



# OFFICE OF PLANNING STATE OF HAWAII

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <http://planning.hawaii.gov/>

DAVID Y. IGE  
GOVERNOR

MARY ALICE EVANS  
DIRECTOR  
OFFICE OF PLANNING

Statement of  
**MARY ALICE EVANS**  
Director, Office of Planning  
before the  
**SENATE COMMITTEE ON JUDICIARY**  
Thursday, February 27, 2020  
10:30 AM  
State Capitol, Conference Room 016

in consideration of  
**SB 3152, SD1**  
**RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.**

Chair Rhoads, Vice Chair Keohokalole, and Members of the Senate Committee on Judiciary.

The Office of Planning (OP) **opposes** SB 3152, SD1 that amends Chapter 343, Hawaii Revised Statutes, by adding definitions for “cultural assessment” and “cultural impact assessment” and by requiring environmental assessments include a cultural assessment and environmental impact statements include a cultural impact assessment.

OP is concerned that requiring a separate cultural assessment study or cultural impact assessment study whenever an environmental assessment or environmental impact statement, respectively, is prepared, regardless of the nature of the action being proposed or its context, may lead to unnecessary costs and delay.

Proposed actions in already-built environments or secure areas (e.g., airfields) are highly unlikely to impact existing cultural practices, yet SB 3152, SD1 would still require that a qualified ethnographer be hired to prepare the study.

Thank you for this opportunity to testify.



**TESTIMONY BY:**

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
DEREK J. CHOW  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

**LATE**

**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 27, 2020  
10:30 a.m.  
State Capitol, Room 16

**S.B. 3152, S.D. 1**  
**RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**

Senate Committee on Judiciary

---

The Department of Transportation (DOT) **opposes** S.B. 3152, S.D. 1. This bill revises Section 343, Hawaii Revised Statutes to define "cultural assessment" and "cultural impact assessment". Requires cultural assessments to be available for public review and comment in connection with draft environmental assessments. Requires a cultural impact assessment if an agency determines a proposed action may have a significant effect on the environment.

DOT opposes this bill because it is not necessary as 11-200.1, Hawaii Administrative Rules, provides sufficient provisions for assessment of cultural impacts. S.B. 3152 will add unnecessary requirements to the environmental process. Cultural impacts are considered in the current environmental processes, but to require a separate "cultural assessment" in an EA and a "cultural impact assessment" in an EIS will add to the time and cost of doing business for DOT projects.

Thank you for the opportunity to provide testimony.

**SB-3152-SD-1**

Submitted on: 2/24/2020 1:48:27 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leona Leialoha	Individual	Support	No

Comments:

**SB-3152-SD-1**

Submitted on: 2/24/2020 2:14:39 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kelii ho	Individual	Support	No

Comments:

I support my fellow kanaka maoli & this bill

**SB-3152-SD-1**

Submitted on: 2/26/2020 12:00:03 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Regina K. Hilo	Individual	Support	No

Comments:

**LATE**

**SB-3152-SD-1**

Submitted on: 2/26/2020 9:05:02 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Angus Raff-Tierney	Testifying for Society for Hawaiian Archaeology	Support	No

Comments:

**LATE**

**SB-3152-SD-1**

Submitted on: 2/27/2020 9:11:15 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Trisha Kehaulani Watson	Individual	Support	No

Comments:

Aloha Senators,

I am submitting this testimony in STRONG SUPPORT of this measure. There are currently no regulations or standards regarding CIAs. The 1997 guidelines last referenced by OEQC in their previous testimony have no regulatory effect, and unfortunately, OEQC failed to add any regulatory guidance into their recent rule changes. As a result, CIAs are often gravely inadequate to address cultural and traditional practices, which contributes to the rise of conflict surrounding projects.

Requiring that qualified ethnographers complete CIAs will help to improve these documents and achieve greater compliance with the Hawaii State Court decision *Ka Paakai o Ka Aina v LUC*. These professional standards are already codified in SHPD's rules and are consistent with federal guidelines related to this topic and which have proven effective in comparable federal processes. This measure only links these professional standards to HEPA, which is wholly appropriate and will result in improved disclosures and documentation throughout the state.

Please pass this measure.

Mahalo,

Trisha Kehaulani Watson, JD, PhD