
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 to restore, create,
3 enhance, and preserve aquatic habitats or resources to recover
4 the ecological functions, services, and values of aquatic
5 resources lost by adverse impacts to other similar aquatic
6 habitats. In-lieu fee mitigation is widely used across the
7 United States to achieve ecologically valuable conservation.

8 The purpose of this Act is to authorize the department of
9 land and natural resources to use aquatic in-lieu fee mitigation
10 to restore, create, enhance, or preserve aquatic habitats or
11 resources as compensatory mitigation where a person is required
12 to provide compensatory mitigation prospectively and the use of
13 in-lieu fee mitigation is approved by the agency requiring
14 mitigation, or for past damages to aquatic habitats or
15 resources.

16 SECTION 2. Chapter 187A, part IV, Hawaii Revised Statutes,
17 is amended by amending its title to read as follows:



1 "[-]PART IV.[+] AQUATIC MITIGATION [~~BANKS~~] BANKING AND AQUATIC
2 IN-LIEU FEE MITIGATION"

3 SECTION 3. Section 187A-41, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[-]§187A-41[+] Aquatic mitigation banking~~[-]~~ and aquatic
6 in-lieu fee mitigation. The department is authorized to
7 establish and operate aquatic mitigation banks~~[-]~~ and aquatic
8 in-lieu fee mitigation, the purpose of which shall be to
9 restore, create, enhance, or preserve aquatic habitats or
10 resources as compensatory mitigation where a person is required
11 to provide compensatory mitigation prospectively and the use of
12 banked mitigation or aquatic in-lieu fee mitigation is approved
13 by the agency requiring mitigation, or for past damages to
14 aquatic habitats or resources."

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on December 24,
18 2088.



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, or preserve
aquatic habitats or resources as compensatory mitigation.

(SB110 HD1)

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not legislation or evidence of legislative intent.*

