

JAN 17 2019

---

---

# A BILL FOR AN ACT

RELATED TO AQUATIC RESOURCES.

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

1           SECTION 1. The legislature finds that in-lieu fee  
2 mitigation is an effective mechanism to restore, create,  
3 enhance, and preserve aquatic habitats or resources to recover  
4 the ecological functions, services, and values of aquatic  
5 resources lost by adverse impacts to other similar aquatic  
6 habitats. In-lieu fee mitigation is widely used across the  
7 United States to achieve ecologically valuable conservation.

8           The purpose of this Act is to authorize the department of  
9 land and natural resources to use aquatic in-lieu fee mitigation  
10 to restore, create, enhance, or preserve aquatic habitats or  
11 resources as compensatory mitigation where a person is required  
12 to provide compensatory mitigation either: prospectively and  
13 the use of in-lieu fee mitigation is approved by the agency  
14 requiring mitigation; or for past damages to aquatic habitats or  
15 resources.

16           SECTION 2. Chapter 187A, part IV, Hawaii Revised Statutes,  
17 is amended by amending its title to read as follows:



1 "[-]PART IV. [+] AQUATIC MITIGATION [~~BANKS~~] BANKING AND AQUATIC  
2 IN-LIEU FEE MITIGATION"

3 SECTION 3. Section 187A-41, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[+]§187A-41. [+] Aquatic mitigation banking[-] and aquatic  
6 in-lieu fee mitigation. The department [~~is authorized to~~] may  
7 establish and operate aquatic mitigation banks[-] and aquatic  
8 in-lieu fee mitigation programs for the purpose of [~~which shall~~  
9 ~~be to restore, create, enhance, or preserve~~] restoring,  
10 creating, enhancing, or preserving aquatic habitats or resources  
11 as compensatory mitigation where a person is required to provide  
12 compensatory mitigation either: prospectively, and the use of  
13 banked mitigation is approved by the agency requiring  
14 mitigation[-]; or for past damages to aquatic habitats or  
15 resources."

16 SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.

19

INTRODUCED BY: Kal Abdul



# S.B. NO. 102

**Report Title:**

Department of Land and Natural Resources; Aquatic Mitigation Banking; Aquatic In-lieu Fee Mitigation

**Description:**

Authorizes the department of land and natural resources to use in-lieu fee mitigation to restore, create, enhance, or preserve aquatic habitats or resources as compensatory mitigation.

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

