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# A BILL FOR AN ACT

RELATING 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, provided that the use of in-lieu fee  
14 mitigation is approved by the agency requiring  
15 mitigation; or  
16           (2) For past damages to aquatic habitats or resources.



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

3 "[+]PART IV. [+] AQUATIC MITIGATION [BANKS] BANKING AND AQUATIC  
4 IN-LIEU FEE MITIGATION"

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

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

15 (1) Prospectively, provided that the use of banked  
16 mitigation or aquatic in-lieu fee mitigation is  
17 approved by the agency requiring mitigation[~~, or for~~];  
18 or

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

20 SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



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



**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. (SD1)

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

