
A BILL FOR AN ACT

RELATING TO CONSERVATION MITIGATION BANKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that mitigation banks
2 restore, create, enhance, or preserve habitats or resources to
3 recover the ecological functions, services, and values of
4 resources lost by adverse impacts to other similar habitats. By
5 2001, the federal government and at least thirty-one states
6 developed successful mitigation bank guidelines and programs.
7 Mitigation banking has a number of advantages over traditional
8 permittee-responsible compensatory mitigation because of the
9 ability of mitigation banking programs to:

- 10 (1) Reduce uncertainty about whether compensatory
11 mitigation will be successful in offsetting project
12 impacts;
- 13 (2) Assemble and apply extensive financial resources,
14 planning, and scientific expertise not always
15 available to many permittee-responsible compensatory
16 mitigation proposals;



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1 (3) Reduce permit processing times and provide more
2 cost-effective compensatory mitigation opportunities;
3 and

4 (4) Enable the efficient use of limited agency resources
5 in the review and compliance monitoring of
6 compensatory mitigation projects because of
7 consolidation.

8 Mitigation banks would serve as a mechanism to restore or
9 replace resources and ecological functions of habitats either
10 prospectively or after they have been damaged.

11 The purpose of this Act is to authorize the department of
12 land and natural resources to establish and operate conservation
13 mitigation banks to restore, create, enhance, or preserve
14 conservation habitats or resources as compensatory mitigation
15 where a person or entity is required to provide compensatory
16 mitigation prospectively and the use of banked mitigation is
17 approved by the agency requiring mitigation, or for past damages
18 to conservation habitats or resources.

19 SECTION 2. The Hawaii Revised Statutes is amended by
20 adding a new chapter to be appropriately designated and to read
21 as follows:



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Report Title:

DLNR; Conservation Mitigation Bank

Description:

Authorizes the department of land and natural resources to establish and operate conservation mitigation banks to restore, create, enhance, or preserve conservation habitats or resources as compensatory mitigation. Authorizes the department to contract a third-party administrator for the operation of the mitigation banks. Clarifies the sale of credits involved in conservation mitigation banking. Defines "conservation mitigation bank". Effective 1/1/2024.

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