



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

Via Zoom and in person at

6th floor conference room, 235 S. Beretania Street, Honolulu, HI 96813

Tuesday, December 5, 2023, 1:00-3:30 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-Chairperson), Stephanie Dunbar-Co, Dawn Hegger-Nordblom, Makaala Kaaumoana, Robin Kaye, Tessie Kinnaman, Michele Lefebvre, Rachel Sprague, Ron Terry, Michael Tulang

Members Absent

Mahina Tuteur

Staff

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

Public Present

Royce Shiroma (OHCD), Anne Bailey (OHCD)

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=6Dqtioudnro>.

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

With a quorum of 10 members present, Chairperson Thoene called the meeting to order at 1:03 PM.

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

Interim Director Evans reported that part of OPSD is currently working on the Maui Wildfires State Recovery Support Function. A large part of the work is being directed toward creating a legal basis for the recovery functions. These functions need to have a legal basis following the expiration of the emergency proclamations declared by the Governor. It was also reported that one possible option is to create a contingent non-conforming use statute that is triggered by an emergency proclamation at the State level. Additionally, work is being done to address the long-term recovery functions by working with FEMA and County representatives.

Member Kaaumoana suggested that some form of termination language be included about the duration of the different land use. This could include some form of end date. She also stated that this is an issue that should and needs to be addressed.

Member Kaye also stated that the issues and plans that were reported by Interim Director Evans are relevant to what Representative Lowen and Senator Gabbard have requested of the Council, which is to play an increased role in advocacy and counsel. He further questioned how the Council should structure those conversations.

Interim Director Evans also reported that meetings have been conducted with Maui County regarding the Olowalu Landfill. Maui County is currently trying to address how the 30-year clean closure requirement by the Environmental Protection Agency (EPA) can be met after the Emergency Proclamation has been terminated.

Points made by Interim Director Evans will be included in the agenda for the next meeting for further discussion by the Council. Chairperson Thoene summarized the points to include extended permitting for structures that would be considered non-conforming, asking for specific examples in other emergency situations, and how the Council can advise on these issues.

Member Hegger-Nordblom also suggested that they ask other departments on how they handled permitting at the Statewide level in response to past disasters.

Member Dunbar-Co joined the meeting at 1:30 PM.

3. Review and adoption of meeting minutes

- **November 2023 meeting minutes**

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2023-11-07-Environmental-Advisory-Council-Minutes.pdf

MOTION: Member Kaaumoana moved to approve the meeting minutes. Member Tulang seconded the motion. There was no further discussion or public testimony. The EAC unanimously approved the motion (11-0-0).

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

- **Discussion of and planning for future forums**

Committee Chair Begier reported that the next forum will be on Monday, December 11, 2023 at 12:00 PM.

Member Lefebvre further clarified that the forum's focus is on the process and not on specific examples. Any specific examples from the public will need to be addressed by the specific agency involved.

Member Dunbar-Co inquired if OPSD has best practices for managing online meetings with the public. Interim Director Evans stated that the moderator has control of the meeting and has the ability to make a judgement call based on the situation.

5. Exemption Committee Update

- **Review of and discussion of the County of Hawai'i, Office of Housing and Community Development Exemption List, and action to approve publication of the OHCD exemption list in *The Environmental Notice* for a 15-day public comment period**

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2023-11-07-EAC-Exemption-Com-HOHCD-Exemption-List-Sept-2023.pdf

Committee Chair Lefebvre reported that the Exemption Committee discussed the County of Hawai'i, Office of Housing and Community Development Exemption list and a few questions and edits were reviewed with OHCD representatives. It was recommended by the committee that the exemption list with amendments by OHCD be published in *The Environmental Notice* for a 15-day public comment period.

The Council unanimously approved the decision to publish the exemption list with amendments (10-0-0).

Committee Chair Lefebvre also reported that the committee discussed an amendment to a list that had already been concurred by the State of Hawai'i, Commission on Water Resource Management. The committee will review and discuss the amendment with representatives from the Commission on Water Resource Management at the January Exemption meeting.

6. Annual Report (AR) Committee Update

▪ Discussion of and action to approve 2023 Annual Report

https://files.hawaii.gov/dbedt/erp/EC_Reports/EAC-Annual-Report-2023.pdf

Committee Chair Dunbar-Co reported that a final 2023 Annual Report has been completed. A few edits were made between the November and December meeting.

Member Kaaumoana commented that the report is a good mix between details, content, and brevity. She also suggested that another graphic be included to allow for some text breakage.

Member Kaye inquired as to how this annual report will be distributed. Interim Director Evans stated that the report can be distributed through MailChimp and in OPSD's newsletter. She further reported that there are formal and informal means of distribution.

MOTION: Member Kaye moved to approve the 2023 Annual Report as amended. Member Sprague seconded the motion. There was no further discussion or public testimony. The EAC unanimously approved the motion (11-0-0).

7. Strategic Planning Committee (SPC) Update

▪ Discussion of SPC priorities to focus on in the next year (e.g., legislation)

Following discussions with Representative Lowen and Senator Gabbard, Committee Chair Kaye reported that it was suggested that the Council be more active in providing advice.

Committee Chair Kaye suggested that the SPC take the lead and have conversations about how the Council can best address the priorities of Representative Lowen and Senator Gabbard. Chairperson Thoene clarified that the suggestion of the EAC playing a bigger role in policy was focused specifically on housing.

8. Legislative Committee

▪ Update on EAC and Legislative Committee Chair's discussion with legislators regarding 2023 priorities

Committee Chair Kaye reported that the discussion with Representative Lowen and Senator Gabbard included challenges that the EAC is facing with the large number of vacancies as

members term out, the priorities of Representative Lowen and Senator Gabbard, and the issues that the Council might be able to help with.

It was mentioned by Representative Lowen and Senator Gabbard that some of the priorities include cesspools, electric vehicles, energy efficiency, and green fees.

A Department of the Environment was also discussed in the meeting. It was suggested by Chairperson Thoene that the Information and Outreach Committee possibly hold a forum that would open the discussion to the larger public. Member Hegger-Nordblom agreed that the topic could be a possibility for future forums. She also suggested that inquiries about future forum topics be included in *The Environmental Notice* and OPSD newsletter to collect ideas as to what topics should be addressed in the forum.

▪ **Discussion of EAC potential legislative priorities**

There were not any specific legislative priorities provided by the council members. However, Chairperson Thoene stated that the legislative committee will continue to monitor any legislative policies that might be of interest to the Council.

There was discussion about interest in the green fee. The January or February meeting may possibly have a representative who will provide information to the Council about the topic.

9. Next meeting: Tuesday, January 9, 2024 TBD

Agendas from the committee chairs will be requested to be internally submitted on December 22.

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

11. Adjournment

The meeting adjourned at 2:33 PM.