

ENVIRONMENTAL COUNCIL MEETING MINUTES

LEIOPAPA A KAMEHAMEHA, ROOM 1500
235 S. BERETANIA STREET, HONOLULU, HAWAII 96813
MAY 17, 2012, 1400 HOURS UNTIL 1600 HOURS

MEMBERS PRESENT: Mark Ambler, David Atkin; Peter Cooper; Scott Glenn; Gary Hooser (Director of Environmental Quality Control, *ex officio*, voting); Robert Inouye; Charles Prentiss; Azita Quon; John Richards; Mary Steiner (Chairperson); James Sullivan; Iris Terashima.

MEMBERS ABSENT: Malia Akutagawa; Shannon Mears, Marjorie Ziegler

OTHERS PRESENT: Attendance sheet attached

1. CALL TO ORDER: With a quorum of twelve members, Chairperson Mary Steiner called the meeting to order at 2:02 pm.
2. INTRODUCTIONS/ATTENDANCE: Attendance sheet attached. Chairperson Mary Steiner welcomed incoming members, as well as acknowledging exiting members.
3. APPROVAL OF APRIL 19, 2012 MEETING MINUTES: Chairperson Steiner moved to approve April 19th meeting minutes. No changes were suggested. The Environmental Council approved April 19th meeting minutes by acclamation.
4. MOTION TO TAKE AGENDA OUT OF ORDER: Chairperson Steiner suggests beginning with Exemption Committee report. John Richards made the motion and James Sullivan seconded. Chairperson Steiner called the question. None opposed or abstained. Motion to take agenda out of order was approved by the Environmental Council.
5. STANDING COMMITTEE REPORT:
 - a. Exemption Committee:
 - i. C&C of Honolulu Department of Environmental Services (DES)
 1. Committee Chair David Atkin introduces C&C of Honolulu's DES exemption list amendments proposal and recommends the full Council concur with the Exemption Committee's recommendation to do so. David Atkin introduces Jack Pobuk of the C&C who reviews the proposed exemption list amendments and responds to EC members' questions.
 2. No Public Testimony.
 3. David Atkin makes the motion that the Environmental Council concur with the exemption list amendments proposed by the C&C of Honolulu Department of Environmental Services. John Richards seconds motion. Chairperson Steiner calls for a vote. Full Council votes in favor of motion. Motion passes unanimously.
 - ii. DLNR
 1. Committee Chair David Atkin introduces DLNR's proposed exemption list amendments and summarizes Committee meeting testimony, discussions, and concerns. David recommends the full Council concur with the Exemption Committee's recommendation of approval of all three motions including; 1) Non-invasive exploration, 2) Issuance of leases, and 3) Invasive exploration.
 2. Committee Chair David Atkin brings to attention the 1995 Settlement Agreement with the Pele Defense Fund and the State of Hawaii. Chairperson Steiner suggests the Council go into executive session to consult with the Council's attorney on questions and issues pertaining to

its powers, duties, privileges, immunities, and liabilities. Council Members Scott Glenn and John Richards recuse themselves due to conflicts of interest or perceived conflicts of interest. Chuck Prentiss makes the motion to move into executive session and Pete Cooper seconds the motion. There are 9 remaining members to vote on the motion. All members but one (David Atkin) vote in favor. Motion passes and room is cleared for executive session.

3. The meeting is called to order and DLNR presents its reasoning on each of the remaining two proposed exemptions, having withdrawn the second of the three original requests, Issuance of Leases, from EC consideration.

3.4. Substantial Public Testimony for and against the proposal was submitted.

5. David Atkin moved and Pete Cooper seconded the motion to approve the proposed amendment to exemption class #5 which reads as follows: 'Conduct geothermal exploration activity that involves non-invasive geophysical operations for testing and analysis. Activities conducted under this exemption shall comply with all applicable Federal, State and County codes, rules, guidelines, and standards. This exemption would not apply in Urban or Conservation land use districts or in sensitive environments.' This motion passed unanimously.

4.6. David Atkin moved and Pete Cooper seconded the motion to approve proposed amendment to exemption class #5 which reads as follows: 'Conduct geothermal exploration activity that involves the drilling of exploration wells for the extraction and removal of minerals of such types and quantity that is reasonably required for testing and analysis. Activities conducted under this exemption shall comply with all applicable Federal, State and County codes, rules, guidelines, and standards. Geothermal exploration wells constructed under this exemption shall not be developed to serve geothermal resources unless an EA or EIS is completed in accordance with HRS Chapter 343. This exemption would not apply in Urban or Conservation land use districts or in sensitive environments.' This motion was defeated with four in favor (Pete, David, Chuck and Robert) and six opposed. Motion failed.

6. ADJOURNMENT: Chair Steiner thanked everyone for their time and the meeting was adjourned at 4:25 PM.