

STAND. COM. REP. NO.

124

Honolulu, Hawaii

FEB 11 2021

RE: S.B. No. 204
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 204 entitled:

"A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the use of aquatic in-lieu fee mitigation where a person is required to provide compensatory mitigation for past and prospective damages to restore, create, enhance, or preserve the affected aquatic habitat or resource.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that natural resource agencies, such as the Department of Land and Natural Resources, prefer compensatory mitigation mechanisms such as in-lieu fee mitigation because in-lieu fee sponsors are often entities with more experience, scientific expertise, and vested long-term interest in natural resource conservation. According to testimony received by your Committee, Hawaii intends to be the first state in the nation to establish in-lieu fee mitigation for coral reefs. Your Committee further finds that this measure would provide the Department of Land and Natural Resources with another innovative mechanism to improve state stewardship of aquatic public trust habitats and

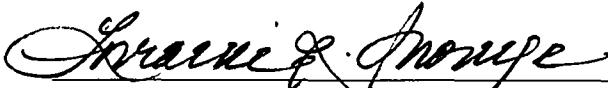


resources, increase accountability for aquatic resource damage, and provide a higher quality of restitution for the damaged resources.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 204, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 204, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUÉ, Chair



