

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 102  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 102 entitled:

"A BILL FOR AN ACT RELATED 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 in-lieu fee mitigation to restore, create, enhance, or preserve aquatic habitats or resources as compensatory mitigation.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Ocean Tourism Coalition, and one individual.

Your Committee finds that aquatic in-lieu fee mitigation is an effective mechanism to restore, create, enhance, and preserve aquatic habitats or resources to recover the ecological functions, services, and values of aquatic resources that are lost or anticipated to be lost due to adverse impacts to other similar aquatic habitats. Aquatic in-lieu fee mitigation is widely used across the United States to achieve ecologically valuable conservation. This measure will provide the Department of Land and Natural Resources with an innovative mechanism to improve state stewardship of aquatic public trust resources and habitats,



increase accountability for aquatic resource damage, and provide higher quality remediation to make damaged resources whole again.

Your Committee has amended this measure by:

- (1) Inserting language to clarify that the Department may use in-lieu fee mitigation, in addition to banked mitigation, for prospectively mitigating planned impacts;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 102, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 102, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,



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KAIALI'I KAHALE, Chair



