



GOV. MSG. NO. 1313

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 5, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 5, 2016, the following bill was signed into law:

SB2904 HD1 CD1

RELATING TO AQUATIC MITIGATION BANKS
ACT 211 (16)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO AQUATIC MITIGATION BANKS.

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

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

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



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

4 "PART . AQUATIC MITIGATION BANKS

5 §187A- Aquatic mitigation banking. The department is
6 authorized to establish and operate aquatic mitigation banks,
7 the purpose of which shall be to restore, create, enhance, or
8 preserve aquatic habitats or resources as compensatory
9 mitigation where a person is required to provide compensatory
10 mitigation prospectively and the use of banked mitigation is
11 approved by the agency requiring mitigation, or for past damages
12 to aquatic habitats or resources.

13 §187A- Rules. The department may adopt rules pursuant
14 to chapter 91 necessary for the purposes of this part."

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

APPROVED this 5 day of JUL , 2016



GOVERNOR OF THE STATE OF HAWAII