

MAR 07 2025

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## SENATE RESOLUTION

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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  
32 the county's broader effort to ensure sustainable and equitable  
33 resource management, particularly in the wake of climate  
34 challenges and disaster recovery efforts; and



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1 WHEREAS, restoring public control over West Maui's water  
2 systems would allow the State and county to ensure equitable  
3 resource distribution, protect local communities, and uphold the  
4 State's public trust obligations regarding water management;  
5 now, therefore,  
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7 BE IT RESOLVED by the Senate of the Thirty-third  
8 Legislature of the State of Hawaii, Regular Session of 2025,  
9 that the County of Maui is requested to acquire all West Maui  
10 water systems through eminent domain and to hold them in trust  
11 for the public, with management under the county water system,  
12 in accordance with the public trust doctrine; and  
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14 BE IT FURTHER RESOLVED that water allocation priorities be  
15 guided by principles of environmental protection, cultural  
16 preservation, and community needs, ensuring access for  
17 residents, farmers, and indigenous practices; and  
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19 BE IT FURTHER RESOLVED that the County of Maui is also  
20 requested to collaborate with the Department of Land and Natural  
21 Resources and other relevant stakeholders to develop a  
22 management framework ensuring fair distribution of water  
23 resources for agricultural, residential, and environmental  
24 needs; and  
25

26 BE IT FURTHER RESOLVED that certified copies of this  
27 Resolution be transmitted to the Chair of the Board of Land and  
28 Natural Resources, Mayor of the County of Maui, and Chair of the  
29 Maui County Council.  
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32

OFFERED BY: 

