

STAND. COM. REP. NO.

1299

Honolulu, Hawaii

, 2021

MAR 24

RE: H.C.R. No. 163

H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.C.R. No. 163 entitled:

"HOUSE CONCURRENT 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 ENVIRONMENTAL IMPACT STATEMENT PROCESS,"

begs leave to report as follows:

The purpose of this measure is to request the Board of Land and Natural Resources to enter into a long-term water lease with the Wai'oli Valley Taro Hui for their existing use of water from Wai'oli Stream via direct negotiation, upon completion of the environmental impact statement process.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Mayor of the County of Kaua'i, a member of the Kaua'i County Council, Hanalei Watershed Hui, National Tropical Botanical Garden, Po'ai Wai Ola/West Kauai Watershed Alliance, Wai'oli Valley Taro Hui, Hanalei Hawaiian Civic Club, Sierra Club of Hawai'i, Hawaiian Islands Land Trust dba Hawai'i Land Trust, The Waipā Foundation, and numerous individuals.

2021-2722 HCR163 HD1 HSCR HMSO



Your Committee finds that the traditional and customary practice of kalo cultivation in Wai'oli Valley deserves protection. Your Committee further finds that the Board of Land and Natural Resources, in unanimously approving a perpetual easement for the Wai'oli Valley Taro Hui to continue to use and maintain its traditional lo'i kalo irrigation system, demonstrated its support for the Hui's stewardship and traditional and sustainable practices. Your Committee also finds that the Department of Land and Natural Resources is continuing to work with the Hui to complete the water leasing process pursuant to section 171-58, Hawaii Revised Statutes, which requires among other conditions, prior authorization of the Legislature by concurrent resolution.

Your Committee has amended this measure by:

- (1) Amending its title to read, "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."; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 163, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.C.R. No. 163, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Water & Land,



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DAVID A. TARNAS, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature

*HSCR 1299*

**Record of Votes of the Committee on Water & Land**

<b>Bill/Resolution No.:</b> <i>HCR 103</i>	<b>Committee Referral:</b> <i>WAL, JHA</i>	<b>Date:</b> <i>3/23/21</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>WAL Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. TARNAS, David A. (C)	/			
2. BRANCO, Patrick Pihana (VC)	/			
3. GANADEN, Sonny	/			
4. KOBAYASHI, Bertrand	/			
5. KONG, Sam Satoru	/			
6. MORIKAWA, Dee	/			
7. OHNO, Takashi	/			
8. McDERMOTT, Bob				/
<b>TOTAL (8)</b>	<b>7</b>			<b>1</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> <i>Patricia Brown</i>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				