

JAN 23 2025

A BILL FOR AN ACT

RELATING TO TREES.

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

1 SECTION 1. Chapter 58, Hawaii Revised Statutes, is amended
2 by adding five new sections to be appropriately designated and
3 to read as follows:

4 "§58-A Definitions. As used in this chapter:

5 "County arborist advisory committee" means a county-level
6 arborist advisory committee established pursuant to section 58-2
7 and tasked with overseeing exceptional tree nominations and
8 related matters within its respective county.

9 "Exceptional tree" means a tree, stand, or grove of trees
10 that has been designated by a county arborist advisory committee
11 as worthy of preservation and comprises one or more of the
12 exceptional tree selection criteria pursuant to section 58-B.
13 Exceptional trees may be designated generally by biotaxy or
14 individually by location or class.

15 "Significant tree" means a tree designated pursuant to
16 section 58-C under a tier two classification that exhibits the
17 same selection criteria pursuant to section 58-B, but to a



1 lesser degree than an exceptional tree. The distinction between
2 exceptional and significant trees shall be made by a county
3 arborist advisory committee.

4 "State committee" means the state-level arborist advisory
5 committee established pursuant to section 58-D.

6 **§58-B Exceptional tree selection criteria.** A county
7 arborist advisory committee shall utilize the following base
8 criteria to designate exceptional trees:

9 (1) Age.

10 (A) Non-specific age. Age is used for the
11 designation of an exceptional tree without
12 listing a specific minimum threshold value.

13 (B) Specifies-specific age. Age thresholds to
14 achieve exceptional status are determined by
15 species to account for the varying longevity of
16 different species.

17 (2) Aesthetics. A visually impressive tree that stands
18 out from others in the area. Exceptional trees with
19 this characteristic often add an awe-inspiring
20 component to the landscape, including unique size,
21 age, and form features.



- 1 (3) Benefits.
- 2 (A) Ecological value. A tree that provides
- 3 significant benefits to organisms in the
- 4 surrounding environment.
- 5 (B) Significant environmental value. A tree that
- 6 provides significant environmental benefits,
- 7 including ecosystem services such as carbon
- 8 sequestration, stormwater runoff avoidance,
- 9 erosion reduction, shading, pollutant removal,
- 10 and urban heat island effect reduction.
- 11 (C) Sociocultural benefits. A tree that provides
- 12 significant sociocultural benefits in the form of
- 13 cultural ecosystem services, including
- 14 place-based knowledge and education and promotion
- 15 of physical or mental well-being.
- 16 (D) Economic benefits. A tree that provides
- 17 significant economic benefits to a geographic
- 18 region, especially through ecotourism.
- 19 (4) Botanical and biological value.
- 20 (A) Botanical and biological value. A tree that has
- 21 unique or exceptional botanical, horticultural,



- 1 arboricultural, or biological value. These trees
2 are often a valuable source for future
3 propagation efforts due to their genetic
4 components.
- 5 (B) Endangered. A tree that is valued based on its
6 endangered status worldwide.
- 7 (C) Rarity. A tree that is rare due to its
8 infrequent occurrence worldwide.
- 9 (D) Species significance. A specific species of tree
10 that is deemed to be of importance for a given
11 county's area.
- 12 (E) Seed source or propagation stock. A tree that is
13 an important source of seed or propagation stock.
- 14 (F) Resistant to disease or climate conditions. A
15 tree that is valued for its ability to resist
16 disease or withstand exposure to harsh climate
17 conditions. Includes trees that are better
18 adapted to climate change, especially trees that
19 also provide sociocultural benefits.
- 20 (G) Endemic status. An endemic tree species in the
21 State; provided that trees nominated because of



1 endemic status shall also represent at least one
2 other exceptional tree criterion to be considered
3 for exceptional tree status.

4 (5) Cultural value.

5 (A) Indigenous cultural associations. A tree of
6 importance to an indigenous culture or associated
7 with an indigenous event.

8 (B) Local significance. A tree that is locally known
9 as a key fixture of a community. A tree is
10 locally significant if its removal would
11 negatively impact the community through a change
12 in aesthetics or a loss of iconic natural
13 structure.

14 (C) Cultural value. A tree that represents a wide
15 range of cultural aspects and values that benefit
16 a community or specific culture. Includes an
17 association with past and current groups and a
18 tree that provides a sense of place for those in
19 a local community or acts as a fundamental
20 component of a community's identity.



- 1 (D) Social or community value. A well-known tree
2 that is prominent in the community and provides a
3 connection for those who interact with it.
- 4 (E) National interest. A tree with a characteristic
5 so important that it is considered a vital
6 component of the State's cultural or conservation
7 goals.
- 8 (F) Religious or spiritual value. A tree that is
9 associated with religious or spiritual practices.
- 10 (G) Legends and oral histories. A tree that is
11 specifically associated with a legend or oral
12 history. This criterion may be met through
13 depictions in stories, songs, or dances.
- 14 (H) Productive trees. A tree that was planted or
15 preserved due to its use as a culturally
16 important resource.
- 17 (6) Form, structure, or morphology.
- 18 (A) Outstanding example of a species. An exemplary
19 tree that represents the optimal form of a
20 species.



- 1 (B) Form, structure, or morphology. A tree that
2 displays an iconic physical appearance, unusual
3 physical growth, or other characteristics that
4 set it apart from other trees.
- 5 (7) Historical value.
- 6 (A) Remnant. A tree that represents the
7 characteristics of a previously significant era
8 or the work of a master artist or that possesses
9 high artistic values. Includes tree lined
10 avenues that demonstrate historically unique
11 landscaping designs.
- 12 (B) Historical value. A tree that is associated with
13 a historical place, event, or date that made a
14 lasting and important contribution to an area.
- 15 (C) Historic person or memorial planting. A tree
16 that was planted, for, by, or in association with
17 a historically significant person. A tree may
18 also receive this distinction if it was planted
19 to commemorate an event, group, or institution of
20 importance.



- 1 (D) Represented in historical documents. A tree that
2 is referenced or visually depicted in historical
3 documents.
- 4 (E) Historical witness. A tree that witnessed an
5 important historical or cultural event. Includes
6 a tree that is located at the site of a notable
7 event or was part of the event.
- 8 (8) Landmark.
 - 9 (A) Landmark or landscape. A tree that is visually
10 dominant in the landscape and contributes
11 aesthetically to the local area. A landmark tree
12 may also be associated with and represent
13 historical events. A tree meets this criterion
14 if its removal would have a drastic, negative
15 impact on the local area.
 - 16 (B) Relic specimen. A tree that is a relic of a
17 former ecosystem.
 - 18 (C) Collection, grove, or avenue. A grove, avenue,
19 or alley of trees that are grouped together to
20 provide an exceptional example of the species.
- 21 (9) Size.



- 1 (A) Champion size, cumulative points. A tree that
2 the has the greatest point total for its species
3 in a county arborist advisory committee's
4 geographic region based on girth, height, and
5 crown spread. A county arborist advisory
6 committee may determine how champion scores are
7 calculated. If two or more trees of the same
8 species have totals within ten points of each
9 other, co-champion status shall be awarded.
- 10 (B) Species-specific size. A tree of unique or
11 notable size in comparison to other trees of its
12 species.
- 13 (C) Champion size, category. A tree that represents
14 the largest physical metrics for a species in a
15 county arborist advisory committee's geographic
16 region. The champion title shall be awarded to
17 the largest tree of each species in the
18 categories of height, circumference, and canopy
19 spread. A single tree may be the champion of
20 multiple categories.



1 (D) Non-specific size. Size is used for the
2 designation of an exceptional tree without
3 listing a specific minimum threshold value.

4 **§58-C Significant tree designation; established.** (a) The
5 purpose of this section is to establish a statewide recognition
6 program for significant trees as a tier two classification under
7 the exceptional trees program, for education and outreach
8 purposes only. Significant tree designations shall be made to
9 promote awareness, education, and community engagement relating
10 to the value of the State's tree canopy. Significant trees may
11 be potential future exceptional trees.

12 (b) Significant trees shall be evaluated using the
13 selection criteria pursuant to section 58-B. Significant trees
14 shall exhibit one or more of the selection criteria, but to a
15 lesser extent than the threshold required to be designated as an
16 exceptional tree.

17 (c) The designation of significant trees shall be made by
18 a county arborist advisory committee. Applications for
19 recognition may be submitted by individuals, organizations, or
20 government agencies. Approval or denial of a significant tree



1 designation shall be determined by a majority vote of a county
2 arborist advisory committee.

3 (d) Designation as a significant tree shall not impose
4 additional regulatory obligations nor provide tax benefits to
5 property owners.

6 **§58-D State arborist advisory committee; established.**

7 There is established the state arborist advisory committee
8 within the department of land and natural resources for
9 administrative purposes, consisting of not less than nine and
10 not more than thirteen members. Members of the state arborist
11 advisory committee shall be appointed by the governor and shall
12 include:

13 (1) A representative from each county arborist advisory
14 committee; and

15 (2) Not less than four and not more than eight individuals
16 with expertise in arboriculture, urban forestry,
17 landscape architecture, cultural or historical
18 knowledge, and community engagement.

19 **§58-E State arborist advisory committee; powers and**

20 **duties.** For the purposes of this chapter, the state arborist
21 advisory committee shall have the following powers and duties:



- 1 (1) To oversee the State's exceptional tree program,
2 including the development, coordination, and
3 implementation of a strategic state exceptional and
4 significant trees master plan. The state arborist
5 advisory committee shall provide the master plan to
6 each county committee;
- 7 (2) To act as a resource to county arborist advisory
8 committees to ensure consistent and standardized
9 implementation of exceptional and significant tree
10 legislation;
- 11 (3) To produce a statewide exceptional and significant
12 tree registry that shall be updated annually to
13 reflect the status of exceptional and significant
14 trees throughout the State;
- 15 (4) To advise the governor, legislature, and state
16 departments and agencies on exceptional and
17 significant trees, urban forestry, and other tree-
18 related issues; and
- 19 (5) To work in conjunction with community groups to
20 develop and implement educational campaigns to
21 increase public awareness of the exceptional tree



1 program. Campaigns may utilize websites, brochures,
2 social media platforms, and interactive tools to
3 complement community workshops and presentations."

4 SECTION 2. Chapter 58, Hawaii Revised Statutes, is amended
5 to read as follows:

6 "~~{}~~§58-1~~{}~~ **Purpose.** It is the policy of the State to
7 safeguard exceptional trees from destruction due to improper
8 land development, and the legislature finds that enactment of
9 protective regulations by the State and counties to accomplish
10 this is a valid and important public purpose. The legislature
11 further finds that the establishment of a state arborist
12 advisory committee, additional selection criteria, and a
13 significant tree designation are necessary to ensure cohesion in
14 safeguarding the State's environmental, cultural, historical,
15 economic, and aesthetic values.

16 **§58-2 County arborist advisory committees; establishment.**

17 Each county of the State shall establish a county arborist
18 advisory committee~~[, whose]~~ consisting of at least six members.
19 The members of each county arborist advisory committee shall be
20 appointed by the mayor and shall include:



- 1 (1) The county planning director, or the director's
2 designee;
- 3 (2) One member who shall be a person actively employed in
4 the practice of landscape architecture, a certified
5 arborist, a horticulturist with specialization in
6 trees, or a person who has received a master's degree
7 in botany; and
- 8 (3) Not less than three other members selected on the
9 basis of active participation in programs of community
10 beautification, or research or organization in the
11 ecological sciences, including but not limited to
12 botany, ethnobotany, horticulture, geography, tropical
13 plant and soil science, or Hawaiiana.

14 **§58-3 County arborist advisory committees; powers and**
15 **duties.** For the purposes of this chapter, the county committees
16 shall have the following powers and duties in addition to those
17 delegated by the respective county councils:

- 18 (1) To research, prepare, and recommend to the county
19 council exceptional trees to be protected by county
20 ordinance or regulation.



- 1 (2) To advise property owners relative to the preservation
2 and enhancement of exceptional trees.
- 3 (3) To recommend to the county council appropriate
4 protective ordinances, regulations, and procedures[+]]
5 relative to all trees within the county.
- 6 (4) To review all actions deemed by the county council to
7 endanger exceptional trees.
- 8 (5) To identify and promote significant trees located
9 within the county.

10 ~~[For the purposes of this section, "exceptional trees"~~
11 ~~means a tree or stand or grove of trees with historic or~~
12 ~~cultural value, or which by reason of its age, rarity, location,~~
13 ~~size, esthetic quality, or endemic status has been designated by~~
14 ~~the county committee as worthy of preservation. The term~~
15 ~~"exceptional trees" does not apply to trees planted for~~
16 ~~commercial forestry operations in each county within the State.~~
17 ~~Exceptional trees may be designated generally by biotaxy or~~
18 ~~individually by location or class.]~~

19 **[+]§58-4[+] County protective regulations.** Each county
20 shall enact appropriate protective regulations ~~[which]~~ that
21 designate exceptional trees[+] pursuant to section 58-B; provide



1 for special county review prior to destruction of exceptional
2 trees, whether by removal or the existence of conditions which
3 lead to the destruction of such trees; provide for site plan
4 review and amendment to protect exceptional trees; and provide
5 for injunctive relief against the removal or destruction of
6 exceptional trees.

7 **§58-5 State assistance.** The department of land and
8 natural resources and the University of Hawaii shall cooperate
9 with and to the fullest extent possible assist the State and
10 counties and their respective arborist advisory committees in
11 carrying out this chapter."

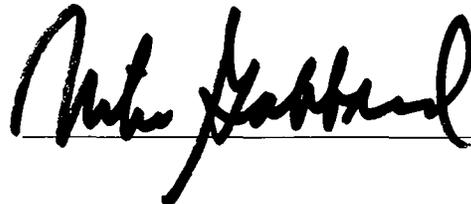
12 SECTION 3. In codifying the new sections added by
13 section 1 of this Act, the revisor of statutes shall substitute
14 appropriate section numbers for the letters used in designating
15 the new sections in this Act.

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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

19

INTRODUCED BY:



S.B. NO. 1550

Report Title:

DLNR; UH; Exceptional Trees Program; Significant Trees; State Arborist Advisory Committee; County Arborist Advisory Committees

Description:

Establishes base selection criteria for exceptional trees. Establishes the significant tree designation, selection criteria, and related processes. Establishes the State Arborist Advisory Committee within the Department of Land and Natural Resources for administrative purposes. Requires County Arborist Advisory Committees to have at least six members, adopt new exceptional tree selection criteria, and designate significant trees. Directs the Department of Land and Natural Resources and the University of Hawaii to cooperate with State and County Arborist Advisory Committees to carry out the Exceptional Trees Program.

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