



STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII
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MINUTES

State of Hawai'i Environmental Advisory Council NOTICE OF HYBRID MEETING AND AGENDA

Via Zoom and in person at
6th floor conference room, 235 S. Beretania Street, Honolulu, HI 96813
Tuesday, November 7, 2023, 1:00-2:16 pm

Governor
Josh B. 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), Mary Begier (Vice-Chair), Stephanie Dunbar-Co, Dawn Hegger-Nordblom, Makaala Kaaumoana, Robin Kaye, Tessie Kinnaman, Michele Lefebvre, Rachel Sprague, Michael Tulang, Mahina Tuteur

Members Absent

Ron Terry

Staff

Mary Alice Evans (OPSD Interim Director), Alison Kato (Deputy Attorney General), Tom Eisen (Planner, ERP), ERP Staff

Public Present

Pane Meatoga III (Hawai'i Operating Engineers), Royce Shiroma (County of Hawai'i Office of Housing and Community Development), Jay Stone, Linda Bui (County of Hawai'i Office of Housing and Community Development)

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 viewed at: <https://www.youtube.com/watch?v=x3CGyMSma0Y>.

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

With a quorum of members 10 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 OPSD was asked by Governor Green to take the lead for the Recovery Support Function for the Maui wildfires. The first phase detailed the response immediately after the emergency. The second phase occurs after the most immediate needs have been addressed to the extent that is possible. The second phase details the long-term support following the emergency.

Interim Director Evans also reported that the Office is currently working on the Governor's third Emergency Proclamation Relating to Affordable Housing.

Interim Director Evans reported that the tax collections for the State are down following the impact of the Maui wildfires. She reports that going into the next legislative session, it may be difficult to ask for new programs.

3. Review and adoption of meeting minutes

▪ **October 2023 meeting minutes**

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2023-10-03-Environmental-Advisory-Council-Minutes-draft.pdf

MOTION: Member Begier moved to approve the meeting minutes. Member Kaye seconded the motion. 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**

Committee Chair Begier confirmed that the next forum will be held on Monday, December 11, 2023. She also reported that the committee is seeking a third person to serve on forum's panel.

Chairperson Thoene cautioned against the Council providing legal opinions in the forum's discussion of exemptions. Member Hegger-Nordblom clarified that the forum would not focus on legal aspects, but rather on the process of exemptions. Chairperson Thoene suggested that the panel provide a disclaimer at the beginning of the forum that would state the purpose of the forum being informational in nature.

5. Exemption Committee Update

▪ **Status of review of agency exemption lists (lists currently under Committee review: [County of Hawai'i Office of Housing and Community Development](#); [State of Hawai'i Commission on Water Resource Management](#))**

Committee Chair Lefebvre reported that the committee internally discussed the list from the County of Hawai'i Office of Housing and Community Development. The committee would like to invite a representative from the Office of Housing and Community Development to come to the committee's next meeting to discuss questions and clarify some points.

Committee Chair Lefebvre also reported that the committee received a list from the State of Hawai'i Commission on Water Resource Management, which provided an addition to their previous list. However, the committee did not have time in their meeting to fully discuss the list, so the list will be added to the agenda for the next committee meeting.

The next exemption meeting will be held in December.

6. Legislative Committee Update

▪ **Discussion of past legislative regarding establishment of a Department of the Environment, including Senate Bill 1597 (2023)**

Committee Chair Kaye reported that the committee was tasked to conduct research on testimony regarding the establishment of a Department of the Environment. Committee

Chair Kaye provided some highlighted points of testimony from Senate Bill 1597 (2023) regarding the establishment of a Department of the Environment. Some concerns were that it would take a major reorganization of the current State departments to include a new department and an overall lack of resources and support.

Committee Chair Kaye also reported that their annual meeting with Senator Gabbard and Representative Lowen will occur on December 5, 2023.

Member Kaaumoana inquired if there were any equivalents of the Department of the Environment at the State or county levels. Multiple council members reported that there are no equivalents, but there are similar positions regarding sustainability and the environment.

Member Dunbar-Co inquired as to what Committee Chair Kaye's opinion was on the matter of creating a Department of the Environment. Committee Chair Kaye responded that he thinks it would be a good idea to create a Department of the Environment, but he also acknowledged that the testimonies provided for Senate Bill 1597 were practical and the current tax collection issues may cause problems for establishing the department. However, he does believe that the concept of the department would be beneficial for the State.

Member Sprague commented that the Department of the Environment could be beneficial only if there are clear mandates and rules. A consolidation of certain departments would also need to occur to decrease the amount of overlap between the current departments.

Member Begier expressed concern that legislators will not provide financial support for environmental issues. She also commented that instead of creating a new department that a Sunrise Audit be conducted instead. She also suggested that the Council conduct their own audit.

Committee Chair Kaye clarified that neither himself nor Chairperson Thoene are advocating for the creation of the Department of the Environment. He wanted to clarify that the meeting with Senator Gabbard and Representative Lowen was to discuss what the role of the EAC would be if the plan to create the Department of the Environment were to occur.

Member Dunbar-Co expressed concern that with the changing climate and environment, the "business as usual" mindset with the current 19 departments may not work so well anymore. She stated that this could be an opportunity to be thoughtful and creative in what would make recovery easier.

Member Michael Tulang joined the meeting at 1:49 PM.

7. Annual Report (AR) Committee Update

- **Review of draft 2023 Annual Report**

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2023-11-07-EAC-Annual-Report-draft.pdf

Committee Chair Dunbar-Co reported that the draft 2023 Annual Report follows a similar format to the previous year.

Committee Chair Dunbar-Co requested that Member Kaye include a brief description of the bills that were included in the Legislative Committee section. Chairperson Thoene also requested that Member Begier include links to the forum recordings in the Information and Outreach section.

Member Kaaumoana also inquired as to whether the elevator pitch could also be incorporated into the spiel about the EAC and what the Council does.

2023 Annual Report internal comment and revision deadline is November 17, 2023.

8. Strategic Planning Committee (SPC) Update

- **Further discussion on SPC priorities to focus on in the next year (e.g., legislation)**

Committee Chair Kaye requested that if any members have issues that they would like discussed during the meeting with Senator Gabbard and Representative Lowen, please provide a summary of the points. These comments will be provided as individual comments rather than as comments provided by the EAC.

9. Discussion regarding Governor Green's Second Proclamation (EP) Relating to Affordable Housing dated October 24, 2023

Second Proclamation Relating to Affordable Housing (October 24, 2023):

<https://governor.hawaii.gov/wp-content/uploads/2023/10/Second-Proclamation-Relating-to-Affordable-Housing.pdf>

Second EP (September 15, 2023): <https://governor.hawaii.gov/wp-content/uploads/2023/09/2309120.pdf>

Changes to EP: <https://governor.hawaii.gov/newsroom/governor-green-updates-emergency-proclamation-on-housing/>

Original EP (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 the EP was included in the agenda to allow for further discussion. However, with the newest version of the EP, the initial issues seemed to have been resolved with the restoration of the applicability HRS Ch. 343, among other laws.

Interim Director Evans reported that the initial lawsuit has been withdrawn but could be re-filed.

10. Next meeting: Tuesday, December 5, 2023

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

Agendas will need to be submitted by November 22, 2023 to be included in the December 5, 2023 meeting.

12. Adjournment

The meeting adjourned at 2:16 PM.