
HOUSE 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 ENVIRONMENTAL IMPACT STATEMENT PROCESS.

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 Hawaii
17 2019, which included the County of Kaua'i's repair of Wai'oli
18 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



1 appropriate entitlements and exemptions to ensure the long-term
2 viability of lo'i kalo cultivation in a traditional manner in
3 Wai'oli Valley; and

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

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

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

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

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

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



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1 WHEREAS, the water that flows through Wai'oli's ancient
2 system is a lifeway that supports kalo cultivation traditions
3 and perpetuates a living Native Hawaiian culture while feeding
4 the community and preparing the next generation to carry on this
5 vital practice; and

6
7 WHEREAS, lo'i kalo cultivation in Wai'oli Valley uses water
8 in a nonpolluting way, and the water that flows through the lo'i
9 kalo is nonconsumptive, as it is returned to the same watersheds
10 of origin and recharges related ground and surface water
11 sources, including Wai'oli Stream and Hanalei River; and

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13 WHEREAS, lo'i kalo cultivation in a traditional manner
14 continues to create opportunities for community-based cultural
15 and agricultural education while providing vital environmental
16 benefits, such as flood mitigation and groundwater recharge;
17 preserving native habitat for endangered and threatened water
18 birds; advancing food security; and building community and
19 cultural resilience in the face of the rising costs of imported
20 food; and

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22 WHEREAS, continuation of lo'i kalo cultivation in Wai'oli
23 Valley will not persevere without a long-term water lease from
24 the Board of Land and Natural Resources; and

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26 WHEREAS, Article XII, section 7, of the Hawaii State
27 Constitution mandates the State to protect the traditional and
28 customary rights of Native Hawaiians, such as those perpetuated
29 by Wai'oli Valley Taro Hui members; and

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31 WHEREAS, a water lease to Wai'oli Valley Taro Hui honors and
32 supports appurtenant, riparian, and traditional and customary
33 Native Hawaiian rights and practices; and

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35 WHEREAS, pursuant to section 171-58, Hawaii Revised
36 Statutes, which authorizes the disposition of water rights by
37 lease at public auction, an environmental assessment of Wai'oli
38 Valley Taro Hui's continued cultivation of lo'i kalo in a
39 traditional manner is in progress and is about to be noticed for
40 public hearing; and



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1 WHEREAS, the Department of Land and Natural Resources
 2 Office of Conservation and Coastal Lands did not require a
 3 conservation district use permit given that the Hui's use is
 4 "existing" because it preceded the State and creation of
 5 conservation districts or related use permits; and
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7 WHEREAS, pursuant to section 171-58(e), Hawaii Revised
 8 Statutes, Wai'oli Valley Taro Hui and Department of Land and
 9 Natural Resources staff jointly developed a watershed management
 10 plan, and pursuant to section 171-58(g), Hawaii Revised
 11 Statutes, the Department of Hawaiian Home Lands consulted with
 12 the affected beneficiaries in November 2020, but did not request
 13 a reservation of water from Waioli Stream; and
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15 WHEREAS, a long-term water lease will help Wai'oli Valley
 16 Taro Hui recover and thrive again after the 2018 floods and
 17 perpetuate lo'i kalo cultivation as its spiritual foundation,
 18 culture, and lifeway into the future: make nō ke kalo a ola i
 19 ka palili, "the taro may die, but lives on in the young plants
 20 that it produces"; now, therefore,
 21

22 BE IT RESOLVED by the House of Representatives of the
 23 Thirty-first Legislature of the State of Hawaii, Regular Session
 24 of 2021, the Senate concurring, that the Board of Land and
 25 Natural Resources is requested to enter into a long-term water
 26 lease with Wai'oli Valley Taro Hui for the Hui's existing use of
 27 water from Wai'oli Stream via direct negotiation, upon completion
 28 of the environmental impact statement process; and
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30 BE IT FURTHER RESOLVED that certified copies of this
 31 Concurrent Resolution be transmitted to the Chairperson of the
 32 Board of Land and Natural Resources, Mayor of the County of
 33 Kauai, and President of Wai'oli Valley Taro Hui.
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 36

OFFERED BY: Madine K. Puhama

MAR 12 2021

