



STATE ENVIRONMENTAL COUNCIL

DEPARTMENT OF HEALTH, STATE OF HAWAII
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Vice Chair
Scott Glenn
(Ex Officio)

Members
Roy Abe
Maka'ala Ka'aumoana
P. Ka'anohi Kaleikini
Koalani Kaulukukui
Robert Parsons
Charles Prentiss
John Richards
Ron Terry
Glenn Teves
N. Mahina Tuteur

Environmental Council

March 08, 2016, 1:00-3:30 PM

Leiopapa A Kamehameha Building, 15th Floor Conference Room

Minutes

Members Present: Joseph Shacat (Chair), Scott Glenn (Vice-Chair), Roy Abe, Maka'ala Ka'aumoana, P. Ka'anohi Kaleikini, Robert Parsons, Charles Prentiss, John Richards, Ron Terry, N. Mahina Tuteur

Members Absent: Koalani Kaulukukui, Glenn Teves; 3 seats unfilled

Guests/Speakers: None

OEQC Staff: Tom Eisen, Leslie Segundo

Public: Laura McIntyre, Department of Health Environmental Planning Office; Wadih Kanaan, Freelance Consultant

Note: Items in bold are items on the posted agenda. Text not in bold is the summary discussion.

1. Call to Order, Roll Call, Quorum

- a. Chair Shacat called the meeting to order at 1:07 pm with a quorum of 9 members. A 10th member joined shortly after the call to order.

2. Review and Approval of Prior Meeting Minutes

a. September 17, 2015

- i. Council members suggested spelling and grammatical revisions. One major revision was recommended:
 1. Page 7, paragraph 4 – revise "DLNR Director" to read "DAR Administrator"
- ii. MOTION: R. Parsons motioned and C. Prentiss seconded to approve the minutes. No discussion was held.
 1. Motion failed (7 yes; 3 abstain).
 2. Council members recommended doing another revision to the minutes and reconsidering the issue at a future meeting when more members who had attended the September 17, 2015 meeting would be present. S. Glenn offered to incorporate the suggested revisions for the next meeting.

b. February 23, 2016

- i. MOTION: J. Richards motioned and C. Prentiss seconded to approve the minutes. The motion passed unanimously.

3. Director's Report

- a. OEQC is still recruiting to fill its Planner III and Secretary II positions.
- b. OEQC is adjusting its practices away from paper to online tools to manage internal work flows. This is work in progress and will depend on getting the open positions filled so it can move forward on this.

- c. The EC does not have its own budget or staff; however, the OEQC Environmental Health Specialist has been assigned to provide support to the EC. Please direct any requests for support to the EC Chair and/or the OEQC Director.
- d. OEQC intends to update the OEQC and EC websites once its positions are filled.
- e. OEQC has been involved with Hawai'i Green Growth on the Aloha+ Challenge and integrating the EC's Genuine Progress Indicator into it. OEQC is also supporting the Department of Land and Natural Resources (DLNR) with reviewing its revocable permit program.

4. Committee Reports

a. Information/Outreach

- i. No discussion.

b. Exemption

i. Review of exemption list for Hawai'i Health Systems Corporation

- 1. Committee reviewed a list based on the Department of Health's list and sent them comments.
- 2. Committee requests the EC send a letter to Hawai'i Health Systems Corporation with the committee's questions.

ii. Review of exemption list for City and County of Honolulu Department of Parks and Recreation

- 1. City and County of Honolulu (CCH) Department of Parks and Recreation (DPR) finds their list is adequate and current.
- 2. The committee found that the "standard disclaimer" regarding cumulative impacts and sensitive environments is not currently part of the list and would like for DPR to add it.
- 3. In the past, these types of letters were requests from the committee to the OEQC Director. Consensus is that it is more appropriate for the letter to come from the EC rather than OEQC because concurrence power belongs to the EC, not the OEQC.
- 4. ACTION: C. Prentiss draft letters for J. Shacat to review and finalize. J. Shacat send the letters to OEQC to send out.
- 5. The committee would like to send a request letter to agencies to update their exemption lists. Previously, J. Wooley sent out letters asking agencies to update exemption lists. About nine agencies did not respond and the committee would like to follow up with them.
- 6. ACTION: C. Prentiss draft the letter.
- 7. ACTION: S. Glenn ask DLNR or HHSC for a short testimonial about working with the EC.
- 8. In August 2015, the EC agreed to issue the CCH Department of Design and Construction (DDC) exemption list for public comment. The list appears to not have been published.
- 9. ACTION: Add CCH DDC exemption list to the next EC meeting agenda.

c. Legislative

i. Selection of Environmental Council member(s) authorized to testify on behalf of the Environmental Council on positions that the Council has adopted

- 1. Currently, the EC has no positions on bills to testify on. This issue was tabled.
- 2. MOTION: J. Richards motioned and M. Ka'auomoana seconded to support Governor's Message (GM) 637, appointment of S. Glenn to OEQC Director.
 - a. S. Glenn recused himself from the discussion and left the room.
 - b. MOTION WITHDRAWN by J. Richards and M. Ka'auomoana.
- 3. MOTION: J. Richards motioned and M. Ka'auomoana seconded that Chair Shacat testify on behalf of the EC in support of GM 637.
 - a. Motion passed (9 yes; 1 abstain).

4. ACTION: J. Shacat will write the testimony and testify at the GM 637 hearing.
5. S. Glenn rejoined the meeting.
6. All recently appointed Councilmembers were recommended for confirmation by the State Senate Economic Development, Environment, and Technology. They now are pending a full vote of the State Senate to complete their confirmation process.

d. Rules

- i. No meeting but the Permitted Interaction Group (PIG) has begun meeting. The PIG reviewed the previous work of the committee. The PIG is working on drafting language while the committee will focus on policy. As work progresses, the committee will update the EC.

e. Annual Report

i. Discussion of Draft Annual Report

1. The committee reviewed the draft report provided at the February meeting. Portions of the draft are being removed and new pieces added, which will be prepared for the next EC meeting.
2. The committee agreed to meet in advance of the next EC meeting to review the next draft so that EC members have time to review it prior to the EC meeting.
3. The committee is looking into preparing the 2016 report in time for the World Conservation Congress. This is still under discussion and the committee does not have a recommendation at this time.
4. Hawai'i Community Foundation is doing a report on the state of the environment. They are interested in coordinating with the EC on the EC's 2016 annual report.

5. Unfinished Business

a. 2016 World Conservation Congress in Hawai'i – Continuation of discussion and decision-making regarding role of Environmental Council

- i. Discussion was held on how the EC could be involved. DLNR is hosting an event space ("Hawai'i pavilion") and looking for participants, though that requires paying for space. The EC could look at the IUCN webpage for pre-events that the Council could be involved in. Kaua'i County is looking at getting input from how people from other parts of the world approach environmental issues. The EC could do a listening session to receive information from our guests.
- ii. No conclusion was reached on moving forward. EC members are recommended to present ideas to the Chair for inclusion on future meeting agendas.

b. University of Hawai'i (UH) Environmental Center – Status of the Environmental Center at UH

- i. The Environmental Center has not been active the past few years. J. Wooley contacted UH President Lassner to see about reconstituting the Center and the conversation moved forward slowly. S. Glenn spoke with UH President Lassner about revisiting this subject after the legislative session has ended.
- ii. David Taylor of Maui County Water Department reached out to R. Abe about the State having a panel of experts to provide opinion on what's adequate for environmental documents. Too much confusion exists on the appropriate level of detail.

c. Commercial Aquarium Fish Trade – Status of DLNR response to Environmental Council and OEQC letters

- i. At the September 2015 EC meeting, individuals gave a presentation about commercial aquarium fish trade and concern about how that relates to Hawai'i Revised Statutes (HRS) Chapter 343. The EC voted to send a letter to DLNR that HRS Chapter 343 review was appropriate and something should be done about coral reef bleaching. J. Wooley also sent a letter to DLNR on

the same subjects. DLNR did not respond to the EC but it did respond to the OEQC. The DLNR response essentially responded to the EC letter as well.

- ii. DLNR replied that it disagreed that HRS Chapter 343 review was required and noted that it is under court review, with the court currently agreeing with DLNR. OEQC is deferring to the court and no longer pursuing this matter.
- iii. Discussion was held on how the EC chooses to move forward. Consensus is that the EC would like to invite DLNR, its Division of Aquatic Resources, and/or the Coral Reef Task Force to speak to the EC.
- iv. MOTION: M. Ka'auomoana motioned and R. Parsons seconded for the Information and Outreach Committee to explore the possibility of convening a forum for providing factual information to the EC and public on the coral status of coral reef health.
 1. Discussion on the motion was that a forum would provide public value. Potential sources of funding beyond OEQC could be other organizations interested in this issue and willing to collaborate with the C. One could be the Hawai'i Water Environment Association. Note that the International Coral Reef Symposium is being held in Hawai'i in June 2015. Perhaps the EC could be involved with that.
 2. The motion was approved unanimously.
- v. ACTION: T. Bohlen to report on the results of the aquarium case at the next EC meeting.

6. Correspondence Received

a. Surfrider Foundation - Nearshore water quality concerns regarding chronically polluted streams and beaches

- i. Surfrider expressed concerns about water quality and chronically polluted streams. They would like the Department of Health (DOH) to post signage at beaches warning the public about water quality issues.
- ii. Consensus is to invite stakeholders to the EC: Carl Berg, DOH, and Hawai'i Tourism Authority.
- iii. MOTION: J. Richards motioned and R. Terry seconded to ask the Information and Outreach Committee to look into this and recommend on how to move forward. The motion was approved unanimously.

7. New Business

a. Discussion of Lepeuli, Kaua'i proposed fencing project

- i. Mr. Spacer has requested the EC for an opinion about whether the proposed fencing project requires an environmental impact statement.
 - ii. S. Glenn requested Kaua'i Planning Department share any exemption determinations or other files related to this project and HRS Chapter 343. They replied they do not have a determination made at this time.
 - iii. Discussion was held on what is the EC's role in these situations. The EC does not have the authority to issue binding opinions.
 - iv. Consensus is that this is Kaua'i County's responsibility and that the remedy is in court.
 - v. The Rules Committee could look into alternative dispute resolution methods distinct from citizen suits.
 - vi. MOTION: R. Terry motioned and J. Richards seconded that Chair Shacat write a letter in response that the EC discussed the issue at this meeting and concurred with reply provided by Director S. Glenn. S. Glenn recused himself from the vote given the content of the motion.
 1. Motioned passed (9 yes; 1 abstain).
- b. Pesticides were briefly discussed. S. Glenn shared the EC's 2014 recommendations on pesticides. No decision making was made on this.

8. Next Meeting Agenda – Public comment on issues for consideration for Environmental Council's next meeting agenda

- a. The next meeting will be April 12, 2016 from 1:00 pm to 3:30 pm. Committees planning to meet: Information and Outreach, Exemption, and Annual Report. The PIG also will meet.
- b. EC members are interested in sunshine training.
- c. ACTION: S. Glenn will reach out to the Office of Information Practices to see about scheduling a training session.
- d. Chair Shacat would like the agenda for the next meeting to look at setting up workflows and protocols for the EC, such as reviewing exemptions or receiving issues from the public and moving to a resolution on them. Consensus is to consider creating a PIG at the next meeting for doing a project like this.

9. Adjournment

- a. Chair Shacat adjourned the meeting at 3:27 PM.