



STATE ENVIRONMENTAL COUNCIL

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I. Robin Kaye
Keith Kawaoka (*Acting*)
Theresita Kinnaman
Robert Parsons
Ron Terry
Michael Tulang
N. Mahina Tuteur

December 1, 2020, Meeting Minutes Draft
For Review at January 2021 Meeting
Exemption Committee Meeting
State of Hawai'i Environmental Council

Meeting Held on Tuesday, December 1, 2020, 11:30 AM - 1:00 PM
Via ZOOM videoconference

Members Present (4): Ron Terry (Chair); Puanani'ona'ona Thoene; Maka'ala Ka'auomoana; Robin Kaye
Public Present: (all for portions of meeting) Joanne Krippaehne (Judiciary); Riley Fujisaki; "CPENNDA"
Staff Present: Bill Cooper, Deputy Attorney General; Leslie Segundo, Planner

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

With a quorum of all four members, Chairperson Terry convened the meeting at ~ 11:33 PM. All present were introduced. Newly arrived attendees were introduced as they came into Zoom meeting.

2. Review and approval of prior meeting minutes

Minutes of October 6 (Kaye/Kaaumoana) and November 10 (Thoene/Kaaumoana) were approved unanimously with no changes.

3. Exemption list status (includes only items with action or discussion at meeting)

Re: CWRM and Hawaii DPW lists: Both were noticed in the *OEQC Environmental Notice*. Mr. Segundo reported that both were on Sharepoint Site and that no comments have been received yet. Chair Terry urged members to review and comment.

Agency	Status	Next Action
ACTION LISTS		
Honolulu Environmental Services	<i>Initial list provided to Chair, who reviewed and asked questions, which were answered, with list amended (see attached memo and list)</i>	ExCom and EC review for possible release for public comment. Member Kaye noted how thorough the responses were. Member Thoene wanted them to add standard disclaimer language about sensitive environments. She also had some comments about which were Part I and Part II. Chair Terry asked that she comment to DES about this during public comment period. Motion to advance to EC with recommendation to release for public comment (Thoene/Kaye) was approved unanimously with no changes. Kaye asked that when I inform DES,

		let them know we appreciated thoroughness.
LISTS IN ACTIVE REVIEW BY CHAIR ETC.		
Honolulu Facility Management	<i>Initial list provided to Chair, who is reviewing with assistance from Member Kaye</i>	NO ACTION TODAY – Chair Terry noted that he and Member Kaye were working on this list. There was quite a bit of redundancy.
Department of Hawaiian Home Lands	<i>Initial list provided to Chair, who is just beginning review</i>	NO ACTION TODAY – Chair Terry reported that he hadn't looked at it yet.

4. Judiciary Chapter 343 issue: continuation of discussion

Atty. General Cooper summarized by saying that the Judiciary had asked, given that they were conducting small projects, whether they should have an exemption list. Research by him and Member Thoene indicate strongly that they are not an “agency” per Chapter 343, and in fact would fit better as an applicant. He said that if they were just doing projects that did not involve discretionary permits, they did not even enter the world of Chapter 343. Ms. Krippaehne had provided a list of projects and went through several of them in detail. No discretionary permits were identified. She said that whenever a project was large enough to require one, DAGS would tend to handle those anyway. Chair Terry asked if any judiciary projects were in the Special Management Area; Ms. Krippaehne said she did not believe so. Member Thoene summarized the situation and said there an exemption list was not necessary or appropriate here. Ms. Krippaehne can explain the situation to consultants at the beginning of the project so they do not need to wonder or inquire about Judiciary projects needing Chapter 343.

5. Soliciting feedback from agencies on their experience publishing lists of exemption notices, including public contact and consultations.

Member Thoene said she has looked at them and noted how few were participating initially. Mr. Segundo said that they are getting quite a bit of participation, it's growing, but certainly not every agency does it yet. Chair Terry asked for endorsement from Committee to reach out and send a generic email to agencies who are doing **to thank them for following the regs and try to get their feedback about public inquiries, burdening them, helping them**, etc. We might want to modify our rules based on feedback. Member Thoene said the data from such an outreach could be something good for the annual report. Motion to authorize this outreach passed unanimously (Thoene/Kaaumoana). **Chair Terry will run email by Member Thoene and AG Cooper.** Member Kaaumoana said it is important and appropriate to humanize the process.

6. Pros and cons of County-wide lists.

Chair Terry wanted the EC as a whole to weigh in on this topic and perhaps share their County's perspectives. Maybe hear from Rob Parsons, based on his former job. Member Kaaumoana reported that she had a discussion with the Planning Director who supported the idea of a County-wide list for Kauai to help with decision making and oversight. Member Thoene asked if maybe we could reach out to a Maui County official. Member Kaye volunteered to find someone in the County of Maui who might help us. We hope to have a response or perhaps attendance from the County of Maui, and may ask to have something on the full EC agenda.

7. Next meeting date and agenda.

Expect to have meeting in January, 11:30 would be good time.

8. Adjournment.

Chair Terry adjourned the meeting at 12:22 PM