



STATE ENVIRONMENTAL ADVISORY COUNCIL

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

State of Hawai'i Environmental Advisory Council
Meeting Held on Tuesday, December 3, 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
Rachel Sprague

Vice Chair
Dawn Hegger-Nordblom

Members
Michele Lefebvre
Jay Stone

Members Present (3): Michele Lefebvre (Chair); Dawn Hegger-Nordblom (Exemption Committee member); Rachel Sprague (EAC Chairperson)

Staff Present: Tom Eisen, Kayli Yoshioka

Members of the Public Present: Gaylyn Nakatsuka (DOE)

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

With three members present, Michele Lefebvre convened the meeting at 12:02 PM. All present were introduced.

2. Exemption list status

| Agency | Status | Next Action |
|--|---|---|
| LISTS | | |
| Department of Hawaiian Homelands | Received 01/12/2024. Waiting to hear back from DHHL. | No action this meeting, dropping from future agendas until DHHL returns to ERP / EAC with a revised list. |
| State of Hawaii, Department of Education | ERP Received 04/10/2024, ExComm Received List 05/24/2024, Revised List 10/03/2024 | Discuss list revisions. |

Department of Hawaiian Home Lands

No further discussion, waiting to hear back from DHHL and will drop from future agendas until the committee hears back.

State of Hawaii, Department of Education

The committee requested a redline version of the list, since the revised version provided by DOE on 10/3/2024 was significantly different. Committee discussed the following items upon further review of the list and discussed these with DOE.

- Discuss inclusion of Part 3 (emergency actions). While this section quotes the rules back parts 8B and 8C, it's not required. DOE explained they were thinking in case of an emergency, like wildfires, these exemptions would apply. The group discussed that these exemptions apply regardless of whether they are in the list. There's nothing

preventing from them for including them, but clarified that no exemption can be claimed under Part 3 since that's not an exemption type.

- Committee appreciated the inclusion of dark sky compliance to the lighting exemptions in various places in list.
- Part 1, Type 3 vs. Part II, Type 3. The Part II, Type 3 categories A – D actually exceed the sizes allowed by the rules, whereas Part II, Type 3 correctly identifies the categories A – D for the rules. DOE will revise Part II, Type 3 categories to match the rules. The group also discussed that some of the actions listed under Type 1 might fit better under Type 2, such as the 15.B. Teacher/Workforce Housing units. Or it may make sense to put smaller units under Type 1 and larger units under Type 2.
- Part I, Type 3(V) (fuel tanks): The Committee recommended moving this to Part 2 given the sensitivity of constructing new fuel storage facilities.
- Part 1, Type 3. FF and GG: The Committee recommended moving this to Part 2 for larger projects.
- Part 1, Type 4(#14): Correct typo, should be spelled “ordnance.”
- Part 1, Type 6: Consider removing the box for consistency, since the other types do not have a box around them.
- Part 1, Type 6: Consider adding a size threshold for Part 1 and Part 2 for demolition of these facilities.
- Part 1, Type 7: Consider moving 3 and 4 zoning variances to Type 2. Zoning variances often require applications to county planning agencies, which sometimes ask for documentation of Chapter 343 compliance. If an agency has done a Type 1 exemption there would be no documentation, but with a Type 2 exemption an Exemption Notice would have published for public review. This could help the agency.
- Part 1, Type 8 (#15 and #18): These may fit better under Type 9, which is the exemption type for acquisition of land.
- Part 1, Type 10 (#3): Discuss what would the accessory commercial activities to off-site infrastructure for affordable housing. DOE explained it could be associated with P3 construction. These facilities might not be housing or schools, but rather a third party that provides social services or clinics at the facility.
- Part 2, Type 1: Some of the items listed as Type 1 may fit better under Part 1, Type 1 – for example, (c) fencing, (d) stairs, (g) bike racks. Consider reviewing these Part 2 exemptions and moving them to Part 1.
- Part 2, Type 1 (#2): Consider moving to Part 9, which is the exemption type for acquisition of land.
- Part 2, Type 4 (#11): States major alternation, consider rephrasing to “modifications” so that the term “major” doesn't conflict with the General Exemption Type 4 language which states “minor” alternation in the conditions of land, water, or vegetation.

Michele asked DOE to make the revisions discussed, provide the list before the end of December, and then it could be added to the January agenda for approval to publish for the 15-day comment period. attend the next meeting (December 3), so we can go through the list in more detail.

3. Review and approve November 2024 meeting minutes

Hawai'i State Environmental Advisory Council
Exemption Committee
December 2024

Dawn moved to approve the November 2024 meeting minutes, Michele seconded the motion, and the motion passed unanimously.

4. Adjournment.

The meeting was adjourned at 1:00 PM.