



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

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

Environmental Advisory Council Meeting Minutes Meeting held on Tuesday, August 3, 2021 1:00 PM – 3:30 PM Via Zoom Video Conferencing

Members Present: Puananionaona Thoene (Chairperson); Mary Begier (Vice-Chair); Roy Abe
Dawn Hegger-Nordblom; Maka'ala Ka'auomoana; Robin Kaye; Theresita Kinnaman; Ron Terry;
Michael Tulang; and Mahina Tuteur

Members Absent: Stephanie Dunbar-Co

Staff Present: Andrew Goff, Deputy AG; Leslie Segundo, ERP

Public Present: Dominic Dias, BWS; Dick Mayer; Claudia Rohr; Gordon Scruton Jr.

Note: Text in **bold** indicates the original text of the agenda

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

With a quorum of ten members, Chairperson Thoene convened the meeting at 1:04 PM.

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

None.

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

No report.

4. **Exemption Committee Update**

Committee Chair Terry reported that City & County of Honolulu Board of Water Supply's exemption list was deferred and to be discussed at the next committee meeting on September 7, 2021.

5. **Discussion and potential Council action on inquiry from Ms. Claudia Rohr on July 6, 2021 regarding HRS § 41-15 applicability to HRS Chapter 343**

Chairperson Thoene reported that the 2nd agenda item that Ms. Rohr proposed was not received by the Council until after the agenda deadline date per Sunshine Law and may be on the September agenda.

Ms. Rohr claimed that County of Hawaii never requires an environmental review. She mentioned that the County may not have gotten training and may not know the rules regarding environmental review. Ms. Rohr would like the Council to address these questions and put in writing so she can bring it to their attention.

Chairperson Thoene motioned for the Council to convene in Executive Session. Member Kaaumoana second the motion. Chair Thoene explained that the Council was presented with legal questions and may be procedural in nature that should be discussed with the Attorney General. The Council moved and convened to executive session.

After re-convening from executive session, the Council noted that the corrected statute should be HRS § 46-15, not HRS § 41-15. Chairperson Thoene said that the questions brought forth by Ms. Rohr are too broad. The Council cannot address aspects that are not within the Council jurisdiction or not related to Chapter 343. She also informed Ms. Rohr that she may submit a written petition with detailed and specific questions for the Council to address.

Chairperson Thoene explained that Act 152 (HB 1318) was passed this legislative session so the responsibilities, duties, and obligations of Office of Environmental Quality Control (OEQC) were transferred from the Department of Health to the Office on Planning and Sustainable Development (OPSD). OEQC is now called the Environmental Review Program (ERP).

Chairperson Thoene motioned for the Council to decline to respond at this time to Ms. Rohr's inquiry as being hypothetical and too speculative. Member Kaye seconded the motion. The Council approved the motion (10 Yes, 0 No, 0 Abstention).

6. Discussion and potential Council action on inquiry from Mr. Dick Mayer on June 7, 2021 regarding the Kanaha Hotel EIS

Mr. Mayer would like the Council to require the Applicant of the subject EIS to republish and respond to the comments from a withdrawn DEIS. He asked that the Council contact the developer, Olsen Company, and tell them to print and include comments in the new draft EIS.

Chairperson Thoene motioned for the Council to convene in Executive Session. Member Ka'aumoana second the motion. Chairperson Thoene explained that the Council was presented with legal questions and may be procedural in nature that should be discussed with the Attorney General. The Council moved and convened to executive session.

After re-convening from executive session, member Kaye mentioned that the Council may not have the authority to do what Mr. Mayer asks. Member Terry commented that the EIS should go through the process and allow the Land Use Commission to use their procedure and ensure that the EIS meets all the requirements. Mr. Mayer was strongly encouraged to share all the information with the Land Use Commission.

Chairperson Thoene motioned for the Council to decline to respond at this time to Mr. Mayer's inquiry due to Council not having enough information and the issue being premature to provide any opinion on the matter. Member Kaye second the motion. The

Council approved the motion (10 Yes, 0 No, 0 Abstention). The Council declined to the respond and Chairperson Thoene thanked Mr. Mayer for his inquiry.

7. Rules Committee Update

Committee Chair Tuteur reported that the committee had questions on how the Council continues to revise the rules with the transition to OPSD. Prior to the next meeting, the plan is to clean up the rules and propose the questions to the Attorney General. Chairperson Thoene mentioned the nature of some questions such as the Council's roles going forward and procedure for declaratory actions in terms of proceeding with finalizing the draft.

8. Information & Outreach Committee Update

Committee Chair Begier reported the committee is busy with forums planning. For the approval process of marketing materials, she agreed to send questions for the Attorney General for follow-up. Committee Chair Begier opened the discussion for the Council on the procedures and checklist for electronic forums as it's currently written for in-person attendance. Member Kaye and Chairperson Thoene commented on if EAC has a budget, speakers not being listed in Thank You section, and EC and OEQC should be changed to EAC and ERP. Chairperson Thoene asked that a clean version without tracked changes be sent out. Further discussion and approval by the Council was postponed until next meeting. Also, the search for recording of the Watershed forum was continuing.

9. Strategic Planning Permitted Interaction Group Update

Committee Chair Kaye reported the memo and survey results were sent out to the Council members. He opened the discussion for the Council on what the Council's responsibilities and roles are. All Council members provided comments. Overall, the Council stressed on the importance of education. Gordon Scruton Jr. applied to be on the Council.

10. Legislative Committee Update

No report.

11. Next meeting: Tuesday, September 7, 2021, 1:00 – 3:30 pm

12. Public Forum

None.

13. Adjournment

Chairperson Thoene adjourned the meeting at 3:32 PM.