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# SENATE CONCURRENT RESOLUTION

SUPPORTING THE WAI'OLI VALLEY TARO HUI AND 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

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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

8  
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

13  
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

19  
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

29  
30           WHEREAS, the destruction of these mānowai and 'auwai and  
31 resulting decreased water flow to lo'i kalo have reduced the



1 Wai'oli Valley Taro Hui's ability to restore its fields and feed  
2 its community; and  
3

4 WHEREAS, on April 15, 2018, in response to the occurrence  
5 of a severe, sudden, and extraordinary event of heavy rains and  
6 flooding that caused damages, losses, and suffering of such  
7 character and magnitude to affect the health, welfare, and  
8 living conditions of a substantial number of persons, both the  
9 Governor and Mayor of Kaua'i County issued emergency  
10 proclamations proclaiming Kaua'i County to be a disaster area;  
11 and  
12

13 WHEREAS, the Legislature appropriated funds for disaster  
14 recovery efforts in Kaua'i via Act 12 (2018) and 35 (2019),  
15 including the repair of the Wai'oli Valley Taro Hui's mānowai and  
16 'auwai; and  
17

18 WHEREAS, during the course of disaster recovery and repair  
19 efforts, the Wai'oli Valley Taro Hui was informed that its  
20 traditional lo'i kalo irrigation system, including the mānowai  
21 and 'auwai were located on state conservation land; and  
22

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

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

34 WHEREAS, this approval represents the first co-management  
35 model of natural and cultural terrestrial resources between a  
36 community group and the Board of Land and Natural Resources; and  
37

38 WHEREAS, the Wai'oli Valley Taro Hui seeks to continue to  
39 steward this traditional system and practice through the modern



1 legal system and pursue a long-term water lease from the Board  
2 of Land and Natural Resources; and

3  
4 WHEREAS, lo'i kalo cultivation in a traditional manner  
5 continues to create opportunities for community-based cultural  
6 and agricultural education while providing vital environmental  
7 benefits, such as flood mitigation, groundwater recharge, and  
8 preserving native habitat for endangered and threatened water  
9 birds; and

10  
11 WHEREAS, lo'i kalo cultivation advances food security and  
12 builds community and cultural resilience in the face of the  
13 rising costs of imported food for local families; and

14  
15 WHEREAS, the continuation of lo'i kalo cultivation in  
16 Wai'oli Valley will not succeed without a long-term water lease  
17 from the Board of Land and Natural Resources; and

18  
19 WHEREAS, a water lease to the Wai'oli Valley Taro Hui honors  
20 and supports appurtenant, riparian, and traditional and  
21 customary native Hawaiian practices; and

22  
23 WHEREAS, article XII, section 7 of the Hawaii State  
24 Constitution mandates the State to protect the traditional and  
25 customary practices of native Hawaiians, such as those  
26 perpetuated by Wai'oli Valley Taro Hui members; and

27  
28 WHEREAS, section 171-58(c), Hawaii Revised Statutes,  
29 requires users of state-regulated water to create a watershed  
30 management plan with the Department of Land and Natural  
31 Resources, do an environmental impact study, or environmental  
32 assessment, and apply for a lease; and

33  
34 WHEREAS, an environmental assessment of the Wai'oli Valley  
35 Taro Hui's continued cultivation of lo'i kalo in a traditional  
36 manner is in progress and will be published for a public comment  
37 period; and

38  
39 WHEREAS, the Office of Conservation and Coastal Lands did  
40 not require a conservation district use permit given that its



1 use is "existing" because it preceded the State and its creation  
2 of conservation districts or related use permits; and  
3

4 WHEREAS, the lo'i kalo cultivation in Wai'oli Valley uses  
5 water in a nonpolluting way; and  
6

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

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

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

24 BE IT RESOLVED by the Senate of the Thirty-first  
25 Legislature of the State of Hawaii, Regular Session of 2021, the  
26 House of Representatives concurring, that the Board of Land and  
27 Natural Resources is encouraged to enter into a long-term water  
28 lease with the Wai'oli Valley Taro Hui for its existing use of  
29 water from Wai'oli Stream via direct negotiation upon the  
30 completion of the environmental review process outlined in  
31 chapter 343, Hawaii Revised Statutes; and  
32

33 BE IT FURTHER RESOLVED that this body continues to support  
34 the traditional and customary practices of kalo cultivation by  
35 the Wai'oli Valley Taro Hui in Wai'oli, Kaua'i; and  
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