



STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII
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Draft MINUTES

State of Hawai'i Environmental Advisory Council

Via Zoom and in person

7th floor conference area, 235 S. Beretania Street, Honolulu, HI 96813

Tuesday, April 1, 2025, 1:00 pm

Governor
Josh B. Green, M.D.

Lt. Governor
Sylvia Luke

OPSD Director
Mary Alice Evans

Chairperson
Rachel Sprague

Vice Chair
Dawn Hegger-Nordblom

Members
Michele Lefebvre
Jay Stone

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/>

Members Present

Rachel Sprague (Chairperson), Dawn Hegger-Nordblom (Vice-Chair), Michele Lefebvre, Jay Stone

Members Absent

None

Staff

Mary Alice Evans (OPSD Director), Tom Eisen (Environmental Review Program (ERP) Staff), Jennifer Ching (ERP Staff), Christine Agas (ERP Intern), Micaleh Crane-Worley (ERP Intern)

Public

None

Note: **Bolded** item indicate text from agenda.

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

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

2. Review and adoption of minutes from January 7, 2025

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2025-01-07-Environmental-Advisory-Council-Minutes-draft.pdf

MOTION: Member Lefebvre moved to approve the January 2025 meeting minutes. Vice-Chair Hegger-Nordblom seconded the motion. There was no further discussion or public testimony. The EAC voted to approve the motion (4-0-0).

3. EAC rules revisions/amendments – discussion of potential changes and next steps

Director Evans reported that Act 152 of Hawaii Session Laws 2021 transferred the former Office of Environmental Quality Control (OEQC) from the Department of Health to the Department of Business, Economic Development, and Tourism (DBEDT). The act changed the Council's duties and responsibilities, requiring rule amendments. Director Evans also stated that Hawaii Revised Statute (HRS) 341 addresses the Environmental Advisory Council (EAC) and outlines the rules, duties, and powers of the Council. The other statute is HRS 343. This chapter addresses all statutory processes, purposes, and obligations for any state or county agency or applicant that wants to accomplish a

project that has a trigger for an environmental review process (i.e., environmental assessment and environmental impact statement).

Director Evans suggests that they focus on HRS 341. HRS 341 outlines a new process for adopting rules. The director of the Office of Planning and Sustainable Development (OPSD) will consult with the Council on any proposed rule adoption. The process will then follow Chapter 91 and will be sent to the Governor for approval to be addressed at public hearings. If there are no substantial changes following the public hearings, and with the Governor's approval, the rules can be adopted.

Director Evans would like to collaborate with the Council to refine the wording for changes to the rules applicable under HRS 341, ensuring that it aligns with the new statutory language. Director Evans suggested that the Council could either form a Permitted Interaction Group (PIG) or address the rule changes as a whole. She also proposed that the staff could prepare a draft for the Council.

Chairperson Sprague opened the discussion on the suggestions posed by Director Evans to the Council members. Vice-Chair Hegger-Nordblom preferred that DBEDT prepare the first version with the Attorney General's (AG) review, followed by the Council's review. Member Lefebvre also noted that past Council members addressed rule changes and suggested building on those previous changes.

The Council agreed that they would like the staff to prepare an initial version of the rule changes.

Discussion continued regarding the policies and procedures of the Council. This document addresses both the Council and the Committees. Chair Sprague suggested using this document as a baseline for the rule changes.

4. Discussion of bills proposing to amend Ch. 343 in regards to state agency permitting

Director Evans reported that at the time of the meeting, SB 1074 was still active. SB 1074 addresses the renewal of aquarium trade permits that are not consistent with Chapter 343. The bill would allow DLNR to renew the aquarium trade licenses with a limited extension. The bill addresses projects that were previously not included in HRS 343.

Director Evans opened the discussion to the members regarding their thoughts on the legal expansion of the bill to include and address projects not previously covered by HRS 343. Vice-Chair Hegger-Nordblom suggested that the Council wait until the legislature addresses the topic before providing commentary. It would be conflicting to comment on an action that would impact voters, businesses, etc. Member Lefebvre concurred with the Vice-Chair. Member Jay proposed that the Council address the topic, whether as a Council or in their individual capacities, noting the necessity of addressing it since it is currently in process. They don't necessarily need to address the application of HRS 343. Mr. Eisen also mentioned that it might be challenging for the Council to develop testimony regarding the bill, given that the Council only meets once a month. In the past, other members of the Council had testified in their individual capacities, apart from the Council, simply because the Council was unable to meet before deadlines.

Chairperson Sprague asked Director Evans or the staff whether the requirements for HRS 343 differ from NEPA. Mr. Eisen stated that HRS 343 triggers address "use." The projects need to have a permit, and the other part is whether a trigger has been hit. Member Stone reported that he has a list of bills that the Council may be interested in. SB 1074 is one of the first bills on the list. He also reported that HB 661 is similar bill but has died in legislation.

Director Evans suggested to the Council that they initiate educational forums to address the differences between HRS 343 and NEPA.

Discussion of future forums regarding HRS 343. Member Stone also highlighted the use of AI for the HRS 343 actions. Chairperson Sprague urged the members to consider topics for discussion at forums.

5. Discussion of new Members/Appointments

Director Evans stated that there are no new members or potential internal appointments at this time.

Director Evans also reported that the Senate will vote on nominations in committee for board and committee members, including nominations for Vice-Chair Hegger-Nordblom and Member Stone.

6. Next Meeting Date/Time

The next meeting is scheduled for May 6, 2025, at 1:00 PM.

7. Adjournment

The meeting adjourned at 2:18 PM.