
HOUSE 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;
11 and

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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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29 WHEREAS, Article XI, Section 7, of the Hawai'i State
30 Constitution states: "The State has an obligation to protect,



1 control, and regulate the use of Hawaii's water resources for
2 the benefit of its people"; and

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

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

- 11
12 (1) Domestic uses, such as drinking water;
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14 (2) Native Hawaiian traditional and customary practices;
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16 (3) The maintenance of waters in their natural state; and
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18 (4) Uses by the Hawaiian Homes Commission for homestead
19 needs; and

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

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

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33 WHEREAS, the County of Maui Department of the East Maui
34 Water Authority and the County of Maui Department of Water
35 Supply, supported by community boards and professional staff
36 with expertise in water system operations, public financing,
37 grant acquisition, and watershed management, are well-positioned
38 to manage the region's water resources in a competent,
39 transparent, fiscally responsible, and environmentally
40 sustainable manner that serves the public interest; and
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1 WHEREAS, if the County of Maui were granted a water set-
2 aside through an Executive Order by the Governor, the resulting
3 cost savings, additional revenue, and access to funding could be
4 used to finance necessary repairs and maintenance of the water
5 system, reduce water costs for local farmers, decrease water
6 rates for residents, and support watershed restoration in the
7 License Area; and

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

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

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

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32 OFFERED BY: _____



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