THE SENATE THIRTY-SECOND LEGISLATURE, 2024 STATE OF HAWAII S.B. NO. 2621

'JAN 1 9 2024

A BILL FOR AN ACT

RELATING TO ENDANGERED SPECIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. Section 195D-2, Hawaii Revised Statutes, is		
2	amended by amending the definition of "endangered species" to		
3	read as follows:		
4	""Endangered species" means any species [whose]:		
5	(1) Whose continued existence as a viable component of		
6	Hawaii's indigenous fauna or flora is determined to be		
7	in jeopardy and has been so designated pursuant to		
8	section 195D-4[-] <u>; or</u>		
9	(2) That has been so designated pursuant to		
10	section 195D-4(b)(2)."		
11	SECTION 2. Section 195D-4, Hawaii Revised Statutes, is		
12	amended by amending subsections (a) through (f) to read as		
13	follows:		
14	"(a) Any species of aquatic life, wildlife, or land plant		
15	that has been determined to be an endangered species pursuant to		
16	the Endangered Species Act shall be deemed to be an endangered		
17	species under this chapter and any indigenous species of aquatic		



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1	life, wildlife,	or land plant that has been determined to be a
2	threatened spec	cies pursuant to the Endangered Species Act shall
3	be deemed to be	e a threatened species under this chapter. The
4	department may	determine, in accordance with this section,
5	however, that a	any [such] threatened species is an endangered
6	species through	nout all or any portion of the range of [such] <u>the</u>
7	species within	this State.
8	(b) In ac	ddition to the species that have been determined
9	to be endangere	ed or threatened pursuant to the Endangered
10	Species Act, th	ne department, by rules adopted pursuant to
11	chapter 91[, ma	y] <u>:</u>
12	<u>(1)</u> May o	determine any indigenous species of aquatic life,
13	wild	life, or land plant to be an endangered species or
14	a th	reatened species because of any of the following
15	facto	ors:
16	[.(1)] <u>(A)</u>	The present or threatened destruction,
17		modification, or curtailment of its habitat or
18		range;
19	[(2)] <u>(B)</u>	Overutilization for commercial, sporting,
20		scientific, educational, or other purposes;
21	[(3)] <u>(C)</u>	Disease or predation;



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1	[(4)] <u>(D)</u> The inadequacy of existing regulatory mechanisms;
2	or
3	[(5)] <u>(E)</u> Other natural or artificial factors affecting its
4	continued existence within Hawaii $[-]$; and
5	(2) Shall designate as an endangered species any species
6	of land plant as required by legislative act.
7	(c) The department shall make determinations required by
8	subsection [(b)] <u>(b)(1)</u> on the basis of all available
9	scientific, commercial, and other data after consultation, as
10	appropriate, with federal agencies, other interested state and
11	county agencies, and interested persons and organizations.
12	(d) The department shall issue rules containing a list of
13	all species of aquatic life, wildlife, and land plants that have
14	been determined, in accordance with subsections (a) to (c), as
15	endangered species and a list of all [such] species <u>of aquatic</u>
16	life, wildlife, and land plants so designated as threatened
17	species. Each list shall include the scientific, common, and
18	Hawaiian names, if any, and shall specify with respect to each
19	[such] species over what portion of its range it is endangered
20	or threatened.



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1	Exce	pt with respect to species of aquatic life, wildlife,	
2	or land plants determined to be endangered or threatened		
3	pursuant to the Endangered Species $Act[_{ au}]$ or species of land		
4	plants designated as an endangered species pursuant to		
5	subsection (b)(2), the department, upon its own recommendation		
6	or [upon] the petition of three interested persons who have		
7	presented	to the department substantial evidence that warrants	
8	review, s	hall conduct a review of any listed or unlisted	
9	indigenou	s species proposed to be removed from or added to the	
10	lists pub	lished pursuant to this subsection.	
11	(e)	With respect to any threatened or endangered species	
12	of aquati	c life, wildlife, or land plant, it is unlawful, except	
13	as provid	ed in subsections (f), (g), and (j) for any person to:	
14	(1)	Export any [such] threatened or endangered species	
15		from this State;	
16	(2)	Take any [such] <u>threatened or endangered</u> species	
17		within this State;	
18	(3)	Possess, process, sell, offer for sale, deliver,	
19		carry, transport, or ship, by any means whatsoever,	
20		any [such] threatened or endangered species;	



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Violate any rule pertaining to the conservation of the 2 species listed pursuant to this section and adopted by 3 the department pursuant to this chapter; or 4 (5) Violate the terms of, or fail to fulfill the 5 obligations imposed and agreed to under, any license 6 issued under subsection (f), (g), or (j) any habitat 7 conservation plan authorized under section 195D-21, or 8 any safe harbor agreement authorized under 9 section 195D-22. 10 The department may issue temporary licenses, under (f) 11 [such] any terms and conditions as it may prescribe, to allow 12 any act otherwise prohibited by subsection (e), for scientific 13 purposes or to enhance the propagation or survival of the 14 affected species." 15 SECTION 3. The department of land and natural resources 16 shall adopt rules pursuant to chapter 91, Hawaii Revised 17 Statutes, to designate as an endangered species each coconut 18 palm (Cocos nucifera) variety that is existing in the State of 19 Hawaii and consumed by the coconut rhinoceros beetle (Orcytes 20 rhinoceros).



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(4)

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SECTION 4. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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2.1

INTRODUCED BY:



Report Title:

DLNR; Endangered Species; Rulemaking; Coconut Palms; Coconut Rhinoceros Beetles

Description:

Amends the definition of "endangered species". Requires the Department of Land and Natural Resources to designate as an endangered species any species of land plant as required by legislative act. Directs the department to designate certain species of coconut palms as endangered species.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

