
HOUSE 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

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

- 13
14 (1) The maintenance of waters in their natural state;
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16 (2) The protection of domestic (non-municipal) water uses;
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18 (3) The protection of water in the exercise of Native
19 Hawaiian and traditional and customary rights;
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21 (4) The reservation of water for and uses of water on
22 Hawaiian home lands by beneficiaries; and
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24 (5) Appurtenant rights; and
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26 WHEREAS, as a government entity, the County of Maui has a
27 clear obligation to uphold the public trust doctrine, as well as
28 the legal obligations established by the Hawaiian Homes
29 Commission Act, 1920, as amended, and the Hawai'i State
30 Constitution; and

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

37
38 WHEREAS, the County of Maui Department of the East Maui
39 Water Authority and the County of Maui Department of Water
40 Supply, supported by community boards and professional staff
41 with expertise in water system operations, public financing,
42 grant acquisition, and watershed management, are well-positioned



1 to manage the region's water resources in a competent,
2 transparent, fiscally responsible, and environmentally
3 sustainable manner that serves the public interest; and
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5 WHEREAS, if the County of Maui were granted a set-aside
6 through an Executive Order by the Governor, the resulting cost
7 savings, additional revenue, and access to funding could be used
8 to finance necessary repairs and maintenance of the water
9 system, reduce water costs for local farmers, decrease water
10 rates for residents, and support watershed restoration in the
11 License Area; and
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13 WHEREAS, the State is obligated to uphold the public trust
14 doctrine, and it is in the best interest of the State, the
15 County of Maui, and the residents of the State and County of
16 Maui for the Department of Land and Natural Resources to issue a
17 set-aside to the County of Maui through an Executive Order by
18 the Governor; now, therefore,
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20 BE IT RESOLVED by the House of Representatives of the
21 Thirty-third Legislature of the State of Hawaii, Regular Session
22 of 2026, that the Department of Land and Natural Resources is
23 urged to prioritize issuing a set-aside to the County of Maui
24 through an Executive Order by the Governor to support the
25 management of public trust water resources in East Maui,
26 specifically the Nahiku, Ke'anae, Honomanū, and Huelo State
27 License Area; and
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29 BE IT FURTHER RESOLVED that certified copies of this
30 Resolution be transmitted to the Governor; Chairperson of the
31 Board of Land and Natural Resources; Mayor of the County of
32 Maui; Director of the County of Maui Department of Water Supply;
33 and Director of the Department of the East Maui Water Authority.

