



# STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,  
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII  
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## MINUTES

State of Hawai'i Environmental Council  
Tuesday, December 1, 2020, 1:00 PM– 3:30 PM  
Online Zoom Meeting

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), Roy Abe, Mary Begier, Stephanie Dunbar-Co, Dawn Hegger-Nordblom, Makaala Kaaumoana, Keith Kawaoka (Acting Director), Robin Kaye, Theresita Kinnaman, Ron Terry, Michael Tulang, Mahina Tuteur

### Members Absent

Robert Parsons

### Staff

Leslie Segundo (Environmental Health Specialist), William Cooper (Deputy Attorney General for the Environmental Council)

### Public

Riley Fujisaki

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

With quorum of 12 members present, Chairperson Thoene called the meeting to order at 1:03 PM.

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

None available.

#### 3. OEQC Director's Report

Acting Director Kawaoka updated the EC on COVID operations and the biennium FY21-22 budget. The budget will be operating on 20% reduction. Furloughs will probably be starting next January for general funded positions (special and federal funded positions are exempt) and will probably last four years. The State projecting a six-year window of reduction and \$650 million deficit per year. Some programs may be eliminated, and RIFs are likely. The operating budget for this year has been reduced by 5% - 10%. For OEQC, there will probably not be enough money for the Annual Report, at least not to print it.

#### 4. Exemption Committee Update

##### a. Review of and action to approve publication for public comment period of City and County of Honolulu Department of Environmental Services exemption list

Committee Chair Terry commented that there was only one list under consideration for the City and County of Honolulu Department of Environmental Services. Committee Chair Terry mentioned that this exemption list did not get attached to the agenda, but that the City and County of Honolulu Department of Environmental Services did a thorough job of answering all questions. The Exemption Committee approved the release of the exemption list to the public.

Chairperson Thoene commented that Committee Chair Terry requested that when the list is made public, EC members comment on the public list.

MOTION: Committee Chair Terry moved and Member Kaye seconded that the EC approves the public comment period of the City and County of Honolulu Department of Environmental Services' exemption list. Chairperson Thoene called for question. The EC unanimously approved the motion (12-0-0).

**b. Discussion of potential exemption list of Judiciary projects**

Committee Chair Terry commented the Judiciary department asked if exemption lists should be prepared because they are increasingly managing many small projects. Most of their projects are managed by DAGS. Chapter 343 excludes the Judiciary department because it is not an agency. If any discretionary approvals are involved, then they fall under the category of applicant.

Committee Chair Terry mentioned he will solicit feedback from the agencies that produce exemption notice lists. He commented that agencies that do Part 2 exemption notices should publish it in The Environmental Notice so that the public is aware.

Committee Chair Terry wants to explore the pros and cons of countywide exemption lists. Maui County has a countywide exemption list, and it is important to know how well it's working and if EC should be encouraging everyone to do this. Committee Chair Terry requested that this be added to next month's agenda.

**5. Annual Report Committee Update**

Committee Chair Parsons couldn't attend the meeting and the meeting was cancelled.

**a. Discussion of projected timeline and logistics for 2020 Annual Report, including agencies to be included in the report**

Chairperson Thoene commented that Committee Chair Parsons and her are working on drafting a letter to the agencies for outreach regarding the survey that will be completed this week. Member Kaye mentioned that we have already collected the list of contacts for Maui County, Honolulu County, Kauai County, and Hawaii County. Les will compile the list and send to Member Kaye. The list and letter need to be given to our volunteers by Monday.

**b. Discussion of and action on recommended questions for agency survey**

**6. Legislative Committee Update**

**a. Recommendations regarding issues that may call for revisions to HRS Chapter 343**

Committee Chair Kaye commented that the Legislative Committee has been talking about appeals and if the EC wants to make it so appeals no longer come to the EC. Instead, the appeals could go to the Environmental Court.

Chairperson Thoene commented the Environmental Court acts as a circuit court. If this does not go through, then EC needs to consider restructuring especially the 30-day timeline.

Committee Chair Kaye commented that the second discussion is on the definition of agency. Member Terry suggested that we look at this issue in terms of the Judiciary. If a change in the

definition was to be made, it would be the Judiciary that went to the Legislature rather than the EC.

The third issue is about Grant In Aid. If Grant In Aid is State money then that is a trigger and subject to Chapter 343.

The fourth item of discussion was if OEQC needed to continue to exist. It's under resourced and has struggled money wise and staff wise. Committee Chair Kaye commented that perhaps the Office of Planning would be a better organization that would carry out the statutory requirements of OEQC. The suggestion is to 1) have a conversation with Acting Director Kawaoka and 2) to discuss as a strategic planning agenda.

The fifth item of discussion is OIP's proposed draft about virtual meetings. The EC will get the most recent draft of OIP's proposed legislation and have been asked to look over it for discussion at next month's meeting.

The last item Committee Chair Kaye mentioned was the proposed legislation that did not go to the Legislature because of the short session. These proposed legislations will need to be reintroduced. There are three that Committee Chair Kaye highlighted:

1. SB3152 which deals with cultural assessments
2. SB2777 a request for money for the EAC which we don't want to reinstate
3. HB2624 was to establish a hub for EAs and EISs, which might also be removed because this would require money and staff.

Committee Chair Kaye wants to set up a meeting with Senator Gabbard and Representative Lowen to see if these bills and the discussion points will be revisited.

## **7. Rules Committee Update**

### **a. Discussion of potential topics for future Rules Committee review**

Committee Chair Tuteur asks everyone to think about what types of changes they would like to make to the rules.

## **8. Information & Outreach Committee Update**

None.

## **9. Discussion of potential strategic planning session for Council**

### **a. Action to approve creation of Permitted Interaction Group (PIG) to explore and plan a potential strategic planning session for the Council**

MOTION: Member Begier moved that the EC creates a PIG to plan and explore a potential strategic planning session for the council with the following members: Begier, Terry, Kaye and Tulang. The motion was seconded by Member Kaye. Chairperson Thoene called for questions. A brief discussion ensued. The Environmental Council unanimously approved the motion (12-0-0).

## **10. Meeting dates for 2021**

Members agreed to keep the meetings on the first Tuesday of the month.

**11. Discussion of Vacant Council seats**

Chairperson Thoene commented that there are still seats open on the Council. Member Hegger-Nordblom will email Chairperson Thoene about which committees she would like to join.

**12. Next meeting: Tuesday, January 5, 2021, 1:00 – 3:30 pm**

**13. Public Forum**

None.

**14. Adjournment**

The meeting adjourned at 2:34 PM.