
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 Statutory material to be repealed is bracketed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.



Report Title:

DLNR; 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, preserve, or any combination thereof, aquatic habitats or resources as compensatory mitigation. (CD1)

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

