
SENATE 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 REQUIREMENTS OF CHAPTER 343, HAWAII REVISED STATUTES.

1 WHEREAS, this body supports the traditional and customary
2 practice of kalo cultivation by Wai'oli Valley Taro Hui in
3 Wai'oli, Kaua'i; and
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5 WHEREAS, the unprecedented floods of 2018 destroyed the
6 historic mānowai, the traditional instream diversion structure,
7 and severely damaged the 'auwai, the irrigation ditch, in
8 Wai'oli, Kaua'i, thereby impacting water flow to ancient lo'i kalo
9 and reducing Wai'oli Valley Taro Hui's ability to restore its
10 fields and feed its community; and
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12 WHEREAS, in response to this devastation, the Governor and
13 Mayor of the County of Kaua'i issued emergency proclamations and
14 extensions to the proclamations, and the Legislature
15 appropriated funds for disaster recovery efforts via Act 12,
16 Session Laws of Hawaii 2018, and Act 35, Session Laws of
17 Hawaii 2019, which included the County of Kaua'i's repair of
18 Wai'oli Valley Taro Hui's mānowai and 'auwai; and
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20 WHEREAS, during the disaster recovery and repair efforts,
21 Wai'oli Valley Taro Hui was informed that its traditional lo'i
22 kalo irrigation system, including the mānowai and 'auwai, was
23 located on state conservation land; and
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25 WHEREAS, Wai'oli Valley Taro Hui worked closely with the
26 County of Kaua'i and the State to understand and pursue the
27 appropriate entitlements and exemptions to ensure the long-term



1 viability of lo'i kalo cultivation in a traditional manner in
2 Wai'oli Valley; and

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4 WHEREAS, the Board of Land and Natural Resources
5 unanimously approved a perpetual easement for Wai'oli Valley Taro
6 Hui to continue to use and maintain its traditional lo'i kalo
7 irrigation system, including the mānowai and 'auwai, which
8 represents the first co-management of natural and cultural
9 terrestrial resources between a community group and the Board of
10 Land and Natural Resources; and

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12 WHEREAS, Wai'oli Valley Taro Hui seeks to continue to
13 steward this traditional system and practice by pursuing a long-
14 term water lease from the Board of Land and Natural Resources;
15 and

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17 WHEREAS, for Hawai'i's people, culture, and resources, ola i
18 ka wai, "water is life"; and

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20 WHEREAS, the traditional cultural practice of lo'i kalo
21 cultivation in Wai'oli Valley has fed Wai'oli Valley and
22 neighboring ahupua'a for centuries: the kalo farmers of Wai'oli
23 Valley Taro Hui have collaborated informally for over a century
24 to steward and maintain Wai'oli Valley's natural resources,
25 cultural lifeways, and community identity, which are reliant
26 upon those resources; and

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28 WHEREAS, the traditional lo'i kalo irrigation system is an
29 indigenous surface water system that has been used since time
30 immemorial and connects flowing water to kalo fields: Wai'oli's
31 lo'i kalo have been thriving, dating to at least the fifteenth
32 century; and

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34 WHEREAS, Wai'oli Stream is one of only six streams
35 throughout Hawai'i pae 'āina that the Hawai'i Stream Assessment
36 identified as having traditionally supported more than
37 fifty acres of kalo cultivation; and

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39 WHEREAS, the water that flows through Wai'oli's ancient
40 system is a lifeway that supports kalo cultivation traditions



1 and perpetuates a living Native Hawaiian culture while feeding
2 the community and preparing the next generation to carry on this
3 vital practice; and
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5 WHEREAS, lo'i kalo cultivation in Wai'oli Valley uses water
6 in a nonpolluting way, and the water that flows through the lo'i
7 kalo is nonconsumptive, as it is returned to the same watersheds
8 of origin and recharges related ground and surface water
9 sources, including Wai'oli Stream and Hanalei River; and
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11 WHEREAS, lo'i kalo cultivation in a traditional manner
12 continues to create opportunities for community-based cultural
13 and agricultural education while providing vital environmental
14 benefits, such as flood mitigation and groundwater recharge;
15 preserving native habitat for endangered and threatened water
16 birds; advancing food security; and building community and
17 cultural resilience in the face of the rising costs of imported
18 food; and
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20 WHEREAS, lo'i kalo cultivation in Wai'oli Valley will not
21 persevere without a long-term water lease from the Board of Land
22 and Natural Resources; and
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24 WHEREAS, Article XII, section 7, of the Hawaii State
25 Constitution mandates the State to protect the traditional and
26 customary rights of Native Hawaiians, such as those perpetuated
27 by Wai'oli Valley Taro Hui members; and
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29 WHEREAS, a water lease to Wai'oli Valley Taro Hui honors and
30 supports appurtenant, riparian, and traditional and customary
31 Native Hawaiian rights and practices; and
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33 WHEREAS, pursuant to section 171-58, Hawaii Revised
34 Statutes, which authorizes the disposition of water rights by
35 lease at public auction, an environmental assessment of Wai'oli
36 Valley Taro Hui's continued cultivation of lo'i kalo in a
37 traditional manner is in progress and is about to be noticed for
38 public hearing; and
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40 WHEREAS, the Department of Land and Natural Resources'
41 Office of Conservation and Coastal Lands did not require a



1 conservation district use permit given that the Hui's use is
2 "existing" because it preceded the State and creation of
3 conservation districts or related use permits; and
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5 WHEREAS, pursuant to section 171-58(e), Hawaii Revised
6 Statutes, Wai'oli Valley Taro Hui and Department of Land and
7 Natural Resources staff jointly developed a watershed management
8 plan, and pursuant to section 171-58(g), Hawaii Revised
9 Statutes, the Department of Hawaiian Home Lands consulted with
10 the affected beneficiaries in November 2020, but did not request
11 a reservation of water from Wai'oli Stream; and
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13 WHEREAS, a long-term water lease will help Wai'oli Valley
14 Taro Hui recover and thrive again after the 2018 floods and
15 perpetuate lo'i kalo cultivation as its spiritual foundation,
16 culture, and lifeway into the future: make nō ke kalo a ola i
17 ka palili, "the taro may die, but lives on in the young plants
18 that it produces"; now, therefore,
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20 BE IT RESOLVED by the Senate of the Thirty-first
21 Legislature of the State of Hawaii, Regular Session of 2021, the
22 House of Representatives concurring, that the Board of Land and
23 Natural Resources is requested to enter into a long-term water
24 lease with Wai'oli Valley Taro Hui for the Hui's existing use of
25 water from Wai'oli Stream via direct negotiation, upon completion
26 of the requirements of chapter 343, Hawaii Revised Statutes; and
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28 BE IT FURTHER RESOLVED that certified copies of this
29 Concurrent Resolution be transmitted to the Chairperson of the
30 Board of Land and Natural Resources, Mayor of the County of
31 Kauai, and President of Wai'oli Valley Taro Hui.

