

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



GOV. MSG. NO. 1328

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

July 10, 2026

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Nadine K. Nakamura
Speaker, and Members of the
House of Representatives
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Aloha President Kouchi, Speaker Nakamura, and Members of the Legislature:

This is to inform you that on July 10, 2026, the following bill was signed into law:

S.B. NO. 3253, S.D. 2, H.D. 1,
C.D. 1

RELATING TO CONSERVATION.
ACT 226

Mahalo,

A handwritten signature in black ink that reads "Josh Green M.D." in a cursive style.

Josh Green, M.D.
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO CONSERVATION.

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

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

The legislature recognizes that Zealandia (Te Mara a Tane) is a pioneering conservation sanctuary in Wellington, New Zealand, best known for proving how dramatically nature can rebound with proper protection. Built as a fully fenced, predator-excluded sanctuary, Zealandia creates a safe haven where native birds, reptiles, and plants thrive and recover in near-natural habitats, safe from invasive predators and vectors. This model has not only enabled the reintroduction and rapid 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 enable
4 additional support for the State's conservation efforts through
5 recognizing a nonprofit entity established pursuant to senate
6 resolution 94, senate draft 1, regular session of 2026, to
7 create and manage endangered species sanctuaries.

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

11 "§195D- Hawaii conservation sanctuary. (a) There
12 shall be recognized by the State the Hawaii conservation
13 sanctuary, which shall be a nonprofit organization established
14 pursuant to senate resolution 94, senate draft 1, regular
15 session of 2026, to enhance and support the work of conservation
16 and endangered species and wildlife preservation, and to oversee
17 related and ancillary programs. The official designation of the
18 Hawaii conservation sanctuary shall be the State of Hawaii
19 Conservation Sanctuary.

20 (b) The Hawaii conservation sanctuary shall protect and
21 expand populations of endangered species and other wildlife



1 within the State by developing and operating conservation

2 sanctuaries in the State, including:

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

4 (2) One in an area appropriate for the protection of
5 native birds and other species; and

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

8 (c) The Hawaii conservation sanctuary may:

9 (1) Operate for-profit business enterprises;

10 (2) Hold or lease property;

11 (3) Enter into contracts to support its mission; and

12 (4) Provide for on-site visitor access and accommodation
13 as it deems appropriate to support its mission.

14 (d) The Hawaii conservation sanctuary may operate within
15 an agricultural district. The operations of the Hawaii
16 conservation sanctuary authorized pursuant to subsections (b)
17 and (c) shall be deemed permissible uses pursuant to sections
18 205-2(d) and 205-4.5.

19 (e) The qualifying standards and conditions related to the
20 receipt of funds contained in chapter 42F shall not apply to
21 state funds received by the Hawaii conservation sanctuary;



1 provided that if the Hawaii conservation sanctuary in turn
2 contracts with a recipient or provider, then the qualifying
3 standards, conditions, and other provisions of chapter 42F shall
4 apply to the recipient or provider and the contract.

5 (f) Two seats on the governing board of the Hawaii
6 conservation sanctuary shall be reserved for representatives of
7 the State.

8 (g) The department shall assist the Hawaii conservation
9 sanctuary with identifying and accessing appropriate land to
10 support its mission."

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

13 "(d) Agricultural districts shall include:

14 (1) Activities or uses as characterized by the cultivation
15 of crops, crops for bioenergy, orchards, forage, and
16 forestry;

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

19 (3) Aquaculture, which means the production of aquatic
20 plant and animal life within ponds and other bodies of
21 water;

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

3 (5) Biofuel production, as described in section
4 205-4.5(a)(16), for public, private, and commercial
5 use;

6 (6) Solar energy facilities; provided that:

7 (A) This paragraph shall apply only to land with soil
8 classified by the land study bureau's detailed
9 land classification as overall (master)
10 productivity rating class B, C, D, or E; and

11 (B) Solar energy facilities placed within land with
12 soil classified as overall productivity rating
13 class B or C shall not occupy more than ten per
14 cent of the acreage of the parcel, or twenty
15 acres of land, whichever is lesser, unless a
16 special use permit is granted pursuant to section
17 205-6;

18 (7) Bona fide agricultural services and uses that support
19 the agricultural activities of the fee or leasehold
20 owner of the property and accessory to any of the
21 above activities, regardless of whether conducted on



1 the same premises as the agricultural activities to
2 which they are accessory, including farm dwellings as
3 defined in section 205-4.5(a)(4), employee housing,
4 farm buildings, mills, storage facilities, processing
5 facilities, photovoltaic, biogas, and other
6 small-scale renewable energy systems producing energy
7 solely for use in the agricultural activities of the
8 fee or leasehold owner of the property,
9 agricultural-energy facilities as defined in section
10 205-4.5(a)(17), vehicle and equipment storage areas,
11 and plantation community subdivisions as defined in
12 section 205-4.5(a)(12);

13 (8) Wind machines and wind farms;

14 (9) Small-scale meteorological, air quality, noise, and
15 other scientific and environmental data collection and
16 monitoring facilities occupying less than one-half
17 acre of land; provided that these facilities shall not
18 be used as or equipped for use as living quarters or
19 dwellings;

20 (10) Agricultural parks;

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

10 (12) Agricultural tourism activities, including overnight
11 accommodations of twenty-one days or less, for any one
12 stay within a county; provided that this paragraph
13 shall apply only to a county that includes at least
14 three islands and has adopted ordinances regulating
15 agricultural tourism activities pursuant to section
16 205-5; provided further that the agricultural tourism
17 activities coexist with a bona fide agricultural
18 activity. For the purposes of this paragraph, "bona
19 fide agricultural activity" means a farming operation
20 as defined in section 165-2;

21 (13) Open area recreational facilities;



1 (14) Geothermal resources exploration and geothermal
2 resources development, as defined under section 182-1;

3 (15) Agricultural-based commercial operations registered in
4 Hawaii, including:

5 (A) A roadside stand that is not an enclosed
6 structure, owned and operated by a producer for
7 the display and sale of agricultural products
8 grown in Hawaii and value-added products that
9 were produced using agricultural products grown
10 in Hawaii;

11 (B) Retail activities in an enclosed structure owned
12 and operated by a producer for the display and
13 sale of agricultural products grown in Hawaii,
14 value-added products that were produced using
15 agricultural products grown in Hawaii, logo items
16 related to the producer's agricultural
17 operations, and other food items;

18 (C) A retail food establishment owned and operated by
19 a producer and permitted under chapter 11-50,
20 Hawaii administrative rules, that prepares and
21 serves food at retail using products grown in

1 Hawaii and value-added products that were
2 produced using agricultural products grown in
3 Hawaii;
4 (D) A farmers' market, which is an outdoor market
5 limited to producers selling agricultural
6 products grown in Hawaii and value-added products
7 that were produced using agricultural products
8 grown in Hawaii; and
9 (E) A food hub, which is a facility that may contain
10 a commercial kitchen and provides for the
11 storage, processing, distribution, and sale of
12 agricultural products grown in Hawaii and value-
13 added products that were produced using
14 agricultural products grown in Hawaii.
15 The owner of an agricultural-based commercial
16 operation shall certify, upon request of an officer or
17 agent charged with enforcement of this chapter under
18 section 205-12, that the agricultural products
19 displayed or sold by the operation meet the
20 requirements of this paragraph;



1 (16) Hydroelectric facilities as described in section
2 205-4.5(a)(23); [~~and~~]
3 (17) Composting and co-composting operations; provided that
4 operations that process their own green waste and do
5 not require permits from the department of health
6 shall use the finished composting product only on the
7 operation's own premises to minimize the potential
8 spread of invasive species[-]; and
9 (18) Operations of the Hawaii conservation sanctuary
10 authorized pursuant to section 195D- .
11 Agricultural districts shall not include golf courses and golf
12 driving ranges, except as provided in section 205-4.5(d). No
13 landfill unit, as defined in section 342H-52, shall be located
14 on land within the agricultural district that has soil
15 classified by the land study bureau's detailed land
16 classification as overall (master) productivity rating class A
17 in a county with a population greater than five hundred
18 thousand. Agricultural districts include areas that are not
19 used for, or that are not suited to, agricultural and ancillary
20 activities by reason of topography, soils, and other related
21 characteristics."

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

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

8 (1) Cultivation of crops, including crops for bioenergy,
9 flowers, vegetables, foliage, fruits, forage, and
10 timber;

11 (2) Game and fish propagation;

12 (3) Raising of livestock, including poultry, bees, fish,
13 or other animal or aquatic life that are propagated
14 for economic or personal use;

15 (4) Farm dwellings, employee housing, farm buildings, or
16 activities or uses related to farming and animal
17 husbandry. For the purposes of this paragraph, "farm
18 dwelling" means a single-family dwelling located on
19 and accessory to a farm, including clusters of
20 single-family farm dwellings permitted within
21 agricultural parks developed by the State, or where

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



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



1 new employee housing and agricultural support
2 buildings may be allowed on land within the
3 subdivision as follows:

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

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

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

13 (13) 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 (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;



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

(iii) Pumped storage facilities that store energy by pumping water uphill to a reservoir at higher elevation from a reservoir at a lower elevation to be released to turn a turbine to generate electricity;

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

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

(D) Do not impact or impede the use of agricultural land or the availability of surface or ground water for all uses on all parcels that are served by the ground water sources or streams for which 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 section 195D- ."

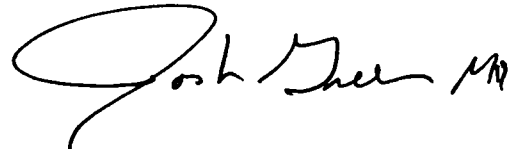
10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect upon July 1, 2026.



S.B. NO. 3253
S.D. 2
H.D. 1
C.D. 1

APPROVED this 10th day of July, 2026

A handwritten signature in black ink, appearing to read "Josh Green" followed by a stylized monogram or initials.

GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 6, 2026
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Third Legislature of the State of Hawai‘i, Regular Session of 2026.


President of the Senate


Clerk of the Senate

SB No. 3253, SD 2, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 6, 2026
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2026.



Nadine K. Nakamura
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives