
A BILL FOR AN ACT

RELATING TO CONSERVATION.

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

1 SECTION 1. The legislature finds that numerous species in
2 the State are on the brink of extinction, in particular many
3 indigenous birds found nowhere else in the world. While the
4 State has made progress in addressing the myriad causes
5 contributing to extinction, the legislature finds that existing
6 efforts must be supplemented to prevent further loss of
7 biodiversity.

8 The legislature recognizes that Zealandia (Te Mara a Tane)
9 is a pioneering conservation sanctuary in Wellington, New
10 Zealand, best known for proving how dramatically nature can
11 rebound with proper protection. Built as a fully fenced,
12 predator-excluded sanctuary, Zealandia creates a safe haven
13 where native birds, reptiles, and plants thrive and recover in
14 near-natural habitats, safe from invasive predators and vectors.
15 This model has not only enabled the reintroduction and rapid
16 growth of iconic native species that were once on the brink of



1 extinction, but it has also transformed the valley into a living
2 example of ecosystem restoration in a modern city.

3 Just as importantly, Zealandia's impact extends beyond its
4 fence line: thriving populations disperse outward into
5 surrounding neighborhoods and green spaces, helping native
6 wildlife return to the wider region. Zealandia also facilitates
7 community engagement by welcoming volunteers, residents,
8 researchers, and visitors, and serving as a hub for school
9 programs and hands-on learning. Its success in engaging the
10 community and visitors has helped Zealandia become largely
11 self-funded through admissions, memberships, tours, and
12 experiences that reinvest directly into conservation.

13 The legislature also recognizes that successful sanctuary
14 models in the United States generate substantial revenue for
15 conservation efforts. They serve as educational centers for
16 local schools and visitor destinations and provide critical
17 habitats for endangered and other species. The State's climate
18 and environment provide more diverse habitats for wildlife than
19 found elsewhere in the continental United States. With
20 appropriate considerations and protections to ensure no adverse
21 impact on the state environment, the State can improve the



1 living conditions of rescued animals from other states and
2 generate significant revenue for state conservation efforts.

3 The legislature believes that the State is uniquely
4 positioned to become a national center for endangered species
5 research, education, and protection. Establishing sanctuaries
6 in the State like those that have proven successful elsewhere
7 can advance the State's position as the premier place for
8 endangered species work and conservation and create pathways for
9 local education, jobs, investment, and research.

10 The legislature also believes that successful nonprofit
11 models for the establishment and operation of specialized models
12 of endangered species sanctuaries are an efficient and
13 preferable way to supplement broader government-run efforts and
14 programs. The nonprofit models provide more flexibility and
15 adaptability for management, operations, innovation, and
16 community engagement.

17 The legislature further finds that the establishment of a
18 nonprofit entity to create and manage endangered species
19 sanctuaries and exempting appropriations of state funds to the
20 entity from the requirements of chapter 42F, Hawaii Revised



1 Statutes, complies with the public purpose requirements of
2 article VII, section 4, of the Hawaii State Constitution.

3 Accordingly, the purpose of this Act is to establish a
4 nonprofit entity to collaborate with the State to create and
5 manage endangered species sanctuaries.

6 SECTION 2. Chapter 195D, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§195D- Hawaii conservation sanctuary; established.

10 (a) There shall be established the Hawaii conservation
11 sanctuary, which shall be a nonprofit organization to enhance
12 and support the work of conservation and endangered species and
13 wildlife preservation, and to oversee related and ancillary
14 programs.

15 (b) The Hawaii conservation sanctuary shall protect and
16 expand populations of endangered species and other native
17 wildlife within the State by developing and operating
18 conservation sanctuaries in the State, including:

- 19 (1) One around a recreational body of water; and
- 20 (2) One in an area appropriate for the protection of
21 native birds.

- 1 (c) The Hawaii conservation sanctuary may:
- 2 (1) Operate for-profit business enterprises;
- 3 (2) Hold or lease property; and
- 4 (3) Enter into contracts to support its mission.
- 5 (d) The Hawaii conservation sanctuary may operate within
- 6 an agricultural district; provided that the operations of the
- 7 Hawaii conservation sanctuary authorized pursuant to subsection
- 8 (c) shall be deemed permissible uses pursuant to sections 205-
- 9 2(d) and 205-4.5.
- 10 (e) The qualifying standards and conditions related to the
- 11 receipt of funds contained in chapter 42F shall not apply to
- 12 state funds received by the Hawaii conservation sanctuary;
- 13 provided that if the Hawaii conservation sanctuary in turn
- 14 contracts with a recipient or provider, then the qualifying
- 15 standards, conditions, and other provisions of chapter 42F shall
- 16 apply to the recipient or provider and the contract.
- 17 (f) Two seats on the governing board of the Hawaii
- 18 conservation sanctuary shall be reserved for representatives of
- 19 the State.

1 (g) The department shall assist the Hawaii conservation
2 sanctuary with identifying and accessing appropriate land to
3 support its mission."

4 SECTION 3. Section 205-2, Hawaii Revised Statutes, is
5 amended by amending subsection (d) to read as follows:

6 "(d) Agricultural districts shall include:

7 (1) Activities or uses as characterized by the cultivation
8 of crops, crops for bioenergy, orchards, forage, and
9 forestry;

10 (2) Farming activities or uses related to animal husbandry
11 and game and fish propagation;

12 (3) Aquaculture, which means the production of aquatic
13 plant and animal life within ponds and other bodies of
14 water;

15 (4) Wind-generated energy production for public, private,
16 and commercial use;

17 (5) Biofuel production, as described in section 205-
18 4.5(a)(16), for public, private, and commercial use;

19 (6) Solar energy facilities; provided that:

20 (A) This paragraph shall apply only to land with soil
21 classified by the land study bureau's detailed



1 land classification as overall (master)
2 productivity rating class B, C, D, or E; and
3 (B) Solar energy facilities placed within land with
4 soil classified as overall productivity rating
5 class B or C shall not occupy more than ten per
6 cent of the acreage of the parcel, or twenty
7 acres of land, whichever is lesser, unless a
8 special use permit is granted pursuant to section
9 205-6;

10 (7) Bona fide agricultural services and uses that support
11 the agricultural activities of the fee or leasehold
12 owner of the property and accessory to any of the
13 above activities, regardless of whether conducted on
14 the same premises as the agricultural activities to
15 which they are accessory, including farm dwellings as
16 defined in section 205-4.5(a)(4), employee housing,
17 farm buildings, mills, storage facilities, processing
18 facilities, photovoltaic, biogas, and other small-
19 scale renewable energy systems producing energy solely
20 for use in the agricultural activities of the fee or
21 leasehold owner of the property, agricultural-energy



1 facilities as defined in section 205-4.5(a) (17),
2 vehicle and equipment storage areas, and plantation
3 community subdivisions as defined in section 205-
4 4.5(a) (12);

5 (8) Wind machines and wind farms;

6 (9) Small-scale meteorological, air quality, noise, and
7 other scientific and environmental data collection and
8 monitoring facilities occupying less than one-half
9 acre of land; provided that these facilities shall not
10 be used as or equipped for use as living quarters or
11 dwellings;

12 (10) Agricultural parks;

13 (11) Agricultural tourism conducted on a working farm, or a
14 farming operation as defined in section 165-2, for the
15 enjoyment, education, or involvement of visitors;
16 provided that the agricultural tourism activity is
17 accessory and secondary to the principal agricultural
18 use and does not interfere with surrounding farm
19 operations; provided further that this paragraph shall
20 apply only to a county that has adopted ordinances
21 regulating agricultural tourism under section 205-5;



- 1 (12) Agricultural tourism activities, including overnight
2 accommodations of twenty-one days or less, for any one
3 stay within a county; provided that this paragraph
4 shall apply only to a county that includes at least
5 three islands and has adopted ordinances regulating
6 agricultural tourism activities pursuant to section
7 205-5; provided further that the agricultural tourism
8 activities coexist with a bona fide agricultural
9 activity. For the purposes of this paragraph, "bona
10 fide agricultural activity" means a farming operation
11 as defined in section 165-2;
- 12 (13) Open area recreational facilities;
- 13 (14) Geothermal resources exploration and geothermal
14 resources development, as defined under section 182-1;
- 15 (15) Agricultural-based commercial operations registered in
16 Hawaii, including:
 - 17 (A) A roadside stand that is not an enclosed
18 structure, owned and operated by a producer for
19 the display and sale of agricultural products
20 grown in Hawaii and value-added products that



1 were produced using agricultural products grown
2 in Hawaii;

3 (B) Retail activities in an enclosed structure owned
4 and operated by a producer for the display and
5 sale of agricultural products grown in Hawaii,
6 value-added products that were produced using
7 agricultural products grown in Hawaii, logo items
8 related to the producer's agricultural
9 operations, and other food items;

10 (C) A retail food establishment owned and operated by
11 a producer and permitted under chapter 11-50,
12 Hawaii administrative rules, that prepares and
13 serves food at retail using products grown in
14 Hawaii and value-added products that were
15 produced using agricultural products grown in
16 Hawaii;

17 (D) A farmers' market, which is an outdoor market
18 limited to producers selling agricultural
19 products grown in Hawaii and value-added products
20 that were produced using agricultural products
21 grown in Hawaii; and



1 (E) A food hub, which is a facility that may contain
 2 a commercial kitchen and provides for the
 3 storage, processing, distribution, and sale of
 4 agricultural products grown in Hawaii and value-
 5 added products that were produced using
 6 agricultural products grown in Hawaii.

7 The owner of an agricultural-based commercial
 8 operation shall certify, upon request of an officer or
 9 agent charged with enforcement of this chapter under
 10 section 205-12, that the agricultural products
 11 displayed or sold by the operation meet the
 12 requirements of this paragraph;

13 (16) Hydroelectric facilities as described in section 205-
 14 4.5(a)(23); ~~and~~

15 (17) Composting and co-composting operations; provided that
 16 operations that process their own green waste and do
 17 not require permits from the department of health
 18 shall use the finished composting product only on the
 19 operation's own premises to minimize the potential
 20 spread of invasive species~~[]~~; and



1 (18) Operations of the Hawaii conservation sanctuary
2 authorized pursuant to section 195D-_____.
3 Agricultural districts shall not include golf courses and golf
4 driving ranges, except as provided in section 205-4.5(d). No
5 landfill unit, as defined in section 342H-52, shall be located
6 on land within the agricultural district that has soil
7 classified by the land study bureau's detailed land
8 classification as overall (master) productivity rating class A
9 in a county with a population greater than five hundred
10 thousand. Agricultural districts include areas that are not
11 used for, or that are not suited to, agricultural and ancillary
12 activities by reason of topography, soils, and other related
13 characteristics."

14 SECTION 4. Section 205-4.5, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Within the agricultural district, all lands with soil
17 classified by the land study bureau's detailed land
18 classification as overall (master) productivity rating class A
19 or B and for solar energy facilities, class B or C, shall be
20 restricted to the following permitted uses:



- 1 (1) Cultivation of crops, including crops for bioenergy,
2 flowers, vegetables, foliage, fruits, forage, and
3 timber;
- 4 (2) Game and fish propagation;
- 5 (3) Raising of livestock, including poultry, bees, fish,
6 or other animal or aquatic life that are propagated
7 for economic or personal use;
- 8 (4) Farm dwellings, employee housing, farm buildings, or
9 activities or uses related to farming and animal
10 husbandry. For the purposes of this paragraph, "farm
11 dwelling" means a single-family dwelling located on
12 and accessory to a farm, including clusters of
13 single-family farm dwellings permitted within
14 agricultural parks developed by the State, or where
15 agricultural activity provides income to the family
16 occupying the dwelling;
- 17 (5) Public institutions and buildings that are necessary
18 for agricultural practices;
- 19 (6) Public and private open area types of recreational
20 uses, including day camps, picnic grounds, parks, and
21 riding stables, but not including dragstrips,



- 1 airports, drive-in theaters, golf courses, golf
2 driving ranges, country clubs, and overnight camps;
3 provided that overnight camps in operation before
4 January 1, 1961, may be approved by special permit;
- 5 (7) Public, private, and quasi-public utility lines and
6 roadways, transformer stations, communications
7 equipment buildings, solid waste transfer stations,
8 major water storage tanks, and appurtenant small
9 buildings such as booster pumping stations, but not
10 including offices or yards for equipment, material,
11 vehicle storage, repair or maintenance, treatment
12 plants, corporation yards, or other similar
13 structures;
- 14 (8) Retention, restoration, rehabilitation, or improvement
15 of buildings or sites of historic or scenic interest;
- 16 (9) Agricultural-based commercial operations as described
17 in section 205-2(d)(15);
- 18 (10) Buildings and uses, including mills, storage, and
19 processing facilities, maintenance facilities,
20 photovoltaic, biogas, and other small-scale renewable
21 energy systems producing energy solely for use in the



1 agricultural activities of the fee or leasehold owner
2 of the property, and vehicle and equipment storage
3 areas that are normally considered directly accessory
4 to the above-mentioned uses and are permitted under
5 section 205-2(d);

6 (11) Agricultural parks;

7 (12) Plantation community subdivisions, which as used in
8 this chapter means an established subdivision or
9 cluster of employee housing, community buildings, and
10 agricultural support buildings on land currently or
11 formerly owned, leased, or operated by a sugar or
12 pineapple plantation; provided that the existing
13 structures may be used or rehabilitated for use, and
14 new employee housing and agricultural support
15 buildings may be allowed on land within the
16 subdivision as follows:

17 (A) The employee housing is occupied by employees or
18 former employees of the plantation who have a
19 property interest in the land;



1 (B) The employee housing units not owned by their
2 occupants shall be rented or leased at affordable
3 rates for agricultural workers; or

4 (C) The agricultural support buildings shall be
5 rented or leased to agricultural business
6 operators or agricultural support services;

7 (13) Agricultural tourism conducted on a working farm, or a
8 farming operation as defined in section 165-2, for the
9 enjoyment, education, or involvement of visitors;
10 provided that the agricultural tourism activity is
11 accessory and secondary to the principal agricultural
12 use and does not interfere with surrounding farm
13 operations; provided further that this paragraph shall
14 apply only to a county that has adopted ordinances
15 regulating agricultural tourism under section 205-5;

16 (14) Agricultural tourism activities, including overnight
17 accommodations of twenty-one days or less, for any one
18 stay within a county; provided that this paragraph
19 shall apply only to a county that includes at least
20 three islands and has adopted ordinances regulating
21 agricultural tourism activities pursuant to section



1 205-5; provided further that the agricultural tourism
2 activities coexist with a bona fide agricultural
3 activity. For the purposes of this paragraph, "bona
4 fide agricultural activity" means a farming operation
5 as defined in section 165-2;

6 (15) Wind energy facilities, including the appurtenances
7 associated with the production and transmission of
8 wind generated energy; provided that the wind energy
9 facilities and appurtenances are compatible with
10 agriculture uses and cause minimal adverse impact on
11 agricultural land;

12 (16) Biofuel processing facilities, including the
13 appurtenances associated with the production and
14 refining of biofuels that is normally considered
15 directly accessory and secondary to the growing of the
16 energy feedstock; provided that biofuel processing
17 facilities and appurtenances do not adversely impact
18 agricultural land and other agricultural uses in the
19 vicinity.

20 For the purposes of this paragraph:



1 "Appurtenances" means operational infrastructure
2 of the appropriate type and scale for economic
3 commercial storage and distribution, and other similar
4 handling of feedstock, fuels, and other products of
5 biofuel processing facilities.

6 "Biofuel processing facility" means a facility
7 that produces liquid or gaseous fuels from organic
8 sources such as biomass crops, agricultural residues,
9 and oil crops, including palm, canola, soybean, and
10 waste cooking oils; grease; food wastes; and animal
11 residues and wastes that can be used to generate
12 energy;

13 (17) Agricultural-energy facilities, including
14 appurtenances necessary for an agricultural-energy
15 enterprise; provided that the primary activity of the
16 agricultural-energy enterprise is agricultural
17 activity. To be considered the primary activity of an
18 agricultural-energy enterprise, the total acreage
19 devoted to agricultural activity shall be no less than
20 ninety per cent of the total acreage of the
21 agricultural-energy enterprise. The agricultural-



1 energy facility shall be limited to lands owned,
2 leased, licensed, or operated by the entity conducting
3 the agricultural activity.

4 As used in this paragraph:

5 "Agricultural activity" means any activity
6 described in paragraphs (1) to (3) of this subsection.

7 "Agricultural-energy enterprise" means an
8 enterprise that integrally incorporates an
9 agricultural activity with an agricultural-energy
10 facility.

11 "Agricultural-energy facility" means a facility
12 that generates, stores, or distributes renewable
13 energy as defined in section 269-91 or renewable fuel
14 including electrical or thermal energy or liquid or
15 gaseous fuels from products of agricultural activities
16 from agricultural lands located in the State.

17 "Appurtenances" means operational infrastructure
18 of the appropriate type and scale for the economic
19 commercial generation, storage, distribution, and
20 other similar handling of energy, including equipment,



1 feedstock, fuels, and other products of agricultural-
2 energy facilities;

3 (18) Construction and operation of wireless communication
4 antennas, including small wireless facilities;
5 provided that, for the purposes of this paragraph,
6 "wireless communication antenna" means communications
7 equipment that is either freestanding or placed upon
8 or attached to an already existing structure and that
9 transmits and receives electromagnetic radio signals
10 used in the provision of all types of wireless
11 communications services; provided further that "small
12 wireless facilities" shall have the same meaning as in
13 section 206N-2; provided further that nothing in this
14 paragraph shall be construed to permit the
15 construction of any new structure that is not deemed a
16 permitted use under this subsection;

17 (19) Agricultural education programs conducted on a farming
18 operation as defined in section 165-2, for the
19 education and participation of the general public;
20 provided that the agricultural education programs are
21 accessory and secondary to the principal agricultural



1 use of the parcels or lots on which the agricultural
2 education programs are to occur and do not interfere
3 with surrounding farm operations. For the purposes of
4 this paragraph, "agricultural education programs"
5 means activities or events designed to promote
6 knowledge and understanding of agricultural activities
7 and practices conducted on a farming operation as
8 defined in section 165-2;

9 (20) Solar energy facilities that do not occupy more than
10 ten per cent of the acreage of the parcel, or twenty
11 acres of land, whichever is lesser or for which a
12 special use permit is granted pursuant to section
13 205-6; provided that this use shall not be permitted
14 on lands with soil classified by the land study
15 bureau's detailed land classification as overall
16 (master) productivity rating class A;

17 (21) Solar energy facilities on lands with soil classified
18 by the land study bureau's detailed land
19 classification as overall (master) productivity rating
20 B or C for which a special use permit is granted
21 pursuant to section 205-6; provided that:



1 (A) The area occupied by the solar energy facilities
2 is also made available for compatible
3 agricultural activities at a lease rate that is
4 at least fifty per cent below the fair market
5 rent for comparable properties;

6 (B) Proof of financial security to decommission the
7 facility is provided to the satisfaction of the
8 appropriate county planning commission before the
9 date of commencement of commercial generation;
10 and

11 (C) Solar energy facilities shall be decommissioned
12 at the owner's expense according to the following
13 requirements:

14 (i) Removal of all equipment related to the
15 solar energy facility within twelve months
16 of the conclusion of operation or useful
17 life; and

18 (ii) Restoration of the disturbed earth to
19 substantially the same physical condition as
20 existed before the development of the solar
21 energy facility.



1 For the purposes of this paragraph, "agricultural
2 activities" means the activities described in
3 paragraphs (1) to (3);

4 (22) Geothermal resources exploration and geothermal
5 resources development, as defined under section 182-1;

6 (23) Hydroelectric facilities, including the appurtenances
7 associated with the production and transmission of
8 hydroelectric energy, subject to section 205-2;
9 provided that the hydroelectric facilities and their
10 appurtenances:

11 (A) Shall consist of a small hydropower facility as
12 defined by the United States Department of
13 Energy, including:

14 (i) Impoundment facilities using a dam to store
15 water in a reservoir;

16 (ii) A diversion or run-of-river facility that
17 channels a portion of a river through a
18 canal or channel; and

19 (iii) Pumped storage facilities that store energy
20 by pumping water uphill to a reservoir at
21 higher elevation from a reservoir at a lower



1 elevation to be released to turn a turbine
2 to generate electricity;

3 (B) Comply with the state water code, chapter 174C;

4 (C) Shall, if over five hundred kilowatts in
5 hydroelectric generating capacity, have the
6 approval of the commission on water resource
7 management, including a new instream flow
8 standard established for any new hydroelectric
9 facility; and

10 (D) Do not impact or impede the use of agricultural
11 land or the availability of surface or ground
12 water for all uses on all parcels that are served
13 by the ground water sources or streams for which
14 hydroelectric facilities are considered; [~~or~~]

15 (24) Notwithstanding any other law to the contrary,
16 composting and co-composting operations; provided that
17 operations that process their own green waste and do
18 not require permits from the department of health
19 shall use the finished composting product only on the
20 operation's own premises to minimize the potential
21 spread of invasive species[~~-~~]; or



1 (25) Operations of the Hawaii conservation sanctuary
2 authorized pursuant to section 195D- ."

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon July 1, 3000.



Report Title:

DLNR; Hawaii Conservation Sanctuary; Endangered Species; Native Wildlife; Conservation

Description:

Establishes the Hawaii Conservation Sanctuary as a nonprofit entity to protect and expand populations of endangered species and other native wildlife in the State. Effective 7/1/3000.
(HD1)

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