



# 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 NOTICE OF HYBRID MEETING AND AGENDA

Via Zoom and in person at

6<sup>th</sup> floor conference room, 235 S. Beretania Street, Honolulu, HI 96813  
Wednesday, September 6, 2023, 11:00 am - 1:30 pm

*Governor*  
Josh Green, M.D.

*Lt. Governor*  
Sylvia Luke

*OPSD Interim Director*  
Mary Alice Evans

*Chairperson*  
Puananionaona Thoene

*Vice Chair*  
Mary Begier

*Members*  
Stephanie Dunbar-Co  
Dawn Hegger-Nordblom  
Makaala Kaaumoana  
Ian Robin Kaye  
Theresita Kinnaman  
Michele Lefebvre  
Rachel Sprague  
Ron Terry  
Michael Tulang  
N. Mahina Tuteur

### **Members Present**

Puananionaona Thoene (Chairperson), Stephanie Dunbar-Co, Dawn Hegger-Nordblom, Makaala Kaaumoana, Robin Kaye, Tessie Kinnaman, Michele Lefebvre, Ron Terry, Michael Tulang

### **Members Absent**

Mary Begier, Rachel Sprague, Mahina Tuteur

### **Staff**

Kelcie Nagata (Deputy Attorney General), Tom Eisen (Planner, ERP), Kim Ishimoto (Analyst, Special Plans Branch), Kayli Yoshioka (Intern, ERP), Jennifer Ching (Secretary, ERP)

### **Public Present**

None

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

Materials for this agenda and minutes of this meeting are available at specific links indicated below or at:

<https://planning.hawaii.gov/erp/ec-meetings/>. Meeting recording may be viewed at:

<https://www.youtube.com/watch?v=sEpDOdvr0I&list=PLTKOBULEuJdNvxWYETxZZ6ft4gqXJvmc-&index=1&pp=iAQB>.

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

Chairperson Thoene called an unofficial meeting to order at 11:18AM (quorum was not yet met). At 11:20AM, a quorum of 8 members were present.

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

Mr. Eisen presented the OPSD Update on behalf of Interim Director Mary Alice Evans. He reported that there are two vacant Planner positions at ERP that are in the process of being filled. He stated that these positions need to be filled by the end of October.

Chairperson Thoene inquired as to whether there are applicants for these positions. Mr. Eisen responded that there are applicants. Member Terry inquired as to what the levels of each position are. Mr. Eisen clarified that the first Planner position is a level three, and the other position is classified as an Environmental Health Specialist.

Member Terry also reported that he noticed that there were no projects in the latest issue of *The Environmental Notice* (published 8/23/2023).

### 3. Review and adoption of meeting minutes

- **August 2023 meeting minutes** [https://files.hawaii.gov/dbedt/erp/EC\\_Meetings/2023-08-01-Environmental-Advisory-Council-Minutes.pdf](https://files.hawaii.gov/dbedt/erp/EC_Meetings/2023-08-01-Environmental-Advisory-Council-Minutes.pdf)

Member Kaye inquired as to whether the last paragraph of agenda item seven should instead be included under agenda item six. Member Lefebvre clarified that the discussion described in the paragraph follows chronologically and that the discussion had circled back to a point made in agenda item six.

Chairperson Thoene suggested that a parenthetical be included that stated that the discussion described in the last paragraph of agenda item seven is tied back to agenda item six. Member Kaye agreed with this change.

MOTION: Member Terry moved to approve the August 2023 meeting minutes as amended. Member Tulang seconded the motion. There was no further discussion or public testimony. Chairperson Thoene conducted a roll call. The EAC approved the motion (7-0-1).

### 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 discussed that the next forum would relate to how exemptions work. However, the Committee will further discuss the path that they will take for the next forum as the new topic might center around the Governor's Emergency Proclamation Relating to Housing and how it will impact HRS 343.

Member Terry suggested that they include a discussion of emergency proclamations (EP) and HRS 343 in general. Member Kaaumoana and Chairperson Thoene agreed with Member Terry's suggestion as it would help to provide more context.

### 5. Continued discussion regarding Governor Green's Emergency Proclamation Relating to Housing dated July 17, 2023.

<https://governor.hawaii.gov/wp-content/uploads/2023/07/2307072-1.pdf>

<https://governor.hawaii.gov/wp-content/uploads/2023/07/EP-Guidebook-Final-1.pdf>

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

Chairperson Thoene reported that she had reached out to Scott Glenn and Nani Medeiros to provide more information on the Governor's Emergency Proclamation Relating to Housing (the "EP"). However, they were unable to attend. Chairperson Thoene suggested that they continue the discussion of the topic.

Chairperson Thoene discussed how EPs generally suspend HRS 343. However, in the case of the Governor's EP Relating to Housing, there appears to be more safeguards in place as compared to a normal EP. Member Terry stated that the Governor's EP suspends HRS 343, but it replaces it with something different, which is not usually the case.

Mr. Eisen inquired as to whether a project will be eligible for suspension based on the criteria that the committee has determined. Member Lefebvre stated that this was true, in addition to what the applicant asked to be eligible for.

Member Terry stated that the EP would be more useful to housing developers if certain land use regulations and laws were suspended.

Member Terry inquired to the other members if they had heard anything from various groups (e.g., agencies, community groups, environmentalists, developers, etc.) regarding the EP. Member Kaaumoana reported that environmental groups on Kauai are watching the EP very closely. She also stated that Kauai does not currently have the resources to conduct the proposed projects.

Member Hegger-Nordblom reported that following the Lahaina fire, many members of the community wrote that the cultural, historical, and archaeological resources of Lahaina need to come first. She further elaborated that there was a large disconnect between what the EP is supposed to do and who it affects. She also reported that other parts of Maui are also struggling because a whole town's population was displaced. Another issue that occurred because of the fire was the price gouging of housing so she suggested that there should be a moratorium on rent.

Member Kaye inquired to Member Hegger-Nordblom as to what the plans are for the people currently living in the hotels after being displaced by the fire. Member Hegger Nordblom reported that the current plan allows people living in the hotels to stay until October 13. Following that date, the plan is to move into Phase Two, which would help people living in the hotels to find more permanent housing.

Member Kaye reported that on Lanai, there are 150 houses being built which is about two-thirds completed. Half will be designated for low income while the remaining will be market value. He noted that this project started before the EP was implemented, so he does not think that there will be an impact on it. He reported that there are two other projects that might be impacted by the EP.

Member Kinnaman joined the meeting at 11:42AM.

Member Tulang discussed his experiences on West Maui. He stated that there will be a large issue surrounding water. Water rights are a big issue that needs to be discussed before the discussion of housing can continue. Member Hegger-Nordblom agreed with Member Tulang's comments and further elaborated that desalination plants should be considered, as well as other alternatives to energy and infrastructure.

Member Dunbar-Co reported that the EP has not really affected Molokai. She reported that there have been some minority groups that have been vocal about wanting to see development on DHHL on East Molokai. She also agreed with the comments made previously by Member Tulang regarding water rights.

Member Kaye reported that Ellison had proposed a desalination project that the community was supportive of. The projects were partially completed, and they had received their final permits from the Lanai Planning Commission but found the conditions unacceptable due the timeframe being less than what they had wanted. This resulted in the project stopping.

Mr. Eisen reported that in the previous issue of *The Environmental Notice*, the Board of Water Supply in Honolulu is moving forward with a desalination plant in Kalaeloa.

Member Kinnaman discussed the emotional impact of the Lahaina fires. She further elaborated that there is so much going on due to the impacts of the fire, that it is hard to follow as to whether the EP will have any significant impact.

This agenda item will be continued for further discussion at the next EAC meeting in October.

6. **Next meeting: Tuesday, October 3, 2023**
7. **Reminder: Send all ERP correspondence to [dbedt.opsd.erp@hawaii.gov](mailto:dbedt.opsd.erp@hawaii.gov)**
8. **Adjournment**

The meeting was adjourned at 12:05PM.