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# 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, stand, or grove of trees  
9 that has been designated by a county arborist advisory committee  
10 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 committee" means the state-level arborist advisory  
14 committee established pursuant to section 58-D.

15           "§58-B Exceptional tree selection criteria. A county  
16 arborist advisory committee shall use the following base  
17 criteria to designate exceptional trees:



- 1        (1) Age.
- 2            (A) Non-specific age. A tree that has reached a
- 3                    notable age without regard to a specific minimum
- 4                    threshold value.
- 5            (B) Species-specific age. A tree that has reached an
- 6                    age threshold determined by species to account
- 7                    for the varying longevity of different species.
- 8        (2) Aesthetics.
- 9            (A) Outstanding example of a species. A visually
- 10                    impressive tree that stands out from others and
- 11                    represents the optimal form of a species.
- 12            (B) Form, structure, or morphology. A tree that
- 13                    displays an iconic physical appearance, unique
- 14                    form features, or other impressive
- 15                    characteristics that set it apart from other
- 16                    trees.
- 17            (C) Landmark. A tree that is visually dominant in
- 18                    the landscape and contributes aesthetically to
- 19                    the local area.



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

4            (3) Benefits.

5            (A) Ecological benefits. A tree that provides  
6            substantial benefits to organisms within its  
7            ecosystem.

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

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

19           (D) Economic benefits. A tree that provides  
20           substantial economic benefits to a geographic  
21           region, such as through ecotourism.



1           (4) Botanical and biological value.

2           (A) Unique or exceptional value. A tree that has  
3           unique or exceptional botanical, horticultural,  
4           aboricultural, or biological value or is a  
5           valuable source for future propagation efforts  
6           due to its genetic components.

7           (B) Endangered. A tree that is valued based on its  
8           endangered status worldwide.

9           (C) Rarity. A tree that is rare due to its  
10           infrequent occurrence worldwide.

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

17           (E) Relic specimen. A tree that is a relic of a  
18           former ecosystem.

19           (5) Cultural value.

20           (A) Cultural value. A tree that represents a wide  
21           range of cultural aspects and values that benefit



1 a community or specific culture, including an  
2 association with past and current groups, that  
3 provides a sense of place for those in a local  
4 community, or that acts as a fundamental  
5 component of a community's identity.

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

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

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

15 (6) Historical value.

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

19 (B) Historic person or memorial planting. A tree  
20 that was planted, for, by, or in association with



1           a historically important person, event, group, or  
2           institution.

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

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

9           (7) Size.

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

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

19           (C) Non-specific size. A tree that has reached a  
20           notable size without regard to a specific minimum  
21           threshold value.



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

3 **§58-C Significant tree designation; established.** (a)

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

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

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



1           (d) Designation as a significant tree shall neither impose  
2 additional regulatory obligations nor provide tax benefits to  
3 property owners.

4           **§58-D State arborist advisory committee; established.**

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

11           (1) A representative from each county arborist advisory  
12 committee; and

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

17           **§58-E State arborist advisory committee; powers and**  
18 **duties.** For the purposes of this chapter, the state arborist  
19 advisory committee shall have the following powers and duties:

20           (1) To oversee the State's exceptional tree program,  
21 including the development, coordination, and



1 implementation of a strategic state exceptional and  
2 significant trees master plan. The state arborist  
3 advisory committee shall provide the master plan to  
4 each county arborist advisory committee;

5 (2) To serve as a resource to county arborist advisory  
6 committees to ensure consistent and standardized  
7 implementation of exceptional and significant tree  
8 legislation;

9 (3) To produce a statewide exceptional and significant  
10 tree registry that shall be updated annually to  
11 reflect the status of exceptional and significant  
12 trees throughout the State;

13 (4) To advise the governor, legislature, and state  
14 departments and agencies on exceptional and  
15 significant trees, urban forestry, and other tree-  
16 related issues; and

17 (5) To work in conjunction with community groups to  
18 develop and implement educational campaigns to  
19 increase public awareness of the exceptional tree  
20 program. Campaigns may use websites, brochures,





- 1 (1) The county planning director, or the director's  
2 designee;
- 3 (2) [~~One~~] At least one member who shall be a person  
4 actively employed in the practice of landscape  
5 architecture, a certified arborist, a horticulturist  
6 with specialization in trees, or a person who has  
7 received a master's degree 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 arborist  
16 advisory committees shall have the following powers and duties  
17 in addition to those delegated by the respective county  
18 councils:

- 19 (1) To research, prepare, and recommend to the county  
20 council exceptional trees to be protected by county  
21 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[-]; and
- 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 designate~~]  
21 that:



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

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

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

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

11        **§58-5 State assistance.** The department of land and  
12                    natural resources and the [~~University~~] university of Hawaii  
13                    shall cooperate with and to the fullest extent possible assist  
14                    the State and counties and their respective arborist advisory  
15                    committees in carrying out the purposes of this chapter."

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

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



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

6 SECTION 5. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 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 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. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

