



STATE ENVIRONMENTAL COUNCIL

DEPARTMENT OF HEALTH, STATE OF HAWAII
235 South Beretania Street, Suite 702, Honolulu, HI 96813

Phone: (808) 586-4185
Email: oeqchawaii@doh.hawaii.gov

David Y. Ige
Governor

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Puananionaona Thoene

Vice Chair
Mary Begier

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Stephanie Dunbar-Co
Maka'ala Ka'umoana
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N. Mahina Tuteur

December 3, 2019, Meeting Minutes

Approved March 3, 2020

Exemption Committee Meeting
State of Hawai'i Environmental Council

Meeting Held on Tuesday, December 3, 2019, 12:00 PM - 1:00 PM

No. 1 Capitol Center Building, Room 410

Executive Office on Aging

250 South Hotel Street, Honolulu, Hawai'i 96813

Members Present (4): Ron Terry (Chairperson); Puananionaona Thoene; Maka'ala Ka'umoana; Michael Tulang (from 12:50 TO 1PM)

Members Absent: None

Public Present: Emma Yuen, DLNR-DOFAW; Antonia Mascarenhas
Bill Cooper, Deputy Attorney General

Note: Text in bold indicates the original text of the agenda

1. **Call to order, roll call and quorum, introductions.**

With a quorum of three members, Chairperson Terry convened the meeting at 12:02 PM. All present introduced themselves.

2. **Review and approval of PRIOR meeting minutes.**

No minutes were available from previous meetings.

3. **Distribution lists submitted to Exempt. Comm. Chair or Director for review and presentation to Exemption Committee.**

a. **Hawaii State DLNR**

As the DLNR list was the first reformatted (Part 1 de minimis and Part 2 requiring monthly notification of Exemption Notice) Exemption List submitted to the Exemption Committee, we first discussed the process, which had heretofore been outlined only theoretically. The following steps of the process were individually discussed

Agency dividing list into Part 1 and Part 2 and making other changes it considers appropriate, and then sending it to OEQC.

A handoff from OEQC to either the Director or the Exemption Committee Chair (D/EEC), who would review and talk to the agency.

Review ASAP by the Exemption Committee itself.

Some sort of iterative process among the agency, D/EEC and Exemption Committee whereby it would be passed off to the full Council for review.

Public review and further steps.

Ron volunteered to try to capture the process in a systematic flow chart type style. The DLNR list as presented called exemptions requiring notices "Part 1" and de minimis exemptions "Part 2", which is opposite the terminology the EC and OEQC based on the rules numbering. Everyone agreed this could cause confusion and should probably be changed. Although the purpose and scope of DLNR's reformatting of the list did not include a review of previously written and vetted exemptions, committee members had several substantive comments as well related. Most were related to whether certain items were in the proper class; e.g., operations/repair/maintenance (Class 1) as opposed to replacement/reconstruction (Class 2). An item about repair of archaeological sites raised concern, but it was understood that DLNR sub-agencies closely coordinated with SHPD, which is part of DLNR. There was also discussion of whether seawalls and boat sewage pumpout stations could be blanket considered exempt. Generally, projects of this type would undergo careful scrutiny and would often be disqualified from exemption based on a "sensitive environment" clause, but committee concern remained. It was agreed among all parties that the current draft list would not be recommended to the EC for publication in the Environmental Notice and that DLNR would revisit the list and provide a new one in time for the January EC meeting, with the possibility that that list would be so recommended.

4. Discussion of general agency response to request for lists and expedited review process for revised lists going forward

With no time remaining prior to full Environmental Council meeting, the discussion of general agency response was deferred for a future meeting; expedited review process discussion was referred to the Exemption Committee report in full Council meeting.

5. Next meeting date and agenda.

The next meeting is planned for January 7, 2020. We expect to have the revised DLNR list on the agenda. There are currently no other items for the agenda.

6. Adjournment.

Chair Terry adjourned the meeting at 1:00 PM