

STAND. COM. REP. NO.

797

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 110  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 110, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to use aquatic in-lieu fee mitigation as a form of compensatory mitigation for damage to aquatic habitats or resources.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Ocean Tourism Coalition, Democratic Party of Hawaii, The Nature Conservancy, and one individual.

Your Committee finds that authorizing aquatic in-lieu fee mitigation will provide the Department of Land and Natural Resources with an effective mechanism to restore, create, enhance, and preserve aquatic habitats and resources. Your Committee further finds that in-lieu fee mitigation involves a third party mitigation sponsor who accepts funds from permit applicants or responsible parties required to provide compensation in order to mitigate actual natural resource damage or prospective compensation. The sponsor then uses these funds to develop restoration projects. In-lieu fee sponsors are often public or private entities with experience, scientific expertise, and a



vested long-term interest in natural resources conservation. Your Committee recognizes that this will enable the Department of Land and Natural Resources to improve state stewardship of aquatic public trust resources and habitats, increase accountability for damage to aquatic resources, and provide higher remediation to restore damaged resources.

Your Committee has amended this measure by making a technical nonsubstantive change to comport with standard drafting conventions.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 110, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 110, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,




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JILL N. TOKUDA, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:* <b>SB 110, SD1</b>	Committee Referral: <b>WTL, WAM</b>	Date: <b>23 Feb 2017</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)				/
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood	/			
HARIMOTO, Breene	/			
INOUYE, Lorraine R.				/
KAHELE, Kaiali'i				/
RIVIERE, Gil	/			
SHIMABUKURO, Maile S.L.				/
TANIGUCHI, Brian T.				/
WAKAI, Glenn	/			
<b>TOTAL</b>	<b>6</b>			<b>5</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency            Committee File Copy				

\*Only one measure per Record of Votes