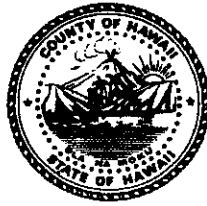


Harry Kim
Mayor



2006 SEP 6 PM 2 58

County of Hawaii

ARBORIST ADVISORY COMMITTEE

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

September 6, 2006

Stacy Higa, Chairperson
Hawai'i County Council
25 Aupuni Street
Hilo, Hawai'i 96720

Dear Chairman Higa:

Re: Nomination of Exceptional Tree
Brazilian Fern Tree (*Schizolobium parahyba*)
TMK 7-5-1:114; Council District 7 (Holualoa)

Pursuant to Section 14-60 of the Hawai'i County Code ("HCC"), the Arborist Advisory Committee recommends the above-mentioned tree be designated as an exceptional tree and added to the county's list of exceptional trees in HCC Section 14-65.

This Brazilian Fern Tree was planted by Sadie Seymore in 1937 on her family property. This healthy tree stands more than thirty meters tall, with a crown spread of more than eighty feet. It is of significant rarity because it is the only known tree in Holualoa, and is the largest on the island. It is of significant aesthetic quality because of its large bowered branches, with masses of yellow flowers in March and April.

Ms. Gwendolyn Hobbs, the current property owner, has been notified of the nomination, and agrees this tree should be designated as an exceptional tree.

For your information, we are enclosing a copy of the Exceptional Tree Nomination Forms and the minutes of the June 15, 2006 meeting which includes public comments on these trees.

On behalf of the property owner, the Committee requests the September 19, 2006 committee hearing be waived and this bill be set on the agenda for the County Council meeting in Kona on September 20, 2006. This request is being made to provide the Kona property owner and/or

Hawai'i County is an Equal Opportunity Provider and Employer.

<Bill 337>

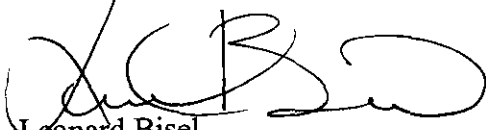
Comm. No. 1067
Ref. To: Council
Ref. Date SEP 08 2006

Stacy Higa, Chairperson
Hawai'i County Council
Page 2
September 6, 2006

community the opportunity to appear at the Kona council meeting to support the exceptional tree nomination.

Please feel free to contact me at 969-9533, or Esther Imamura at the Planning Department at 961-8288, extension 257, if you have any questions or concerns regarding this matter.

Very truly yours,



Leonard Bisel
Chairperson, Arborist Advisory Committee

Enclosure

So approved:



f/ Mayor

ARBORIST ADVISORY COMMITTEE - COUNTY OF HAWAII
Exceptional Tree Nomination Form

NOMINATOR Name: SAMMIE STANBRO
Mailing Address: [REDACTED]

Date Submitted: [REDACTED]
Bus. Phone: [REDACTED]
Res. Phone: [REDACTED]

NOMINEE INFORMATION

1. NAME OF TREE(s)

Common (English or Hawaiian): Brazilian Fern Tree
BRAZILIAN BOWER (TOWER) TREE
Scientific: SCHIZOLOBIUM Schizolobium parahyba

2. LOCATION OF TREE(s) (Be specific---Include tax map key; state proximity to prominent landmarks):

TMK 7.5.1.114
MAUKA & NORTH OF OLD ONAZUKA STORE
NEAR MILE MARKER 7 - MAMALAHOA, HOLUALOA
KONA

3. DESCRIBE THE TREE; ATTACH PHOTOGRAPHS, if possible

FERN LIKE UMBRELLA-LOOK WHEN YOUNG. MASSIVE YELLOW
FLOWER SHOW LATE MARCH TO APRIL. MANY PLANTS GROW UNDER
TREE. - SMOOTH GRAY BARK - STRAIGHT CLEAR TRUNK.

4. PROPERTY OWNER(s) Name(s): GWEN HOBBS

Address: MILE MARKER 7 Bus. Phone: [REDACTED]
MAMALAHOA HWY 96725 Res. Phone: [REDACTED]

5. CRITERIA FOR BEING EXCEPTIONAL

- a. Significant Age 69
- b. Significant Size - Height 30+ METERS; Crown Spread (diameter) 80ft+
Circumference of trunk 4-1/2 ft. from ground 5 1/2 ft DIAMETER - 20 FT.
- c. Significant historical interest PLANTED BY SADIE SEYMORE IN 1937 ON
HER FAMILY PROPERTY
- d. Significant cultural background _____
- e. Significant rarity LARGEST (PROGINATOR) ON ISLAND
- f. Significant location VIEWED FROM MAMALAHOA HWY & NEXT TO PRIVATE DRIVE
- g. Significant aesthetic quality MASSSES OF YELLOW FLOWERS
BOWERED BRANCHES - LARGE
- h. Endemic status ONLY (RARE) IN HOLUALOA
KNOWN
- i. Indigenous status BRAZIL
- j. Healthy condition VERY ROBUST AND ADMIRER BY NEIGHBORS

ACCEPTANCE FORM
FOR
EXCEPTIONAL TREE STATUS

I, the undersigned, am the fee simple owner or authorized agent of the owner of property where a tree, stand, or grove of trees grows that has been nominated under the criteria of the Exceptional Trees Law (HRS 58). The property and nominated tree/stand/grove are further described below:

TMK: 7.5.1.114
District: KONA
Description of Tree/Stand/Grove: SCHIZOLEBIUM VIEWED
FROM MAWALAHUA HIGHWAY

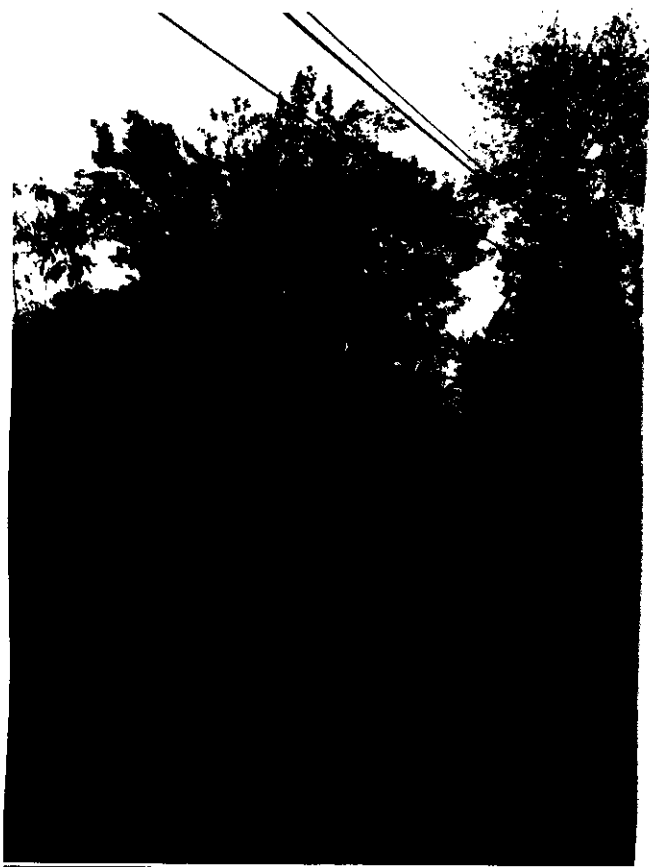
I agree to allow it to be designated as such upon the list of Exceptional Trees of the County of Hawaii which is filed with the Arborist Advisory Committee and the Hawaii County Planning Department.

I agree that I will not destroy this tree or affect its immediate surroundings in such a way that its health and vigor is negatively impacted without first consulting the Arborist Advisory Committee through the Hawaii County Planning Department.

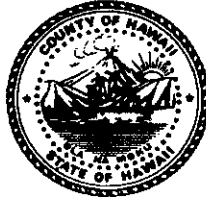
I understand that the County of Hawaii assumes no liability with reference to this tree and will not be responsible for its care and maintenance. However, if I need assistance with care and maintenance, I will feel free to contact the Arborist Advisory Committee.

In the event that the property ownership is transferred, I will notify the Arborist Advisory Committee within thirty (30) days.

Owner's or Agent's signature: Gwen Hobbs
Print name: Gwen Hobbs
Date: 5/2/06



Harry Kim
Mayor



County of Hawaii

ARBORIST ADVISORY COMMITTEE

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Minutes

Meeting on June 15, 2006

Planning Department Conference Room – Aupuni Center – Hilo, Hawaii

Present: AAC members: Chairperson Leonard Bisel, Jan Anderson, Sharron Stanbro & Esther Imamura (Planning staff)

State and County Agency Representative:
Gordon Heit, DLNR

Public: Rene Siracusa, Kaliko Chun and Kathleen Montvel-Cohen

CALL TO ORDER

The meeting was called to order at 10:15 am.

ACCEPTANCE OF MINUTES

It was moved by J. Anderson and seconded by S. Stanbro to accept the minutes, as corrected, of the May 18, 2006 meeting. Motion passed unanimously.

PUBLIC STATEMENTS

R. Siracusa expressed her disappointment with the winning logo contest entry as 1) depicting a group of people who don't look like people in Hawaii, and, 2) it doesn't say exceptional tree on it. However, it was pointed out that the design was for a logo only, and not a sign. In reference to the design, everyone concurred that the imagery was very appropriate but because of others who had similar comments, Rose Foggia will be contacted to see if the attire could be modified a bit.

Kaliko Chun was at the meeting to represent her Aunt and family in the nomination of the Morton Bay Fig.

UNFINISHED BUSINESS

1. Display of Logo Contest Entries – J. Anderson.

J. Anderson reported that the display is up along the walkway adjacent to the Department of Public Works office until the end of June. A press release and picture of the logo was submitted to 3 newspapers for publication. A display of the winning logo at the Mayor's Office will be done at a later time. R. Siracusa volunteered to do a write up for the Puna News. A listing of newspapers was also compiled for future use. After the display is removed, all other submittals will be returned to the entrants. A copy of each entry, however, will be kept for our records.

2. Proposal for a Site Inspection to Assess all the Exceptional Trees – J. Anderson.

J. Anderson noted that since S. Stanbro verified that one of our trees ('Ohe) was no longer alive, we need to take an assessment of all the trees on the list. S. Stanbro mentioned that the Koki'o Tree (at Manuka State Park) has termite damage on one side of the trunk, but the other side of the tree was really healthy. Something should be done to treat it. She left a message for M. Kraus to look at the tree if he was in that area. J. Anderson will also contact him to see if he can come up with a proposal to tackle that project. She will check with Corporation Counsel D. Noda regarding appropriate protocol for the proposal.

3. Sample Tree Signs – S. Stanbro.

Based on comments from the last meeting, S. Stanbro presented several revised versions of the sign. After discussion on centering, changing the location and size of the County seal and deleting some wording, S. Stanbro will further revise the design and bring it to the next meeting. Chair Bisel mentioned that when the signs are fabricated, the design may still need to be "tweaked" to fit that medium.

Chair Bisel reminded the public that although he appreciates their presence and comments, the portion of the meeting for the public to get involved in discussions was at the beginning of the meeting. The Committee will discuss items on the agenda and if questions arise or if clarification is required, they would then ask for further input from the public.

Change in agenda order to accommodate the public:

NEW BUSINESS

2. Nomination of Banyan Tree on TMK: 7-5-7:20 (State of Hawaii) – S. Stanbro.

S. Stanbro received a June 6, 2006 letter from Peter Young of the Department of Land and Natural Resources. Regarding the Banyan Tree at Hulihee Palace, he recommended contacting the Daughters of Hawaii who have a lease with the Palace. She will be meeting with Aunt Fanny of the Daughters of Hawaii. In reference to the Banyan Tree on Alii

Drive, the tree may canopy over State, County and/or the King Kamehameha Hotel property. Landownership needs to be clarified. Therefore, additional work needs to be done before these two applications can be considered.

1. Nomination of Morton Bay Fig on TMK: 7-5-6:12 (Amelia Burgess) – S. Stanbro.

K. Chun stated that her family considers the Morton Bay Fig as a member of the family. S. Stanbro mentioned that people were astonished that it wasn't already a protected tree. She reported that it was her understanding that this tree is the sister tree to the one that was at Banyans, the surf spot, that was pruned massively and poisoned. S. Stanbro said that people stand inside the top part of the tree and have their pictures taken. At triathlons, they all come by, hug the tree and take pictures. According to Sadie Seymore's son, his mother said that it was planted by Princess Kapiolani at the same time as the other sister tree that was killed. The owner of this tree, Mrs. Amelia Burgess, is 91 years old. K. Chun stated that the family wanted this tree protected for some time. People thought it was already on the list. The family's very much in support of it. Chair Bisel mentioned that it was an almost complete application with just the height and circumference missing. However, S. Stanbro stated that she had inadvertently left that information out. J. Anderson wanted the comment that the tree was considered by the owner and family as a family member to be included on the application. Chair Bisel stated that the motion is to accept the application and forward it to Council. J. Anderson seconded it. Motion passed unanimously. K. Chun asked if the nomination could come up at a full Council meeting in Kona. The Committee and staff will check the schedule and see how that could be arranged. J. Anderson stated that we should take advantage of the opportunity to publicize a nomination from the west side of the island.

UNFINISHED BUSINESS

4. Nomination of Brazilian Bower (Tower) Tree on TMK: 7-5-1:114 (Gwen Hobbs) - S. Stanbro (correction from Shower to *Bower [Tower]*)

According to S. Stanbro, the Brazilian Bower Tree (*Schizolobium*) is along Mamalahoa Highway, almost directly across Onizuka Store (Nelson Onizuka's family store). It's the progenitor of any Brazilian Bower Tree that's around. It doesn't naturally seed. The photograph is not very good because it was raining, but the tree has bright yellow flowers that are visible from Mamalahoa Highway. It's located near the 7 mile marker in Holualoa on Mamalahoa Highway, the upper road. It was planted by S. Seymore, who started the Outdoor Circle. According to some arborists and landscape people on both sides of the island, it is the only one of its size. Although S. Seymore sold that part of the property to Gwen Hobbs, the Seymore family still maintains an interest in the tree. S. Stanbro reported that she forwarded the information on tax exemption for exceptional trees to A. Burgess and G. Hobbs. It was moved by S. Stanbro and seconded by J. Anderson to accept the nomination and have the language drafted by Counsel Noda to submit to Council. Motion passed unanimously.

ADMINISTRATIVE MATTERS

None

ANNOUNCEMENTS

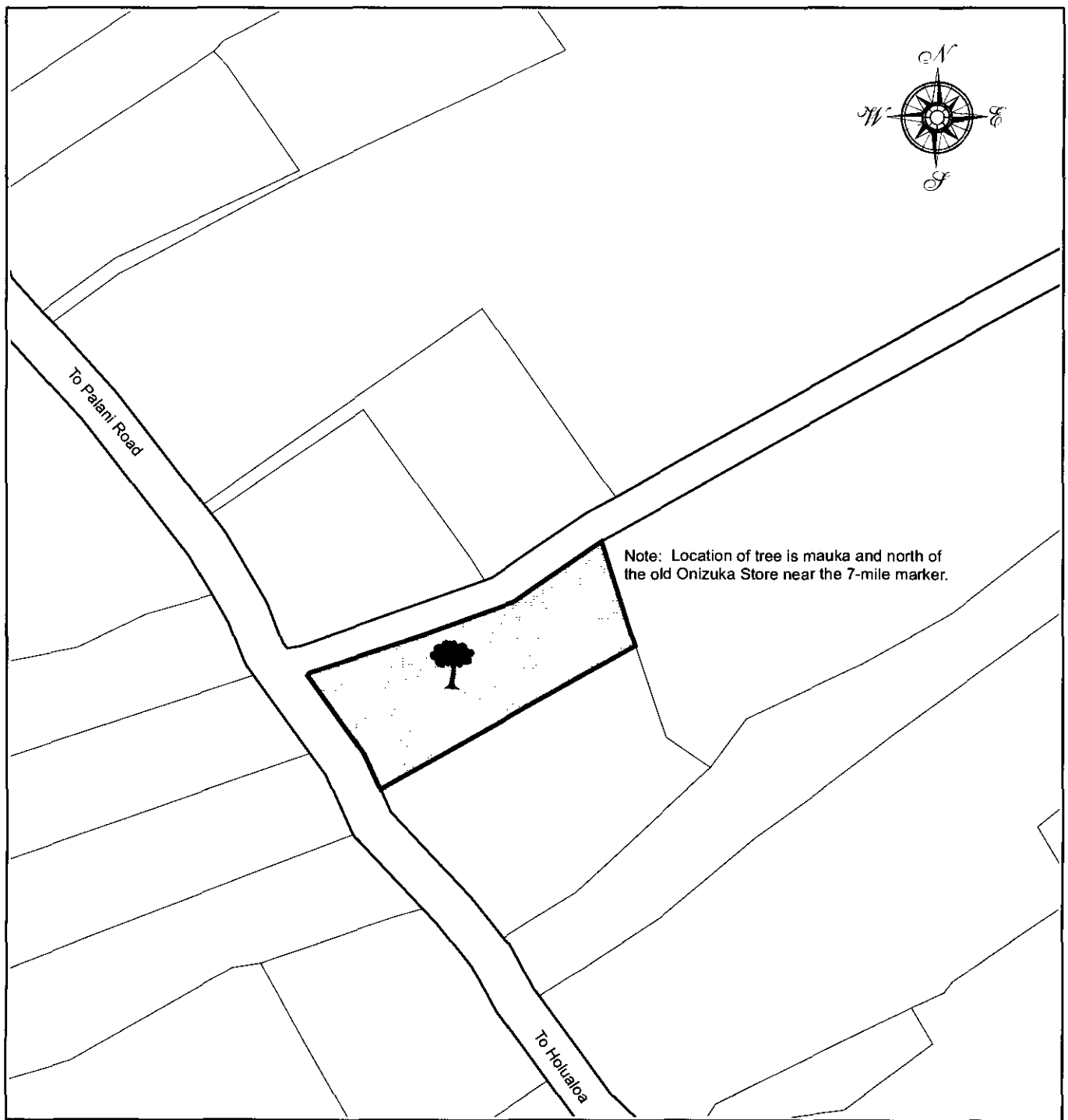
The next meeting will be held on Thursday, July 27, 2006 in the Planning Department Conference Room at 10:00 am.

The following meeting will be held on Thursday, August 24, 2006 in the Planning Department Conference Room at 10:00 am.

ADJOURNMENT

The meeting was adjourned at 11:25 am.

Approved: August 24, 2006



AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 10, OF THE HAWAII COUNTY CODE
1983 (2005 edition), RELATING TO EXCEPTIONAL TREES

COMMON NAME: BRAZILIAN FERN TREE
SCIENTIFIC NAME: SCHIZOLOBIUM PARAHYBA
LOCATION: LANIHAU TO HIENALOLI, NORTH KONA, HAWAII

TMK: 7-5-001:114

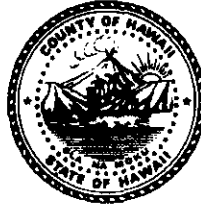
PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

August 31, 2006

"EXHIBIT A"

(Gwen Hobbs - 06-02)

K. ANGEL PILAGO
Council Member
District 8 North Kona



Phone: (808) 327-3642
Fax : (808) 329-4786
Email: kapilago@co.hawaii.hi.us

HAWAI'I COUNTY COUNCIL

County of Hawai'i
Kailua Trade Center
75-5706 Hanama Place, Suite 109
Kailua-Kona, Hawai'i 96740

September 7, 2006

Stacy K. Higa, Chair
Hawai'i County Council
25 Aupuni Street
Hilo, Hawai'i 96720

RE: Bill No. 337: An Ordinance Amending Chapter 14, Article 10, of the Hawai'i County Code 1983 (2005 edition), Relating to Exceptional Trees (Brazilian Fern Tree, Moeauoa 1, North Kona, Owner Gwendolyn C. Hobbs.)

Pursuant to Section 2(g) of Rule 4 of the Rules of Procedure of the Council of the County of Hawai'i, this written request is submitted with my approval that the above-referenced matter be waived from the Committee on Planning to the full Council for immediate action. In reviewing this matter, timely approval is crucial. It is therefore advantageous that approval is granted and the matter placed onto the next Council agenda for review. However, in the event this request is denied, for whatever reason, I understand the matter shall be referred to the Committee on Planning for placement on its future agenda.

Sincerely,


K. Angel Pilago, Chair
Planning Committee

Approved/Date/Waive to Council:


Stacy K. Higa, Chair
Hawai'i County Council

Disapproved/Date/Refer to PC:

Stacy K. Higa, Chair
Hawai'i County Council

KAP/md