



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

September 2022 Meeting Minutes

Exemption Committee

State of Hawai'i Environmental Council

Meeting Held on Tuesday, September 6, 2022, 12:02 - 1:00 PM

Via ZOOM videoconference

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 (3): Ron Terry (Chair); Puananionaona Thoene, Michele Lefebvre;
Members Absent (2): Michael Tulang, Maka'ala Ka'auomoana
Staff Present: Leslie Segundo, Planner, Jodi Yi, Attorney General
Public Present: Dean Watase and Randy Chu, Hawai'i Housing and Finance Development (HHFDC); Michael Hinazumi and Jason Kagimoto, Kaua'i Department of Water

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

With a quorum of three members, Ron convened the meeting at ~ 12:09 PM. All present were introduced and each individually said that they were alone in the room that they were in.

2. Exemption list status

Agency	Status	Next Action
ACTION LISTS		
Kaua'i Department of Water	List published for minimum 15-day comment period in TEN of July 15, 2022. No comments received.	Review of list and consideration for recommendation to Council to concurrence.
Hawaii Housing Finance and Development Corporation	List received by Chair and reviewed, amended by HHFDC	Review of list and consideration for recommendation to Council to publish for comment.

Ron said the last time he checked, there were no comments on the Kauai DOW list. Les confirmed that was still true. Michael Hinazumi had no additional comments, but thanked committee. Committee members were asked if they had comments. Onaona said no comments, but thanked the agency for its extensive engagement with our committee. Onaona moved, Michele seconded motion to recommend list for concurrence by the Council. Vote was unanimous in favor. Ron invited Kauai DOW to come to full Council meeting at 1 PM if they were available. Ron then discussed the HHFDC list and the history of comments and the evolution of the versions supplied. Ron said he was satisfied with the edits that HHFDC did in response to the comments. Dean and Randy both discussed the edits. Onaona asked about the sticky notes on the pdf. Ron said those were the comments. Michele said if you hover your cursor over the comments, you can see the comments. Michele asked if we meant to retain seawalls. Onaona said yes, it says "except seawalls," which has been our recommendation to all agencies. Onaona moved (Michele seconded) to approve recommendation to EAC to publish list in The Environmental Notice for public comment. Unanimous vote in favor. Ron asked HHFDC to attend the EAC meeting at 1 PM hour if they could.

3. Review and approval of prior meeting minutes

Minutes of April were approved (Onaona/Michele) unanimously. Minutes of July were approved (Onaona/Michele) unanimously with several grammar/spelling/wording edits noted by Jodi and Onaona. These were input by Ron for transmittal to Les for posting.

4. Permitted Interaction Group.

Onaona reminded us that the P.I.G. creation had been deferred in order to have more time to conceptualize it, and that it was on the EAC agenda today to possibly create. This meeting should help provide the purpose and scope of the group. Onaona introduced the idea of enforcement and incentive of existing rules. Onaona said the folks who indicated interest to be on the group were her, Ron, Michele and Maka'ala, also ERP. Ron asked if the P.I.G. might look at whether we can interpret the statute to compel agencies to make exemption lists. Also brought up the idea of required lists actually involving rule-making, which would make updating lists even more difficult. Onaona doubts there is any way to compel, but we use the requirement to prepare an exemption notice if there is no updated list to strongly encourage agencies to conduct an update. Les reminded us that the 2019 exemption guidance needs to be updated because it has OEQC not OPSD and/or ERP, which makes agency compliance confusing. Ron said the ambit should be broad enough to encompass updating guidance. There was a discussion of the origin of the 2019 guidance and the outreach to agencies that ensued. Michele asked if there were agencies that are not complying but do a lot of 343 work and would thus benefit the most. Ron said the State is doing pretty well, the Counties not so much. Planning seems really important. The county Planning Departments have not really updated their lists. In general, very few neighbor island agencies have approached us. Michele again stressed the need to focus and target. Ron said DPW, Water Supply, P&R, maybe others should be priority. P.I.G. should definitely take that on. The Part 1/Part 2 issue was discussed next. Many agencies are not really complying with the requirement for exemption notices. Some party may eventually bring an action. Ron said every agency does Part 1 exemptions whether they are aware of it or not. There are some absurd "actions" included in our rules. Onaona said we can include exploring statutory fixes.

5. Adjournment.

The meeting was adjourned at 12: 43 PM.