
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
7 58-2.

8 "Exceptional tree" means a tree, or a stand or grove of
9 trees that has been designated by a county arborist advisory
10 committee pursuant to section 58-B.

11 "Significant tree" means a tree designated by a county
12 arborist advisory committee pursuant to section 58-C.

13 "State arborist advisory committee" means the state-level
14 arborist advisory committee established pursuant to section 58-
15 D.



1 §58-B Exceptional tree selection criteria. A county
2 arborist advisory committee shall use the following base
3 criteria to designate exceptional trees:

4 (1) Age.

5 (A) Non-specific age. A tree that has reached a
6 notable age without regard to a specific minimum
7 threshold value.

8 (B) Species-specific age. A tree that has reached an
9 age threshold determined by species to account
10 for the varying longevity of different species.

11 (2) Aesthetics.

12 (A) Outstanding example of a species. A visually
13 impressive tree that stands out from others and
14 represents the optimal form of a species.

15 (B) Form, structure, or morphology. A tree that
16 displays an iconic physical appearance, unique
17 form features, or other impressive
18 characteristics that set it apart from other
19 trees.



1 (C) Landmark. A tree that is visually dominant in
2 the landscape and contributes aesthetically to
3 the local area.

4 (D) Collection. A grove, avenue, or alley of trees
5 that are grouped together to provide an
6 exceptional example of the species.

7 (3) Benefits.

8 (A) Ecological benefits. A tree that provides
9 substantial benefits to organisms within its
10 ecosystem.

11 (B) Environmental benefits. A tree that provides
12 substantial benefits to the surrounding
13 environment, including carbon sequestration,
14 stormwater runoff reduction, erosion reduction,
15 shading, pollutant removal, and urban heat island
16 reduction.

17 (C) Sociocultural benefits. A tree that provides
18 substantial benefits in the form of cultural
19 ecosystem services, including place-based
20 knowledge and education and promotion of physical
21 or mental well-being.



- 1 (D) Economic benefits. A tree that provides
- 2 substantial economic benefits to a geographic
- 3 region, such as through ecotourism.

- 4 (4) Botanical and biological value.

- 5 (A) Unique or exceptional value. A tree that has
- 6 unique or exceptional botanical, horticultural,
- 7 arboricultural, or biological value or is a
- 8 valuable source for future propagation efforts
- 9 due to its genetic components.

- 10 (B) Endangered. A tree that is valued based on its
- 11 endangered status worldwide.

- 12 (C) Rarity. A tree that is rare due to its
- 13 infrequent occurrence worldwide.

- 14 (D) Endemic status. A tree that is of a species
- 15 endemic to the State; provided that a tree
- 16 nominated because of endemic status shall also
- 17 possess at least one other exceptional tree
- 18 criterion to be considered for exceptional tree
- 19 designation.

- 20 (E) Relic specimen. A tree that is a relic of a
- 21 former ecosystem.



1 (5) Cultural value.

2 (A) Cultural value. A tree that represents a wide
3 range of cultural aspects and values that benefit
4 a community or specific culture, including an
5 association with past and current groups, that
6 provides a sense of place for those in a local
7 community, or that acts as a fundamental
8 component of a community's identity.

9 (B) Social or community value. A tree that is well-
10 known and prominent in the community and provides
11 a connection for those who interact with it.

12 (C) Religious or spiritual value. A tree that is
13 associated with religious or spiritual practices.

14 (D) Legends and oral histories. A tree that is
15 associated with a legend or oral history,
16 including through depictions in stories, songs,
17 or dances.

18 (6) Historical value.

19 (A) Historical value. A tree that is associated with
20 a historical place, event, or date that made a
21 lasting and important contribution to an area.



1 (B) Historic person or memorial planting. A tree
2 that was planted for, by, or in association with
3 a historically important person, event, group, or
4 institution.

5 (C) Represented in historical documents. A tree that
6 is referenced or visually depicted in historical
7 documents.

8 (D) Historical witness. A tree that witnessed, was a
9 part of, or was located at the site of an
10 important historical or cultural event.

11 (7) Size.

12 (A) Species-specific size. A tree that has reached a
13 notable size over a specific threshold in
14 comparison to other trees of its species.

15 (B) Champion size. A tree that represents the
16 largest physical metrics for a species in a
17 county arborist advisory committee's geographic
18 region based on measurements of height,
19 circumference, or canopy spread. A single tree
20 may be the champion in multiple categories.



1 (C) Non-specific size. A tree that has reached a
2 notable size without regard to a specific minimum
3 threshold value.

4 Exceptional trees may be designated generally by biotaxy or
5 individually by location or class.

6 §58-C Significant tree designation; established. (a)

7 There is established a statewide recognition program for
8 significant trees as a tier two classification under the
9 exceptional trees program, for education and outreach purposes
10 only. Significant tree designations shall be made to promote
11 awareness, education, and community engagement relating to the
12 value of the State's tree canopy. Significant trees may later
13 be designated as exceptional trees.

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

19 (c) The designation of a significant tree shall be made by
20 a county arborist advisory committee. Applications for
21 recognition may be submitted by individuals, organizations, or



1 government agencies. Approval or denial of a significant tree
2 designation shall be determined by a majority vote of a county
3 arborist advisory committee.

4 (d) Designation as a significant tree shall neither impose
5 additional regulatory obligations nor provide tax benefits to
6 property owners.

7 **§58-D State arborist advisory committee; established.**

8 There is established the state arborist advisory committee
9 within the department of land and natural resources for
10 administrative purposes, which shall consist of no less than
11 nine and no more than thirteen members. Members of the state
12 arborist advisory committee shall be appointed by the governor
13 and shall include:

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

16 (2) No less than five and no more than eight individuals
17 with expertise in arboriculture, urban forestry,
18 landscape architecture, cultural or historical
19 knowledge, and community engagement.



1 §58-E State arborist advisory committee; powers and
2 duties. For the purposes of this chapter, the state arborist
3 advisory committee shall have the following powers and duties:

4 (1) To oversee the State's exceptional tree program,
5 including the development, coordination, and
6 implementation of a strategic state exceptional and
7 significant trees master plan. The state arborist
8 advisory committee shall provide the master plan to
9 each county arborist advisory committee;

10 (2) To serve as a resource to county arborist advisory
11 committees to ensure consistent and standardized
12 implementation of exceptional and significant tree
13 laws;

14 (3) To produce a statewide exceptional and significant
15 tree registry that shall be updated annually to
16 reflect the status of exceptional and significant
17 trees throughout the State;

18 (4) To advise the governor, legislature, and state
19 departments and agencies on exceptional and
20 significant trees, urban forestry, and other tree-
21 related issues; and



1 **§58-2 County arborist advisory committees; establishment.**

2 Each county of the State shall establish a county arborist
3 advisory committee~~[, whose]~~ consisting of at least five members.

4 The members of each county arborist advisory committee shall be
5 appointed by the mayor and shall include:

6 (1) The county planning director, or the director's
7 designee;

8 (2) ~~[One]~~ At least one member who shall be a person
9 actively employed in the practice of landscape
10 architecture, a certified arborist, a horticulturist
11 with specialization in trees, or a person who has
12 received a master's degree in botany; and

13 (3) ~~[Not]~~ No less than three other members selected on the
14 basis of active participation in programs of community
15 beautification, or research or organization in the
16 ecological sciences, including but not limited to
17 botany, ethnobotany, horticulture, geography, tropical
18 plant and soil science, or Hawaiiana.

19 **§58-3 County arborist advisory committees; powers and**
20 **duties.** For the purposes of this chapter, the county arborist
21 advisory committees shall have the following powers and duties



1 in addition to those delegated by the respective county
2 councils:

3 (1) To research, prepare, and recommend to the county
4 council exceptional trees to be protected by county
5 ordinance or regulation[-];

6 (2) To advise property owners relative to the preservation
7 and enhancement of exceptional trees[-];

8 (3) To recommend to the county council appropriate
9 protective ordinances, regulations, and procedures[-]
10 relative to all trees within the county;

11 (4) To review all actions deemed by the county council to
12 endanger exceptional trees[-]; and

13 (5) To identify and promote significant trees located
14 within the county.

15 ~~[For the purposes of this section, "exceptional trees"~~
16 ~~means a tree or stand or grove of trees with historic or~~
17 ~~cultural value, or which by reason of its age, rarity, location,~~
18 ~~size, esthetic quality, or endemic status has been designated by~~
19 ~~the county committee as worthy of preservation. The term~~
20 ~~"exceptional trees" does not apply to trees planted for~~
21 ~~commercial forestry operations in each county within the State.~~



1 ~~Exceptional trees may be designated generally by biotaxy or~~
2 ~~individually by location or class.~~

3 ~~{}~~**§58-4**~~{}~~ **County protective regulations.** Each county
4 shall enact appropriate protective regulations ~~[which designate]~~
5 that:

6 (1) Designate exceptional trees ~~[; provide]~~ pursuant to
7 section 58-B;

8 (2) Provide for special county review ~~[prior to]~~ before
9 destruction of exceptional trees, whether by removal
10 or the existence of conditions ~~[which]~~ that lead to
11 the destruction of ~~[such]~~ the trees; ~~[provide]~~

12 (3) Provide for site plan review and amendment to protect
13 exceptional trees; and ~~[provide]~~

14 (4) Provide for injunctive relief against the removal or
15 destruction of exceptional trees.

16 **§58-5 State assistance.** The department of land and
17 natural resources and the ~~[University]~~ university of Hawaii
18 shall cooperate with and to the fullest extent possible assist
19 the State and counties and their respective arborist advisory
20 committees in carrying out the purposes of this chapter."



1 SECTION 3. Section 235-19, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) For the purpose of this section, [~~the term~~]
4 "exceptional tree" [~~shall have~~] has the same meaning as
5 [~~defined~~] in section [~~58-3.~~] 58-A."

6 SECTION 4. In codifying the new sections added by section
7 1 of this Act, and as referenced in sections 2 and 3 of this
8 Act, the revisor of statutes shall substitute appropriate
9 section numbers for the letters used in designating the new
10 sections in this Act.

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

13 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

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

Description:

Establishes base selection criteria for designating 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 five 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. Effective 7/1/3000. (HD2)

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