



SB 2211
RELATING TO NATIVE HAWAIIAN TRADITIONAL AND CUSTOMARY RIGHTS
Committee on Hawaiian Affairs

February 8, 2012 2:45 p.m. Room 224

The Office of Hawaiian Affairs (OHA) strongly **SUPPORTS** SB 2211, which would provide a mechanism for the consideration of cultural practices in the environmental review process by requiring all draft and final environmental assessments to include a cultural impact assessment and all draft and final environmental impact statements to include a cultural impact statement.

SB 2211 provides an opportunity to fulfill the intent of Act 50, Session Laws of Hawai'i 2000, which required EISs to analyze the impacts a proposed project would have on cultural practices. As the Hawai'i State Legislature has found, "the past failure to require native Hawaiian cultural impact assessments resulted in the loss and destruction of many important cultural resources and has interfered with the exercise of native Hawaiian culture." *Ka Pa'akai O Ka'aina v. Land Use Commission*, 94 Hawai'i 31, 47, fn 28 (2000). Unfortunately, Act 50 did not provide a mechanism or minimal requirements for cultural assessments. In addition, administrative rules for CIAs do not exist. As a result, in the ten years since the passage of Act 50, we still see vast inconsistencies in the manner in which CIAs disclose a project's cultural impacts.

Finally, OHA is happy to report that since introduction of a similar bill during the 2011 session, we have been working with the Office of Environmental Quality Control and the Environmental Council to address these concerns through rule making. SB 2211 is consistent with these efforts and would support this initiative.

Therefore, OHA strongly urges the Committees to PASS SB 2211. Mahalo for the opportunity to testify on this important measure.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



GARY L. HOOSER
DIRECTOR

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Senate Committee on Energy and Environment
Committee on Hawaiian Affairs

SB 2211, Relating to Native Hawaiian Traditional and Customary Rights

Testimony of Gary Hooser
Director of the Office of Environmental Quality Control

February 8, 2012

- 1 **Office's Position:** Support
- 2 **Fiscal Implications:** None
- 3 **Purpose and Justification:** The Office of Environmental Quality Control supports SB 2211,
- 4 which would clarify and confirm that environmental assessments and environmental impact
- 5 statements are required to include impacts and analysis of Hawaiian culture and traditional and
- 6 customary rights.

COMMITTEE ON ENERGY AND ENVIRONMENT
Senator Mike Gabbard
Senator J. Kalani English

COMMITTEE ON HAWAIIAN AFFAIRS
Senator Brickwood Galuteria
Senator Pohai Ryan

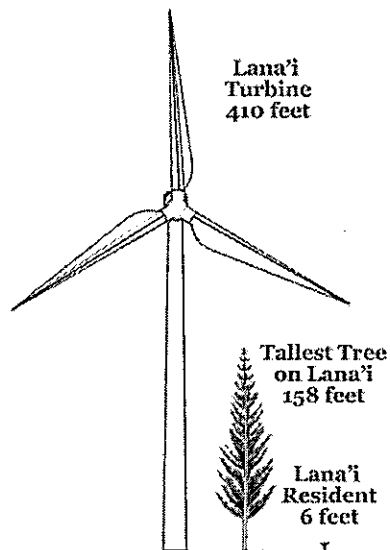
DATE: Wednesday, February 8, 2012
TIME: 2:45 p.m.
PLACE: Conference Room 224, State Capitol
BILL: SB 2211

Dear Senators:

I write in support of SB 2211. This bill clearly reiterates the State's responsibilities to protect constitutional native Hawaiian rights and cultural practices by requiring cultural impact statements to be included in environmental impact assessments.

Our island of Lāna'i is rich in Hawaiian archeological sites, endemic endangered plants and animals. It is a land rich in generational traditional knowledge. Lāna'i is one of the last remaining islands in its natural beauty state. SB2211 would add further protections to that status.

Mahalo for your consideration and the opportunity to testify on this bill.



Robin Kaye
Friends of Lana'i

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Mike Gabbard

Senator J. Kalani English

COMMITTEE ON HAWAIIAN AFFAIRS

Senator Brickwood Galuteria

Senator Pohai Ryan

DATE: Wednesday, February 8, 2012

TIME: 2:45 p.m.

PLACE: Conference Room 224, State Capitol

BILL: SB 2211

Dear Senators:

SB 2211 reiterates the State's responsible duties to protect constitutional native Hawaiian rights and cultural practices. **Kūpa'a no Lāna'i** supports SB 2211 which requires cultural impact statements to be included in environmental impact assessments.

We are **Kūpa'a no Lāna'i**, a Native Hawaiian organization on the island of Lāna'i and our Mission is "to protect, preserve, and perpetuate Hawaiian values, culture and heritage of Lāna'i through aloha and malama aina".

Lāna'i is rich in Hawaiian archeological sites, endemic endangered plants and animals, a place rich in generational traditional knowledge. Lāna'i is one of the last remaining islands in its' natural beauty state.

We are here to hold steadfast for our constitutional rights to protect our land, our gathering rights, and strengthen and perpetuate the identity of Hawaiian people. We are a people tuned-in to the surrounding environment and connected spiritually to the land and ocean.

Mahalo for your consideration and the opportunity to testify on this bill.

Kaulana Kahooalahala

President

Kūpa'a no Lāna'i

Testimony for ENE/HWN 2/8/2012 2:45:00 PM SB2211

Conference room: 224

Testifier position: Oppose

Testifier will be present: No

Submitted by: George Peabody

Organization: <http://www.MolokaiAdvertiserNews.com>

E-mail: MolokaiMAN@basicisp.net

Submitted on: 2/6/2012

Comments:

Culture is developed and maintained through freedom of choice, not by way of statutory mandates. This legislation will only add to the powers of Big Brother communist government using excuse of Hawaiian Culture.

A better use for examining the effects on Culture would be to see how BIG TRUCKS and BOOM BOXES and DIRT BIKES and BOOZE and DRUGS and BIG GOVERNMENT and TAXATION and POLICE CORRUPTION and JUDICIAL RACKETEERING under color of law , Gansta Music, RACIST legislation and policies, Obama economics and Obama Crimes and TSA and 9/11 Insider Attack on Freedom have impacted Culture in Hawaii since governors and Legislators and Judiciary do nothing to protect the rights of American Citizen Nationals to FREEDOM, Life, Liberty, Pursuit of Happiness in Hawaii.

Testimony for ENE/HWN 2/8/2012 2:45:00 PM SB2211

Conference room: 224

Testifier position: Oppose

Testifier will be present: No

Submitted by: Crystal Kia Paul

Organization: Individual

E-mail: crystalkpaul@yahoo.com

Submitted on: 2/7/2012

Comments:

Testimony for ENE/HWN 2/8/2012 2:45:00 PM SB2211

Conference room: 224

Testifier position: Support

Testifier will be present: No

Submitted by: Cheryl Lovell-Obatake

Organization:

E-mail: puna.moku@hotmail.com

Submitted on: 2/8/2012

Comments:

I strongly support SB 2211 - Relating to Native Hawaiian Traditional & Customary Rights. Include a CIA to be consistent with Act 50.