



# STATE ENVIRONMENTAL ADVISORY COUNCIL

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

State of Hawai'i Environmental Advisory Council

Tuesday, March 1, 2022 at 1:00PM

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), Roy Abe, Stephanie Dunbar-Co, Dawn Hegger-Nordblom, Makaala Kaaumoana, Robin Kaye, Tessie Kinnaman, Ron Terry, Michael Tulang, Mahina Tuteur

### Members Absent

Mary Begier (Vice-Chairperson)

### Staff

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

### Public

Justine Nihipali (Coastal Zone Management Program Manager), Pane Meatoga III (HOEISF)

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

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

With a quorum of 10 members present, Chairperson Thoene called the meeting to order at 1:02PM.

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

[https://files.hawaii.gov/dbedt/erp/EC\\_Meetings/2021-11-03-Environmental-Advisory-Council-Minutes.pdf](https://files.hawaii.gov/dbedt/erp/EC_Meetings/2021-11-03-Environmental-Advisory-Council-Minutes.pdf)

Chairperson Thoene deferred this agenda point until after the Office of Planning Director's Report. Following the Office of Planning Director's Report agenda point, the prior meeting minutes from November 2021 were reviewed.

MOTION: Member Kaye moved that the minutes of the November 2021 meeting be approved. Member Kinnaman seconded the motion. Chairperson Thoene discussed a review of language. The EAC unanimously approved the motion (10-0-0) with amendments.

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

- **Presentation by Justine Nihipali, Coastal Zone Management Program Manager, on the Development of a Definition of Cumulative Impacts for the Draft Guidance Document on the amendments to Chapter 205A made by the Legislature.**

Ms. Nihipali reports on the CZM Program which is federally funded and was established by the Coastal Zone Management Act. A short video was also shown titled "What is Coastal Zone Management" by Hawaii State Planning.

Ms. Nihipali presented on the guidance that they had issued to the County Planning Department for the administration of special management area permits. They developed this guidance which addresses cumulative effects and impact assessments specifically for SMA permitting because under federal law, the coastal zone management programs across the nation are required to be evaluated on a regular basis. The last evaluation occurred in 2018. Stakeholders and county partners in the State of Hawaii reported that they find it difficult to determine what cumulative impacts in the SMA permitting process is. The purpose of the guidance is to provide policy and implementation support to assist the counties, and better assess and determine cumulative impacts in their SMA permitting processes.

Ms. Nihipali also reports that if an EA or EIS serves as the supporting document to fulfill SMA permit use application, then her office suggests that the subject EA or EIS specifically include a cumulative impacts effects or impacts assessment on the coastal resources under HRS205A. In the guidance, a recommendation to the counties was included to apply temporal and spatial parameters with SMA criteria to account for cumulative effects or impacts of the proposed action on the SMA. The following parameters are listed below.

- A minimum of five years before the application, to scope past actions.
- A minimum of five years from the application and up to the life span of a proposed project to scope for foreseeable actions.
- Extension of SMA inland boundary as a geographic radius to scope other actions that might contribute to cumulative effects.
- Ensuring that the assessment is focused on coastal resources under the CZM objectives and policies.

Ms. Nihipali also states that they have created a checklist to include incremental impacts on coastal resources and the environment, resulting from what the proposed actions are under the SMA criteria. They also encourage other offices to develop their own implementation, policies, and tools to standardize cumulative effects in SMA permitting.

Member Terry inquired to Ms. Nihipali if there were any boundaries or limitations for the difficulties in order of magnitude. Ms. Nihipali responded that the document is still a draft and that she will pass along the information to her office staff.

Chairperson Thoene also suggested for the draft that they consider the language. She also suggests that they reconsider the five-year minimum because it might be too long of a time frame and not reasonable.

Chairperson Thoene also inquired as to whether the public would be able to access the document once it was published or if the document will only be distributed to the planning departments. Ms. Nihipali responded that the document will be provided to the county planning departments, but it is not intended to be for public consumption. However, if a member of the public requested it, they would be able to provide it.

Member Abe inquired as to who would enforce the guidelines. Ms. Nihipali responded that the counties are the authorities for the SMA in their own jurisdiction. The Office of Planning provides the permitting specific to community development districts in Kalaeloa, He'eia, and Kaka'ako Makai.

#### 4. Exemption Committee Update

Committee Chair Terry reported that the Board of Water Supply's draft exemption list was published in *The Environmental Notice* on February 8, 2022.

#### 5. Rules Committee Update

- **Discussion of proposed amendments to Hawaii Administrative Rules Title 11, Chapter 201-**  
[https://files.hawaii.gov/dbedt/erp/EC\\_Meetings/2022-03-01-EAC-Rules-Com-HAR-8-11-21-JY\\_2-17-22-mt.pdf](https://files.hawaii.gov/dbedt/erp/EC_Meetings/2022-03-01-EAC-Rules-Com-HAR-8-11-21-JY_2-17-22-mt.pdf)

Committee Chair Tuteur reported on the Rules Committee meeting. They discussed whether they retain the authority to do rulemaking, retain the authority to do deck ruling, and the authority to appoint hearing officers.

#### 6. Information and Outreach Committee Update

Chairperson Thoene stated that no committee meeting was held. Member Hegger-Nordblom commented that the committee is waiting for the report from the Strategic Planning Committee.

#### 7. Legislative Committee Update

- **Discussion of EAC-related bills for tracking this legislative session -**  
[https://files.hawaii.gov/dbedt/erp/EC\\_Meetings/2022-03-01-EAC-Legislative-Com-leg-bills-re-environment-for-EAC-March.pdf](https://files.hawaii.gov/dbedt/erp/EC_Meetings/2022-03-01-EAC-Legislative-Com-leg-bills-re-environment-for-EAC-March.pdf)

\*Bills highlighted in red are presented for EAC review and discussion

- HB1750: Chairperson Thoene submitted testimony to urge legislature to consider revising or amending the bill so it reflects the exemption as currently adopted in the rules. The bill's status has been deferred. The EAC decided to not submit testimony due to the status of the bill.
- HB1803: The EAC had no objections on submitting testimony or comments on the bill.
- HB1810: OPSD and Chairperson Thoene testimonies has been submitted in support. Committee Chair Kaye submitted testimony directly to Chair Luke.
- HB1874: Chairperson Thoene attended the hearing for this bill. She reported that OIP was opposed as unnecessary. She also suggested at the hearing the language be revised to be clearer. The bill's status has been deferred. The Legislative Committee will continue to monitor the status of the bill.
- HB1897: Chairperson Thoene suggested that the Council oppose the bill. Director Evans reported that OPSD opposed the bill due to the difficulty of hosting the video streaming and the amount of server space to archive them. Member Kaaumoana

provided comments on how the bill could be useful for future references. The EAC decided the Legislative Committee will follow the bill and submit comments, rather than oppose the bill.

- HB2256: The EAC will submit late testimony in support of the bill. The Council will also suggest a representative from the EAC and neighbor island to be a part of the working group should it be formed.
  - HB2454: The status of the bill has not moved. Member Terry commented that he does not find the bill necessary. The Legislative Committee will track the bill. The EAC will not currently submit testimony unless the bill moves. If the bill moves, then the Council will submit testimony in opposition.
  - SB3192: The EAC will submit late testimony in support of the bill with revisions to the language.
  - SB2121: The EAC will submit testimony with concerns about the practicality of the bill.
- **Action to approve Legislative Committee Chair and/or Council Chair to submit testimony and/or comments on behalf of the EAC for those bills highlighted in red on the legislative tracker and others that the EAC approves, including nominations of new EAC members**

MOTION: Committee Chair Kaye moved to approve the Legislative Committee Chair and/or Council Chair to submit testimony and/or comments on behalf of the EAC for those bills agreed upon on the legislative tracker and others that the EAC approves, including nominations of new members. Member Terry seconded the motion. There was no discussion or public testimony. The EAC unanimously approve the motion (10-0-0).

8. *(Moved ahead of Agenda #7)*

**Action to approve the Final Report and Recommendations of the Strategic Planning Permitted Interaction Group- [https://files.hawaii.gov/dbedt/erp/EC\\_Meetings/2022-03-01-EAC-PIG-report-to-EAC-for-March-vote.pdf](https://files.hawaii.gov/dbedt/erp/EC_Meetings/2022-03-01-EAC-PIG-report-to-EAC-for-March-vote.pdf)**

- **Action to dissolve the Strategic Planning Permitted Interaction Group**  
No discussion.
- **Discussion of retreat date in April 2022**  
Committee Chair Kaye discussed the meeting of the Strategic Planning/Permitted Interaction Group on April 5, 2022, from 11:00am-1:00pm and 1:30pm-3:30pm. The meeting will discuss the statutory responsibilities, how to use the limited resources, and communicate the capacities of the EAC to the community.

MOTION: Chairperson Thoene moved to approve the Final Report of the Strategic Planning Forum Permitted Interaction Group, dated February 1, 2022. Member Tulang seconded. There was no discussion or public testimony. The EAC unanimously approved the motion (10-0-0).

**9. Next meeting: Tuesday, April 5, 2022, 11:00AM-1:00PM and 1:30-3:30PM.**

Exemptions Committee will have a short 20-minute meeting. No other committee meetings to be scheduled.

**10. Public Forum**

None.

**11. Adjournment**

Chairperson Thoene adjourned the meeting at 3:08PM.