

A Bill for an Act Relating to Environmental Quality.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Purpose. The purpose of this Act is to provide for better environmental control in order to improve the quality of life in the State. The state and county governments have a duty to enhance, whenever and wherever possible, the natural environment of our State.

The legislature finds that rapid physical and economic development has led to the destruction of many of the State's exceptional trees, as well as to the near-extinction of several such trees. Further, the legislature finds that, beyond their esthetic worth and cultural significance, trees perform an important role in maintaining ecological balance, in increasing soil conservation and natural oxygen production, as wind breaks for necessary plant species, and in retarding flooding, erosion, siltation, lateral distribution of air pollutants, and noise.

Short-sighted land development, which strips the land of its essential vegetation and trees, upsets a vital ecological balance, endangers new occupants of the land, and decreases natural beauty. Thus, encouragement of enlightened land development practices, increase of public education in the value of exceptional trees, and appropriate land development controls to prevent removal and destruction of exceptional trees are urgently needed. The purpose of this Act is to require the counties, who possess primary control over land development, to enact protective regulations to safeguard exceptional trees.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read:

"CHAPTER EXCEPTIONAL TREES

Sec. -1 Purpose. It is the policy of the State to safeguard exceptional trees from destruction due to improper land development, and the legislature finds that enactment of protective regulations by the counties to accomplish this is a valid and important public purpose.

Sec. -2 County arborist advisory committees; establishment. Each county of the State shall establish a county arborist advisory committee, which shall be appointed by the mayor and shall include the county planning director, or his designee; one member who shall be actively employed in the prac-

tice of landscape architecture, and not less than three other members selected on the basis of active participation in programs of community beautification, or research or organization in the ecological sciences, including ethnobotany, or Hawaiiana.

Sec. -3 County arborist advisory committees; powers and duties. For the purposes of this chapter, the county committees shall have the following powers and duties in addition to those delegated by the respective county councils.

- (1) To research, prepare, and recommend to the county council exceptional trees to be protected by county ordinance or regulation.
- (2) To advise property owners relative to the preservation and enhancement of exceptional trees.
- (3) To recommend to the county council appropriate protective ordinances, regulations, and procedures.
- (4) To review all actions deemed by the county council to endanger exceptional trees.

For the purposes of this section, "exceptional trees" means a tree or stand or grove of trees with historic or cultural value, or which by reason of its age, rarity, location, size, esthetic quality, or endemic status has been designated by the county committee as worthy of preservation. Exceptional trees may be designated generally by biotaxy or individually by location or class.

Sec. -4 County protective regulations. Each county shall enact appropriate protective regulations which designate exceptional trees; provide for special county review prior to destruction of exceptional trees, whether by removal or the existence of conditions which lead to the destruction of such trees; provide for site plan review and amendment to protect exceptional trees; and provide for injunctive relief against the removal or destruction of exceptional trees.

Sec. -5 State assistance. The department of land and natural resources, the University of Hawaii, and the Hawaii foundation for history and the humanities shall cooperate with and to the fullest extent possible assist the counties and their respective committees in carrying out this chapter."

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

(Approved May 17, 1975.)