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HB 1463

RELATING TO EXCEPTIONAL TREES

Statement for
House Committee on Water, Land Use Development and Hawaiian Homes
Public Hearing 11 March 1977

by

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HB 1463 proposes an amendment to the State Exceptional Trees Act, Chapter 58, Hawaii Revised Statutes. This statement on the bill is being submitted for review to the Legislative Subcommittee of the Environmental Center of the University of Hawaii, but does not reflect an institutional position of the University.

The amendment would revise the definition of "exceptional trees" in HRS Sec. 358-3 to indicate that: The term "exceptional trees does not apply to trees involved in commercial forestry operations in each county within the State of Hawaii." Commercial forestry operations in Hawaii rarely threaten individual trees deserving the designation "exceptional." Most such operations affect only introduced species. However, koa, ohia, and other endemic species of trees have been harvested commercially, and with the amendment, the Exceptional Tree Act could provide no protection to any koa or ohia tree that was really exceptional but was in an area being harvested or proposed for commercial harvest.

Examples might include some of the largest trees in Hawaii, as listed periodically in American Forests. For instance, an Acacia koa located at Keauhou, Kau, Hawaii has a circumference of over 37 feet, a height of 140 feet and a spread of 128 feet, is the first tree in the list published in May 1974. By size, esthetic quality and endemic status, this tree appears truly exceptional, but it occurs in a tract where koa timber is harvested for commercial purposes, and hence could not be protected by Chapter 38 if amended as proposed in HB 1463.

Incidentally, commercial forestry appears not to be defined in Hawaii Revised Statutes. If it were defined in the same way as commercial fishing (HRS 189-1) as including any "taking ... for profit or gain or as a means of livelihood" then any commercial tree-trimming concern could cut down any exceptional tree with impunity if the amendment were passed.

Chapter 38 cannot be used to save a tree unless it is truly exceptional. It thus provides no significant hindrance to forestry operations. It would be regrettable if the Act were amended so that it would not provide protection to the rare tree that might be harvested but should be spared because of its exceptional nature.