



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, January 9, 2024, 1:00 PM - 2:56 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), Kim Ishimoto (OPSD), Jen Ching (ERP), Alison Kato (Deputy Attorney General)

Public Present

Royce Shiroma (OHCD), Nahelani Parsons (Care for Aina Now), Carissa Cabrera (Care for Aina Now), Hal Nordblom

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=3q2GKk4YYRY>

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

With a quorum of 10 members present, Chairperson Thoene called the meeting to order at 1:02 PM.

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

Interim Director Evans reported that OPSD is getting ready for the legislative session that starts on January 17, 2024. The final decision on OPSD's administrative bills that will be in the Governor's bill package is unknown at this time, but they will be introduced on Monday afternoon on January 22 after the Governor's State of the State speech. OPSD is expecting that Legislators will introduce bills that are of interest to ERP and OPSD. OPSD will be tracking them and may provide testimony. She also mentioned that Mr. Eisen is still on vacation and will return at the end of the week.

3. **Exemption Committee Update**

- **Review of comments received during 15-day comment period, and review of and action to concur with the County of Hawai'i, Office of Housing and Community Development Exemption List, and action to approve publication of the OHCD exemption list**

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2024-01-09-EAC-Exemption-Com-HOCD-

[Exemption-List-Final-with-comments.pdf](#)

Committee Chair Lefebvre reported that the Exemption Committee reviewed the County of Hawai'i, Office of Housing and Community Development (OHCD) Exemption list that was submitted at the end of September 2023 and had six suggestions. OHCD responded and concurred with the Committee's changes. The list went out for public review on December 23, 2023 and the 15-day comment period ended on January 7 with no public comments received. The Committee voted to have the list concurred by the full Council. Mr. Shiroma commented that the current list expires in April.

MOTION: The Council unanimously concurred with the OHCD exemption list (10-0-0).

Committee Chair Lefebvre mentioned that the updated exemption list submitted by the Commission on Water Resource Management (CWRM) is currently on hold as CWRM staff further considers the propose change it requested.

4. Informational presentation to the EAC by the Green Fee Coalition

Member Dunbar-Co introduced Ms. Parsons from the Care for Aina Now (CAN) Coalition. (<https://careforainanow.org/>).

(start 12:20 mark – end mark 13:13) Ms. Cabrera gave a PowerPoint presentation that provided a background of how the Green Fee coalition changed to the CAN coalition, strategies for this legislation session, and proposed policies to fund natural resource protection and restoration through its general fund, special funds, and proposed green fees. Successful efforts to generate dedicated funding in locations such as Palau, the gaps in funding currently allocated to the State's Department of Land and Natural Resources (DLNR), and CAN's advocacy strategies and initiatives were discussed. Care for Aina Now's email address: aloha@careforainanow.org

Chairperson Thoene mentioned that the Council has been following the Green Fee in past legislative sessions and commented that she expects this will be also be a priority for some legislators this session.

Mr. Nordblom joined the meeting at 1:34 PM.

Q&A session (start 32:25 mark – end 1:02:05 mark)

Q: Member Kaye asked about participation by the Governor's Office.

A: DLNR will be joining the virtual rally on January 10 at 4 PM. CAN is supportive for Hawaii's natural resources and more funding.

Q: Member Kaaumoana asked if the possibility that any funding received could support any existing community work, specifically for Hanalei. She commented that her support would be community-led.

A: There are conversations about site-based fees so it could be further discussed with DLNR. Previous bills were focused on mechanism where 50% of total funding goes to community grants for organizations.

Q. Member Dunbar-Co asked about how the EAC can support a variety of initiatives that are going to help the 'āina now with DLNR focused on mechanism, who is in charge, and how is it being communicated and decided.

A: The hope is that the focus is more on media messaging in growing the Coalition and getting more people involved. The Coalition will not take any strong direction, but perhaps the EAC can pick bills to support.

Member Kinnaman joined at 1:46 PM.

Q: Member Kaye asked if there's been any discussions about other agencies other than DLNR being the lead for the funding, perhaps a 501c3 or another government agency.

A: In the previous bill, it mentions an oversight commission to DLNR that would be responsible for decision-making and advising of where the funds were used and who would be represented.

Member Begier commented that having an advisory board for the funds is very important.

Q: Member Hegger-Nordblom asked about the valuation of resources and how it matched up to Palau and other sites.

A: Link to CAN reports: <https://careforainanow.org/history>. Palau charges \$100 per visitor which is approximately \$150 million in funding and easier to regulate due to having a single point of entry. Galapagos has site-based user fees.

Ms. Parsons mentioned that another CAN event will be in February and focused on legislative bills.

Member Hegger-Nordblom commented that if visitors are charged a fee, would they be more inclined to break the law? The educating of visitors and the psychological and social messaging are really important. Member Terry mentioned that in Palau and the Galapagos, visitors received an education on the resources and priorities, and they seemed to be better behaved than visitors here (who in contrast are not being educated on our resources prior to entry).

Mr. Nordblom commented that junk fees in general are not well received by the public or tourism. The State does a poor job of managing the visitor experience, even though it is a tourist-driven economy.

Q: Interim Director Evans asked about the possible restructuring/reallocation of TAT funds.

A: The Coalition is focused on permitting. With many priorities on each island and the State, the restructuring and distributing of TAT, the Coalition may need to change priorities. They are unaware of any bills to increase the TAT further; it would be to ensure that natural resource management and environmental protection initiatives are embedded within the TAT.

5. Review and adoption of meeting minutes

▪ December 2023 meeting minutes

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2023-12-05-Environmental-Advisory-Council-Minutes.pdf

MOTION: Member Terry 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).

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

▪ Discussion of and planning for future forums

Committee Chair Begier confirmed that Dawn is in Holdover status. She reported the December forum on Exemptions was cancelled due to DOT's last-minute retracting of their permission to be a partner agency. The forum topic will be re-visited later. Another topic would be about the

EAC (who we are and what do we do) and could be used as a recruiting tool. Member Kaaumoana suggested a topic on reservoirs and how to support private-public partnerships for water management.

Chairperson Thoene received recommendations for potential new Council ,members and has been contacting Boards and Commissions to get them nominated, with no response. She will continue to reach out to Boards and Commissions

▪ **Status of review of agency exemption lists**

Chairperson Thoene reported that this agenda item was inadvertently placed in error. No discussion was had.

7. Strategic Planning Committee (SPC) Update (start 1:16:25 mark – end 1:41:08 mark)

▪ **Discussion of how the EAC can fulfill its role in advising the OPSD on key environmental issues, such as:**

- **Cesspools: an issue of expected focus for the upcoming legislative session**
- **Green Fee: an issue of expected focus for the upcoming legislative session**
- **Department of the Environment: creation of a Department of the Environment is expected to be raised in the upcoming legislative session**
- **OPSD re Housing: OPSD has asked the EAC for its input on housing-related issues**

Committee Chair Kaye reported on key points on how to advise OPSD: 1) start early in conversations, 2) focus on the relationship of issues to the State’s environmental policy, 3) involve experts to learn more about specific issues through Permitted Interaction Group (PIG) process, 4) focus on Statewide issues, and 5) a set of guidelines on when and how to give advice to OPSD.

Interim Director Evans posed the question of how to protect environmental issues or policies in emergency situations. Member Terry commented that the United Nations and European Union conduct “Rapid Environmental Assessment (REA)” where an Environmental Assessment is done in 48 hours. Interim Director Evans expressed concerns about the process of following emergency proclamations (EP) that will not result in possible liability and litigation to agencies after EPs expire such as how to document and record decisions that were made and having a legal framework to rely on.

Chairperson Thoene suggested a PIG to explore developing rules for REAs in the HRS Chapter 343 process.

8. Legislative Committee

▪ **Discussion of EAC potential legislative priorities**

Committee Chair Kaye had no update.

9. Discussion regarding question from EAC member regarding whether the State of Hawai’i can seek reimbursement from the U.S. Navy for any damage caused by plane landing in Kane’ohe Bay

Agenda item added at the request of a member at the December 2023 meeting. Chairperson Thoene opened the discussion to members. The Division of Aquatic Resources quantified the amount of coral damaged during the assessment. There were questions of jurisdiction, whether if it is federal (US Navy) or State (DLNR) waters and restoration.

10. Next meeting: Tuesday, February 6, 2024 TBD

Agendas from the committee chairs will be requested to be internally submitted on January 26.

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

12. Adjournment

The meeting adjourned at 2:56 PM.