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LAND
STATE PARKS

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

Before the Senate Committees on
WATER, LAND, CULTURE AND THE ARTS
and
AGRICULTURE AND ENVIRONMENT

Wednesday, February 11, 2026
1:00 PM
State Capitol, Conference Room 224

In consideration of
SENATE BILL 2322
RELATING TO ENVIRONMENTAL ASSESSMENTS

Senate Bill 2322 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 recognizing 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. Environmental Assessments (EAs) and Environmental Impact Statements (EISs) require a project proponent assess and take into account the impacts of their project early on 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

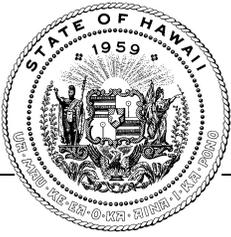
Pg. 2, Lines 11-16

The proposed amendment clarifies the type of historic sites that require early consideration through an EA or EIS, including “property considered significant pursuant to section 284-6(b)(5), chapter 13, of the Hawaii Administrative Rules; or property recognized as a traditional cultural property by the state historic preservation division pursuant to section 6E-42.” The identification of historic sites referenced within this amended section of the statute are repetitive and are found in additional locations within the Hawaii Administrative Rules and HRS Chapter 6E. Thus, the Department recommends the following edits:

(B) Property having an 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 [~~considered significant pursuant to section 284-6(b)(5), chapter 13, of the Hawaii administrative rules; or~~]

~~[(C) Property recognized as a traditional cultural property by the state historic preservation division pursuant to section 6E-42;]~~

Mahalo for the opportunity to comment on this measure.



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

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Statement of
MARY ALICE EVANS, Director

before the
**-SENATE COMMITTEES ON WATER, LAND, CULTURE AND THE ARTS
AND
AGRICULTURE AND ENVIRONMENT**

Wednesday, February 11 2026, 1:00PM
State Capitol, Conference Room 224

in consideration of
SB 2322
RELATING TO ENVIRONMENTAL ASSESSMENTS

Chairs Lee and Gabbard, Vice Chairs Inouye and Richards, and Members of the Senate Committees on Water, Land, Culture and the Arts and Agriculture and Environment, the Office of Planning and Sustainable Development (OPSD) offers the following comments on SB 2322, which amends subsection (a) of HRS Section 343-5.

SB 2322 proposes to expand the existing HRS Chapter 343 environmental review process trigger related to historic sites. Currently, this trigger only includes the use of a historic site as designated in the National Register or Hawaii Register of Historic Places. To this trigger, the bill would add use of two additional types of proposed actions: 1) the use of property considered significant pursuant to an evaluation of significance detailed in HAR Section 13-284-6, and 2) the use of property recognized as a traditional cultural property by the state historic preservation division. Proposed actions that hit a trigger must either 1) prepare an environmental assessment, 2) be exempted from the requirement to prepare an environmental assessment, or 3) prepare an environmental impact statement.

HRS Section 343-5(a) establishes nine categories of actions that trigger the environmental review process; many of these categories relate to sensitive or important environments, including the trigger related to historic sites. Expanding this trigger to include the two additional types of properties with demonstrated historic significance is consistent with the intent of the process, which is to disclose likely impacts to the environment from proposed actions.

Note: HRS Ch. 343 establishes a disclosure process, not a decision-making process on whether a proposed action should proceed.

Thank you for the opportunity to testify on this measure.



TESTIMONY IN SUPPORT OF SENATE BILL 2322
RELATING TO ENVIRONMENTAL ASSESSMENTS
Senate Committee on Water, Land, Culture and the Arts;
and, Agriculture and Environment

February 11, 2026

1:00 PM

Room 224

Aloha e Chair Lee and Gabbard, Vice Chair Inouye and Richards, and Members of the Committee on Water, Land, Culture and the Arts; and, Agriculture and Environment:

The Office of Hawaiian Affairs (OHA) provides the following **SUPPORT WITH AMENDMENTS** on SB2332, which would create additional triggers for Hawai'i Revised States (HRS) Chapter 343 review based on whether a historic property is significant under Criterion E or considered a traditional cultural property. OHA believes this bill would align the HRS 343 historic property trigger requirement with current eligibility criteria standards, and ensure environmental impacts to important Native Hawaiians site as recognized under the law would be properly accounted for and disclosed to the public for review and comment.

OHA is the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians.¹ 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.² 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 HRS 343 triggers for environmental review is inclusion on the National Register of Historic Places (NRHP) or Hawai'i Register of Historic Places (HRHP). However, the criteria that has been in place since their initial adoption into law has been updated to take into consideration culturally important sites. When the HRHP was first created, historic properties were only eligible if considered significant

¹ Haw. Const. Art. XII § 5.

² See HRS § 10-3(4).

per one of four criteria: 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, 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. These four criteria were modeled after the NRHP eligibility system.

However, over the years, respective administrative rules governing significance criteria eligibility were updated to include an additional fifth criteria, 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”. This update to include Criterion E in the administrative rule has yet to carry over to the HRHP. Accordingly, including Criterion E sites with the NRHP/HRHP HRS 343 trigger brings alignment with how historic properties are evaluated for significance under the State historic preservation review process.

Similar to the state level Criterion E designation, a Traditional Cultural Place (TCP) is a federal designation applied to sites eligible to 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. Like the Criterion E designation on the state level, the NRHP originally did not include it with the original four eligibility criteria. Arguably, it is the federal equivalent to a Criterion E designation on the state level. As such, the HRS 343 trigger pertaining to NRHP sites should be updated to include the TCP designation as proposed in the bill.

While OHA fully supports this bill, we do offer modest technical edits for consistency and alignment with appropriate statutes. First, on page 2, lines 6 and 7, we recommend replacing “site” with “property”, as “historic property” is defined in HRS 6E-2, not “historic site”. Second, on page 2, lines 11-13, we recommend inserting exact language rather than citing the administrative rule. Third, on page 2, lines 15-16, we advise removing the reference to SHPD and HRS § 6E-42 and replacing it with language to say a property that is determined to be eligible as a TCP on the NRHP. “Traditional cultural property” is only defined in federal law and was recently updated to mean “traditional cultural place.” Accordingly, we also recommend updating line 15, page 2 to “traditional cultural place or property”.

Our suggested amendments are captured below:

“(4) Propose any use within any historic [~~site~~]property:

(A) [~~as~~] As designated in the National Register or Hawaii Register, as provided for in the Historic Preservation Act of 1966, Public Law 89-665, or chapter 6E;

(B) That has 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; or

(C) Determined to be eligible as a traditional cultural property or place on the National Register of Historic Places;”

Mahalo for the opportunity to testify on this measure. We urge the committee to **PASS SB2322** with our proposed amendments.