



# STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,  
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII  
235 SOUTH BERETANIA STREET, SUITE 702, HONOLULU, HI 96813

Phone: (808) 586-4185  
Email: [dbedt.opsd.erp@hawaii.gov](mailto:dbedt.opsd.erp@hawaii.gov)

## MINUTES

State of Hawai'i Environmental Advisory Council  
Tuesday, July 6, 2021, 1:00PM – 3:30PM  
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, Theresita Kinnaman, Ron Terry, Mahina Tuteur

### Members Absent

Robert Parsons, Mike Tulang

### Staff

Director Evans Evans (OPSD Director), Kathy Ho (Deputy Attorney General), Andrew Goff (Deputy Attorney General), Leslie Segundo (Environmental Health Specialist)

### Public

Joshua Li, Dick Mayer, Alyssa Coucie (UH School of Law)

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

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

With a quorum of nine members, the meeting was called to order by Chairperson Thoene at 1:11 PM.

Chairperson Thoene mentioned that HB1318 was signed by the Governor. The Council is now called Environmental Advisory Council (EAC) and is administratively attached to the Office of Planning and Sustainable Development (OPSD).

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

None available.

#### 3. **Office of Planning Director's Report**

Director Evans commented that HB1318 was signed on Thursday and is now Act 152, Session Law 2021. She assured the Council that it will have policy autonomy for programs and discussions and that Office of Planning and Sustainable Development will provide support.

#### 4. **Exemption Committee Update**

- a. **Review of Kauai Department of Water exemption list and action to approve publication for public comment** [http://oeqc2.doh.hawaii.gov/EC\\_Meetings/2021-07-06-KDOW-Existing-ComprehensiveExemption-List-June-2021.pdf](http://oeqc2.doh.hawaii.gov/EC_Meetings/2021-07-06-KDOW-Existing-ComprehensiveExemption-List-June-2021.pdf)

[http://oeqc2.doh.hawaii.gov/EC\\_Meetings/2021-07-06-KDOW-Proposed-Exemption-ListJune-2021.pdf](http://oeqc2.doh.hawaii.gov/EC_Meetings/2021-07-06-KDOW-Proposed-Exemption-ListJune-2021.pdf)

Committee Chair Terry commented that the Exemption Committee discussed the Kauai Department of Water exemption list. The Committee had some suggestions on the format and some additions that need to be made. The Council should see the final list at the August meeting.

**b. Discussion of exemption lists in active review by the Exemption Committee (City & County of Honolulu Department of Parks and Recreation; City & County of Honolulu Department of Facilities Management; and City & County of Honolulu Board of Water Supply)**

Committee Chair Terry commented that the Committee is expecting a list next month from the Honolulu Board of Water Supply.

**5. Executive Session pursuant to HRS § 92-5(a)(4) to discuss the Council's powers, duties, privileges, immunities, and liabilities related to the inquiry regarding the Kanaha Hotel EIS**

[http://oegc2.doh.hawaii.gov/EC\\_Meetings/2021-07-06-Kanaha-Hotel-Inquiry-060821.pdf](http://oegc2.doh.hawaii.gov/EC_Meetings/2021-07-06-Kanaha-Hotel-Inquiry-060821.pdf)

Mr. Mayer from Maui commented that the Windward Hotel project in Maui went through the review process. As the reviewing agency, Maui Planning Commission made some comments that the project could be in violation of the Maui General Plan. The developer, as the Applicant, decided to withdraw the project completely, rename the Windward Hotel to Kanaha Hotel, and asked the State Land Use Commission, not the Maui Planning Commission, to be the reviewing authority. Mr. Mayer is concerned that other developers will or have tried this and requests the EAC investigate this. Also, Mr. Mayer mentioned that the Kanaha Hotel project is the same project that is being re-reviewed. He mentioned that the developer said the earlier comment letters will be included in the new EIS but not promising to provide a mitigation response. He would like to Council to review the project to see if developer is allowed to change the approval authority and require a mitigation response.

Mr. Mayer also voiced concern that State agencies are submitting environmental documents and making themselves the reviewing authority which is self-serving ie. Hawaiian Homelands and more recently, HFDC.

MOTION: Chairperson Thoene moved that the EAC go into Executive Session to discuss the Council's powers, duties, privileges, immunities, and liabilities related to the inquiry regarding the Kanaha Hotel. Member Kaye seconded. The Council unanimously approved the motion (8-0-0) and transitioned into the Executive session at 1:24 PM until 1:48 PM.

Ms. Coucie joined the Council meeting at 1:48 PM.

Chairperson Thoene commented that the Council's authority on the Kanaha Hotel be an action item agenda for the August meeting.

**6. Rules Committee Update**

**a. Discussion of potential amendments to Hawai'i Administrative Rules Title 11, Chapter 201**  
[http://oegc2.doh.hawaii.gov/EC\\_Meetings/2021-07-06-HAR-11-201-Proposed-Edits.pdf](http://oegc2.doh.hawaii.gov/EC_Meetings/2021-07-06-HAR-11-201-Proposed-Edits.pdf)

Committee Chair Tuteur commented that the Rules Committee has made it through Chapter 201 making little changes and will add as a discussion item to the August agenda for the full Council. Chairperson Thoene that clarification is still needed if the EAC maintains rulemaking authority. Director Evans commented that under HB1318, the rulemaking for Chapter 343 was

transferred, but not Chapter 341. Director Evans commented that OPSD would still like EAC to take initiative with rulemaking and that OPSD can adopt the rules.

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

### **a. Discussion of status of forums planning**

### **b. Discussion of proposed amendments to Procedures & Checklist for Forums**

*(Deferred after agenda item 11.)*

Committee Chair Begier reported on that the forum was June 16. A presenter mentioned that it was nice to see a lot of civilians at the forum, not just the same planners and government employees. The Committee will into expand the press release; however, ERP's Zoom account has a limit of 100 attendees. The next forum will be July 26 and there might be some changes to the topics.

Member Hegger-Nordblum mentioned that forum video is on her Facebook page.

## **8. Strategic Planning Permitted Interaction Group Update**

### **a. Update on strategic planning survey**

Committee Chair Kaye commented that 38 responses were collected. The survey results have been completed, but he did not receive the results until after the submission time for the agenda. There were some comments stating that EAC should pay more attention to climate change/sea level rise. Another comment stated that the EAC has little effect on the EIS process with no enforcement or power. Some recommendations mentioned that the EAC become more active in issues of legislation, be more of an advocate, and have better outreach and communication among stakeholders. Other comments were a need for bigger overview in that there's no agency that has overarching responsibility on the environment.

Member Abe commented that critical reviews are not being done on projects with large documents and not providing substantive comments.

Committee Chair Kaye mentioned that some comments were related to EAC's role in balancing environmental issues and 100% renewable energy. He asked the members what the EAC and OPSD should do with this survey information moving forward.

## **9. Discussion of Transition to Office of Planning**

Director Evans commented that she does not want to make any support changes for the Council. For the three Environmental Review Program (ERP) staff, each will report directly to her to ensure a smooth transition and any concerns are addressed. With HB1318, she is not sure if the Director of OPSD is a voting member of the Council and will ask the AG to look into this.

Member Kaye asked how the EAC will be able to incorporate their planning ideas with OPSD. Director Evans responded that there would be opportunities for various OPSD staff to participate in Council discussions.

Member Tuteur commented that the I&O committee is very active and that there might be an opportunity to work together with OPSD and their outreach.

Director Evans commented that Office of Environmental Quality Control (OEQC) will now be referred to as Environmental Review Program. She stated she will miss the August meeting.

Member Kaaumoana asked about in-person meetings. Director Evans responded that the Governor's Emergency Proclamation ends August 6. OEQC's line-item budget was transferred to OPSD (BED144) and travel expenses should be supported.

Chairperson Thoene stated that HB1318 officially eliminated the Environmental Center.

Vice-Chairperson Begier joined the meeting at 2:42 PM.

**10. Legislative Committee Update**

Committee Chair Kaye stated there's no Legislative Committee report.

**11. Discussion of Resolution Nos. 37 and 55**

[http://oeqc2.doh.hawaii.gov/EC\\_Meetings/2021-07-06-Sen-Res-37.pdf](http://oeqc2.doh.hawaii.gov/EC_Meetings/2021-07-06-Sen-Res-37.pdf)

[http://oeqc2.doh.hawaii.gov/EC\\_Meetings/2021-07-06-Sen-Res-55.pdf](http://oeqc2.doh.hawaii.gov/EC_Meetings/2021-07-06-Sen-Res-55.pdf)

Chairperson Thoene commented that there were two resolutions passed this session urging DLNR to do rulemaking to streamline the permitting system for traditional Hawaiian farming on conservation land. The bill required the EAC to look over the rulemaking, but nothing has taken place yet.

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

**13. Public Forum**

None.

**14. Adjournment**

The meeting was adjourned at 2:50 PM.