



# 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: oeqchawaii@doh.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  
Robert Parsons  
Ron Terry  
Michael Tulang  
N. Mahina Tuteur

January 2022 Meeting Minutes  
For Review at February 2022 Meeting  
Exemption Committee Meeting  
State of Hawai'i Environmental Council  
Meeting Held on Tuesday, January 4, 2022, 12:00- 1:00 PM  
Via ZOOM videoconference

Members Present (4): Ron Terry (Chair); Puananionaona Thoene; Maka'ala Ka'auomoana, Robin Kaye

Members Absent (1): Michael Tulang.

Staff Present: Leslie Segundo, Planner

Public Present: Greg Tsugawa, Lynette Kawaoka, City and County of Honolulu, Department of Transportation Services (DTS). Herman Tuiolosega, Tomo Murata, Hawai'i Department of Transportation (DOT)

Pane Meatoga, Operating Engineers Industry Stabilization Fund

Other members of the public came later: Traci Lum, DOT Airports. Faith Caplan, DOT

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

With a quorum of four members, Mr. Terry convened the meeting at ~ 12:03 PM. All present were introduced and each individually said that they were alone in the room that they were in.

## 2. Review and approval of prior meeting minutes

Taken out of order at end of meeting. Minutes of August and November 2021. Some minor spelling inconsistencies were noted but not deemed worthy of making changes. August minutes were approved (Ka'auomoana/Thoene) unanimously and then November minutes were approved (Ka'auomoana/Thoene) unanimously.

## 3. Exemption list status (includes only items with action or discussion at meeting)

Agency	Status	Action
ACTION LISTS		
Honolulu Department of Transportation Services (DTS)	List published for minimum 15-day comment period in TEN of November 23, 2021. Committee provided with list. No written comments received.	Review of list and consideration for recommendation to Council to concur.
Hawai'i Department of Transportation (DOT)	List published for minimum 15-day comment period in TEN of November 23, 2021. Committee provided with list	Review of list and consideration for recommendation to Council to concur.

	and the one written comment received.	
Honolulu Board of Water Supply	Initial list provided to Chair in February 2021, who sent initial comments to DTS, which has revised LIST. Original list with comments and replies, and clean revised list provided.	Review of list and consideration for recommendation to Council to request ERP to publish for public comment in next available Environmental Notice (TEN).

DTS list was discussed first. Mr. Terry confirmed with Mr. Segundo that no written comments were received. Mr. Tsugawa briefly reiterated the process by which the entire department was able to review and contribute. No members of the public wished to comment on the DTS list. Motion to recommend that the EAC concur with the list (Thoene/Ka’auomoana) passed unanimously.

DOT list was discussed next. Mr. Terry confirmed with Mr. Segundo that only one written comment was received. Mr. Murata said that after the last meeting, DOT members convened and quickly discussed to the oral comments in the meeting. Mr. Terry asked if DOT specifically looked at the written comment. Mr. Murata asked Mr. Terry to reiterate. Mr. Terry briefly summarized. Invasive species were never explicitly mentioned. Wildlife was addressed, a term which can be broad, but it would not appear that mongooses or fire ants are subsumed in the term wildlife. He asked if any language was needed about invasive species. He asked Ms. Ka’auomoana to add to this. She discussed predator control, and said that she understood DOT’s reluctance to just say invasive species, as the category is so broad. She asked for consideration of existing State lists. Mr. Terry asked if there was any language for dealing with feral cats, e.g. Mr. Tuiolosega said they have an existing program approved by DOFAW; at the airport, some of the invasive species are actually protected and they need special permission. Only federal actions can deal with invasive species at airports. He thinks it is the same thing at harbors. But as far as weeds, DOT can handle, although USDA and the State Dept. of Agriculture is involved. So all of this is already all handled - all are just continuing operations. Ms. Ka’auomoana said some time ago they notified the airport about abandoned animals, which can prey on endangered species. Cats at harbors especially, and also mongooses. This is an example of the problem that needs active predator control. It does not sound like DOT has an exemption for that. Mr. Tuiolosega says it is already covered under existing programs, like federal HCPs. Mr. Terry said that may be so, but those are also Chapter 343 actions, and if you modify them at all, you will need to address Chapter 343. They would probably be exempt, and not every action requires you to have a specific exemption, but it would certainly be helpful. He said he did not want to hold the whole list up over this though.

Ms. Thoene questioned whether it was more appropriate to have maintenance, reconstruction and repair of shoreline structures in Part 1 versus Part 2. Exemption notices are useful to have for these. Mr. Terry said in general, repair and maintenance may be appropriate for Part 1, but the exclusions for “sensitive” environments is really important.

Related to this, on Part 2 Type 3, Item 8, on Page 9, constructing new shoreline systems: how can DOT exempt very many of these? One little single area may be appropriate, but normally it would be larger, longer structures. He asked if DOT might address both the maintenance issue and some type of limits or thresholds. Mr. Murata said they would like to discuss it internally and get back to us. Ms. Ka'auomoana said she is not concerned with truly de minimis actions, but replacing like-with-like with no formal exemption consideration might lead to a lack of analysis of better science options. Mr. Terry said it is clear that we are a little uncomfortable with the level of analysis and public involvement and scrutiny for both repair and maintenance and new structures in the shoreline area. He asked if Mr. Murata could coordinate with all the divisions and address these concerns. He agreed to do so. Mr. Tuiolosega said at Airports, we had a project where they needed to replace rock baskets, they did an internal record, even though it was Part 1. If they needed more extensive repair, they would consult with USACE and prepare a more extensive exemption. Back to invasive species, there is an existing EIS from July of 2016 for dealing with invasive species. Everything is covered. Mr. Terry agreed that this must cover a lot, but there might be some new activities. He brought up the concept of thresholds for de minimis versus Part 2. By scale, by type. Even if the language is a little squishy. Mr. Kaye said he agreed with the other members. He thought the Council would be very concerned with new shoreline structures as exempt with no limits. Ms. Ka'auomoana also wanted to add support for thresholds and is also concerned about riverbanks. Also, she has concerns about all the repair and new work that gets done under emergency proclamations. Mr. Terry asked for any final statements from DOT. Mr. Tuiolosega said he did understand that thresholds can be very important. Mr. Terry said the committee did not want to be unreasonable. Ms. Caplan said they have struggled with how to deal with repair and maintenance. There are times when repair is truly de minimis, others that are in sensitive environments. She has trouble with thresholds. They can be too precise and it becomes difficult to manage. The point is, DOT would not put the item on the list to misuse it; if it needs and EA, then DOT will do it. Give DOT credit for making the decision. Mr. Terry said he did understand and appreciate it, but would like a little more systematic attention to the comments and have DOT come back. He acknowledged the time and effort. Ms. Ka'auomoana moved to ask DOT to consider answering the comments and come back to the committee for another discussion. Mr. Kaye seconded. Ms. Thoene said apologies to DOT for all the back and forth. She is not opposed to having shoreline protection on Part 2 lists. But Part 1, Type 1, 6a (*Repair or maintain existing structures or facilities located in or above the water necessary for the continued function and use, and to meet current local, state and federal standards and regulations, and as permitted by the U.S. Army Corps of Engineers and U.S. Coast Guard. Structures include but not limited to: a Perimeter seawalls, revetments, groins and other similar protective structures*), she would like to see that in Part 2. Mr. Kaye asked if the threshold could have to do with dollars. Mr. Terry said it may be hard to try to wordsmith all this today and that perhaps DOT needs to workshop the solutions. Ms. Caplan asked, OK, if we moved all shoreline stuff to Part 2, would that address your concerns? Mr. Terry asked about the unknown size of shoreline structures that could be fit under Part 2 if DOT maintained that this particular shoreline was not sensitive. Ms. Thoene said the main thing she was concerned

about was that Part 2 exemptions provide for public input on very sensitive projects. As time was running out, the question was finally called and the motion passed unanimously.

BWS item was taken up next. Mr. Terry noted that BWS was not present and had a lot on their plate because of the Red Hill matter. Ms. Thoene said she only had one comment that reference to 11.200.1-8 to 11.200.1-15. Incorrect reference. Mr. Terry noted this . He then suggested deferring the item until contact with BWS.

**4. Next meeting date and agenda.**

First Tuesday of February, time TBD.

**5. Adjournment.**

Mr. Terry adjourned the meeting at ~12:58 PM.

DRAFT