



STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII
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November 2023 Meeting Minutes

Exemption Committee

State of Hawai'i Environmental Advisory Council

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

Via ZOOM videoconference

Governor

Josh Green, M.D.

Lt. Governor

Sylvia Luke

OPSD Interim Director

Mary Alice Evans

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 (3): Michele Lefebvre (Chair); Puananionaona Thoene; Maka'ala Ka'aumoana

Members Absent (2): Ron Terry, Michael Tulang

Staff Present: Tom Eisen, Planner; Mary Alice Evans, Staff;

Public Present: None

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

With a quorum of three members, Michele Lefebvre convened the meeting at ~ 12:02 PM. All present were introduced.

2. Review of April 4, 2023, Exemption Committee meeting notes

Since the April 4, 2023, meeting notes were not attached to the agenda. M. Lefebvre provided a brief recap of that meeting: we were waiting to hear back from the Hawaii School Facilities Authority on the resubmittal of their exemption list; and the committee's exemption list review process (which include an internal committee meeting prior to inviting the agency). Approval of the notes was deferred to the next meeting when the notes would be attached to the agenda.

3. Exemption list status

Agency	Status	Next Action
LISTS		
County of Hawai'i Office of Housing and Community Development	Received 9/25/2023	Committee review and discussion of list
State of Hawaii Commission on Water Resource Management	Received 10/10/2023 Addition of one Class 3, Part 1 Exemption – domestic well addition	Committee review and discussion of addition

County of Hawai'i Office of Housing and Community Development

OHCD's new list closely followed the Hawaii Housing Finance and Development Corporation (HHFDC) list for Part 1 exemptions, and OHCD added new Part 2 exemptions compared to HHFDC's list. Maka'ala noted that for lists that include water-transmittal systems, we should pay attention that the size and scale of delivery systems aren't increasing size in Part 1 exemptions. Some of the types of Part 1 exemptions were discussed, but Michele noted that

the Part 1 exemptions in OHCD's list were identical to the Part 1 exemptions in HHFDC's list which was just approved last year.

Michele noted that the OHCD list specifies that any Part 2 exemptions related to water transmittal systems did not increase more than 20 percent.

In terms of advice to agencies submitting lists, Tom explains to agencies that Part 1 activities should be quick and easy things, that agencies are very confident do not expect will be challenged. If agency has question about whether it's Part 1 or Part 2, then the conservative choice is to make it Part 2. Part 1 exemptions are not documented publicly, so there's no discovery. Part 1 are administrative, and there should be no environmental impact associated with those actions.

Regarding exemption Type 2, Part 2 regarding replace or reconstructing existing structures in shoreline areas – the committee discussed the addition “excluding seawalls.” This is consistent with HHFDC's list. But Maka'ala and Onaona recommended we discuss this with OHCD.

Onaona explained that agencies aren't limited to what's on their list to publish for Part 2 exemptions, as long as it's a type that's defined in the rules. It's an advantage for agencies to have a list, and not have to think about notifications for Part 1 and only publish for Part 2 types of exemptions.

In their list, OHCD added to Type 3, Part 2 actions from the HHFDC – mailboxes and adjoining sidewalks, and items 2 through 9. The additions in OHCD's included upper limits, Michele has suggested a reword to OHCD of item 5 to improve readability.

Committee discussed Type 6, OHCD's Part 1 actions are the same as HHFDC's. Maka'ala noted that reservoirs are included in Part 1(a), and some reservoirs are NHPA historic properties. Onaona asked if HHFDC list had reservoirs in it. We will clarify with OHCD whether they own any reservoirs.

Onaona pointed out that Type 6, Part 1 (2)(a) actions include demolition of retaining walls and would like to discuss with OHCD. If a retaining wall is demolished, what happens after that and should that be a Part 1 action. Also, Maka'ala would like to discuss removal of reservoirs in Part 1 (2)(d). Also in Part 1 (2)(d) is the demolition or removal of fuel storage, could that be moved to Part 2.

Committee discussed that Type 7, includes Part 2 for zoning variances. If agencies have a traditional trigger, then the agencies would consider those elements included in the list in that evaluation.

Committee briefly discussed the real estate terms added to Type 9 and 10, and that these seemed appropriate.

Michele will contact OHCD with the committee's list of questions and invite them to the next exemption committee meeting.

State of Hawaii Commission on Water Resource Management

The committee received an addition of one item to the CWRM list. Onaona identified other clean-up items on the first page, also Class 2, Part 1 (3) regarding construction maybe should be Part 2. Part 2 regarding roadways and walkways. Michele said CWRM was only identifying the one addition, but the status of the list should be verified. Onaona thought their list had not been concurred with. We will carry this over to the next exemption committee meeting, not invite CWRM yet.

4. Next meeting date and agenda.

Next meeting will be December 5, 2023.

5. Adjournment.

Meeting was adjourned at 12:58 PM.