

**ENVIRONMENTAL COUNCIL  
STANDING COMMITTEE ON ADMINISTRATIVE RULES  
AUGUST 18, 2011, MINUTES  
FROM 1100 HOURS UNTIL 1200 HOURS AT THE  
LEIOPAPA A KAMEHAMEHA BUILDING  
235 SOUTH BERETANIA STREET, ROOM 203, HONOLULU, HAWAI'I 96813,**

**Present:** David Atkin; Scott Glenn (Committee Chair); Gary Hooser (Director, Office of Environmental Quality Control); and, Mary Steiner (Chairperson, Environmental Council)

**Public:** Edward G. Bohlen, Esq.(Deputy Attorney General); David Penn (University of Hawai'i Environmental Center); Leslie Segundo (OEQC Staff);

1. CALL TO ORDER: Committee Chair Glenn called Standing Committee on Administrative Rules of the Environmental Council to order at 1100 hours.

2. DISCUSSION OF OLD BUSINESS

- Retreat on June 30, 2011
- Meeting with Senator Gabbard
- Presentation to Marine and Coastal Zone Advisory Committee (MACZAC)
- Concerns on Interisland Cable

3. NEW BUSINESS:

- Mr. Glenn reported that the Environmental Council received a Petition for Rulemaking received from Mr. Syd Singer of the Good Shepherd Foundation to require an environmental assessment for exemption list proceedings before the Environmental Council.

MOTION 1: Ms. Steiner moved, and Mr. Atkin seconded that the Standing Committee on Administrative Rules of the Environmental Council accept the Petition for Rulemaking submitted by Mr. Syd Singer of the Good Shepherd Foundation pursuant to Subchapter 6 of Chapter 11-201, Hawaii Administrative Rules, as having standing. A brief discussion ensued. Committee Chair Glenn called for the vote. The Standing Committee on Administrative Rules unanimously approved the motion 1 (4-0-0).

MOTION 2: Mr. Glenn moved, and Ms. Steiner seconded that the Standing Committee on Administrative Rules initiate rulemaking on its own initiative and to include Mr. Syd Singer's Petition for Rulemaking under Section 343-6, Hawaii Revised Statutes, and Subchapter 6 of Chapter 11-201, Hawaii Administrative Rules. A brief discussion followed. Committee Chair Glenn called for the vote. The Standing Committee on Administrative Rules unanimously approved the motion 2 (4-0-0).

- Discussion of the Agency Consultation required under Section 343-6, Hawaii Revised Statutes and Public Hearing Under Subchapter 6, Chapter 11-201, Hawai'i Administrative Rules.

There was a discussion on publishing notice in the periodic bulletin of Section 343-3, Hawai'i Revised Statutes (Environmental Notice) of a notice of proposed rulemaking. A distinction was made between this and the required publication of hearing notice in newspapers of general circulation.

Noting that Section 343-6, Hawai'i Revised Statutes requires that the Environmental Council consult with affected agencies prior to initiating rulemaking, Mr. Atkin noted that the Standing Committee on Exemptions is preparing to send out a letter to all executive branch agencies of the State and county governments requesting that they identify the Chapter 343, HRS, contact in their agency (including his/her electronic mail address).

MOTION 3: Mr. Glenn moved, and Mr. Aktin seconded that the Office of Environmental Quality Control include the Standing Committee on Administrative Rules of the Environmental Council in its upcoming outreach and education efforts with the intent to scope issues for future rulemaking by the Environmental Council. A brief discussion ensued. Committee Chair Glenn called for the vote. The Standing Committee on Administrative Rules unanimously approved the motion 3 (4-0-0).

- The Standing Committee on Administrative Rules engaged in discussion with Mr. Norman Lee, of the Legislative Auditor's Office.