
HOUSE CONCURRENT RESOLUTION

REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO PRIORITIZE
STREAM RESTORATION AND PROTECTION WHEN DISCUSSING AND
MAKING WATER AND LAND USE DECISIONS AFFECTING THE
ENVIRONMENT AND DRINKING WATER.

1 WHEREAS, under article XI, section 7 of the Hawaii State
2 Constitution, the "State has an obligation to protect, control
3 and regulate the use of Hawaii's water resources for the benefit
4 of its people"; and

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6 WHEREAS, the public trust doctrine applies, without
7 exception, to all water resources in the State, such as rivers
8 and streams; and

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10 WHEREAS, an important, protected trust purpose for water
11 resources is the maintenance of rivers and streams in their
12 natural state; and

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14 WHEREAS, another important protected trust purpose for
15 water resources is use of waters in the exercise of Native
16 Hawaiian traditional and customary practices; and

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18 WHEREAS, a third protected trust purpose for water
19 resources is protection of safe drinking water for the people of
20 Hawaii; and

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22 WHEREAS, although the use of water for economic development
23 produces important public benefits, private commercial use is
24 not a protected trust purpose; and

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26 WHEREAS, the State, with the aim of maximizing both social
27 and economic benefits for the people of Hawaii, is required to
28 actively balance the protection of waters and the equitable,
29 reasonable, and beneficial use of rivers and streams; and



1 WHEREAS, under the public trust doctrine, the State is
2 compelled to consider the cumulative impact of existing and
3 proposed diversions as well as implement mitigating measures,
4 including the use of alternative water sources; and
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6 WHEREAS, under the public trust doctrine, the State must
7 also carefully assess the significant environmental impacts that
8 each individual request to divert water will have on rivers and
9 streams prior to approving the request; and
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11 WHEREAS, in exercising its public trust authority over
12 rivers and streams, the State is required to review prior
13 authorizations to divert or allocate water, even when those
14 previous decisions were determined to be in the public interest
15 at that time; and
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17 WHEREAS, water resource management requires long-term
18 decision-making and forward-thinking planning for future
19 circumstances, such as the impacts that climate change may have
20 on water resources; now, therefore,
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22 BE IT RESOLVED by the House of Representatives of the
23 Thirtieth Legislature of the State of Hawaii, Regular Session of
24 2019, the Senate concurring, that the Board of Land and Natural
25 Resources (Board) is requested to prioritize stream restoration
26 and protection when discussing and making water and land use
27 decisions affecting the environment and drinking water; and
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29 BE IT FURTHER RESOLVED that the Board is requested to
30 ensure that it bases any decision to divert water from a stream
31 or river on accurate information regarding the amount of water
32 flow in the river or stream and the amount of water that is
33 proposed to be diverted; and
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35 BE IT FURTHER RESOLVED that the Board is requested to
36 ensure that any decision to divert water from a river or stream
37 or approve any holdover permits for water rights will not
38 adversely impact the ecological, cultural, recreational, or
39 aesthetic values of the river or stream; and



1 BE IT FURTHER RESOLVED that the Board is requested to
2 permit no more than half of the water to be removed from a river
3 or stream, as measured near the point of diversion; and
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5 BE IT FURTHER RESOLVED that the Board is requested to
6 charge an applicant who requests the diversion of water from a
7 stream or river at least ninety percent of the cost to obtain
8 the same amount of water from an alternative source; and
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10 BE IT FURTHER RESOLVED that certified copies of this
11 Concurrent Resolution be transmitted to the Chairperson of the
12 Board of Land and Natural Resources.
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OFFERED BY: Tim Winkler

Derek Dan Ramos
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