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# HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO  
PRIORITIZE ISSUING A 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

6  
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;  
11 and

12  
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  
28



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 the  
4 benefit of its people"; and

5  
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

11  
12 WHEREAS, the courts have repeatedly enumerated specific  
13 public trust uses of water while still allowing that these uses  
14 may be added to in the future:

- 15  
16 (1) The maintenance of waters in their natural state;  
17  
18 (2) The protection of domestic (non-municipal) water uses;  
19  
20 (3) The protection of water in the exercise of Native  
21 Hawaiian and traditional and customary rights;  
22  
23 (4) The reservation of water for and uses of water on  
24 Hawaiian home lands by beneficiaries; and  
25  
26 (5) Appurtenant rights; and  
27

28 WHEREAS, as a government entity, the County of Maui has a  
29 clear obligation to uphold the public trust doctrine, as well as  
30 the legal obligations established by the Hawaiian Homes  
31 Commission Act, 1920, as amended, and the Hawai'i State  
32 Constitution; and  
33

34 WHEREAS, in the November 2022 election, sixty-four percent  
35 of Maui County voters approved a charter amendment establishing  
36 the County of Maui Department of the East Maui Water Authority  
37 to help ensure a long-term, reliable, and affordable source of  
38 water for domestic and agricultural use; and  
39

40 WHEREAS, the County of Maui Department of the East Maui  
41 Water Authority and the County of Maui Department of Water  
42 Supply, supported by community boards and professional staff



1 with expertise in water system operations, public financing,  
2 grant acquisition, and watershed management, are well-positioned  
3 to manage the region's water resources in a competent,  
4 transparent, fiscally responsible, and environmentally  
5 sustainable manner that serves the public interest; and  
6

7 WHEREAS, if the County of Maui were granted a set-aside  
8 through an Executive Order by the Governor, the resulting cost  
9 savings, additional revenue, and access to funding could be used  
10 to finance necessary repairs and maintenance of the water  
11 system, reduce water costs for local farmers, decrease water  
12 rates for residents, and support watershed restoration in the  
13 License Area; and  
14

15 WHEREAS, the State is obligated to uphold the public trust  
16 doctrine, and it is in the best interest of the State, the  
17 County of Maui, and the residents of the State and County of  
18 Maui for the Department of Land and Natural Resources to issue a  
19 set-aside to the County of Maui through an Executive Order by  
20 the Governor; now, therefore,  
21

22 BE IT RESOLVED by the House of Representatives of the  
23 Thirty-third Legislature of the State of Hawaii, Regular Session  
24 of 2026, the Senate concurring, that the Department of Land and  
25 Natural Resources is urged to prioritize issuing a set-aside to  
26 the County of Maui through an Executive Order by the Governor to  
27 support the management of public trust water resources in East  
28 Maui, specifically the Nahiku, Ke'anae, Honomanū, and Huelo State  
29 License Area; and  
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31 BE IT FURTHER RESOLVED that certified copies of this  
32 Concurrent Resolution be transmitted to the Governor;  
33 Chairperson of the Board of Land and Natural Resources; Mayor of  
34 the County of Maui; Director of the County of Maui Department of  
35 Water Supply; and Director of the Department of the East Maui  
36 Water Authority.

