
HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
PRIORITIZE ISSUING A WATER SET-ASIDE TO THE COUNTY OF MAUI
THROUGH AN EXECUTIVE ORDER BY THE GOVERNOR TO SUPPORT THE
MANAGEMENT OF PUBLIC TRUST WATER RESOURCES IN EAST MAUI.

1 WHEREAS, the County of Maui provides domestic and
2 agricultural water to its residents, businesses, farmers, and
3 ranchers and relies upon surface water from the Nahiku, Ke'anae,
4 Honomanū, and Huelo State License Area (License Area) to help
5 fulfill these needs; and
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7 WHEREAS, the demand for water in the County of Maui
8 continues to increase due to population growth, the need to
9 enhance agricultural production to improve food security,
10 worsening drought conditions, and other environmental factors;
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13 WHEREAS, this increasing demand in the County of Maui
14 requires long-term, efficient, transparent, equitable, and
15 community-oriented management of watersheds and water resources
16 in the License Area; and
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18 WHEREAS, East Maui is currently experiencing historic
19 drought conditions that have significantly reduced stream water
20 availability for all users; and
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22 WHEREAS, at its October 28, 2025, meeting, staff of the
23 Commission on Water Resource Management stated that "there is
24 insufficient water to meet the stated objectives of the 2018
25 Decision and Order regarding water use from East Maui" and that
26 the County of Maui Department of Water Supply requires a
27 "reliable supply" to meet potable water demand; and
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1 WHEREAS, Article XI, Section 7, of the Hawai'i State
2 Constitution states: "The State has an obligation to protect,
3 control, and regulate the use of Hawaii's water resources for
4 the benefit of its people"; and

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6 WHEREAS, the public trust doctrine, as affirmed by the
7 Hawai'i Supreme Court in the *Waiahole Ditch* (2000) decision and
8 the *Kauai Springs v. Kaua'i Planning Commission* (2014) case,
9 requires the management of water resources to achieve the most
10 equitable and beneficial allocation of water; and

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12 WHEREAS, the four public trust uses of water are:

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14 (1) Domestic uses, such as drinking water;
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16 (2) Native Hawaiian traditional and customary practices;
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18 (3) The maintenance of waters in their natural state; and
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20 (4) Uses by the Hawaiian Homes Commission for homestead
21 needs; and

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23 WHEREAS, as a government entity, the County of Maui has a
24 clear obligation to uphold the public trust doctrine, as well as
25 the legal obligations established by the Hawaiian Homes
26 Commission Act, 1920, as amended, and the Hawai'i State
27 Constitution; and

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29 WHEREAS, in the November 2022 election, sixty-four percent
30 of Maui County voters approved a charter amendment establishing
31 the County of Maui Department of the East Maui Water Authority
32 to help ensure a long-term, reliable, and affordable source of
33 water for domestic and agricultural use; and

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35 WHEREAS, the County of Maui Department of the East Maui
36 Water Authority and the County of Maui Department of Water
37 Supply, supported by community boards and professional staff
38 with expertise in water system operations, public financing,
39 grant acquisition, and watershed management, are well-positioned
40 to manage the region's water resources in a competent,
41 transparent, fiscally responsible, and environmentally
42 sustainable manner that serves the public interest; and



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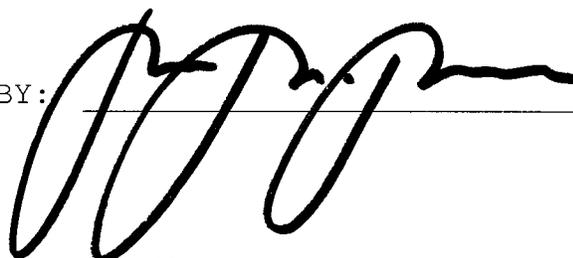
WHEREAS, if the County of Maui were granted a water set-aside through an Executive Order by the Governor, the resulting cost savings, additional revenue, and access to funding could be used to finance necessary repairs and maintenance of the water system, reduce water costs for local farmers, decrease water rates for residents, and support watershed restoration in the License Area; and

WHEREAS, the State is obligated to uphold the public trust doctrine, and it is in the best interest of the State, the County of Maui, and the residents of the State and County of Maui for the Department of Land and Natural Resources to issue a water set-aside to the County of Maui through an Executive Order by the Governor; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirty-third Legislature of the State of Hawaii, Regular Session of 2026, the Senate concurring, that the Department of Land and Natural Resources is urged to prioritize issuing a water set-aside to the County of Maui through an Executive Order by the Governor to support the management of public trust water resources in East Maui, specifically the Nahiku, Ke'anae, Honomanū, and Huelo State License Area; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor; Chairperson of the Board of Land and Natural Resources; Mayor of the County of Maui; Director of the County of Maui Department of Water Supply; and Director of the Department of the East Maui Water Authority.

OFFERED BY: _____



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