



STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII
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State of Hawai'i Environmental Advisory Council

Minutes for Hybrid Meeting

Approved, March 7, 2023

Tuesday, February 7, 2023, 1:00 PM - 3:30 PM

235 S. Beretania St., Room 405, Honolulu, HI 96813

Josh Green, M.D.
Governor

Chairperson
Puananionaona Thoene

Vice Chair
Mary Begier

Members
Roy Abe
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); Mary Begier (Vice-Chairperson); Stephanie Dunbar-Co; Dawn Hegger-Nordblom; Makaala Kaaumoana; Robin Kaye; Tessie Kinnaman; Michele Lefebvre; Gordon Scruton, Jr.; Rachel Sprague; Ronald Terry; Mahina Tuteur.

MEMBERS ABSENT: Roy Abe; Michael Tulang;

STAFF PRESENT: Alison Kato (Deputy Attorney General); Leslie Segundo (Environmental Health Specialist)

PUBLIC PRESENT: Lisa Izumi, Hawaii Public Housing Authority; Ronald Sato, Helber, Hastert, & Fee

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

With a quorum of members present (Thoene, Begier, Dunbar-Co, Hegger-Nordblom, Kaaumoana, Kaye, Kinnaman, Lefebvre, Sprague, Scruton, Terry, and Tuteur), Chairperson Thoene called the meeting to order at 1:02 PM. A roll-call and introductions followed. Absent was Abe and Tulang (arrived later; see, below). Staff present included Deputy Attorney General Alison Kato, and Leslie Segundo, Environmental Health Specialist. Public present included Lisa Izumi of the Hawaii Public Housing Authority and Ronald Sato, of Helber, Hastert and Fee.

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

- Discussion of 2023 legislation being tracked by OPSD

Chairperson Thoene deferred this item until Director Glenn arrived. See item 7 below.

3. Exemption Committee Update

- Review, discussion of, and action to concur with the Hawaii Public Housing Authority's Exemption List

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2023-02-07-EAC-Exemption-Com-ERP-Rev-Exemp-List-Submittal-Letter-Dec-22.pdf

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2023-02-07-EAC-Exemption-Com-HPHA-Exemption-List-Dec-2022-Track-Change.pdf

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2023-02-07-EAC-Exemption-Com-HPHA-Exemption-List-Dec-2022.pdf

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2023-02-07-EAC-Exemption-Com-Comments-to-HPHA-List-Onaona-Thoene.pdf

- Update on status of Permitted Interaction Group report to explore potential improvements to the exemption process
- Update on upcoming exemption list reviews

Committee Chair Terry reported that the Exemption Committee met to discuss the Hawai'i Public Housing Authority (HPHA) draft exemption list. He noted that there was one public comment from member Thoene and that the committee recommended concurrence.

Mr. Sato thanked the Committee for its comments.

MOTION: Committee Chair Terry moved that the Environmental Advisory Council (EAC) concur with the draft exemption list for the HPHA. There was no discussion. Chairperson Thoene called for the question. The EAC unanimously approved the motion (12-0-0).

Committee Chair Terry also reported that the Committee discussed a draft exemption list from the School Facilities Authority (SFA) of the Department of Education (DOE) who has been engaging capital projects for the DOE. He reported that they will make revisions to their draft list for the Committee to consider at a future meeting.

Committee Chair Terry also reported on revising the initial review of exemption lists. In the past, the Director (Scott Glenn) and the Exemption Committee Chair initially reviewed the lists. When Director Glenn left, Acting Director Keith Kawaoka declined involvement in the initial review, leading to the current situation where the Committee Chair became the sole reviewer of the lists. Committee Chair Terry proposed that the members of the Exemption Committee meet as a whole to initially review lists.

At 1:01 PM, Member Mike Tulang joined meeting.

Such an initial meeting with the committee would send a more unified message to the agency.

Committee Chair Terry asked that the staff send him a link to meeting recording to assist in his preparation of minutes.

Committee Chair Terry noted that he had no update report on the Permitted Interaction Group (PIG) as he needs to speak with Director Glenn.

4. Information & Outreach Committee Update

- Discussion of and planning for the next forum
- Discussion of updated I&O Committee procedures for forums (see existing procedures linked in Agenda Item 6).

Committee Chair Begier reported that the Information and Outreach Committee was working behind the scenes on procedures that will be completed at the in-person meetings in March 2023.

Member Hegger-Nordblom reported that she spoke with the United States Fish and Wildlife Service about a Power-Point presentation for an upcoming forum. She also reported that she made contact with the Public Information Officer of DBEDT, who would clear press releases with the Office of the Governor.

5. Legislative Committee Update

- Discussion of legislation related to Hawai'i Revised Statutes, Chapter 341 and Chapter 343

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2023-02-07-EAC-Legislative-Com-Bills-re-environment-VR2.pdf

Committee Chair Kaye reported that the Legislative Committee met earlier and discussed twenty bills and added several more not on the list. He would send a revised list to all after the present EAC meeting. Below are the bills reported by Committee Chair Kaye.

SB 507 – It was noted that the OPSD Director testified changes in the definition of development in the Special Management Area would introduce issues in the Chapter 343, HRS process.

SB 245 – This bill would require public hearings for environmental assessments. The Committee will monitor this bill.

HB 749 – This bill would remove historic sites in Waikiki Special District

HB 1247 – This bill dealt with affordable housing. Comments were submitted by OPSD, and the EAC. The bill has been deferred.

HB 1317 – This bill dealt with a State Environmental Protection Agency. There was no action taken. Companion SB 1597 being heard today. Involves only the functions of the Department of Health and the Department of Agriculture.

Also discussed were ten green fee bills and an aquarium fish bill in SB 505. Public hearing is to be held on February 10, 2023.

Member Terry discussed SB 71 that exempts agricultural wells. He noted that over the years there seem to be a pattern of exemption “carve outs” for certain HRS 343 projects. Comments to be drafted.

6. Discussion of EAC Policies and Procedures

- Review of draft policies and procedures (Version 6) and further discussion of adoption of policies and procedures, including what policies and procedures will be included and draft Committee descriptions
https://files.hawaii.gov/dbedt/erp/EC_Meetings/2023-02-07-EAC-DRAFT-Policies-and-Procedures-Version-6-1-31-23.pdf
- Outstanding/revisions draft policies due on February 28, 2023 for discussion at March 7, 2023 EAC meeting

Chairperson Thoene noted that although Version 6 of the draft policies and procedures is up for review, it is still in development. Proposed additions need to be submitted to the Chairperson before February 28, 2023, the deadline for filing agendas. The Chair of the Exemption Committee plans to do updates to Exemptions procedures. The Strategic Planning Committee Chair plans to update the policies on recruitment and transition of new members. The Chair of the Rules and Policies Committee indicated that she needs to meet with the OPSD Director to firm up policies and procedures.

7. Strategic Planning Committee Update

- Discussion on how the Environmental Advisory Council (EAC) can assist in the recruitment of new members and, given upcoming end-of-term situations, how the EAC should prioritize new members and help with their recruitment and transition.
- Continued discussion on the role/contents of the EAC's Annual Report; and also how the EAC should best determine its content.

Committee Chair Kaye reported that there were three items on agenda discussed at the Committee Meeting. The third item dealing with the Annual Report was postponed. The first two items, policies/procedures for recruiting new members and transition planning when they are onboard as new members was discussed. Committee Chair Kaye examined the different categories of membership in Chapter 341, HRS. He plans to prepare a chart and ask the staff to circulate it to members for their own self evaluation. With respect to transition and orientation of new members having a mentor was important. Chairperson Thoene recalled that upon her arrival at the EAC, then OEQC Director Glenn prepared extensive orientation materials and guided discussion on Chapter 343, HRS. Committee Chair Kaye plans to work on providing specific language on such policies/procedures to the Chairperson.

To enhance recruitment of new members, Member Scruton recommended putting a direct link on the EAC page to Boards and Commissions application.

Director Glenn arrived at 2:07 PM.

Directors Report – Deferred from item 2, above.

Director Glenn reported that since the session began, several administrative bills (HB 993-HB 998, and companion bills SB 1291-SB 1296) were introduced and are being followed by OPSD. SB 1291 requires OPSD in cooperation with each state agency having operational responsibilities over state facilities to develop a standardized process to conduct vulnerability assessments for facilities at risk from sea level rise and guidance to agencies on how to conduct the vulnerability assessments for their facilities. SB 1292 requires OPSD to perform a study to refine rural district policies and make recommendations to facilitate the reclassification of lands from the agricultural district to the rural district. SB 1293 and SB 1294 farm concern farm dwellings and farm employee housing on Important Agricultural lands. SB 1295 proposes amendments to the Constitution of the State of Hawai'i to expressly provide that the Legislature may authorize political subdivisions, such as counties, to issue tax increment bonds and to exclude tax increment bonds in calculating the debt limit of the political subdivisions. SB 1296 establishes the Hawai'i Economic Development District Planning Organization and board. Designates the OPSD to organize the Hawai'i Economic Development District Planning Organization.

Governor's package is much larger than OPSD's bills and includes green fees, climate impact fund, managed retreat, etc.

In response to Chairperson Thoene's query, Director Glenn informed the EAC that his nomination is GM 506.

Director Glenn noted that a lot of Chapter 343, HRS, bills are moving. He encouraged the EAC to review whatever they could.

Member Kaye inquired about the status of the OPSD Annual Report with Director Glenn, who responded that he had chats with Deputy Attorney General Kato, Member Dunbar Co, and Chairperson Thoene. He found that while OPSD has programmatic annual reporting obligations, it did not have an Annual Report. In some years these programmatic annual reporting obligations are combined into one report; in other years, these are filed individually. The deciding factor as to what is filed in year is bandwidth.

Member Kinnaman asked Director Glenn to expound on his testimony for SB 507. Director Glenn noted that at present there is no definition of development in Chapter 343, HRS. The bill proposes to introduce such a definition – which can be problematic in that OPSD also deals with Chapter 205A, HRS which deals with "development" in special management area. Putting a definition of development in 343 would confuse the process at the county level as they would have to discern what definition of development they will be using.

8. Next Meeting: March 7, 2023.

Committees for the day: Information and Outreach at 11:00 AM; Legislative at 10:00 AM; Exemptions (possible) at 12:00 PM; Strategic Planning (possible) at 8:00 AM; and Rules (possible) at 9:00 AM.

9. Adjournment

Hearing no objections, Chairperson Thoene adjourned the meeting at 2:37 PM.