



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

MINUTES

State of Hawai'i Environmental Advisory Council

Tuesday, February 1, 2022, 1:00 PM - 3:30 PM

Hybrid Meeting: 235 S Beretania St #405 Honolulu, HI 96813

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, Robin Kaye, Tessie Kinnaman, Ronald Terry, Michael Tulang, Mahina Tuteur

MEMBERS ABSENT

Makaala Kaaumoana

STAFF

Mary Alice Evans (Director, Office of Planning and Sustainable Development),
Jodi Yi (Deputy Attorney General), Leslie Segundo (Environmental Review Program)

PUBLIC

Dean Watase (HDOT Harbors Division), Tracy Lum (HDOT Airports Division),
Pane Meatonga III (HOEISF), Jeyan Thirugnanam (HDOT Highways Division), Lynette Ikawaoka
(HDOT Airports Division), Tomo Murata (HDOT Statewide Transportation Planning Office),
Dominic Dias (BWS), Gordon Scruton (nominee for the EAC)

1. Call to order, Roll Call, Introductions, Quorum

With a quorum of ten members present, Chairperson Thoene called the meeting to order at 1:02 PM.

2. Review and approval of prior meeting minutes

None available.

3. Office of Planning Director's Report

Director Evans reports that there were several messages from the Governor sent to the Legislature that nominated new members for the Commission. She also reports that a presentation will be available by the next Council meeting (March 2022) on cumulative impacts guidance to the county planning departments for Shoreline Management Areas. This is a part of Chapter 205A which is under the Office of Planning and Sustainable Development. They are also working on bills and testimony for the current legislative session. Committee Chair Dunbar-Co inquired to what the top bills or policies that are being tracked by OPSD. Director Evans responded that the following bills and policies are related to sustainability, coastal management, Hawaii State Plan Law Chapter 226, affordable housing (infrastructure for urban infill and important agricultural lands), added capacity to the county planning departments, commissions, and councils, and GIS program support.

4. Exemption Committee Update

- Discussion of and action to approve publication of City & County of Honolulu, Board of Water Supply exemption list in *The Environmental Notice* for 15-day public comment period

http://oeqc2.doh.hawaii.gov/EC_Meetings/2022-01-04-EAC-Exemption-Com-Transmittal-of-BWS-Proposed-Exemption-List-November-12-2021.pdf

http://oeqc2.doh.hawaii.gov/EC_Meetings/2022-01-04-EAC-Exemption-Com-BWS-Exemption-List-Update-ANNOT-October.pdf

Committee Chair Terry reports that Exemption Committee unanimously approved the list for public release.

MOTION: Committee Chair Terry moved to have the Board of Water Supply's exemption list published in *The Environmental Notice* for the 15-day public comment period. There was no discussion or public testimony. The EAC unanimously approved the motion (10-0-0).

- **Discussion of and action to concur with the State of Hawai'i, Department of Transportation exemption list**

http://oeqc2.doh.hawaii.gov/EC_Meetings/2021-12-01-EAC-Exemption-Com-Comment-of-Ron-Terry-on-DOT-proposed-exemption-list.pdf

http://oeqc2.doh.hawaii.gov/EC_Meetings/2022-02-01-EAC-Exemption-Com-HDOT-Responses-to-comments-01212022.pdf

http://oeqc2.doh.hawaii.gov/EC_Meetings/2022-02-01-EAC-Exemption-Com-New-Proposed-HDOT-January-2022-Exemption-List_01_21_2022.pdf

[http://oeqc2.doh.hawaii.gov/Agency_Exemption_Lists/State-Department-of-Transportation-Exemption-List-2021-11-10-\(Draft\).pdf](http://oeqc2.doh.hawaii.gov/Agency_Exemption_Lists/State-Department-of-Transportation-Exemption-List-2021-11-10-(Draft).pdf)

Committee Chair Terry reports that the Exemption Committee did not have any significant comments on the latest version of the list. The committee unanimously approved a recommendation to the council to concur with the list.

MOTION: Committee Chair Terry moved to have the EAC concur with the Department of Transportation's exemption list. There was no public discussion or public testimony. The EAC unanimously approved the motion (10-0-0).

5. Legislative Committee Update

- **Report of meeting with Senator Gabbard and Representative Lowen**

Committee Chair Kaye reports that he and Chairperson Thoene met with Senator Gabbard and Representative Lowen on January 11, 2022. They had discussed HB1318 and the success of the I&O presentations. Representative Lowen's priorities were on climate change, decarbonization within PUC and HECO's processes, plastic waste, green fees, cesspools, and Red Hill. Senator Gabbard's priorities were on green fees (SB666), green amendment (SB502), and become more carbon positive (SB493).

The discussion also included points that were brought up by the Council at the last meeting. The first one being on the topic of geothermal. Senator Gabbard and Representative Lowen agreed that a bigger discussion needed to be held to discuss this topic. They also discussed herbivore management about deer, pigs, and goats. Representative Lowen suggested to also include fish. Green fees were heavily discussed. They also discussed the need for water storage facilities. The issue of quorum was addressed. Language was drafted that amends the statute (Chapter 341)

to specifically state that quorum is a majority of the members appointed rather than a majority of members the Council is entitled to have. The other amendment was to Chapter 92.

The issue of four vacancies in the EAC was discussed. Senator Gabbard and Representative Lowen suggested that draft language be provided to them, and they will submit a letter to the Governor. Four new names have been proposed and are listed in the Governor's message (GM598-603).

▪ **Discussion of initial EAC-related bills for tracking legislative session**

Committee Chair Kaye reports that final day for new bills to be introduced for the legislative session was on January 26, 2022. He highlights the list of legislative bills that pertains to OPSD:

- HB1473 (Companion: SB2121): Requires environmental impact statements to consider whether the proposed action will exacerbate socioeconomic disparities. This bill is a part of the Office of Hawaiian Affairs (OHA) Package.
- HB1750 (Companion Bill: SB3384): Makes the new construction of affordable housing eligible for exemption from environmental impact statement and environmental assessment requirements if it meets certain requirements.
- HB1803 (Companion Bill: SB2962): Proposes a constitutional amendment that recognizes that the fundamental right of all people, including future generations, to clean water and air, a healthful environment and climate, and healthy native ecosystems and beaches shall be protected and shall not be infringed.
- HB1810 (Companion Bill: SB2958): Defines what constitutes a quorum for the Environmental Advisory Council. Specifies the number of votes required to make any action of the Council valid.
- HB2120 (Companion Bill: SB3088): Clarifies current practices, policies, and procedures of the State Emergency Management program and updates it with the prevailing emergency management best practices. Highlights the intent of the State, Governor, and emergency management agencies to address environmental and climate impacts on emergency management. This bill is a part of the Governor's Package.
- HB2256 (Companion Bill: SB3273): Establishes a Department of Environmental Protection on July 1, 2026.
- SB2448 (Companion Bill: HB2454): Requires for each draft environmental assessment and draft environmental impact statement a public hearing in the community directly affected by the underlying proposed action.
- SB2453 (Companion Bill: HB2459): Increases from 45 days to 90 days the deadline by which county legislative bodies shall approve certain housing projects supported by the Hawai'i Housing Finance and Development Corporation. Establishes that certain housing projects shall not be exempt from an environmental assessment.
- SB2668: Requires each county to establish its own land use commission to make certain

determinations under Chapter 205, Hawai'i Revised Statutes. Repeals the State Land Use Commission.

- SB3012 (Companion Bill: HB1802): Require DLNR to establish a visitor green fee program to collect fees from nonresidents, to be used for the protection, restoration, and care of Hawai'i's natural, cultural, and outdoor recreational resources and build the resilience of these resources to the impacts of climate change and local threats, in order to obtain a license to use State natural resources. Establishes the Hawai'i Environmental Legacy Commission to guide the disbursement of visitor green fee program funds. Establishes the Hawai'i Environmental Legacy special fund.

- **Final Report and Recommendations of the Strategic Planning Permitted Interaction Group**
http://oeqc2.doh.hawaii.gov/EC_Meetings/2022-02-01-EAC-PIG-report-to-EAC-in-February.pdf

Committee Chair Kaye reports that in March there will be a vote on the recommendations to how the forum will go. The forum will be held in April. The Strategic Planning Committee has been formed and will listen to the forum in April. In May, the Strategic Planning Committee will provide a report on the results of the forum meeting that occurred in April.

Presentation and discussion of final report

Committee Chair Kaye reports that the committee plans on holding the meeting in April with two segments of two hours each. The meeting will also be an open meeting due to regulations, so members of the public are welcome to join.

Committee Chair Kaye inquired to the other Council members as to whether there were any specific individuals that they felt should be invited to the April forum.

Chairperson Thoene recommended that Representative Lowen be invited to the forum. Committee Chair Kaye would also like to invite the four Council nominees to attend.

Chairperson Thoene reports that the next process will occur in March. This will include the voting of whether to accept the final report. If the report is accepted, then the Strategic Planning Committee will move forward with getting it planned.

6. Next meeting: Tuesday, March 1, 2022, 1:00-3:30 pm

7. Public Forum

None.

8. Adjournment

The meeting was adjourned at 2:19PM.