

**ACT 207**

S.B. NO. 2956

A Bill for an Act Relating to Tree Farms.

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

SECTION 1. Chapter 186, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§186- Right to harvest.** (a) The owner of land shall have the right to harvest new trees generated according to a management plan approved by the department on lands within the agricultural district as provided by section 186-2(a)(1), or on degraded forest and pasture lands within the conservation district and zoned for commercial forest use as provided by section 186-2(a)(2); provided that this right shall be subject to the power of the State to protect health, safety, and welfare.

(b) The State’s liability as a result of the right to harvest new trees shall be limited to actions taken only by the State and shall not extend to any private property rights.

(c) As used in this section, “degraded forests” means areas which have had considerable disturbance, are altered from their natural state, and contain less than twenty per cent crown canopy of native tree species.”

SECTION 2. Section 186-3, Hawaii Revised Statutes, is amended to read as follows:

**“§186-3 Applications; management plans.** (a) The owner of any property which complies with the requirements specified in section 186-2 may apply to the board for classification of the owner’s property as tree farm property. The application shall [include:

- (1) A description of the property;
- (2) A management plan, which plan shall provide specific information regarding the development by seeding, planting of seedlings, or other approved reforestation techniques, maintenance, and harvesting of trees and other forest products while exercising conservation techniques to prevent the erosion of soils; and
- (3) Any]

comply with rules adopted by the department to implement this section and shall include any additional information required by the board. The application shall be signed by all persons having an interest in or holding any encumbrance upon the property and shall state that all of them will comply with the management plan upon its approval.

(b) All public hearings required by statute or rules of the department shall be held before any management plan is approved. The management plan shall be available to the public not less than thirty days before approval. Notice of its availability shall be published in the bulletin of the office of environmental quality control. The plan shall be reviewed periodically by the board or its employees or authorized agents at intervals of no more than every five years. The review shall determine whether the owner has met the objectives in the management plan. The board may approve or require in consultation with the landowner alteration of the management plan to adapt to current conditions.”

SECTION 3. Section 186-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) If the board finds that the property identified in the application is suited for the raising of commercial tree species and other forest products in quantity sufficient to establish a business in the sale thereof, and that the use will not [convert] have a significant negative effect on a native forest ecosystem [into a monoculture], the property [shall] may be classified by the board as tree farm property.”

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SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

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

(Approved June 21, 1994.)

### **Note**

1. Edited pursuant to HRS §23G-16.5.