



# STATE ENVIRONMENTAL COUNCIL

DEPARTMENT OF HEALTH, STATE OF HAWAII  
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December 14, 2020

Aloha Agency Representatives:

We are reaching out to you concerning your agency's monthly publication of the List of Exemption Notices in the *OEQC Environmental Notice*, pursuant to Hawai'i Administrative Rules (HAR) §11-200.1-8(c).

First of all, we would like to congratulate your agencies on complying with this provision of the rules. One of the most frequent comments we have heard from the public over the years is that exemptions for larger actions need to be made available to the public and that the process needed to be more transparent. It was clear that many agencies were not preparing exemption notices for most of their exempted projects, even some involved and controversial ones. In the hurry to get projects accomplished with limited budget and staff, there was sometimes little or no consideration given to the environment or the State's EIS laws and rules. Section §11-200.1-8(c) of the rules was crafted in 2019 to address these concerns. We have heard from the many members of the public that they appreciate government agencies publishing their lists of exemption notices in the *OEQC Environmental Notice*. It appears that around half of agencies are now regularly producing exemption notices and publishing their lists, a figure we trust will increase as agencies become more familiar with the rules.

What we would also like to know is how the process is going from your perspective. Specifically:

1. How has your agency's consideration of the environmental impacts of exempted projects changed, if at all?
2. How easy or hard is it for your personnel to conduct the environmental analysis necessary and to document it in an exemption notice?
3. How easy or hard is to provide the List of Exemption Notices to the Office of Environmental Quality Control each month?
4. Have you been contacted by members the public or other agencies who wish to review any of the exemption notices on your list?
5. If so, how has that interaction gone?
6. Do you have any concerns with the process?
7. Do you have any suggestions for how it could be better, within the context of the existing laws and regulations?
8. Do you have any suggestions for how laws and regulations should be changed to improve the process?

We would very much appreciate it if you could take a few moments to think about these questions and provide us with input so that we can improve the process.

As a representative of the Environmental Council, I would be happy to speak with you if you like about this or any other aspect of the administrative rules. You can contact me at 808-987-5239 or by email at [hiloronterry@gmail.com](mailto:hiloronterry@gmail.com).

Sincerely,

A handwritten signature in black ink that reads "Ron Terry". The signature is written in a cursive, slightly slanted style. Below the name, there is a horizontal line that curves upwards at the right end, resembling a stylized flourish or a checkmark.

Ron Terry, Exemptions Committee Chair  
State of Hawai'i Environmental Council