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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, 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~~]; or

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 Statutory material to be repealed is bracketed  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 upon its approval.

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INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 204

**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.*

