

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL MITIGATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 195D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§195D-           Environmental mitigation. (a) The department  
5 shall establish an environmental mitigation program.

6           (b) Before January 1, 2015, the department shall adopt  
7 rules, pursuant to chapter 91, to allow landowners to establish  
8 banks within the State to be conserved and managed in accordance  
9 with a written agreement with the department that includes  
10 provisions for the issuance of credits. The rules shall  
11 include:

- 12           (1) Procedures and fees for establishing banks;  
13           (2) Minimum size requirements for banks;  
14           (3) Requirements and procedures for establishing and using  
15           credits; and  
16           (4) Requirements and procedures for managing a bank in  
17           perpetuity as a wildlife preserve after all credits  
18           from that bank are sold.



1           (c) The rules adopted by the department pursuant to  
 2 subsection (a) may exceed the bank establishment standards  
 3 prescribed by federal law, including the United States  
 4 Endangered Species Act (16 United States Code sections 1531-  
 5 1544) and the Clean Water Act of 1972 (33 United States Code  
 6 section 1251 et seq), as amended.

7           (d) For purposes of this section:

8           "Bank" means a conservation bank, mitigation bank, or  
 9 conservation and mitigation bank.

10           "Conservation bank" means a publicly or privately owned and  
 11 operated site on which an important habitat, including any  
 12 habitat for threatened, endangered, or other special status  
 13 species, exists, has been, or will be created.

14           "Mitigation bank" means any publicly or privately owned and  
 15 operated site on which wetlands exist, have been, or will be  
 16 created, and that is to be conserved and managed in accordance  
 17 with a written agreement with the department."

18           SECTION 2. New statutory material is underscored.

19           SECTION 3. This Act shall take effect upon its approval

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INTRODUCED BY:

Joanne Chen Oakland

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S.B. NO. 717

*Michelle Rodon*



# S.B. NO. 717

**Report Title:**

Conservation and Mitigation Bank; Development; Environmental Mitigation

**Description:**

Requires DLNR to establish an environmental mitigation program and to enact rules to allow landowners within the State to establish conservation and mitigation banks for purposes of conserving habitat for fish, wildlife, and plants.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

