



SB1498 SD1
RELATING TO THE PROTECTION OF TARO
House Committee on Agriculture & Food Systems

March 15, 2023

9:30 AM

Room 325

The Office of Hawaiian Affairs (OHA) offers its **STRONG SUPPORT WITH AMENDMENTS** to SB1498, which would improve protections for lo'i kalo and traditional Native Hawaiian wetland agricultural systems on undeveloped State lands. **OHA offers amendments to this measure that would extend these necessary protections beyond traditional wetland systems to include māla, traditional dryland agricultural cultivation systems, that were equally important to the production of food, and are now vulnerable to the same destructive practices that this measure's preamble makes note of. OHA emphasizes that the preamble of this measure references māla as an important agricultural resource that was mentioned by the Taro Security and Purity Task Force.**

OHA respectfully asks the Legislature to include the following amendments, which include consideration for dryland taro lands in addition to the wetlands that have previously been considered:

Page 2, lines 11-18:

“Taro lands” means any undeveloped public lands of high productivity determination situated in the land use conservation district established pursuant to chapter 205 in wetland or dryland taro cultivation before statehood, or any undeveloped public lands that were traditional taro lands situated in the land use conservation district established pursuant to chapter 205 that retain historic structural evidence of loi kalo and mala, including auwai irrigation ditches, terraces, or walls.”

Page 10, lines 12-15:

- (B) Walls, terraces, or supporting structure for loi and mala taro fields in wetland and dryland taro cultivation before statehood and currently in use for taro cultivation;

Page 21, lines 7-11:

The board shall not disturb existing ancient taro-growing systems, ancient wetland or dryland taro lands, or structural elements of ancient wetland or dryland taro-growing systems on



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undeveloped lands used for wetland or dryland cultivation before statehood and currently in use for wetland or dryland taro cultivation.

Page 22, lines 19-21, and page 23, lines 1-2:

- (5) Undeveloped lands and infrastructure used for wetland or dryland cultivation before statehood and currently in use for wetland or dryland cultivation, including ancient wetland or dryland taro lands and structural elements of ancient wetland taro-growing systems.

This measure carries out the obligation of the State to protect the “traditional and customary rights” of Native Hawaiians under Article XII, Section 7 of the Hawai‘i Constitution. As the principal public agency in the State responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians,¹ as well as a funder and supporter of the Taro Security and Purity Task Force, OHA appreciates the opportunity to offer its continued kōkua for the preservation and protection of Native Hawaiian historical and cultural resources and the traditional and customary practices maintained within.

Mahalo nui loa for the opportunity to testify and to provide our mana‘o (thoughts) on this important measure that also affects food security in Hawai‘i – an issue impacting both Native Hawaiians and all of the peoples of Hawai‘i Nei. Mahalo nui loa!

¹ HRS §10-3.

March 13, 2023

Rep. Cedric Asuega Gates, Chair
Rep. Kirstin Kahaloa, Vice Chair
Committee on Agriculture & Food Systems
Wednesday, March 15, 2023
9:30 am
Via Videoconference



RE: **SB1498 SD1** Relating to the Protection of Taro (**Support with Amendment**)

Dear Chair Gates, Vice Chair Kahaloa & Committee Members,

The Chamber of Sustainable Commerce (CSC) testifies in strong support of SB1498 SD1, which prohibits the Board of Land and Natural Resources from disturbing or acquiring for development certain wetland taro growing lands, establishes a taro lands classification for public lands, permits structures for lo'i taro fields in the agricultural district, establishes growth and perpetuation of traditional Hawaiian crops as a goal of the Hawai'i State Planning Act, and authorizes the Land Use Commission to create an inventory of taro lands and consult with former members of the Taro Security and Purity Task Force in the creation of the inventory.

As business owners who believe we can strengthen our economy without hurting workers, consumers, or the environment, we urge this committee to pass SB1498 SD1 because it protects taro farmers, consumers and the environment from development that may negatively impact supplies of taro based foods and cultural preservation that relies on access to this fresh food source.

We hope this committee considers replacing the last "and" with "or" in the section below to ensure the bill has a broader application and offers greater protections for taro growing waters and lands: "The board shall not disturb existing ancient taro-growing systems, ancient wetland taro lands, or structural elements of ancient wetland taro-growing systems on undeveloped lands used for wetland taro cultivation before statehood and or currently in use for wetland taro cultivation."

Passing this bill with the amendment above would bring Hawaii closer to fulfilling its own constitutional mandate to conserve and protect land and water and ensure these resources are used in a manner consistent with their conservation and in furtherance of self-sufficiency.

The Constitution of the State of Hawaii

Article XI

CONSERVATION AND DEVELOPMENT OF RESOURCES

Section 1. For the benefit of present and future generations, the State and its political subdivisions **shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water,** air, minerals and energy sources, and shall promote the development and **utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.** (Emphasis added.)

Hawaii Legislative Council	Maile Meyer Na Mea Hawaii Honolulu	Russel Rudderman Island Naturals Hilo / Kona	Tina Wildberger Kihei Ice Maui	Joell Edwards Wainiha Country Market Kauai	Kim Coco Iwamoto AQuA Rentals, LLC Honolulu
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Submitted on: 3/13/2023 5:33:34 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mahealani Cypher	Koolau Foundation	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

The Ko`olau Foundation strongly supports S.B. 1498, S.D., to protect our most precious lo`i kalo lands from exposure to potential development plans that come before government agencies.

Our organization is dedicated to the preservation of historic sites and cultural properties, and the perpetuation of our traditional and customary practices. Farming lo`i kalo to feed the people of Hawai`i nei is among our core traditional practices, and at heart of our Hawaiian values.

Please pass S.B.1498, S.D.1.

Mahalo for allowing us to share our mana`o.



House Committee on Agriculture & Food Systems

Hawai'i Alliance for Progressive Action (HAPA) Supports: SB1498 SD1

Wednesday, March 15, 2023 9:30 am Conference Room 325

Aloha Chair Gates, Vice Chair Kahaloa and Members of the Committee,

HAPA supports SB1498 SD1 which prohibits the Board of Land and Natural Resources from disturbing or acquiring for development certain wetland taro growing lands. Establishes a taro lands classification for public lands. Permits structures for lo'i taro fields in the agricultural district. Establishes growth and perpetuation of traditional Hawaiian crops as a goal of the Hawai'i State Planning Act. Authorizes the Land Use Commission to create an inventory of taro lands and consult with former members of the Taro Security and Purity Task Force in the creation of the inventory.

This bill seeks to improve protections for wetland taro lands (lo'i kalo) and ancient wetland agricultural structures on undeveloped state-owned or -acquired lands. Wetland taro lands are vital to the identity of Native Hawaiians. When walls that outline the various wetland taro are destroyed due to development, that permanently destroys important historical and culturally significant structures that were built hundreds, if not thousands of years ago by the indigenous people of Hawaii. To destroy these structures and not protect them means the erasure of the identity of a people and the loss of important infrastructure for a food sovereign future.

We believe this measure is a great way to support a native cultural practice and Hawai'i's staple food. Supporting taro farmers will also help to keep native Hawaiian traditional and customary cultural practices & it's vital agricultural knowledge alive.

Kalo is a valued landscape and is recognized as the State Plant. Kalo farmers need and deserve support to ensure taro farming continues to grow and expand into the future. This measure helps to incentivize farmers to grow taro, one of the healthiest staple starch foods available.

Please pass SB1498 SD1.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', written in a cursive style.

Anne Frederick
Executive Director



Officers

Kaipo Kekona
State President

Anabella Bruch
Vice-President

Maureen Datta
Secretary

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Madeline Ross
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Fawn Helekahi-Burns
Hana, Maui

Reba Lopez
Haleakala, Maui

Kaiea Medeiros
Mauna Kahalawai,
Maui

Kaipo Kekona
Lahaina, Maui

Rufina Kaauwai
Molokai

Negus Manna
Lāna'i

Brynn Foster
North Shore, O'ahu

Christian Zuckerman
Wai'anae, O'ahu

Ted Radovich
Waimanalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Ray Maki
Kauai

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the House Agriculture & Food Systems Committee,

The Hawaii Farmers Union United (HFUU) is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports SB1498.**

Taro is a traditional Hawaiian crop that has sustained Hawaii's people and culture for centuries. Preserving and protecting taro is a significant part of our cultural identity and our food security.

This bill recognizes the importance of taro by helping to protect and preserve taro-growing lands and also sets out a system for creating an inventory of taro lands and consulting with former members of the Taro Security and Purity Task Force in its creation. This will help ensure that these lands are preserved for generations to come. Additionally, the bill emphasizes the growth and perpetuation of traditional Hawaiian crops as a goal of the Hawaii State Planning Act, which further contributes to the preservation of the crop and reaffirms the significance of taro in Hawaiian culture. We strongly support this bill, and urge its passage.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF



Food+ Policy Internship 2023

food@purplemaia.org

March 14, 2023

To: Chair Gates, Vice Chair Kahaloa, and members of the Senate Committee on Agriculture and Food Systems

Subject: **SB 1498**, Relating to the protection of Taro

Food+ Policy strongly supports SB1498, which seeks to improve protections for wetland taro lands, aka lo'i kalo, and ancient wetland agricultural structures on undeveloped state-owned or -acquired lands. Unfortunately, this has become an issue because there were viable wetland taro lands and structures that were being destroyed by public and private development due to gaps in land use, historic preservation, planning laws, and policies.

Wetland taro lands are vital to the identity of Native Hawaiians. Most Native Hawaiians were displaced from their ancestral lands in the valleys when water was routed away during the sugar plantation era. Although they had their land, the loss of water resulted in a struggle to continue farming their land. By having wetland taro, it's much easier to pull the kalo to harvest and replant. To not have wetland taro and have to work with dry land taro is like losing workers because the work is much harder to have to use tools and intensive physical labor to grow dry land taro.

Furthermore, when ancient Hawaiian walls that outline the various wetland taro are destroyed due to development, that permanently destroys important historical and culturally significant structures that were built hundreds, if not thousands of years ago by the aboriginal people of Hawai'i. To destroy these structures and not protect them means the erasure of the identity of a people as well as the loss of valuable agricultural infrastructure that could shape Hawai'i's future.

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2023, the cohort of interns are undergraduate and graduate students from throughout the UH System. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

Please we ask for you to pass SB1498 in order to protect Wetland Taro so the structures and vital wetland taro fields can stay intact and not be destroyed, built over, and erased from existence.

Mahalo,
Kelsey Amos & the Food+ Policy Team
#fixourfoodsystem

SB-1498-SD-1

Submitted on: 3/15/2023 8:18:31 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Vince Kana`i Dodge	`Ai Pohaku	Support	Written Testimony Only

Comments:

Aloha Chairs and members of the House Agriculture Committee;

I am testifying as longtime part time kalo farmer and kanaka kuiai, and long- time member of `Onipa`a Nā Hui Kalo, a recognized statewide organization of taro growers, in support with recommendations for SB1498 Relating to the Protection Taro. I completely and strongly support the testimony which follows as originally written by Wailuku taro farmer Penny Levine.

The Taro Security and Purity Task Force made clear recommendations regarding the description and protection of taro lands in 2010 and 2015. SB1498 is based upon those recommendations. This bill is also meant to bring several statutes into alignment to address conflicting definitions and status. The purpose of this bill is to provide opportunity to revive taro lands. Not just to protect existing or commercial taro lands but to also engage our communities in the production of kalo for family subsistence and local food self-sufficiency; both of which play a significant role in community and cultural well-being but are rarely counted. Taro growing sites that are managed by nonprofits, of which there are many, multiply the positive impacts of lo`i kalo by connecting youth and families to this practice and providing education, health and wellness opportunities.

As such, I have concerns over the proposed definitions and point out two catch-22s in those definitions, along with a need to update the status of HRS 165-2 and 226-7 based on the immense and growing contributions of non-commercial agriculture as viable forms of farming and the closure of sugar.

I make the following recommendations:

1. The definition of farming under HRS165-2 directly affects the way in which the definition of taro lands under HRS171-1 has been defined in SB1498, and, hence, needs to be included in this bill and clarified in order to support and be inclusive to other than commercial taro farm rehabilitation on state lands. I strongly recommend the addition of the following changes to HRS165-2, as follows:

§165-2 Definitions. As used in this chapter, unless the context otherwise requires:

"Farming operation" means a commercial, subsistence, or education-based agricultural, silvicultural, or aquacultural facility or pursuit conducted, in whole or in part, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish,

or freshwater environment. "Farming operation" includes but shall not be limited to:

- (1) Agricultural-based commercial, subsistence, or education-based operations as described in section [205-2(d)(15)]

2. Remove the "high productivity" requirement in the new definition of taro lands in Section 2 and Section 3, D) fourth class taro lands under HRS171-1. The productivity of taro lands is directly affected by their location and water flows; hence the requirement of "high productivity" presents a catch-22 to all taro lands protection as even commercial taro lands with limited water flows may exhibit low productivity, and certainly declines in quality. If the state is serious about improving our local food security and our ability to source healthy staple starches locally, we must protect taro lands beyond those with only "high productivity" designations.

SECTION 2. Section 171—1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows: "Taro lands" means any undeveloped public lands of high productivity determination situated in the land use conservation district established pursuant to chapter 205 in wetland taro cultivation before statehood, or any undeveloped public lands that were traditional taro lands situated in the land use conservation district established pursuant to chapter 205 that retain historic structural evidence of lo'i kalo, including auwai irrigation ditches, terraces, or walls."

And,

SECTION 3...(D) Fourth class—Taro land of high productivity determination limited to lands in the conservation district and having cultural, social, economic, and food self—sufficiency value if preserved for wetland taro cultivation. District boundary amendment of fourth class taro lands shall be prohibited. Notwithstanding any other law to the contrary, public lands classified as fourth class taro lands pursuant to this section shall not be subject to a district boundary amendment.

3. Under SECTION 4 Section 205-4.5, Hawaii Revised Statutes, item (e)(8) and SECTION 5. Section 206-7 the proposed language presents a second catch-22 as it states that only those taro sites currently in cultivation are protected. The tiny amount of acres under state jurisdiction and currently in production across the state is paltry and does nothing to strengthen the cultural integrity of our lands or local food security. This definition is one of those "let's look like we're doing something, but we're really not." I know we can do better than that! The aim of this bill is to protect those lands both in cultivation now and those with the potential for cultivation in the future. In addition, on all islands one of the challenges to potential rehabilitation of old lo'i kalo is due to the destruction of 'auwai systems as they cross multiple property boundaries and jurisdictions, particularly on Maui; hence, the need to protect these features whether or not they are currently in use. Please strike the requirement that these lands be "currently in use."

SECTION 4(e)(8) Retention, restoration, rehabilitation, or improvement of:

- (A) Buildings or sites of historic or scenic interest; and

- (B) Walls, terraces, or supporting structure for loi taro fields in wetland taro cultivation before statehood and currently in use for wetland taro cultivation;

And,

SECTION 5. Section 206—7, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) In declaring development areas, and acquiring land therein, the board of land and natural resources shall avoid disturbing existing uses that are in accord with the highest use permitted under any existing zoning ordinance in the political subdivision concerned. The board shall not disturb existing ancient taro—growing systems, ancient wetland taro lands, or structural elements of ancient wetland taro—growing systems on undeveloped lands used for wetland taro cultivation before statehood and currently in use for wetland taro cultivation.

(b)(5) Undeveloped lands and infrastructure used for wetland cultivation before statehood and currently in use for

wetland taro cultivation, including ancient wetland taro lands and structural elements of ancient wetland taro-growing systems;

4. SECTION 6 calls on the Department of Planning to continue to support the viability of Hawaii’s sugar and pineapple industry. The sugar industry of the past no longer exists and the pineapple industry is no longer the priority it once was in the state. This goal should be redacted. The small but growing Hawaiian sugarcanes industry (for rum) is covered through the “growth and perpetuation of Hawaiian food crops.”

SECTION 6. Section 226—7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Planning for the State's economy with regard to agriculture shall be directed towards achievement of the following objectives:

(1) Viability of Hawaii's sugar and pineapple industries[.];

(21) Growth and development of diversified agriculture throughout the State[.];

(32) An agriculture industry that continues to constitute a dynamic and essential component of Hawaii's strategic, economic, and social well—being[.];_and

(43) Growth and perpetuation of traditional Hawaiian crops."

5. The Taro Security and Purity Task Force and taro farmers have asked the state to conduct an inventory of taro lands within their portfolios for more than a decade in the hopes of access to affordable taro lands to grow food, as well as to increase their protection with no response. The word “may” allows DLNR to continue to ignore that request and push it to the bottom of the priority list. We understand the challenges the agency faces in regards to staffing and budgets, however, the time has come for this to be addressed, whether in-house, by contract, or through communitycollaboration. Let’sgetitdone.

SECTION 7. The land use commission may shall create an inventory of taro lands, pursuant to chapter 91, Hawaii Revised

Statutes, 6. While we appreciate the practice of pushing an effective date forward in order to invite discussion, we strongly encourage the House to correct that date in the bill's final committee prior to it reaching the floor.

SECTION 10. This Act shall take effect on July 1, 20502023.

The above recommended changes make this a better bill, and brings both DOA and DLNR statutes into alignment in support of better protecting taro lands and taking first steps to make such lands available to new taro growers. As a long time kalo farmer, my hope with the passing of SB1498 is that we create more opportunities to grow our ability to feed ourselves and support new generations of kalo growers long into the future by protecting taro lands now. Please support SB1498 with the recommended changes.

Mahalo for your support!

(Penny Levin, taro farmer Wailuku, Maui)

Vince Kana'i Dodge, `Ai Pohaku-The Stone Eaters

SB-1498-SD-1

Submitted on: 3/13/2023 11:46:20 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

In the state sponsored taro security and purity task force 2009 report entitled "E Ola Hou Ke Kalo; Hoi Hou Ka Aina Leia (The Taro Lives; Abundance Returns to the Land), the task force recommended improved protections for taro growing lands, including loi (wet fields and terraces), mala (dry fields and terraces), kuana or paepae pohaku (stone walls), and auwai (irrigation ditches). The task force found that these key structural elements for viable wetland taro production were being destroyed, severed, and built upon by private and public development because of gaps in land use, historic preservation, and planning laws and policies.

This bill recognizes the cultural and environmental importance of taro lands for perpetuating a traditional and customary native foodway with deep cultural significance, growing our local food security, and managing stream health and riparian ecosystems for future abundance.

SB 1498 will improve protections for wetland taro lands (loi kalo) and ancient wetland agricultural structures on undeveloped state-owned or -acquired lands. Please support SB1498.

me ke aloha ‘āina,

Nanea Lo

SB-1498-SD-1

Submitted on: 3/13/2023 12:03:19 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dawn Morais Webster Ph.D.	Individual	Support	Written Testimony Only

Comments:

This bill recognizes the cultural and environmental importance of taro lands for perpetuating a traditional and customary native food with deep cultural significance, growing our local food security, and managing stream health and ecosystems for future abundance.

SB 1498 will improve protections for wetland taro lands (loi kalo) and ancient wetland agricultural structures on undeveloped state-owned or -acquired lands. Please move SB1498 forward. Mahalo.

SB-1498-SD-1

Submitted on: 3/13/2023 12:30:30 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Aria Juliet Castillo	Individual	Support	Written Testimony Only

Comments:

strongly support

SB-1498-SD-1

Submitted on: 3/13/2023 2:29:30 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ezgi Green	Individual	Support	Written Testimony Only

Comments:

Aloha,

In the state-sponsored taro security and purity task force 2009 report entitled "E Ola Hou Ke Kalo; Hoi Hou Ka Aina Leia (The Taro Lives; Abundance Returns to the Land), the task force recommended improved protections for taro growing lands, including loi (wet fields and terraces), mala (dry fields and terraces), kuana or paepae pohaku (stone walls), and auwai (irrigation ditches). The task force found that these critical structural elements for viable wetland taro production were being destroyed, severed, and built upon by private and public development because of gaps in land use, historic preservation, and planning laws and policies.

This bill recognizes taro lands' cultural and environmental importance for perpetuating a traditional and customary native foodway with deep cultural significance, growing our local food security, and managing stream health and riparian ecosystems for future abundance.

SB 1498 will improve protections for wetland taro lands (loi kalo) and ancient wetland agricultural structures on undeveloped state-owned or -acquired lands. Please support SB1498.

Thank you for your consideration,

Ezgi Green, Kaimanu/Waialua

SB-1498-SD-1

Submitted on: 3/13/2023 2:34:30 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mary Lu Kelley	Individual	Support	Written Testimony Only

Comments:

Aloha. In the state sponsored taro security and purity task force 2009 report entitled "E Ola Hou Ke Kalo; Hoi Hou Ka Aina Leia (The Taro Lives; Abundance Returns to the Land), the task force recommended improved protections for taro growing lands, including loi (wet fields and terraces), mala (dry fields and terraces), kuana or paepae pohaku (stone walls), and auwai (irrigation ditches). The task force found that these key structural elements for viable wetland taro production were being destroyed, severed, and built upon by private and public development because of gaps in land use, historic preservation, and planning laws and policies.

This bill recognizes the cultural and environmental importance of taro lands for perpetuating a traditional and customary native foodway with deep cultural significance, growing our local food security, and managing stream health and riparian ecosystems for future abundance.

SB 1498 will improve protections for wetland taro lands (loi kalo) and ancient wetland agricultural structures on undeveloped state-owned or -acquired lands. Please support SB1498.

Thank you for your consideration,

Mary Lu Kelley

Kapa'a, Kauai

SB-1498-SD-1

Submitted on: 3/13/2023 4:24:13 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Marsha Hee	Individual	Support	Written Testimony Only

Comments:

Aloha,

These foundational principles of Hawaii I strongly support:

In the state sponsored taro security and purity task force 2009 report entitled "E Ola Hou Ke Kalo; Hoi Hou Ka Aina Leia (The Taro Lives; Abundance Returns to the Land), the task force recommended improved protections for taro growing lands, including loi (wet fields and terraces), mala (dry fields and terraces), kuana or paepae pohaku (stone walls), and auwai (irrigation ditches). The task force found that these key structural elements for viable wetland taro production were being destroyed, severed, and built upon by private and public development because of gaps in land use, historic preservation, and planning laws and policies.

This bill recognizes the cultural and environmental importance of taro lands for perpetuating a traditional and customary native foodway with deep cultural significance, growing our local food security, and managing stream health and riparian ecosystems for future abundance.

SB 1498 will improve protections for wetland taro lands (loi kalo) and ancient wetland agricultural structures on undeveloped state-owned or -acquired lands. Please support SB1498.

Thank you for your consideration,

Marsha Hee, Volcano - Hawaii Island

Aloha Chairs and members of the House Agriculture Committee;

I am testifying as former member of the Taro Security and Purity Task Force, and long-time member of 'Onipa'a Nā Hui Kalo, a recognized statewide organization of taro growers, in support with recommendations for SB1498 Relating to the Protection Taro.

The Taro Security and Purity Task Force made clear recommendations regarding the description and protection of taro lands in 2010 and 2015. SB1498 is based upon those recommendations. This bill is also meant to bring several statutes into alignment to address conflicting definitions and status. The purpose of this bill is to provide opportunity to revive taro lands. Not just to protect existing or commercial taro lands but to also engage our communities in the production of kalo for family subsistence and local food self-sufficiency; both of which play a significant role in community and cultural well-being but are rarely counted. Taro growing sites that are managed by nonprofits, of which there are many, multiply the positive impacts of lo'i kalo by connecting youth and families to this practice and providing education, health and wellness opportunities.

As such, I have concerns over the proposed definitions and point out two catch-22s in those definitions, along with a need to update the status of HRS 165-2 and 226-7 based on the immense and growing contributions of non-commercial agriculture as viable forms of farming and the closure of sugar.

I make the following recommendations:

1. The definition of farming under HRS165-2 directly affects the way in which the definition of taro lands under HRS171-1 has been defined in SB1498, and, hence, needs to be included in this bill and clarified in order to support and be inclusive to other than commercial taro farm rehabilitation on state lands. I strongly recommend the addition of the following changes to HRS165-2, as follows:

§165-2 Definitions. As used in this chapter, unless the context otherwise requires:

"Farming operation" means a commercial, subsistence, or education-based agricultural, silvicultural, or aquacultural facility or pursuit conducted, in whole or in part, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment. "Farming operation" includes but shall not be limited to:

- (1) Agricultural-based commercial, subsistence, or education-based operations as described in section [205-2 (d) (15)]

2. Remove the “high productivity” requirement in the new definition of taro lands in Section 2 and Section 3, D) fourth class taro lands under HRS171-1. The productivity of taro lands is directly affected by their location and water flows; hence the requirement of “high productivity” presents a catch-22 to all taro lands protection as even commercial taro lands with limited water flows may exhibit low productivity, and certainly declines in quality. If the state is serious about improving our local food security and our ability to source healthy staple starches locally, we must protect taro lands beyond those with only “high productivity” designations.

SECTION 2. Section 171-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows: "Taro lands" means any undeveloped public lands ~~of high productivity determination~~ situated in the land use conservation district established pursuant to chapter 205 in wetland taro cultivation before statehood, or any undeveloped public lands that were traditional taro lands situated in the land use conservation district established pursuant to chapter 205 that retain historic structural evidence of loi kalo, including auwai irrigation ditches, terraces, or walls."

And,

SECTION 3...(D) Fourth class—~~Taro land of high productivity determination limited to lands~~ in the conservation district and having cultural, social, economic, and food self-sufficiency value if preserved for wetland taro cultivation. District boundary amendment of fourth class taro lands shall be prohibited. Notwithstanding any other law to the contrary, public lands classified as fourth class taro lands pursuant to this section shall not be subject to a district boundary amendment.

3. Under SECTION 4 Section 205-4.5, Hawaii Revised Statutes, item (e)(8) and SECTION 5. Section 206-7 the proposed language presents a second catch-22 as it states that only those taro sites *currently in cultivation* are protected. The tiny amount of acres under state jurisdiction and currently in production across the state is paltry and does nothing to strengthen the cultural integrity of our lands or local food security. This definition is one of those “let’s look like we’re doing something, but we’re really not.” I know we can do better than that! The aim of this bill is to protect those lands both in cultivation now *and those with the potential for cultivation in the future*. In addition, on all islands one of the challenges to potential rehabilitation of old lo‘i kalo is due to the destruction of ‘auwai systems as they cross multiple property boundaries and jurisdictions, particularly on Maui; hence, the need to protect these features whether or not they are currently in use. Please strike the requirement that these lands be “currently in use.”

SECTION 4(e)(8) Retention, restoration, rehabilitation, or improvement of:

- (A) Buildings or sites of historic or scenic interest; and
- (B) Walls, terraces, or supporting structure for loi taro fields in wetland taro cultivation before statehood ~~and currently in use for wetland taro cultivation;~~

And,

SECTION 5. Section 206-7, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) In declaring development areas, and acquiring land therein, the board of land and natural resources shall avoid disturbing existing uses that are in accord with the highest use permitted under any existing zoning ordinance in the political subdivision concerned. The board shall not disturb existing ancient taro-growing systems, ancient wetland taro lands, or structural elements of ancient wetland taro-growing systems on undeveloped lands used for wetland taro cultivation before statehood ~~and currently in use for wetland taro cultivation~~.

(b) (5) Undeveloped lands and infrastructure used for wetland cultivation before statehood ~~and currently in use for~~

~~wetland taro cultivation~~, including ancient wetland taro lands and structural elements of ancient wetland taro-growing systems;

4. SECTION 6 calls on the Department of Planning to continue to support the viability of Hawaii's sugar and pineapple industry. The sugar industry of the past no longer exists and the pineapple industry is no longer the priority it once was in the state. This goal should be redacted. The small but growing Hawaiian sugarcanes industry (for rum) is covered through the "growth and perpetuation of Hawaiian food crops."

SECTION 6. Section 226-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Planning for the State's economy with regard to agriculture shall be directed towards achievement of the following objectives:

(1) ~~Viability of Hawaii's sugar and pineapple industries[.];~~

(2) Growth and development of diversified agriculture throughout the State[.];

(3) An agriculture industry that continues to constitute a dynamic and essential component of Hawaii's strategic, economic, and social well-being[.]; and

(4) Growth and perpetuation of traditional Hawaiian crops."

5. The Taro Security and Purity Task Force and taro farmers have asked the state to conduct an inventory of taro lands within their portfolios for more than a decade in the hopes of access to affordable taro lands to grow food, as well as to increase their protection with no response. The word "may" allows DLNR to continue to ignore that request and push it to the bottom of the priority list. We understand the challenges the agency faces in regards to staffing and budgets, however, the time has come for this to be addressed, whether in-house, by contract, or through community collaboration. Let's get it done.

SECTION 7. The land use commission ~~may~~ shall create an inventory of taro lands, pursuant to chapter 91, Hawaii Revised Statutes,

6. While we appreciate the practice of pushing an effective date forward in order to invite discussion, we strongly encourage the House to correct that date in the bill's final committee prior to it reaching the floor.

SECTION 10. This Act shall take effect on July 1, ~~2050~~2023.

The above recommended changes make this a better bill, and brings both DOA and DLNR statutes into alignment in support of better protecting taro lands and taking first steps to make such lands available to new taro growers. As a long time kalo farmer, my hope with the passing of SB1498 is that we create more opportunities to grow our ability to feed ourselves and support new generations of kalo growers long into the future by protecting taro lands now. Please support SB1498 with the recommended changes.

Mahalo for your support!
Penny Levin, taro farmer
Wailuku, Maui

SB-1498-SD-1

Submitted on: 3/13/2023 6:44:44 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ku Kahakalau	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs and members of the Ways and Means Committee,

As a family of Native Hawaiian educators, cultural practitioners and taro growers in Waipi‘o Valley on Hawai‘i Island, as well as longtime members of ‘Onipa‘a Nā Hui Kalo, a recognized statewide organization of taro growers, we strongly support the original intent of SB1498. Unfortunately, in its current version SB1498 does not include important recommendations made in 2010 and 2015 by the Taro Security and Purity Task Force regarding the description and protection of taro lands. Specifically SB1498 is supposed to provide opportunity to revive taro lands, protecting not just lands currently in taro production, but also engage communities throughout Hawai‘i in opening up more lands for the production of kalo for family subsistence and local food self-sufficiency; both of which, although rarely counted, play a significant role in community well-being. This includes sites like Kapapa Lo‘i o Keali‘ikua‘āina, a five acre taro patch complex in Waipi‘o Valley, managed by our ‘ohana and our non-profit EA Ecoversty. In addition to feeding our extended ‘ohana, this ‘āina wants to multiply the positive impacts of lo‘i kalo by connecting children, and families, as well as Hawaiians ages 15-30 attending EA Ecoversty to the traditional practice of mahi kalo, while also providing culture-based education, as well as health and wellness opportunities.

We recommend that HRS 165-2 and 226-7 are updated to include the growing contribution of non-commercial agriculture by changing the definition to: "Farming operation" means a commercial, subsistence, or education-based agricultural, silvicultural, or aquacultural facility or pursuit conducted, in whole or in part, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment. "Farming operation" includes but shall not be limited to: (1) Agricultural-based commercial, subsistence, or education-based operations as described in section [205-2(d)(15)]

Our second recommendation is to remove the unrealistic “high productivity” requirement in the definition of taro lands and under D) fourth class taro lands under HRS171-1. Requiring taro lands to be highly productive is simply unrealistic, since the productivity of taro lands is directly affected by multiple variables generally out of the control of taro farmers, like water flow (both a lack of water, as well as flooding), invasive species etc. If the Legislature really wants to

improve Hawai‘i’s local food security and the availability of locally sourced healthy staple starches, we must protect taro lands beyond those with only “high productivity” designations.

Our third recommendation is NOT to limit the lands which shall not be disturbed, to existing ancient taro-growing systems, ancient wetland taro lands, or structural elements of ancient wetland taro-growing systems on undeveloped lands used for wetland taro cultivation before statehood “AND currently in use for wetland taro cultivation.” This would imply that only sites currently in taro cultivation are protected, when all along the aim of SB1498 has been to protect both, land in taro cultivation now, as well as land with the potential for cultivation in the future.

We also ask to remove the part of SECTION 6, which lists as the first objective of the State’s support for agriculture the (I) “Viability of Hawaii's sugar and pineapple industries,” which have obviously become obsolete. Instead the objectives should focus on the “Growth and development of diversified agriculture throughout the State;” – “An agriculture industry that continues to constitute a dynamic and essential component of Hawaii's strategic, economic, and social well-being; and the “Growth and perpetuation of traditional Hawaiian crops.”

Our final recommendation concerns changing the word “may” to “shall” in Section 7, i.e. “The land use commission shall create an inventory of taro lands, pursuant to chapter 91, Hawaii Revised Statutes.

We believe that our recommended changes help to align DOA and DLNR statutes, resulting in stronger protection of taro lands, as well as making such lands available to new taro growers. As long-time taro planters we hope that you recognize the need to pass SB 1498, with amendments, therewith directly increasing opportunities to feed ourselves and protecting taro lands for future generations of kalo growers. Mahalo nui for your support of SB1498 with the recommended changes!

Me ka pono, Kū Kahakalau, Ph.D. and ‘ohana

SB-1498-SD-1

Submitted on: 3/13/2023 8:18:43 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel Bishop	Individual	Support	Written Testimony Only

Comments:

I am in strong support of this legislation but would hope to expand the protections to areas which are not currently in production but include lands that have historical evidence of Kalo being cultivated in those areas.

Mahalo

Daniel Bishop

SB-1498-SD-1

Submitted on: 3/14/2023 5:56:39 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of SD1. Thank you.

SB-1498-SD-1

Submitted on: 3/14/2023 8:48:51 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michele Nihipali	Individual	Support	Written Testimony Only

Comments:

In the state sponsored taro security and purity task force 2009 report entitled "E Ola Hou Ke Kalo; Hoi Hou Ka Aina Leia (The Taro Lives; Abundance Returns to the Land), the task force recommended improved protections for taro growing lands, including loi (wet fields and terraces), mala (dry fields and terraces), kuana or paepae pohaku (stone walls), and auwai (irrigation ditches). The task force found that these key structural elements for viable wetland taro production were being destroyed, severed, and built upon by private and public development because of gaps in land use, historic preservation, and planning laws and policies.

This bill recognizes the cultural and environmental importance of taro lands for perpetuating a traditional and customary native foodway with deep cultural significance, growing our local food security, and managing stream health and riparian ecosystems for future abundance.

SB 1498 will improve protections for wetland taro lands (loi kalo) and ancient wetland agricultural structures on undeveloped state-owned or -acquired lands. **Please support SB1498.**

Thank you for your consideration,

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

SB-1498-SD-1

Submitted on: 3/14/2023 9:51:53 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara (Bobbi) Cuttance	Individual	Support	Written Testimony Only

Comments: <p>I strongly support SB1498 and ask that this bill is passed.</p> <p> </p>
<p>Bobbi Cuttance</p> <p>14-266 Papaya Farms Road, Paho, Hawaii 96778.</p>

SB-1498-SD-1

Submitted on: 3/14/2023 10:58:49 AM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Kuzmier	Individual	Support	Written Testimony Only

Comments:

Aloha, I am writing in favor of SB 1498 SD1.

In the state sponsored taro security and purity task force 2009 report entitled "E Ola Hou Ke Kalo; Hoi Hou Ka Aina Leia (The Taro Lives; Abundance Returns to the Land), the task force recommended improved protections for taro growing lands, including loi (wet fields and terraces), mala (dry fields and terraces), kuana or paepae pohaku (stone walls), and auwai (irrigation ditches). The task force found that these key structural elements for viable wetland taro production were being destroyed, severed, and built upon by private and public development because of gaps in land use, historic preservation, and planning laws and policies.

SB 1498 SD1 seeks to mitigate this damage.

This bill prohibits the Board of Land and Natural Resources from disturbing or acquiring for development certain wetland taro-growing lands. Establishes a taro lands classification for public lands. Permits structures for loi taro fields in the agricultural district. It establishes growth and perpetuation of traditional Hawaiian crops as a goal of the Hawaii State Planning Act, and authorizes the Land Use Commission to create an inventory of taro lands and consult with former members of the Taro Security and Purity Task Force in the creation of the inventory.

This bill recognizes the cultural and environmental importance of taro lands for perpetuating a traditional and customary native foodway with deep cultural significance, growing our local food security, and managing stream health and riparian ecosystems for future abundance.

SB 1498 will improve protections for wetland taro lands (loi kalo) and ancient wetland agricultural structures on undeveloped state-owned or -acquired lands. Please support SB1498.

Mahalo for your attention to this matter.

SB-1498-SD-1

Submitted on: 3/14/2023 12:03:40 PM

Testimony for AGR on 3/15/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cards Pintor	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this bill.

Mahalo nui,

Cards Pintor