



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, April 2, 2024, 1:00 PM – 3:30 PM

Governor

Josh B. Green, M.D.

Lt. Governor

Sylvia Luke

OPSD 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

Puananionaona Thoene (Chairperson), Mary Begier (Vice Chairperson), Stephanie Dunbar-Co, Dawn Hegger-Nordblom, Robin Kaye, Tessie Kinnaman, Michele Lefebvre

Members Absent

Rachel Sprague, Michael Tulang

Staff

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

Public Present

Jay Stone (Bowers + Kubota Consulting)

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=nP-txXB9N1w&t=1183s>

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

With a quorum of 7 members present, Chairperson Thoene called the meeting to order at 1:04 PM.

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

Director Evans reported that she along with the staff at ERP have been tracking legislation and working on various tasks related to *The Environmental Notice*.

Mr. Eisen reported that the submittal deadline for items to be published in *The Environmental Notice* has passed for the April 8th deadline. Director Evans reported that the increase in activity for submittals could be a positive indicator that agencies are attempting to update, maintain, and carry out their plans for facilities. Additionally, it allows the public to review and provide comments on the projects.

Member Lefebvre inquired as to whether OPSD tracks the volume of visits to the exemptions list, EAs, or EIS that are published in *The Environmental Notice*. Mr. Eisen reported that *The*

Environmental Notice is distributed through MailChimp and that the program does keep a statistical log on the volume of clicks to open the document. However, once the reader is in the document itself, the program is not able to keep a record of what links are viewed in the document. On average, 40% (approximately 500 subscribers) of the recipients are opening the document.

3. Review and adoption of meeting minutes

- **March 2024 meeting minutes**

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2024-03-05-Environmental-Advisory-Council-Minutes-draft.pdf

Member Begier moved to approve the March 2024 meeting minutes as circulated. Member Kaye seconded the motion. The EAC voted (6-0-1) to approve the motion. (Yes: Thoene, Begier, Hegger-Nordblom, Kaye, Kinnaman, Lefebvre; Abstain: Dunbar-Co)

4. Exemption Committee Update

- **Committee update to EAC regarding review of agency exemption lists**

Committee Chair Lefebvre reported that the Exemption Committee reviewed the DHHL and State of Hawai'i School Facilities Authority list. The committee spent most of the meeting discussing the DHHL list. Following the discussion, DHHL will revise the list per recommendations made by the committee.

Director Evans inquired to the Committee Chair as to whether DHHL requires its homestead beneficiaries to submit an EA if they make changes or additions to their homes. Committee Chair Lefebvre stated that if the beneficiary is on state land but there is no discretionary permit then they are not within the realm of HRS 343. Director Evans further inquired as to whether the single homes would be an automatic exemption under the statute. Chairperson Thoene and Committee Chair Lefebvre stated that it was to their understanding that the home would not trigger the statute. However, the committee had asked DHHL to review and use the feedback provided during the meeting and return with a brief on the process for when a beneficiary wants to make improvements to their home.

Chairperson Thoene further reported that in the discussion with DHHL, the committee suggested that DHHL provide separate guidance for beneficiary action versus DHHL projects.

Committee Chair Lefebvre reported that the list from the State of Hawai'i School Facilities Authority was revised per recommendations made by the council. The next full council meeting will include an action to approve the State of Hawai'i School Facilities Authority's list for a 15-day public review period.

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

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

Committee Chair Begier reported that the I&O Committee is waiting on availability from Member Lefebvre. They will plan future forums soon.

6. Legislative Committee

- **Discussion of and potential action on Selected 2024 legislative matters:**

- **HB 2358 HD1 SD1- Codifies the exemption from environmental impact statements for affordable housing projects that meet certain criteria.**
https://www.capitol.hawaii.gov/sessions/session2024/bills/HB2358_SD1_.pdf
- **HB 2406 HD2 - Establishes the Climate Health and Environmental Action Special Fund in the Department of Land and Natural Resources to minimize the impacts of, and respond to, climate crises. Imposes an additional \$25 dollar tax on transient accommodations. Allocates a portion of transient accommodations tax revenue to the Climate Health and Environmental Action Special Fund. Narrows the transient accommodations tax exemption for accommodations furnished at no charge or on a complimentary or gratuitous basis to accommodations for the purpose of providing emergency housing to persons displaced as a result of a state of emergency or state disaster. Effective 7/1/3000. (HD2)**
https://www.capitol.hawaii.gov/sessions/session2024/bills/HB2406_HD2_.pdf
- **Discussion and potential action on the EAC's positions on other bills relevant to the EAC for the 2024 legislative session** https://files.hawaii.gov/dbedt/erp/EC_Meetings/2024-03-05-EAC-Legislative-Com-2024-Bills-reenvironment.pdf

Committee Chair Kaye reported that HB 2358 HD1 SD1 is moving forward in legislation. The other bills that were being tracked by the committee had been either re-referred or deferred.

Director Evans inquired as to whether the Committee on Ways and Means (WAM) has issued a hearing notice for HB 2358. She reported that if a hearing notice is not scheduled, the bill is at risk of dying.

Director Evans reported that several affordable housing bills are still being tracked and testified on. Several bills are related to the possible funding of transit-oriented development, infrastructure, and housing. There is a bill being tracked that will be heard by WAM to update the Hawaii State Plan Law.

Committee Chair Kaye stated that HB 1919 should be monitored by the members of the council. This bill relates to the establishment of a state boating facility lease program within the Department of Land and Natural Resources for private development.

7. Strategic Planning Committee Update

- **One of the Council's statutory roles under HRS §341-6 is to serve “as a liaison between the office of planning and sustainable development and the general public by soliciting information, opinions, complaints, recommendations, and advice concerning ecology and environmental quality[.]” Continued discussion of and potential action on what strategies and procedures might be employed by the EAC to fulfill this role, including the offering of recommendations to OPSD.**

Following discussion regarding the EAC’s ability to hold meetings, Chairperson Thone clarified that the EAC has the authority to hold a special meeting that falls outside the regularly planned monthly meetings, should a special circumstance arise. This would allow the council to provide recommendations and advice should it be necessary.

- **Discussion of potential process to assess the environmental impacts of affordable housing/housing projects or other developments completed pursuant to an emergency proclamation, how to move forward with such projects that may not have had an initial environmental review, options for rapid assessments, and how these developments could continue (e.g., as nonconforming uses, or otherwise)**

Director Evans reported the Governor's Emergency Proclamation regarding the Maui wildfires still has several laws that the Emergency Proclamation regarding affordable housing does not. The question regarding the temporary housing for Maui is whether it will be treated under HRS 343 and the discretionary permits that were able to be fast tracked under the emergency proclamation.

Director Evans also reported that the Build Beyond Barriers working group has been terminated by Governor Green. Chairperson Thoene inquired as to whether there are current groups working on this issue regarding the affordable housing and wildfire proclamations. Director Evans reported that there are various groups that are currently working on the issue, but they are internal. She did report that there will be a public engagement process that Maui County is leading. These meetings will be held with various members of the Lahaina area, and they will be asked questions regarding the type of rebuilding they would support.

Member Lefebvre stated that the changes in the proclamations are in response to the public. The structure of the proclamation is not as transparent as HRS 343, so future change will come from the challenges. The process will continue to change as people continue to be vocal and involved.

Member Hegger-Nordblom expressed that the proclamation is not clearcut which causes miscommunication for those who are wishing to build a home. Furthermore, she states that the State Historic Preservation Division (SHPD) is very busy with efforts in Lahaina. She also stated that she is happy that the school in Lahaina has reopened with a cleaner environment. She hopes that the rest of Lahaina will be thought of in a similar way, in which the way that it is rebuilt is thoughtful and cleaner for the community.

Chairperson Thoene inquired as to whether there has been any discussion regarding the shoreline retreat in the Lahaina area. Director Evans stated that the state is not pushing managed retreat, but they are using the federal funds from the Coastal Zone Management (CZM) federal program. They currently have a vendor analyzing legal frameworks for managed retreat. She reported that they will share the results of the legal framework analysis with the council as soon as the work is completed by the vendor.

- **Discussion of list of action items to be completed by EAC in FYE2024 (e.g., updated exemptions guidance), and transition guidelines and protocols for new Council members**
https://files.hawaii.gov/dbedt/erp/EC_Meetings/2024-04-02-EAC-DRAFT-Policy-Procedure-ver.7-2023-02-28.pdf
https://files.hawaii.gov/dbedt/erp/EC_Meetings/2024-04-02-Long-Range-Planning-for-SPC-and-LC.pdf

Chairperson Thoene asked the committee chairs and members to send her any more additions or changes to the transition guidelines and protocols by the next meeting.

Member Dunbar-Co stated that an adjustment needed to be made to point B in the annual report section. She stated that OPSD does not have an annual report.

Mr. Stone inquired as to if the new members to the council would receive support or assistance in the transition period. Chairperson Thoene stated that the council members are meant to have staggered terms and that the newer members to the council had joined last year. The transition guidelines and protocol are meant to assist the new members in the transition period.

8. Next meeting: Tuesday, May 7, 2024 TBD

9. Reminders:

Hawai'i Congress of Planning Officials (HCPO) requested that presentation proposals be submitted by the April 5, 2024 deadline.

▪ **Annual financial disclosures due May 31, 2024**

The Ethics Committee has sent out emails to the members regarding this agenda point.

▪ **Send all ERP correspondence to dbedt.opsd.edp@hawaii.gov**

Agendas for the May 7, 2024 full council and committee meetings are due on April 26, 2024.

10. Adjournment

The meeting adjourned at 2:17 PM.