



STATE ENVIRONMENTAL COUNCIL

DEPARTMENT OF HEALTH, STATE OF HAWAII
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Joseph Shacat

Vice Chair
Scott Glenn
(Ex Officio)

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

Environmental Council

April 12, 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'auomoana, Charles Prentiss, John Richards, Ron Terry, N. Mahina Tuteur

Members Absent: P. Ka'anohi Kaleikini, Koalani Kaulukukui, Robert Parsons, Glenn Teves; 3 seats unfilled

Guests/Speakers: None

OEQC Staff: Leslie Segundo

Public: Laura McIntyre, Department of Health Environmental Planning Office

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 1:03 PM with a quorum of 8 members.

2. Review and Approval of Prior Meeting Minutes

- a. September 17, 2015
 - i. MOTION: S. Glenn motioned and J. Richards seconded to approve the minutes. No discussion was held. Motion passed unanimously.
- b. March 08, 2016
 - i. MOTION: R. Terry motioned and M. Kaaumoana 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 has been advising agencies on various projects and how they intersect with the process:
 - i. OEQC responded to questions about who the determining agency is for a project occurring near Punchbowl by a private developer and one by the U.S. Navy. For the former, OEQC found that the state and county agencies involved appeared to be in concurrence that the City and County of Honolulu Department of Planning and Permitting (DPP) was the determining agency. For the U.S. Navy project, DPP offered to be the determining agency.
 - ii. OEQC received a request for advice on the applicability of the helicopter trigger to a particular project where the helicopter landing pad was not located on conservation land, a shoreline, or in a historic district. OEQC offered advice that it may be a trigger because of the flight path based on research from the legislative history.

- c. EC members requested S. Glenn to ask the Governor's Office about the three open EC seats and two members terming out on June 30, 2016.
 - i. ACTION: S. Glenn to ask the Governor's Office about the range of experience desired and provide that feedback to EC members.
 - ii. ACTION: EC members, based on feedback from S. Glenn, reach out to own networks to look for potential candidates.

4. Committee Reports

a. Information/Outreach (I/O)

- i. **Status of inquiry/investigation regarding chronically polluted streams and beaches (issues raised by Surfrider Foundation)**
- ii. **Planning for future forum to discuss status of coral reef health in Hawaii**
- iii. The I/O Committee did not meet due to a lack of quorum.
- iv. Discussion on the I/O tasks:
 - 1. M. Kaaumoana will look into Kauai issues and coral reef issues. She will report her progress to the committee chair and/or vice-chair.
- v. R. Abe requested to join the committee. Consensus of the group is that the Chair of the Council has the authority to appoint an individual member to a standing committee. J. Shacat appointed R. Abe to the I/O Committee.

b. Exemption

- i. **Review of exemption list for Hawai'i Public Housing Authority**
 - 1. Hawaii Public Housing Authority list dates from 1989. It did not have the disclaimer nor HAR 11-200-8 exemption categories 4, 9, 10, and 11 classes of action. The committee recommended the agency update its list.
 - 2. ACTION: C. Prentiss to draft letter to Hawai'i Public Housing Authority encouraging them to update their list and ask if they'd like to add those classes of action to their list.
- ii. **Review of exemption list for Hawai'i Housing Finance and Development Corporation**
 - 1. The agency replied that it believes its list is up to date since it is dated 2008. The committee reviewed it and agreed. The committee considers that list to be current.
- iii. Update on previous action items:
 - 1. C. Prentiss drafted the letter authorized by the EC to send to agencies who never responded to the 2014 request to update their exemption lists. OEQC has not sent these out yet.
 - 2. C. Prentiss drafted letters to Hawaii Health Systems Corporation and City and County of Honolulu Department of Parks and Recreation. OEQC still to send them out.
- iv. Committee recommended discussion for endangered species (birds) and lighting because this issue is of increasing importance, of public concern, and has implications for the environment and regulations. The committee would like to provide guidance to stakeholders on who to talk to about potential impacts and how to analyze impacts.
 - 1. Many agencies have exemption lists that include lighting. A question to consider is whether lighting is in conflict with the threshold for being on an exemption list.
 - 2. The committee requested this be put on a future EC agenda.
- v. Committee discussed having an exemption for "environmentally beneficial" projects. The Rules Committee has this on its list of items to examine.
- vi. The EC concurred with the DDC exemption list in August or September 2015.
 - 1. ACTION: OEQC will publish the DDC exemption list in the next Environmental Notice.

c. Legislative

- i. No update. The committee has not met.

d. Rules

- i. The committee has not met. The Permitted Interaction Group (PIG) met. The PIG reviewed the previous Rules Committee work and its unfinished business to plan on how to move forward.

e. Annual Report

i. Presentation of Draft Annual Report

- 1. Oceans, Ohia, Ohana discussion
 - a. Simplify the language in the report and make the relationships among HGG, GPI, and Aloha + clearer.
 - b. Add language expressing more clearly the value of place.
- 2. Aquarium Fish Collecting
 - a. Rephrase the opening sentence of the last paragraph to be clearer.
 - b. Share the proposed discussion with DLNR.
- 3. Document Organization
 - a. Move the front matter and bios to the appendices.
 - b. Insert an executive summary.
 - c. Insert a brief discussion of the purpose and role of the EC and OEQC; otherwise additional content can be in the appendices.
 - d. Add the letters to and letter from DLNR, as well as the DLNR press release, as an appendix.
 - e. Move OEQC Director's Message to after the EC Chair's Message.
- ii. ACTION: EC members to provide comments on the draft 2015 Annual Report by April 22, 2016.
- iii. The committee concluded that preparing the 2016 Annual Report in time for the World Conservation Congress was infeasible because producing a new report was too quick of a turnaround.

5. Old Business

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

- i. Members expressed interest in preparing a short brochure for the WCC that introduces the EC and possibly results from the Annual Report. The brochure could be a 2-sided trifold.
- ii. ACTION: OEQC to look into a budget and means to prepare a type of brochure for the WCC.

b. University of Hawai'i (UH) Environmental Center

- i. No update.

6. Correspondence Received

- a. None.

7. New Business

a. Development of Standing Rules for Environmental Council Processes

- i. Process to review and approve agency exemption lists**
- ii. Process to review and respond to matters of ecology and environmental quality**
- iii. Process to draft, review, approve, and publish the Annual Report**
- iv. Process to review and revise Administrative Rules**
- v. Chair Shacat recommended the EC be consistent in how it conducts its business. The intent is to provide continuity for EC members and clarity to the public and stakeholders about interacting with the EC.
- vi. Chair Shacat recommended creating a standard operating procedures (SOP) flow chart or checklist. This would be a living document.

1. As an example, the Commission on Water Resource Management has a detailed well-drilling approval flow chart that could be a guide for the EC doing this.
2. Chair Shacat volunteered to put any flow charts into Vizio.
- vii. In addition to a flow chart, a description of the committee's scopes and objectives and basis of authority could be included.
- viii. One concern is that these flow charts remain advisory and not become de facto rules. The intent is for them to be advisory only.
- ix. ACTION: T. Bohlen to write a disclaimer that the flow charts are advisory.
- x. Consensus is that this would be useful and the committees would develop these. No motion was made.

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

- a. The EC would like to host a discussion on lighting and birds. EC members would like to invite diverse perspectives on the topic.
- b. ACTION: J. Shacat to reach out to invite people to come present.
- c. The next meeting will be held on May 10, 2016 from 1:00 to 3:30 PM.

9. Adjournment

- a. Chair Shacat adjourned the meeting at 3:17 PM.