

MEETING OF THE ENVIRONMENTAL COUNCIL

April 18, 2011, 1400 hours – 1600 hours

Video Teleconference Centers (VTC): Island of O'ahu, Department of Accounting and General Services, Information and Communication Services Division, Keoni Ana Videoconference Center, 1187 Alakea Street, Room 302, Honolulu; Island of Kaua'i - Kaua'i District Health Office, Reading Room, 3040 'Umi St., Lihū'e; Island of Hawai'i - Hawai'i District Health Office, 1582 Kamehameha Ave., Hilo; and the Island of Moloka'i, University of Hawai'i Maui College, 375 Kamehameha V Highway, Kaunakakai

PRESENT: David Atkin; Peter Cooper; Gary Hooser (Director); Robert Inouye (via VTC from Kaua'i); Ian Sandison; James Sullivan; Mary Steiner (Chairperson); and, John Richards (via VTC Hawai'i).

ABSENT: Susan Matsushima; and Christopher Steele.

STAFF: Edward G. Bohlen, Esq. (Deputy Attorney General); Alcelia (Alice) Domingo (Secretary); and Leslie Segundo (Environmental Health Specialist).

PUBLIC: Malia Akutagawa (via VTC Moloka'i); Scot Glenn; Charles Prentiss; and Iris Terashima

1. CALL TO ORDER: With quorum present, Chairperson Steiner called the meeting to order at 1406 hours and welcomed incoming Environmental Council members (confirmed by the Senate, but not yet sworn into office).
2. CHAIRPERSON'S REPORT: (A) Chairperson Steiner reported that OEQC had an orientation for new Council members; (B) She also reported that she is working collaboratively with OEQC in securing a regular location and meeting date and time; (C) She reported that the next Environmental Council meetings will be on May 11, 2011, with the full Council meeting at 1400 hours in Keoni Ana 302.
3. DIRECTOR'S REPORT: Director Hooser reported that OEQC provided orientation for new Council members. He also reported that to date, SB 699 is alive and the fees generated from the bill, if enacted into law, would allow the OEQC to do its work. He reminded members of the June 30, 2011, retreat, tentatively scheduled as a half-day meeting for the Council (subject to Sunshine Law) at the Best Western Airport Inn. The retreat is scheduled to begin at 0830 hours, followed by a working lunch with a speaker and team building and strategic planning activities. He also noted that the OEQC is looking at grant writing opportunities, as well as collaborating with the Council on setting a regular meeting date and time and videoconference location. He thanks the members for their support in forging a new Office and a new Council. Mr. Richards reported that he will be out-of-State from June 24, 2011, until July 7, 2011.
4. APPROVAL OF THE FEBRUARY 15, 2011, MINUTES: There was no approval of the February 15, 2011, minutes.
5. STANDING COMMITTEE MEMBER PREFERENCES: Chairperson Steiner noted that due to conflicts at the committee level, quorum may not be met and to ensure that a quorum existed, she entertained a motion to have both the Chairperson and the Director sit as members of each of the standing committees. **MOTION**: Mr. Atkin moved, and Mr. Richards seconded that the Environmental Council designate both the Director of OEQC and the Council Chairperson as members of each standing committee (excluding investigative committees). A brief discussion followed. The Chairperson called for the question and the Environmental Council unanimously approved the motion **(8-0-0)**. Chairperson Steiner also noted that to insure a smooth transition in July 2011, she would like current and incoming members to express their preferences for committee assignments. The current committee chairs (Messrs. Atkin, Cooper, Sandison and Sullivan) gave a brief overview of their committees roles and responsibilities. The following preferences were expressed: **Akutagawa** (Rules/Legislation); **Atkin** (Rules); **Prentiss** (Rules/Legislation); **Glen** (Rules/Legislation); **Terashima** (Rules/Annual Report);

Inouye (Exemption); Sullivan (Legislative/Annual Report). Mr. Richards noted that he drives four hours to get to and from his residence and the videoconference center in Hilo; Director Hooser agreed to look into finding a more technically feasible alternative for his participation in the work of the various committees and the Environmental Council. In response to a member query regarding what constitutes a quorum for committee meetings, Deputy Attorney General Bohlen agreed to research the issue and report back to the Council.

6. STANDING COMMITTEE REPORTS:

A. EXEMPTIONS: Dr. Atkin, committee chair, reported that his committee met earlier in the day, and that he had one carry-over item from the meeting that was to have happened in March (but was cancelled) with respect to the County of Kauai Transportation Agency.

(1) County of Kaua'i, Transportation Agency: **MOTION:** Mr. Atkin moved, and Mr. Cooper seconded that the Environmental Council concur with the County of Kaua'i Transportation Agency exemption list. A brief discussion followed. Chairperson Steiner called for the question. The Environmental Council unanimously approved the motion **(8-0-0)**.

(2) State of Hawai'i, Department of Accounting and General Services: **MOTION:** Mr. Atkin moved, and Mr. Cooper seconded that the Environmental Council concur with the State of Hawai'i, Department of Accounting and General Services exemption list. A brief discussion with questions and answers with Ms. Chris Kinimaka of the Department of Accounting General Services ensued. Mr. Richards noted that he had not yet received the document that was before the Council and he indicated that he may abstain from a vote. Another discussion ensued, after which Mr. Richards expressed his satisfaction with his colleagues' endorsement of the proposed list. Chairperson Steiner called for the question. The Environmental Council unanimously approved the motion **(8-0-0)**.

(3) State of Hawai'i, Department of Land and Natural Resources (DLNR): Mr. Atkin reported that his committee had met earlier with Deputy Director William Tam of the DLNR and his staff. He noted that the administrative record remains unclear as there were five or six lists (one department-wide, and one dealing with emergency response and hazard mitigation, and several by division) initially submitted by the DLNR in July 2010. He reported that DLNR had agreed to send to the Environmental Council their top three priorities. Mr. Atkin also noted that with respect to the three priorities expressed by Mr. Tam at the earlier meeting, the public testimony was mostly not on-point. Mr. Atkin also raised the issue of whether the Council would like to policy for dealing with broad, contentious issues at the standing committee level (with respect to videoconference testimony) since video links would only be provided for those islands that have resident Council members. Director Hooser responded that he would look into this issue. Finally, Mr. Atkin noted that with the upcoming proceedings for the DLNR, the committee may have to meet more frequently.

B. RULES: Committee Chair Sandison (outgoing as of June 30, 2011) reported that with a new incoming Committee Chair, the Environmental Council will need to be more proactive especially with respect to supplemental statements, voluntary environmental impact statements, public notice of upcoming exemption declarations, cultural assessments, and voluminous and repetitive comments. He noted that the Council has the opportunity to act – before the Legislature does. Chairperson Steiner expressed her gratitude for his steadfast support and dedication as committee chair.

C. ANNUAL REPORT: Committee Chair Cooper reported that the Committee needs to sit down with OEQC to address the staffing issue as well as working with the

Deputy Director for Environmental Health Gill to dovetail their respective reports to the legislature.

- D. **LEGISLATION**: Committee Chair Sullivan reported on the status of various bills pertaining to fees for OEQC, training for board members in native Hawaiian traditional and customary rights, broadband bill, the extension of the Act 87 sunset (work in the highway right-of-way), and the need for a cultural assessment to pass muster with OHA prior to inclusion in a final environmental impact statement.
7. **MEETING ABSENCES POLICY/STATUTORY REQUIREMENT**: Chairperson Steiner articulated the statutory requirement (HRS 92-15.5) requiring the removal of a board member for failure to attend three consecutive meetings that result in the board failing to meet a quorum. She noted that prior to every meeting she sends an electronic mail announcement to all members requesting their timely response so that quorum can be ascertained by OEQC.
8. **CORRESPONDENCE**: Chairperson Steiner reported that Mrs. Domingo provided one piece of correspondence that was copied to the members concerning a neighborhood board resolution on the O'ahu Metropolitan Planning Organization's 2035 Master Plan. Chairperson Steiner requested that OEQC send copies of future correspondence to all members by electronic mail.
9. **PUBLIC TESTIMONY**: Ms. Keiko Bonk testified that in a letter to the Environmental Council concerning the proposed exemption lists for the Department of Land and Natural Resources, she noted that some of the items included were controversial, such as the permit for taking aquatic life (for the aquarium industry). She noted that were it not for public participation, the proposed inclusion of the above would have likely gone unnoticed. She requested that the Environmental Council keep the public apprised of the upcoming proceedings.
10. **NEW BUSINESS**: Mr. Inouye requested that the members of the public that testify please get closer to the mike so that all may hear what is being said. The Chairperson announced that the next Environmental Council meeting would be on May 11, 2011. There was no other new business to discuss.
11. **ADJOURNMENT**: Chairperson Steiner adjourned the meeting at 1554 hours.