



STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII
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MINUTES (Draft)

State of Hawai'i, Environmental Council
Tuesday, February 4, 2020, 1:00 PM– 3:30 PM
No. 1 Capitol Center Building, Room 410
250 S. Hotel Street, Honolulu, HI 96813

David Y. Ige
Governor

Chairperson
Puananionaona Thoene

Vice Chair
Mary Begier

Members
Roy Abe
Stephanie Dunbar-Co
Dawn Hegger-Nordblom
Makaala Kaaumoana
Ian Robin Kaye
Theresita Kinnaman
Ron Terry
Michael Tulang
N. Mahina Tuteur

Members Present: Puananionaona Thoene (Chairperson); Mary Begier (Vice-Chair); Roy Abe; Maka'ala Ka'auomoana; Robin Kaye; Keith Kawaoka (Acting Director, OEQC); Theresita Kinnaman; Ron Terry; Michael Tulang; and Mahina Tuteur

Members Absent: Stephanie Dunbar-Co

Staff Present: William Cooper (Deputy Attorney General); and, Leslie Segundo (Environmental Health Specialist)

Public Present: No members

Note: **Bolded** items below indicate text from the agenda.

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

With quorum of ten members, Chairperson Thoene convened the meeting at 1:02 PM.

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

None.

3. **OEQC Director's Report**

Acting OEQC Director Keith Kawaoka announced that the governor has nominated a new Director named Kathleen Ho, currently serving as Deputy Attorney General for the Department of Health. Acting Director Kawaoka also reported that the Legislative Liaison for the Department of Health has been pulling bills for both the Environmental Council and the Office of Environmental Quality Control.

4. **Legislative Committee Update**

• **Action to authorize testimony on legislation**

Committee Chair Robin Kaye reported that the Legislative Committee met earlier to discuss three bills:

1. SB 2777 bill introduced by Senator Gabbard had a hearing and passed out of the committee unanimously and now is going to the Senate Ways and Means (WAM) Committee. Committee Chair Kaye encouraged individuals to write to WAM so that the bill will be heard. The EC advocated for a \$50,000 budget for three specific things: 1) Annual report 2) Communications and Outreach 3) Interisland Travel
2. HB 2624 establishes an environmental impact statement hub. OEQC testified that there were some misstatements of facts presented in the bill. Members were encouraged to look over the bill as individuals and testify on any discrepancies to the Chair of the House Energy and Environmental Protection Chair Representative Nicole Lowen.

MOTION: Member Kaaumoana moved, and Member Kaye seconded that the Environmental Advisory Council through its Chairperson submit testimony in support of OEQC's comments on HB 2624. There was no discussion. Chairperson Thoene called for the question. The motion was unanimously approved (10-0-0).

MOTION: Member Kaye moved, and Member Kaaumoana second that the Environmental Advisory Council authorize the Chairperson to speak to the press. There was no discussion. The Chairperson called for the question. The motion was unanimously approved (10-0-0).

3. SB 3152 defines cultural assessment and the process of preparing cultural impact assessments. Committee member Kaye's recommendation was to monitor the first hearing and see what happens. Citing Act 50, Session Laws of Hawaii, 2000, and the Environmental Council's past role in the cultural assessment process, members expressed the need to testify on the measure.

MOTION: Member Begier moved, and Member Kaye seconded that the Environmental Council testify on this bill citing the history of the Environmental Council's role in cultural assessment under Chapter 343, HRS. It was agreed that Chairperson Thoene would draft comments on the bill and Committee member Tuteur would speak at the hearing on February 12, 2020. A discussion followed on the work that the rules committee is planning to put before the University of Hawaii Law School, Native Hawaiian Law Program. Chairperson Thoene called for the question. The motion was unanimously approved by the Environmental Council (10-0-0).

Other Bills that Committee members are encouraged to look at are SB 2053 (Turtle Bay) SB 2663 (Housing) which are being reintroduced. Members were encouraged by Committee member Kaye to look over the bills as there are no formal recommendations for these bills.

5. Exemption Committee Update

1. **Review of and action on the County of Kaua'i, Department of Water updated exemption list**
Committee member Terry states that he approved the list to proceed to committee. At committee there were minor flaws that the agency should address before public review. He noted that he would further communicate with the Kaua'i Department of Water.

He also noted that the DLNR list was published in the January 23, 2020, periodic bulletin for a 30-day public comment period.

He also reported that the Honolulu Department of Design and Construction submitted a list which he reviewed and commented on asking them to resubmit to comport with his comments.

2. **Discussion of and action on the comment period for exemption lists**
Committee member Terry states that there is a need to establish an expedited comment period for the exemption lists.

MOTION: Committee Chair Terry moved, and Member Parsons seconded that the Environmental Council approve a fifteen-day comment period (reducing the comment period from thirty-days to fifteen-days) for exemption lists. There was no discussion. The Chairperson

Thoene called for the question. The Environmental Council unanimously approved the motion (10-0-0).

6. Annual Report Committee Update

Committee Chair Parsons reported that the annual report committee met and discussed that they would not be able to meet the statutory deadline of January 31 due to short staff and lack of funds, the final report is expected to be completed mid-March. He noted that a letter was subsequently sent to the Governor, Speaker of the House and the President of the Senate on the lack of a timely-submitted report.

After discovering that the cost for producing the Annual Report would be approximately \$15,000, Acting Director Keith Kawaoka informed the Environmental Council that he would speak with staff to pursue a small purchase order/contract through the Hawaii Procurement process (HIPRO). He noted that a scope of work needed to be prepared. Committee Chair Parsons agreed to prepare a scope of work as soon as possible.

7. Information & Outreach Committee Update

The Committee did not meet.

8. Correspondence received: December 18, 2019, petition for declaratory order of Mr. Douglas Meller concerning the use of state or county lands for the initial phase of a proposed multi-phase action

• Executive Session

The Environmental Council moved into Executive Session at 2:19 PM. The Environmental Council emerged from Executive Session at 2:33 PM.

9. Next meeting: Tuesday, March 3, 2020, 1:00 – 3:30 pm

All committees plan to meet except for rules.

10. Public Forum

Council Member Terry brought to the Council's attention that NEPA Rules, 40 CFR 1500 through 1508 which are similar to Title 11 Chapter 200, HAR are proposed for revision under the Trump Administration.

11. Adjournment

Chairperson Thoene adjourned the meeting at 2:51 PM