



04 JUL 23 AM 11:53

275 UHU STREET - KAHULUI - HAWAII 96732 - (808) 270-7329 - FAX (808) 270-7353

DEPT. OF PLANNING  
COUNTY OF MAUI  
RECEIVED

July 21, 2004

Ms. Lori Sablas, Chairwomen  
Maui County Cultural Resources Commission  
c/o Department of Planning  
County of Maui  
200 High Street  
Wailuku, HI 96793

Dear Ms. Sablas,

RE: Recommended policy for the Lahaina Banyan Tree

At the request of the Cultural Resources Commission, the Maui County Arborist Committee, at its meetings of March 10 and July 14, 2004, discussed the issue of activities under the Banyan Tree in Lahaina.

The Banyan Tree has been designated as an "exceptional" tree. Hawaii State Law Chapter 58 defines "exceptional" as a tree, stand or grove of trees with historic or cultural value because of age, rarity, location, size, beauty or endemic status. This law requires the counties to enact appropriate protective regulations to designate and safeguard exceptional trees. Due to the Banyan Tree's "exceptional" status, the Maui County Arborist Committee is responsible for monitoring the health of the tree.

The Arborist Committee is quite concerned with the increasing popularity and usage of Banyan Tree Park for arts fairs and special events. At its July 14 meeting, Arborist Committee members voted to recommend the following:

1. The number of vendors allowed under the Banyan Tree be reduced to twenty-five (25) per event.
2. To allow no more than three (3) consecutive weekend events. Every fourth weekend should be closed to arts fairs or special events so that the Banyan Tree is allowed to recover from the heavy foot traffic that these activities attract. It is our goal to optimize the health of the tree by suggesting time for the tree to "rest" while also providing the community with an opportunity to enjoy a passive park on these weekends. The Committee realizes some flexibility may be necessary to accommodate special events that are scheduled on a given calendar day, but the principle should be honored as much as possible.

EXHIBIT 3

3. The Arborist Committee recognizes that the Maui County Council has the authority to establish fees in County parks. Members recommended that the user fees for events at Banyan Tree Park be increased and that a portion of these fees be designated for maintenance purposes.
4. That the County of Maui monitor activities and enforce the rules pertaining to use of the Banyan Tree. Members suggested that increased permit fees could also be used for enforcement.
5. That the tree be tested on an annual basis for soil compaction and to determine the impact of activities under the tree. Annual testing and analysis is important in assessing whether changes to permits and activities are needed in the future.
6. The rules and restrictions previously adopted for the use of Banyan Tree Park are still in effect and are as follows:
  - No climbing on the tree.
  - No swinging from the roots of the tree.
  - No motorized vehicles allowed in the park.
  - No nailing or stapling is permitted on the tree.
  - Foreign matter should never be applied to the surface of the tree, ie. paint, oil, etc.
  - No pruning or physical injury to the tree.
  - Toxic materials (herbicides, oils, etc.) should not be applied under the canopy of the tree without the guidance of the Maui County Arborist.
  - No cooking or fires be permitted under the canopy of the tree.
  - No fireworks are permitted under the canopy of the tree.

The Arborist Committee would like to pursue the development of a master plan for the Banyan Tree Park. Such a plan would allow a scientific evaluation of the tree so that recommendations can be made to insure the tree's health and to determine the impacts of activities. In the meantime, the Committee is committed to the annual review in order to assess the current situation and to make future recommendations.

Thank you for your attention to this matter. We appreciate the contribution that your Commission makes to Maui County.

Sincerely,



Kelvin Nelson, Chair