



# STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,  
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March 2024 Meeting Minutes

Exemption Committee

State of Hawai'i Environmental Advisory Council

Meeting Held on Tuesday, March 5, 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

Ian Robin Kaye

Theresita Kinnaman

Michele Lefebvre

Rachel Sprague

Michael Tulang

Members Present (2): Michele Lefebvre (Chair); Puananionaona Thoene

Members Absent (1): Michael Tulang

Staff Present: Tom Eisen

Public Present: Maka'ala Ka'aumoana

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

With two of three members present, Michele Lefebvre convened the meeting at 12:04 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 <a href="#">Embed link</a> shows changes from 2021 list, clean version <a href="#">Embed link</a> shows all edits accepted	Committee review and discussion of list

## Department of Hawaiian Home Lands

Michele summarized the committee's review of DHHL's list at the February meeting and noted the increased level of specificity for several exemptions, as well as potentially moving some exemptions from Type 1 to Type 2. Maka'ala pointed out that the list included a lot of administrative actions that would normally fall under de minimus and are not normally called out in agency's exemptions lists. The group discussed that it may be helpful for an agency to include this level of detail, and it would be good to discuss this with DHHL.

- Part 1, Type 3 (10)(o): Discuss with DHHL moving this to Part 2, and adding the spill containment language similar to Part 1, Type 3 (10)(k).
- Part 1, Type 3 (10)(r) and (10)(t): Discuss with DHHL moving this to Part 2.
- Part 1, Type 3 (10)(u): Delete hard return, and delete "u" which seems to be continuation of "t."
- Part 1, Type 4: Consider combining (1) and (12).

- Part 1, Type 4 (13): Discuss that this addition is similar to the existing exemptions in Part 1, Type 8 (4) and Type 8 (5). This exemption is also similar to Part 1, Type 9 (2). Discuss potential differences of these subdivision types.
- Part 1, Type 4 (15): Mention to DHHL that USFWS guidance includes recommendations regarding when to cut tree tobacco which serves as host plant to the Blackburn sphinx moth. Michele will provide that information to DHHL when we discuss this with them.
- Part 1, Type 7: Recommend the formatting for types is consistent in Part 1, either use "Type 6" or "Exemption Type #6."
- Part 1, Type 7 (5): Discuss with DHHL moving this to another section since it is not consistent with the zoning variance category.
- Part 1, Type 8: Discuss addition of these administrative actions.
- Part 1, Type 8 (4): Discuss with DHHL what disposal of land means and if this should be a Part 2.
- Part 1, Type 8 (7): Discuss moving to Part 2.
- Part 1, Type 9 (15): Discuss the rationale for adding this level of detail, since an exemption is not required for the acquisition of land.
- Part 1, Type 10: Discuss with DHHL. Type 10 in the rules applies to affordable housing, but as written this exemption would apply to all DHHL homestead development. This may not be something that can be exempted in a list, but may require a legislative exemption. Discuss with DHHL what conversations they have had, if any, with the legislature regarding this exemption.
- Part 2, Type 1 (n): This is the same as the exemption listed as Part 1, Type 1 (2)(n), discuss with DHHL whether this exemption should be Part 1 or Part 2.
- Part 2, Type 1 (7): This is the same as the exemption listed as Part 2, Type 2 (3), discuss with DHHL whether under type 1 (operation, repair, maintenance) or type 2 (replacement, reconstruction).
- Part 2, Type 3: Discuss with DHHL how these new construction project exemptions compare to Part 1, Type 10 which would exempt all homestead development.
- Part 2, Type 3 (1)(g) and (1)(i): Discuss with DHHL which types of projects would the 20% apply to.
- Part 2, Type 3 (17): Discuss with DHHL if they have had conversations with DLNR, OCCL regarding shoreline protection system projects. Any projects in the shoreline would require a CDUP, and it may not be consistent for these types of projects to be exempt under Chapter 343.

Michele will reach out to DHHL with the list of items to discuss from February and March meetings, and invite them to attend the April meeting. Michele will also include Tom Eisen, from ERP, in the correspondence.

3. Review and approval of February 2024 meeting minutes.

Onaona had one correction, the spelling of her name. Onaona moved to approve the minutes with that correction, Michele seconded the motion, all voted in favor, and motion passed.

4. Adjournment.

The meeting was adjourned at 12:58 PM.