



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
235 S. Beretania Street, Suite 702, Honolulu, HI 96813
Tuesday, April 14, 2026, 1:00PM

Members Present

Dawn Hegger-Nordblom, Michele Lefebvre, Mark Gordon, Rachel Sprague

Members Absent

Jay Stone

Staff

Mary Alice Evans (OPSD Director), Tom Eisen (Environmental Review Program [ERP] Staff), Daniel Pham (ERP Staff), Iokepa Frederick (ERP Staff), Isabelle Sholes (Staff), Alison Kato (Deputy Attorney General)

Public Present

Rene Umberger (For the Fishes), Ashley Obrey (Native Hawaiian Legal Corporation), Ron Terry, Kiley Cruz (Earth Justice)

Note: **Bolded** items 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/>

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

With a quorum of four members present, Chairperson Hegger-Nordblom called the meeting to order at 1:00 PM.

2. Review and adoption of minutes of the March 3, 2026, meeting

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2026-03-03-Environmental-Advisory-Council-Minutes-draft.pdf

MOTION: Member Gordon moved to approve the March 2026 meeting minutes. Member Sprague seconded the motion. There was no further discussion or public testimony. The EAC voted to approve the motion (4-0-1).

3. Adoption of Time Limits on Oral Testimony

The Council discussed the adoption of a formal policy for a time limit on oral testimony. Chair Hegger-Nordblom suggested that the limit be set to three (3) minutes.

MOTION: Member Lefebvre moved to accept the policy to allow for a reasonable time limit of three (3) minutes on oral testimony by members of the public on each discussion or action. Member Gordon seconded the motion. There was no further discussion or public testimony. The EAC voted to approve the motion (4-0-1).

4. Exemptions Committee

a. For discussion and potential concurrence - Revised Environmental Assessment Exemption List Revisions for the Department of Land and Natural Resources

- i. https://files.hawaii.gov/dbedt/erp/EC_Meetings/2026-02-23-DLNR-Exemption-List-Draft-2026-02-03.pdf
- ii. https://files.hawaii.gov/dbedt/erp/EC_Meetings/2026-04-14-DLNR-Exemption-List-Comment-from-SierraClub.pdf
- iii. https://files.hawaii.gov/dbedt/erp/EC_Meetings/2026-04-14-DLNR-Exemption-List-Comment-from-EarthJustice.pdf
- iv. https://files.hawaii.gov/dbedt/erp/EC_Meetings/2026-04-14-DLNR-Exemption-List-Comment-from-NativeHawaiianLegalCorporation.pdf
- v. https://files.hawaii.gov/dbedt/erp/EC_Meetings/2026-04-14-Cadiz-Public-Testimony-RE-DLNR-Exemption-List.pdf

The comment period on DLNR's Exemption List ran from February 23, 2026 to March 10, 2026. Three comments were received during the period. The Council requested that DLNR inform the Council of when they have drafted responses to the public comments. DLNR has not drafted responses at the time of the EAC meeting, therefore the Exemption Committee cannot move forward with an action on the Exemption List.

Kylie Cruz spoke on behalf of Earth Justice. Earth Justice also submitted written comments. The following comments were made by Earth Justice.

Type 4, Part 1, Number 21: Earth Justice requests that the exemption be amended to apply to only non-extractive ongoing activities, due to the cumulative impact of ongoing extractions.

Type 8, Part 1, Numbers 6-8: Earth Justice believes that the exemptions do not qualify for this category of exemptions, as the category is reserved for administrative activities.

Type 8, Part 1, Numbers 6-9: Earth Justice believes that the proposed exemption is overbreadth. The proposed exemptions seek to exempt a wide variety of land use transactions that fall within HRS 343-5A, the triggering category. Earth Justice suggests that there should be a limiting principle when assessing these types of transactions to ensure that exemptions apply to only minor activities, and not large-scale land use transactions that may be highly controversial.

Member Lefebvre clarified the role of the Council and the Exemptions Committee in the exemption list process. The EAC reviews submitted Exemption Lists and may concur with lists, but does not have the authority to approve lists.

Ashley Obrey stands on the written testimony provided by the Native Hawaiian Legal Corporation.

Rene Umberger spoke on behalf of For the Fishes with the following comment.

Type 4, Part 1, Number 21: For the Fishes explains that the exemption creates a loophole for commercial aquarium collection that would have large negative impacts on coral reefs. They request that the exemption excludes extractive activities.

b. For concurrence - Revised Environmental Assessment Exemption List Revisions Hawai'i Health Systems Corporation

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2026-02-23-HHSC-Exemption-List-Draft-2026-02-03.pdf

The comment period on HHSC's Exemption List ran from February 23, 2026 to March 10, 2026. No public comments were received during the period.

MOTION: Chair Hegger-Nordblom moved to concur with the HHSC Exemption List. Member Gordon seconded the motion. There was no further discussion or public testimony. The EAC voted to approve the motion (4-0-1).

The final HHSC Exemption List will be published on the ERP website.

c. For concurrence - Revised Environmental Assessment Exemption List Revisions for the County of Hawai'i, Department of Water Supply

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2026-03-03-COH-DWS-Agency-Exemption-List-with-changes-2026-02-12.pdf

The comment period on County of Hawai'i DWS's Exemption List ran from March 23 to April 7, 2026. No public comments were received during the period.

MOTION: Member Sprague moved to concur with the DWS Exemption List. Chair Hegger-Nordblom seconded the motion. There was no further discussion or public testimony. The EAC voted to approve the motion (4-0-1).

The final DWS Exemption List will be published on the ERP website.

5. Director's Report

a. Legislative Update

Director Evans presented on the status of subject matter committees. The committees will be dissolved and a two-week period of conference committees will begin on April 20, 2026. Bills will then go to floor votes in the House and Senate, and if passed, will be sent to the Governor for consideration.

b. Update on the Department of Business, Economic Development and Tourism, Repeal of Chapter 11-200.1 and Adoption of Chapter 15-20 Hawaii Administrative Rules

Director Evans presented on the review of the August 2019 adopted rules. ERP staff is continuing to discuss ways to align the rules with the updates in HRS, and clarify definitions and processes in the rules.

6. Announcements

Next Meeting TBD

The next meeting is scheduled for May 5, 2026 at 1:00 PM.

7. Public Comments: Participants may provide comments about issues not on the agenda for possible inclusion on a future agenda.

A member of the public asked when the DLNR Exemption List would next be on the EAC agenda. The Council announced that the agenda is posted on the ERP website six (6) days prior to the EAC meeting. The agenda should include whether DLNR provides a response to public comments.

8. Adjournment

Chairperson Hegger-Nordblom adjourned the meeting at 1:44 PM.