

STAND. COM. REP. NO. 1790

Honolulu, Hawaii

APR 19 2021

RE: H.C.R. No. 163
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.C.R. No. 163, H.D. 1, S.D. 1, entitled:

"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,"

begs leave to report as follows:

The purpose and intent 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 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.

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 Kauai, Hanalei Watershed Hui, Huliauapa'a, Wai'oli Valley Taro Hui, Hawaiian Islands Land Trust, Hanalei Hawaiian Civic Club, and twenty-six individuals.

Your Committee finds that the traditional cultural practice of lo'i kalo cultivation in Wai'oli Valley has thrived since at



least the fifteenth century, and is a vital Native Hawaiian cultural resource. The traditional lo'i kalo irrigation system is an indigenous surface water system that has long been used to connect flowing water to kalo fields. Your Committee further finds that the unprecedented floods of 2018 destroyed the historic mānowai (traditional instream diversion structure) in Wai'oli, Kaua'i, and severely damaged the 'auwai (irrigation ditch), thereby impacting water flow to ancient lo'i kalo and reducing Wai'oli Valley Taro Hui's ability to restore its fields and feed its community. Your Committee additionally finds that during the disaster recovery and repair efforts, the Wai'oli Valley Taro Hui was informed that its traditional lo'i kalo irrigation system, including the mānowai and 'auwai, was located on state conservation land, thus requiring a water lease. This measure requests the Board of Land and Natural Resources to enter into a long-term water lease with the Wai'oli Valley Taro Hui.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 163, H.D. 1, S.D. 1, and recommends its adoption.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HCR 163, HD 1, SD 1	WTL, JDC	4/16/2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	7	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Karl Rhoads</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes