

Resolution

No. 22-73

SUPPORTING THE DESIGNATION OF THE LAHAINA AQUIFER SECTOR AS SURFACE WATER AND GROUND WATER MANAGEMENT AREA

WHEREAS, on November 29, 2021, the State Commission on Water Resource Management provided written notice to the Council regarding the Department of Land and Natural Resources' recommendation to designate the Lahaina Aquifer Sector as a Surface Water and Ground Water Management Area; and

WHEREAS, the Lahaina Aquifer Sector is one of six aquifer sectors on the Island of Maui; and

WHEREAS, average annual rainfall has declined significantly across the Lahaina district, particularly during the summer months, and current projections anticipate further decline; and

WHEREAS, natural stream flow is declining in perennial streams throughout the Lahaina district due to declines in rainfall, ground water recharge, and subsequently, the baseflow contribution to streams; and

WHEREAS, current and authorized planned uses of the Honokōwai and Launiupoko aquifer systems have reported pumpage rates higher than their sustainable yield at 115 percent and 170 percent, respectively; and

WHEREAS, threats to ground water quality include saltwater intrusion and increased levels of chlorides in drinking water; and

WHEREAS, the Department of Water Supply projects a 67 percent increase in potable water consumption in the Lahaina district by 2035 based on population growth and community planned development timelines; and

WHEREAS, there is an inextricable relationship between surface water and ground water, both in their source and in their use, such that reductions in the availability of one, affects the use and availability of the other; and

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WHEREAS, as interim instream flow standards are implemented, the availability of surface water to meet the nonpotable needs of the Lahaina district has declined, resulting in the construction of new wells to meet nonpotable demand; and

WHEREAS, such usage may threaten public trust uses including the domestic needs supplied by existing wells and the needs of the Department of Hawaiian Home Lands in these same aquifers; and

WHEREAS, the use of water for nonpublic trust purposes is affecting the availability of water to meet public trust needs; and

WHEREAS, instream values, including water needed to support traditional and customary practices, domestic water uses, recreational uses, and native aquatic biota will continue to be harmed if the Commission does not consider additional protective actions; and

WHEREAS, under the Hawai'i Supreme Court's ruling in *In re Water Use Permit Applications*, "the lack of full scientific certainty should not be a basis for postponing effective measures to prevent environmental degradation" and "where [scientific] uncertainty exists, a trustee's duty to protect the resource mitigates in favor of choosing presumptions that also protect the resource"; and

WHEREAS, on January 20, 2022, the Board of Water Supply voted in support of designating the Lahaina Aquifer Sector as a Surface Water and Ground Water Management Area; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it supports the designation, and urges the Mayor's support, of the Lahaina Aquifer Sector as a Surface Water and Ground Water Management Area;
2. That it urges the Mayor and Department of Water Supply to work with the State Commission on Water Resource Management to manage and protect water resources in the proposed Water Management Area; and
3. That certified copies of this Resolution be transmitted to Jeffrey T. Pearson, Director of Water Supply, County of Maui; Dean Frampton, Chair, Board of Water Supply, County of

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Maui; Suzanne Case, Chairperson, Board of Land and Natural Resources, State of Hawai'i; Kaleo L. Manuel, Deputy Director, Commission on Water Resource Management, State of Hawai'i; and the Honorable Michael P. Victorino, Mayor, County of Maui.

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INTRODUCED BY:

Jamona A. M. Baltes
