
A BILL FOR AN ACT

RELATING TO HABITAT CONSERVATION PLANS.

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

1 SECTION 1. 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- Golf course operators. Any operator of a golf
5 course in the State shall consult with the department to apply
6 for an incidental take license and enter into a habitat
7 conservation plan."

8 SECTION 2. Section 195D-21, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) (1) Except as otherwise provided by law, the board, upon
11 recommendation from the department, in cooperation
12 with other state, federal, county, or private
13 organizations and landowners, after a public hearing
14 on the island affected, and upon an affirmative vote
15 of no less than two-thirds of its authorized
16 membership, may enter into a habitat conservation
17 plan, if it determines that:



1 (A) The plan will further the purposes of this
2 chapter by protecting, maintaining, restoring, or
3 enhancing identified ecosystems, natural
4 communities, or habitat types upon which
5 endangered, threatened, proposed, or candidate
6 species depend within the area covered by the
7 plan;

8 (B) The plan will increase the likelihood of recovery
9 of the endangered or threatened species that are
10 the focus of the plan; and

11 (C) The plan satisfies all the requirements of this
12 chapter.

13 In the event the board votes to enter into a habitat
14 conservation plan for which the majority of the
15 endangered species recovery committee recommended
16 disapproval, the board may not enter into the habitat
17 conservation plan unless the plan is approved by a
18 two-thirds majority vote of both houses of the
19 legislature. Habitat conservation plans may allow
20 conservation rental agreements, habitat banking, and
21 direct payments. Any habitat conservation plan



1 approved pursuant to this section shall be based on
2 the best available scientific and other reliable data
3 available at the time the plan is approved.

4 (2) Each habitat conservation plan shall:

5 (A) Identify the geographic area encompassed by the
6 plan; the ecosystems, natural communities, or
7 habitat types within the plan area that are the
8 focus of the plan; and the endangered,
9 threatened, proposed, and candidate species known
10 or reasonably expected to be present in those
11 ecosystems, natural communities, or habitat types
12 in the plan area;

13 (B) Describe the activities contemplated to be
14 undertaken within the plan area with sufficient
15 detail to allow the department to evaluate the
16 impact of the activities on the particular
17 ecosystems, natural communities, or habitat types
18 within the plan area that are the focus of the
19 plan;

20 (C) Identify the steps that will be taken to minimize
21 and mitigate all negative impacts, including



1 without limitation the impact of any authorized
2 incidental take, with consideration of the full
3 range of the species on the island so that
4 cumulative impacts associated with the take can
5 be adequately assessed; and the funding that will
6 be available to implement those steps;

7 (D) Identify those measures or actions to be
8 undertaken to protect, maintain, restore, or
9 enhance the ecosystems, natural communities, or
10 habitat types within the plan area; a schedule
11 for implementation of the measures or actions;
12 and an adequate funding source to ensure that the
13 actions or measures, including monitoring, are
14 undertaken in accordance with the schedule;

15 (E) Be consistent with the goals and objectives of
16 any approved recovery plan for any endangered
17 species or threatened species known or reasonably
18 expected to occur in the ecosystems, natural
19 communities, or habitat types in the plan area;

20 (F) Provide reasonable certainty that the ecosystems,
21 natural communities, or habitat types will be



1 maintained in the plan area, throughout the life
2 of the plan, in sufficient quality, distribution,
3 and extent to support within the plan area those
4 species typically associated with the ecosystems,
5 natural communities, or habitat types, including
6 any endangered, threatened, proposed, and
7 candidate species known or reasonably expected to
8 be present in the ecosystems, natural
9 communities, or habitat types within the plan
10 area;

11 (G) Include an agreement to enter into and maintain
12 an annual service contract with a stand-by and
13 response facility available to provide emergency
14 medical and rehabilitation services to native
15 wildlife affected by activities undertaken within
16 the plan area;

17 (H) Contain objective, measurable goals, the
18 achievement of which will contribute
19 significantly to the protection, maintenance,
20 restoration, or enhancement of the ecosystems,
21 natural communities, or habitat types; time



frames within which the goals are to be achieved;
provisions for monitoring (such as field sampling
techniques), including periodic monitoring by
representatives of the department or the
endangered species recovery committee, or both;
and provisions for evaluating progress in
achieving the goals quantitatively and
qualitatively; and

(I) Provide for an adaptive management strategy that
specifies the actions to be taken periodically if
the plan is not achieving its goals[-];

provided that any habitat conservation plan in effect
as of the effective date of Act , Session Laws of
Hawaii 2026, that does not include the agreement
required under subparagraph (G) shall be amended to
include the agreement, and the amended rights and
obligations under the habitat conservation plan shall
be recorded by the department no later
than ."

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



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:

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JAN 15 2026



Report Title:

Golf Course Operators; Incidental Take Licenses; Habitat Conservation Plans; Emergency Medical and Rehabilitation Services Agreement

Description:

Requires any operator of a golf course in the State to consult with the Department of Land and Natural Resources to apply for an incidental take license and enter into a habitat conservation plan. Requires any existing habitat conservation plan that does not include an agreement for emergency medical and rehabilitation services to affected native wildlife to be amended to include the agreement, and the amended rights and obligations under the habitat conservation plan to be recorded by a certain deadline.

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