



STATE ENVIRONMENTAL ADVISORY COUNCIL

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

State of Hawai'i Environmental Council
Tuesday, April 6, 2021, 1:30 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), Mary Begier (Vice-Chairperson), Roy Abe, Stephanie Dunbar-Co, Dawn Hegger-Nordblom, Makaala Kaaumoana, Robin Kaye, Keith Kawaoka (Acting Director), Theresita Kinnaman, Ron Terry, Mahina Tuteur

Members Absent

Robert Parsons

Staff

Leslie Segundo (Environmental Health Specialist), Kathy Ho (Deputy Attorney General)

Public

Malia Cox and Nancy McPherson (Department of Hawaiian Homelands)

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

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

With quorum of ten members present, Chairperson Thoene called the meeting to order at 1:32 PM.

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

None available.

3. **OEQC Director's Report**

Acting Director Kawaoka commented that HB1318 was referred to five different committees. It's still moving so it has not passed yet.

4. **Exemption Committee Update**

a. **Review of and action to concur with the State of Hawai'i, Department of Hawaiian Homelands exemption list**

MOTION: Committee Chair Terry moved from committee (no second needed) that the Council approve the review of and action to concur with the State of Hawai'i, Department of Hawaiian Homelands exemption list. The Council unanimously approved the motion (10-0-0).

5. **Legislative Committee Update**

a. **Update on pending legislation that may impact the Council**

Committee Chair Kaye commented that HB1318 has three parts the EC was asking for: 1) eliminate appeals coming to the EC 2) eliminate the annual report, and 3) eliminate any mention to the Environmental Center. The amended version of HB1318 passed, but the Senate bill has not yet been posted. The bill says that the Council will be called the Environmental Advisory Council and

be a part of the Office of Planning. The EC's annual report will be included in the Office of Planning's annual report and the appeals process will go to court. OEQC staff and functions will be transferred to OP.

6. Rules Committee Update

a. Discussion of potential amendments to Hawai'i Administrative Rules Title 11, Chapter 201

Committee Chair Tuteur commented that the Rules Committee wants to meet with the Office of Planning and decide how to amend the rules to take out the appeal process. Committee Chair Tuteur also commented for the next Rules Committee meeting, members will be looking over Chapter 201 and start making changes.

7. Information & Outreach Committee Update

a. Discussion of status of forums planning

Committee Chair Begier commented that I&O has been working on getting ready for the Sea-level change forum on June 16. Vice-Chairperson Begier and Member Hegger-Nordblom will be leading the first forum and Member Abe will lead the second one. I&O would like to publish a flyer about the forum in the June Environmental Notice. Mr. Segundo mentioned that the videos of forums will be posted to the OEQC sharepoint site.

8. Strategic Planning Permitted Interaction Group Update

a. Update regarding strategic planning for the Council

b. Update on strategic planning survey

Committee Chair Kaye commented that the survey is ready to go and there is just one question: 'What roles should the Environmental Council play in improving the protection and enhancement of Hawai'i's environment?' The question will be sent out to various agencies and a link will also be in Environmental Notice. Committee Chair Kaye asked if the EC would still like to send out this question even with HB1318 potentially moving the EC to a different department. The members agreed to have the survey to go.

9. Executive Session pursuant to HRS § 92-5(a)(4) to discuss the Council's power, duties, privileges, immunities, and liabilities related to the remand of Civil No. 1CCV-20-0001266, Kaupiko et al. v. Environmental Council et al.

a. Potential action regarding delegation of duties related to the remand

MOTION: Chairperson Thoene moved to move into an Executive Session to discuss the Council's power, duties, privileges, immunities, and liabilities related to the remand of Civil No. 1CCV-20-0001266, Kaupiko et al. v. Environmental Council et al. Vice-Chairperson Begier seconded. The Council unanimously approved the motion (10-0-0). The Council transitioned into the Executive session at 1:47 PM and resumed regular session at 2:34 PM.

Member Mike Tulang joined at 1:49 PM.

MOTION: Vice-Chairperson Begier moved that the Council arrange this matter to be dealt with by a hearings officer. Member Dunbar-Co seconded. Chairperson Thoene asked those who need to disclose and recuse. Member Kaaumoana recused due to a conflict of interest being one of the

parties who took legal action against the industry. Member Kaye recused due to a conflict of interest because he was and is currently a board member of one of the parties. Member Terry recused because Earth Justice said he would not be able to hear this fairly. Member Dunbar-Co recused herself because she will not have the time to give this case the level of attention that it will take, Chairperson Thoene rejected this recusal. The Council approved the motion 8 - Yes (Thoene, Abe, Begier, Dunbar-Co, Hegger-Nordblom, Kinnaman, Tulang, Tuteur), 0 - No, 0 – Abstained, 3 – recusals (Kaaumoana, Kaye, Terry).

10. Next meeting: Tuesday, May 4, 2021, 1:30 – 3:30 pm

Members agreed to have full Council meetings at 1pm.

11. Public Forum

Mr. Segundo mentioned he will be on leave from April 19 to May 1.

12. Adjournment

The meeting adjourned at 3:15 PM.