

**SB-1498**

Submitted on: 2/8/2023 7:02:23 AM

Testimony for AEN on 2/10/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ku Kahakalau, PH.D.	Testifying for Ku-A-Kanaka LLC	Support	Written Testimony Only

Comments:

My family and I who are Native Hawaiian educators and taro growers in Waipi‘o Valley on Hawai‘i Island, as well as our social enterprise Kū-A-Kanaka LLC strongly support SB1498 RELATING TO THE PROTECTION OF TARO, 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 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. With over 2 million pounds of taro imported annually to Hawai‘i, protecting wetland taro-growing lands which have a much higher yield than dryland taro fields is absolutely essential and frankly way overdue. Please support SB1498. Mahalo.

**SB-1498**

Submitted on: 2/8/2023 7:38:18 AM

Testimony for AEN on 2/10/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lynette Cruz	Testifying for Malama Makua	Support	Written Testimony Only

Comments:

Excellent bill! Absolutely support! Taro lands must be protected, especially if the state intends to promote food security.



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Ray Maki  
Kauai

Aloha Chairs Gabbard & Inouye, Vice Chairs Richards & Elefante, and Members of the Senate Agriculture and Environment & Water and Land Committees,

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



Environmental Caucus of  
The Democratic Party of Hawai'i

## Energy & Climate Action Committee

Friday, February 10, 2023, 1:00 pm

Senate Committees on Agriculture and Environment and on Water and Land

SENATE BILL 1498 – RELATING TO PROTECTION OF KALO

Position: Strong Support

Me ke Aloha, Chairs Gabbard and Inouye, Vice-Chairs Richards and Elefante, and members of the Senate Committees on Agriculture and Environment and on Water and Land:

SB1498 protects kalo lands from being disturbed by actions of the State. It properly offers new definitions that reflect the time-honored nature of kalo lands in their stream basins.

The Agriculture & Food Security Committee particularly appreciates the effort to restore a land consciousness about kalo lands that has been lacking among foreigners since their arrival. Numerous court cases have endeavored to apply some of this consciousness to a western way of thinking, but it is still lacking, to the continued degradation or abrogation of these lands for other purposes.

It needs to be understood that the Hawaiian tenure across *ka pae 'āina* for nearly two millennia brought a mature understanding of landscapes from previous landfalls across Moana Nui, and the unique nature of the streams on high islands was understood to be a flood plain from high in mauka lands to the coastline. These flood plains were gradually modified in their entirety to slow storm water freshets, capture fresh water for kalo, other landed crops, bathing, drinking, and ritual use as the water of life and the source of prosperity. Native anadromous aquatic species and companion species were accommodated to the extent that their migrations included use of auwai and lo'i. In other words, boundaries between human landscapes and natural landscapes were erased, or merged in the common good.

The ironies and misunderstandings abound as westerners try to differentiate “instream” and “off-stream” uses, completely misunderstanding the tendency of streams to alter their courses from one side of the plain to the other, while science has come to recognize that the entire basin is an integrated ecosystem, with reservoirs of larvae and other contributing species below the visible streambed and along the apparent non-stream adjacent land. Native Hawaiians were able to expand or contract use of these lands depending on the decadal weather patterns of wet and dry.

As other economic and political forces took precedence, this land consciousness was ignored and the natural partnerships subordinated. Today, we are recognizing the error of this judgment and the soundness and wisdom of the original understanding. Over the many centuries, the systems of lo'i, auwai, pā hale, rock walls, dry fields, and loko i'a were a source of stability, abundance and prosperity. These highly integrative systems incorporate the natural features of flood plains, moderating and accommodating them, enduring the tests of time. Their value in modern society has no equal in western land management. They need to be protected for all the reasons they serve, from moderating storm flows to providing abundant food, to protecting native species. Their integrity is aimed to be preserved in this legislation. These lands are not to be developed for other purposes.

Mahalo for the opportunity to address this matter.

/s/ Charley Ice & Ted Bohlen, Co-Chairs, Energy and Climate Action Committee  
Environmental Caucus of the Democratic Party

**SB-1498**

Submitted on: 2/7/2023 4:26:38 PM

Testimony for AEN on 2/10/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John R. Gordines	Individual	Support	Written Testimony Only

Comments:

Please do everything you can to protect our kalo lands.

mahalo

Johnny Gordines

**SB-1498**

Submitted on: 2/7/2023 5:06:12 PM

Testimony for AEN on 2/10/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Strongly support SB1498

**SB-1498**

Submitted on: 2/8/2023 7:55:25 AM

Testimony for AEN on 2/10/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Juanita Kawamoto Brown	Individual	Support	Written Testimony Only

Comments:

I support the purpose and need for all sustainable kalo land production in the State of Hawaii .

Mahalo for the opportunity to testify.

**SB-1498**

Submitted on: 2/8/2023 8:37:16 AM

Testimony for AEN on 2/10/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lynda Asato	Individual	Support	Written Testimony Only

Comments:

I Support the consistent need to protect Hawaii's important Ag lands and especially kalo lands that provide and perpetuate healthy, indigenous Native Hawaiian crops in the State of Hawaii.



**SB-1498**

Submitted on: 2/8/2023 10:11:49 AM

Testimony for AEN on 2/10/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support

**SB-1498**

Submitted on: 2/8/2023 10:25:38 AM

Testimony for AEN on 2/10/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sterling Bear	Individual	Support	Written Testimony Only

Comments:

I am a cultural practitioner and I use the Lo'i patches in my work with orphaned native Hawaiian children. Protecting these cultural spaces not only protect our food sustainability, but also social emotional healing spaces for our kamali'i.

**SB-1498**

Submitted on: 2/8/2023 9:20:41 PM

Testimony for AEN on 2/10/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

Protecting and conserving state agricultural lands for Hawai‘i’s future food security is critical. Kalo cultivation and taro production should be a cornerstone of this effort.

In a 2009 report entitled “E Ola Hou Ke Kalo; Hoi Hou Ka Aina Leia” (The Taro Lives; Abundance Returns to the Land), the Taro Security and Purity Task Force recommended improved protections for taro growing lands, including lo‘i (wet fields and terraces), mala (dry fields and terraces), kuana or paepae pohaku (stone walls), and auwai (irrigation ditches).

The task force, which was responsible for developing guidelines, protocols, and recommendations for taro policy, among other duties, 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 would improve protections for wetland taro lands (lo‘i kalo) and ancient wetland agricultural structures on undeveloped state-owned or -acquired lands. Please support SB1498.

Aloha Chairs and members of the Agriculture and Environment Committee and the Committee on Water and Land;

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 changes in 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 also to 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 well-being but are rarely counted. Taro growing sites that are managed by nonprofits multiply the positive impacts of lo'i kalo by connecting youth and families to this practice.

As such, I have concerns over the proposed definitions and point out a catch-22 in those definitions, along with a need to update the status of HRS 165-2 and 226-7 based on the need for 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. Removing the “high productivity” requirement in the definition of taro lands and under 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."

(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 (8) and SECTION 5. Section 206-7 the proposed language presents a catch-22 as it states that only those taro sites currently in cultivation are protected when the aim of this bill is to protect those lands both in cultivation now *and those with the potential for cultivation in the future*. 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.

- (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.~~

4. SECTION 6 calls on the Department of Planning to support the viability of Hawaii’s sugar and pineapple industry. The sugar industry no longer exists and the pineapple industry is no longer the priority it once was in the state. This goal should be redacted.

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.

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

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 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