

ENVIRONMENTAL COUNCIL MEETING MINUTES

LEIOPAPA A KAMEHAMEHA, ROOM 203
235 S. BERETANIA STREET, HONOLULU, HAWAII 96813
FEBRUARY 16, 2012, 1400 HOURS UNTIL 1600 HOURS

MEMBERS PRESENT: David Atkin; Scott Glenn; Gary Hooser (Director of Environmental Quality Control, *ex officio*, voting); Robert Inouye; Shannon Mears; Charles Prentiss; John Richards; Mary Steiner (Chairperson); James Sullivan (Vice Chairperson); Iris Terashima; and, Marjorie Ziegler

MEMBERS ABSENT: Malia Akutagawa; and Peter Cooper

OTHERS PRESENT: Joseph Shacat (Grace Pacific); Connie Yamashiro (University of Hawai'i, Environmental Center); David Penn (University of Hawai'i, Environmental Center); Edward G. Bohlen, Esq. (Deputy Attorney General); Alice Domingo (Staff); and, Leslie Segundo (Staff);

1. CALL TO ORDER: With a quorum of eleven members, Chairperson Steiner called the meeting to order at 2:06 pm.
2. APPROVAL OF FEBRUARY 16, 2012 MEETING MINUTES: Chairperson Steiner and members reviewed the December 15, 2011 meeting minutes. The following corrections were duly noted:
 - On "*Members Present*," add *Iris Terashima's* name.
 - Item #7, change "*just issued a notice for undergraduate assistant position*" to "*just issued a notice for one graduate assistant.*"

MOTION 1: It was moved and seconded that the Environmental Council approve the minutes of February 16, 2012, as corrected above. There was no discussion. Chairperson Steiner called for the question. The Environmental Council unanimously approved Motion 1.

3. CHAIRPERSON'S REPORT:
 - A. Testimony: Chairperson Steiner reported that she prepared testimony for three different bills. One concerned planned development within a quarter mile; another concerned exempting exploratory geothermal data gathering. Mr. Richards requested, and Chairperson Steiner agreed to provide copies of her testimonies to members of the Environmental Council and in the public file. Chairperson Steiner noted that she will be unable to be present for the March 15, 2012 meeting.
 - B. Quorum: The Chairperson requested that members endeavor to be present for the March 15, 2012, meeting to make quorum and thus transact official business.
 - C. Member Terms/New Appointments: Chairperson Steiner noted that two members had resigned. She also noted that four members (Messrs. Cooper, Inouye, Richards and Sullivan) are up for consideration for reappointment as their terms will expire on June 30, 2012. Chairperson Steiner requested that the four reapply to the Office of the Governor.
 - D. Presentation at the April Meeting: Chairperson Steiner reported that for the April meeting, a group had requested to give a presentation on Kawainui Marsh. She noted that the Department of Land and Natural Resources has also been invited to attend this meeting.
 - E. Annual Report: Chairperson Steiner thanked Messdames Akutagawa, Terashima and Ziegler, as well as Director Hooser and his staff for timely completing the 2011 Environmental Council Annual Report. She noted that the Annual Report was submitted to the Legislature two days before the deadline and that electronic copies were sent to all members.

4. DIRECTOR'S REPORT:

- A. Legislative Update: Director Hooser thanked Chairperson Steiner, and Messrs. Glenn and Penn for testifying on various bills. Ms. Ziegler recommended that the Council keep track of bills it is interested in. She noted that there are bills to exempt geothermal exploration, as well as various bridges. Director Hooser also noted that the Office will be present at a joint Senate-House information briefing on Chapters 341, 343, and 344.
- B. Guidebook and Annual Report: Director Hooser reported that the guidebook and the 2011 Annual Report have been completed and that these are available in hardcopy or Adobe Acrobat PDF file.
- C. Planner Vacancy. Director Hooser reported that the Office is in the process of hiring a planner who will be working on the periodic bulletin, the various documents/reports and postings to the Internet site. He noted that there are good candidates and the Office will be doing second interviews on February 17, 2012.
- D. Completion of Acceptance Memorandum to Governor for the Kona Judiciary Project FEIS: Director Hooser reported that the Office has just completed its review of the Kona Judiciary Project FEIS and submitted its acceptance memorandum to the Governor for his review and approval. This project took a month to review.
- E. SB 699: Director Hooser reported that the fees/modernization bill (SB 699) is still in conference.
- F. Status of Legislative Reference Bureau's Involvement in Rules Process: Director Hooser reported that in response to a previous request that the Environmental Council elicit support from the Legislative Reference Bureau for its upcoming rulemaking, the LRB had politely declined noting that the executive and legislative branches need to observe constitutional boundaries (i.e., separation of powers).

5. STANDING COMMITTEE REPORTS:

- A. Exemption: Committee Chair Atkin reported that two agencies (State Department of Land and Natural Resources (DLNR), and the City Department of Environmental Services (DES)) have requested that the Environmental Council review and concur on their proposed list of actions exempt from the preparation of an environmental assessment. DLNR is proposing an exemption for geothermal exploration activities. DES is proposing to exempt transferring sludge from various wastewater treatment facilities.
MOTION 2: It was moved and seconded that the Environmental Council authorize the publication in the periodic bulletin of the Office of Environmental Quality Control its request for comments for a period of thirty days on the proposed exemption lists from the DLNR and the DES. A brief discussion ensued. Chairperson Steiner called for the question. The Environmental Council unanimously approved Motion 2.
Dr. Penn from University of Hawaii Environmental Center offered the services of the Center to the Environmental Council with respect to technical issues.
MOTION 3: It was moved and seconded that the Environmental Council request that the University of Hawaii Environmental Center submit comments on the two proposed exemption lists identified in Motion 2, supra. A brief discussion ensued and Dr. Penn noted that if the members had specific questions, these should be consolidated in a list for transmission to the Environmental Center. Chairperson Steiner called for the question. The Environmental Council unanimously approved Motion 3.
- B. Rules Committee: Committee Chair Glenn noted that some twenty-five persons attended the committee meeting. He briefly described the proceedings and promised that he would summarize the responses for transmittal to the committee and members of the Environmental Council.
Investigative Committee on Rules: The Council had appointed Scott as a member of the investigative committee at its last meeting. Mr. Glenn informed the Council that after discussion with legal counsel, he would like to have another member on the investigative committee.

MOTION 4: It was moved and seconded that the Environmental Council approve the Chairperson's appointment of Gary Gill to the investigative committee on rules. A brief discussion ensued after which Chairperson Steiner called for the question. The Environmental Council unanimously approved Motion 4.

- C. Annual Report Committee: Committee Chair Terashima noted that the Annual Report was completed. She noted that copies of the Annual Report were distributed by staff to the Legislature, the Governor's office and the Department of Health.

MOTION 5: It was moved and seconded that the Committee Chair for the Annual Report Committee prepare a press release for the Director and Environmental Council Chairperson to review and approve. A brief discussion ensued. Chairperson Steiner called for the question. The Environmental Council unanimously approved Motion 5.

- D. Legislative Committee: Committee Chair Mears reported that he had prepared a spread sheet on potential legislation affecting the Environmental Council. Mr. Mears distributed his spread sheet to the members. He noted that SB 2475 would allow interactive conference calls.

6. PUBLIC TESTIMONY: There was no public testimony.
7. CORRESPONDENCE RECEIVED: Chairperson Steiner reported that the staff had prepared a public file for review at the meeting. She also noted that committee meeting minutes and legislative testimonies need to be placed in the public file.
8. NEW BUSINESS: The following items need to be included in the upcoming meeting agenda: new members and Committee assignments. Chairperson Steiner noted that it would be desirable to have the full complement of members (fifteen) electing a new Chairperson. She also noted that she has appointed Mr. Richards as the new Chair for the Exemption Committee. Chairperson Steiner also informed the members that because she will not attend the March 15, 2012, meeting, she has asked Vice Chairperson Sullivan to preside over the meeting.
9. ADJOURNMENT: Chairperson Steiner adjourned the meeting at 1504 hours.