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# 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.



**Report Title:**

Aquatic Mitigation Bank

**Description:**

Authorizes 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. (CD1)

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

