WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022

ON THE FOLLOWING MEASURE:
S.B. NO. 3192, S.D. 1, RELATING TO NATURAL RESOURCE MANAGEMENT.

BEFORE THE:
SENATE COMMITTEE ON WAYS AND MEANS

DATE: Thursday, February 24, 2022 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 211, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Julie H. China,
Deputy Attorney General, at 808-587-2987)

Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General offers the following comments.

The bill will establish, within the Department of Land and Natural Resources (DLNR), a visitor green fee program to collect a fee from non-Hawaii residents and issue licenses to allow visitors to visit state parks, beaches, state-owned forests, hiking trails, or other natural areas on state-owned land. It will establish a civil penalty, in the form of a fine for not paying the green fee and obtaining a license prior to visiting these areas.

A green fee special fund will be established for the fees collected. An environmental legacy commission will be established to "guide and approve the [DLNR]'s disbursement of visitor green fee revenues deposited into the fund[.]" Page 9, line 20, to page 10, line 2. Funds will be allocated by the commission to state agencies. Funds will also be allocated by the commission for grants to local governments, nonprofit organizations, and community-based organizations.

The green fee special fund may be used for "projects that directly restore, enhance, and protect in perpetuity state-owned natural resources and its unique and fragile ecological status, including projects for one or more of the following purposes . . . [p]rotection, restoration, or enhancement of terrestrial or marine natural resources[,]. . . [i]ncreas[ing] . . . resilience and adaptation of Hawaii's natural resources with environmentally beneficial strategies to reduce the adverse impacts of climate change

including coastal erosion, sea level rise, ocean acidification, coral bleaching, destruction of reefs, and other impacts[,]" and "[r]emoval and control of invasive species and propagation and planting of native species." Page 10, line 12, to page 11, line 8.

Fees can only be used for the purpose for which they are collected. *State v. Medeiros,* 89 Hawai‘i 361, 366, 973 P.2d 736, 741 *(*1999). In this bill the purpose of the fee is to offset visitor impacts to state-owned natural resources. However, the bill is not clear: (1) how climate change or controlling invasive species relate to the purpose of offsetting visitor impact to state-owned natural resources (page 10, line 16, to page 11, line 6); (2) how grants to local governments, nonprofit organizations, and community-based organizations would be used to offset impacts to state-owned natural resources if the local governments and organizations do not have legal access to state-owned land (page 10, lines 12-14, and page 11, lines 18-20); and (3) how limiting the allocation from the special fund to only a percentage of the total fees collected to be used to "establish, maintain, or enhance state management of natural resources, implementation of state regulatory programs designed to protect natural resources, and enforcement of natural resources protection laws and regulations" will justify collection of the green fee, when the entire fee must be used for the enhancement and management of state-owned natural resources (page 12, lines 4-9).

One example of how fees may be spent is the Hanauma Bay Nature Preserve entrance fee that was litigated in *Daly v. Harris*, 215 F. Supp. 2d 1098 (D. Haw. 2002), and affirmed by the Ninth Circuit Court of Appeals, 117 Fed. Appx. 498 (9th Cir. 2004). *Daly* involved the $3 user fee for non-Hawaii residents to enter Hanauma Bay. The proceeds are deposited into the Hanauma Bay Nature Preserve fund and money from the fund is designated for four specific purposes: (1) for the operation, maintenance, and improvement of the Hanauma Bay Nature Preserve; (2) for educational and orientation programs for visitors to the preserve; (3) for a carrying capacity study of the preserve and other studies relating to the environmental condition of the preserve; and (4) if funds are available, for the operation, maintenance, and improvement of park facilities at Koko Head District Park, Maunalua Bay Beach Park, Koko Head Rifle Range, and Koko Crater Botanical Garden. *Daly*, 215 F. Supp. 2d at 1101-02. The

court upheld the Hanauma Bay entrance fee because it is being used to preserve Hanauma Bay.

The bill provides in section 171-F, that among the powers and duties of the commission it "shall allocate moneys deposited into the fund for direct expenditure by state agencies and for grants for projects that directly restore, enhance, and protect in perpetuity state-owned natural resources and its unique and fragile ecological status[,]" (page 10, lines 10-12); however, moneys deposited into the visitor green fee special fund can only be spent on grants for "projects that directly restore, enhance, and protect in perpetuity state-owned natural resources," establishment of the commission, and "creation and implementation of the visitor green fee strategic plan." Page 12, line 20, to page 13, line 7. To reconcile sections 171-F and 171-G, the direct expenditure of the fund by state agencies must also be included in section 171-G, in section 2 of this bill, page 12, line 20, to page 13, line 7.

In addition to requiring the fees to be spent on state-owned natural resources, the statutory authority to award the fees as grants by the commission must include standards for making the grants, in order to conform to the requirements of section 4 of article VII of the Hawaii Constitution, which provides that "[n]o grant of public money . . . shall be made except pursuant to standards provided by law." To comply with this constitutional requirement, we recommend that this bill be amended to statutorily include in the new part the standards and qualifications for awarding the administrative grants, as previously enacted for other administrative grant programs in part II of chapter 9 and sections 10-17, 210D-11, and 383-128, Hawaii Revised Statutes.

We also provide the following comments:

1. Because the green fee will be assessed to offset the impact of visitor use of state-owned natural resources, the purpose of the green fee program should not be stated in terms of "supporting thousands of public and private jobs" (page 1, lines 6-7) or "potentially create thousands of public and private jobs[,]" (page 2, lines 19-20), and those references should be removed.

2. The phrase "community-based organizations" on page 11, line 20, should be defined in section 171-A in section 2 of this bill, page 3, line 19, to page 5, line 13, if it is

different from "nonprofit organization," which is defined in section 171-A on page 4, lines 6-16, or deleted if the two have the same meaning.

3. The state parks, including monuments such as Diamond Head, recreational areas, historic parks, and wilderness parks already assess entrance fees to non-residents, which could result in a "double charge" if this bill is passed. *See* section 13-146-6, Hawaii Administrative Rules (HAR), and chapter 13-146, HAR, Exhibit 3.

Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAI'I EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAI'I
DEPARTMENT OF BUDGET AND FINANCE
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CRAIG K. HIRAI
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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON
SENATE BILL NO. 3192, S.D. 1

February 24, 2022
10:00 a.m.
Room 211 and Videoconference

RELATING TO NATURAL RESOURCE MANAGEMENT

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill (S.B.) No. 3192, S.D. 1: establishes the Visitor Green Fee Program within the Department of Land and Natural Resources (DLNR) to collect a fee from visitors who visit a State park, beach, forest, hiking trail, or other State-owned natural area and allocate the revenue to protect State-owned natural resources; requires DLNR to issue a license upon visitor green fee payment and post informational signs; establishes penalties for violations of the program; establishes the Environmental Legacy Commission (ELC) within DLNR to allocate the revenue from visitor green fees to protect and manage Hawai'i's natural resources; creates the Visitor Green Fee Special Fund that would generate revenues through visitor green fees, fines, legislative appropriations, grants, and gifts; appropriates an unspecified amount of general funds for FY 23 for deposit into the special fund, and an unspecified amount of special funds for FY 23 for the establishment of the ELC and a strategic plan; and requires an annual report to the Legislature.

As a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work, and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. Regarding S.B. No. 3192, S.D. 1, it is difficult to determine whether the proposed special fund would be self-sustaining.

In addition, B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai‘i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

DAVID Y. IGE
GOVERNOR OF
HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
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FORESTRY AND WILDLIFE
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KAHOOLAWE ISLAND RESERVE COMMISSION
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STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
WAYS AND MEANS

Thursday, February 24, 2022
10:00 AM
State Capitol, Conference Room 211, Via Videoconference

In consideration of
SENATE BILL 3192, SENATE DRAFT 1
RELATING TO NATURAL RESOURCE MANAGEMENT

Senate Bill 3192, Senate Draft 1 proposes to establish a visitor green fee within the Department of Land and Natural Resources (Department) to collect a fee as a license required by visitors for usage of Hawaii's public beaches, parks, trails, coastlines, and environment. The Bill also establishes the environmental legacy commission to allocate the revenues from the visitor green fee to protect and manage Hawaii's natural resources and appropriates funds. **The Department strongly supports this measure and offers the following comments.**

Hawaii's natural and cultural resources are huge economic assets, prime attractions of our tourism industry, and support the well-being of our communities. A University of Hawai‘i study examined the various services provided by O‘ahu's Ko‘olau forests - including drinking water recharge, flood prevention, water quality, carbon storage, biodiversity, cultural, aesthetic, recreational, and commercial values. These services were calculated to have a net present value of between $7.4 and $14 billion.1 Coral reefs annually protect $836 million in averted damages to property and economic activity in Hawai‘i.2 Despite the value of our forests and oceans, Hawai‘i invests less than 1% of the total state budget into maintaining these assets.

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1 Roumasset, J., J.B. Kaiser, N. Krause, D. Mecham and J. Wooley. 1997. Draft Environmental Valuation and the Hawaiian Economy. University of Hawai`i Economic Research Organization, UH-Mānoa.

2 Storlazzi, C.D., Reguero, B.G., Cole, A.D., Lowe, E., Shope, J.B., Gibbs, A.E., Nickel, B.A., McCall, R.T., van Dongeren, A.R., Beck, M.W., 2019, Rigorously valuing the role of U.S. coral reefs in coastal hazard risk reduction: U.S. Geological Survey Open-File Report 2019–1027.

The establishment of green fees in several other tourism focused economies has allowed places like the Republic of Palau, Galapagos Islands, New Zealand, and the Maldives to allow greater investment in their natural resources - reducing the overall impact of tourism on their environments, improving the quality of visitor experiences, and supporting community stewardship of these special places. Visitors and many residents do not mind paying a green fee because they know it goes back to caring for the beautiful places and resources they have come to enjoy. In 2001, the Department conducted a study to determine Hawai‘i’s willingness to support increased funding for watershed protection. Respondents were presented with various means by which the increased funds could be raised (general funds, taxes, or fees). A majority supported the use of environment-related taxes (7.4 out of 10), or a visitor-related tax (8.0 out of 10).3 Palau adds a green fee to all airline passengers leaving the island state and adds the funds to an environmental management fund. Palau, New Zealand, and Maldives have not experienced a decline in visitors due to their green fees.

The establishment of a green fee is an important piece to closing the gap between existing and needed funding for the management of Hawai‘i’s natural resources. This green fee along with innovative financing mechanisms such as carbon offsets for reforestation and improved forest management would move Hawai‘i forward in addressing climate change and mitigating the impacts of Hawaii’s tourism economy. A green fee program would bolster the State’s existing investments in natural resource management and help fill Hawai‘i’s conservation funding gap.

The Department suggests eliminating *§171-E Environmental legacy commission; established;* and *§171-F Environmental legacy commission; powers; duties*, as it can create such a plan and manage the program in-house, as they do with several other programs, and can and report to the Legislature on expenditures and results. The Department feels an advisory committee would divert precious resources from the work of protecting and managing our natural and cultural resources.

The Department proposes the following amendment to this measure:

~~**§171-E Environmental legacy commission; established;** members. (a) There is established within the department of land and natural resources the environmental legacy commission. The members of the commission shall be appointed by the governor in the manner prescribed in section 26—34. The commission shall guide the department's disbursement of revenues Collected pursuant to this part.~~

~~(b) The commission shall comprise the following members, who shall be appointed or invited to serve:~~

~~(1) The chairperson of the board of land and natural~~

3 Department of Land and Natural Resources. November 2011. The Rain Follows the Forest: A Plan to Replenish Hawaii’s Source of Water.

~~resources or the chairperson's designee, who shall serve as the chairperson of the commission;~~

~~(2) The director of agriculture or the director's designee;~~

~~(3) The director of the office of planning and sustainable development or the director's designee;~~

~~(4) The chief executive officer of the Hawaii tourism authority or the chief executive officer's designee;~~

~~(5) One representative of a nonprofit environmental organization having expertise on the protection, restoration, and care of terrestrial natural resources, who shall be invited by the chairperson;~~

~~(6) One representative of a nonprofit environmental organization having expertise on the protection, restoration, and care of marine and coastal natural resources, who shall be invited by the chairperson;~~

~~(7) One representative of a nonprofit environmental organization having expertise on climate change mitigation and resiliency, who shall be invited by the chairperson;~~

~~(8) Up to two representatives from the Native Hawaiian community who have expertise in the protection, restoration, care, and interpretation of Native Hawaiian cultural resources, who shall be invited by the chairperson;~~

~~(9) One representative between the age of eighteen and twenty-five years of age, inclusive, who works or has worked in the field of environmental sustainability or restoration, or both, who shall be invited by the chairperson; and~~

~~(10) One representative from the visitor sector and tourism industry, who shall be invited by the chief executive~~

~~officer of the Hawaii tourism authority.~~

~~(c) A simple majority of the members shall establish a quorum.~~

~~(d) The members shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.~~

~~§171-F Environmental legacy commission; powers; duties.~~ ~~(a) The commission shall guide and approve the department's disbursement of visitor green fee revenues deposited into the fund:~~

~~(1) For the purpose of restoring, enhancing, and protecting, in perpetuity, Hawaii's state-owned natural resources and its unique and vulnerable ecosystem;~~

~~(2) with transparency and accountability; and~~

~~(3) In a manner that maximizes the effectiveness of the visitor green fee program.~~

~~(b) Subject to subsection (d), the commission shall allocate moneys deposited in the fund for direct expenditure by state agencies and for grants for projects that directly restore, enhance, and protect in perpetuity state-owned natural resources and its unique and fragile ecological status, including projects for one or more of the following purposes:~~

~~(1) Protection, restoration, or enhancement of terrestrial or marine natural resources; provided that up to per cent of each grant may be allocated for resource management to ensure the long-term sustainability of the natural resources;~~

~~(2) Increase of resilience and adaptation of Hawaii's natural resources with environmentally beneficial strategies to reduce the adverse impacts of Climate change including coastal erosion, sea level rise,~~

~~ocean acidification, coral bleaching, destruction of reefs, and other impacts; or~~

~~(3) Removal and control of invasive species and propagation and planting of native species.~~

~~(c) In awarding grants, the commission shall prioritize projects that satisfy at least one of the following:~~

~~(1) Provide significant long-term protection, restoration, and enhancement of Hawaii's natural resources; or~~

~~(2) Increase the accessibility, safety, and continued use of Hawaii state-owned natural, and outdoor recreational resources.~~

~~(d) In each year, allocation of moneys appropriated from the fund shall be divided as follows:~~

~~(1) No more than per cent of the allocation shall be for grants to local governments, nonprofit organizations, and community-based organizations;~~

~~(2) No more than per cent of the funds pursuant to this paragraph shall be used to administer this part; and~~

~~(3) No more than per cent of the allocation may be used to establish, maintain, or enhance state management of natural resources, implementation of state regulatory programs designed to protect natural resources, and enforcement of natural resources protection laws and rules.~~

Thank you for the opportunity to comment on this measure.

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David Y. Ige
Governor

John De Fries
President and Chief Executive Officer

Statement of
JOHN DE FRIES

Hawai'i Tourism Authority
before the
COMMITTEE ON WAYS AND MEANS

February 24, 2022
10:00 a.m.
State Capitol
via videoconference

In consideration of
SENATE BILL NO. 3192 SD1
RELATING TO NATURAL RESOURCE MANAGEMENT

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Committee on Ways and Means.

The Hawai'i Tourism Authority (HTA) appreciates the opportunity to testify in **support** of SB3192 SD1, which establishes within the Department of Land and Natural Resources a visitor green fee program to collect a fee to allow visitors to visit a state park, beach, state-owned forest, hiking trail, or other state-owned natural area. The measure also establishes the environmental legacy commission to allocate the revenues from the visitor green fees to protect and manage Hawai'i's natural resources and appropriates monies.

We are supportive of funds generated through these green fees being specifically utilized to protect and manage state-owned natural resources and associated amenities. Many of our state-owned natural resources are in desperate need of improvement due to years of deferred maintenance at these facilities. Preserving and protecting these important resources while also investing to enhance them will ultimately result in a better experience for visitors and residents.

We appreciate this opportunity to **support** SB3192 SD1. Mahalo.

Testimony Before The
Senate Committee on Ways and Means
IN SUPPORT OF SB 3192 SD 1
February 24, 2022, 10:00AM, Room 211

Aloha Chair, Vice-Chair and Committee members

My name is Kevin Chang and I am the Executive Director of Kuaʻāina Ulu ʻAuamo (or KUA). KUA works to empower grassroots rural and Native Hawaiian mālama ʻāina groups -fishers, farmers, families- to celebrate their places and pass on their traditions to better Hawaiʻi and achieve ʻāina momona— an abundant, productive ecological system that supports community well-being.

KUA employs a community-driven approach that currently supports a statewide network of 36 mālama ʻāina community groups collectively referred to as E Alu Pū (moving forward together), 40 fishpond projects and practitioners called the Hui Mālama Loko Iʻa, and a growing group of over 60 Limu practitioners and supporters called the Limu Hui. Our vision of ʻāina momona includes pathways to new economic and environmental regenerative opportunities for present and future generations.

KUA supports SB 3192 SD 1 as an incremental step on a pathway towards ʻāina momona. This bill establishes a green fee program to be administered by DLNR which will assemble an environmental legacy commission to allocate the revenues from the visitor green to protect and manage Hawaii's natural resources. We view the commission as significant in helping DLNR build capacity in its outreach and connection to uplifting communities through a culture of conservation. Further we suggest that in the development of this law that the public trust responsibilities of the state to the Native Hawaiian community through OHA, the federal commitment to reconciliation, Native Hawaiian traditional customary practices and rights to access resources be considered in the fees charged and in the use and dispensation of the funds. In addition, we recommend that Section 171F-c take into consideration supporting community capacity to steward resources be the kinds of "projects" considered.

In reading the preamble to this bill we also uplift the significance of the contribution that many state citizens, especially those in rural and Native Hawaiian communities across our state do beyond the payment of taxes for environmental care. They engage in practices of direct environmental management and governance often in collaboration with our too long under-resourced DLNR. They engage in this work as a matter of kuleana, subsistence and civic responsibility driven by values and practices embodied in our constitution. It is appropriate that this resource pathway should also support community capacity as an essential partner in environmental governance and management.

A primary function of KUA includes development of an ʻauwai, a stream of resources, tools, bridges, relationships, and networks that help to cultivate and take our communities' work to greater levels of collective impact. A core catalyst for the flow in this ʻauwai includes increasing the percentage of our economy which helps to manage and better the condition of the natural resources systems that sustain us. Indeed, the University of Hawaiʻi Economic Research Organization, with input from KUA and a number of partners (DLNR, Kupu, TNC, KS,OHA etc.) now tracks natural resource workforce development as a key part of a "Green Economy."

As we look to the future, our communities are raising the kupaʻāina who want to have jobs focused on mālama ʻāina. I am sure some of the submitted applications that recently inundated and exceeded the capacity of the DOCARE Academy enrollment portal came from these kinds of young people. We appreciate the necessary, creative and collaborative approaches our state supports that build the capacity and skills of the next generation with intention, and in a way that benefits ongoing community efforts to support ecosystem regeneration.

The communities we work with are committed to ensuring the long-term health of our biocultural resources. They have depended on them for generations. We believe our environment, the foundation of our very existence, is about long-term investment and a vision of ʻāina momona. To get there it requires among other things taking the steps toward greater self-sufficiency, development of a pipeline of new and more innovative career pathways, mindsets, relationships and resource flows for mālama ʻāina. Passing this bill out of your committee will open an essential ʻauwai toward reaching this vision.

Please pass this bill out of your committee and mahalo for this opportunity to testify.

Aloha ʻĀina Momona.

2/19/2022

WAM Committee
Hawai‘i State Capitol
Honolulu, Hawai‘i 96813

Dear ChairDela Cruz, Vice Chair Keith-Agaran, and Members of the Committee on Ways and Means

Position: Support SB3192.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment such as coastal protection, plastic pollution, and water quality.

The Surfrider Foundation, Hawai’i region, is testifying in **strong support of SB 3192**, relating to Natural Resources Management, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish a fund and commission to direct use of the fees collected transparently, and for portions of the fund to support grants to non-profit and other organizations working to protect and restore Hawai‘i’s natural resources.

Our beaches, parks, reefs, forests, hiking trails, and other natural resources are paramount to sustaining our way of life and, similarly, our economic engine. These resources are intertwined with our visitor sector, as the tourism economy depends on Hawai‘i’s iconic natural resources. However, our home is facing escalating visitor impacts, climate change, and localized threats to our ecosystems. It’s been estimated that we currently face a conservation funding gap of $360 million per year.

SB3192 would establish an innovative funding stream to support the critical conservation efforts needed to maintain Hawai’i as a healthy, sustainable region for future generations to enjoy, as well as a visitor destination. A transformational investment in Hawai‘i’s natural resources through a visitor green fee program provides a pathway to build environmental and economic resilience for our local communities and our visitor industry. By investing in our environment today, we can ensure that residents and visitors are able to enjoy our incomparable natural environment and island lifestyle for decades to come.

For the past few years, the Surfrider Foundation has been involved in Hawai‘i’s green fee efforts. Building on the success of the natural resources allocation of the Honolulu Transient Accommodation Tax passing late last year, we’re excited to have the opportunity to testify. Thank you for your consideration of this testimony in support of SB3192, submitted on the behalf of the Surfrider Foundation’s 4 Chapters in Hawai‘i and all of our members who live in the state and visit to enjoy the many coastal recreational opportunities offered by all of the islands’ coastlines.

Sincerely,

Lauren Blickley
Hawai‘i Regional Manager
Surfrider Foundation

MĀLAMA PŪPŪKEA-WAIMEA
PROTECTING OUR OCEAN'S RESOURCE

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February 19, 2022

Senator Donavan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Hearing: Thursday, February 24, 2022, 10:00 am
SB3192 SD1 – DLNR Visitor Green Fee Program

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of WAM Committee,

Mālama Pūpūkea-Waimea (MPW) **strongly supports SB3192 SD1**.

MPW is a Hawaiʻi non-profit organization founded on the North Shore of Oʻahu in 2005. Our mission is "working to replenish and sustain the natural and cultural resources of the Pūpūkea and Waimea ahupuaʻa for present and future generations through active community stewardship, education, and partnerships." For eighteen years, we have focused our stewardship and education efforts on the Pūpūkea Marine Life Conservation District (MLCD), one of only three MLCDs on Oʻahu and eleven statewide.

State funding for the management and protection of Hawaiʻi's natural recreational areas – such as MLCDs, historic sites, and parks -- is grossly inadequate. A new "Green Fee" program to be administered by the State Department of Land and Natural Resources would be a historic step forward for the State of Hawai'i toward truly sustainable tourism. With the Green Fee funds invested back into the resources that are most impacted by human use, visitors will have a higher quality experience. Residents will also significantly benefit from better management and restoration of the treasured areas.

This additional funding is badly needed. **Please pass SB3192 SD1**.

Mahalo nui and best regards,

Denise Antolini President, MPW

LEGISLATIVE TAX BILL SERVICE

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 305 Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: MISCELLANEOUS, Visitor Green Fee

BILL NUMBER: SB 3192 SD1

INTRODUCED BY: Senate Committees on Water and Land and Energy, Economic Development, and Tourism

EXECUTIVE SUMMARY: Establishes within the Department of Land and Natural Resources a visitor green fee program to collect a fee to allow visitors to visit a state park, beach, state-owned forest, hiking trail, or other state-owned natural area. Establishes the environmental legacy commission to allocate the revenues from the visitor green to protect and manage Hawaii's natural resources. Establishes the Visitor Green Fee Special Fund. Appropriates moneys.

SYNOPSIS: Adds a new part to chapter 171, HRS, to establish a visitor green fee program.

Defines a "resident of Hawaii" as an individual who has: (1) Filed or paid state income taxes for the previous tax year; or (2) Established domicile in the State, as evidenced by documentation showing the individual's address, including any of the following: (A) A valid Hawaii driver's license; (B) A valid Hawaii state identification card; (C) A valid school identification card; or (D) Any other official document issued to the individual within the last thirty days by a government agency, financial institution, insurance company, or utility company in the State.

Defines a "visitor" as a person who is not a resident of Hawaii.

Requires visitors to pay a visitor green fee of $___ to obtain a license to visit a state park, beach, state-owned forest, hiking trail, or other state-owned natural area on state-owned land. Civil fines up to $_____ may be applied to visitors who visit such a resource without a license.

Establishes a special fund into which visitor green fees will be deposited.

EFFECTIVE DATE: July 1, 2050.

STAFF COMMENTS: This fee may be subject to challenge as unconstitutional. The Privileges and Immunities Clause of the U.S. Constitution requires that "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." Although it has been held that a state may treat out-of-state residents differently in some situations, such as in granting licenses for recreational hunting, *Baldwin v. Fish & Game Commission of Montana,* 436 U.S. 371 (1978), the Court indicated that the result may be different when the nonresident is not given access to any part of the State to which they may seek to travel. *Id.* at 388. This is because the Court has recognized that the Constitution protects the right of citizens of the United States to travel freely throughout the land.

"We are all citizens of the United States," the Court stated in *Crandall v. Nevada,* 75 U.S. 35 (1867), "and as members of the same community must have the right to pass and repass through every part of it without interruption, as freely as in our own states. And a tax imposed by a state for entering its territories or harbors is inconsistent with the rights which belong to citizens of other states as members of the Union and with the objects which that Union was intended to attain. Such a power in the states could produce nothing but discord and mutual irritation, and they very clearly do not possess it."

For these reasons we are concerned that the State is without power to limit access of visitors to places where residents are allowed.

We also note some incongruities in the definition of "resident" offered in the bill. The bill calls a person a resident if that person filed a Hawaii tax return; nonresidents file Hawaii tax returns too. The bill also allows a person to be classified as a resident if they have a utility bill or similar document showing a Hawaii address; the Hawaii address could be that of a second or third home.

Digested: 2/20/2022

Sign-on Letter in Support of Hawai‘i Green Fee Program

February 16, 2022

Aloha,

The organizations shown above and listed below are writing **in support of legislation to create a visitor green fee program** administered by the Department of Land and Natural Resources (DLNR), establish a special fund and commission to direct use of the fees collected, and for portions of the fund to support grants to non-profit and other organizations working to protect and restore Hawai‘i’s natural resources.

There is a critical need for additional and scaled revenue to protect, restore, and enhance Hawai‘i’s irreplaceable natural resources, including our oceans, reefs, beaches, forests, and streams. While our visitor industry plays a substantial role in our State economy, the 10 million visitors to our islands each year exact a heavy toll on our natural resources. These resources are invaluable to the livelihoods of our local residents and integral drivers of our statewide economy as well as our visitor industry. **This is why over two-thirds of Hawai‘i voters support implementing a visitor green fee to fund the protection of natural and cultural resources.**

Hawai‘i’s total conservation funding gap has been estimated at $360 million annually. These unfunded programs protect the watersheds that generate our islands’ only source of fresh drinking water, the reefs that protect more than $830 million worth of coastal infrastructure each year and generate $13.4 million annually in local fisheries benefits, and other critical natural resources that provide priceless economic, recreational, and cultural values to residents and visitors to our islands.

A visitor green fee program presents an opportunity to finance the protection and restoration of these irreplaceable natural and cultural resources, create hundreds of jobs for local residents, and secure a healthy environment for future generations. **With an estimated 10 million visitors annually, a $50 per visitor green fee could generate $500 million in conservation revenue each year.**

A transformational investment in Hawai‘i’s natural resources through a visitor green fee program provides a pathway to build environmental and economic resilience for our local communities and our

visitor industry. By investing in our environment today, we can ensure that residents and visitors are able to enjoy our incomparable natural environment and island lifestyle for decades to come.

These organizations support taking care of our environment so it can continue to nourish and care for us and future generations:

1. Conservation International
2. Kanu Hawaiʻi
3. Kupu
4. Surfrider Foundation Hawaiʻi
5. The Nature Conservancy
6. Hawaiʻi Alliance for Community-Based Economic Development (HACBED)
7. Sustainable Coastlines Hawaiʻi
8. Hawaiʻi Reef and Ocean Coalition
9. Hawaiʻi Forest & Trail
10. Trust for Public Land
11. Hawaiʻi Alliance for Progressive Action (HAPA)
12. Hawaiʻi Youth Climate Coalition
13. Zero Waste Oʻahu
14. Wastewater Alternatives & Innovations (WAI)
15. National Tropical Botanical Garden
16. Young Progressives Demanding Action
17. Climate Protectors Coalition
18. The Conservationist Collective
19. Pono Hawaiʻi Initiative
20. Kua'āina Ulu 'Auamo (KUA)
21. Wild Kids

Mahalo for your commitment to protecting Hawaiʻi's priceless natural assets, and please reach out with any questions.
aloha@hawaiigreenfee.org

SB-3192-SD-1
Submitted on: 2/21/2022 11:23:46 AM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Arwen Revere	Testifying for Wild Kids	Support	No

Comments:

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee,

My name is Arwen Revere and I'm a high school student from Kailua and a member of the environmental organization Wild Kids, who I am representing today. Wild Kids is in strong support of SB 3192, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), and establish a fund and commission to direct use of the fees collected transparently. Overall, we believe that this green initiative would be extremely beneficial for our environment.

Hawai'i's natural resources are vital to sustaining our way of life and, most of our industries, including tourism. Without Hawai'i's iconic natural resources such as our forests and beaches, tourism would drop dramatically. The impacts of visitors, climate change, and localized threats to our ecosystems are becoming extremely detrimental.

Having an innovative funding stream such as one suggested in SB 3192 to fund the critical conservation efforts that are needed to support Hawai'i's ecosystems and keep them healthy. Wild Kids believes that we need sustainable tactics to protect the islands for future generations to enjoy. This includes the future of industries that depend on Hawai'i as a visitor destination. A visitor green fee program could provide methods to build environmental and economic resilience for our local communities. We believe that this green fee would be highly effective, as we have seen in other island communities such as Palau. Please invest in protecting our environment today, so we can ensure that residents and visitors are able to enjoy it for years to come. We urge you to please protect these islands for our keiki.

Thank you for hearing our testimony. We appreciate your consideration of our view on this important matter.

Arwen Revere, on behalf of Wild Kids

SB-3192-SD-1
Submitted on: 2/21/2022 6:48:23 PM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Danya Weber	Testifying for Laulima Conservation LLC	Support	No

Comments:

Aloha e to Chairs Inouye and Wakai, Vice Chairs Keith-Agaran and Misalucha, and Members of the Committees:

Laulima Conservation LLC is testifying in strong support of SB 3192 in hopes of establishing a visitor green fee program to care for the precious native species and ecosystems that are unique to Hawaiʻi. Hawaiʻi is the endangered species capital and extinction capital of the world, and we must collectively do all we can to preserve the delicate flora and fauna that remain. My business focuses on representation and celebration of native Hawaiian flora and fauna. I have seen increasing interest in wildlife conservation and ecosystem restoration since my business began in 2017, signaling a growing desire of the public to protect our natural areas and native species.

Moreover, our beaches, parks, reefs, forests, hiking trails, and other natural resources are paramount to sustaining our way of life and, similarly, our economic engine. These resources are intertwined with our visitor sector, as the tourism economy depends on Hawaiʻi's iconic natural resources. However, our home is facing escalating visitor impacts, climate change, and localized threats to our ecosystems. It's been estimated that we currently face a conservation funding gap of $360 million per year.

SB 3192 would establish an innovative funding stream to support the critical conservation efforts needed to maintain Hawai'i as a healthy, sustainable region for future generations to enjoy, as well as a visitor destination. A transformational investment in Hawaiʻi's natural resources through a visitor green fee program provides a pathway to build environmental and economic resilience for our local communities and our visitor industry. By investing in our environment today, we can ensure that residents and visitors are able to enjoy our incomparable natural environment and island lifestyle for decades to come.

Mahalo for the opportunity to testify,

Danya Weber

Owner, Laulima Conservation LLC

The Nature Conservancy
Hawai'i and Palmyra

The Nature Conservancy - Hawai'i and Palmyra
923 Nu'uanu Avenue
Honolulu, HI 96817

Tel (808) 537-4508
Fax (808) 545-2019
nature.org/hawaii

Testimony of The Nature Conservancy
In Support of SB 3192 SD1, Relating to Natural Resources Management.

Committee on Ways and Means
February 24, 2022, 10:00 am
Conference Room 211 via Videoconference

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committees:

The Nature Conservancy (TNC) supports SB 3192 SD1, Relating to Natural Resources Management, which establishes within the Department of Land and Natural Resources (DLNR) a visitor green fee program to collect funds and allow non-residents to visit a state park, beach, forest, hiking trail, or other state-owned natural area. The bill also establishes the environmental legacy commission to allocate the revenues from the visitor green fee to protect and manage Hawai'i's natural resources, including grants to non-profit and other organizations.

SB 3192 SD1 would establish an innovative funding stream to support the critical conservation efforts needed to maintain Hawai'i as a healthy, sustainable home for future generations, as well as a world-class visitor destination. Our natural resources sustain our way of life, feed our families, and drive our local economy. Although Hawai'i's natural beauty is a top tourist attraction, conservation efforts receive less than 1% of the state's annual budget. A green fee could help close Hawai'i's conservation funding gap, which has been estimated at $360 million annually.

A January 2022 poll[i] showed that Hawai'i voters overwhelmingly agree that tourists should pay their fair share to maintain and manage natural and cultural resources. Fully 88% of voters – nearly nine out of ten – agree with this assertion, and nearly two-thirds (63%) "strongly agree." The poll also showed that two-thirds of Hawai'i voters support a $50 per person green fee for visitors who use state and county beaches, parks and trails to fund programs to protect and restore land, water, wildlife and cultural resources impacted by tourism. There was also widespread support for funding management activities included in the bill, such as conservation of coral reefs and native forests.

Hawai'i's people and natural resources are being directly affected by climate change. We are experiencing increased flooding, coastal erosion, sea level rise, coral bleaching, loss of native forest, rising temperatures, increased threats of extinction for endangered species, and other impacts from the changing climate. DLNR and organizations like TNC are working to protect and restore our islands' critical natural resources. Additional funding is needed to maintain and increase the pace and scale of these conservation efforts to offset the growing impacts from climate change. The green fee in SB 3192 SD1 would allow for more sustained funding to scale efforts and address our conservation needs while supporting the development of green jobs to conserve and manage our natural resources without increasing fees or taxes on residents.

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A transformational investment in Hawai‘i’s natural resources through a visitor green fee program is required to build environmental and economic resilience for our local communities and our visitor industry. By investing in our environment today, we can ensure that residents and visitors are able to enjoy our incomparable natural environment and island lifestyle for generations to come.

Mahalo for the opportunity to support SB 3192 SD1.

The Nature Conservancy of Hawai‘i and Palmyra is a non-profit organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai‘i and Palmyra Atoll. We manage 40,000 acres in 13 nature preserves and work in over 50 coastal communities to help protect and restore the nearshore reefs and fisheries of the main Hawaiian Islands. We forge partnerships with government, private parties, and communities to protect forests and coral reefs for their ecological values and for the many benefits they provide to people.

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[i] Fairbank, Maslin, Maullin, Metz & Associates (FM3) recently completed a survey of Hawai'i voters to assess their views on a range of environmental issues, including support for a $50 fee collected from visitors to be used to protect and restore land, water, wildlife, and cultural resources that are impacted by tourism (sometimes referred to as a "green fee"). From Jan. 16-30, 2022, FM3 completed 1,088 online and telephone (landline and wireless) interviews with Hawai'i voters; this is inclusive of 720 interviews statewide as well as oversamples on key neighbor islands. The margin of sampling error for the study is +/-4.0% at the 95% confidence level; margins of error for population subgroups within the sample will be higher. Due to rounding, not all totals will sum to 100%. The study was funded by The Nature Conservancy, Resources Legacy Fund, and Trust for Public Land. A memo summarizing poll results is available upon request.

Senate Committees on Ways and Means

Thursday, February 24th, 2022, 10:00a.m. Conference Room 211

Hawai'i Alliance for Progressive Action Supports: SB3192 SD1

Aloha Chairs Dela Cruz, Vice Chairs Keith-Agaran and Members of the Committee,

On behalf of the Hawai‘i Alliance for Progressive Action (HAPA) I am submitting testimony in support of SB3192 SD1.

SB3192 SD1 establishes within the Department of Land and Natural Resources a visitor green fee program to collect a fee to allow visitors to visit a state park, beach, state-owned forest, hiking trail, or other state-owned natural area. The bill also establishes the environmental legacy commission to allocate the revenues from the visitor green to protect and manage Hawaii's natural resources.

HAPA supports this measure because we believe our natural and cultural resources are the backbone of our visitor industry. Green fee models and environmental licenses are successfully used across the world to address the environmental impacts of heavy stressors on ecosystems due to visitor traffic.

SB3192 SD1 would establish an innovative funding stream to support the critical conservation efforts needed to maintain Hawai'i as a healthy, sustainable region for future generations to enjoy, as well as a visitor destination.

Our beaches, parks, reefs, forests, hiking trails, and other natural resources are paramount to sustaining our way of life and, similarly, our economic engine. These resources are intertwined with our visitor sector, as the tourism economy depends on Hawai‘i's iconic natural resources. However, our home is facing escalating visitor impacts, climate change, and localized threats to our ecosystems. It's been estimated that we currently face a conservation funding gap of $360 million per year.

A transformational investment in Hawai‘i's natural resources through a visitor green fee program provides a pathway to build environmental and economic resilience for our local communities and our visitor industry. By investing in our environment today, we can ensure that residents and visitors are able to enjoy our incomparable natural environment and island lifestyle in the future.

Please pass SB3192 SD1.

Mahalo for your consideration,

The Hawai‘i Alliance for Progressive Action (HAPA) is a public non-profit organization under Section 501(c)(3) of the Internal Revenue Code. HAPA's mission is to catalyze community empowerment and systemic change towards valuing ‘aina (environment) and people ahead of corporate profit.

Anne Frederick

Executive Director

The Hawai‘i Alliance for Progressive Action (HAPA) is a public non-profit organization under Section 501(c)(3) of the Internal Revenue Code. HAPA’s mission is to catalyze community empowerment and systemic change towards valuing ‘aina (environment) and people ahead of corporate profit.

HACBED

Hawai'i Alliance for Community-Based Economic Development
1575 South Beretania Street, Suite 211 Honolulu, HI 96826
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Email info@hacbed.org www.hacbed.org

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Executive Director

Merri Keli'ikuli
Office Manager & Program Support

Corin Thornburg
Community-Based Economic Development Project Associate

Date: February 9, 2022
To: Senator Donovan M. Dela Cruz, Chair, Senator Gilbert S.C. Keith-Agaran, Vice-Chair, and members of the Committee of Ways and Means
From: Brent Kakesako, Hawai'i Alliance for Community-Based Economic Development (HACBED)
Re: Support for SB 3192 SD 1

Aloha e Chair Dela Cruz, Vice-Chair Keith-Agaran, and Committee Members,

The Hawai'i Alliance for Community-Based Economic Development (HACBED) supports SB 3192 SD 1, which establishes within the Department of Land and Natural Resources a visitor green fee program to collect a fee to allow visitors to visit a state park, beach, state-owned forest, hiking trail, or other state-owned natural area and the environmental legacy commission to allocate the revenues from the visitor green to protect and manage Hawaii's natural resources.

HACBED was established in 1992 as a nonprofit statewide intermediary to address social, economic, and environmental justice concerns through community-based economic development and asset building strategies. It advances its mission with core competencies in the areas of community and organizational capacity building, community and economic development planning, and asset policy development and advocacy. Over time, what has rung true across the different communities HACBED has been blessed to support is the importance of choice and control in the lives of families across the state to achieve their vision for genuine wealth – and this is an opportunity to provide sustainable livelihoods grounded in this place. SB 3192 SD 1would help till the $360 million/year gap in conservation funding to address climate change impacts. Studies have also demonstrated huge support from both visitors and residents for a green fee. For example, the *Star-Advertiser* reported on February 9, 2022, that 70% of volunteers support charging tourists fees to certain stat parks.

The COVID-19 situation has revealed the critical need to diversify our economy, build a more responsible tourism sector, and provide place-based careers for residents. SB 3192 SD 1 provides an opportunity to begin to shift our economy by centering on our 'āina and our people.

Mahalo for this opportunity to testify,

Brent N. Kakesako
Executive Director
Hawai'i Alliance for Community-Based Economic Development

SB-3192-SD-1
Submitted on: 2/23/2022 8:24:40 AM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ted Bohlen	Testifying for Hawai‘i Reef and Ocean Coalition	Support	No

Comments:

To: The Honorable Donovan Dela Cruz, Chair, The Honorable Gilbert Keith-Agaran, Vice Chair, and Members of the Senate Committee on Ways and Means

From: Hawai‘i Reef and Ocean Coalition (by Ted Bohlen)

Re: Hearing: SB3192 **SD1 RELATING TO NATURAL RESOURCE MANAGEMENT.**

Hearing: Thursday, February 24, 2022, 10:00 a.m., Rm. 211 and by videoconference

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Senate Committee on Ways and Means:

The Hawai‘i Reef and Ocean Coalition is a group formed in 2017 of coral scientists, educators, legislators, filmmakers, and advocates focused on protecting coral reefs and other marine life. The **Hawai‘i Reef and Ocean Coalition STRONGLY SUPPORTS this bill as a way to fund protection of our natural resources, but proposes one amendment!**

Visitors to Hawaii are loving our 'aina to death! Visitors enjoying Hawaii's beautiful natural resources take a toll on our parks, beaches, forests, trails, and other State-owned natural resource areas. These areas must be protected and maintained, which is expensive. The costs of protection, upkeep, and maintenance that are not charged to visitors will otherwise fall on taxpayers. Or worse, the resources will not be maintained for lack of funding and be degraded.

It is time to restore some fairness to the funding of natural resource conservation! This bill will facilitate charging visitors for some of the costs of maintaining Hawaii's natural resources.

One amendment: The bill should be amended throughout to refer to a "visitor impact fee." This reflects the bill's purpose better than a "green fee," which implies broader application to all visitors, not just those who use the natural resource venues.

Please pass this bill with this amendment!

Mahalo!

Hawai‘i Reef and Ocean Coalition (by Ted Bohlen)

LATE

MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

HEARING BEFORE THE SENATE COMMITTEE ON
WAYS AND MEANS
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 211
THURSDAY, FEBRUARY 24, 2022 AT 10:00 A.M.

To The Honorable Senator Donovan M. Dela Cruz, Chair
The Honorable Senator Gilbert S.C. Keith-Agaran, Vice Chair
Members of the committee on Ways and Means

SUPPORTING SB3192 RELATING TO NATURAL RESOURCE MANAGEMENT

The Maui Chamber of Commerce **supports SB3192** which establishes within the Department of Land and Natural Resources a visitor green fee program to collect a fee to allow visitors to visit a state park, beach, state-owned forest, hiking trail, or other state-owned natural area. Establishes the environmental legacy commission to allocate the revenues from the visitor green to protect and manage Hawaii's natural resources.

The Chamber supports these fees as they are not fees imposed on residents for their use of our natural resources and it is imposed on only the visitors who use those resources. We support the duties of the Environmental Legacy Commission to allocate moneys deposited in the fund for direct expenditure by state agencies and for grants for projects that directly restore, enhance, and protect in perpetuity state-owned natural resources and its unique and fragile ecological status.

For these reasons we respectfully request that SB3192 be passed.

Sincerely,

Pamela Tumpap

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

62 North Market St., Suite 302, Wailuku, Hawaii 96793 808-244-0081 legislation@MauiChamber.com MauiChamber.com

LATE

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HE TRUST FOR PUBLIC LAND'S TESTIMONY SUPPORTING SB 3192 SD1
RELATING TO NATURAL RESOURCES MANAGEMENT

Senate Committees on Ways & Means
Thursday, February 24, 2022, 10:00 a.m.
Conf. Rm. 210 & Videoconference

The Trust for Public Land strongly supports SB 3192 SD1. The bill proposes to establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR) via a mobile application and website. The revenues from the green fees would be used to steward and manage Hawaiʻi's natural and cultural resources.

Although Hawaiʻi's natural and host culture attracts over 10 million visitors a year in non-pandemic times, the State's management and protection of cultural and natural resources is sorely underfunded -- receiving less than 1% of the state's annual budget. DLNR struggles to manage a tremendous kuleana – its Natural Area Reserves, Forest Reserves, parks, trails, historic sites and monuments, and unencumbered state land. Hawaiʻi suffers from a significant conservation funding gap estimated at $360 million annually. Meanwhile – coral reefs are dying, trails are overcrowded, cultural sites are being damaged, parks are deteriorating, watersheds are threatened, and fish stocks are declining. Residents feel overwhelmed by the overuse of and damage to the special places they and their families once enjoyed, and to which many families have genealogical connections.

With an estimated 10 million tourists visiting our islands annually in non-pandemic times, a $50 per person green fee could generate $500 million in conservation revenue each year, creating local green jobs and protecting Hawaiʻi's irreplaceable natural and cultural resources, including the forested watersheds that generate the islands' only source of fresh drinking water and the reefs that protect more than $830 million worth of coastal infrastructure each year, according to a USGS report.

A recent survey conducted by FM3 (95% confidence level), found that Hawai'i voters overwhelmingly agree that tourists should pay their fair share to maintain and manage natural and cultural resources. Fully 88% of voters – nearly 9 out of 10 – agree with this assertion and nearly two-thirds (63%) "strongly agree." The survey also found two thirds of Hawaiʻi voters support a $50 per person "green fee" for visitors who use state and county beaches, parks and trails to fund programs to protect and restore land, water, wildlife and cultural resources impacted by tourism.

Mahalo for this opportunity to testify. I apologize that I will not be able to attend the hearing in person or virtually due to a scheduling conflict.

Me ke aloha,

Lea Hong

Lea Hong, State Director, Edmund C. Olson Trust Fellow

HAWAI'I LODGING & TOURISM ASSOCIATION

LATE

Testimony of
Mufi Hannemann
President & CEO
Hawai‘i Lodging & Tourism Association

Senate Committee on Ways & Means
Senate Bill 3192, SD1: Relating to Natural Resource Management
February 24, 2022

Chair Dela Cruz, and members of the Committee, mahalo for the opportunity to submit testimony on behalf of the Hawai‘i Lodging & Tourism Association, the state's largest private sector visitor industry organization.

The Hawai‘i Lodging & Tourism Association—nearly 700 members strong, representing more than 50,000 hotel rooms and nearly 40,000 lodging workers—would like to offer comments on Senate Bill 3192, SD1 and better explain our position on green fees versus impact fees.

While many could argue similarities between green and impact fees, previous legislative proposals have drawn a clear divide in that green fees are applied flatly to all visitors while impact fees are applied for use of an attraction or natural resource to offset the impact created by the visitor to that specific place. HLTA's longstanding position has been that we **oppose** the enactment of broad green fees but **support** impact fees provided that certain conditions are met.

We point to Hanauma Bay as a working model for impact fees. While a member of the Honolulu City Council in the 1990's, my colleagues and I instituted the following policies:

- An entry fee for all nonresidents
- A maximum of 3,000 visitors to the bay each day
- Closing the bay one day each week to allow the resource to rest and recover
- A $1 parking fee for both residents and nonresidents
- Development of an educational program that highlighted the importance of Hanauma Bay and ongoing conservation efforts
- The establishment of the Hanauma Bay Fund where all collected fees would be pooled

In addition to the impact fee that was charged to all nonresident visitors to Hanauma Bay, the most significant policy change was the creation of the special fund in which all collected monies were deposited. The Hanauma Bay Fund ensured that impact fees could not be relegated to the City's General Fund and provided oversight and transparency regarding the use of said funds through The Friends of Hanauma Bay, a nonprofit that is dedicated to the protection of the Hanauma Bay nature preserve.

HLTA maintains that any impact fee must remain separate from any governmental general fund and that these funds must be used to protect, rehabilitate, and improve the resource at which it was

collected. This ensures that our natural resources will retain their beauty and health while providing assurance to any visitor that they can return in the future and see improvements to the resource itself.

While the proposed measure does establish the Visitor Green Fee Special Fund and the Environmental Legacy Commission to allocate these funds, we feel that clearer language is necessary. In future drafts, we would like to see guarantees that funds will be protected from deposit into the State's General Fund and a framework to allocate the monies to the State parks most in need.

Mahalo for the opportunity to provide these comments.

LATE

KONO
KA LEO O NĀ 'ŌPIO

February 23, 2022
Senator Donovan M. Dela Cruz
Chairman, Senate Committee on Ways and Means,

Re: Testimony in **Support of SB3192 SD1**

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and the members of the Committee on Ways and Means,

Mahalo for the opportunity to submit testimony on behalf of Ka Leo O Nā ‘Opio, a collaboration of individuals and organizations dedicated to Native Hawaiian youth civic engagement.

Our ‘ōpio advocacy team is **testifying in support** of this SB3192. One of the biggest barriers to protecting our native species and environments is a lack of awareness and funding for conservation and management.

As an example, threatened and endangered birds in the continental US receive an average of 20x more state and federal resources than listed species of birds here in Hawai‘i. One species from the 1990s to the early 2000s, the red-cockaded woodpecker, received more funding than all of the over 30 species of listed birds in Hawai‘i combined.

Hawai‘i also has more than 400 plants that have fewer than 50 individuals remaining, critically imperiled snails and invertebrates, and ongoing heavy impacts from invasive species.

SB3192 takes a tried and proven method of supporting natural resources around the world and here in Hawai‘i. A great example is the recent visitor fee increases at places like Diamond head expected to raise over 12 million by the end of this fiscal year. These rate increases did not turn away visitors and have generated funding to significantly improve the health and wellbeing of these important natural places. SB3192 is inclusive, takes advantage of existing frameworks to establish accountability, and fills a critical need to restore our native ecosystems.

Mahalo again for the opportunity to provide this testimony and we urge you to pass this bill.

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LATE

February 24, 2022

Senator Donovan Dela Cruz,
Chair of the Ways and Means Committee

Senator Gil Keith-Agaran, Vice-Chair of the Ways and Means Committee

RE: Testimony in support of SB 3192, SD1, Relating to Natural Resource Management

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and committee members,

On behalf of Resources Legacy Fund (RLF), we are writing in support of SB 3192, SD1, relating to natural resource management, which establishes within the Department of Land and Natural Resources (DLNR) a program to collect a fee from visitors who visit a state park, beach, state-owned forest, hiking trail, or other state-owned natural area.

SB 3192, SD1, will enable the State of Hawai‘i to invest hundreds of millions of dollars to protect and restore our natural resources for the enjoyment of present and future generations, while creating jobs for Hawai‘i residents. The bill assesses a reasonable fee on tourists who visit state-owned beaches, parks, and trails to raise new funding for protecting and restoring Hawai‘i’s reefs, beaches, native forests, and other significant environmental resources. The revenues would provide significant benefits to each island. The fee would not be charged to Hawai‘i residents.

Nearly two-thirds of Hawai‘i voters support establishing a $50 annual “green fee” that tourists would pay to offset impacts caused to Hawai‘i’s natural resources, according to a recent poll (see attachment).

Hawai‘i residents already contribute to the protection and management of our natural resources through taxes. The “green fee” will provide benefits that go beyond what general funds are currently able to support. Projects funded by green fees can offer people a unique opportunity to foster environmental change, and can be part of a broader strategy that acts as positive reinforcement for tourists to be more conscientious. [1, 2]

Hawai‘i is an opportune place to adopt a green fee program because of the way the natural environment is integrated into the visitor experience. Visitor green fees have been successfully implemented at other visitor destinations around the world, including the Galapagos Islands, New Zealand, and Palau. In addition, a visitor green fee program would indirectly support economic diversification by creating new public and private jobs.

SB 3192,SD1, provides you with an opportunity to protect Hawai‘i’s magnificent natural resources for present and future generations. We respectfully urge you to approve this important legislation.

Thank you for the opportunity to provide testimony in support of this important bill.

Sincerely,
Jocelyn Garovoy Herbert
Senior Program Officer, Resources Legacy Fund

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[1] González-Ramírez, J., Cheng, H., & Arral, S. (2021). Funding Campus Sustainability through a Green Fee—Estimating Students’ Willingness to Pay. *Sustainability,* 13(5), 2528.
[2] Wabnitz, C. C., Cisneros-Montemayor, A. M., Hanich, Q., & Ota, Y. (2018). Ecotourism, climate change and reef fish consumption in Palau: Benefits, trade-offs and adaptation strategies. *Marine Policy*, 88, 323-332.

SB-3192-SD-1
Submitted on: 2/19/2022 9:32:40 PM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Megan Lamson Leatherman	Individual	Support	No

Comments:

Mahalo for the opportunity to testify on bill (**SB3192 SD1**), that appropriates funds and establishes a DLNR "visitor green fee program to collect a fee to allow visitors to visit a state park, beach, state-owned forest, hiking trail, or other state-owned natural area. Establishes the Environmental Legacy Commission to allocate the revenues from the visitor green fee to protect and manage Hawaii's natural resources. Establishes the Visitor Green Fee Special Fund." As I have testified before, I absolutely and wholeheartedly support the proposed senate bill 3192 (SD1) that would create a green user fee for visitors with funding to be used by DLNR to support community management projects. Please expedite the passing of this bill that will help support and ensure future protection and conservation of the natural resources and wild places of Hawai‘i Nei.

Many thanks for your time and consideration.

Best,

Megan Lamson Leatherman, M. Sc.

Honalo, North Kona

SB-3192-SD-1
Submitted on: 2/21/2022 12:12:49 PM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tawn Keeney	Individual	Comments	No

Comments:

Senators of the Ways and Means Committee,

On Thursday, February 24, your committee will hold Decision Making on SB3192 SD1. This **could** be among the most important bills considered in Legislature this year. I had testified against SB3192, however constructive but challenging discussion among the members of the 'Green Fee Task Force' (of which I am the Chair) of the Hawaii Environmental Change Agents group has led me to construct this Testimony. Please consider carefully.

My objections to SB3192 were based on the following (condensation from previous communications) considerations:

1. Air transportation of Visitors to Hawaii accounts for **twice** the global warming emissions as all of Hawaii's domestic emissions combined, which includes ground transportation, electricity generation and refining of petroleum. https://drive.google.com/file/d/1DvLCgMfqCV8PWoLY-aBV4_GrD6u4Ek3m/view?usp=sharing
2. The above fact, which is based on the CO2(e) calculation method for Aviation presented by the IPCC in it's (2021) 6th Assessment Report (Code Red for Humanity) underscores that a Green Fee should be based merely on Visitors flying here, rather than whether they go to the beach or park or trail.
3. It also suggests that the revenues from this fund should be designated toward Carbon sequestration resultant from this CO2(e) emissions burden from tourism here. Furthermore, the necessary adaptation to a sea level rise of 1 foot by 2050 trivializes this bill's (SB3192 SD1) intention to fund restoration of our parks and beaches and trails with the Green Fee. Please see the maps of the coastal inundation zones at 1 foot of sea level rise and the immense resultant economic damage: https://www.pacioos.hawaii.edu/shoreline/slr-hawaii/
4. This fund must be dedicated to mitigation and resilience from Global Warming. The visitors here must assume much of that burden due emissions from their air transport here.
5. To assign the damage from tourism to our parks and trails and beaches limits the propriety of designating a Green Fee proportional to global warming impact of travel here. A $20/night per person TAT fee would generate $1.8 billion if no reduction in visitor numbers occurred. A one time fee as visualized in SB3192 should be at least $100. The Hawaii Tourism Authority has endorsed the idea of reducing the number of budget tourists while continuing to court the 'high end' visitor. HTA has also calculated that the 'average' visitor spends $1800 on their trip to Hawaii. Placing a one time fee at $100 to $200 might diminish the number of visitors slightly, but the residents would find that a desirable outcome.

6. It is assumed that all beaches in Hawaii are 'State Owned'. (If this is not the case please offer explanation.) This then complicates and demands solution to enforcement mechanisms ("I've got to pay to use the beach in front of my hotel?") which must be included in amendments to this bill. Without enforcement mechanisms this Green Fee is essentially voluntary. If it is a trivial fee then voluntary would be sufficient. If the Fee achieves realism as above, 'voluntary' will no longer suffice. The mechanisms described or not described in this bill need to be designated with clarity. Are all visitors going to pin a tag on their swimwear announcing 'Fee Paid'?.

7. A bill as potentially profoundly consequential as this needs to have an imbedded feedback and adjustment mechanism. This feedback and adjustment mechanism needs to be operative on a yearly basis and needs to include a yearly opportunity to adjust the amount of Fee to be charged to visitors. This fee amount should also be under the jurisdiction of the proposed Environmental Legacy Commission for testimony, discussion and recommendations but must be confirmed and enacted by the Legislature and Executive Branch.

There is clearly some disjunction of intent between the description which I have given above and the presumed intent of the authors of this bill. This SB3192 could appropriately be described as a 'small bill' whereas the proposals above presume a 'big bill'. The problem with the 'small bill' is that it has appropriated the mechanism, the Green Fee, that could be used by a much more important bill in the immediate or more extended future. Granted that a more meaningful fee on visitors could be called something else, other than Green Fee, however this bill merely complicates the more important measures which this or a subsequent legislature needs to take to address visitor impact on our climate and environment.

I noticed this statement in my in-box this AM: "Climate scientists say that we have less than 10 years to make the drastic changes needed to avoid a global climate catastrophe."

Mahalo for your consideration,
Tawn Keeney MD

SB-3192-SD-1
Submitted on: 2/21/2022 6:29:23 PM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sherryl Royce	Individual	Support	No

Comments:

I **strongly support** this bill. We and all who come here need to protect and cherish the ‘āina. THis bill will bring in badly needed money to restore and preserve our islands.

Sherryl Royce

SB-3192-SD-1
Submitted on: 2/21/2022 7:27:15 PM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alana Reis	Individual	Support	No

Comments:

I support SB3192 in the creation of a conservation fund benefiting from a Visitor Green Fee, as it is one step in our need to sustainably manage tourism in Hawaiʻi, and it is an agreeable tradeoff, I believe, for those who visit to give back and help us perpetuate our beautiful but fragile ecosystem.

~Kailua Resident

SB-3192-SD-1
Submitted on: 2/21/2022 10:37:21 PM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Andrea Nandoskar	Individual	Support	No

Comments:

Support.

SB-3192-SD-1
Submitted on: 2/21/2022 10:57:03 PM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ana Velasquez	Individual	Support	No

Comments:

Dear ChairDela Cruz, Vice Chair Keith-Agaran, and Members of the Committee on Ways and Means,

My name is Ana Velasquez, I am a marine biology student at the University of Hawai'i and I am testifying in strong support of SB 3192, relating to Natural Resources Management, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish a fund and commission to direct use of the fees collected transparently, and for portions of the fund to support grants to non-profit and other organizations working to protect and restore Hawai‘i’s natural resources.

Our beaches, parks, reefs, forests, hiking trails, and other natural resources are paramount to sustaining our way of life and, similarly, our economic engine. These resources are intertwined with our visitor sector, as the tourism economy depends on Hawai‘i’s iconic natural resources. However, our home is facing escalating visitor impacts, climate change, and localized threats to our ecosystems. It’s been estimated that we currently face a conservation funding gap of $360 million per year.

By approving this bill you would be protecting some of Hawai'i's most treasured enviornments and resources. Please do the right thing and support this bill.

SB-3192-SD-1
Submitted on: 2/22/2022 2:08:59 AM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
marianna	Testifying for Hawaii Green Fee	Support	No

Comments:

Good day. My name is Marianna, I'm from Massachusetts and I am testifying in strong support of SB 3192, Relating to Natural Resources Management, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish a fund and commission to direct use of the fees collected transparently, and for portions of the fund to support grants to non-profit and other organizations working to protect and restore Hawai‘i’s natural resources.

The beaches, parks, reefs, forests, hiking trails, and other natural resources of Hawai'i are paramount to sustaining their way of life and, similarly, their economic engine. These resources are intertwined with Hawai'i's visitor sector, as the tourism economy depends on Hawai‘i’s iconic natural resources. However, Hawai'i is facing escalating visitor impacts, climate change, and localized threats to their ecosystems. It’s been estimated that they currently face a conservation funding gap of $360 million per year.

SB 3192 would establish an innovative funding stream to support the critical conservation efforts needed to maintain Hawai’i as a healthy, sustainable region for future generations to enjoy, as well as a visitor destination. A transformational investment in Hawai‘i’s natural resources through a visitor green fee program provides a pathway to build environmental and economic resilience for local communities and the visitor industry. By investing in the environment today, we can ensure that residents and visitors are able to enjoy our incomparable natural environment and island lifestyle for decades to come.

Nevertheless, I believe that it is our duty as American citizens to acknowledge the impact we have on such ecosystems. We are living on stolen lands and it's only fair that we enact change to sustain and support Hawai'ian communities.

Mahalo for the opportunity to testify,

Marianna Reddick

SB-3192-SD-1
Submitted on: 2/22/2022 2:33:05 AM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
mike brown	Individual	Support	No

Comments:

I, mike brown,am testifying in strong support of SB 3192, Relating to Natural Resources Management, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish a fund and commission to direct use of the fees collected transparently, and for portions of the fund to support grants to non-profit and other organizations working to protect and restore Hawai‘i’s natural resources.

Our beaches, parks, reefs, forests, hiking trails, and other natural resources are paramount to sustaining our way of life and, similarly, our economic engine. These resources are intertwined with our visitor sector, as the tourism economy depends on Hawai‘i’s iconic natural resources. However, our home is facing escalating visitor impacts, climate change, and localized threats to our ecosystems. It’s been estimated that we currently face a conservation funding gap of $360 million per year.

SB 3192 would establish an innovative funding stream to support the critical conservation efforts needed to maintain Hawai’i as a healthy, sustainable region for future generations to enjoy, as well as a visitor destination. A transformational investment in Hawai‘i’s natural resources through a visitor green fee program provides a pathway to build environmental and economic resilience for our local communities and our visitor industry. By investing in our environment today, we can ensure that residents and visitors are able to enjoy our incomparable natural environment and island lifestyle for decades to come.

SB-3192-SD-1
Submitted on: 2/22/2022 4:43:37 AM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shannon Bartlett	Individual	Support	No

Comments:

I am a Hawai'I resident in support of Bill SB3192 SD1. I have only been on O'ahu for 7 years and I have seen such a degradation of some of my favorite hiking trails due to high volumes of tourists not understanding how to hike with a low impact to nature. I have witnessed my favorite beaches full of trash after a busy tourist season.

Passing this bill would not only benefit our natural beauty here, it would ensure that future tourists would be able to appreciate the natural beauty for generations. If we do not take action now we will only continue to lose the specific biodiversity of these islands. This bill would help bring awareness to the uphill battle of keeping our oceans clean, which more tourists would care about if we gave them the opportunity to learn.

We need SB3192 to pass for a sustainable future in Hawai'I.

SB-3192-SD-1
Submitted on: 2/22/2022 7:42:02 AM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brissa Christophersen	Individual	Support	No

Comments:

Testimony in Support of SB 3192, Relating to Natural Resources Management

Aloha Chairs Inouye and Wakai, Vice Chairs Keith-Agaran and Misalucha, and Members of the Committees:

My name is Brissa Kamakaniokekai Christophersen and am currently a Graduate student at the University of Hawai'i Mānoa pursuing a Master's in Environmental Management. I am a Native Hawaiian kama'āina to Maui, and I am testifying in strong support of SB 3192, Relating to Natural Resources Management, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish a fund and commission to direct use of the fees collected transparently, and for portions of the fund to support grants to non-profit and other organizations working to protect and restore Hawaiʻi's natural resources.

Our beaches, parks, reefs, forests, hiking trails, and other natural resources are paramount to sustaining our way of life and, similarly, our economic engine. These resources are intertwined with our visitor sector, as the tourism economy depends on Hawaiʻi's iconic natural resources. However, our home is facing escalating visitor impacts, climate change, and localized threats to our ecosystems. It's been estimated that we currently face a conservation funding gap of $360 million per year.

SB 3192 would establish an innovative funding stream to support the critical conservation efforts needed to maintain Hawai'i as a healthy, sustainable region for future generations to enjoy, as well as a visitor destination. A transformational investment in Hawaiʻi's natural resources through a visitor green fee program provides a pathway to build environmental and economic resilience for our local communities and our visitor industry. By investing in our environment today, we can ensure that residents and visitors are able to enjoy our incomparable natural environment and island lifestyle for decades to come.

Mahalo for the opportunity to testify,

Brissa Christophersen

SB-3192-SD-1
Submitted on: 2/22/2022 9:08:19 AM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shelly Aina	Individual	Support	No

Comments:

SB3192 is less of a "green fee" than it is a "use fee" or usage license for visitors of Hawaiʻi-owned State Parks and Recreation resources. I donʻt disagree that itʻs a positive measure, but it seems more focused on providing DLNR additional funding to maintain these State-owned resources and parks, than it does to address the broader scope of climate-related issues that we face. Support and/or passage of this bill should not detract from the consideration of other legislative measures, now or in the future, that would have a greater impact on directly addressing tourism-related climate issues.

As such, I strongly support the goals of SB3102_SD1, only if the term "green fee" is replaced with "use fee."

In additional, as additional work is done on the bill, I request that it clearly state that Hawaiʻi residents will be excluded from the license requirement. We should not require residents, especially our kanaka maoli, from enjoying their native ʻāina.

Testimony in Support of SB 3192, Relating to Natural Resources Management
Committee on Ways and Means

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee,

My name is Carissa Cabrera, and I've been involved in marine and environmental conservation efforts locally for the past seven years. Today, I am testifying in an individual capacity strong support of SB 3192, Relating to National Resources Management, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish a fund and commission to direct use of the fees collected, and disburse funds to support state programs and community grant programs working to protect and restore Hawai'i's natural resources.

I've had the privilege of being part of the Hawai'i Green Fee initiative for the past year. Hawai'i faces unique and escalating impacts from the visitor sector, coupled with the escalating impacts of climate change and localized threats to our native ecosystems. SB 3192, as it stands, is our most comprehensive pathway to a program that bridges our conservation funding gap, gives back to our communities, and preserves our economic and ecological resources in perpetuity.

In Hawai'i, our natural and cultural resources are irreplacable, and found nowhere else in the world. In addition to DLNR, there are impactful community groups doing the needed conservation work, yet underfunded. A grant program supported by visitor green fee funds is a critical part to effective conservation that empowers our local communities to build and manage environmental projects, as well as provides pathway to green careers. **I urge the committee to preserve the community grant program alongside state-managed programs.**

I have been managing community outreach and media for green fee program for nearly a year now. The community support this program is contigent upon a transparency and accountability mechanism for funding oversight. **For this reason, I support the visitor green program to include the Environmental Legacy Commission, made up of members outlined in SB 3192 as it stands.**

I want to thank the committee for hearing this bill and my testimony today. The resources at stake are paramount to Hawai'i, and deeply intertwined with our way of life. SB 3192 is a clear pathway to protecting, restoring, and enhancing Hawai'i for our local communities and the visitors we share it with.

Mahalo for the opportunity to testify,

Carissa Cabrera

Carissa Cabrera

SB-3192-SD-1
Submitted on: 2/22/2022 11:02:27 AM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jonathan Wong	Individual	Support	No

Comments:

I support this bill. It's time tourists kick in their fair share to manage the costs they put upon our natural resources

SB-3192-SD-1
Submitted on: 2/22/2022 12:10:49 PM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cara Oba	Individual	Support	No

Comments:

Let's encourage awareness and shift towards more sustainable tourism!

SB-3192-SD-1
Submitted on: 2/22/2022 2:16:21 PM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Josh Stanbro	Individual	Support	No

Comments:

Aloha Chair Dela Cruz and members of the Committee,

I strongly support SB3192 SD1 and believe that it is high time to pass this popular bill and protect the natural resources that make Hawaii a special place to raise our families.

Mahalo!

Donovan Dela Cruz, Chair
Gilbert Keith-Agaran, Vice Chair
Committee on Ways and Means

RE: **Thursday, February 24, 2022, Committee on Water and Land and Committee on Energy, Economic Development, and Tourism Meeting in Support of SB 3192**

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committees:

My name is Evan Miyaki, Jr. and I am testifying in support of SB 3192. A green fee is necessary to protect Hawai‘i’s natural resources and to fill the estimated $360 million per year conservation funding gap. This funding can be used to further several management initiatives such as the Holomua Marine 30x30. Currently, less than 1% of the State budget is used to fund conservation.

Visitors need to start paying their fair share in protecting Hawai‘i’s natural resources. Thousands of tourists enjoy our ocean, beaches, and trails each day but do not contribute to their upkeep. At some locations, tourists outnumber locals. Yet, their impact on the environment is not accounted for. Poor management of natural resources popular with visitors can impact the visitor industry- why fly to Hawai‘i if the beach is dirty or if the trails are poorly maintained?

Locals suffer the most from visitor impacts on natural resources. The people of Hawai‘i utilize Hawai‘i’s beaches, parks, reefs, forests, hiking trails, and other natural resources for cultural, spiritual, recreational, health, and economic benefits. As an avid hiker and beachgoer, I understand and witness the impact that high usage has on trails and beaches. Adequetely funded management is needed to mitigate impact and preserve our natural resources.

Mahalo for the opportunity to testify,

Evan Miyaki, Jr.

SB-3192-SD-1
Submitted on: 2/22/2022 2:50:47 PM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shannon McClish	Individual	Support	No

Comments:

Aloha Chair, Vice Chair, and Members of the Committees:

My name is Shannon McClish adn I am testifying in strong support of SB 3192, Relating to Natural Resources Management, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish a fund and commission to direct use of the fees collected transparently, and for portions of the fund to support grants to non-profit and other organizations working to protect and restore Hawai‘i’s natural resources.

Care for Hawai'i's sacred natural rescources is essential for a sustainable and positive future for everyone who lives on the lands and waters of Hawaii and those who visit. Establishment of a green fee is a necessary and long overdue step toward caring for the aina. This fee is especially necessary as increased visitor impacts, climate change, and irresponsible systems threaten our ecosystems. SB 3192 would be a transformational investment in Hawai‘i’s natural resources, for today and for the future.

Mahalo for the opportunity to testify,

Shannon McClish

SB-3192-SD-1
Submitted on: 2/22/2022 3:14:50 PM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Elizabeth Benyshek	Individual	Support	No

Comments:

Aloha,

I am writing to express my strong support for SB3192 SD1, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish a fund and commission to direct use of the fees collected transparently, and for portions of the fund to support grants to non-profit and other organizations working to protect and restore Hawai‘i’s natural resources.

Thank you for your time and consideration,

Elizabeth Benyshek

Chair, Surfrider Foundation O‘ahu Chapter

Testimony in Support of SB 3192, Relating to Natural Resources Management
Committee on Ways and Means

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee,

My name is Dr. Jack Kittinger, and I am testifying as an individual in strong support of SB 3192, Relating to National Resources Management, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish a fund and commission to direct use of the fees collected, and disburse funds to support state programs and community grant programs working to protect and restore Hawai'i's natural resources.

I have personally spear-headed an initiative focused on establishing a visitor green fee here in Hawai'i for 5 years. Working with a set of partners from the conservation and tourism sectors, we have assess and develop the key policy, legal, and financing elements for a Hawai'i-based visitor green fee program. As written, **SB 3192 would establish a comprehensive visitor green fee program that increases our conservation funding, creates green jobs in our communities, and preserves our natural resources for future generations.**

The visitor green fee program that SB 3192 establishes will help us protect and manage our natural resources and the economic lifeblood that our "green infrastructure" creates for local residents and the visitor sector alike. Further, SB 3192 can enable our community groups, such as nonprofit organizations and DLNR, to scale the important work already being done to meet our current challenges of climate change. **I urge the committee to preserve funding allocation toward nonprofits organizations alongside DLNR and state-managed programs in SB 3192.**

Through my work as a conservation professional for over 15 years, I've had the privilege to observe visitor green fee programs in other areas of the world. The success of these programs, including the support of the visitor themselves, is contigenet upon an accountability check within the program. **For this reason, I support the visitor green program to include the Environmental Legacy Commission, made up of members from sectors at hand.**

I want to thank the committee for hearing this bill and my testimony today. The resources at stake are paramount to Hawai'i, and deeply intertwined with our way of life. SB 3192 is a clear pathway to protecting, restoring, and enhancing Hawai'i for our local communities and the visitors we share it with.

Mahalo for the opportunity to testify,

Dr. Jack Kittinger

SB 3192 SD 1 TESTIMONY

To: Senate Committee on Ways and Means
Decision Making on Feb. 24, 2022 at 10:00 a.m.

From: John Kawamoto

Position: Support

Hawaii is known worldwide for its natural beauty, which attracts millions of visitors each year. In experiencing Hawaii's natural beauty, many visitors contribute to the degradation of the environment. They should also contribute to help preserve it. This bill assesses a fee on visitors when they visit a park, beach, forest, or other State-owned natural area, with the revenues used to preserve and maintain Hawaii's natural resources. Many efforts are needed to maintain a clean, healthy environment, and this is one of them.

SB-3192-SD-1
Submitted on: 2/22/2022 9:31:04 PM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kaili Kosaka	Individual	Support	No

Comments:

Aloha,

I am writing to express my deep support for SB3192.

I am keiki o ka aina.
For too long we've let tourism and over population destroy our home. The increase in visitors every year puts a tremendous strain on our resources and degrades the quality of life for those that live here. It is clear that resource degradation is directly tied to the number of people in our islands. It is also clear that lack of funding has led us down a dark path towards an unsustainable future.

I see the Green Fee as a important step in helping to reverse some of the damage from years of mismanagement of our resources. We need more funding for conservation organizations, we need to invest in our infrastructure (resident and visitor) and we need full transparency in where additional funds from the Green fee are being directed. Other countries charge much more for similar programs and reap wonderful benefits from a symbiotic relationship with tourism.

Please help to push this legislation and be a part of the solution!

SB-3192-SD-1
Submitted on: 2/22/2022 10:27:42 PM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kapulei Flores	Individual	Support	No

Comments:

Aloha,

I am testifying in strong support of SB 3192, Relating to Natural Resources Management, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish a fund and commission to direct use of the fees collected transparently, and for portions of the fund to support grants to non-profit and other organizations working to protect and restore Hawai‘i’s natural resources.

Our beaches, parks, reefs, forests, hiking trails, and other natural resources are paramount to sustaining our way of life and, similarly, our economic engine. These resources are intertwined with our visitor sector, as the tourism economy depends on Hawai‘i’s iconic natural resources. However, our home is facing escalating visitor impacts, climate change, and localized threats to our ecosystems. Some of our main sources of waste and pollution come from the toursim industry, yet we hardly see anything being done in return to take care of our natural resources. We need to seriously start prioritizing our natural resources and doing our best to preserve and maintain the natural sources that give us life.

Mahalo

SB-3192-SD-1
Submitted on: 2/22/2022 10:48:53 PM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Marissa Miller	Individual	Support	No

Comments:

Aloha kākou,

My name is Marissa Miller and I was born and raised in Niu Valley, O'ahu. I studied Environmental Management and Protection with a minor in Indigenous Studies in Natural Resources and the Environment, and I currently live here in Hawai'i and work in the conservation and sustainability sector. I am writing to you today in strong support of SB 3192, Relating to Natural Resources Management.

Our 'āina and natural resources are essential for supporting our local communities' lifestyles and livelihoods, as well as for supporting the visitor sector that our current economy depends so heavily on. Yet, our islands face increasing threats and impacts to our local ecosystems and we are severely underinvesting in protecting the very resources that we rely on to survive. It has been estimated that we currently face a conservation funding gap of $360 million per year.

I am in support of SB 3192 because it would establish an innovative funding mechanism to support the critical conservation efforts needed to maintain Hawai'i as a healthy, sustainable island chain for current and future generations. A transformational investment in Hawai'i's natural resources through a visitor green fee program provides a pathway to build environmental and economic resilience for our local communities and for our visitor industry, which needs to start investing back into the resources that enable it to exist at all.

I trust that you all understand how crucial it is for us as the people of Hawai'i to take action to mālama our 'āina, our culture, and our way of life and ensure that the visitory industry contributes to supporting our land and natural resources as well.

Mahalo for your time and for considering this very important matter,

Marissa Miller

SB-3192-SD-1
Submitted on: 2/23/2022 7:24:43 AM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Koki Atcheson	Individual	Support	No

Comments:

Aloha Chair, Vice Chair, and Members of the Committees:

I am Koki Atcheson, a private citizen working in the conservation (invasive species management) field, a paddler, surfer, hiker, and community member; and I am testifying in strong support of SB 3192, Relating to Natural Resources Management, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish a fund and commission to direct use of the fees collected transparently, and for portions of the fund to support grants to non-profit and other organizations working to protect and restore Hawai‘i’s natural resources.

Our beaches, parks, reefs, forests, hiking trails, and other natural resources are paramount to sustaining our way of life and, similarly, our economic engine. These resources are intertwined with our visitor sector, as the tourism economy depends on Hawai‘i’s iconic natural resources. However, our home is facing escalating visitor impacts, climate change, and localized threats to our ecosystems. It’s been estimated that we currently face a conservation funding gap of $360 million per year.

SB 3192 would establish an innovative funding stream to support the critical conservation efforts needed to maintain Hawai’i as a healthy, sustainable region for future generations to enjoy, as well as a visitor destination. A transformational investment in Hawai‘i’s natural resources through a visitor green fee program provides a pathway to build environmental and economic resilience for our local communities and our visitor industry. By investing in our environment today, we can ensure that residents and visitors are able to enjoy our incomparable natural environment and island lifestyle for decades to come.

Mahalo for the opportunity to testify,

Koki Atcheson

SB-3192-SD-1
Submitted on: 2/23/2022 8:09:39 AM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Chanel Browne	Individual	Support	No

Comments:

Aloha Chair, Vice Chair, and Members of the Committees:

My name is Chanel Browne and I live in Wailuku, Maui. I am testifying in strong support of SB 3192, Relating to Natural Resources Management, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish a fund and commission to direct use of the fees collected transparently, and for portions of the fund to support grants to non-profit and other organizations working to protect and restore Hawai‘i’s natural resources.

Our beaches, parks, reefs, forests, hiking trails, and other natural resources are paramount to sustaining our way of life and, similarly, our economic engine. These resources are intertwined with our visitor sector, as the tourism economy depends on Hawai‘i’s iconic natural resources. However, our home is facing escalating visitor impacts, climate change, and localized threats to our ecosystems. It’s been estimated that we currently face a conservation funding gap of $360 million per year.

All my life, all I wanted to do was make a change for good in the community and environment that raised me to be the person I am today. As an adult, I now work for MOC Marine Institue, a non-profit organization that does sea turtle rescue and rehabilitation and coral restoration on Maui. I have worked with people from all walks of life who have come together to preserve our home. Through our work, we have connected with many people from other non-profit organizations who work tirelessly to improve the way locals and visitors view our environment through science-based conservation, education, and outreach events. It is our kūleana, our responsibility, to this land and its people to provide the best possible solutions to our modern-day problems. SB 3192 would open the gates to acknowledging that our home is in need of help. We are servants to this land, and we must use our resources in a sustainable way, so that we may enjoy our ocean and land for generations to come. Over-tourism is an issue that is seen globally, and is not something to be taken lightly. By instating SB 3192, we are finally holding people accountable for their actions. Our ocean and land has been overrun for too long, and now is the time that we must all come together. Whether Hawai‘i is someone's favorite destination, or their home, we all have a hand to play in maintaining and protecting it.

SB 3192 would establish an innovative funding stream to support the critical conservation efforts needed to maintain Hawai’i as a healthy, sustainable region for future generations to enjoy, as well as a visitor destination. A transformational investment in Hawai‘i’s natural resources

through a visitor green fee program provides a pathway to build environmental and economic resilience for our local communities and our visitor industry. By investing in our environment today, we can ensure that residents and visitors are able to enjoy our incomparable natural environment and island lifestyle for decades to come.

Mahalo for the opportunity to testify,

Chanel Browne

SB-3192-SD-1
Submitted on: 2/23/2022 8:42:59 AM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jeanne Herbert	Individual	Support	No

Comments:

Aloha, I strongly support SB3192. I am a resident of Hawai'i and I am dismayed at how severely underfunded our kuleana to protect, restore and manage our 'aina is. I have been to Palau, where a Green Fee is manadatory, and their data shows overwhelming support from tourists for this fee, and has shown that tourists are more conscious of their effects on the land and sea when they are paying a green fee. It is time for our visitors to partner with our residents) and join together to aloha 'aina.

Mahalo for your consideration of this important bill.

Jeanne Herbert

O'ahu resident

SB-3192-SD-1
Submitted on: 2/23/2022 9:46:43 AM
Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lorraine Waianuhea	Individual	Support	No

Comments:

Testimony in Support of SB 3192, Relating to Natural Resources Management

Aloha Chair, Vice Chair, and Members of the Committees:

My name is Lorraine Waianuhea; and I am testifying in strong support of SB 3192, Relating to Natural Resources Management, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish a fund and commission to direct use of the fees collected transparently, and for portions of the fund to support grants to non-profit and other organizations working to protect and restore Hawai‘i’s natural resources.

Our beaches, parks, reefs, forests, hiking trails, and other natural resources are paramount to sustaining our way of life and, similarly, our economic engine. These resources are intertwined with our visitor sector, as the tourism economy depends on Hawai‘i’s iconic natural resources. However, our home is facing escalating visitor impacts, climate change, and localized threats to our ecosystems. It’s been estimated that we currently face a conservation funding gap of $360 million per year.

SB 3192 would establish an innovative funding stream to support the critical conservation efforts needed to maintain Hawai’i as a healthy, sustainable region for future generations to enjoy, as well as a visitor destination. A transformational investment in Hawai‘i’s natural resources through a visitor green fee program provides a pathway to build environmental and economic resilience for our local communities and our visitor industry. By investing in our environment today, we can ensure that residents and visitors are able to enjoy our incomparable natural environment and island lifestyle for decades to come.

Mahalo for the opportunity to testify,

Lorraine Waianuhea