



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, May 3, 2022, 1:00 PM-3:30PM

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

David Y. Ige
Governor

Chairperson
Puananionaona Thoene

Vice Chair
Mary Begier

Members
Roy Abe
Moanaoio Bjur
Stephanie Dunbar-Co
Dawn Hegger-Nordblom
Makaala Kaaumoana
Ian Robin Kaye
Theresita Kinnaman
Michele Lefebvre
Gordon Scruton, Jr.
Rachel Sprague
Ron Terry
Michael Tulang
N. Mahina Tuteur

Members Present

Puananionaona Thoene (Chairperson), Roy Abe, Moanaoio Bjur, Stephanie Dunbar-Co, Dawn Hegger-Nordblom, Makaala Kaaumoana, Tessie Kinnaman, Michele Lefebvre, Rachel Sprague, Michael Tulang, Mahine Tuteur

Members Absent

Mary Begier (Vice-Chairperson), Robin Kaye, Gordon Scruton, Jr., Ron Terry

Staff

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

Public

None.

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

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

With quorum of 11 members present, Chairperson Thoene called the meeting to order at 1:05 PM.

2. Office of Planning and Sustainable Development (OPSD) Director's Report

▪ Discussion of status of OPSD and Environmental Review Program tracked legislation

Director Evans reports that the legislature is wrapping up the 2022 legislative session by conducting floor votes on bills. Director Evans also reports that the State budget bill (HB 1600) does have funding for the Planner V position in the former Office of Environmental Quality Control. It will not be effective until July 1.

Director Evans reports that there are multiple bills being tracked relating to affordable housing, transit-oriented development, coastal and marine resources, and various bills that will impact the Sunshine Laws. After the session is over, Director Evans will put together a handout on bills that have passed and are pending Governor's decision to sign or veto or allow to become law without his signature.

Member Hegger-Nordblom joined around 1:13 PM.

3. Rules Committee Update

▪ Discussion of proposal to repeal Hawai'i Administrative Rules (HAR) Title 11, Chapter 201

Committee Chair Tuteur reported that the Committee has been working on the procedural rules and discussed repealing HAR Title 11, Chapter 201. The Rules Committee recommends to the Council to consider repealing HAR Title 11, Chapter 201.

Director Evans mentioned that the Council should have authority over its own policies and procedures for its operations. The policies and procedures would effectively replace the current HAR Title 11, Chapter 201 that limits operations of the Council.

- **Discussion of process to amend HAR Title 11, Chapter 200.1 and/or re-promulgate under OPSD**
Deputy Attorney General Yi reports that there does not seem to be a way to change the numbering of Chapter 201.1. She will report on the repeal process for HAR 11-201 at the June meeting.

Chairperson Thoene reiterates that initially the Committee discussed the process of switching the numbers of HAR 11-201 (Council's procedural rules) to HAR 11-201.1 (EIS rules) because the numbering is under the Department of Health's Title 11; DBEDT's Title is 15. The Committee wanted to determine if there was a truncated process to switch the numbers.

Member Kaaumoana states that it is now a good opportunity to discuss the move from DOH to OPSD and what that means for the people in the community and the Council. She states that there needs to be a good public process that is inclusive.

4. Legislative Update

- **Discussion of the status of HB 1803, HB 1810, HB 2256, and GM 598 – GM 603**
https://files.hawaii.gov/dbedt/erp/EC_Meetings/2022-05-03-EAC-HB1803_HD1_.pdf
https://files.hawaii.gov/dbedt/erp/EC_Meetings/2022-05-03-EAC-HB1810_SD1_.pdf
https://files.hawaii.gov/dbedt/erp/EC_Meetings/2022-05-03-EAC-HB2256_SD2_.pdf
https://files.hawaii.gov/dbedt/erp/EC_Meetings/2022-05-03-EAC-GM598_.pdf
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https://files.hawaii.gov/dbedt/erp/EC_Meetings/2022-05-03-EAC-GM602_.pdf
https://files.hawaii.gov/dbedt/erp/EC_Meetings/2022-05-03-EAC-GM603_.pdf

Chairperson Thoene highlighted the bills that were being tracked for the legislative session:

HB 1803: Measure proposing a constitutional amendment to Article 1, which recognizes the fundamental right of all people including future generations to clean water, air, ecosystems, and climate. As of April 21st, the bill has been deferred.

HB 1810: Measure proposing an amendment for the EAC quorum. This measure has passed the Senate and House. There was House disagreement with a Senate change, but has been resolved. It is anticipated that the bill will be submitted to the Governor.

HB 2256: Measure proposes a creation of a Department of the Environment. As of April 21st, the measure has passed and is in the Ways and Means Committee. Director Evans further reported that this measure did not pass.

GM 598-GM603: Nominations for the Council.

Member Bjur introduced herself as a new appointee to the Council.

- **Discussion of House Resolution No. 82**
https://files.hawaii.gov/dbedt/erp/EC_Meetings/2022-05-03-EAC-HR_82_Certified.pdf
This agenda point was not discussed.

5. EAC Strategic Planning Forum

- **EAC reflection on forum (summary of forum to be presented at a future EAC meeting)**
Due to Committee Chair Kaye being absent for the meeting, a more detailed report and summary will be discussed at a future EAC meeting.

Member Kaaumoana reports that the forum was well facilitated and provided everyone the opportunity to discuss their own viewpoints. She also reports that there were discussions about what the public thinks the Council does and how the public thinks the council does it.

6. Next meeting: Tuesday, June 7, 2022, 1:00 – 3:30 PM

Chairperson Thoene will include in the agenda for the next meeting – a review of the standing committee assignments. Current standing committees include the Rules Committee, Exemptions Committee, Information and Outreach Committee, Legislative Committee, Annual Report Committee, and the Strategic Planning Committee.

7. Public Forum

None.

8. Adjournment

Chairperson Thoene adjourned the meeting at 1:48 PM.