

STAND. COM. REP. NO.

629

Honolulu, Hawaii

MAR 04 2021

RE: S.C.R. No. 22
S.D. 1

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

Sir:

Your Committees on Hawaiian Affairs and Water and Land, to which was referred S.C.R. No. 22 entitled:

"SENATE CONCURRENT RESOLUTION SUPPORTING THE WAI'OLI VALLEY TARO HUI AND TRADITIONAL LO'I KALO CULTIVATION IN WAI'OLI, KAUA'I,"

beg leave to report as follows:

The purpose and intent of this measure is to encourage the Board of Land and Natural Resources to enter into a long-term water lease with the Wai'oli Valley Taro Hui for traditional lo'i kalo cultivation in Wai'oli, Kaua'i.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of the Mayor of the County of Kaua'i, one member of the Kaua'i County Council, Wai'oli Valley Taro Hui, Hanalei Watershed Hui, The Waipā Foundation, National Tropical Botanical Garden, Sierra Club of Hawai'i, Hawai'i Land Trust, Hanalei Hawaiian Civic Club, Kipuka Kuleana, and thirty individuals. Your Committees received comments on this measure from one individual.

Your Committees find that for over a century, kalo farmers of the Wai'oli Valley Taro Hui have collaborated informally to steward and maintain Wai'oli Valley's natural resources, cultural lifeways, and community identity reliant upon those resources. Destruction



of the historic mānowai and 'auwai in Wai'oli during the unprecedented floods of 2018 resulted in decreased water flow to lo'i kalo, and hampered the Hui's ability to restore its fields and feed its community. Your Committees also find that as part of its disaster relief efforts, the Department of Land and Natural Resources informed the Wai'oli Valley Taro Hui that portions of the current kalo irrigation system are located on conservation land, thus requiring a water lease. Additionally, the Wai'oli Valley Taro Hui has applied for an easement for their irrigation system and a revocable permit for water use; completed consultation with the Department of Hawaiian Home Lands on a draft Watershed Plan; is working with the Commission on Water Resource Management on an interim instream flow standard assessment; and is consulting with others on the preparation of a draft environmental assessment in compliance with chapter 343, Hawaii Revised Statutes. In summary, the Wai'oli Valley Taro Hui has been working diligently to continue to maintain and perpetuate their land and its finite natural and cultural resources.

However, your Committees further find that subjecting the Wai'oli Valley Taro Hui to competition at a public auction for a water lease is concerning, due to their limited financial resources. Allowing the Hui to negotiate directly with the Board of Land and Natural Resources for this water lease phase would promote the Hui's continued traditional practice of lo'i kalo, and expand community-based cultural and agricultural education. Protections provided by article XI, sections 1 and 7, and article XII, section 7, of the Hawaii State Constitution; chapter 174C, Hawaii Revised Statutes; and decisions from the Hawaii Supreme Court, such as *In the Matter of the Water Use Permit Applications, Petitions for Interim Instream Flow Standard Amendments, and Petitions for Water Reservations for the Waiāhole Ditch Combined Contested Case Hearing*, 9 P.3d 409 (2000), grant special protection and respect to traditional in-watershed cultivation of kalo, like the ones conducted by the Wai'oli Valley Taro Hui.

Your Committees have amended this measure by:

- (1) Amending its title to better reflect its purpose; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 22, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 22, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committees on Hawaiian Affairs
and Water and Land,

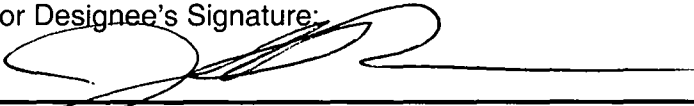

LORRAINE R. INOUYE, Chair


MAILE S.L. SHIMABUKURO, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i


Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR 22	HWN/WTL	2/23/2021		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SHIMABUKURO, Maile S.L. (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
IHARA, Jr., Les	✓			
FEVELLA, Kurt				✓
TOTAL	4	—	—	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

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Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
MISALUCHA, Bennette E.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt				X
TOTAL	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
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