



STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII
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February 2024 Meeting Minutes

Exemption Committee

State of Hawai'i Environmental Advisory Council

Meeting Held on Tuesday, February 6, 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 (3): Michele Lefebvre (Chair); Puananionaona Thoene; Ron Terry

Members Absent (2): Michael Tulang; Maka'ala Ka'aumoana

Staff Present: Tom Eisen

Public Present: N/A

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

With a quorum of four members, Michele Lefebvre convened the meeting at 12:00 PM. All present were introduced.

2. Exemption list status

Agency	Status	Next Action
LISTS		
Department of Hawaiian Homelands	Received 01/12/2024 Redline strikeout version Embed link shows changes from 2021 list, clean version Embed link shows all edits accepted	Committee review and discussion of list

Michele noted that the State of Hawaii Commission on Water Resource Management has rescinded the revision requested to their Exemption List.

Department of Hawaiian Home Lands

Before going through the redline edits to the previously approved list, Onaona pointed out that we should ask DHHL to include page numbers on the next version of the list.

- Part 1, Type 1: the numbering after 10 should be corrected to follow sequentially, rather than restarting at 1 again.
- Part 1, Type 1, Second Number 10 (should be 20): Ron asked whether use of lands and waters by those exercising traditional cultural practices falls under operations and maintenance, and whether it should be a HRS Chapter 343 action. The group wants to discuss with DHHL to clarify if this includes collecting or gathering.
- Part 1, Type 1, Second Number 16 (should be 26): The group wants to discuss with DHHL specifically which activities they are thinking of, rather than cross-referencing another

agency's NEPA exemption categories. Also discuss with DHHL whether these activities should be Part 2, rather than Part 1.

- Part 1, Type 2: Discuss with DHHL the rationale with adding size limits to these exemptions.
- Part 1, Type 2 (1)(e): Discuss with DHHL if installation of systems should fall under Type 2 does this intend to include new construction or replacement/reconstruction.
- Part 1, Type 2 (1)(e): Discuss with DHHL breaking this into different items, with landscaping should under Type 1, and clearing and grubbing under Part 2, Type 4.
- Part 1, Type 2 (1)(m): Discuss with DHHL moving clearing part of this exemption this to Part 2 or reducing the size of disturbance to 0.5 acre.
- Part 1, Type 2 (1)(o), (p), and (x): Discuss with DHHL limits, since these all fall within the replacement or reconstruction type not sure of need for size limit. Also, there is a minor typo, ask to remove extra comma in (p).
- Part 1, Type 2, (3)(a): Discuss with DHHL moving this to Part 2.
- Part 1, Type 2 (4)(j)(ii): Discuss with DHHL including rehabilitation/restoration at historic/archaeological sites, and the rationale for including that here. Also, there is a minor typo, add "a" to spell archaeology.
- Part 1, Type 3 (10): Discuss with DHHL whether the 3,500 refers to the size of the existing structure or the size of the accessory structure. It seems like the size of the existing structure should not be limited in this exemption. Discuss what is DHHL's intent with this revision.
- Part 1, Type 3 (10)(j): Discuss with DHHL the difference between a ground water and utility tank, and the intent of this revision.

Ron Terry asked the committee postpone the discussion. Onaona moved to postpone discussion of DHHL list until the next meeting, Ron seconded, all voted in favor, and motion passed.

3. Review and approval of November 2023, December 2023, and January 2024 meeting minutes.

Ron had one correction to the November minutes to correct OCH to OHCD on the second page. Ron moved to approve the November minutes with that correct, Onaona seconded the motion, all voted in favor, and motion passed.

Onaona had one correction to the December minutes, it was Maka'ala and not Onaona who pointed out concerns from community members on Kaua'i. Ron moved to approve the December 2023 minutes with that correction, Onaona seconded the motion, all voted in favor, and motion passed.

There were no edits to the January minutes, Onaona moved to approve the minutes, Ron seconded the motion, all voted in favor, and motion passed.

4. Discuss exemption notice template from OPSD-ERP's website

The final agenda item focused on the exemption notice form template and the process for agencies to submit exemption notices. Ron raised concerns raised about the perception that

the form on the website is required for exemption notices. Tom explained that since an exemption notice is an agency determination, OPSD-ERP accepts exemption notices if they are on agency letterhead, signed by the correct authority, and including the required information. Ron identified the need for clarity on the use of the form as a template rather than a mandatory requirement, and potential revisions to the form.

Tom pointed out that ERP has been getting more calls from agencies about the exemption process. The group discussed the importance of providing guidance to agencies on the exemption process including the list and notice preparation. It was decided that we should revisit the exemption process, form template, guidance document prepared by Scott for agencies, and agency education at the next meeting.

5. Adjournment.

Ron moved to adjourn the meeting, Onaona seconded, the motion passed and the meeting was adjourned at 12:57 PM.