



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

February 2023 Meeting FINAL Minutes

Exemption Committee

State of Hawai'i Environmental Advisory Council

Meeting Held on Tuesday, February 7, 2023, 12:00 - 1:00 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

Public Present; Lisa Izumi, Hawai'i Public Housing Authority (HPHA) and Ron Sato, Helber Haster Fee (HHF); (later in meeting) Cindy Watarida and Chad Farias, Hawaii School Facilities Authority (HSFA).

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

With a quorum of four members, Ron Terry convened the meeting at ~ 12:01 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		
Hawaii Public Housing Authority	List published for minimum 15-day comment period in TEN of Nov. 8, 2022.	Review of list and consideration for recommendation to Council for concurrence.
Hawaii School Facilities Authority	Received by OPSD in January 2023	Discussion by Exemptions Committee

Ron T explained the HPHA review process, noted the one written comment from Onaona, and asked Les if there were any comments, and Les responded there were none. Ron T. then said he felt that HPHA had addressed the issues in the comment letter (and other oral comments from the November meeting) in their cover letter and in the substance of the revised list. He asked Lisa and Ron S. if they had any statements. Ron S. said he felt that the comments on subdivision and UXO elicited some straightforward changes that are evident in the list and cover letter. Onaona said she appreciated the review and subsequent revisions. Ron T. asked for further comments, and there were none. Onaona moved to recommend to the Council that it concur with the list. Maka'ala seconded, and thanked the agency for its engagement. There was no further discussion, and the motion passed unanimously. Ron T asked Lisa and Ron S to attend the EAC meeting at 1:00 PM if they could.

Ron T. thanked Cindy for her bringing the list forward and asked what her position at HSFA was and how she had been involved in the development of the list. She said she was the Business Manager and that the Board of the HSFA developed the list. She added that it was imperative to

have the Department of Education (DOE) list track the HSFA list since their activities were fairly similar, and that DOE had been involved in the review. Ron T. noted that he believed DOE may have submitted a preliminary list to Les but if so it was not in the correct format and Les sent it back to address that. Les recalled that this might be true. Ron T. noted that he did have concerns with the list, but he requested input from the committee members first. Onaona said she had not completely reviewed the list but had initial concerns that a lot of what seemed to her to be Part 2 actions were listed as Part 1 (de minimis). She said she would have more comments after she reviewed the list more thoroughly. Maka'ala asked what sort of accessory actions were included or considered: e.g., science, ag, water-related projects like wells or catchment. Cindy said that DOE had an inventory of existing facilities like that.

Ron asked what the difference was between facilities under the management of HSFA and DOE. Cindy said the agency was created in 2020 but not staffed until May 2022. They only have a crew of 3 and are trying to get a handle on their work. HSFA is supposed to work on priority actions with Legislature and Governor. Right now the Governor is looking at preschool expansion. Teacher housing may be another issue. Ron T. said it looked like a lot of capital projects. Cindy said yes, DOE also has some capital projects but does all the maintenance. Chad Farias then joined the discussion.

Michele said perhaps we should take a step back and explain Part 1 and Part 2 a little for HSFA's benefit. Ron T. provided an explanation about how and why the Environmental Council split the list into Part 1 and Part 2. After this, Ron T. noted that everything in the HSFA's proposed list was listed as de minimis, even major construction. He felt some actions in the de minimis list might not legitimately be eligible for an exemption at all: e.g., in some cases, a gymnasium, a theater, or a stadium. He asked if HSFA had reviewed the comments he had sent. Cindy said she had not noticed them. Ron T. asked that she consider these. He then asked how various members' comments could be considered between now and the next meeting. Cindy said she was willing to consider any comments and potentially revise the list. Ron T. then emphasized that the list is the agency's, not the EAC's, and that our role is only to concur. Onaona noted that things like propane systems, drainage swales, waste treatment facilities, etc., do not appear to be eligible for Part 1. De minimis is for really small activities. Part 2 exemption notices are important for agencies to consider impacts and "show their work." Ron T. noted that the new gym for Hilo High did have an EA. Ron T. asked about the qualification in the list of a facility that is part of a planned development that has no effects outside of the campus itself. He said the key factor is whether there has been an EA or EIS for a variety of campus facilities, including large features like a gym or library, then that is one thing. But if no EA has been done, administrative facilities with an occupancy load greater than 20 are not generally exempt. Onaona asked if "planned development" means there was an EA. Michele noted that much of the language is from the old DOE exemption list. Ron T. said that even so, in practice, DOE has done EAs for most major facilities. In any case, this language does not match the approach of the current rules. Cindy said she understood our concerns and would work on the list and with DOE.

Rather than have committee members individually review, make comments and transmit those comments to Les and then HSFA in the next week, Onaona suggested that since HSFA now understands the gist of the issue, they might want to take a shot at a revised list and then send it back to us for review at the next meeting. Ron T. said that if HSFA can get the revised list to

Les and him by February 24, it can be put on the agenda in time for the March meeting. But there is no problem if it is later. Michele said more time might be useful for coordination with DOE.

3. Review and approval of prior meeting minutes

Minutes of November 2022 meeting were reviewed and approved (Maka'ala made motion, Onaona seconded) unanimously without changes.

4. Possible new initial review process

Ron T. said although we recently finished adding our committee's procedures to the EAC's draft policies and procedures compendium, it really looks like time to change them. The original procedures split the initial review between the Director and the ExComm Chair. However, they were developed when we were at OEQC and what is now the Environmental Review Program was all that Scott was in charge of, and he was very interested in exemptions. As soon as Scott left, there was no second person to review, and now that he is back, he has too big a portfolio to be bothered with this. Ron T. said that it was not so much the quantity of the work, but the need to collaborate with thoughtful minds who each take a different angle on it. Plus, he would really like to make sure everyone has fully reviewed it before we start discussing it with the agency present, because doing otherwise sends mixed messages. So it would be good to have a meeting where we have an internal discussion. We might not invite the agency, although of course they and anyone else could show up. At this first meeting, there would be no action item to the EAC. It will slow things down by a month, but this is not substantial. Ron T. wondered whether it would be acceptable to send the list to the whole committee even before the agenda comes out. Maka'ala said she was not totally sure she would review it even if it came earlier. She agreed with the idea of diverse review that a whole committee can offer. She focuses primarily on what community members might be thinking and tries to capture their thoughts. She does not see the rush for each list as it comes in, because look at Kaua'i County – they have had over three years and still no list. Onaona suggested that for sure we should try to have an internal discussion at a meeting first. There is no reason to specifically invite the agency so that our initial discussion does not send mixed messages. She also said in terms of the procedure, we should develop it and vote it out of our committee at some point, and then take it to the Council. Michele said that in this particular meeting, however, it was really valuable to have the HSFA here so they could understand the Part 1/Part 2 dichotomy. Onaona said we should request the agency to provide the context in which they developed their lists. Ron T. said he would try to ask them that after receiving the first communication.

5. Next meeting and agenda.

Next meeting is likely to be March, if HSFA comes back with the list.

4. Adjournment

The meeting was adjourned at 12:56 PM.