

JAN 19 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[~~-~~]; or

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



1 life, wildlife, or land plant that has been determined to be a
2 threatened species pursuant to the Endangered Species Act shall
3 be deemed to be a threatened species under this chapter. The
4 department may determine, in accordance with this section,
5 however, that any [~~such~~] threatened species is an endangered
6 species throughout all or any portion of the range of [~~such~~] the
7 species within this State.

8 (b) In addition to the species that have been determined
9 to be endangered or threatened pursuant to the Endangered
10 Species Act, the department, by rules adopted pursuant to
11 chapter 91 [~~may~~]:

12 (1) May determine any indigenous species of aquatic life,
13 wildlife, or land plant to be an endangered species or
14 a threatened species because of any of the following
15 factors:

16 [~~(1)~~] (A) The present or threatened destruction,
17 modification, or curtailment of its habitat or
18 range;

19 [~~(2)~~] (B) Overutilization for commercial, sporting,
20 scientific, educational, or other purposes;

21 [~~(3)~~] (C) Disease or predation;



1 Except 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[7] 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, shall conduct a review of any listed or unlisted
9 indigenous species proposed to be removed from or added to the
10 lists published pursuant to this subsection.

11 (e) With respect to any threatened or endangered species
12 of aquatic life, wildlife, or land plant, it is unlawful, except
13 as provided 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~~] threatened or endangered 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;



1 (4) 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 (f) The department may issue temporary licenses, under
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*).




S.B. NO. 2621

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 Statutory material to be repealed is bracketed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

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

4

INTRODUCED BY: 



S.B. NO. 2621

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.

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