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GOVERNOR OF  
HAWAII



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LAND  
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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of  
SUZANNE D. CASE  
Chairperson

Before the House Committee on  
FINANCE

Tuesday, March 2, 2021  
12:00 PM

State Capitol, Via Videoconference, Conference Room 308

In consideration of  
HOUSE BILL 1351, HOUSE DRAFT 1  
RELATING TO CONSERVATION MITIGATION BANKS

House Bill 1351, House Draft 1 proposes to establish a new chapter in the Hawaii Revised Statutes, to authorize the Department of Land and Natural Resources (Department) to establish and operate conservation mitigation banks. **The Department supports this measure.**

The approval of habitat conservation plans and associated incidental take licenses for endangered species impacts is often a long and time-consuming process due to the uncertainties related to starting endangered species mitigation projects from scratch. The establishment of conservation mitigation banks would reduce this uncertainty over whether the compensatory mitigation will be successful in offsetting project impacts, reduce permit processing times, and provide more cost-effective compensatory mitigation opportunities. Project proponents would have the option to purchase their mitigation through an already approved conservation mitigation bank, which would provide an immediate species or habitat benefit, rather than the existing lag time associated with mitigation projects.

Thank you for the opportunity to comment on this measure.



# Environmental Caucus of The Democratic Party of Hawai'i

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February 28, 2021

To: House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Ty. J. K. Cullen, Vice Chair, and  
Members of the Committee on Finance

Re: HB 1351, HD1 – RELATING TO CONSERVATION MITIGATION BANKS

Hearing: Friday, March 2, 2021, 12:00 p.m. Room 308, via videoconference

Position: **STRONG SUPPORT**

Aloha Chair Luke, Vice Chair Cullen, and Members of the Committee on Finance:

The Environmental Caucus of the Democratic Party of Hawai'i and its Human Environmental Impacts Committee are in strong support of HB 1351, which would authorize the department of land and natural resources to establish and operate conservation mitigation banks to restore, create, enhance, or preserve conservation habitats or resources as compensatory mitigation where a person is required to provide compensatory mitigation prospectively and the use of banked mitigation is approved by the agency requiring mitigation, or for past damages to conservation habitats or resources.

In-lieu fee mitigation or compensatory mitigation refers to the restoration, creation, enhancement, or preservation of habitats or resources for the purposes of offsetting unavoidable adverse impacts. When unavoidable damage occurs, resource agencies will be able to require compensatory mitigation to offset the resource losses. Natural resource agencies prefer mitigation banks and in lieu fee mitigation to permittee-responsible mitigation because these third-party mitigation bank or in-lieu fee sponsors are often public or private entities with more experience, scientific expertise, and vested long-term interest in natural resource conservation.

The Democratic Party of Hawai'i (Party) has adopted at its 2018 State Convention, clear safeguards to protect the *'āina* through conservation. At page 17 of the Party Platform, it specifically provides that "the conservation, preservation and restoration of Hawai'i's natural resources are connected to the health and welfare of our people; therefore, we support the conservation and protection of our natural environment, which includes reducing our carbon footprint for the benefit of current and future generations."

Chair Sylvia Luke  
Vice Chair Ty J.K. Cullen  
Committee on Finance  
HB 1351, HD1  
March 2, 2021  
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On page 18, the Party Platform provides that the Party “believes in the conservation and collaborative stewardship of our shared natural heritage: the public lands and waterways, the oceans, mountains and all that makes Hawai‘i’s great outdoors priceless. We need policies and investments that will keep Hawai‘i’s public lands public, strengthen protections for our natural and cultural resources, increase access to parks and public lands for all people, protect native species and wildlife, and harness the immense economic and social potential of our public lands and waters.

[The Party] will approach conservation of our public lands and waters in a way that reflects the diversity of our State, by actively engaging all people in the great outdoors and protecting natural landscapes and cultural sites that tell the story of Hawai‘i’s complex history. To help meet these goals, we will work to build a diverse workforce in the Department of Land and Natural Resources (DLNR) that manage Hawai‘i’s public lands, waters, and cultural sites.”

For these reasons, we urge you to pass this bill which authorizes the department of land and natural resources to establish and operate conservation mitigation banks to restore, create, enhance, or preserve conservation habitats or resources as compensatory mitigation where a person is required to provide compensatory mitigation prospectively and the use of banked mitigation is approved by the agency requiring mitigation, or for past damages to conservation habitats or resources.

Please pass this important and overdue legislation. Thank you very much for the opportunity to testify on this key issue.

Respectfully yours,

Alan Burdick and  
Melodie Aduja  
Co-Chairs, Environmental Caucus  
Co-Chairs, Human Environmental Impacts Committee  
Democratic Party of Hawai‘i  
Email: [burdick808@gmail.com](mailto:burdick808@gmail.com) and  
[legislativepriorities@gmail.com](mailto:legislativepriorities@gmail.com)

**HB-1351-HD-1**

Submitted on: 2/28/2021 9:40:11 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lois Crozer	Individual	Support	No

Comments:

When a construction site or property negatively impacts or kills endangered animals or plants there should be a compensation mechanism to offset the damage.

**HB-1351-HD-1**

Submitted on: 3/1/2021 8:16:32 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sandee Moniz Pa	Individual	Support	No

Comments:

Let's get this done

**HB-1351-HD-1**

Submitted on: 3/1/2021 7:54:06 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lourdes millan	Individual	Support	No

Comments:

Support this bill

**HB-1351-HD-1**

Submitted on: 3/2/2021 7:39:00 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Smith	Individual	Support	No

Comments:

Support - will benefit endangered species management