



STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII
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January 2024 Meeting DRAFT Minutes Exemption Committee

State of Hawai'i Environmental Advisory Council
Meeting Held on Tuesday, January 9, 2024, 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
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 (4): Michele Lefebvre (Chair); Puananionaona Thoene; Ron Terry; Maka'ala Ka'aumoana

Members Absent (1): Michael Tulang

Staff Present: Jen Ching, Kim Ishimoto

Public Present: Royce Shiroma (OHCD); Christine Pineda (OHCD)

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

With a quorum of four members, Michele Lefebvre convened the meeting at ~ 12:01 PM. All present were introduced.

2. Exemption list status

Agency	Status	Next Action
LISTS		
County of Hawai'i Office of Housing and Community Development	Received 9/25/2023, published 12/23/2023	Completes 15-day public review period on 1/7/2024, discuss any comments received during public review period, discuss bringing to full council for concurrence
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

County of Hawai'i Office of Housing and Community Development

OHCD's revised list was sent in on 12/7/2023, so it was published in The Environmental Notice on 12/23/2023. No comments were received during the 15-day comment period which ended on January 7, 2024. Since there were no public comments, and all of the committee's suggestions have been incorporated so we can move to recommend to the full council. Ron moved to send the OHCD list to the council for concurrence, and Onaona seconded the motion. The committee voted unanimously to send the OHCD list to the council for concurrence. Onaona explained to Royce that the council would be discussing this at the beginning of the meeting, and thanked OHCD for their participation and responsiveness in the process.

State of Hawaii Commission on Water Resource Management

The committee received an addition of one item to the CWRM list. Ron provided a summary from a call that Michele and Ron had with CWRM on their revised list. Ron explained that to exempt something means it falls under HRS Chapter 343. Prior CWRM administrations did not consider domestic well permits discretionary. Their previous director thought they should give this idea some thought in anticipation of legal challenges, and Ron asked them to think about whether these are really in HRS Chapter 343. Onaona asked what the trigger is for domestic wells on private land, and use of water is a public trust resource. If this is an exemption, it's probably not a Part 1 exemption. It has impacts on the ground. Construction of test wells are Part 2 exemptions in CWRM's list. CWRM was grateful for the conversation, and wanted time to think it over. Onaona thought CWRM should discuss with their AG. There could be a difference between how ground and surface water are seen as a public trust resource. Onaona pointed out that public trust resources are not a trigger for HRS Chapter 343, but state land is. Ron said that's the argument that's being made for groundwater. Onaona said from a legal standpoint, it should be clear for private applicants that there needs to be a trigger and a discretionary approval to know if they are in HRS Chapter 343.

3. Next meeting date and agenda.

Next meeting will be February 6, 2024. The next agenda will include meeting minutes for the past two meetings. Ron identified a future agenda item regarding exemption notice template for OPSD-ERP website. Discuss whether it should be modified. Ron will set up the final PIG meeting on exemptions.

4. Adjournment.

Meeting was adjourned at 12:32 PM.