CONCURRENT RESOLUTION

ENCOURAGING THE BOARD OF LAND AND NATURAL RESOURCES TO ENTER
INTO A LONG-TERM WATER LEASE WITH WAI'OLI VALLEY TARO HUI
FOR TRADITIONAL LO'I KALO CULTIVATION IN WAI'OLI, KAUA'I.

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

4 WHEREAS, the traditional practice of lo'i kalo (irrigated
5 taro terraces) connecting flowing water to kalo (taro) fields
6 has been thriving in Wai'oli Valley, Kaua'i since time immemorial
7 and dates back to at least the fifteenth century; and
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9 WHEREAS, Wai'oli Stream is one of only six streams
10 throughout the Hawaiian archipelago that the Hawai'i Stream
11 Assessment identified as having traditionally supported more
12 than fifty acres of kalo cultivation; and
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14 WHEREAS, the water that flows through Wai'oli's ancient
15 system is a lifeway that supports kalo cultivation traditions
16 and perpetuates the native Hawaiian living culture while feeding
17 the community and preparing the next generation to carry on this
18 vital practice; and
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20 WHEREAS, for over a century, the kalo farmers of the Wai'oli
21 Valley Taro Hui have collaborated informally to steward and
22 maintain Wai'oli Valley's natural resources, cultural lifeways,
23 and community identity reliant upon those resources; and
24

25 WHEREAS, the unprecedented floods of 2018 destroyed the
26 historic mānowai (traditional instream diversion structures) and
27 severely damaged the 'auwai (irrigation ditch) in Wai'oli,
28 thereby impacting water flow to ancient lo'i kalo; and
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1 WHEREAS, the destruction of these mānowai and ‘auwai and
2 resulting decreased water flow to lo‘i kalo have reduced the
3 Wai‘oli Valley Taro Hui's ability to restore its fields and feed
4 its community; and
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6 WHEREAS, on April 15, 2018, in response to the occurrence
7 of a severe, sudden, and extraordinary event of heavy rains and
8 flooding that caused damages, losses, and suffering of such
9 character and magnitude to affect the health, welfare, and
10 living conditions of a substantial number of persons, both the
11 Governor and Mayor of Kaua‘i County issued emergency
12 proclamations proclaiming Kaua‘i County to be a disaster area;
13 and
14

15 WHEREAS, the Legislature appropriated funds for disaster
16 recovery efforts in Kaua‘i via Act 12, Session Laws of Hawaii
17 2018 (Act 12) and Act 35, Session Laws of Hawaii 2019 (Act 35)
18 including the repair of the Wai‘oli Valley Taro Hui's mānowai and
19 ‘auwai; and
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21 WHEREAS, during the course of disaster recovery and repair
22 efforts, the Wai‘oli Valley Taro Hui was informed that its
23 traditional lo‘i kalo irrigation system, including the mānowai
24 and ‘auwai were located on state conservation land; and
25

26 WHEREAS, the Wai‘oli Valley Taro Hui has worked closely with
27 the State and Kaua‘i County to understand and pursue the
28 appropriate entitlements and exemptions to ensure the long-term
29 viability of lo‘i kalo cultivation in a traditional manner in
30 Wai‘oli Valley; and
31

32 WHEREAS, the Board of Land and Natural Resources
33 unanimously approved a perpetual easement for the Wai‘oli Valley
34 Taro Hui to continue to utilize and maintain its traditional lo‘i
35 kalo irrigation system, including the mānowai and ‘auwai; and
36

37 WHEREAS, this approval represents the first co-management
38 model of natural and cultural terrestrial resources between a
39 community group and the Board of Land and Natural Resources; and
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1 WHEREAS, the Wai'oli Valley Taro Hui seeks to continue to
2 steward this traditional system and practice through the modern
3 legal system and pursue a long-term water lease from the Board
4 of Land and Natural Resources; and
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6 WHEREAS, lo'i kalo cultivation in a traditional manner
7 continues to create opportunities for community-based cultural
8 and agricultural education while providing vital environmental
9 benefits, such as flood mitigation, groundwater recharge, and
10 preserving native habitat for endangered and threatened water
11 birds; and
12

13 WHEREAS, lo'i kalo cultivation advances food security and
14 builds community and cultural resilience in the face of the
15 rising costs of imported food for local families; and
16

17 WHEREAS, the continuation of lo'i kalo cultivation in
18 Wai'oli Valley will not succeed without a long-term water lease
19 from the Board of Land and Natural Resources; and
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21 WHEREAS, a water lease to the Wai'oli Valley Taro Hui honors
22 and supports appurtenant, riparian, and traditional and
23 customary native Hawaiian practices; and
24

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

30 WHEREAS, section 171-58(c), Hawaii Revised Statutes,
31 requires users of state-regulated water to create a watershed
32 management plan with the Department of Land and Natural
33 Resources; conduct an environmental impact study; or
34 environmental assessment; and apply for a lease; and
35

36 WHEREAS, an environmental assessment of the Wai'oli Valley
37 Taro Hui's continued cultivation of lo'i kalo in a traditional
38 manner is in progress and will be published for a public comment
39 period; and
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1 WHEREAS, the Office of Conservation and Coastal Lands did
2 not require a conservation district use permit given that its
3 use is "existing" because it preceded the State and its creation
4 of conservation districts or related use permits; and
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6 WHEREAS, the lo'i kalo cultivation in Wai'oli Valley uses
7 water in a nonpolluting way; and
8

9 WHEREAS, the water that flows through the lo'i kalo is
10 nonconsumptive as it is returned to the same watersheds of
11 origin and recharges related ground and surface water sources,
12 including Wai'oli Stream and Hanalei River; and
13

14 WHEREAS, in November 2020, pursuant to section 171-58(e),
15 Hawaii Revised Statutes, the Department of Hawaiian Home Lands
16 consulted with affected beneficiaries and did not request
17 reservation of water from Wai'oli Stream; and
18

19 WHEREAS, a long-term water lease will help the Wai'oli
20 Valley Taro Hui to recover and thrive again after the 2018
21 floods and perpetuate lo'i kalo cultivation as its spiritual
22 foundation, culture, and lifeway into the future - make nō ke
23 kalo a ola i ka palili (the taro may die, but lives on in the
24 young plants that it produces); now, therefore,
25

26 BE IT RESOLVED by the Senate of the Thirty-first
27 Legislature of the State of Hawaii, Regular Session of 2021, the
28 House of Representatives concurring, that the Board of Land and
29 Natural Resources is encouraged to enter into a long-term water
30 lease with the Wai'oli Valley Taro Hui for its existing use of
31 water from Wai'oli Stream via direct negotiation upon the
32 completion of the environmental review process outlined in
33 chapter 343, Hawaii Revised Statutes; and
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35 BE IT FURTHER RESOLVED that this body continues to support
36 the traditional and customary practices of kalo cultivation by
37 the Wai'oli Valley Taro Hui in Wai'oli, Kaua'i; and
38



1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor,
3 Chairperson of the Board of Land and Natural Resources, and
4 Board of the Wai'oli Valley Taro Hui.

