

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
ENVIRONMENTAL COUNCIL
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HONOLULU, HAWAII 96813

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Chairperson
SCOTT GLENN
Vice-Chairperson
CHARLES PRENTISS
JOSEPH SHACAT
KOALANI KAULUKUKUI
JOHN RICHARDS
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GLENN TEVES
ROBERT PARSONS
JESSICA WOOLEY, OEQC DIRECTOR

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ENVIRONMENTAL COUNCIL MEETING

May 21, 2015, Thursday
1:00 PM – 3:00 PM

KALANIMOKU BUILDING
1151 Punchbowl Street, Room B10
Honolulu, Hawaii 96813

MINUTES

Members Present: Mark Ambler (Chair), Scott Glenn (Vice-Chair), Robert Parsons, Charles Prentiss, John Richards, Joseph Shacat, Mary Steiner, Glenn Teves, Jessica Wooley
Members Absent: Koalani Kaulukukui, Marjorie Ziegler
Counsel Present: Edward Bohlen (Deputy Attorney General to the Council)
OEQC Staff: Linda Hijirida, Leslie Segundo
Members of the Public: Katherine Kubo, Klayton Kubo, Laura McIntyre (EPO), Christen Mitchell, Dan Purcell, C&C of Honolulu DTS Staff, DHHL Staff, DLNR Staff

1. Call to Order

Chair Ambler called the meeting to order at 1:01 pm with a quorum of 9 members.

2. Introductions/Attendance

All present, and on Kaua'i, introduced themselves.

3. Chair Ambler moved the **OEQC Director's Report** up to the #3 Item on the agenda.

- a. Director Wooley thanked Ms. Hijirida for setting up the video conference.
- b. The Director opened the meeting for comments from the public, on Kaua'i and in the room.
 - Mr. Kubo expressed his concern about massive amounts of pesticides sprayed on Kaua'i by seed companies. Recently, there was a court decision against Pioneer Research Facility finding that they were negligent and responsible for damages to Waimea residents. He urged the Council to check into the issues of pesticides, insecticides, herbicides, and fungicides. Mr. Kubo hopes to work with the Council on this.
 - Mr. Purcell raised concerns about the dumping of tons of asphalt in Hawaii Kai. He wanted the Council to be aware of this problem and that the residents are very upset.
- c. OEQC has identified the need to do site visits to the neighbor islands, Kaua'i in particular because the EC has not had a Kaua'i member for a long time.
- d. OEQC is involved in discussions on the Humpback Whale Sanctuary and the NEPA/HEPA process.
- e. OEQC Database will be ready, maybe, by next month.
- f. The Director reminded the Council to start planning the Annual Strategy Session.
- g. The Annual Report is due January 2016, the Council should start working on this.
- h. OEQC is finalizing the Kauai Park project; this will go to the Governor soon, for approval.
- i. The Director thanked Mr. Segundo for his role in preparing and doing a video with her for the Environmental Court training. Mr. Bohlen requested a copy of the video.
- j. The Director talked about how the Council doesn't have a budget making it difficult for them to function. OEQC has been at least able to fly neighbor island members to the meetings.

- k. OEQC is providing more training for various agencies.
- l. Questions and comments from Council members –
 - OEQC Database – good job! Is there a plan to keep it updated? Yes, when the Environmental Notice is published, that data automatically uploads onto the viewer making it current.
 - Succession plan – several members' terms will expire after June 30, 2015. The Council will not be able to make quorum with the current seats expiring.
 - Budget – sad that the Council never got their own budget. They tried so hard for so long.
- m. Other issues the public has identified as being of concern include: pesticides, soil quality/classification, traffic congestion, and wastewater technology.
- n. Mr. Kubo brought up issues of water quality and water diversion.
- o. The Chair suggested that this list of topics be used in the next Annual Report; we should look deeper into these issues.
- p. The Director suggested inviting Fenix, from DOH, to talk about what they do and are working on for Kaua'i.

4. Exemption Subcommittee Report

- a. Subcommittee Chair Prentiss reported that his committee met earlier this morning and they reviewed two exemption lists: 1) C&C of Honolulu Department of Transportation Services (DTS) and 2) Department of Hawaiian Home Lands (DHHL). The committee approved the DTS's list. For DHHL's list, they discussed one item (Exemption Class 6, Item 14) which needed to change. There are two motions for the Council:
 - The Exemption Committee recommends that the Environmental Council publish the proposed DHHL exemption list dated February 10, 2015, in *The Environmental Notice* for the required 30-day comment period with the following amendment to Exemption Class 6, Item 14, which strikes "to meet facility needs" and adds "accessory to existing facilities".
 - The Exemption Committee recommends that the Environmental Council publish the proposed C&C of Honolulu DTS exemption list dated December 9, 2014, in *The Environmental Notice* for the required 30-day comment period.
- b. In their next meeting, the committee will look at another exemption list that was submitted and agencies stating their current list is up to date. One is from 1989. The committee will review these starting from the State, then C&C of Honolulu, and last, the neighbor islands.

5. DISCUSSION AND DECISION MAKING ON PUBLISHING DEPARTMENT OF LAND AND NATURAL RESOURCES EXEMPTION LIST(S) IN THE ENVIRONMENTAL NOTICE FOR PUBLIC REVIEW

- a. Chair Ambler recapped DLNR's exemption list process – DLNR submitted their exemption list to the Exemption Subcommittee, the committee recommended a few changes, DLNR made those changes, the committee approved the revised list to the Council, the Council agreed to publish the list in *The Environmental Notice* on April 8, 2015, several comments were submitted, DLNR responded to the comments.
- b. DLNR was thanked for their hard work and the clear responses to the comments. A suggestion was made to attach these to the exemption list. Reminded DLNR that this exemption list is a guidance: just because something is on the list, it doesn't always mean it's exempted. If you have a question about a project, publish it; and maybe you'll get feedback.
- c. Chair Ambler motioned for concurrence of DLNR's list, with the revisions.
- d. Public comment –

- Mr. Purcell stated this was not properly agendized, looks like you want to publish this. He expressed concern that the Nature Conservancy had privileged access to DLNR's exemption list.
 - DLNR responded that the Nature Conservancy had no access or input; no outside agency had any influence.
- e. Chair Ambler repeated the motion to concur on DLNR's exemption list with the amendments stated.
- Counsel thought there was a problem doing so with the current agenda and suggested we wait until next month to do this.
 - Point of Order – Robert Parsons was appointed the day the Senate confirmed him and he signed his Oath of Office this morning. He is now a voting member.
 - Exemption Chair Prentiss brought up his concern about the parking lots; doesn't feel it should be included in the list. He mentioned it in committee; still, he voted to move it forward with reservations. Discussion followed.
 - At the advice of counsel, motion was withdrawn. Council will put this on the agenda for the next EC meeting.

6. DISCUSSION AND DECISION MAKING ON PUBLISHING DEPARTMENT OF HAWAIIAN HOME LANDS EXEMPTION LIST(S) IN THE ENVIRONMENTAL NOTICE FOR PUBLIC REVIEW

Mr. Prentiss made the motion – the Environmental Council requests that the proposed DHHL's exemption list dated February 10, 2015 as amended in committee, be published in *The Environmental Notice* for the required 30-day comment period. Public comment – Mr. Purcell asked if DHHL's exemption list will ever change. Mr. Prentiss stated these exemption lists will be revisited from time to time. The motion passed with 8 ayes. 1 missing.

7. DISCUSSION AND DECISION MAKING ON PUBLISHING CITY AND COUNTY OF HONOLULU DTS EXEMPTION LIST(S) IN THE ENVIRONMENTAL NOTICE FOR PUBLIC REVIEW

Mr. Prentiss made the motion – the Environmental Council requests that the proposed C&C of Honolulu DTS exemption list dated December 9, 2014, be published in *The Environmental Notice* for the required 30-day comment period. The motion passed with 8 ayes. 1 missing.

8. DISCUSSION AND DECISION MAKING ON PUBLISHING CITY AND COUNTY OF HONOLULU FIRE DEPARTMENT EXEMPTION LIST(S) IN THE ENVIRONMENTAL NOTICE FOR PUBLIC REVIEW

Mr. Prentiss made the motion – the Environmental Council requests that the proposed C&C of Honolulu Fire Department exemption list dated December 10, 2014, Exemption Class #10, be published in *The Environmental Notice* for the required 30-day comment period. The motion was seconded by Ms. Wooley. Public comment – Mr. Purcell asked if this was the one with the helipads; there's some concern regarding helipads. There was a part about helicopter training. Ms. Wooley apologized for the Honolulu Fire Dept. not being there; they couldn't attend given the short notice. The motion passed with 9 ayes.

9. DISCUSSION AND DECISION MAKING ON PUBLISHING KAUAI TRANSPORTATION AGENCY EXEMPTION LIST(S) IN THE ENVIRONMENTAL NOTICE FOR PUBLIC REVIEW

Mr. Prentiss made the motion – the Environmental Council requests that the proposed Kauai Transportation Agency exemption list dated December 12, 2014, be published in *The Environmental Notice* for the required 30-day comment period. The motion was seconded by Mr. Richards. The motion passed with 9 ayes.

10. DECISION MAKING ON MINUTES FROM MARCH 19, 2015

Mr. Glenn moved to accept the minutes; seconded by Ms. Wooley. The motion passed with 8 ayes. 1 missing.

11. Chair's Report

- a. Chair Ambler welcomed Robert Parsons, the newest member of the Council. Mr. Parsons is originally from the Midwest, attended college in Ohio, a resident of Maui for 37 years, is the first Environmental Coordinator for Maui. He works with County, State, and Federal agencies and non-profit organizations. Mr. Parsons said he is happy to be here and thanks everyone for the warm welcome. Counsel advised him that there may be issues he need to recuse himself on.
- b. **DECISION MAKING ON SUBCOMMITTEE STAFFING AND LEADERSHIP**
There are 5 subcommittees – Annual Report, Exemption, Information & Outreach, Legislative, and Rules. The Chair invited Mr. Parsons and the rest of the Council to join or change a committee. Mr. Parsons would like to volunteer for the Annual Report committee. Ms. Steiner moved to make Robert Parsons the Chair of the Annual Report committee; Mr. Shacat seconded. Discussion followed about the challenges of having an off-island Chair. Reminder – when the committee meets, it has to be agendized and sunshined. The motion to appoint Mr. Parsons as Chair of the Annual Report committee was passed with 9 ayes.

12. Correspondence Received

- a. Exemption lists emails – already discussed.
- b. Email from Glenn Hastings, dated 5/11/2015. Discussion followed regarding opening emails from an unknown sender.

13. New Business

- a. Re-appointment to the Council. Anyone can be re-appointed or newly appointed by the Governor until the next legislative session.
- b. Ms. Wooley urged the Council to start planning for the next Strategy Session and the Annual Report. It was suggested that we table this until the next meeting, as well as a discussion on Rules.
- c. Need to figure out how to get new members. Chair Ambler was tasked to contact the Governor's office and the Boards and Commissions.
- d. Public comments – Mr. Purcell will accompany anyone who has time today to walk over to the Governor's office and the Office of Information to let them know we really need members.

14. Schedule June 2015 Meetings

- a. The next meeting will be on Friday, June 5, 2015, from 11:30am to 2:00pm to discuss DLNR's concurrence, Strategy Session, Annual Report, Rules, and Recruiting.
- b. The following meeting will be on Tuesday, June 30, 2015, from 1:00pm to 3:00pm to discuss and concur the other 4 exemption list.

15. Adjournment

The meeting was adjourned at 2:55pm.

NOTE: Arrangements were made to VCC this meeting on the neighbor islands at these sites:

Hilo State Office Bldg.
75 Aupuni St., Rm. 201

Kauai District Health Office
3040 Umi St., Conf. Room

Maui Public Health Preparedness Ofc.
210 Imi Kala St., Suite 204