

ENVIRONMENTAL COUNCIL MEETING MINUTES

LEIOPAPA A KAMEHAMEHA, STATE OFFICE TOWER BUILDING, ROOM 200
235 S. BERETANIA STREET, HONOLULU, HAWAII 96813
NOVEMBER 17, 2011, 1400 HOURS UNTIL 1600 HOURS

MEMBERS PRESENT: David Atkin; Malia Akutagawa; Peter Cooper; Gary Hooser (Director of Environmental Quality Control, *ex officio*, voting); Robert Inouye; Charles Prentiss; John Richards; and Mary Steiner (Chairperson)

MEMBERS ABSENT: Shannon Mears; James Sullivan (Vice Chairperson); Iris Terashima; and Marjorie Ziegler

PUBLIC PRESENT/OTHER: Edward G. Bohlen, Esq. (Deputy Attorney General); Stacey Chaussoy (Graduate Intern); Alice Domingo (OEQC Staff); David Penn (University of Hawai'i, Environmental Center), and Leslie Segundo (OEQC Staff)

1. **CALL TO ORDER AND INTRODUCTIONS:** With a quorum of eight members (Mesdames Akutagawa, and Steiner, and Messrs. Atkin, Cooper, Hooser, Inouye, Prentiss, and Richards), Chairperson Steiner called the meeting to order at 2:09 pm, and all present introduced themselves.

2. **APPROVAL OF ^{Oct. 21, 2012} NOVEMBER 17, 2011, MEETING MINUTES:** The meeting minutes for ~~November 17, 2011~~, of the Environmental Council in quorum assembled were approved by the ^{Oct. 30, 2012} unanimous acclamation of the Environmental Council.

3. **CHAIRPERSON'S REPORT:**

A. **Public File Review:** Chairperson Steiner noted that the public file is available for public review at the present meeting.

B. **Standing Committee Meeting Minutes:** Chairperson Steiner noted that all Standing Committee Meeting minutes are an integral part of the Environmental Council's record ~~under Chapter 92, Hawaii Revised Statutes, and need~~ to be prepared within thirty-days of a meeting. Chairperson Steiner instructed her Standing Committee chairs to submit their meeting minutes next month to the Chairperson who would then forward them to the OEQC along with the agendas for posting. Chairperson Steiner also instructed Chairs and members of the various Standing Committees (except for investigatory committees under Chapter 92, Hawaii Revised Statutes) that they will need to review and approve their minutes at their next Standing Committee meeting.

C. **Status of Nominees to Environmental Council:** Two members made recommendations for appointments to the Environmental Council. Chairperson Steiner and Director Hooser recommended that prospective applicants go to the Board of Commission website to complete an on-line application. The Chairperson also forwarded the resignations of Ms. Matsushima and Mr. Char to the Governor's Office.

4. **REPORT BY THE DIRECTOR OF ENVIRONMENTAL QUALITY CONTROL:**

A. **Guidebook:** Director Hooser reported that a copy of the November 17, 2011, draft guidance document entitled: "*Implementation and Practice of the Hawai'i Environmental Policy Act*" was distributed to all members. Upon receipt of necessary reviews and approvals, Director Hooser noted that the OEQC would initiate distribution of the paper and electronic copies. The 2004 version of the guidance document (entitled "*A Guide to the Hawai'i State Environmental Review Process*") was suspended by the Governor in 2007, and subsequently reviewed and revised by Leslie Segundo to comport to changes in the law and appellate court decisions, with many hours of volunteer review and expert editing over the past six-months by graduate intern, Stacey Chaussoy. Both Mr. Segundo and Ms. Chaussoy endeavored to make the revised guidance easy to read and understand. Director Hooser then noted that if the members find errors or have specific

suggestions for improvement, he requested that they send appropriate electronic mail OEQC. A printable online version will be available, and a limited number of printed hard copies will also be available for distribution.

- B. **Educational Outreach Training:** Director Hooser reported that the OEQC had been conducted statewide trainings on Chapter 343, HRS. The OEQC conducted three sessions on O'ahu. The next training sessions (both morning and afternoon) would be on November 29, November 30 (Kailua Kona), and December 01, 2011 (Hilo). OEQC's lead planner, Herman Tuiolosega has been taking the lead in attending and presenting the various sessions. The OEQC is currently making arrangements with the Mayor's Office of the County of Maui for morning and afternoon training session on December 09, 2011. Director Hooser noted that each session was about ninety-minutes in length and well-attended by both agencies and consultants.

6. **STANDING COMMITTEE REPORTS:**

- A. **Exemption Committee:** Mr. Atkin reported that the Committee discussed the responses received to the Environmental Council Chairperson's letters that were mailed to some ninety agencies of the executive branch of the State and county governments. The letters informed these agencies of the Environmental Council's plans to update rules implementing HEPA and the letters also requested that the agencies submit their exemption lists (new of updates) to the Environmental Council. Mr. Atkin noted that Ms. Ziegler tabulated all the information received but in her absence, the Committee was unable to review the information. The Committee then reviewed a report prepared by Mr. Prentiss on how the administrative rules need to be revised to implement the exemption process. A detailed discussion ensued at the meeting.
- B. **Rules Committee:** Mr. Glenn reported that he reviewed the response letters from agencies that were sent out *supra* requesting their designated point of contact as well as any questions or issues they may have about the existing rules. Mr. Glenn reported that about forty agencies responded and the Committee decided to follow up via electronic mail to communicate with the agencies. Mr. Glenn also reported that the Committee decided to schedule multiple meeting each month to discuss individual issues and discuss more details on the exemption. He informed the Environmental Council that the Committee would meet on December 7, 2011, from 1400 hours until 1600 hours. He encourage all members to attend to discuss the rules for joint HEPA-NEPA documents, as well as procedures to go directly to an EIS when it is clear at the outset that a proposed action will have significant impacts. He also noted that discussion on constituting the Committee as an investigative committee (not subject to Chapter 92, Hawai'i Revised Statutes, public notice requirements) is on the agenda.
- C. **Annual Report Committee:** Ms. Akutagawa reported that the Draft Annual Report is available. She thanked all who contributed, especially those from the different committees. She requested the participation of members with Mr. Segundo who would take pictures of all members for inclusion in the report. Leslie Segundo is taking pictures for all members to be part of the annual report. Ms. Akutagawa discussed the format and content of the report. She hopes to include a chapter on the University of Hawai'i Environmental Center.

MOTION 1: It was moved and seconded that on November 30, 2011, the Environmental Council: (1) finalize the draft annual report after receiving member comments; and (2) authorize Director Hooser and Chair Steiner to have final editing and approval authority. A brief discussed ensued. Chairperson Steiner called for the question. The Environmental Council unanimously approved Motion 1 (8-0-0)

- D. **Legislative Committee:** Chairperson Steiner reported that about two months ago, the Environmental Council discussed authorizing a representative from the Environmental Council to testify at the upcoming legislative session on various bills on behalf of the Environmental

Council. She requested that any ideas, thoughts or clarifications should be sent by electronic mail to Mr. Mears.

7. PUBLIC TESTIMONY: No public testimony was received by the Environmental Council.
8. CORRESPONDENCE RECEIVED: The chair is not aware of any correspondence received other than the two public files that were distributed earlier.
9. NEW BUSINESS: The OEQC Director and Deputy Attorney General Bohlen agreed to set up another meeting with Messrs. Prentiss and Atkin for the purpose of further discussing Mr. Prentiss's report to the Standing Committee on Exemptions concerning revisions to the rule on exemptions. Also, the Standing Committee on Administrative Rules would be constituted as an investigative committee for the purposes of rulemaking and not subject to the public notice requirements of Chapter 92, Hawai'i Revised Statutes.
10. ADJOURNMENT: Chairperson Steiner adjourned the meeting at about 1504 hours.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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Email environmental_council@doh.hawaii.gov

STATE OF HAWAII
ENVIRONMENTAL COUNCIL
235 SOUTH BERETANIA STREET, SUITE 702
HONOLULU, HAWAII 96813

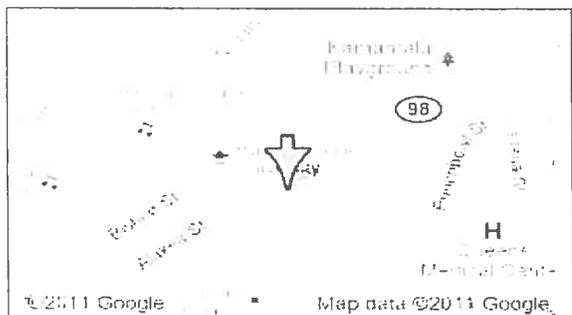
MARY STEINER
Chairperson
JAMES SULLIVAN
Vice-Chairperson
MALIA AKUTAGAWA
DAVID ATKIN
PETE COOPER
SCOTT GLENN
ROBERT INOUE
SHANNON MEARS
CHARLES PRENTISS
JOHN RICHARDS
IRIS TERASHIMA
MARJORIE ZIEGLER
GARY HOOSER (EX-OFFICIO)

ENVIRONMENTAL COUNCIL MEETING

State Office Tower
235 S. Beretania Street, Room 200
Honolulu, Hawaii 96813
December 15, 2011
2:00 pm –4:00 pm

AGENDA

1. Call to Order
2. Introductions/Attendance
3. Approval of November 17, 2011 Meeting Minutes
4. Chair's Report: Sub-Committee Minutes
5. OEQC Director's Report:
 - Report on Statewide Education and Outreach Training
 - 2012 Administrative/Legislation Outreach
6. Standing Committee Reports:
 - Exemption Committee
 - Rules Committee:
 - Consideration whether to appoint Scott Glenn as an Investigative Sub-Committee on Rules to look into preliminary and interim matters to facilitate useful agendas for Rules Committee meetings
 - Annual Report Committee
 - Legislative Committee
7. Public Testimony
8. Correspondence Received
9. New Business
10. Adjournment

	<p>Parking Permits Valid in Lots: (Parking permits for Environmental Council Members Only)</p> <ol style="list-style-type: none">1. Iolani Palace (Meters Only) South King and Richards Street2. Department of Health (Meters Only) 1250 Punchbowl Street, Honolulu3. State Capitol Basement (Meters Only) 415 South Beretania Street, Honolulu <p><i>Note: See back of the parking permit for list of available parking.</i></p>
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Special Accommodations (such as Sign Language interpreter, large print, taped materials) can be provided, if requested at least five (5) working days before the scheduled meeting by contacting the Office of Environmental Quality Control, 235 South Beretania Street, Room 702, Honolulu, Hawaii 96813. All interested persons will have an opportunity to present testimony on any agenda item for this meeting. For more information, contact the Office of Environmental Quality Control at (808) 586-4185 (voice), (808) 586-4186 (fax), or email: oeqc@doh.hawaii.gov.

Rules Subcommittee Meeting Minutes

Meeting held 17 November 2011 at 11:00 AM

1. Call to Order

2. Introductions/Attendance - Scott Glenn, Chair; David Atkin, Member; Mary Steiner, Ex-Officio; Gary Hooser, Ex-Officio; John Richards, Guest; Dave Penn, Environmental Center; and Les Segundo, OEQC

3. Rules Amendment Status (Old Business)

- Agency consultation letter and responses - About 40 agencies have responded to date, which is a good response rate (approx. 45%). A follow up email to agencies who haven't responded yet will be sent before the next meeting.
- Agency consultation meeting - Scott will meet with Hawaii and Maui County agency heads to discuss rules amendments.
- Stakeholder outreach efforts - Scott will also seek to expand the consultation process to include non-agency groups. Suggested groups include AIA, APA, BIA, Hawaii 1000 Friends, Kahea, Life of the Land, LURF, NAEP and individuals who have experience with the 343 process.

4. New Business - The committee agreed to meet before the next full Environmental Council meeting in order to set up a process for addressing the various proposals for rules amendments.

5. Public Testimony - Dave Penn offered the Environmental Center to assist the Rules Subcommittee with writing and background research, which the Subcommittee appreciates and accepted.

6. Items to Report to the Environmental Council - The Subcommittee agreed to recommend to the Council to create an investigative committee to facilitate participation of neighbor island members in the rules updating process while still allowing it to proceed expeditiously.

7. Next meeting - Scheduled for Wednesday, Dec. 7, 2-4 PM at the same location, State Office Tower room 202.

8. Adjournment

DRAFT

**Rules Subcommittee Meeting Minutes
Environmental Council
State Office Tower Building
235 S. Beretania Street, Room 202
Honolulu, Hawaii 96813
November 17, 2011
11:00 AM – 12:00 NOON**

1. Call to Order
2. Introductions/Attendance
Present: Scott Glenn (Chair), David Atkin (Member), Mary Steiner (Ex-Officio), Gary Hooser (Ex-Officio), John Richards (Guest), David Penn (UH/Environmental Center), and Les Segundo (OEQC)
3. Rules Amendment Status (Old Business)
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5. Public Testimony - Dave Penn offered the Environmental Center to assist the Rules Subcommittee with writing and background research, which the Subcommittee appreciates and accepted.
6. Items to Report to the Environmental Council - The Subcommittee agreed to recommend to the Council to create an investigative committee to facilitate participation of neighbor island members in the rules updating process while still allowing it to proceed expeditiously.
7. Next meeting - Scheduled for Wednesday, December 7, 2011, 2:00PM – 4:00PM at the same location, State Office Tower room 202.
8. Adjournment

Draft

**Exemption Subcommittee Meeting Minutes
Environmental Council
State Office Tower Building
235 S. Beretania Street, Room 202
November 17, 2011
1:00pm – 2:00pm**

1. Attendance

Present: David Atkin, Chair, Robert Inouye, Pete Cooper, Chuck Prentiss, Gary Hooser (Ex-Officio), Mary Steiner (Environmental Council Chair), John Richards (Guest), Scott Glenn (Guest), Les Segundo (OEQC Staff)

2. Description of substance discussed

- No pending exemption lists
- Mahalo to Marjorie for tabulating agency responses regarding updating exemption lists. Responses tailored to each category of respondent to be discussed at next meeting.
- OEQC intern to back check exemption lists posted on internet for version accuracy, especially in light of backlog cleared this year (Agribusiness Development Corp, CCH DTS, DAGS, DLNR, Kauai Transportation Agency). Each posted list should be tagged with date concurred with by the Environmental Council, as feasible.
- Initiated discussion of Exemption Subcommittee input to the Rules Subcommittee. Chuck presented his analysis, followed by general discussion. AG input to be obtained.
- The distinction was made between statutory exemptions (e.g., fish ponds), and administrative exemptions. The need to identify all statutory exemptions was noted.
- There was consensus that the next meeting would focus on identifying aspects of the exemption process where rules should be clarified/modified/developed.

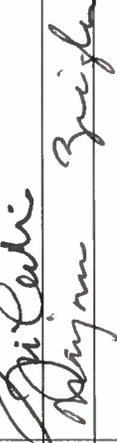
3. Decisions made

Agenda items for next meeting per above.

ENVIRONMENTAL COUNCIL MEETING

December 15, 2011

COUNCIL AND STAFF MEMBERS

Name	Title	Signature
Akutagawa, Malia	Environmental Council (Molokai)	
Atkin, David	Environmental Council	
Bohlen, Edward	Legal Counsel	
Cooper, Pete	Environmental Council	
Glenn, Scott	Environmental Council	
Hooser, Gary	Ex-Officio	
Inouye, Robert	Environmental Council (Kauai)	Absent
Mears, Shannon	Environmental Council	
Prentiss, Charles	Environmental Council	
Richards, John	Environmental Council (Big Island)	Absent
Steiner, Mary	Environmental Council	
Sullivan, James	Environmental Council	
Terashima, Iris	Environmental Council	
Ziegler, Marjorie	Environmental Council	
Leslie Segundo	Support Staff	
Alice Domingo	Support Staff	

Draft

**Exemption Subcommittee Meeting Minutes
Environmental Council
State Office Tower Building
235 S. Beretania Street, Room 202
November 17, 2011
1:00pm – 2:00pm**

1. Attendance

Present: David Atkin, Chair, Robert Inouye, Pete Cooper, Chuck Prentiss, Gary Hooser (Ex-Officio), Mary Steiner (Environmental Council Chair), John Richards (Guest), Scott Glenn (Guest), Les Segundo (OEQC Staff)

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