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# HOUSE CONCURRENT RESOLUTION

REAFFIRMING THE STATE'S OBLIGATION TO UPHOLD THE CONSTITUTIONAL RIGHTS OF ITS PEOPLE BY RECOGNIZING THE CRITICAL ROLE OF FRESHWATER IN MAINTAINING HEALTHY NEARSHORE MARINE ECOSYSTEMS.

1           WHEREAS, the State is renowned for its pristine beaches,  
2 vibrant coral reefs, and diverse marine ecosystems; and

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4           WHEREAS, these nearshore marine habitats provide essential  
5 ecosystem services, including food security, coastal protection,  
6 recreational opportunities, and economic functions; and

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8           WHEREAS, freshwater entering the ocean from rivers,  
9 streams, springs, and groundwater is vital to the health and  
10 productivity of nearshore marine ecosystems, influencing water  
11 quality, nutrient cycling, and habitat suitability for marine  
12 organisms; and

13  
14           WHEREAS, freshwater in the nearshore marine ecosystem plays  
15 a critical role in the health and abundance of native limu  
16 (algae and seaweed), which serve key ecological functions,  
17 including preventing erosion and coral breakage, creating  
18 oxygen, producing sand, serving as food and shelter for marine  
19 animals, mitigating global warming through carbon sequestration,  
20 and acting as the base of the food web on which fisheries and  
21 traditional and customary Native Hawaiian practices rely; and

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23           WHEREAS, amphidromous species, such as the native Hawaiian  
24 endemic and indigenous goby fish 'o'opu nākea (*Awaous guamensis*),  
25 'o'opu 'alamo'o (*Lentipes concolor*), 'o'opu naniha (*Stenogobius*  
26 *hawaiiensis*), 'o'opu nopili (*Sicyopterus stimpsoni*), and 'o'opu  
27 akupa (*Eleotris sandwicensis*), as well as the native Hawaiian  
28 endemic prawn 'ōpae 'oeaha'a (*Macrobrachium grandimanus*), native



1 Hawaiian endemic shrimp 'ōpae kala'ole (*Atyoida bisulcata*), and  
2 native Hawaiian endemic mollusks hihīwai (*Neritina granosa*) and  
3 hapawai (*Neritina vespertina*), rely on freshwater streams, the  
4 nearshore marine ecosystem, and the connection between the two  
5 in order to successfully complete their lifecycle; and

6  
7 WHEREAS, alterations to freshwater sources, such as  
8 excessive groundwater extraction, streamflow diversion, and  
9 pollution adversely affect nearshore marine habitats, leading to  
10 coral bleaching, invasive algal blooms, loss of biodiversity,  
11 and loss of Native Hawaiian cultural resources; and

12  
13 WHEREAS, providing a healthy marine ecosystem is essential  
14 to the perpetuation of traditional and customary Native Hawaiian  
15 practices that depend upon Hawaii's natural environment as the  
16 source of Native Hawaiian cultural values; and

17  
18 WHEREAS, the Hawaii Supreme Court, in *Ka Pa'akai O Ka 'Āina*  
19 *v. Land Use Commission*, 94 Hawaii 31, 7 P.3d 1068 (2000),  
20 required state and county agencies to conduct a Ka Pa'akai  
21 analysis on matters that may impact Native Hawaiian traditional  
22 and customary rights; and

23  
24 WHEREAS, article XI, section 1, of the Hawaii State  
25 Constitution provides that: "For the benefit of present and  
26 future generations, the State and its political subdivisions  
27 shall conserve and protect Hawaii's natural beauty and all  
28 natural resources, including land, water, air, minerals and  
29 energy sources, and shall promote the development and  
30 utilization of these resources in a manner consistent with their  
31 conservation and in furtherance of the self-sufficiency of the  
32 State."; and

33  
34 WHEREAS, article XI, section 7, of the Hawaii State  
35 Constitution provides that: "The State has an obligation to  
36 protect, control and regulate the use of Hawaii's water  
37 resources for the benefit of its people."; and

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39 WHEREAS, it is imperative to protect and restore freshwater  
40 flows to ensure the long-term health and resilience of Hawaii's  
41 nearshore marine ecosystems; now, therefore,  
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# H.C.R. NO. 128

1 BE IT RESOLVED by the House of Representatives of the  
 2 Thirty-third Legislature of the State of Hawaii, Regular Session  
 3 of 2025, the Senate concurring, that this body reaffirms the  
 4 State's obligation to uphold the constitutional rights of its  
 5 people by recognizing the critical role of freshwater in  
 6 maintaining healthy nearshore marine ecosystems; and

7  
 8 BE IT FURTHER RESOLVED that the State and counties are  
 9 strongly urged to prioritize the protection and restoration of  
 10 freshwater flows to nearshore marine ecosystems by developing  
 11 and implementing comprehensive water resource management plans  
 12 and adopting policies that balance human needs with  
 13 environmental sustainability; and

14  
 15 BE IT FURTHER RESOLVED that the State and counties are  
 16 requested to work with relevant stakeholders to identify and  
 17 implement strategies to protect and restore freshwater flows to  
 18 nearshore marine ecosystems by providing education and outreach  
 19 efforts to raise awareness about the importance of freshwater to  
 20 nearshore marine ecosystems within government and among the  
 21 public; and

22  
 23 BE IT FURTHER RESOLVED that certified copies of this  
 24 Concurrent Resolution be transmitted to the Governor, Lieutenant  
 25 Governor, Chairperson of the Board of Land and Natural  
 26 Resources, and Mayor of each county.

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 28  
 29 OFFERED BY:   
 MAR 07 2025

