

---

---

# 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, Hawaii is renowned for its pristine beaches,  
2 vibrant coral reefs, and diverse marine ecosystems; and

3  
4           WHEREAS, these nearshore marine habitats provide essential  
5 ecosystem services, including food security, coastal protection,  
6 recreational opportunities, and economic functions; and

7  
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

22  
23           WHEREAS, amphidromous species, such as the Hawaiian endemic  
24 and indigenous goby fish 'o'opu nākea (*Awaous guamensis*), 'o'opu  
25 '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 Hawaiian endemic  
28 prawn 'ōpae 'oeha'a (*Macrobrachium grandimanus*), Hawaiian endemic



1 shrimp 'ōpae kala'ole (*Atyoida bisulcata*), and Hawaiian endemic  
2 mollusks hīhīwai (*Neritina granosa*) and hapawai (*Neritina*  
3 *vespertina*), rely on freshwater streams, the nearshore marine  
4 ecosystem, and the connection between the two in order to  
5 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  
10 to 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, "For the benefit of present and future  
26 generations, the State and its political subdivisions shall  
27 conserve and protect Hawaii's natural beauty and all natural  
28 resources, including land, water, air, minerals and energy  
29 sources, and shall promote the development and utilization of  
30 these resources in a manner consistent with their conservation  
31 and in furtherance of the self-sufficiency of the State."; and  
32

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

38 WHEREAS, it is imperative to protect and restore freshwater  
39 flows to ensure the long-term health and resilience of Hawaii's  
40 nearshore marine ecosystems; now, therefore,  
41



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.

