

JAN 23 2015

A BILL FOR AN ACT

RELATING TO THE PROTECTION OF TARO.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Hawaii imports 85 per cent of its food. In
2 2011, the department of agriculture pointed out that the State
3 is most at risk for staple starches. Taro is the most
4 culturally significant food plant in Hawaii and also one of
5 Hawaii's highest yielding staple starch food crops, producing
6 between 10,000 and 30,000 pounds per acre per annum under
7 current wetland cultivation practices. Hence, taro plays a
8 critical role in food security for the State.

9 The State produces approximately four million pounds of raw
10 taro on an estimated five hundred to six hundred acres (three
11 hundred eighty acres in commercial lo'i) statewide and imports an
12 additional two million pounds or more annually. Collectively
13 this does not meet local demand which is diversifying as value-
14 added producers and consumers become more educated about kalo,
15 poi and pa'i'ai. This demand is expected to grow as we move
16 towards greater local food self-sufficiency. Growing local also
17 significantly reduces the threat of new taro pest and disease



1 introductions from raw taro imports, a critical and necessary
2 step for improving biosecurity control measures and reducing the
3 high costs associated with control efforts.

4 Access to affordable taro lands remains a major challenge
5 for young taro growers striving for success, greater family food
6 self-sufficiency, and community well-being. In 2009, the taro
7 task force, established under Act 211, Session Laws of Hawaii
8 2008, found "no logical reason why we should continue to import
9 any type of taro to meet local needs" and provided a series of
10 recommendations for improving taro and taro farmer success. In
11 its 2010 and 2014 reports to the legislature, the task force
12 recommended greater protections for wetland taro lands (lo'i),
13 including their structural elements, such as terraces, kuauna or
14 paepae pohaku (stone walls), and 'auwai (irrigation ditches)
15 within the boundaries of the State's public conservation
16 districts to help meet food security needs and to support
17 community and cultural resilience in the face of the rising
18 costs of imported food for local families. The taro task force
19 also found that these key agricultural structures for wetland
20 taro production are frequently destroyed, severed, and built
21 upon due to gaps in land use designations, historic preservation



1 records, planning, laws, and agency policies, making the need
2 for improved taro land protections more urgent.

3 Over the last five years, the taro security and purity task
4 force has documented a strong and growing desire among Hawaii's
5 younger generation of farmers, potential farmers, and community
6 groups, to plant kalo and return to the lo'i on each island to
7 grow food, care for their families, create places of education
8 and renewal, and perpetuate Hawaiian culture.

9 As global warming and sea-level rise progresses in the
10 Pacific and Hawaii, existing lowland agricultural sites,
11 particularly lo'i kalo, will disappear or become inundated with
12 brackish water, raising the question of where we will grow our
13 food in the future. At this time, since the State has no
14 measures in place to protect the necessary upland taro-growing
15 places, we will need to mitigate these changes.

16 Historic, long-fallowed lo'i kalo lands can be found on
17 public conservation lands within most ahupua'a on each island and
18 point to an opportunity for greater food productivity and a
19 chance to address the looming issue of food security in the face
20 of sea-level rise.



1 The taro task force estimates between five thousand and
2 seven thousand acres of historic lo'i lands may be found within
3 state conservation districts based on maps developed by the
4 office of Hawaiian affairs and department of land and natural
5 resources during the 2014 legislative session, or less than 3
6 per cent of all department of land and natural resources lands.

7 There is a compelling interest in preserving wetland taro
8 lands and their supporting structures on public conservation
9 lands under the jurisdiction of the department of land and
10 natural resources for these purposes.

11 Chapter 171, Hawaii Revised Statutes, entitled public lands
12 management and disposal of, outlines the laws for land use
13 specifically and only for public lands. Section 171-10, Hawaii
14 Revised Statutes, describes the allowable land uses on public
15 lands. The taro security and purity task force finds that
16 wetland taro lands are highly productive but often classed as
17 marginal under the existing categories of section 171-10, Hawaii
18 Revised Statutes, intensive agriculture use.

19 The purpose of this Act is to improve protections for
20 wetland taro lands (lo'i kalo) and ancient wetland agricultural
21 structures on undeveloped state-owned or -acquired conservation



1 lands for Hawaii's long-term future food security and well-
2 being.

3 SECTION 2. Section 171-1, Hawaii Revised Statutes, is
4 amended by adding a new definition to be appropriately inserted
5 and to read as follows:

6 "Taro lands" means any lands in wetland taro cultivation
7 prior to statehood, or any traditional taro lands that retain
8 historic structural evidence of lo'i kalo, such as 'auwai
9 irrigation ditches, terraces, or walls."

10 SECTION 3. Section 171-10, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§171-10 Classes of lands. The board of land and natural
13 resources shall classify all public lands and in doing so be
14 guided by the following classifications:

15 1. Intensive agricultural use

16 (A) First class--Lands highly productive of intensive
17 crops such as sugarcane, pineapples, truck crops, and orchard
18 crops.

19 (B) Second class--Lands having medium productivity for
20 intensive crops.



1 (C) Third class--Lands having fair to marginal
2 productivity for intensive crops.

3 (D) Fourth class--Taro lands of no particular productivity
4 determination but having cultural, social, economic, and food
5 self-sufficiency value if preserved for wetland taro
6 cultivation. District boundary amendment of fourth class-taro
7 lands shall be prohibited. Notwithstanding any law to the
8 contrary, public land classified as fourth class-taro lands
9 pursuant to this section shall not be subject to district
10 boundary amendment.

11 2. Special livestock use

12 (A) First class--Lands highly suitable for special
13 livestock uses such as swine, dairy, and poultry production. In
14 making the determination, consideration shall be given to
15 drainage, climate, topography, proximity to market, and
16 transportation and compatibility to adjoining land use, among
17 other considerations. "Dairy" as used for disposition purposes
18 means a "dry lot" dairy without allowance for grazing.

19 (B) Second class--Lands suitable for special livestock
20 uses, but inferior to those of first class.

21 3. Pasture use



1 (A) First class--Lands having a potentially high economic
2 animal unit carrying capacity and capable of correspondingly
3 high liveweight gains per acre per year, such as, less than five
4 acres per animal unit per year and more than one hundred pounds
5 live beef gains per animal unit per acre per year.

6 (B) Second class--Lands having a potentially medium
7 economic animal unit carrying capacity and capable of moderate
8 liveweight gains per acre per year, such as, five to twenty
9 acres per animal unit per year and twenty to one hundred pounds
10 live beef gains per animal unit per acre per year.

11 (C) Third class--Lands having a relatively low animal unit
12 carrying capacity and producing correspondingly low liveweight
13 gains per acre per year, such as, more than twenty acres per
14 animal unit per year and less than twenty pounds average live
15 beef gains per animal unit per acre per year.

16 4. Commercial timber use

17 (A) First class--Lands of high suitability for growth of
18 merchantable timber having mean annual growth potential under
19 normal forest management practices with yields exceeding amounts
20 such as one thousand board feet per acre, and with location and



1 terrain presenting favorable logging, transportation, and
2 marketing conditions.

3 (B) Second class--Lands of high suitability for growth of
4 merchantable timber having mean annual growth potential under
5 normal forest management practices with yields exceeding amounts
6 such as one thousand board feet per acre, and with location and
7 terrain presenting less favorable logging, transportation, and
8 marketing conditions.

9 (C) Third class--Lands of medium suitability for growth of
10 merchantable timber having mean annual growth potential in
11 amounts such as five hundred to one thousand board feet per acre
12 under normal forest management practices, and with location and
13 terrain presenting favorable logging, transportation, and
14 marketing conditions.

15 (D) Fourth class--Lands of medium suitability for growth
16 of merchantable timber having mean annual growth potential in
17 amounts such as five hundred to one thousand board feet per acre
18 under normal forest management practices, and with location and
19 terrain presenting less favorable logging, transportation, and
20 marketing conditions.



1 (E) Fifth class--Lands of relatively low suitability for
2 growth of merchantable timber having mean annual growth
3 potential less than an amount such as five hundred board feet
4 per acre, and with location and terrain presenting favorable
5 logging, transportation, and marketing conditions.

6 (F) Sixth class--Lands of relatively low suitability for
7 growth of merchantable timber having mean annual growth
8 potential less than an amount such as five hundred board feet
9 per acre, and with location and terrain presenting less
10 favorable logging, transportation, and marketing conditions.

11 5. Quarry use

12 Lands having sufficient quantity and quality of rock,
13 gravel, and sand for purpose of commercial use.

14 6. Mining use

15 Lands bearing sufficient quantity and quality of mineral
16 products for purpose of commercial mining and use.

17 7. Recreational use

18 Lands suitable for use and development as parks,
19 playgrounds, historical sites, natural area, camp grounds,
20 wildlife refuge, scenic sites, and other such uses.

21 8. Watershed use



1 Lands suitable for the use and development as watersheds or
2 for the development of water, and requiring necessary
3 restrictions on other uses.

4 9. Residential use

5 Lands suitable and economically feasible for residential
6 development and use.

7 10. Commercial and industrial use

8 Lands suitable and economically feasible for commercial and
9 industrial development and use.

10 11. Hotel, apartment, and motel use

11 Lands suitable and economically feasible for hotel,
12 apartment, and motel development and use.

13 12. Resort use

14 Lands suitable and economically feasible for resort
15 development and use.

16 13. Unclassified uses

17 Lands not otherwise classifiable under the foregoing
18 sections."

19 SECTION 4. The board of land and natural resources, in
20 conjunction with the taro security and purity task force, may



1 create an inventory under chapter 91, Hawaii Revised Statutes,
2 identifying lands classified as fourth class taro lands.

3 SECTION 5. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2015-2016 and
6 the same sum or so much thereof as may be necessary for fiscal
7 year 2016-2017 for the purposes of section 4 of this Act.

8 The sums appropriated shall be expended by the board of
9 land and natural resources for the purposes of this Act.

10 SECTION 6. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 7. New statutory material is underscored.

14 SECTION 8. This Act shall take effect on July 1, 2015.

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S.B. NO. 774

Report Title:

Classification of Agricultural Lands; Taro Lands; Appropriation

Description:

Creates a classification of agricultural public lands entitled "taro lands". Appropriates funds to the board of land and natural resources to create an inventory of lands classified as taro lands.

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