



STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII
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OPSD Interim Director
Mary Alice Evans

Chairperson
Puananionaona Thoene

Vice Chair
Mary Begier

Members
Roy Abe
Stephanie Dunbar-Co
Dawn Hegger-Nordblom
Maka'ala Ka'aumoana
Ian Robin Kaye
Theresita Kinnaman
Michele Lefebvre
Rachel Sprague
Ron Terry
Michael Tulang
N. Mahina Tuteur

MINUTES

State of Hawai'i Environmental Advisory Council (EAC)
Tuesday, August 1, 2023, 1:00 - 3:00 PM
Via Zoom and in person at
Leiopapa A Kamehameha, 6th Floor Conference Room
235 S. Beretania St., Honolulu, HI 96813

Members Present

Puananionaona Thoene (Chairperson), Roy Abe, Dawn Hegger-Nordblom, Makaala Kaaumoana, Robin Kaye, Tessie Kinnaman, Michele Lefebvre, Rachel Sprague, Ron Terry, Mahina Tuteur

Members Absent

Mary Begier (Vice Chair), Stephanie Dunbar-Co, Michael Tulang

Staff

Mary Alice Evans (OPSD Interim Director), Alison Kato (Deputy Attorney General), Tom Eisen (Planner, ERP), Kim Ishimoto (Analyst, Special Plans Branch), Kayli Yoshioka (Intern, ERP)

Public Present

Hal Nordblom, Kawaiuluhonua Scanlan, Land Use Commission, Albert Perez, Terina Faagua, Sybil Lopez, Karen Confwich, Bianca Isaki, Daylin-Rose Heather

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

Materials for this agenda and minutes of this meeting will be available at specific links indicated below or at: <https://planning.hawaii.gov/erp/ec-meetings/>

Meeting recording may be found here: [2023-08-01 EAC Meeting](#)

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

With a quorum of 10 members present, Chairperson Thoene called the meeting to order at 1:04 PM.

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

Interim Director Evans reported that there are two vacant positions that need to be filled. She expects these positions to be filled soon.

Intern Yoshioka reported that in the past few weeks, all past committee meeting videos and forums were edited and uploaded to YouTube. Playlists were also created for all the individual committees, forums, and full EAC meeting videos. The public can now view these recordings on the YouTube platform. The links on the ERP website have been updated to reflect the changes and will now direct the viewer to the YouTube channel. Agenda links have also been added to the previously posted EAC video descriptions.

3. Review and adoption of meeting minutes

▪ **[July 2023 Meeting Minutes](#)**

In discussion of the minutes, Chairperson Thoene reported that a change needs to be made to Agenda Point 5. "Chapter 343-6" needs to change to "Section 341-6".

MOTION: Member Kaye moved to approve the meeting minutes as amended. Member Kinnaman seconded. There was no further discussion or public testimony. The EAC unanimously approved the motion (10-0-0).

4. Information & Outreach (I&O) Committee Update

▪ **Discussion of and planning for future forums (next forum tentatively scheduled for October 2023)**

Member Hegger-Nordblom reported that the I&O Committee is planning to work with the Exemptions Committee to discuss the exemption process for the general public.

Member Terry suggested that for a future forum, they discuss the implications of the Emergency Proclamation Relating to Housing. Member Kaaumoana agreed with Member Terry that a future forum should be held on the topic of housing or specifically on the Emergency Proclamation.

Member Kaaumoana asked Member Hegger-Nordblom to possibly find past recorded forums for Intern Yoshioka to upload, specifically the forum on toxoplasmosis.

5. Strategic Planning Committee Update

Strategic Planning Committee meeting was not held. No update was given.

6. Discussion regarding Governor Green's [Emergency Proclamation Relating to Housing](#) dated July 17, 2023

Chairperson Thoene reported that the Emergency Proclamation (EP) has an impact on the Council, since the Council is involved with promulgating the Environmental Impact Statement (EIS) rules under HRS Chapter 343 (Environmental Impact Statement Law).

Member Kaaumoana inquired as to whether there was any presentation for the proclamation and if the ERP staff received any further information. Chairperson Thoene responded by saying that she is currently not aware of any State created presentations. There was a presentation done by the Sierra Club the weekend that the Proclamation was announced. Interim Director Evans reports that there are three documents related to the proclamation:

1. Emergency Proclamation
<https://governor.hawaii.gov/wpcontent/uploads/2023/07/2307072-1.pdf>
2. Emergency Rules
3. Guidelines
<https://governor.hawaii.gov/wp-content/uploads/2023/07/EP-Guidebook-Final-1.pdf>

Interim Director Evans further reported that there was a press briefing before the Emergency Proclamation signing and a question and answering session at the signing. She also noted that the EP working group has not met yet, as of the time of this meeting.

Member Hegger-Nordblom included links in the meeting chat (listed below) that includes information on the Emergency Proclamation.

<https://dod.hawaii.gov/hiema/governor-green-issues-emergency-proclamation-relating-to-housing/>

<https://dod.hawaii.gov/hiema/governor-green-issues-fifth-proclamation-relating-to-homelessness/>

Deputy Attorney General Kato included a link in the meeting chat (listed below) that includes additional information. Deputy Attorney General Kato also notes that there is a Chapter 343 process under the EP flowchart on this site.

<https://governor.hawaii.gov/chiefhousingofficer/emergency-proclamation-relating-to-housing/>

Member Terry reminded the Council that Chapter 343 is one small part of the EP and that there are many other laws and rules that are involved. He also reported that after discussions with Scott Glenn, the process has not completely been worked out yet. Member Terry elaborated that regarding Chapter 343, the EP has essentially removed the ability to sue.

Member Kaye inquired if there was one way in which the Chief Housing Officer could decide on their own without the majority of the rest of the group. Interim Director Evans responded that this would only be for State agency projects.

Member Kaye inquired as to whether there was a discussion of the EAC being included in the working group or having a representative. Chairperson Thoene and Interim Director Evans currently do not have information as to why a representative from the EAC was not included in the working group. Interim Director Evans reported that the Governor and the Lead Housing Officer are open to changes that would improve the workability of the EP and rules. These changes could be incorporated into the next iteration of the EP and rules over the period of a year.

Member Kaye asked the members as to whether the Council should have a representative on the working group. Member Kaaumoana responded to the inquiry by stating that it could be beneficial to have a representative on the working group. However, since the working group has not met yet (at the time of the meeting), it may not accomplish very much. Member Terry stated that the working group may look at individual projects, which historically the Council does not get very involved in. However, he agrees with Member Kaye in that it may be beneficial to have a representative on the working group that understands the EA and EIS process.

Interim Director Evans reported that the working group is not subject to Sunshine Law since it was not created by statute. Member Terry inquired as to whether the public would be able to view the meeting or have access to documents such as agendas or meeting minutes. Interim Director Evans currently does not have information regarding the inquiry.

Member Kaye inquired to Interim Director Evans as to whether there was a component of the EP that required publication in *The Environmental Notice*. Interim Director Evans states that this component is found in the Emergency Rules.

Chairperson Thoene inquired as to how the Governor's Office will inform the public that documents are posted to the website and whether it will coincide with publication dates for *The*

Environmental Notice. An agenda item will likely be included for the next in-person Council meeting on September 6 for continued discussion regarding the EP and questions asked by the members.

7. Discussion of, and potential action to approve, [draft EAC response](#), if any, to HRS Chapter 343 scoping requests, or to review Environmental Assessments or Environmental Impact Statements

Member Kaye clarified that the draft EAC response to scoping requests would be used by the Council as an internal document for policies.

Chairperson Thoene suggested that they not include this version in the Council's policies, which could limit future Councils and that it is not within the statutes for the Council to reply to scoping requests. Member Kaaumoana also agreed with the statement made by Chairperson Thoene and suggested that if the Council does use it as a reply to requests, that they shorten the verbiage used in the draft document.

Chairperson Thoene suggested that the language of the draft EAC response be softened.

Deputy Attorney General Kato stated that the responsibility to respond to any HRS Chapter 343 scoping requests or to review EA or EIS documents is not clearly within the EAC's purview.

Following discussion of the draft EAC response to item #6, Member Lefebvre inquired as to whether the EAC should be a member of the working group. Chairperson Thoene suggests that they continue to have the discussion on whether the EAC be a part of the working group and determine the role that they would have. Member Terry suggested that the EAC not be a part of the working group, but rather serve as an advisor. Member Kaye agreed with Member Terry, and he believes that it would be a good idea for the EAC to not comment on individual EAs requests for exemptions. Member Kaye agreed with comments made by Chairperson Thoene and Member Terry that the EAC's role should be as a consultant on the rules and process.

8. Next meeting: Wednesday, September 6, 2023 IN PERSON

HCPO 2023 Conference will take place on September 6 to 8, 2023. September meeting to coincide with first day of HCPO because several members will be flying in that day.

As Member Abe's term comes to an end with this meeting, he was acknowledged for his dedication and service with the EAC.

The next Zoom meeting will be held on October 3, 2023.

9. Reminder: Send all ERP correspondence to dbedt.opsd.erp@hawaii.gov

EAC agenda and meeting related correspondence should also be sent to Planner Eisen's email.

10. Adjournment

The meeting adjourned at 2:29 PM.