



LINDA LINGLE
GOVERNOR
MARSHA WIENERT
TOURISM LIAISON

TOURISM LIAISON

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Statement of
MARSHA WIENERT
Tourism Liaison
Department of Business, Economic Development & Tourism
before the
HOUSE COMMITTEE ON TOURISM & CULTURE
and the
**HOUSE COMMITTEE ON WATER, LAND, OCEAN RESOURCES & HAWAIIAN
AFFAIRS**

Monday, February 11, 2008
8:30 a.m.
State Capitol, Conference Room 325

in consideration of
HB 2323
RELATING TO BEACHES.

Chair Yamane, Chair Ito and Members of the House Committees.

The Department of Business, Economic Development and Tourism expresses concerns regarding HB 2323, which establishes a visitor area beach restoration special fund, dedicates money in the tourism special fund to the new beach restoration special fund and appropriates money to restore visitor area beaches. The intent of HB 2323 is laudable, however, and we fully concur that beach restoration is an important asset to the visitor industry and our residents.

In as much as we support the intent of the bill, we do not support the creation of a new special fund, nor do we support five percent of the Hawaii Tourism Authority's (HTA) funds being deposited into this new special fund.

The Department of Land and Natural Resources (DLNR) currently administers the existing Beach Restoration Special Fund under Section 171-156, Hawaii Revised Statutes, for the purposes of beach restoration and conservation.

Last year, DLNR implemented a beach restoration project at Kuhio Beach in Waikiki, which proved to be very successful.

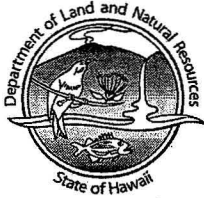
DLNR has proven itself to be able to develop and implement plans for beach restoration and we believe that any and all beach restoration projects should be the department's responsibility, and not the HTA's.

DLNR is working on a plan for beach restoration studies and projects. Additionally, HTA is already funding studies for beach restoration in Waikiki and Kaanapali through their natural resource initiatives. I would like to suggest that the HTA continue to work with DLNR through their Natural Resource Program, which utilizes existing funding approved through the HTA's budget process. As new studies are warranted and projects are developed/approved by DLNR, existing HTA funds could be utilized for restoration projects without mandating a percentage of HTA's budget to this initiative.

Therefore, in light of our concerns and the duplication of efforts and funding that this bill would create, we respectfully request that this measure be held.

Thank you for allowing me to comment on HB 2323.

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

on House Bill 2323 - RELATING TO BEACHES

**BEFORE THE HOUSE COMMITTEES ON
TOURISM AND CULTURE
and
WATER, LAND, OCEAN RESOURCES AND HAWAIIAN AFFAIRS**

February 11, 2008

House Bill 2323 proposes requiring five (5) percent of the Transient Accommodations Tax (TAT) to be deposited in a Visitor Area Beach Restoration Special Fund to be administered by the Hawaii Tourism Authority (HTA), for the purposes of beach restoration. The Department of Land and Natural Resources (Department) does not support this measure for the following reasons.

The Department is opposed to the establishment of a Visitor Area Beach Restoration Special Fund. The Department currently administers the Beach Restoration Special Fund (Fund) under Section 171-156, Hawaii Revised Statutes, for the purposes of beach restoration and conservation throughout the State. The Department intends to use \$500,000 from this Fund this year for planning and design of a beach restoration project in Waikiki. In addition, the Department is working on a three-year plan for beach restoration studies & projects in the State and is actively pursuing this issue.

Further, the Department acknowledges that there exists a mechanism in place by which HTA awards grants for a variety of programs and projects. This measure would go contrary to that accepted and fair process.



Hawai'i Tourism Authority

Hawai'i Convention Center, 1801 Kal kua Avenue, Honolulu, Hawai'i 96815
Website: www.hawaiitourismauthority.org

LINDA LINGLE
Governor

REX D. JOHNSON
President and Chief Executive Officer

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Testimony of
Rex Johnson
President and Chief Executive Officer
Hawai'i Tourism Authority

on
H.B. 2323
Relating to Beaches

House Committee on Tourism & Culture
House Committee on Water, Land, Ocean Resources & Hawaiian Affairs
Monday, February 11, 2008
8:30 a.m.
Conference Room 325

The Hawai'i Tourism Authority (HTA) opposes H.B. 2323, which:

- Establishes a Visitor Area Beach Restoration Special Fund;
- Provides for the development and restoration of sandy beaches and maintenance of permanent improvements on beaches as determined by the HTA;
- Provides that 5 percent of the revenues deposited in the Tourism Special Fund for one year be deposited into the Visitor Area Beach Restoration Special Fund; and
- Makes and appropriation for a beach restoration project on Waikiki Beach fronting the Royal Hawaiian Hotel.

The HTA is tasked with supporting "...the efforts of other state and county departments or agencies to manage, improve, and protect Hawaii's natural environment and areas frequented by visitors" and its legislation provides that "[a]t least \$1,000,000 ...to support the efforts of other state and county departments or agencies to manage, improve, and protect Hawai'i's natural environment and areas frequented by visitors." The HTA believes strongly in supporting the state's natural environment and as such, has budgeted \$5 million for its Natural Resources Program this year.

While the HTA also believes that addressing beaches is an important issue, the responsibility for beach lands lies with the State Department of Land and Natural Resources (DLNR). Currently, there is established a Beach Restoration Special Fund in DLNR that is to be used for the "...placement of sand, with or without stabilizing structures on an eroded beach..." The Board of Land and Natural Resources is empowered to do all things necessary and convenient in connection with the restoration of beach lands.

Further, if this is a special fund looking for revenues from visitors for the restoration of beaches, perhaps the Legislature should look at the general excise tax (GET) rather than that the transient accommodations tax (TAT). According to the Report of the 2005-2007 Tax Review Commission, 38 percent of the GET is borne by nonresidents, our visitors.

Thank you for the opportunity to provide these comments.



**HAWAII HOTEL & LODGING
ASSOCIATION**

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30th Anniversary
Are You Walking???
May 17, 2008
(Always the 3rd Saturday in May)
www.charitywalkhawaii.org

**TESTIMONY OF MURRAY TOWILL
PRESIDENT
HAWAII HOTEL & LODGING ASSOCIATION**

February 11, 2008

RE: HB 2323 Relating to Beaches

Good morning Chairmen Yamane and Ito and members of the House Committees on Tourism & Culture, and Water, Land, Ocean Resources & Hawaiian Affairs. I am Murray Towill, President of the Hawai'i Hotel & Lodging Association.

The Hawai'i Hotel & Lodging Association ("HHLA") is a statewide association of hotels, condominiums, timeshare companies, management firms, suppliers, and other related firms and individuals. Our membership includes over 170 hotels representing over 47,300 rooms. Our hotel members range from the 2,523 rooms of the Hilton Hawaiian Village to the 4 rooms of the Bougainvillea Bed & Breakfast on the Big Island.

The Hawai'i Hotel & Lodging Association supports the intent of HB 2323 Relating to Beaches. We recognize the importance of restoring and improving Hawaii's beaches. We also believe that beach restoration can most effectively be done by using a combination of public and private funds.

The HHLA does not support this bill because it would by legislative mandate divert approximately \$4 million from the Tourism Fund in FY 08-09. We believe that identifying how funds in the Tourism Fund are used should be determined by the Hawaii Tourism Authority ("HTA"). The HTA annually undertakes a detailed budget process and identifies where its funds should be allocated. We believe this is the best process for determining funding priorities.

We also do not believe that such a large amount of money should be set aside right now for beach restoration. As you know, our economy has been slowing in recent months and we believe the HTA needs to consider spending additional funds on marketing activities that will help to stimulate economic activities.

Again, mahalo for the opportunity to testify.

TESTIMONY BY GEORGINA K. KAWAMURA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEES ON TOURISM AND CULTURE
AND WATER, LAND, OCEAN RESOURCES AND HAWAIIAN AFFAIRS
ON
HOUSE BILL NO. 2323

February 11, 2008

RELATING TO BEACHES

House Bill No. 2323 establishes the Visitor Area Beach Restoration Special Fund, which would be administered by the Hawaii Tourism Authority, to provide for development and restoration of sandy beaches throughout the State. This bill seeks to earmark a portion of the FY 09 transient accommodations tax revenues to provide funding for the special fund.

As a matter of general policy, this department does not support the creation of any special or revolving fund which does not meet the requirements of Sections 37-52.3 or 37-52.4 of the Hawaii Revised Statutes. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. The FY 09 portion of the transient accommodations tax would provide about \$4 million, which is not sufficient to accomplish the purposes of the fund.



Legislative Testimony
HB 2323, RELATING TO BEACHES

House Committee on Water, Land, Ocean Resources & Hawaiian
Affairs

February 6, 2008
Room: 325

8:30 a.m.

The Office of Hawaiian Affairs **OPPOSES** HB 2323, which seeks to establish a visitor area beach restoration fund. The monies in this specialized fund will be used to develop, restore, and maintain permanent improvements placed on beaches or in nearshore waters for visitor area beaches near resort destinations only.

OHA opposes this bill for a variety of reasons. Most of our public trust beaches are being threatened, not just those fronting resort destinations. Coastal and submerged lands are ceded lands, as well as part of the public land trust, and OHA has a statutory mandate and trust responsibilities to protect and preserve ceded lands, as well as public and traditional access to and along the shoreline.

The Intergovernmental Panel on Climate Change (IPCC) famously predicted a sea level rise of 3.5 inches to 34.6 inches by the year 2100. They also suggested that continuing greenhouse gas emissions could trigger polar ice-cap melting after 2100, accompanied by sea level rise greater than 16 feet. More recent modeling indicates that melting could occur faster than the IPCC predicted, and the August 10, 2007 issue of "The Cryosphere Today" posted data that shows that sea ice in the northern hemisphere has plunged to the lowest levels ever measured. U.S. polar specialists added that they expect the record low to be "annihilated" by summer's end. CNN recently reported on December 11, 2007, "At this rate, the Arctic Ocean could be nearly ice-free at the end of summer by 2012, much faster than previous predictions." This global occurrence will affect us statewide; to focus our limited resources on "visitor beaches" and "resort destinations" violates both reason and law.

OHA understands that the monies for this proposed bill will come from the transient accommodations tax. However, we feel that beach loss is a state-wide issue that seriously affects us all, our beneficiaries included. To take these transient tax funds and localize them for resort destination beaches shortchanges us all. Other public trust beaches located far from hotels are in peril, and tourists also enjoy them (as do we all). This bill would do nothing for the majority of beaches in our state. To channel a global problem only into "visitor area beaches near resort destinations" is nearsighted. To further focus this national and state issue on "paying the entire cost of the visitor area beach restoration project fronting the Royal Hawaiian Hotel on Waikiki beach on Oahu" is dangerously nearsighted.

OHA particularly opposes this legislation's appropriation that would solely benefit one hotel on one beach on one island. This specific appropriation, located in a bill for a tax dedication that ostensibly could be used for resort beaches on any island, raises the specter of who drafted this bill and for what actual purpose. Such special interest legislation for one hotel should immediately be discarded.

Beach erosion is not a tourist, resort destination problem. Beaches are public trust, ceded lands, and erosion is a very broad, statewide problem that requires more forward-looking and unbiased thoughts than what this narrowly tailored bill even contemplates.

Therefore, OHA urges the Committees to HOLD HB 2323. Thank you for the opportunity to testify.



TO: Chairman Ryan I. Yamane and Members of the Committee on Tourism and Culture
Chairman Ken Ito and Members of the Committee on Water, Land, Ocean
Resources and Hawaiian Affairs

FROM: Ernest K. Nishizaki
Executive Vice President and Chief Operating Officer
Kyo-ya Hotels & Resorts, LP

SUBJECT: SUPPORT FOR HB 2323 – RELATING TO BEACHES

Date: February 9, 2008

Kyo-ya has been part of the Hawai'i community for more than 40 years. Our four Waikīkī properties, the Royal Hawaiian; Moana Surfrider, A Westin Resort; Princess Ka'iulani; and Sheraton Waikīkī, have an aggregate inventory of 4,168 hotel rooms and suites. We are among Hawai'i's largest employers with 3,500 employees.

The preservation of our precious natural environment is a vital concern for the residents of Hawai'i. Sadly, many of our beaches have begun to disappear over the years. We see this in Waikīkī and in many other locations throughout the state. Our beaches are an integral part of the lives of Hawai'i residents, and they attract visitors from around the world who help fuel the economic engine of our state.

Kyo-ya supports the Legislature's intent to provide funding for beach restoration projects across the state. HB 2323 would establish a mechanism for such efforts. We believe beach restoration projects will enhance the beauty of our shores, revitalize the natural habitat, and expand recreational opportunities for all. We are pleased that the state is considering solutions to the problem and thank you for your consideration of this important legislation.

Mahalo for the opportunity to provide you with Kyo-ya's perspective. If you have any questions or comments, please feel free to contact me.

manahan1-Haylee

From: Jeannine Johnson [jeannine@hawaii.rr.com]
Sent: Saturday, February 09, 2008 10:19 PM
To: TACtestimony
Cc: 'Rich Figel'; 'Elizabeth Reilly'; 'Ann Marie Kirk'; 'Scott Werny'; 'Marti'; 'Miwa Tamanaha'; Sen. Sam Slom; Rep. Lyla B. Berg; Rep. Barbara Marumoto; Rep. Gene Ward; Sen. Fred Hemmings; Sen. Gary Hooser; 'George Downing'; jasonj@oha.org; granta@oha.org; 'Kristen Consillio'; ngarcia@honolulu.gov; rtam@honolulu.gov; tapo@honolulu.gov; dmdelacruz@honolulu.gov; gokino@honolulu.gov
Subject: Testimony in Strong Opposition to HB 2323 RELATING TO BEACHES
Attachments: image001.jpg; oledata.mso; image002.emz; image004.wmz

COMMITTEE ON TOURISM & CULTURE

Rep. Ryan I. Yamane, Chair
 Rep. Joey Manahan, Vice Chair

COMMITTEE ON WATER, LAND, OCEAN RESOURCES & HAWAIIAN AFFAIRS

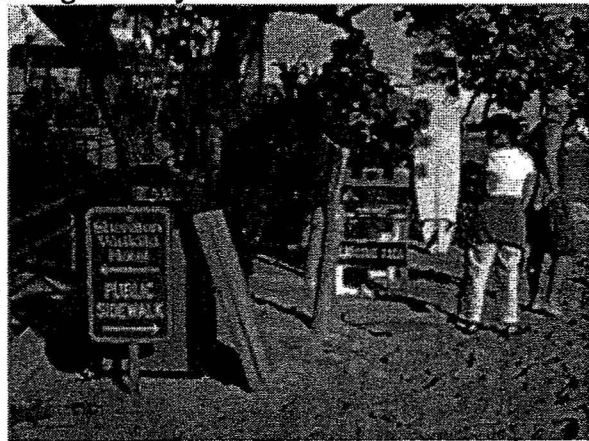
Rep. Ken Ito, Chair
 Rep. Jon Riki Karamatsu, Vice Chair

HB 2323 RELATING TO BEACHES
Hearing Monday, Feb. 11, 2008, @ 8:30 am in Conference Room 325

Dear Chairs Yamane and Ito and Vice Chairs Manahan and Karamatsu,

I strongly oppose HB2323 which establishes a visitor area beach restoration special fund; dedicates moneys in tourism special fund to visitor area beach restoration special fund for 1 year only; and appropriates moneys from the special fund to pay for visitor area beach restoration project on Waikiki beach fronting the Royal Hawaiian Hotel.

At the Honolulu City Council's Zoning Committee hearing on February 5, 2008, on Kyo-ya Hotels & Resorts' planned renovations to its Sheraton Waikīkī Resort (see my testimony below), Councilmember Nester Garcia very pointedly asked the representative of the Department of Permitting and Planning (DPP) if the DPP gave any consideration of the cumulative effects of development in Waikīkī. The answer was "no."



In the letter dated January 25, 2008, against the proposed renovations, Office of Hawaiian Affairs' Administrator Clyde Nāmu'o states: "OHA is bothered by this tender irony in that this applicant has eradicated our beneficiaries (and our state's) public trust beach, proposes to not only continue to do more projects in protected areas, but then contemplates to 'restore' the beach, thereby potentially changing the shoreline boundary and creates an exclusive use of this area. This is absurd."

Waikīkī was a beautiful beach and the home of my ali'i. Although the Sheraton is right on the water, what was Gray's Beach in the 1940s is now a sea wall. This picture of the area in front of the Sheraton can be found at

<http://people.mills.edu/jspahr/waikiki.pdf> along with this quote: "The beach soon disappears into the water (there is no "public sidewalk" despite the sign) and the Sheraton has built up a sea wall with a walkway that they

restrict to their guests." The continued development so close to the shoreline by hotels like the Sheraton have caused the erosion of our beach and restricted the public's access. These cumulative effects are, disastrously, not even considered by the DPP.

As you may know, the beach fronting the Royal Hawaiian Hotel, also owned by Kyo-ya, does not need restoration. However, the beach in front of the Sheraton does. I believe House Bill 2323 is Kyo-ya's attempt to increase the beach in front of the Sheraton without having to pay for it. Owners of beachfront property who build into the setbacks mandated in our State and Federal laws should be forced to finance the restoration of those beaches fronting their own properties.

Mahalo for your consideration.

Jeannine

Jeannine Johnson
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Honolulu, Hawai'i 96821
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"PUPUKAHI I HOLOMUA"
(Unite in Order to Progress)

From: Jeannine Johnson [mailto:jeannine@hawaii.rr.com]

Sent: Sunday, February 03, 2008 7:13 PM

To: 'cushijima@honolulu.gov'; 'rtam@honolulu.gov'; 'tapo@honolulu.gov'; 'dmdelacruz@honolulu.gov'; 'ngarcia@honolulu.gov'; 'gokino@honolulu.gov'

Cc: 'gkim@honolulu.gov'; 'jasonj@oha.org'; Senator Sam Slom; 'repberg@capitol.hawaii.gov'; 'Donna Wong HTF'; 'Scott Werny'; 'Rep. Gene Ward'; 'Rich Figel'

Subject: Zoning Committee Testimony

Jeannine Johnson
5648 Pia Street, Honolulu, Hawai'i 96821
Phone: 373-2874 (h) / 523-5030 (w)
February 3, 2008

Via email

ZONING COMMITTEE
Rod Tam, Chair
Todd K. Apo, Vice Chair
Donovan M. Dela Cruz, Member
Nestor R. Garcia, Member
Gary H. Okino, Member

Hrg: Regular Meeting on Tuesday, February 5, 2008, at 9 am
RESOLUTION 08-21 – SPECIAL MANAGEMENT AREA USE PERMIT (SMP) AND SHORELINE SETBACK VARIANCE (SV) FOR PORTIONS OF MASTER PLANNED IMPROVEMENTS AND RENOVATIONS TO THE ROYAL HAWAIIAN HOTEL AND SHERATON WAIKIKI HOTEL (2007/SMA-78 AND 2007/SV-11). (Applicant: Kyo-ya Hotels & Resorts, LP)

Dear Chair Tam, Vice Chair Apo and Honorable Councilmembers,

I **strongly oppose** Resolution 08-21 for Applicant Kyo-ya Hotels & Resorts' proposed project to expand and construct pools (the beachside pool and the resort pool), water slides, bars, decks, and lawn areas all within the shoreline setback.

I have read the comments by Office of Hawaiian Affairs' Administrator, Clyde Nāmu'ō, in his letter dated January 25, 2008, and hereby incorporate by reference each and every compelling point contained therein, especially the potential impacts that this project would have on our cultural resources, natural resources, water quality, and effects on traditional and cultural rights and practices in the Waikīkī area. In his letter, Mr. Nāmu'ō correctly cites all the State and Federal laws, as well as SMA rules and regulations, which this project would violate. As we have seen with the recent Supreme Court SuperFerry decision, cumulative and secondary impacts must be considered. The loss of the public's access to the beach fronting this project will be lost or severely reduced, and the cumulative effect of this project with the substantial loss of beach access currently island-wide will result in significant adverse effects to our residents.

My uncle was a beachboy for the Outrigger Hotels for over 50 years and my father would fish Waikīkī in the 50s (see picture). Growing up in the 60s, my 'ohana would regularly spend weekends in Waikīkī from Queen's Surf to the Outrigger, enjoying the sun, sand, surf and gathering limu. Unfortunately, Waikīkī has become inaccessible to our residents and especially to Native Hawaiians whose rights to traditional and customary access and gathering of natural resources are expressly protected by the Hawai'i Constitution and case law.

Mahalo,

Jeannine Johnson
Jeannine Johnson

cc via email: Jason Jeremiah, OHA
Sen. Sam Slom
Rep. Lyla Berg
Rep. Gene Ward
Hawai'i Thousand Friends
Surfrider Foundation
Beach Access Hawaii

