
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
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, destinations for visitors, and provide critical
17 habitat 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 Accordingly, the purpose of this Act is to establish a
18 nonprofit entity to collaborate with the State to create and
19 manage endangered species sanctuaries.



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

4 "§195D- Hawaii conservation sanctuary; established.

5 (a) There shall be established the Hawaii conservation
6 sanctuary, which shall be a nonprofit organization to enhance
7 and support the work of conservation and endangered species and
8 wildlife preservation, and to oversee related and ancillary
9 programs.

10 (b) The Hawaii conservation sanctuary shall protect and
11 expand populations of endangered species and other wildlife from
12 within and outside the State by developing and operating
13 conservation sanctuaries in the State, including:

14 (1) One around a recreational body of water;

15 (2) One in an area appropriate for the protection of
16 native birds; and

17 (3) One in an area appropriate for the protection of
18 rescue animals and larger species of wildlife.

19 (c) The Hawaii conservation sanctuary may:

20 (1) Operate for-profit business enterprises;

21 (2) Hold or lease property; and



1 (3) Enter into contracts to support its mission.

2 (d) Hawaii conservation sanctuary may operate within an
3 agricultural district; provided that the operations of the
4 Hawaii conservation sanctuary authorized pursuant to (c) shall
5 be deemed permissible uses pursuant to section 205-4.5.

6 (e) The qualifying standards and conditions related to the
7 receipt of funds contained in chapter 42F shall not apply to
8 funds received by the Hawaii conservation sanctuary; provided
9 that if the Hawaii conservation sanctuary in turn contracts with
10 a recipient or provider, then the qualifying standards,
11 conditions, and other provisions of chapter 42F shall apply to
12 the recipient or provider and the contract.

13 (f) Two seats on the governing board of the Hawaii
14 conservation sanctuary shall be reserved for representatives of
15 the State of Hawaii.

16 (g) The department shall assist the Hawaii conservation
17 sanctuary with identifying and accessing appropriate land to
18 support its mission."

19 SECTION 3. Section 205-4.5, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



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

- 6 (1) Cultivation of crops, including crops for bioenergy,
7 flowers, vegetables, foliage, fruits, forage, and
8 timber;
- 9 (2) Game and fish propagation;
- 10 (3) Raising of livestock, including poultry, bees, fish,
11 or other animal or aquatic life that are propagated
12 for economic or personal use;
- 13 (4) Farm dwellings, employee housing, farm buildings, or
14 activities or uses related to farming and animal
15 husbandry. For the purposes of this paragraph, "farm
16 dwelling" means a single-family dwelling located on
17 and accessory to a farm, including clusters of
18 single-family farm dwellings permitted within
19 agricultural parks developed by the State, or where
20 agricultural activity provides income to the family
21 occupying the dwelling;



- 1 (5) Public institutions and buildings that are necessary
2 for agricultural practices;
- 3 (6) Public and private open area types of recreational
4 uses, including day camps, picnic grounds, parks, and
5 riding stables, but not including dragstrips,
6 airports, drive-in theaters, golf courses, golf
7 driving ranges, country clubs, and overnight camps;
8 provided that overnight camps in operation before
9 January 1, 1961, may be approved by special permit;
- 10 (7) Public, private, and quasi-public utility lines and
11 roadways, transformer stations, communications
12 equipment buildings, solid waste transfer stations,
13 major water storage tanks, and appurtenant small
14 buildings such as booster pumping stations, but not
15 including offices or yards for equipment, material,
16 vehicle storage, repair or maintenance, treatment
17 plants, corporation yards, or other similar
18 structures;
- 19 (8) Retention, restoration, rehabilitation, or improvement
20 of buildings or sites of historic or scenic interest;



- 1 (9) Agricultural-based commercial operations as described
2 in section 205-2(d)(15);
- 3 (10) Buildings and uses, including mills, storage, and
4 processing facilities, maintenance facilities,
5 photovoltaic, biogas, and other small-scale renewable
6 energy systems producing energy solely for use in the
7 agricultural activities of the fee or leasehold owner
8 of the property, and vehicle and equipment storage
9 areas that are normally considered directly accessory
10 to the above-mentioned uses and are permitted under
11 section 205-2(d);
- 12 (11) Agricultural parks;
- 13 (12) Plantation community subdivisions, which as used in
14 this chapter means an established subdivision or
15 cluster of employee housing, community buildings, and
16 agricultural support buildings on land currently or
17 formerly owned, leased, or operated by a sugar or
18 pineapple plantation; provided that the existing
19 structures may be used or rehabilitated for use, and
20 new employee housing and agricultural support



1 buildings may be allowed on land within the
2 subdivision as follows:

3 (A) The employee housing is occupied by employees or
4 former employees of the plantation who have a
5 property interest in the land;

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

9 (C) The agricultural support buildings shall be
10 rented or leased to agricultural business
11 operators or agricultural support services;

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



- 1 (14) 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 (15) Wind energy facilities, including the appurtenances
13 associated with the production and transmission of
14 wind generated energy; provided that the wind energy
15 facilities and appurtenances are compatible with
16 agriculture uses and cause minimal adverse impact on
17 agricultural land;
- 18 (16) Biofuel processing facilities, including the
19 appurtenances associated with the production and
20 refining of biofuels that is normally considered
21 directly accessory and secondary to the growing of the



1 energy feedstock; provided that biofuel processing
2 facilities and appurtenances do not adversely impact
3 agricultural land and other agricultural uses in the
4 vicinity.

5 For the purposes of this paragraph:

6 "Appurtenances" means operational infrastructure
7 of the appropriate type and scale for economic
8 commercial storage and distribution, and other similar
9 handling of feedstock, fuels, and other products of
10 biofuel processing facilities.

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

18 (17) Agricultural-energy facilities, including
19 appurtenances necessary for an agricultural-energy
20 enterprise; provided that the primary activity of the
21 agricultural-energy enterprise is agricultural



1 activity. To be considered the primary activity of an
2 agricultural-energy enterprise, the total acreage
3 devoted to agricultural activity shall be no less than
4 ninety per cent of the total acreage of the
5 agricultural-energy enterprise. The agricultural-
6 energy facility shall be limited to lands owned,
7 leased, licensed, or operated by the entity conducting
8 the agricultural activity.

9 As used in this paragraph:

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

12 "Agricultural-energy enterprise" means an
13 enterprise that integrally incorporates an
14 agricultural activity with an agricultural-energy
15 facility.

16 "Agricultural-energy facility" means a facility
17 that generates, stores, or distributes renewable
18 energy as defined in section 269-91 or renewable fuel
19 including electrical or thermal energy or liquid or
20 gaseous fuels from products of agricultural activities
21 from agricultural lands located in the State.



1 "Appurtenances" means operational infrastructure
2 of the appropriate type and scale for the economic
3 commercial generation, storage, distribution, and
4 other similar handling of energy, including equipment,
5 feedstock, fuels, and other products of agricultural-
6 energy facilities;

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



- 1 (19) Agricultural education programs conducted on a farming
2 operation as defined in section 165-2, for the
3 education and participation of the general public;
4 provided that the agricultural education programs are
5 accessory and secondary to the principal agricultural
6 use of the parcels or lots on which the agricultural
7 education programs are to occur and do not interfere
8 with surrounding farm operations. For the purposes of
9 this paragraph, "agricultural education programs"
10 means activities or events designed to promote
11 knowledge and understanding of agricultural activities
12 and practices conducted on a farming operation as
13 defined in section 165-2;
- 14 (20) Solar energy facilities that do not occupy more than
15 ten per cent of the acreage of the parcel, or twenty
16 acres of land, whichever is lesser or for which a
17 special use permit is granted pursuant to section
18 205-6; provided that this use shall not be permitted
19 on lands with soil classified by the land study
20 bureau's detailed land classification as overall
21 (master) productivity rating class A;



1 (21) Solar energy facilities on lands with soil classified
2 by the land study bureau's detailed land
3 classification as overall (master) productivity rating
4 B or C for which a special use permit is granted
5 pursuant to section 205-6; provided that:
6 (A) The area occupied by the solar energy facilities
7 is also made available for compatible
8 agricultural activities at a lease rate that is
9 at least fifty per cent below the fair market
10 rent for comparable properties;
11 (B) Proof of financial security to decommission the
12 facility is provided to the satisfaction of the
13 appropriate county planning commission before the
14 date of commencement of commercial generation;
15 and
16 (C) Solar energy facilities shall be decommissioned
17 at the owner's expense according to the following
18 requirements:
19 (i) Removal of all equipment related to the
20 solar energy facility within twelve months



1 of the conclusion of operation or useful
2 life; and
3 (ii) Restoration of the disturbed earth to
4 substantially the same physical condition as
5 existed before the development of the solar
6 energy facility.

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

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

12 (23) Hydroelectric facilities, including the appurtenances
13 associated with the production and transmission of
14 hydroelectric energy, subject to section 205-2;
15 provided that the hydroelectric facilities and their
16 appurtenances:

17 (A) Shall consist of a small hydropower facility as
18 defined by the United States Department of
19 Energy, including:

20 (i) Impoundment facilities using a dam to store
21 water in a reservoir;



- 1 (ii) A diversion or run-of-river facility that
- 2 channels a portion of a river through a
- 3 canal or channel; and
- 4 (iii) Pumped storage facilities that store energy
- 5 by pumping water uphill to a reservoir at
- 6 higher elevation from a reservoir at a lower
- 7 elevation to be released to turn a turbine
- 8 to generate electricity;
- 9 (B) Comply with the state water code, chapter 174C;
- 10 (C) Shall, if over five hundred kilowatts in
- 11 hydroelectric generating capacity, have the
- 12 approval of the commission on water resource
- 13 management, including a new instream flow
- 14 standard established for any new hydroelectric
- 15 facility; and
- 16 (D) Do not impact or impede the use of agricultural
- 17 land or the availability of surface or ground
- 18 water for all uses on all parcels that are served
- 19 by the ground water sources or streams for which
- 20 hydroelectric facilities are considered; [~~or~~]



1 (24) Notwithstanding any other law to the contrary,
2 composting and co-composting operations; provided that
3 operations that process their own green waste and do
4 not require permits from the department of health
5 shall use the finished composting product only on the
6 operation's own premises to minimize the potential
7 spread of invasive species[~~+~~]; or

8 (25) Operations of the Hawaii conservation sanctuary
9 authorized pursuant to 195D- (c)."

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

12 SECTION 5. This Act shall take effect upon July 1, 2050.



Report Title:

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

Description:

Establishes the Hawaii Conservation Sanctuary to protect and expand the populations of endangered species and other wildlife in the State. Effective 7/1/2050. (SD2)

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

