
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 where a person is required to provide compensatory
12 mitigation either:

13 (1) Prospectively, and the use of in-lieu fee mitigation
14 is approved by the agency requiring mitigation; or

15 (2) For past damages to aquatic habitats or 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 [~~prospectively~~] either:

13 (1) Prospectively, and the use of banked mitigation or
14 aquatic in-lieu fee mitigation is approved by the
15 agency requiring mitigation[-] ; or [~~for~~]

16 (2) For past damages to aquatic habitats or resources."

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 Statutory material to be repealed is bracketed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

19 SECTION 5. This Act shall take effect on December 31,
20 2050.

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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. Takes
effect on 12/31/2050. (SD1)

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

