
SENATE RESOLUTION

ENCOURAGING THE BOARD OF LAND AND NATURAL RESOURCES TO ENTER
INTO A LONG-TERM WATER LEASE WITH WAI'OLI VALLEY TARO HUI
FOR 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
3

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
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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
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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
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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, Session Laws of Hawaii
15 2018 (Act 12) and Act 35, Session Laws of Hawaii 2019 (Act 35)
16 including the repair of the Wai'oli Valley Taro Hui's mānowai and
17 'auwai; and
18

19 WHEREAS, during the course of disaster recovery and repair
20 efforts, the Wai'oli Valley Taro Hui was informed that its
21 traditional lo'i kalo irrigation system, including the mānowai
22 and 'auwai were located on state conservation land; and
23

24 WHEREAS, the Wai'oli Valley Taro Hui has worked closely with
25 the State and Kaua'i County to understand and pursue the
26 appropriate entitlements and exemptions to ensure the long-term
27 viability of lo'i kalo cultivation in a traditional manner in
28 Wai'oli Valley; and
29

30 WHEREAS, the Board of Land and Natural Resources
31 unanimously approved a perpetual easement for the Wai'oli Valley
32 Taro Hui to continue to utilize and maintain its traditional lo'i
33 kalo irrigation system, including the mānowai and 'auwai; and
34

35 WHEREAS, this approval represents the first co-management
36 model of natural and cultural terrestrial resources between a
37 community group and the Board of Land and Natural Resources; and
38

39 WHEREAS, the Wai'oli Valley Taro Hui seeks to continue to
40 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
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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; conduct an environmental impact study; or
32 environmental 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,
26 that the Board of Land and Natural Resources is encouraged to
27 enter into a long-term water lease with the Wai'oli Valley Taro
28 Hui for its existing use of water from Wai'oli Stream via direct
29 negotiation upon the completion of the environmental review
30 process outlined in chapter 343, Hawaii Revised Statutes; and
31

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

36 BE IT FURTHER RESOLVED that certified copies of this
37 Resolution be transmitted to the Governor, Chairperson of the
38 Board of Land and Natural Resources, and Board of the Wai'oli
39 Valley Taro Hui.

