
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.



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, preserving, or any combination thereof
13 aquatic habitats or resources [~~as compensatory mitigation~~] where
14 a person is required to provide compensatory mitigation
15 [~~prospectively and~~] either:

16 (1) For prospective damages to aquatic habitats or
17 resources where the use of [~~banked~~] aquatic mitigation
18 banking or aquatic in-lieu fee mitigation is approved
19 by the agency requiring mitigation, or [~~for~~]

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



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 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, preserve, or
any combination thereof aquatic habitats or resources as
compensatory mitigation. (SD1)

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not legislation or evidence of legislative intent.*

