



GOV. MSG. NO. 1132

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 8, 2022

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 8, 2022, the following bill was signed into law:

SB204 SD1 HD1 CD1

RELATING TO AQUATIC RESOURCES.
ACT 032

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 for the restoration,
3 creation, enhancement, and preservation of aquatic habitats or
4 resources to recover the ecological functions, services, and
5 values of aquatic resources lost by adverse impacts to other
6 similar aquatic habitats. In-lieu fee mitigation is widely used
7 across the United States to achieve ecologically valuable
8 conservation.

9 The purpose of this Act is to authorize the department of
10 land and natural resources to use aquatic in-lieu fee mitigation
11 to restore, create, enhance, or preserve aquatic habitats or
12 resources where a person is required to provide compensatory
13 mitigation either:

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

17 SECTION 2. Chapter 187A, part IV, Hawaii Revised Statutes,
18 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, preserving, or any combination thereof,
11 aquatic habitats or resources ~~[as compensatory mitigation]~~ where
12 a person is required to provide compensatory mitigation
13 ~~[prospectively and]~~ either for:

- 14 (1) Prospective damages to aquatic habitats or resources
15 where the use of ~~[banked]~~ aquatic mitigation banking
16 or aquatic in-lieu fee mitigation is approved by the
17 agency requiring mitigation ~~[.]~~; or ~~[for past]~~
- 18 (2) Past damages to aquatic habitats or resources."

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 Statutory material to be repealed is bracketed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

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

S.B. NO. 204
S.D. 1
H.D. 1
C.D. 1

APPROVED this 8 day of June , 2022

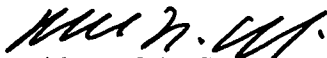
A handwritten signature in black ink, appearing to read "David I. Ige". The signature is fluid and cursive, with a large, sweeping flourish at the end.

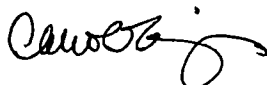
GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 3, 2022
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2022.


President of the Senate


Clerk of the Senate

SB No. 204, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives