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

9 The purpose of this Act is to authorize the department of
10 land and natural resources to use aquatic in-lieu fee mitigation
11 to restore, create, enhance, or preserve aquatic habitats or
12 resources where a person is required to provide compensatory
13 mitigation either:

- 14 (1) Prospectively, and the use of in-lieu fee mitigation
15 is approved by the agency requiring mitigation; or
16 (2) For past damages to aquatic habitats or resources.



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

3 "[+]PART IV.[+] AQUATIC MITIGATION [BANKS] BANKING AND AQUATIC
4 IN-LIEU FEE MITIGATION"

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

7 "[+]§187A-41[+] Aquatic mitigation banking[-] and aquatic
8 in-lieu fee mitigation. The department [~~is authorized to~~] may
9 establish and operate aquatic mitigation banks[-] and aquatic
10 in-lieu fee mitigation programs for the purpose of [~~which shall~~
11 ~~be to restore, create, enhance, or preserve~~] restoring,
12 creating, enhancing, preserving, or any combination thereof,
13 aquatic habitats or resources [~~as compensatory mitigation~~] where
14 a person is required to provide compensatory mitigation
15 [~~prospectively and~~] either for:

- 16 (1) Prospective damages to aquatic habitats or resources
17 where the use of [~~banked~~] aquatic mitigation banking
18 or aquatic in-lieu fee mitigation is approved by the
19 agency requiring mitigation[-]; or [~~for past~~]
- 20 (2) Past damages to aquatic habitats or resources."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

DLNR; 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, preserve, or any combination thereof, aquatic habitats or resources as compensatory mitigation. Effective 7/1/2050. (HD1)

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

