



STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII
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Rachel Sprague

DRAFT MINUTES

State of Hawai'i Environmental Advisory Council
235 S. Beretania Street, Suite 702, Honolulu, HI 96813
Tuesday, May 5, 2026, 1:00PM

Members Present

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

Members Absent

Jay Stone

Staff

Mary Alice Evans (Office of Planning and Sustainable Development [OPSD] Director), Tom Eisen (Environmental Review Program [ERP] Staff), Daniel Pham (ERP Staff), Isabelle Sholes (OPSD Staff)

Public Present

Emma Yuen (Department of Land and Natural Resources [DLNR]), Zachary King (DLNR), David Sakada (Division of Aquatic Resources [DAR]), Kelli Ann Kobayashi (DAR), Kylie 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 1:02 PM.

2. Public comments on Agenda Items. *[Information Item]*

On behalf of Earth Justice, Kylie Cruz responded to comments provided by DLNR.

Type 4, Part 1, Number 21: Earth Justice expressed concerns about DLNR moving the exemption from Type 1 to Type 4. Earth Justice is requesting that the exemption be clarified to apply to only non-extractive activities or be moved back to Type 1. Earth Justice does not have concern about non-extractive activities related to TNC practices, and argues that separate exemptions for TNC practices are included in Types 1, 4, and 5.

Type 8, Part 1, Numbers 6-10: DLNR is proposing to move the exemptions back under Type 1, which addresses the fit problems, but does not address the overbreadth problem, with regard to HEPA.

On behalf of DLNR, Emma Yuen responded to Cruz's comments on TNC practices under Type 4, Part 1, Number 21: This categorization is due to DLNR's practice of authorizing small scale harvesting of fruit and wood on their land.

Emma Yuen addressed Cruz's comments on Type 8, Part 1, Numbers 6-10. DLNR agrees that the action of purchasing land should be subject to HEPA but believes the act of buying land itself does not have an environmental impact. Instead, the activities conducted on the land should undergo environmental assessments (EA). DLNR is concerned that environmental impact assessments will delay or halt important conservation work.

Member Sprague asked about safeguards to protect land from being moved out of a protective status. Responding to the question, Emma Yuen suggested that the activities conducted on the land must undergo an EA.

Member Lefebvre clarified that an exemption is not an exemption from HEPA, but an exemption from preparing an EA. Member Lefebvre also clarified that an activity does not need to be explicitly listed on the exemption list to be exempt from EAs.

On behalf of DAR, David Sakoda commented on Type 4 exemptions: DAR monitors the impact of activities, non-extractive and extractive, with their biologists and review permit requests on case-by-case basis.

Member Gordon asked DAR to explain how activities are determined to be negligible or not. DAR analyzes the relevant organisms or resources to understand several key factors, including its history, habitat, and reproductive patterns.

Kylie Cruz raised concerns that it is difficult to stop actions from proceeding once they receive exemptions.

3. Review and adoption of minutes of the April 14, 2026, meeting. *The Council will review/amend the minutes from the previous meeting and will vote on whether or not to approve them at this time.*
[Action Item]

https://files.hawaii.gov/dbedt/erp/EC_Meetings/2026-04-14-Environmental-Advisory-Council-Minutes-draft.pdf

Chair Hegger-Nordblom requested a change to the minutes to include Kylie Cruz as a member of the public in agenda item 7.

Member Lefebvre requested that the spelling of Kylie Cruz be corrected.

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

4. Exemptions Committee

Proposed - Revised Environmental Assessment Exemption List Revisions for the Department of Land and Natural Resources. *The Environmental Advisory Council members will identify next steps regarding the Proposed - Revised Environmental Assessment Exemption List Revisions for the Department of Land and Natural Resources.* **[Information Item]**

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

Member Lefebvre proposed deferring the agenda item until the next Council meeting, as the committee did not receive DLNR's response to comments and their revised list by the deadline and were unable to attach it to May's meeting agenda.

Emma Yuen asked about the process moving forward. Member Lefebvre said that the Council will review the revised list, which will either result in the Council concurring with the list or suggesting it be posted for another round of public comment.

David Sakoda asked when the next Council meeting will be scheduled. Members responded that the EAC tends to be on first Tuesday of each month.

Member Lefebvre reminded the Council and attendees that material for the agenda must be submitted seven (7) days prior to the EAC meeting and materials that are distributed among the Council members must be submitted three (3) days prior to be part of the "board packet."

5. Review of the Department of Business, Economic Development and Tourism, Repeal of Chapter 11-200.1 and Adoption of Chapter 15-20 Hawaii Administrative Rules. *The Environmental Review Program staff will give an update on the progress of the rule amendments. [Information Item]*

ERP staff are continuing to align changes made in Act 152, SLH 2021 by updating Chapter 15-20 and including changes that have been confirmed by the legislature. ERP does not yet have a draft of the rules.

6. Announcements
Next Meeting TBD. *The Environmental Advisory Council members will discuss the date of the next meeting and possible agenda items. [Information Item]*

The next meeting is scheduled for June 2, 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. [Information Item]*

There were no public comments.

8. Adjournment

Chairperson Hegger-Nordblom adjourned the meeting at 1:48 PM.