

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

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
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FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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CONSERVATION AND RESOURCES
ENFORCEMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
JUDICIARY AND HAWAIIAN AFFAIRS

Friday, Feb 23, 2024
2:00 p.m.

State Capitol, Conference Room 325 & Videoconference

In consideration of
HOUSE BILL 1546 HOUSE DRAFT 1
RELATING TO RESTORATION OF BEACH LANDS

House Bill 1546 House Draft 1 proposes to amend the definition of “beach restoration” used in laws governing the Board of Land and Natural Resources’ powers to engage in beach restoration to include activities undertaken to improve eroded beaches and degraded dune systems and to remove abandoned and remnant manmade materials that pose a risk to the health of the public and ecosystem. **The Department of Land and Natural Resources (Department) strongly supports this bill.**

The Department administers the beach restoration program for the State via the Office of Conservation and Coastal Lands (OCCL). The beach fund can be used to provide grants to counties, nongovernmental organizations and the University of Hawai‘i for the restoration of beach lands.

Currently “beach restoration” by definition is limited to the placement of sand on a beach from outside sources such as streams, harbors, quarries, and offshore sand sources. In recent years community organizations have expressed an interest in conducting related nature-based activities, such as dune restoration, to promote a naturally resilient shoreline. These organizations need financial assistance to accomplish these stewardship activities.

The Department supports broadening the types of community-supported activities covered by the definition of “beach restoration.” Including dune restoration, sand pushing, and removal of derelict structures as “beach restoration” will enable OCCL to support a full suite of nature-based activities proven to enhance the public trust, promote resilience, and encourage community engagement.

Mahalo for the opportunity to provide testimony in support of this measure.



‘ŌNAEHANA KULANUI O HAWAI‘I

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee of Judiciary & Hawaiian Affairs
Friday, February 23, 2024 at 2:00 p.m.

By

Charles "Chip" Fletcher, PhD
Interim Dean

School of Ocean and Earth Science and Technology

And

Darren Lerner, PhD
Director, Sea Grant College Program

And

Michael Bruno, PhD
Provost

University of Hawai'i at Mānoa

HB 1546 HD1 – RELATING TO RESTORATION OF BEACH LANDS

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) and the Climate Resilience Collaborative (CRC) support HB 1546 HD1, which amends the definition of "beach restoration" used in laws governing the Board of Land and Natural Resources' powers to engage in beach restoration to include activities undertaken to improve eroded beaches and degraded dune systems and to remove abandoned and remnant manmade materials that pose a risk to the health of the public and ecosystem.

Hawai'i Sea Grant and CRC support this measure because it will enable the Department of Land and Natural Resources to more effectively maintain and improve beaches and coastal resources.

Hawaii Sea Grant and CRC suggest a minor amendment to clarify the definition of beach restoration (suggested amendments underlined).

Page 2 Line 18:

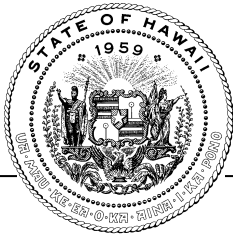
(1) Maintain and improve eroded beaches and degraded dune systems through restoration, maintenance and active management of sand and native vegetation; or

Hawai'i Sea Grant's mission is to provide integrated research, extension, and education activities that increase understanding and use of ocean and coastal resources of the Hawaiian and Pacific Islands and support the informed personal, policy, and management decisions that are integral to realizing this vision. Hawai'i Sea Grant is part of a national network of 34 university-based programs associated with the National Oceanic and Atmospheric Administration that promote better understanding, conservation, and use of coastal resources.

CRC is a multi-investigator research project at the University of Hawai'i at Mānoa focused on sea level rise adaptation and climate resilience. CRC is updating coastal models that project the impacts of sea level rise.

The research that goes into identifying Hawai'i's exposure to sea level rise is coming out of the University of Hawai'i School of Ocean and Earth Science and Technology. To maintain our understanding of sea level threats based on the latest science, these researchers need ongoing financial support from the State. CRC would be happy to provide updated sea level rise data and projections to the Committee or any lawmaker upon request.

CRC and Hawai'i Sea Grant support HB 1546 HD1, provided its adoption does not replace or adversely impact priorities as indicated in our Board of Regents Approved Budget. Thank you for the opportunity to testify on this measure.



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
INTERIM DIRECTOR

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Statement of
MARY ALICE EVANS, Interim Director

before the
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Friday, February 23, 2024

2:00 PM

State Capitol, Conference Room 325

in consideration of
HB 1546 HD1
RELATING TO RESTORATION OF BEACH LANDS.

Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary and Hawaiian Affairs:

The purpose of HB 1546 HD1 is to amend the definition of beach restoration used in laws governing the board of land and natural resources' powers to engage in beach restoration by expanding the types of activities in response to the increasing threat of sea level rise and beach loss.

The Office of Planning and Sustainable Development (OPSD) **appreciates the intent and offers amendments to** HB 1546 HD1. For the purposes of clarity and accuracy, the OPSD recommends amending the definition of "Beach restoration" proposed by HB 1546 HD1 as follows:

"Beach restoration" means any activity undertaken to:

- (1) Maintain and improve [~~eroded~~] beaches and [~~degraded~~] dune systems through management and restoration of sand and native dune vegetation; or
- (2) Remove [~~abandoned remnant manmade~~] materials abandoned on beaches and dunes that pose a risk to public [~~and ecosystem~~] health and coastal ecosystems.

Thank you for the opportunity to testify on this measure.

Friday, February 23, 2024, 2:00 P.M.

State of Hawai'i

House Committee on Judiciary & Hawaiian Affairs
State Capitol, Conference Room 325

**HILTON GRAND VACATIONS TESTIMONY IN OPPOSITION TO HOUSE BILL
1546, HD1
RELATING TO RESTORATION OF BEACH LANDS**

Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members:

My name is Kelly Olinger and I am the Senior Vice President, Development, of Hilton Grand Vacations ("HGV"). HGV has developed and operates 13 timeshare projects throughout Hawaii, including the Maui Bay Villas, the Kaanapali Beach Club, several projects at Hilton Hawaiian Village, the Modern Waikiki, and the Hokulani on Kalakaua Avenue. Collectively, HGV operates 3,500 timeshare units throughout Hawaii. In addition, we are currently developing a new project known as Ka Haku in the former King's Village site. We offer this testimony in opposition to the current form of House Bill 1546, HD1.

Although HGV is supportive of expanding what is recognized as "beach restoration," we are not supportive of foreclosing options for adapting to climate change and sea level rise. Activities like sand placement and the installation of stabilizing structures like groins provide workable solutions to restore Hawaii's beaches. Solutions that are currently being employed by both government and private parties across the State. The bill would appear to preclude these activities, which runs counter to the bill's stated aim of "expanding the types of activities" that are recognized as beach restoration.

Hawaii's beaches are not only a treasured resource to residents, but they are also a vital part of Hawaii's economy and coastal ecosystem. HGV strongly believes that restoring, preserving, and protecting Hawaii's beaches is critical to the economic viability of the State.

As an example, Waikiki is responsible for bringing billions of dollars in visitor expenditures to Hawaii's economy annually. There are more than 30,000 visitor accommodation units in the resorts, hotels and condominiums in Waikiki alone. Tourism-related activities in Waikiki contribute very substantially to Hawaii's tax revenues, including General Excise Tax, Transient Accommodations Tax, and income tax from tourism-related employment. These would all be in jeopardy if the bill's narrowing of recognized activities became law.

HGV respectfully asks that the Committee restore the existing language in HRS § 171-151 and add the additional activities proposed in the bill. We believe this is more consistent with the bill's stated intent and purpose.

Thank you for the opportunity to provide this testimony.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Olinger', with a stylized flourish at the end.

Kelly Olinger
Senior Vice President, Development
Hilton Grand Vacations

Friday, February 23, 2024, 2:00 P.M.

State of Hawai‘i

House Committee on Judiciary & Hawaiian Affairs
State Capitol, Conference Room 325

**JOINT TESTIMONY OF DUANE FISHER AND ERIC ROBINSON IN OPPOSITION
TO HOUSE BILL 1546, HD1
RELATING TO RESTORATION OF BEACH LANDS**

Dear Chair Tarnas, Vice Chair Takayama, and Committee Members:

Our firm is legal counsel for a variety of clients that own property throughout the State, including individuals, businesses, and resorts. We practice in the areas of business and real estate law, including land use, shoreline, and special management area issues. We **oppose** House Bill 1546, HD1 as currently written.

As noted in the House Committee on Water & Land’s committee report (HSCR411-24), the purpose of this bill is to “include activities” that are not currently expressed in HRS § 171-151 “by expanding the types of beach restoration activities the Board of Land and Natural Resources may undertake in response to the increasing threat of sea level rise and beach loss.” We agree with the bill’s premise that the State should “expand[] the types of activities” that it “recognizes as restorative and beneficial to beach lands[.]” Testimony on the original draft of this bill underscored the expansion of activities, with DLNR testifying that it “supports **broadening**” and including several additional activities that would “enable OCCL to support a full suite” of activities.

However, the bill does not broaden or expand the types of recognized activities. Instead, the bill narrows recognized activities by removing sand placement, with or without stabilizing structures. Sand placement is an essential tool for restoring and maintaining our beaches, and in some instances, stabilizing structures are needed. For example, beach restoration in Waikiki (which the State is currently partnering with private industry on) includes sand placement, both with and without stabilizing structures. The bill could potentially preclude this.

As currently written, the bill could be interpreted by DLNR and BLNR to preclude the placement of sand and instead only allow sand pushing and sand back passing. This is problematic and concerning. Such an interpretation would preclude the use of the Beach Restoration Special Fund (HRS § 171-156) to carry out the State’s current sand placement projects. There is no one-size-fits-all solution beach restoration, nor is there a one-size-fits-all solution for adapting to sea level rise. We must keep all of the tools available to us in the toolbox, including sand placement, with and without stabilizing structures.

We respectfully propose the following amendment to expand (rather than narrow) the activities recognized as beach restoration for the Committee’s consideration.

- On page 2, line 20 – Delete the word “or”
- On page 3, line 2 – Delete the period and replace with “; or”
- On page 3, line 3 – Insert a new subparagraph (3) to read as follows:

(3) Place sand, with or without stabilizing structures, on an eroded beach from an outside source such as offshore sand deposits, streams, channels or harbor mouths, or an upland sand quarry.”

Mahalo for the opportunity to provide testimony on HB1546, HD1.

Very truly yours,



Duane R. Fisher



Eric S. Robinson

HB-1546-HD-1

Submitted on: 2/21/2024 8:28:23 PM

Testimony for JHA on 2/23/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Theodore Ratliff	Individual	Oppose	Written Testimony Only

Comments:

Good afternoon, I am Theodore Ratliff, a student from Castle Highschool and I will be testifying against HB_1546. At the current date the bill has been set to extend to for when it shall go into effect will far excede this country's life span by several hundred years and will allow for the natural resources that are the beaches to be built upon and subsequently owned by people through them owning the structures built upon it. This is in violation of the bill HRS 115-5 and HRS 205A-1 stating that beaches are public property and can not be owned by a private organization(s) or people.