

Honolulu, Hawaii

FEB 15, 2024

RE: H.B. No. 2473
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2473, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONSERVATION MITIGATION PROGRAMS,"

begs leave to report as follows:

The purpose of this measure is to authorize the Department of Land and Natural Resources to operate and approve conservation bank and conservation in-lieu fee mitigation programs.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received testimony in opposition to this measure from Earthjustice.

Your Committee finds that conservation bank and conservation in-lieu fee mitigation programs are used across the United States to achieve ecologically valuable conservation goals. The authority granted to the Department of Land and Natural Resources in this measure will enhance the recovery and survival of Hawaii's indigenous species.

Your Committee has amended this measure by:



- (1) Adopting language proposed by the Department of Land and Natural Resources, which:
 - (A) Defines and amends certain terminology used;
 - (B) Deletes language that would have allowed the use of conservation bank and conservation in-lieu fee mitigation programs as compensatory mitigation for prospective damage;
 - (C) Clarifies that past damage mitigation requirements may only be applied to indigenous species or their habitats;
 - (D) Amends the conditions for establishing and operating conservation banks and conservation in-lieu fee mitigation programs;
 - (E) Requires sponsors to be responsible for performing all necessary work in accordance with the conservation bank instrument or conservation in-lieu fee mitigation instrument, and to assume responsibility for all mitigation obligations from the entity who purchased or transferred credits to the sponsor;
 - (F) Requires conservation bank instruments and conservation in-lieu fee mitigation instruments to include certain components; and
 - (G) Requires the Endangered Species Recovery Committee to annually review and make recommendations for approved conservation bank and conservation in-lieu fee mitigation programs; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2473, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 2473, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



