

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

**House Committee on Tourism**

Thursday, February 2, 2023

10:00 a.m.

State Capitol, Conference Room 423 and Videoconference

**In Support of the Intent**

**H.B. No. 1162, Relating to Visitor Impact Fees**

Chair Quinlan, Vice Chair Hussey-Burdick, and members of the House Committee on Tourism:

The Office of the Governor supports the intent of H.B. No. 1162, Relating to Visitor Impact Fees. However, our Office prefers the language in H.B. No. 1051, Relating to Natural Resources Management, for the reasons below and respectfully requests your consideration of that measure.

The impacts on Hawaii's natural resources, consequences of both residents and visitors, is an overarching concern in our State and one of the priorities of this Administration. Both H.B. No. 1162 and H.B. No. 1051 recognize that human-induced impacts on our environment, including increased pollution, stress on our natural resources, soil degradation, and natural habitat loss, are cause for great concern and immediate action. For all who live here, Hawaii's natural resources are a vital part of our past and present, but also our future.

It is well recognized that Hawaii residents already contribute to the protection and management of the State's natural resources through taxes, environmental care, subsistence and cultural practices, and the values and practices embodied in the Hawaii State Constitution. However, the State has not yet dedicated enough financial resources to address impacts by visitors. H.B. No. 1051, which was introduced during this regular session, establishes the visitor green fee program, which includes a license and assessment of a visitor green fee on visitors for the usage of Hawaii's state-owned parks, beaches, forests, trails, or other state-owned recreational natural areas. H.B. No. 1051 provides a means of sustained funding for the protection, restoration, regeneration, enhancement, and care of Hawaii's natural and cultural recreational resources.

Testimony of Office of the Governor

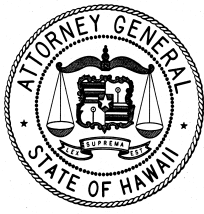
H.B. No. 1162

February 2, 2023

Page 2

While H.B. No. 1162 and other measures before your Committee on Tourism may be of similar intent to H.B. No. 1051, we respectfully request your Committee's consideration of H.B. No. 1051, which has been vetted by the Department of the Attorney General and Department of Land and Natural Resources. H.B. No. 1051 is a commitment and an undertaking to ensure responsible and caring stewardship of Hawaii's natural resources so that residents and visitors to our State can reap and enjoy the natural resources that make Hawaii so valued.

Thank you very much for the opportunity to provide testimony on this measure.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1162, RELATING TO VISITOR IMPACT FEES.

**BEFORE THE:**

HOUSE COMMITTEE ON TOURISM

**DATE:** Thursday, February 2, 2023      **TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 423

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Daniel A. Morris, Deputy Attorney General

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Chair Quinlan and Members of the Committee:

The Department of the Attorney General supports the intent and purpose of this bill, but we have legal concerns and provide the following comments.

The purpose of the bill is to establish, within the Department of Land and Natural Resources, a visitor green fee program to collect a fee from non-Hawaii residents and issue licenses to allow visitors to visit state parks, beaches, forests, hiking trails, or other natural areas on state land. The bill establishes a civil penalty in the form of a fine for not paying the green fee, although implementation of the penalty provisions are delayed for a period of 5 years.

A visitor impact fee special fund is established for the fees collected. An environmental legacy commission will be established to guide and approve disbursements from the special fund, including disbursements to state agencies, counties, and qualified nonprofit organizations.

The special fund may be used for projects that provide "protection, restoration, and enhancement of Hawaii's natural resources"; that increase "resilience of state-owned natural resources"; or that advance the "State's ability to protect natural resources through the establishment, stability and growth of an environmentally responsible work force" (page 14, lines 3-9).

Because this bill distinguishes between residents and non-Hawaii residents, it may be subject to challenges under various provisions of the United States Constitution, including the First Amendment, the Privileges and Immunities Clause, the Commerce

Clause, and Equal Protection Clause. However, the recreational nature of the State-owned resources that are subject to the licensing requirement increases the likelihood it can withstand constitutional scrutiny because federal courts have already addressed these challenges and upheld nonresident fees for other purely recreational activities. See *Daly v. Harris*, 215 F. Supp. 2d 1098 (D. Haw. 2002), *aff'd*, 117 Fed. Appx. 498 (9th Cir. 2004)(upholding nonresident parking fees at Hanauma Bay).

Even if fundamental rights are not affected, the United States Constitution still requires that there be a rational basis for the distinction between residents and nonresidents, which includes a reasonable nexus between the problems caused by nonresidents and the remedies sought to be achieved by the administration and enforcement of the program. *Id.* at 1117-18. This bill raises concerns because there are few constraints on the areas of state land that are subject to the licensing requirement and because of the breadth of permissible uses for the funds. This bill does not provide for site-specific designations of particular recreational areas and it authorizes the environmental legacy commission (not the Board of Land and Natural Resources), to disburse funds for some purposes that are only tangentially related to the impacts caused by nonresidents. For example, funds from the special fund may be used for the establishment of a "green work force." The relationship between the impacts of nonresidents on Hawaii's natural resources and a green work force may be viewed as attenuated.

In addition to these constitutional concerns, section 37-52.3, HRS, provides that a special fund must have uses with a clear nexus between the benefits sought and the charges made upon the nonresident users. And Hawaii courts have held that fees can only be used for the purposes for which they were collected. *State v. Medeiros*, 89 Hawai'i 361, 366 (1999) (distinguishing a fee from a tax).

For these reasons, the green fee program should have a strong relationship between the harms associated with impacts of nonresidents and the uses of the funds held in the visitor impact fee special fund.

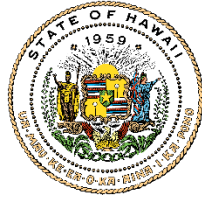
To address these concerns, the Department of the Attorney General suggests that this Committee compare and contrast this bill with H.B. No. 1051, Relating to

Natural Resources Management, which is very similar to H.B. No. 1162, but is more narrowly tailored. For example, H.B. No. 1051 provides that the site-specific areas subject to the license requirement will be set by rule, which will allow the program to target areas most frequented by tourists. H.B. No. 1051 also more narrowly defines the uses for moneys in the special fund to emphasize the relationship between the impacts of nonresidents on natural resources and the permissible uses for the special fund. The permissible uses allowed by H.B. No. 1051 are more focused on environmental projects associated with visitor impacts. The more narrowly tailored H.B. No. 1051 addresses our constitutional and legal concerns and increases the chance of success for this important program to address visitor impacts.

Thank you for the opportunity to make comments.

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

LAURA H.E. KAAKUA  
FIRST DEPUTY

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. E. CHANG  
Chairperson

Before the House Committee on  
TOURISM

Thursday, February 2, 2023  
10:00 AM

State Capitol, Conference Room 423, Via Videoconference

In consideration of  
HOUSE BILL 1162  
RELATING TO VISITOR IMPACT FEES

House Bill 1162 proposes to establish a visitor green fee program to be administered by the Department of Land and Natural Resources (Department), a visitor green fee special fund, and an environmental legacy commission. The bill also proposes to appropriate funds for the establishment of the environmental legacy commission and a strategic plan. **The Department supports the intent of this measure and offers the following comments.**

Hawai'i's natural and cultural resources provide our drinking water and sustain all life on our islands, are huge economic assets and prime attractions of our tourism industry, and support the well-being, health, and identity 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. Coral reefs – the first line of defense to large ocean swells - annually protect \$836 million in averted damages to property and economic activity in Hawai'i. Despite the value of our forests and oceans, Hawai'i invests less than 1% of the total state budget into maintaining these assets.

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. For example, State Parks executed a parking and entry fee increase

for out of state visitors during the pandemic in 2020. This action, coupled with the return of the visitor industry, contributed to a substantial increase in special fund revenue to address decades of deferred repair and maintenance at State Parks across the State. The fee increase was modest and the out of state visitor is accustomed to paying fees at other municipal, State and National Parks. Additionally, when the visitor learns the parking and entry revenue is specifically reinvested in State Park management, they are supportive.

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). 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. Any 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, protect public trust resources, and help fill Hawai'i's conservation funding gap.

The Department notes that the Administration has submitted a Visitor Green Fee bill (House Bill 1051/Senate Bill 1349) which includes the Department's preferred language. With these considerations, the Department respectfully prefers the programs and language proposed in the administrative bills.

However, if this measure proceeds, the Department respectfully requests that positions be added to this bill to ensure the effective implementation of the program including two (2) FTE Program Specialists one (1) Office Assistant, one Clerk V and one (1) Accountant.

Mahalo for the opportunity to testify on this measure.



Hawai'i Convention Center  
1801 Kalākaua Avenue, Honolulu, Hawai'i 96815  
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kelepa'i fax 808 973 2253  
kahua pa'a web hawaii tourismauthority.org

Governor

**John De Fries**  
*President and Chief Executive Officer*

LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

Statement of  
**JOHN DE FRIES**  
Hawai'i Tourism Authority  
before the  
**COMMITTEE ON TOURISM**

February 2, 2023  
10:00 a.m.  
State Capitol Conference Room 423 & Videoconference

In consideration of  
**HOUSE BILL NO. 1162**  
**RELATING TO VISITOR IMPACT FEES**

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Aloha Chair Quinlan, Vice Chair Hussey-Burdick, and members of the Committee on Tourism,

The Hawai'i Tourism Authority (HTA) appreciates the opportunity to offer comments in support of the intent of HB1162, to collect fees to fund the protection and increased resilience of Hawai'i's natural and outdoor recreational resources, and to establish the Environmental Legacy Commission to guide and approve the disbursement of those revenues.

The ethic of mālama – care and stewardship – is the core of our visitor education efforts. HTA's work is framed by four interacting strategic pillars: Natural Resources, Hawaiian Culture, Community, and Branding – the last of which is dependent upon the strength of the first three.

Hawai'i's environment is a treasure, and it is our collective kuleana to protect it for the generations to come. Fulfilling that responsibility takes funding. We agree with the intent of this legislation as it is in alignment with our Strategic Plan priorities in the Natural Resources pillar, as well as action items in our community-generated Destination Management Action Plans.

We have consistently been supportive of site-specific user fees as our preferred model, but no matter the model this Legislature decides upon to facilitate visitor contributions to the care of our natural resources, we advocate the reinvestment of those collections into improving the experience for kama'āina and visitors alike at public parks and trails.

We support the intent of HB1162. We stand ready to assist in educating visitor industry stakeholders and visitors, and will gladly designate a person to serve as an ex officio member of the Environmental Legacy Commission. We defer to our colleagues at the Department of Land and Natural Resources on matters related to the implementation of this measure.

Mahalo for the opportunity to provide these comments.





*Maui Hotel & Lodging*  
ASSOCIATION

Testimony of  
Lisa H. Paulson  
Executive Director  
Maui Hotel & Lodging Association

House Committee on Tourism  
**House Bill 1162: Relating to Visitor Impact Fees**  
February 2, 2023, 10:00 am  
Conference Room 423

The Maui Hotel & Lodging Association (MHLA) is the legislative arm of the visitor industry for Maui County. We represent over 180 property and allied business members, and 22,000 employees. **MHLA would like to offer comments for House Bill 1162**, which establishes a visitor impact fee program within the Department of Land and Natural Resources, through which the department will collect a fee for a license to visit a state park, forest, hiking trail, or other state natural area. Establishes the Environmental Legacy Commission to allocate revenues from the visitor impact fee to protect and manage natural resources. Establishes, and appropriates moneys into and out of, the visitor impact fee special fund.

MHLA favors the use of impact fees in House Bill 1162. We also want to encourage a greater nexus to the fees being charged and ensure that any impact fee remains separate from any general governmental fund and that these funds must be used to protect, rehabilitate, and improve the resource at which it was collected. This will guarantee that our natural resources will retain their beauty and health.

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 needed. In future drafts, MHLA would like to see language that guarantees 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.

Thank you for the opportunity to provide this testimony.



## Sign-on Letter in Support of Hawai'i Green Fee HB1162

January 30th, 2023

Aloha Chair Quinlan, Vice Chair Hussey-Burdick, and Members of the Committee,

The organizations shown above and listed below are writing **in support of legislation to create a visitor impact fee program** that provides resources to conserve, restore, and protect our environment. In order to meet our sustainability goals, invest in climate solutions to protect our State, and close our conservation funding gap, we must generate a funding source that is sustainable for years to come.

This coalition envisions a successful visitor impact fee program that include three key elements: **administered by a State agency** such as the Department of Land and Natural Resources (DLNR), includes **consequential funding** toward our environment of at least \$360 million per year, and includes a **community grant program** to scale the impact of our local community-based 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. **The visitor green fee funding**



**priorities we support include: scaling a green workforce for local residents, protecting and restoring our marine and terrestrial resources, implementing nature-based solutions to adapt and mitigate against the increasing impact of the climate emergency, and increasing the health and resilience of places trafficked by residents and visitors.**

A visitor impact 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, meet the local needs of our home, 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 and businesses support taking care of our environment through a visitor green fee so it can continue to nourish and care for us and future generations:**

1. Conservation International
2. Kanu Hawai'i
3. Kua'āina Ulu 'Auamo (KUA)
4. Kupu
5. Surfrider Foundation Hawai'i
6. The Nature Conservancy
7. Hawai'i Alliance for Community-Based Economic Development (HACBED)
8. Sustainable Coastlines Hawai'i
9. Blue Planet Foundation
10. Hawai'i Reef and Ocean Coalition
11. Hawai'i Forest & Trail
12. Trust for Public Land
13. Hawai'i Alliance for Progressive Action (HAPA)



14. Hawai'i Youth Climate Coalition
15. Wastewater Alternatives & Innovations (WAI)
16. National Tropical Botanical Garden
17. Young Progressives Demanding Action
18. The Conservationist Collective
19. Pono Hawai'i Initiative
20. Wild Kids
21. Parley for the Oceans
22. Resources Legacy Fund
23. Malama Pupukea-Waimea
24. Hawai'i Land Trust
25. Mālama Learning Center
26. Papahānaumokuākea Marine Debris Project
27. Kuleana Coral Restoration
28. Zero Waste Hawai'i Island
29. Travel2Change
30. Mālama Maunalua
31. Kailua Beach Adventures
32. Good Food Movement
33. Care About Climate
34. Protea Zero Waste Store
35. Kailua Beach Adventures
36. Agripelago
37. Native Ecosystem Services
38. Delphi Cinema
39. Keep it Simple Honolulu
40. North Shore Community Land Trust
41. Hawai'i Wildlife Fund

Mahalo for your commitment to protecting Hawai'i's priceless natural assets, and please reach out with any questions at [aloha@hawaiigreenfee.org](mailto:aloha@hawaiigreenfee.org).



2/2/2023

TOU Committee  
Hawai'i State Capitol  
Honolulu, Hawai'i 96813

Dear Chair Quinlan, Vice Chair Hussey-Burdick, and Members of the Committee on Tourism,

**Position: Support HB1162**

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 HB1162**, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish an oversight commission to guide the use of funds, and distribute funds to implement solutions for State and community programs working to restore our natural and cultural 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. Hawai'i currently only invests \$9 per tourist back in the environment, and less than 1% of the state budget goes towards conservation. We currently face an estimated conservation funding gap of \$360 million per year.

**HB1162 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. Green fee models have successfully been implemented at visitor destinations across the world, particularly in other island communities such as Palau, the British Virgin Islands, Maldives, Bali, El Nido, the Galapagos, Mentawais, and the Balearic Islands.<sup>1</sup>

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 in 2021, we're excited to have the opportunity to testify. Thank you for your consideration of this testimony in support of HB1162, 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,

Camile Cleveland  
Volunteer Policy Coordinator  
Surfrider Foundation, O'ahu Chapter

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<sup>1</sup> [GREEN PASSPORT - Innovative Financing Solutions for Conservation in Hawai'i](#), Conservation International, 2019

**HB-1162**

Submitted on: 1/31/2023 2:20:19 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kate Dolbier	Individual	Support	Remotely Via Zoom

Comments:

I am testifying in support HB1162. Many visitors use the natural beauty of Hawai`i. I support this wonderful effort to allocate funds towards resources impacted by the visitor industry.

**HB-1162**

Submitted on: 1/31/2023 2:25:59 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Samantha Mislinski	Individual	Support	Written Testimony Only

Comments:

My name is Samantha Cole Mislinski and I am a resident of the North Shore of O'ahu. My family has been living on O'ahu for over fifty years and has seen the island's popularity increase. We have witnessed the increase in visitors and the harm that they can do to our natural resources. Every single time I go to a beach I see visitors littering, stepping on the reef, and engaging in other activities that degrade our environment. This is why I support HB1162 - Visitor License Requirement, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish an oversight commission to guide the use of funds, and distribute funds to implement solutions for State and community programs working to restore our natural and cultural resources.

Hawai'i would greatly benefit from a visitor green fee program. 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. Between the growing impacts of climate change and the increase in visitors, our islands desperately need more funding to help mitigate these impacts. This bill, 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 irreplaceable and found nowhere else in the world. The visitor industry, alongside the livelihoods of our communities, are supported by these iconic resources. A visitor green fee program such as the one proposed can finance the conservation of these resources for generations to come. The program as described will also enable our community groups, such as nonprofit organizations and DLNR, to scale the important work already being done to preserve Hawai'i. I urge the committee to pass a visitor green fee program this session, in order to begin the needed restoration for our home as soon as possible.

The success of these programs, including the support of the visitor themselves, is contingent upon effective outreach and transparency of the program. For this reason, I support the visitor

green program to include the Environmental Legacy Commission, made up of members from diverse areas of expertise.

I want to thank the committee for hearing this bill and my testimony today. The resources at stake are deeply intertwined with our way of life here, and it has never been more timely to implement a solution such as this one. This bill is a clear pathway to protecting, restoring, and enhancing Hawai'i for our local communities and the visitors we share it with, for future generations and beyond.

Mahalo for the opportunity to testify,

Samantha Cole Mislinski





**HAWAII**  
 1164 Bishop St., Ste. 1512  
 Honolulu, HI 96813  
[tpl.org](http://tpl.org)

**TRUST FOR PUBLIC LAND'S TESTIMONY IN SUPPORT OF  
 HB 442, HB 1162, and HB 1237  
 House Committee on Tourism, State Capitol, Rm. 423  
 Thursday, February 2, 2023, 10:00 a.m.**

Aloha Chair Quinlan, Vice-Chair Hussey-Burdick, and Committee Members –

Trust for Public Land (TPL) supports HB 442, HB 1162, and HB 1237 – all propose to establish a visitor impact fee or funds, the revenues of which would be used to care for our precious natural and cultural resources.

Although Hawai'i'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. Hawai'i 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 Hawai'i'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](#).

Last year, a 2022 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 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.

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.

Lea Hong.  
 Associate Vice-President  
 Hawai'i State Director  
 Edmund C. Olson Trust Fellow  
 Trust for Public Land

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**Kirstin Punu**  
 AES

**Race Randle**  
 Lendlease Americas

**Tom Reeve**  
 Conservationist

**Ka'iulani Sodaro**  
 Ward Village/Howard Hughes

**Jan Sullivan**  
 Oceanit

**HB-1162**

Submitted on: 1/31/2023 4:43:10 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
hannah Lauren ment	Individual	Support	Written Testimony Only

Comments:

I believe the environment is the most important thing on our planet. We need to do everything we can to slow down and reverse the damage. I am a tourist who has been to many places around the globe and had to pay similar green fees to enter some of them. I have left every location clearer than I found it, but I know that's not true of all tourists. The tourism economy is something that is essential to the state of Hawaii. For someone to want to take something from the land without giving back is selfish. I am FULLY in support of the green fee being passed into law.

Dear Chair Quinlan, Vice Chair Hussey-Burdick, and honorable Committee Members,

My name is Sabrina Cohan. I am a seventeen year old student living in Honolulu, and I am writing to you today to express my strong support of HB1162.

The visitor industry is a complicated and nuanced issue in Hawaii. On one hand, tourism supports our economy and allows many residents of our islands to prosper. People from around the world are able to experience the beauty of Hawaii, both through our natural spaces and our aloha spirit. However, on the other hand, the visitor industry is immeasurably detrimental to Hawaii's environment and native cultures. Visitors who may not have been raised with the same degree of respect for the environment as locals, and who may have received little to no education on the proper etiquette to use when in natural spaces, are allowed to ignorantly cause destruction to Hawaii's natural environment. Native Hawaiian cultural practices are appropriated and commercialized for profit, and few visitors leave the islands with a genuine understanding of Hawaii and her peoples.

I firmly believe that the visitor impact fee proposed in HB1162 is a vital step towards remedying many of the problems surrounding the visitor industry in Hawaii. This fee would require visitors to give back to our islands in exchange for the benefits they are receiving from visiting our beautiful natural spaces. As residents, we try to do our fair share for our islands, whether that is through paying taxes, working in the community, stewarding the environment, or preserving Native Hawaiian traditions and histories. The visitor impact fee would be asking visitors to do the same, to pay their small part and allow us to care for our islands. Additionally, I believe that the visitor impact fee will prompt many visitors to think more deeply and critically about how they are affecting our islands, which may cause them to engage in other beneficial activities besides the fee's financial contribution, such as volunteer or cultural preservation work. The visitor impact fee special fund that the bill proposes would have immeasurable benefits for environmental adaptation in Hawaii, providing a dedicated pool of money to be used for oft underfunded but vital programs and actions focused on protecting the environment.

I have been raised in these islands, reaping the benefits of our beautiful home. I acknowledge how incredibly fortunate I am to have grown up in Honolulu, in a safe house in a beautiful land. I do my best to repay the debt I owe these islands, though advocating for the environment and educating other youth on how to make a difference in their own communities. All I request is that visitors to our islands be asked to do the same, to repay Hawaii's natural spaces and communities for their hospitality with a small contribution to preserving these islands for future generations.

Sincerely,  
Sabrina Cohan

**HB-1162**

Submitted on: 1/31/2023 6:09:44 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alex Filardo	Individual	Support	Written Testimony Only

Comments:

I have been living on Oahu for over 7 years and visited Hawai'i as a child throughout my upbringing. Throughout my life, I have benefited from Hawai'i's natural resources, whether it be from the hikes I went on, the beach parks I frequented, or the natural beauty around me. I would have happily paid an environmental fee to ensure that the beauty I witnessed would be sustained for generations. It is time visitors start giving back to Hawai'i

**HB-1162**

Submitted on: 1/31/2023 7:50:24 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Matthew Geyer	Individual	Support	In Person

Comments:

Aloha Chair Sean Quinlan,  
Vice Chair Rep. Natalia Hussey-Burdick, Vice Chair

Rep. Daniel Holt, Rep. Nadine K. Nakamura, Rep. Sam Satoru Kong, Rep. Elijah Pierick  
and Rep. Rachele F. Lamosao

I am testifying in support of HB1162

Thank you for taking the time to hear legislation to enact a green fee.

The benefits of keeping this money in Hawaii to preserve our natural environment will be significant.

The creation of good jobs will be significant.

The direct impact of the fee on visitor arrivals will be minimal if any.

However, the overall impact on the visitor industry will be positive, as the reason most folks come to Hawaii is to visit the natural environment here.

It's a win win, please support this measure.

Mahalo

Matt

Hawaii Environmental Change Agents

**HB-1162**

Submitted on: 1/31/2023 8:48:53 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Chang	Individual	Support	Written Testimony Only

Comments:

**Testimony in Support of HB1162**

**Committee on Tourism**

Aloha Chair Quinlan, Vice Chair Hussey-Burdick, and Members of the Committee,

My name is Ryan Chang and I care deeply about sustainable use and protection of Hawaii's natural resources. It is the thing kama'āina and kānaka maoli care most about and the very reason we have an overly booming tourism industry. If we as a state choose to accept the tourism revenue, while understanding the tradeoff of environmental degradation, then we ought to have a resource to offset that direct negative impact. **I am testifying in strong support of HB1162, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish an oversight commission to guide the use of funds, and distribute funds to implement solutions for State and community programs working to restore our natural and cultural resources.**

Hawai'i would greatly benefit from a visitor green fee program. 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. **This bill, 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 irreplaceable, and found nowhere else in the world. The visitor industry, alongside the livelihoods of our communities, are supported by these iconic resources. A visitor green fee program such as the one proposed can finance the conservation of these resources for generations to come. The program as described will also

enable our community groups, such as nonprofit organizations and DLNR, to scale the important work already being done to preserve Hawai'i. **I urge the committee to pass a visitor green fee program this session, in order to begin the needed restoration for our home as soon as possible.**

The success of these programs, including the support of the visitor themselves, is contingent upon effective outreach and transparency of the program. **For this reason, I support the visitor green program to include the Environmental Legacy Commission, made up of members from diverse areas of expertise.**

I want to thank the committee for hearing this bill and my testimony today. The resources at stake are deeply intertwined with our way of life here, and it has never been more timely to implement a solution such as this one. This bill is a clear pathway to protecting, restoring, and enhancing Hawai'i for our local communities and the visitors we share it with, for future generations and beyond.

Mahalo for the opportunity to testify,

**Ryan Chang**

**HB-1162**

Submitted on: 1/31/2023 8:52:56 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kapulei Flores	Individual	Support	Written Testimony Only

Comments:

**Aloha,**

**I am testifying in strong support of HB1162, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish an oversight commission to guide the use of funds, and distribute funds to implement solutions for State and community programs working to restore our natural and cultural resources. I urge the committee to pass a visitor green fee program this session, in order to begin the needed restoration for our home as soon as possible. It is more important now than ever to truly prioritize taking care of our natural resources, native ecosystems, and then land that we call home. I hope this will only be the beginning of finding a better balance with tourism where the priority is taking care of our land and resources over profit.**



**HB-1162**

Submitted on: 1/31/2023 8:59:47 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dyson Chee	Individual	Support	Written Testimony Only

Comments:

My name is Dyson Chee, I am a 20 year old student attending the University of Hawa'i at Mānoa, and I am submitting this testimony in strong support of HB1162. As a youth, I strongly believe in the power of this bill to provide the necessary funding that both current and future generations need in order to maintain our home and to protect ourselves against the daunting impacts of climate change. Additionally, I support the visitor green program to include the Environmental Legacy Commission, made up of members from diverse areas of expertise, in order to provide effective and meaningful outreach. While our future can look grim, I am hopefully that our collective action will make a difference, including through the passage of HB1162.

Thank you for the opportunity to testify,

Dyson Chee

**HB-1162**

Submitted on: 1/31/2023 9:03:52 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support HB1162.

**HB-1162**

Submitted on: 1/31/2023 9:12:28 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Wendy Miles	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Quinlan, Vice Chair Hussey-Burdick, and Members of the Committee,

I am testifying in support of HB1162, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish an oversight commission to guide the use of funds, and distribute funds to implement solutions for State and community programs working to restore our natural and cultural resources.

Hawai'i would greatly benefit from a visitor green fee program. 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.

Hawai'i's natural and cultural resources are irreplaceable, and found nowhere else in the world. The visitor industry, alongside the livelihoods of our communities, are supported by these iconic resources. A visitor green fee program such as the one proposed can finance the conservation of these resources for generations to come. The program as described will also enable our community groups, such as nonprofit organizations and DLNR, to scale the important work already being done to preserve Hawai'i.

The success of these programs, including the support of the visitor themselves, is contingent upon effective outreach and transparency of the program. For this reason, I support the visitor green program to include the Environmental Legacy Commission, made up of members from diverse areas of expertise.

I want to thank the committee for hearing this bill. This bill is one important pathway to helping steward Hawai'i for our local communities and the visitors we share it with, for future generations and beyond.

Mahalo for the opportunity to testify,

Wendy Miles, PhD

**HB-1162**

Submitted on: 1/31/2023 9:55:45 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Johanna Stone	Individual	Support	Written Testimony Only

Comments:

We need to hold tourists accountable for the damages and desecration their presence results in upon our 'āina. This is just a first step of many standards to be reimplemented in our territory.

Aloha Chair Quinlan, Vice Chair Hussey-Burdick, and Members of the Committee,

My name is Elise Wong and I am very concerned about the preservation of Hawaii's natural resources. As a high school student, I know firsthand how important the environment, especially our home, Hawaii, is to the younger generations. It is our pastime, our haven, and our future as from mauka to makai, the beauty of our islands attract thousands of tourists, stimulating the economy. If we as a state choose to accept the tourism revenue, while understanding the tradeoff of environmental degradation, then it is imperative that we have a means of offsetting the negative impact. **I am testifying in strong support of HB1162, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish an oversight commission to guide the use of funds, and distribute funds to implement solutions for State and community programs working to restore our natural and cultural resources.**

The benefits of a visitor green fee program are innumerable. Climate change is already putting an immense pressure on Hawaii's native ecosystem, and these pressures are only exasperated by the expansion of tourism. **This bill, 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.**

Hawaii's natural and cultural resources are irreplaceable, and found nowhere else in the world. The visitor industry, alongside the livelihoods of our communities, are supported by these iconic resources. A visitor green fee program such as the one proposed can finance the conservation of these resources for generations to come. The program as described will also enable our community groups, such as nonprofit organizations and DLNR, to scale the important work already being done to preserve Hawai'i. **As your constituent, I urge the committee to pass a visitor green fee program this session, in order to begin the needed restoration for our home as soon as possible.**

The success of these programs, including the support of the visitor themselves, is contingent upon effective outreach and transparency of the program. **For this reason, I support the visitor green program to include the Environmental Legacy Commission, made up of members from diverse areas of expertise.**

I want to thank the committee for hearing this bill and my testimony today. The resources at stake are deeply intertwined with our way of life here, and it has never been more timely to implement a solution such as this one. This bill is a clear pathway to protecting, restoring, and enhancing Hawai'i for our local communities and the visitors we share it with, for future generations and beyond.

Respectfully,  
Elise Wong

**HB-1162**

Submitted on: 1/31/2023 10:35:40 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Doorae Shin	Individual	Support	In Person

Comments:

Aloha,

My name is Doorae Shin and I am the community organizer for the Hawai'i Green Fee coalition. After working with this coalition of organizations and community members for the last few years, it has become clear that now is the time for the Hawai'i Green Fee. We have the backing of the Governor, who campaigned on the importance of creating a visitor impact fee, and we have worked with dozens of community organizations, spoken to dozens of legislators, and polled the community about their support for this concept. The support is widespread and the need to act is urgent.

We are now facing impacts of the climate crisis, where Hawai'i's ecosystems, economy, and communities face severe vulnerabilities. From natural disasters to coastal erosion and loss of biodiversity, Hawai'i needs to be prepared and work hard to restore, maintain, and preserve our natural and cultural resources. As one of the leading visitor destinations in the world, our special places, including our trails, beaches, parks, and more, need financial resources to ensure they are being taken care of and preserved for this and future generations.

I am happy to take questions about our efforts to pass the Hawai'i Green Fee and we thank you for considering this bill.

Mahalo,  
Doorae Shin

**HB-1162**

Submitted on: 1/31/2023 11:18:24 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tawn Keeney MD	Individual	Oppose	Written Testimony Only

Comments:

Testimony before the State House Committee on Tourism: HB1162

HB1162 should be **rejected** considering the arguments as follows:

The foremost concern is that this bill utilizes the concept of Green Fee or Visitor Impact Fee in a manner that is inconsequential relative to the profound impact that visitation here has upon our environment, by virtue of global warming emissions from air transport of visitors to Hawaii. By targeting our attention and remediation toward visitor impacts on our parks and beaches, trails, etc. we are distracting our attention from understanding that air transport of visitors here accounts for warming somewhere between 1x and 2x the total of all domestic greenhouse gas emissions in the State of Hawaii (excluding aviation). Rephrased, visitors, in coming here, are responsible for a greater degree of global warming than all of Hawaii’s domestic population. It therefore can be reasonably argued that visitors, more than Hawaii’s own populace, should share in the anticipated costs of adaptation to the impacts of Climate Change. These costs will be measures in many tens, if not hundreds, of **billions** of dollars. To be speaking of the impacts of visitors on our parks and trails and beaches is of no significance. However HB1162 or HB442 will claim the one mechanism available to demand visitor’s participation in our climate change adaptation expenditures, the Green Fee, and divert it toward an insignificant (in comparison) problem.

Let’s digress. In 2020 I wrote a white paper which was presented to the Honolulu Climate Change Commission on greenhouse gas emissions from air transport of visitors to Hawaii. The findings were that emissions from visitor air transport accounted for 1-1/2x all of Hawaii’s domestic GHG emissions - 18 million tons CO2(e) compared to Hawaii's total net domestic emissions at 13.6 million tons. This calculation utilized Hawaii Tourism Authority's reported number of visitors from each of eight global ‘regions of origin’ of visitors, and assigned an airport representative of each region. It used a GHG Calculator which came closest to the average of eight aviation GHG calculators found on internet Carbon Offset websites. Climate Scientist Charles Fletcher used the phrase “incredibly important data” in commenting on the paper to the Commission. It was recommended to be presented to the State Climate Commission. Subsequently Makena Coffman, Director for the Institute for Sustainability, UHERO Research Fellow & Professor of Urban and Regional Planning elegantly calculated, using the State Greenhouse Gas Inventory, visitor air transport emissions at **equal to** all Hawaii’s net domestic emissions at 13.5 million tons CO2(e). The limitation of this State Inventory method is that it did not include any connecting flights, only the ‘leg’ into, and from, the Hawaii

airport. (All Hawaii's ground transportation is reported by the Inventory at 4 million tons CO<sub>2</sub>(e) and all electricity generation at 8 million tons.)

Subsequently the IPCC, in its 6th Assessment Report (Code Red for Humanity), endorsed as best science a method for calculation of global warming from aviation emissions. Utilizing this method would transform my calculation of warming from visitor air transport to 2x that of all Hawaii's domestic emissions, and Dr. Coffman's calculation to 1-1/2x (without connecting flights).

The impact of visitors on our parks and beaches becomes trivial. It is the global warming impact of visitor air travel emissions that any Green Fee must account for. It is this cost of retreat from the coastlines and restoring our built environment from this impact (unless one might think the cost of climate change will be immeasurable) that visitors should be commensurately responsible for. Do not waste the mechanism of Green Fee in the trivial manner represented by this bill.

The Green Fee which I propose is a fee of \$20 per night attached to the Transient Accommodations Tax for each visitor. Thus, for a 10 night stay, a \$200 fee. The HTA states that the average visitor spends \$1800 on their trip to Hawaii. Few will be dissuaded from coming by this fee. However, each year or two the amount of this nightly fee will be increased or decreased by up to \$5/night after assessment by the 20 member, high level, State Climate Commission (both legislative and executive branch membership). The HTA has endorsed strategy for decreasing the numbers of 'low-budget' travelers. A progressive fee increase would accomplish that plan and at the same time realize high revenues. Eventual 'trade-off' would be carefully considered by the Commission.

Do not waste the sole mechanism, Green Fee, for engaging visitor participation in the anticipated immense costs of climate adaptation, which more than ourselves, they are responsible for by air travel here. Do not support HB1162 as is, but rather reconstruct the concept of Green Fee as described above.

Mahalo for your consideration,

Tawn Keeney MD



Testimony in Support of HB1162  
Committee on Tourism

Aloha Chair Quinlan, Vice Chair Hussey-Burdick, and Members of the Committee,

My name is Christen Mia Ebert and I am highly devoted to conservation and sustainable use of Hawai'i's land and resources. As a resident, and university student here in Hawai'i, I acknowledge our unique resource that brings travelers from around the world to visit the islands. As someone who works in the tourism industry, and is studying Tourism Management, I hold a unique perspective on the benefits we have gained from the industry including extreme economic growth, industrial improvements, and job opportunities.

As we continue to embrace tourism revenue, I believe we must strive to maintain our natural resources. I am testifying in strong support of HB1162, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish an oversight commission to guide the use of funds, and distribute funds to implement solutions for State and community programs working to restore our natural and cultural resources.

This bill will expand our funding for conservation, give back to local communities, and reserve our beautiful resource, our irreplaceable 'āina. Generations to come will be blessed by the proposed program because it will finance important projects. I urge the committee to pass a visitor green fee program this session. In doing so, our home can begin to heal, and visitors can continue to enjoy this unique place.

The Environmental Legacy Commission is extremely important to include, because in order to achieve success in the programs, we must have effective outreach and transparency.

Our resources are deeply intertwined with our way of life as residents of Hawai'i. It has never been more timely to implement a solution such as this one. This bill will be essential to not only protect and restore Hawai'i, but to enhance it for our local communities and the visitors we share it with for generations.

Mahalo for the opportunity to testify,  
Christen Mia Ebert

**HB-1162**

Submitted on: 2/1/2023 5:39:26 AM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bret Mossman	Individual	Support	Written Testimony Only

Comments:

Hawai‘i has failed to adequately invest in our natural resources for generations and as a result our renowned natural beauty has been irreparably damaged. Our islands have lost more than 1,000 native species and we are on the brink of losing hundreds more. A visitor green fee will halt this damage and maintain our vital cultural and natural resources while also generating thousands of good paying fulfilling jobs. We must embrace our kuleana to mālama before we lose more of what makes these islands so unique.

**HB-1162**

Submitted on: 2/1/2023 6:21:16 AM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Virginia Tincher	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Quinlan, Vice Chair Hussey-Burdick, and Members of the Committee,

I care deeply about sustainable use and protection of Hawaii's natural resources.

Hawai'i would greatly benefit from a visitor green fee program. 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. This bill, 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.

Mahalo for the opportunity to testify,

Virginia Tincher

**HB-1162**

Submitted on: 2/1/2023 7:55:51 AM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kalae Lopes	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Quinlan, Vice Chair Hussey-Burdick, and Members of the Committee,

My name is Kalae Lopes and I care deeply about sustainable use and protection of Hawaii's natural resources. It is the thing residents care most about and the very reason we have an overly booming tourism industry. If we as a state choose to accept the tourism revenue, while understanding the tradeoff of environmental degradation, then we ought to have a resource to offset that direct negative impact. I am testifying in strong support of HB1162, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish an oversight commission to guide the use of funds, and distribute funds to implement solutions for State and community programs working to restore our natural and cultural resources.

Hawai'i would greatly benefit from a visitor green fee program. 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. This bill, 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 irreplaceable, and found nowhere else in the world. The visitor industry, alongside the livelihoods of our communities, are supported by these iconic resources. A visitor green fee program such as the one proposed can finance the conservation of these resources for generations to come. The program as described will also enable our community groups, such as nonprofit organizations and DLNR, to scale the important work already being done to preserve Hawai'i. I urge the committee to pass a visitor green fee program this session, in order to begin the needed restoration for our home as soon as possible.

The success of these programs, including the support of the visitor themselves, is contingent upon effective outreach and transparency of the program. For this reason, I support the visitor green program to include the Environmental Legacy Commission, made up of members from diverse areas of expertise.

I want to thank the committee for hearing this bill and my testimony today. The resources at stake are deeply intertwined with our way of life here, and it has never been more timely to implement a solution such as this one. This bill is a clear pathway to protecting, restoring, and enhancing Hawai'i for our local communities and the visitors we share it with, for future generations and beyond.

Mahalo for the opportunity to testify,

Kalae Lopes

**HB-1162**

Submitted on: 2/1/2023 8:07:37 AM

Testimony for TOU on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Madi Miyamura	Individual	Support	Written Testimony Only

Comments:

**Aloha Chair Quinlan, Vice Chair Hussey-Burdick, and Members of the Committee,**

**My name is Madi Miyamura and I am testifying in strong support of HB1162.**

**Intentional or not, we can all see the environmental degradation that overtourism has brought to Hawai'i. From extremely eroded hiking trails and broken native vegetation, to the impacts of uneducated tourism on damaged coral reef health. Tourists (as well as anyone who is not aware) must be not only educated on the importance of Hawai'i's native ecosystems, but given a fee if they want to access said resources. They have similar systems in place on the mainland, and has been vastly successful. This bill would also help to thin out the number of visitors using state trails and parks, leaving out the ones who wouldn't care to give back funds to helping environmental efforts. We have seen too many ignorant and/or blatantly disrespectful people coming here and using natural resources without a care to understand place, and the environment has paid.**

**This bill, 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. We must all do our part to help mitigate the effects of overtourism and climate change.**

**In Hawai'i, our natural and cultural resources are irreplaceable, and found nowhere else in the world. The visitor industry, alongside the livelihoods of our communities, are supported by these iconic resources. A visitor green fee program such as the one proposed can finance the conservation of these resources for generations to come. The program as described will also enable our community groups, such as nonprofit organizations and DLNR, to scale the important work already being done to preserve Hawai'i. I urge the committee to pass a visitor green fee program this session, in order to begin the needed restoration for our home as soon as possible.**

**The success of these programs, including the support of the visitor themselves, is contingent upon effective outreach and transparency of the program. For this reason, I support the visitor green program to include the Environmental Legacy Commission, made up of members from diverse areas of expertise.**

**This bill is a clear pathway to protecting, restoring, and enhancing Hawai'i for our local communities and the visitors we share it with, for future generations and beyond.**

**Mahalo for the opportunity to testify,**

**Madi Miyamura**

**HB-1162**

Submitted on: 2/1/2023 8:23:09 AM

Testimony for TOU on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorraine Waianuhea	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of HB1162

Committee on Tourism

Aloha Chair Quinlan, Vice Chair Hussey-Burdick, and Members of the Committee,

I am testifying in **strong support** of HB1162, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish an oversight commission to guide the use of funds, and distribute funds to implement solutions for State and community programs working to restore our natural and cultural resources.

I care deeply about sustainable use and protection of Hawaii's natural resources. It is the thing residents care most about and the very reason we have an overly booming tourism industry. If we as a state choose to accept the tourism revenue, while understanding the tradeoff of environmental degradation, then we ought to have a resource to offset that direct negative impact.

Hawai'i would greatly benefit from a visitor green fee program. 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. This bill, 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 irreplaceable, and found nowhere else in the world. The visitor industry, alongside the livelihoods of our communities, are supported by these iconic resources. A visitor green fee program such as the one proposed can finance the conservation of these resources for generations to come. The program as described will also enable our community groups, such as nonprofit organizations and DLNR, to scale the important work already being done to preserve Hawai'i. I urge the committee to pass a visitor green fee program this session, in order to begin the needed restoration for our home as soon as possible.

The success of these programs, including the support of the visitor themselves, is contingent upon effective outreach and transparency of the program. For this reason, I support the visitor



green program to include the Environmental Legacy Commission, made up of members from diverse areas of expertise.

I want to thank the committee for hearing this bill and my testimony today. The resources at stake are deeply intertwined with our way of life here, and it has never been more timely to implement a solution such as this one. This bill is a clear pathway to protecting, restoring, and enhancing Hawai'i for our local communities and the visitors we share it with, for future generations and beyond.

Mahalo for the opportunity to testify,

Lorraine Waianuhea



## Testimony in Support of HB1162 Committee on Tourism

Aloha Chair Quinlan, Vice Chair Hussey-Burdick, and Members of the Committee,

My name is Janet Mayfield and I am the CEO and Director for National Tropical Botanical Garden (NTBG). **I am testifying in strong support of HB1162, which would establish a green fee program.** At NTBG we are committed to the perpetuation of Hawai'i's irreplaceable plants. Native plants are at the very foundation of our ecosystems, the livelihoods of our communities, and the lifeblood of culture. But they are under immense threat. Already drastically reduced across the pae 'āina, every pressure increases the chance that these plants will disappear forever. The lives of future generations depend on our collective efforts to reverse the tide for Hawai'i's cherished plant species.

While the visitor industry is a major component of our economy, bolstering our own nonprofit's revenue stream to support conservation, visitation can significantly impact the health and wellbeing of native plant populations, and ultimately, entire ecosystems. **As visitation increases in Hawai'i, so do the risks: the potential for more invasive species introduced, the spreading of pathogens like Rapid 'Ōhi'a Death, drastic erosion in our wildlands, increased plant poaching, and more. That is why we believe in a visitor green fee, one that would scale needed conservation resources with visitation.**

On the frontlines, we know first-hand how expensive and challenging conservation is. Because of our dedication and expertise, we also know how to make the most of limited resources. **Funding provided by a visitor green fee to organizations like ours would critically power conservation efforts across Hawai'i.**

The visitor industry can transform. Visitors can learn to mālama Hawai'i and be part of the solution for our imperiled ecosystems. That is a message we instill with visitors at our botanic gardens on Kaua'i and Maui. A visitor green fee is a pivotal part of this transformation. Rather than a penalty, it is an invitation to care for the intertwined natural and cultural resources that sustain us.

**We urge the committee to pass a visitor green fee program this session to grow a brighter tomorrow for Hawai'i's ecosystems and communities.**

Sincerely,

Janet Mayfield,  
CEO and Director

**HB-1162**

Submitted on: 2/1/2023 8:29:05 AM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Leong	Kupu	Support	Written Testimony Only

Comments:

Aloha Honorable Committee Members,

Thank you for the opportunity to testify in support of this bill. Kupu, Hawai'i's largest youth-focused conservation nonprofit, strongly supports efforts to better restore and maintain our environment and increase our food and energy self-sufficiency. We support HB 1162 as one viable pathway to reduce our state's conservation deficit and otherwise care for our islands.

Please pass HB 1162.

**HB-1162**

Submitted on: 2/1/2023 8:52:35 AM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Catherine Orlans	Individual	Comments	Written Testimony Only

Comments:

This bill fails to take into account the negative impact an increased tax and/or fee/license will have on the accessibility for native Hawaiians to travel back to Hawai'i. These native Hawaiians that have been displaced from their homelands due to a high cost of living in Hawai'i. There needs to be a social justice type of exception focused mainly on people of native Hawaiian ancestry built into the resident description for all proposed green free bills in this legislative session.

**HB-1162**

Submitted on: 2/1/2023 9:15:27 AM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Saxony Charlot	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Quinlan, Vice Chair Hussey-Burdick, and Members of the Committee,

I am writing in strong support of HB1162. As a local conservationist, I have often seen first-hand how visitors can impact natural spaces, whether through lack of understanding or lack of care. I believe a green fee is a fair and sensible way for each visitor to mitigate the environmental impacts of the tourism industry, and I think it will be an effective way to help improve funding for Hawai'i's natural spaces.

Funding for conservation in Hawai'i is severely limited relative to our need. We are the extinction capital of the world, have uncountable invasive species, and have nearly a third of the threatened and endangered species of the entire US. A green fee would be a great way to help close the funding gap and protect our ecosystems. Since many tourists come to see Hawai'i's natural areas, they should also bear some responsibility in helping protect those spaces.

Mahalo for your time,

Saxony Charlot



February 2, 2023

Representative Sean Quinlan  
Chair of the Committee on Tourism

Representative Natalia Hussey-Burdick  
Vice-Chair of the Committee on Tourism

**RE: Testimony in Support of HB 1162, Relating to Visitor Impact Fees**

Aloha Chair Quinlan, Vice Chair Hussey-Burdick and committee members,

On behalf of Resources Legacy Fund (RLF), we are writing in support HB 1162, which establishes a visitor impact fee program within the Department of Land and Natural Resources, through which the department will collect a fee for a license to visit a state park, forest, hiking trail, or other state natural area. It also establishes the Environmental Legacy Commission to allocate revenues from the visitor impact fee to protect and manage natural resources.

Hawai'i residents overwhelmingly prioritize our collective responsibility to invest in Hawai'i's natural and cultural resources. The state has created programs, but to date failed to invest sufficient resources in collective priorities, such as protecting and restoring reefs, beaches, and forests, removing invasive species, and upgrading cesspools. Until now, the state has not identified adequate funding to protect against the real and increasing impacts of climate change, including increasing flooding, coastal erosion, and sea-level rise. A visitor impact fee offers a net-positive investment solution not only for the environment, but for the economy, as well.

We see an imperative to generate sustained and dedicated funding -- at least \$300 million annually -- sufficient to meet the needs of our state's natural and cultural resources. Most importantly, we support funding the right mix of natural and cultural resource projects, community stewardship, and effective implementation of priority programs.

This bill will enable the State of Hawai'i to meet these ongoing and increasing needs and provide a durable funding source that will enable the state 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.

HB 1162 provides a transformative 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

Aloha Chair Quinlan, Vice Chair Hussey-Burdick, 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, whom I am representing today. Wild Kids is in strong support of HB442. We believe that this green initiative would be extremely beneficial in protecting our environment from the effects of tourism. 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 destructive. Having an innovative funding stream such as the one suggested in this bill would fund the critical conservation efforts that are needed to support Hawai'i's ecosystems. 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 believe that it is only fair that visitors contribute to protecting our environment if they wish to enjoy it.

Thank you for hearing our testimony.

Arwen Revere, on behalf of Wild Kids

**HB-1162**

Submitted on: 2/1/2023 9:40:53 AM

Testimony for TOU on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ashley Romero	Individual	Support	Written Testimony Only

Comments:

Aloha chair Quinlan, Vice chair Hussey-Burdick, and members of the committee,

My name is Ashley Romero and I have been invested in the protection and sustainable use of Hawaii's natural resources for most of my adult life. Our residents' well-being and ecosystem function relies on these natural resources. It is these resources that provide benefits that include and are not limited to: water production, native forest and endangered species, public hunting, historic and important trails, traditional and customary cultural practices, access to shoreline and mauka lands and other public values, and yes, tourism.

While tourism does bring in some revenue, it is known that tourism also has direct negative impacts on the natural wonders and beauty that drives it. It is for this reason that **I am testifying in strong support of HB1162 which would establish a visitor green fee program administered by DLNR, establish an oversight commission to guide the use of funds, and distribute funds to implement solutions for State and community programs working to restore our cultural and natural resources.**

Our cultural resources here in Hawaii are unique and precious. Hawaii would greatly benefit from a green fee program as most of our conservation programs are currently overworked and underfunded. Hawaii's ecosystems are greatly suffering as a result of negative impacts such as urbanization, introduction of invasive species, and disease. All of these impacts can be brought on by tourism. These groups are doing as much as they can with what they've got to keep our natural ecosystem and native species hanging in there but they desperately need more help. The program as described would enable conservation, community groups, and nonprofits to scale the important work already being done to preserve Hawaii.

Because the success of this program is contingent upon effective outreach and transparency, **I support the visitor green program to include the Environmental Legacy Commission, made up of members from diverse areas of expertise.**

I want to thank the committee for hearing this bill and my testimony today. Hawaii's natural resources are deeply intertwined with our livelihood and it is far past due to implement important solutions such as this one. This bill offers a clear pathway to protecting, restoring, and enhancing Hawaii for local communities and visitors we share it with, as well as for future generations.

Mahalo for this opportunity to testify,



**Ashley Romero**

**Testimony of The Nature Conservancy  
Supporting HB 1162, Relating to Visitor Impact Fees.**

**Committee on Tourism  
February 2, 2023, 10:00 am  
Conference Room 423 and via Videoconference**

Aloha Chair Quinlan, Vice Chair Hussey-Burdick, and Members of the Committee:

The Nature Conservancy (TNC) supports HB 1162, Relating to Visitor Impact Fees, which establishes a visitor impact fee program within the Department of Land and Natural Resources (DLNR), through which the department will collect a fee for a license to visit a state park, forest, hiking trail, or other state natural area. The bill also establishes the Environmental Legacy Commission to allocate revenues from the visitor impact fee to protect and manage natural resources.

HB 1162 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 visitor impact fee could help close Hawai'i's conservation funding gap, which has been estimated at \$360 million annually.

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 visitor impact fee and special fund established in HB 1162 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.

A July 2020 poll of Hawai'i residents showed strong public support for an array of actions to make the islands more resilient, many of which could be supported by HB 1162. Three-quarters or more supported restoring forest areas to reduce fire risk and provide water and wildlife habitat. Seven in ten support preventing the spread of invasive species, while two-thirds support restoring wetlands

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for flood protection. Majorities also support managing forests and soil to capture carbon, as well as preventing the spread of deadly diseases as the climate warms.<sup>1</sup>

We also support the Environmental Legacy Commission established under the bill. It will provide important input from a wide variety of stakeholders in the visitor impact fee and fund, and transparency and accountability in how the funding is spent.

A transformational investment in Hawai'i's natural resources through a visitor impact fee program and special fund is necessary to build environmental and economic resilience for our local communities and our visitor industry. By investing in our environment today and into the future, 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 HB 1162.

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*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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<sup>1</sup> Ward Research and Fairbank, Maslin, Maullin, Metz & Associates (FM3) completed a survey of Hawai'i residents to assess their views on a range of environmental issues. From June 11-July 3, 2020, Ward Research completed 724 telephone interviews (on both landlines and cell phones) with randomly selected adults in Hawaii. The margin of sampling error for this memo is +/-3.5% 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. A memo summarizing poll results is available upon request.

**HB-1162**

Submitted on: 2/1/2023 9:49:53 AM

Testimony for TOU on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Bell	Individual	Support	Written Testimony Only

Comments:

***Barbara Bell***

***69-1536 Puako Beach Drive, Kamuela, HI 96743***

Dear Chair and Committee Members,

I am incredibly supportive of a state "Green Fee". There are a few reasons visitors come to Hawai`i and a big one is our hopefully pristine environment. They might also come for nice weather (usually) or to get to know something of our host culture, if we did not have beautiful places they would go to Mexico, or the Caribbean, or any number of other places with warm weather. Our culture and environment are very close to the same thing. AND we need to protect our environment much more. Nature can heal herself if we give her a chance.

Unfortunately, without some money for mitigation efforts, we won't make any headway.

Please pass House Bill 1162, to establish a visitor green fee program administered by the DLNR, establish an oversight commission to guide the use of funds, and distribute funds to implement solutions for State and community programs working to restore our natural and cultural resources.

Sincerely, Barbara Bell

**HB-1162**

Submitted on: 2/1/2023 9:53:47 AM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Denise E Antolini	Individual	Support	Written Testimony Only

Comments:

Aloha TOU Chair Quinlan, Vice Chair Hussey-Burdick, and Committee Members,

I write in strong support of **HB1162**.

A green fee system is imperative for generating the funds needed to mitigate the impacts of tourism in the islands, particularly to assist with infrastructure, maintenance, management, environment and cultural education, and access restrictions in under-funded rural and remote areas of the State.

Please pass this bill and keep this very important conversation moving toward success.

Sincerely,

Denise Antolini

Pūpūkea Resident, Professor of Law

# TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 305

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: MISCELLANEOUS, Visitor Impact Fee

BILL NUMBER: HB 1162, SB 304

INTRODUCED BY: HB by SAIKI; SB by DELA CRUZ, AQUINO, AWA, CHANG, KANUHA, KEITH-AGARAN, KIM, LEE, MCKELVEY, MORIWAKI, RHOADS, Kidani, Richards, Shimabukuro, Wakai

EXECUTIVE SUMMARY: Establishes a visitor impact fee program within the Department of Land and Natural Resources, through which the department will collect a fee for a license to visit a state park, forest, hiking trail, or other state natural area. Establishes the Environmental Legacy Commission to allocate revenues from the visitor impact fee to protect and manage natural resources. Establishes, and appropriates moneys into and out of, the visitor impact fee special fund.

SYNOPSIS: Adds a new part to chapter 171, HRS, to define the program.

Under the program, visitors shall pay a visitor impact fee to obtain a license to use a state park, beach, state-owned forest, hiking trail on state-owned land, or other state-owned natural area. Visitor impact fees collected shall be deposited in the newly established visitor impact fee special fund. Revenues collected under the program shall be allocated to protect, restore, and manage natural and cultural resources.

Prohibits any visitor who is fifteen years of age or older to visit a state park, beach, state-owned forest, hiking trail on state-owned land, or other state-owned natural area without first obtaining an impact fee license.

The initial visitor impact fee shall be \$50 per person and the license purchased shall be good for one year. DLNR may, once every five years, adjust the fee to account for inflation.

DLNR is to place signs at state parks, beaches, state-owned forests, trailheads on state-owned land, and other state-owned natural areas to inform visitors of the requirement to pay a visitor impact fee and obtain a license.

The bill also establishes an Environmental Legacy Commission to guide and approve DLNR's disbursement of impact fee revenues out of the special fund. The fund may be used for one or more of the following purposes:

- (a) Direct expenses expended directly by state agencies for projects that help offset adverse environmental impacts caused by visitors, ensure that the State's natural resources are maintained for continued use by licensees, or both.
- (b) Expenses for the initial establishment of the commission, and for administration of the program, including the creation and implementation of a visitor impact fee strategic plan.

- (c) Grants to nonprofit organizations up to 50% of the annual fee revenue. Priority will be given to projects that satisfy at least one of the following:
  - (1) Develop nature-based solutions to environmental and climate issues that impact the State;
  - (2) Provide significant protection, restoration, and enhancement of Hawaii's natural resources;
  - (3) Increase the resilience of state-owned natural resources trafficked by licensees; or
  - (4) Advance the State's ability to protect natural resources through the establishment, stability, and growth of an environmentally responsible workforce.
- (d) Grants to the counties up to 50% of the annual fee revenue. Priority will be given to projects that satisfy at least one of (c)(1)-(4).
- (e) Cost-matching funds for federal grants that satisfy at least one of (c)(1)-(4).
- (f) Enforcement of the impact fee license law.

EFFECTIVE DATE: Upon Approval, but the appropriations in the bill take effect on July 1, 2023.

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.”

Other recent cases in the federal system have sustained the power of government to charge a user fee whose proceeds are dedicated to protect and preserve the natural attraction for which the user fee was charged (Hanauma Bay, for example). And the Hawaii Supreme Court in *State v. Medeiros*, 89 Haw. 361, 973 P.2d 736 (1999), held that the following test would be applied to distinguish between a user fee and a tax: “whether the charge (1) applies to the direct beneficiary of a particular service, (2) is allocated directly to defraying the costs of providing the service, and (3) is reasonably proportionate to the benefit received.” 89 Haw. at 367, 973 P.2d at 742.

Applying this test, the proposed visitor impact fee looks more like a tax. Although the impact fee is collected in a special fund, it is collected from visitors regardless of how many natural attractions the visitor visits. The uses to which the money in the fund can be put are broad and varied, and are not limited to the care and upkeep of natural attractions visited by tourists.

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: 1/31/2023



**HB-1162**

Submitted on: 2/1/2023 9:57:13 AM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Andrew	Individual	Support	Written Testimony Only

Comments:

Aloha my name is Andy Sullivan-Haskins and I have worked in Papahānaumokuākea Marine National Monument for the past 8 years. I strongly support the Hawaii green fee. This extra funding will create lasting jobs for the community.

**HB-1162**

Submitted on: 2/1/2023 9:58:38 AM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Navarra	Individual	Support	Written Testimony Only

Comments:

**Aloha Chair Quinlan, Vice Chair Hussey-Burdick, and Members of the Committee,**

**My name is Jennifer Navarra and I am testifying in strong support of HB1162, which would establish a visitor green fee program administered by the Department of Land and Natural Resources (DLNR), establish an oversight commission to guide the use of funds, and distribute funds to implement solutions for State and community programs working to restore our natural and cultural resources. I urge the committee to pass a visitor green fee program this session, in order to begin the needed restoration for our home as soon as possible.**

**As an ecologist with 20 years experience, I know well the challenges our natural environments are facing and the lack of funding and personnel to meet these challenges is a major hindrance to progress. This bill is a clear pathway to protecting, restoring, and enhancing Hawai'i for our local communities and the visitors we share it with, for future generations and beyond.**

**Mahalo for the opportunity to testify,**

**Jennifer Navarra**



**HAWAI'I LODGING & TOURISM**  
**A S S O C I A T I O N**

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

House Committee on Tourism  
House Bill 1162  
February 2, 2023

Chair Quinlan, and members of the Committee, mahalo for the opportunity to provide testimony on behalf of the Hawai'i Lodging & Tourism Association, the state's oldest and 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—have been proponents for the establishment of impact fees at high-traffic sites that are especially impacted by visitors. Our position remains unchanged; we support impact fees that are collected at specific sites so long as the monies generated are used to maintain and improve the site at which they were collected.

We support the intent of House Bill 1162 and request the Committee's consideration of several possible amendments.

While we appreciate the language that indicates the collected monies will increase the resiliency of areas being visited by tourists, we feel that this should be a priority and the measure's language should reflect this. We ask that the Committee consider inserting language that makes clear that these monies will not be relegated to any general fund, their expenditure will have a clear nexus to tourism, and they will be used specifically at the site at which they are collected.

Additionally, we would ask that the Committee consider the inclusion of a representative from the private sector tourism industry be included on the proposed Commission.

**For these reasons, HLTA supports House Bill 1162.**

Mahalo for the opportunity to offer these comments.

**HB-1162**

Submitted on: 2/1/2023 2:55:51 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kaia Medeiros	Individual	Support	Written Testimony Only

Comments:

Tourist and the tourism industry in the on the most extractive and destructive sectors within our entire economic system. For far to long this industry has gone unchecked and not held accountable and because of this has been one of the main contributing factors to the extinction and and complete destruction of our native habitat and ecosystem. It's past time that this industry and the individuals and entities who perpetuate and protect this industry/sector be held accountable for their previous and current actions and behaviors relative to the desecration and toxicity that is a byproduct of tourism.

**HB-1162**

Submitted on: 2/1/2023 8:25:26 PM

Testimony for TOU on 2/2/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Yvonne Yoro	Individual	Support	Written Testimony Only

Comments:

**COMMITTEE ON TOURISM**

**Rep. Sean Quinlan, Chair**

**Rep. Natalia Hussey-Burdick, Vice Chair**

**Yvonne Yoro**

**808-352-5137**

**yyoro@hawaii.edu**

**Aloha Chair Quilan, Vice Chair Hussey-Burdick, and Members of the Committee,**

**My name is Yvonne Yoro, resident of Wahiawā, O‘ahu. I am testifying IN SUPPORT of House Bill 442, to amend the Hawai‘i Revised Statutes to implement and impose a visitor green fee program focused on protecting Hawai‘i’s environment and natural resources.**

**HB 442 will help to offset the negative and compounding impacts that continue to degrade our island’s natural resources. By requiring visitors to pay to obtain a license that permits the use of Hawai‘i’s state parks, beaches, hiking trails on state-owned land, and ecosystems, we affirm and hold consistent the belief that we value our natural resources and value protecting what makes Hawai‘i unique from anywhere else in the world. As someone who works in ‘āina, with state, federal, and non-profit groups, I know the difficult and challenging work involved with planting native plants, clearing areas of invasive species, protecting the homes of native animals, and countless other tasks that conserve our environment. While acknowledging the inherently challenging nature of this field of work,**

**those challenges exponentially increase in highly-visited areas. Fees collected from this program will help provide funds to those who do this work every day and ensure their work improves the health of the environment.**

**Mahalo for allowing me to testify IN SUPPORT of House Bill 442.**

**Mahalo,**

**Yvonne Yoro**