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GOVERNOR OF
HAWAII



SUZANNE D. CASE
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BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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DEPUTY DIRECTOR - WATER

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COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
WATER & LAND

Tuesday, February 16, 2021
8:30 AM

State Capital, Via Videoconference, Conference Room 430

In consideration of
HOUSE BILL 1351
RELATING TO CONSERVATION MITIGATION BANKS

House Bill 1351 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 and offers the following comment and amendment.**

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.

The Department recommends amending page 3, lines 7-8 as follows:

§ -1 **Conservation mitigation banking.** The department of land and natural resources is authorized to establish and operate conservation mitigation banks, the purpose of which shall be to

restore, create, enhance, or preserve conservation habitats or resources as compensatory mitigation where a person or entity 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.

Thank you for the opportunity to comment on this measure.

HB-1351

Submitted on: 2/14/2021 3:17:27 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Afsheen Siddiqi	DLNR	Support	No

Comments:

I wish to testify for HB1351. Please allow me Zoom access. Thank you.



Environmental Caucus of The Democratic Party of Hawai'i

February 15, 2021

To: House Committee on Water and Land
Representative David A. Tarnas, Chair
Representative Patrick Pihana Branco, Vice Chair
Members of the Committee on Water and Land

Re: HB 1351 – RELATING TO CONSERVATION MITIGATION BANKS

Hearing: Friday, February 16, 2021, 8:30 a.m. Room 430, via videoconference

Position: **STRONG SUPPORT**

Aloha, Chair Tarnas, Vice Chair Branco, and Members of the Committee on Water and Land:

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."

Representative David A. Tarnas, Chair
Representative Patrick Pihana Branco, Vice Chair
February 16, 2021
Page 2

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 and
legislativepriorities@gmail.com

HB-1351

Submitted on: 2/15/2021 8:12:36 AM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Hawaii Reef and Ocean Coalition	Hawaii Reef and Ocean Coalition (HIROC)	Support	No

Comments:

To: Honorable Representative David A. Tarnas, Chair

Honorable Representative Patrick Pihana Branco, Vice Chair, and Members of the House Committee on Water and Land, and

From: HAWAI'I REEF AND OCEAN COALITION – HIROC (by Ted Bohlen)

Re: Hearing HB1351 RELATING TO AQUATIC RESOURCES

Hearing Date: [Tuesday, February 16, 2021, 8:30 am](#), videoconference

Position: STRONG SUPPORT FOR HB1351!

Aloha Chair Tarnas, Vice Chair Branco, and Water and Land Committee members:

The HAWAI'I REEF AND OCEAN COALITION – HIROC – was formed in 2017 by coral reef scientists, educators, local Hawaii environmental organizations, elected officials, and others to address the crisis facing Hawaii's coral reefs and other marine life.

The purpose of this Act is to 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.

Conserving and protecting conservation habitats is important in preserving coral reefs and oceans affected by runoff from the land.

Please pass this bill!

Mahalo! Hawaii Reef and Ocean Coalition (by Ted Bohlen)

HB-1351

Submitted on: 2/12/2021 11:21:37 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bronson Kainoa Kiyoshi Azama	Individual	Comments	No

Comments:

Aloha mai kākou,

My name is Bronson Azama, I am a youth advocate and cultural practitioner on the Windward Side. I would like to raise some questions and concerns regarding the proposal of Conservation Mitigation banks.

I am concerned that this would condone the development of important conservation land as long as there are mitigation measures in place, however, adverse effects in these environments are often hard to offset entirely. You can develop conservation land of a cemetery over an important watershed, however, even if you place a mitigation bank to benefit certain areas it doesn't take into account the larger picture of detriment on a continuous basis in the community already. This includes homeowner pesticide use, gas leaking from cars into streams, etc. The mitigation bank seems to be only mitigating one issue in particular, but the adverse impact to even a section of a conservation ecosystem is a huge loss.

I worry this could be used as a tool to silo an issue rather than a holistic approach of mauka to makai.

I also do not want to see this used as justification to develop important conservation lands.

Mahalo,

Bronson Azama

HB-1351

Submitted on: 2/13/2021 9:56:15 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jolie Wanger	Individual	Support	No

Comments:

I am submitting testimony in strong support of this bill. This sounds like a creative idea. The state needs to find more ways to fund conservation efforts and this out of the box thinking is a welcome solution.

HB-1351

Submitted on: 2/14/2021 4:47:04 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Pollack	Individual	Support	No

Comments:

Please pass this important legislation.

HB-1351

Submitted on: 2/15/2021 7:17:41 AM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
James F Moonier	Individual	Support	No

Comments:

i support saving native species. The world's biodiversity is at risk. We must do our best for our children and generations to come to save our planet.

HB-1351

Submitted on: 2/15/2021 2:00:46 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Smith	Individual	Support	No

Comments:

Strong support. This bill will support endangered species recovery.

HB-1351

Submitted on: 2/15/2021 8:02:45 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Lawrence	Individual	Support	No

Comments:

I support this bill to allow DLNR to establish and operate conservation mitigation banks in an effort to preserve our natural habitats

HB-1351

Submitted on: 2/15/2021 8:11:46 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Olson	Individual	Support	No

Comments:

I support this bill to allow DLNR to establish conservation mitigation banks to preserve our ecosystem.