HB 1536
RELATING TO NATIVE HAWAIIAN CULTURAL IMPACT STATEMENTS

House Committee on Hawaiian Affairs

Public Hearing - January 24, 1998
11:00A.M., Room 309 State Capitol

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HB 1536 would amend Chapter 343, HRS to require the review of impacts on native Hawaiian culture during assessment and review of proposed actions pursuant to the State EIS Statute.

Our statement on this measure is compiled from voluntarily submitted opinions of the listed academic reviewers, and as such, does not constitute an institutional position of the University of Hawaii.

Although we have previously argued that assessment of cultural impacts is required pursuant to strict interpretation of existing statutory and regulatory provisions of Chapter 343, it has become apparent that others in government do not share our views. Hence, we strongly support the intent of HB 1536 to specifically codify in the State EIS law the requirement for formal consideration of impacts upon native Hawaiian cultural, religious, and subsistence practices. Furthermore, by incorporating assessments of such impacts into the EIS practice, this measure confers an explicit and affirmative duty upon all State agencies who must review Environmental Assessments and Environmental Impact Statements, as well as upon developers and consultants who draft these documents, that they must consider seriously the impacts of a given project on Hawaiian cultural practices.

We suggest the following minor changes to the proposed language for the purposes of clarifying the intent of the measure:

(1) Page 2, line 23 through page 3, line 1, definition of “Acceptance”. Delete words, “culture and the exercise thereof” and replace with “cultural, religious, and subsistence practices”, such that the amended text reads, “...identifiable [environmental] impacts [,] on the environment and native Hawaiian cultural, religious, and subsistence practices...”
(2) Page 3, lines 21 through page 4, line 7, definition of “Environmental Impact Statement”. Replace references as in (1) above such that the definition reads, “...effects of a proposed action on native Hawaiian cultural, religious, and subsistence practices, effects of economic...action and their [environmental] effects [...] on the environment and native Hawaiian cultural, religious and subsistence practices...”

(3) Page 5, line 17, definition of “Significant effect”. Delete the word, “adversely”, since significance is not to be defined in terms of “adverse” or “beneficial”, which are subjective terms in nature and vulnerable to abuse.

(4) Page 5, line 18, definition of “Significant effect”. Revise as in (1).

(5) Page 8, line 22 through page 9, line 1. Revise as in (1).

(6). Page 11, lines 3-4. Revise as in (1).