



# STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,  
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII  
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November 2022 Meeting Minutes

Exemption Committee

State of Hawai'i Environmental Advisory Council

Meeting Held on Tuesday, November 1, 2022, 12:30 - 1:26 PM

Via ZOOM videoconference

Josh Green, M.D.  
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 (4): Ron Terry (Chair); Puananionaona Thoene, Michele Lefebvre; Maka'ala Ka'aumoana

Members Absent (1): Michael Tulang,

Staff Present: Leslie Segundo, Planner, Jodi Yi, Attorney General

Public Present: Dean Watase and Randy Chu (joined at ~ 12:15), Hawai'i Housing and Finance Development (HHFDC); Hakim Ouansafi, Hawai'i Public Housing Authority (HPHA) and Ron Sato, Helber Haster Fee (HHF)

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

With a quorum of four members, Ron Terry convened the meeting at ~ 12:06 PM. All present were introduced and each individually said that they were alone in the room that they were in, with the exception of Leslie Segundo and Ron Sato, who were in the OPSD-ERP conference room together.

## 2. Exemption list status

Agency	Status	Next Action
<b>ACTION LISTS</b>		
Hawaii Housing Finance and Development Corporation	List published for minimum 15-day comment period in TEN of September 23, 2022. No comments received.	Review of list and consideration for recommendation to Council to concurrence.
Hawaii Public Housing Authority	List received by Chair and reviewed and amended by HPHA	Review of list and consideration for recommendation to Council to publish for comment.

Ron T explained the HHFDC review process, asked Les if there were any comments, and Les responded there were none. Ron T. then asked Council members if they had comments. Michele noted that Exemption Type 6 had language about structures and buildings, which may not be in keeping with HRS 6e language. Ron T. said the list simply just quoted HAR 11-200.1. Michele noted the use of the word "significant." The National Register and State Register have different meanings. Ron T. suggested that we don't have to match HRS 6e and Section 106 language, but that he agreed that the word "significant" is problematic. What actually matters is that it is or is not on the Register. Whoever wrote this probably was trying to make it clearer for people who did not understand that "significant" sites get on the Registers. Onaona came up with some draft language. There was discussion of this by Dean, Michele and Onaona. Ron T said that if

they just got rid of much of the language in both the Part 1 and Part 2 definitions, it would be a lot clearer. The words significant and non-significant are unhelpful in this context because of confusion with HRS 6e and Section 106 and are not in our rules. Take out the word non-significant and instead focus on the differences between Part 1 and Part 2; i.e., distinguishing structures that do not require further consideration, per the distinctions they had made in their Part 1 qualifications. Onaona came up with some refined, simplified and clearer language. Ron T asked Dean to make the change so that during the EAC meeting we could explain the change that was made. Onaona asked if the list should state Environmental Advisory Council rather than Environmental Council when discussing former concurrences. After some discussion, she withdrew the comment. Onaona moved to approve for recommendation of concurrence by the EAC, as amended, Maka'ala seconded motion. Vote was unanimous in favor. Ron invited HHFDC to come to full Council meeting at 1:30- PM if they were available.

Ron T then discussed the HPHA list and the history of comments and the evolution of the versions supplied. Ron S said the old list is from 1989 and needed updating. Onaona asked if we were provided a WORD version of the list? She said it would be helpful for editing multiple sections – but perhaps she could just supply a comment letter during the comment period. Most of her edits she described as nitpicky, but some were substantive. Changing Chapter to Section in a rules reference in first paragraph, reference to EAC vs EA, and several others. There was also a superfluous reference to requesting a new exemption type. Ron T agreed. Onaona had a substantive comment regarding removal of ordnance and explosives, whether it should be Part 1 and Part 2. Ron T explained there were two types of removal: systematic investigations undertaken under US Army Corps supervision, and emergency responses. Hakim noted that they had already swept all the properties HPHA controls. Ron S said moving it to Part 2 would be fine. Ron S said he could possibly make all the changes pursuant to our suggested edits right now and provide to EAC; Ron T said it was not really necessary, they can respond to all comments later and do an amended list one time. Onaona then asked about some inconsistencies with subdivisions, which are mentioned in several areas: Type 8, Section 1 and also Type 4, Section 1. Are there any limitations on subdivision size, or number of lots? Ron S noted that it could be considered just an administrative action. Also, they have 70-plus properties had already gone all major subdivision and that there will be very little need to do any further subdivision. There was discussion about this item on other, recently approved lists. Ron S agreed to take a look and clarify the context and scale. Maka'ala said she views this list and others for agencies such as this with less concern, e.g., when it comes to 20% increase in density. Then Michele noted that the numbers in Part 1 and Part 2 do not seem to include all types; Ron T noted that this is because they had no pertinent examples in all possible combinations of Type/Part. Onaona moved (Maka'ala seconded) to approve recommendation to EAC to publish the list in The Environmental Notice for public comment. The vote in favor was unanimous. Ron T asked Ron S and Hakim to attend the EAC meeting at 1:30 PM hour if they could.

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

Minutes of September were reviewed. Onaona suggested some edits related to typos and using last names for those attendees who shared a first name. There was also a question about whether we were talking about exemption “lists” or exemption “rules” in one section. Ron said he would go back to the tape and see what was said. Ron T would then input the changes and transmit to Les for posting. The minutes were then approved (Onaona/Michele) unanimously.

Maka'ala noted that the format differed in the two lists. She prefers seeing it arranged to have it Type by Type rather than Part by Part. Makes it easier to see what they think is manini, and what is not. Onaona said she somewhat preferred it that way too. Ron T said that because we have heretofore allowed agencies to do it both ways, that should continue, but if agencies asked, he would mention our preference.

**4. Next meeting and agenda.**

Ron T said probably no meeting in December. The Department of Education had sent a list, but it had a lot of issues and Ron T asked them to revise and resubmit. Les reported that they did not respond yet. Therefore, there will probably be no business for the committee in December. Next meeting is likely to be January.

**4. Adjournment**

The meeting was adjourned at 12:56 PM.

DRAFT