

# June 13, 2017 Testimony to Planning Commission

The Plan states that another 3 mgd of water will be required to support the plan development around Lihue. All this water will come from our streams. I request that the Commission deny approval of this draft of the General Plan until the water required for the growth in the Lihue area has first been allocated to Public Trust needs. As the applicant, the Planning Department must first demonstrate that there is no reasonable alternative water source before approving developing that will depend upon our stream water. They then must assure that there is no impact to the streams and streams users before that water is allocated to development.

The Hawaii Court explained that the County has an affirmative duty to carry out this constitutional responsibility exactly in cases such as this.

From the Supreme Court Ruling in "Kauai Springs":

"Second, the public trust creates an "affirmative duty" of the State and its political subdivisions "to take the public trust into account in the planning and allocation of water resources, and to protect public trust uses whenever feasible." Id. (emphasis in original) (footnote omitted) (quoting Nat'l Audubon Society v. Superior Court of Alpine Cnty., 658 P.2d 709, 728 (1983) cert. denied, 464 U.S. 977 (1983))."

So please follow your duties as a public water trustee and follow the guidelines that the Court laid out hold yourselves to the same standard to which you held Kauai Springs.

(The above put together by Adam Asquith and read by Sharon Goodwin, Wailua Homestead, 6-13-17)