

2024 ENVIRONMENTAL ADVISORY COUNCIL ANNUAL REPORT



Image Courtesy of Sofia Luczak

A report to the Legislature pursuant to Act 24, Session Laws of Hawai‘i 2023.

January 2025

Background

The Environmental Advisory Council (EAC) is established by Hawai‘i Revised Statutes (HRS) § 341-5.5 and includes up to 15 volunteer members appointed by the Governor from across the islands. The functions of the EAC are to serve as a liaison between the Office of Planning and Sustainable Development (OPSD) Director and the general public by soliciting information, opinions, and complaints and making recommendations concerning ecology and environmental quality. The EAC also serves the people of Hawai‘i as a bridge of knowledge between the community and the State government regarding the environmental review process. Through its monthly meetings, the EAC monitors the progress of state, county, and federal agencies in achieving the State’s environmental goals and policies and offers informational sessions for the community on key environmental issues. The EAC also: (1) consults on and helps to amend the environmental impact statement rules, Hawai‘i Administrative Rules (HAR) Title 11, Chapter 200.1 (the EIS Rules); (2) reviews and concurs with agency exemption lists and provides assistance and guidance to agencies regarding their exemption lists; and (3) monitors and testifies on legislation relevant to the EAC and its statutory objectives and priorities.

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In 2021, with the passage of Act 152, the EAC's roles changed (with amendments to HRS Chapters 341 and 343). The EAC was administratively transferred from the Department of Health and the Office of Environmental Quality Control to OPSD. In 2022, the EAC explored amending its procedural rules under HAR Title 11, Chapter 201 to delete those responsibilities no longer held by the EAC after the passage of Act 152. Amendments are pending.

The EAC November 2024 meeting saw a transition year with nine members reaching their term limits in 2024. Currently, the EAC is comprised of four members. Recruitment to fill the remaining open seats has begun to help ensure that EAC membership remains diverse and that the group has the capacity to tackle its mission. The EAC prides itself on a diverse membership with individuals from communities across the islands bringing broad expertise.

The EAC has six standing committees: Legislative, Strategic Planning, Information and Outreach, Exemptions, Rules, and Annual Report. Each committee operates under its policies and procedures with defined priorities.

With four seated members it is anticipated that the EAC will focus on the Legislative, Information and Outreach, Exemptions, and Annual Report Committees.

A summary of 2024 committee activity follows:

Legislative Committee

In late 2023, as has been our annual "tradition," the EAC Chair and the Legislative Committee Chair met with Representative Lowen, Chair of the State House Committee on Energy and Environmental Protection, and Senator Mike Gabbard, Chair of the State Senate Agriculture and Environment. The committee met with them to learn more about their environmental priorities for the 2024 session and share an annual update on the EAC.

Once the session starts, the Legislative Committee, with advice and input from the EAC and the OPSD built a list of bills needing the EAC's attention. Members selected those bills they deemed aligned with the EAC's role, and submitted written testimony or testified at the appropriate committee hearing.

In 2024, comments were submitted for SB71, SB507, and HB2358.

Strategic Planning Committee

The Strategic Planning Committee (SPC) began as a result of several surveys and the transfer of the EAC from the Department of Health to the OPSD. Due to several long-serving EAC members reaching their term limits in 2024, the Strategic Planning Committee was unable to meet in 2024. We anticipate that there will be a need to revisit strategic planning for the Council

with the addition of new membership.

Information & Outreach Committee

Information and Outreach Committee (I & O) leads and organizes public forums and presentations relevant to the EAC's mandates in Hawai'i Revised Statutes, Section 341-6. The I & O Committee takes the lead on communications with members of the public, agencies, and stakeholders.

The I & O Committee planned forums for the general public during 2024. However, due to the lack of EAC membership, the educational forums and presentations were deferred to 2025.

It is hoped that I & O Committee forums and presentations will continue to educate the general public in the future.

Exemptions Committee

The EAC encourages state and county agencies to update their existing Exemption Lists and/or to create new Exemption Lists to conform to amendments in HAR Title 11, Chapter 200.1. Exempting minor projects are the base of the pyramid for decisions made in the Chapter 343 HRS process. Creating an Exemption List provides an opportunity for agencies to determine whether projects have minimal environmental impacts or require a more detailed review of an environmental assessment or environmental impact statement. The Exemption Committee assists agencies in understanding the administrative rules related to exemptions and reviews agencies' exemption lists to optimize the exemption process. In 2024, the Exemption Committee assisted in the review of exemption lists for the Department of Hawaiian Homelands, State of Hawai'i, School Facilities Authority, and State of Hawai'i, Department of Education.

Rules Committee

In 2023, the Rules Committee led the effort to transition the EAC's procedural rules to internal policies and procedures, which were formally adopted by the EAC at its regular meeting on May 7, 2024. With the policies and procedures in place the Rules Committee also explored the process to repeal the EAC's procedural rules in Hawai'i Administrative Rules (HAR) Title 11, Chapter 201. A repeal of the existing rules would reflect the EAC's new role as an advisory council following the enactment of Act 152 (2021), and remove provisions that are no longer applicable to the EAC, while preserving those that are. Throughout the year, the EAC and the Rules Committee also continued to monitor suggestions from EAC members and members of the public about potential amendments that may be required to the Environmental Impact Statement Rules, HAR Title 11, Chapter 200.1 (the EIS Rules). The EAC created a Permitted Interaction Group (PIG) to consider any change to the EIS Rules that might be needed to clarify the Exemption List provisions. The PIG made suggestions to the full EAC on provisions that could be amended to clarify the exemptions provisions, but the EAC ultimately decided to amend the exemptions guidance document rather than proposing to amend the EIS Rules at this time.

Annual Report Committee

The Annual Report Committee guides and develops the EAC's annual report to be consistent with the EAC's mandates in HRS § 341-6.

The EAC members would like to thank the members who termed off this year for their personal time spent on the Council - Left to Right: Robin Kaye, Mahina Tuteur, Maka'ala Ka'aumoana, Chair Puananionaona Thoene, Ronald Terry, Michael Tulang, Vice Chair Mary Begier, and Theresita "Tessie" Kinnaman.

