



STATE OF HAWAII
ENVIRONMENTAL COUNCIL
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IRIS TERASHIMA
GLENN TEVES
MARJORIE ZIEGLER
OEQC DIRECTOR, EX-OFFICIO

ENVIRONMENTAL COUNCIL MEETING MINUTES
February 20, 2014 (Thursday) from 2-4 PM
State Office Tower, Suite 702
235 South Beretania Street, Honolulu, Hawaii'i 96813

Members Present: Scott Glenn (Chair), Charles Prentiss (Vice-Chair), Malia Akutagawa, Mark Ambler, Koalani Kaulukukui, Azita Quon, John Richards, Mary Steiner, and Glenn Teves
Members Absent: Paul Chang, Iris Terashima, and Marjorie Ziegler
Counsel Present: Edward Bohlen (Department of the Attorney General)
OEQC Staff Present: Leslie Segundo and Susan Faulk
Other Attendants: Janet Ashman (Hawaii'i Farm Bureau Federation), Barry Brennan (University of Hawaii'i College of Tropical Agriculture and Human Resources [UH-CTAHR]), Nomi Carmona (Babes Against Biotech), Douglas Dudevoir (Kailua Neighborhood Board), John McHugh (Governor's Advisory Committee on Pesticides), Sean O'Keefe (Alexander & Baldwin), Levani Lipton (Kailua Neighborhood Board), Pauline MacNeil (Lani-Kailua Outdoor Circle), Margaret Wille (Hawaii'i County Council), Donna Wong (Kailua Neighborhood Board), and Lyle Wong (Public).

1. Call to Order

Chair Glenn called the meeting to order at 2:10 PM with quorum of 9 members.

2. Introductions/Attendance

All present members and guests introduced themselves.

3. Approval of Minutes

A motion was made for approval of the January 16, 2014 meeting minutes by Mr. Richards, seconded by Ms. Kaulukukui, and the minutes were approved by 8 Environmental Council (EC) members present with 1 abstention and 0 opposition.

4. Chair's Report

The 2013 Annual Report is done, including a 2-page summary, and currently available on the Office of Environmental Quality Control (OEQC) SharePoint site. A hard copy was requested for the Public Access Room for all who visit the Legislature.

5. OEQC Director's Report

The official director's position is currently vacant. This report was written by the OEQC senior planner and summarized by Mr. Segundo, the environmental health specialist.

- The Annual Report and insert is done.
- OEQC is following environmental bills and submitted testimonies on:
 - a. HB 1714: OEQC supported creation of an interagency climate adaptation committee to be administered by the Department of Land and Natural Resources (DLNR).
 - b. HB 1941: Bill deferred on requiring the EC to adopt rules requiring environmental impact statements, consider sea level rise and other climate changes on any publicly funded proposed action or development. OEQC supported the intent, but testified that Chapter 343, Hawai'i Revised Statutes (HRS) and Chapter 11-200, Hawai'i Administrative Rules (HAR) sufficiently addressed the matter and the amendment was unnecessary.
 - c. HB 2308: OEQC supported the creation of the Environmental Information Management Office at the Department of Health (DOH) as they assisted and helped OEQC with the creation of its database by June 2012.
 - d. HB 1700: OEQC addressed inquiries from the House Finance Committee regarding the database and justification for the supplemental state budget that included \$150,000 to complete the system.
- Environmental impact analysis: 4 projects reviewed & 4 comment letters sent in the past month.
- Environmental education outreach:
 - a. February 27, 9-12 PM: Department of Hawaiian Homelands training session.
 - b. More training will be scheduled for outer islands, agencies, and interested groups.
- Unfinished business: Procurement training and staffing needs.

6. Standing Committee Reports

- a. **Exemption Committee:** Nothing to report.
- b. **Legislative Committee:** Nothing to report.
- c. **Rules Committee:** Mr. Ambler was officially welcomed to the Rules Committee by Chair Glenn with no objections by council members present.
- d. **Annual Report Committee:** The 2013 report is done and work on the next report will be brought up in the next month or so.
- e. **Information & Outreach (I&O) Committee:**
 - Mr. Ambler attended the North Shore board meeting for an update on pesticide sampling done on surface water and sediment. DOH and the Department of Agriculture (DOA) were also in attendance.
 - Comments sent out from the Industry Task Force II on 2,4-D research data.
 - I&O Committee would like to be more active on submitting testimony to the Legislature to have more input on issues. EC and Legislative Committee chairs are authorized by the council to testify. The EC chair has the authority to delegate someone to testify, speaking for the EC only on matters voted on. Per Ms. Wille, the I&O Chair should be focused on particular areas and if testimony is done in advance, then contact him/her to testify. The minutes will reflect that the EC has come to a disagreement/misunderstanding, but will give it a try and see how it works. Next month, the EC will report back any outcome.

- Motions discussion continued: Motions agreed to be addressed in reverse order by council members.

MOTION 9

Original motion: The Environmental Council recommends to the legislature and agencies that additional resources be provided for monitoring, enforcement, and education of pesticide use.

Motion made by Chair Glenn to amend the motion with discussion on exact wording. Mr. Teves seconded the motion.

VOTE: Motion passed as all 9 members present voted in favor to amend this motion. No opposition or abstention.

New motion proposed by Chair Glenn: **The EC recommends to the Legislature and agencies that additional resources be provided specifically for monitoring, enforcement, and education of pesticide use to appropriate agencies such as the Department of Health (DOH), Department of Agriculture (DOA), and University of Hawai'i-College of Tropical Agriculture and Human Resources (UH-CTAHR).** Ms. Akutagawa seconded the motion. Request made by the public to send all completed motions out to the communities, neighborhood boards, and county councils on the outer islands.

VOTE: Motion passed as all 9 members present voted in favor of this amended motion. No opposition or abstention.

MOTION 8

Original motion: The Environmental Council does not by its recommendations intend to preempt regulation at the county level.

New motion proposed by Ms. Akutagawa: **The Environmental Council does not by these recommendations intend to preempt regulation at the county level.**

Motion made by Mr. Teves to amend and approve content, and to move position of this motion to the end of the list. Mr. Ambler seconded this motion.

VOTE: Motion passed as 8 members present voted in favor of this amended motion. No opposition. There was 1 abstention.

MOTION 7

Original motion: The Environmental Council recommends that the state and county agencies follow the precautionary principle and uphold the public trust in regulating pesticide use in Hawai'i.

Ms. Kaulukukui made a motion to amend this motion. Mr. Teves seconded this motion.

VOTE: Motion passed as 8 members present voted in favor to amend this motion. There was 1 opposition and no abstention.

New motion proposed by Ms. Kaulukukui: **The Environmental Council recommends that the state and county agencies uphold the public trust which includes applying the precautionary principle in regulating pesticide use in Hawai'i as required by the Hawai'i State Constitution and the Hawai'i Supreme Court.**

Ms. Akutagawa made a motion to approve Motion 7 as amended. Mr. Teves seconded this motion.

VOTE: Motion passed as 8 members present voted in favor of approving this motion as amended. There was 1 opposition and no abstention.

MOTIONS 1-9 WHOLE PACKAGE

Mr. Teves made a motion to approve the whole package now. Ms. Akutagawa seconded this motion.

Public Comments: Ms. Carmona and Ms. Wong supported this motion. Ms. Ashman did not support this motion due to the need for more information gathered and public comment on the earlier motions.

VOTE: Motion did not pass as only 7 members present voted in favor of this motion. There was 1 opposition and 1 abstention.

7. Public Testimony

Kawainui Marsh Chapter 343 Issue

Donna Wong, Chair of Planning, Zoning and Environmental Committee of the Kailua Neighborhood Board

Douglas Dudevoir, Chair of the Permitted Interaction Group and member of the Kailua Neighborhood Board

Ms. Wong and Mr. Dudevoir raised questions over whether Chapter 343 allowed an Environmental Impact Statement/Environmental Assessment (EIS/EA) to be the plan as they were awaiting an update of the 1994 Kawainui Marsh Master Plan, but instead, after 2 years of public hearings and comments, they were told by the Department of Land and Natural Resources (DLNR) that the EIS would be the plan.

Questions posed to the EC:

- a. Would a supplemental EIS/EA be required for each one of the development areas?
- b. Can the EC find out why the state did not identify any objectives in its contract?
- c. Could the EC think about recommending some objectives to reinstate the process and get it back on the right track?
- d. Could the EC also ask and try to convince DLNR to actually release the public comments for their closure?

Questions posed by the EC:

- a. *What is your opposition to this?* It's historic preservation, revegetation, and wetland restoration. It's the size of the footprint that they have proposed.
- b. *Was there a written request for public records submitted to DLNR? When?* Yes, a written request was submitted for the contract. The request for the minutes was sent last October to DLNR, the O'ahu chief of DOPA, David Smith, and it was also sent directly to Helber Hastert & Fee (HHF).
- c. *What does your community plan say? Does it limit having any structures there?* Dr. Prentiss and a few others actually developed a very thoughtful small footprint plan giving access to cultural practitioners and educational activities to local students to educate them on the importance of the marsh.

Ms. Steiner made a motion to ask Chair Glenn to send a letter to DLNR inviting them to come to the next EC meeting, asking them to talk about this project with us and explain events as we have community concerns brought to us. Ms. Akutagawa seconded this motion.

Suggestion made to include in the letter the specific question the community is raising of why are they are doing an EIS without any update to the master plan, and to discuss the process and timeline of this action.

VOTE: Motion passes as 8 members present voted in favor of this motion. There was no opposition and 1 abstention.

Babes Against Biotech (BAB)

Nomi Carmona is President of BAB which is a nonprofit group that conducts GMO and pesticide policy and education and has 13,000 members in the state. BAB supports motions 6-9 brought forth by the Information & Outreach Committee, especially pertaining to glyphosate.

Increase Outreach

Margaret Wille, Hawai'i County Council member, requested more information for the public through the website and outreach. The counties support the efforts of the EC and would like more communication and information.

8. Correspondence Received

No discussion.

9. New Business

Next meeting date: **Tuesday, March 4, 2014 at OEQC, 2-4 PM.**

10. Adjournment

The Chair thanked everybody for attending and adjourned the meeting at 4 PM.