

A Bill for an Act Relating to Aquatic Mitigation Banks.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that aquatic mitigation banks restore, create, enhance, or preserve aquatic habitats or resources to recover the ecological functions, services, and values of aquatic resources lost by adverse impacts to other similar aquatic habitats. The federal government and at least twenty-eight states have developed successful mitigation bank guidelines and programs. Mitigation banks would serve as a mechanism to restore or replace aquatic resources and ecological functions of aquatic habitats either prospectively or after they have been damaged.

The purpose of this Act is to authorize the department of land and natural resources to establish and operate aquatic mitigation banks to restore, create, enhance, or preserve aquatic habitats or resources as compensatory mitigation where a person is required to provide compensatory mitigation prospectively and the use of banked mitigation is approved by the agency requiring mitigation, or for past damages to aquatic habitats or resources.

SECTION 2. Chapter 187A, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . AQUATIC MITIGATION BANKS

§187A- Aquatic mitigation banking. The department is authorized to establish and operate aquatic mitigation banks, the purpose of which shall be to restore, create, enhance, or preserve aquatic habitats or resources as compensatory mitigation where a person is required to provide compensatory mitigation prospectively and the use of banked mitigation is approved by the agency requiring mitigation, or for past damages to aquatic habitats or resources.

§187A- Rules. The department may adopt rules pursuant to chapter 91 necessary for the purposes of this part.”

SECTION 3. This Act shall take effect upon its approval.

(Approved July 5, 2016.)