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OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

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Statement of  
**MARY ALICE EVANS, Director**

before the  
**SENATE COMMITTEE ON JUDICIARY**  
Friday, February 27, 2026, 10:30 AM  
State Capitol, Conference Room 016

in consideration of  
**SB 2322, SD 1**  
**RELATING TO ENVIRONMENTAL ASSESSMENTS**

Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary, the Office of Planning and Sustainable Development (OPSD) offers the following **comments with concerns** on SB 2322, SD 1 which amends subsection (a) of HRS Section 343-5.

SB 2322, SD1 proposes to amend HRS Chapter 343-5 (4) types of proposed actions for which an Environmental Assessment is required to be prepared by adding two new types of actions. Currently, this trigger includes the use of a historic site as designated in the National Register or Hawaii Register of Historic Places, as provided for in the Historic Preservation Act of 1966, Public Law 89-665, or chapter 6E.

**OPSD has strong concerns** that the proposed SD1 language is overly broad and could potentially apply to all property within the State of Hawaii. The proposed amendment on page 2, lines 12-19 replaced an amendment in the original bill that included a statutory reference to the administrative rules that provided authority over the question of whether an historic property would be included in this environmental review trigger. A reference to an authority or process to determine whether a property has important historic value in Hawaii and thus requires preparation of an environmental assessment is needed for clarity.

Similarly, **OPSD has concerns** that the proposed text on page 3, lines 1-3 of SD 1 does not include any reference to the authority by which historic properties are determined eligible to be on the National Register of Historic Places (NRHP). This could invite legal challenges from anyone who may assert they have “determined” that a historic property is eligible to be listed on the NRHP, and thus an environmental review of a proposed use of the property is required. Additional clarification of the legal authorities by which these determinations are made is needed.

Thank you for the opportunity to testify on this measure.

**LATE**



**TESTIMONY IN SUPPORT OF SENATE BILL 2322 SD1**  
RELATING TO ENVIRONMENTAL ASSESSMENTS

Senate Committee on Judiciary

February 27, 2026

10:30 AM

Room 016

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Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Committee on Judiciary:

The Office of Hawaiian Affairs (OHA) provides testimony in **SUPPORT** of SB2332 SD1, which would require Hawai‘i Revised States (HRS) Chapter 343 review for any proposed use within a historic property important to Native Hawaiians or another ethnic group of the State. OHA believes this bill appropriately corrects a statutory misalignment by ensuring that the environmental review trigger reflects current historic preservation standards, including culturally significant sites. Aligning these frameworks ensures that impacts to places of deep cultural importance are properly disclosed and subject to public review and comment.

OHA is the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians.<sup>1</sup> As part of our constitutional and statutory mandate, OHA regularly assesses the policies and practices of other agencies impacting on Native Hawaiians and conducts advocacy efforts on their behalf.<sup>2</sup> In this capacity, OHA has substantial experience applying and enforcing HRS Chapter 343, Hawai‘i’s environmental review law, and HRS Chapter 6E, the state’s historic preservation law—both of which are vital for protecting Native Hawaiian rights and resources.

Currently, one of the environmental review triggers under HRS Chapter 343 is the inclusion of a property on the National Register of Historic Places (NRHP) or Hawai‘i Register of Historic Places (HRHP). However, the statutory language has not kept pace with important updates to how historic significance is evaluated under both state and federal preservation frameworks. This measure corrects this misalignment and reflects our modern and culturally grounded understanding of historic preservation.

When the HRHP was first established, eligibility for listing was limited to four criteria, modeled directly after the original NRHP standards: (a) associated with events that have made a significant contribution to broad patterns of our American or Hawaiian history, (b) associated with the lives of persons significant in our past, (c) embody distinctive characteristics of a type,

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<sup>1</sup> Haw. Const. Art. XII § 5.

<sup>2</sup> See HRS § 10-3(4).

period, or method of construction, or that represent the work of a master, or that possess high artistic value, or (d) has yielded, or may be likely to yield information in prehistory or history. While these criteria remain important, they reflect a preservation framework historically centered on architectural and event-based significance.

Over time, Hawai‘i appropriately recognized that this framework did not fully capture places of deep cultural importance to Native Hawaiians and other communities. Accordingly, the administrative rules governing historic property significance were updated to include a fifth criterion, Criterion E, for sites that may have “important value to the native Hawaiian people or to another ethnic group of the state due to associations with cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events or oral accounts--these associations being important to the group's history and cultural identity”.

However, this expanded recognition of significance has not been fully incorporated into the HRHP. As a result, there is a disconnect between how properties are evaluated for significance under the State Historic Preservation Division review process and which properties trigger environmental review. This bill appropriately resolves this inconsistency by ensuring that Criterion E properties are treated consistently across frameworks. Aligning these standards provides technical consistency and ensures that culturally significant places receive the same level of procedural protection as architecturally or other historically significant sites.

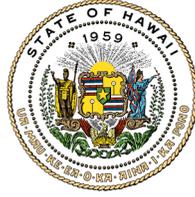
Similarly, at the federal level, Traditional Cultural Places (TCPs) are recognized as eligible for listing on the NRHP because of their association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community. Although the NRHP originally operated under four criteria, federal guidance evolved to recognize TCPs as an essential category of eligible properties. In practice, this designation functions as the federal equivalent to Hawai‘i’s Criterion E. As such, updating the HRS 343 trigger to explicitly include TCP-designated properties ensures consistency and avoids gaps in environmental review for culturally significant places.

In conclusion, this bill strengthens coherence within Hawai‘i’s historic preservation and environmental review framework. It ensures that properties recognized as significant under modern preservation standards are not inadvertently excluded from environmental review protections due to outdated statutory language.

Mahalo for the opportunity to testify on this measure. We respectfully urge the committee to **PASS SB2322 SD1**.

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

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LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
RYAN K.P. KANAKA'OLE  
Acting Chairperson

Before the Senate Committee on  
JUDICIARY

Friday, February 27, 2026  
10:30 AM  
State Capitol, Conference Room 016

In consideration of  
SENATE BILL 2322, SENATE DRAFT 1  
RELATING TO ENVIRONMENTAL ASSESSMENTS

Senate Bill 2322, Senate Draft 1 would amend Hawaii Revised Statutes (HRS) § 343-5 to require environmental assessments (EAs) for any historic site designated in the National or Hawai'i Registers of Historic Places or meet site significance criterion "e" for inclusion in the State Inventory of Historic Places. **The Department of Land and Natural Resources (Department) submits the following comments for consideration.**

The Department appreciates the Legislature's recognition of the need to consider significant historic sites when developing and executing projects. It also recognizes the need to clarify and streamline the environmental review process by focusing such efforts on evaluating impacts to significant historic sites. EAs and Environmental Impact Statements require a project proponent assess and consider the impacts of their project early in the design development process, rather than after the project has already been designed and/or is entering the permitting stage of the development process. This early assessment is critical for making changes to proposed actions to prevent adverse effects to historic properties, iwi kupuna, and critical environmental resources, as well as minimizing delays during the implementation process.

Mahalo for the opportunity to comment on this measure.

**SB-2322-SD-1**

Submitted on: 2/23/2026 8:12:38 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

**STRONG SUPPORT! SB2322  
SD1**

**Dana Keawe**

**SB-2322-SD-1**

Submitted on: 2/24/2026 9:32:48 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support and stand on OHA 2/11/26 testimony

2322 SB RELATING TO ENVIRONMENTAL ASSESSMENTS.