

MAR 07 2025

SENATE CONCURRENT RESOLUTION

REQUESTING THE COUNTY OF MAUI TO ACQUIRE ALL WEST MAUI WATER SYSTEMS THROUGH EMINENT DOMAIN AND TO HOLD THEM IN TRUST FOR THE PUBLIC, WITH MANAGEMENT UNDER THE COUNTY WATER SYSTEM, PURSUANT TO THE PUBLIC TRUST DOCTRINE.

1 WHEREAS, West Maui's water resources are under significant
2 strain, due to prolonged drought conditions, climate change, and
3 increased demand from private entities controlling approximately
4 eighty percent of these resources; and

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6 WHEREAS, the 2023 Maui wildfires, exacerbated by invasive
7 grasses and limited water availability, highlighted the critical
8 need for improved water management and accessibility; and

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10 WHEREAS, the diversion of streams for private use has
11 negatively affected traditional Native Hawaiian agricultural
12 practices and the ecological health of the region; and

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14 WHEREAS, it is imperative to assert public control over
15 West Maui's water systems to ensure equitable distribution,
16 enhance resilience against climate-induced droughts and
17 wildfires, and uphold the public trust doctrine enshrined in the
18 Hawaii State Constitution; and

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20 WHEREAS, the County of Maui has recently explored the use
21 of eminent domain to acquire privately held water systems to
22 ensure public control and equitable distribution of water
23 resources; and

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25 WHEREAS, restoring public control over West Maui's water
26 systems is necessary to ensure equitable distribution, climate
27 resilience, and the protection of Native Hawaiian water rights;
28 and

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30 WHEREAS, the County of Maui's initiative to consider
31 utilizing eminent domain to acquire water systems aligns with



S.C.R. NO. 152

1 the county's broader effort to ensure sustainable and equitable
2 resource management, particularly in the wake of climate
3 challenges and disaster recovery efforts; and
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5 WHEREAS, restoring public control over West Maui's water
6 systems would allow the State and county to ensure equitable
7 resource distribution, protect local communities, and uphold the
8 State's public trust obligations regarding water management;
9 now, therefore,
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11 BE IT RESOLVED by the Senate of the Thirty-third
12 Legislature of the State of Hawaii, Regular Session of 2025, the
13 House of Representatives concurring, that the County of Maui is
14 requested to acquire all West Maui water systems through eminent
15 domain and to hold them in trust for the public, with management
16 under the county water system, in accordance with the public
17 trust doctrine; and
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19 BE IT FURTHER RESOLVED that water allocation priorities be
20 guided by principles of environmental protection, cultural
21 preservation, and community needs, ensuring access for
22 residents, farmers, and indigenous practices; and
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24 BE IT FURTHER RESOLVED that the County of Maui is also
25 requested to collaborate with the Department of Land and Natural
26 Resources and other relevant stakeholders to develop a
27 management framework ensuring fair distribution of water
28 resources for agricultural, residential, and environmental
29 needs; and
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31 BE IT FURTHER RESOLVED that certified copies of this
32 Concurrent Resolution be transmitted to the Chair of the Board
33 of Land and Natural Resources, Mayor of the County of Maui, and
34 Chair of the Maui County Council.
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OFFERED BY: _____

