



STATE OF HAWAII
ENVIRONMENTAL COUNCIL
235 SOUTH BERETANIA STREET, SUITE 702
HONOLULU, HAWAII 96813

Telephone (808) 586-4185
Fax (808) 586-4186
Email: environmental.council@doh.hawaii.gov

SCOTT GLENN
Chairperson
CHARLES PRENTISS
Vice-Chairperson
MALIA AKUTAGAWA
MARK AMBLER
DAVID ATKIN
PAUL CHANG
KOALANI KAULUKUKUI
SHANNON MEARS
AZITA QUON
JOHN RICHARDS
MARY STEINER
IRIS TERASHIMA
GLENN TEVES
MARJORIE ZIEGLER
GENEVIEVE SALMONSON (EX-OFFICIO)

ENVIRONMENTAL COUNCIL MEETING MINUTES
State Office Tower Building, Room 204
235 South Beretania Street, Honolulu, Hawaii 96813
September 19, 2013
2-4 PM

Members Present: Charles Prentiss (Vice-Chair), Malia Akutagawa, Mark Ambler, David Atkin, Paul Chang, John Richards, Mary Steiner, Glenn Teves, Marjorie Ziegler, Genevieve Salmonson (OEQC Interim Director)
Members Absent: Scott Glenn (Chair), Koalani Kaulukukui, Shannon Mears, Azita Quon, Iris Terashima
Counsel Present: Edward Bohlen, Department of the Attorney General
OEQC Staff Present: Genevieve Hilliard, Susan Faulk
Environmental Center: Dave Penn (WRRC)
Other Attendants: Shannon Alivado (GCA) and Dan Purcell (public)

1. Call to Order

Vice-Chair Prentiss called the meeting to order at 2:12 PM with quorum of 10 members.

2. Introductions/Attendance

All present members and guests introduced themselves.

3. Approval of Minutes: Retreat Notes from August 6, 2013

Corrections: Ms. Salmonson's last name was spelled wrong on Page 7, and at the top of page 10, PCVs should be PCBs.

A process question was directed towards legal counsel, Mr. Bohlen: Are minutes to be approved as no business was done and no votes were taken? Mr. Bohlen's response was that there was no need to approve the retreat notes as minutes as it was basically for information only. The Chair's comment was that it was a meeting, so viewed as minutes. It was agreed by all members that the Retreat Notes will be reviewed at the next meeting.

4. Chair's Report (notes from the Chair)

Committee Compositions (tentative assignments done on 7/18/13 / finalized on 9/19/13)

Information & Outreach: Mark Ambler (Chair), Glenn Teves, Malia Akutagawa, Mary Steiner & Iris Terashima.

Exemption: David Atkin (Chair), Chuck Prentiss, Paul Chang, John Richards, Mark Ambler & Marjorie Ziegler.

Legislative: Mary Steiner (Chair), Paul Chang, Scott Glenn & Shannon Mears.

Rules: Scott Glenn (Chair), Genevieve Salmonson, Koalani Kaulukukui, Shannon Mears & David Atkin.

Annual Report: Mary Steiner, Marjorie Ziegler, Scott Glenn & Azita Quon.

Retreat Review

- Legislators' presentations were very informative and Hawai'i Public Radio aired their presentations 3 times over the 2 days after the event.
- The Annual Report needs the most help.
- Excellent event as it helps to focus the Environmental Council (EC) on what needs to be done and identifies key issues to be taken on.
- Helps new EC members become oriented.
- Revisiting accomplishments and looking at what to achieve next at year's end is also essential.
- The facilitator was too involved with too much participation.
- Retreat Notes were excellent.

Budget

Per OEQC Interim Director, Ms. Salmonson, the EC budget comes under OEQC. A supplemental budget request was turned in on September 13, 2013 for an additional \$350,000 with justification for completion of design of the OEQC computer program, including travel, training, and other miscellaneous items. Funds for the EC budget were lumped into this request. EC members suggested conducting 2-3 meetings on the outer islands, especially with critical issues, to engage larger communities statewide.

Ms. Salmonson is to notify the EC when there will be a briefing with the House Finance and the Ways & Means committees as EC members would like to attend in support, especially as Ms. Steiner is the chair of the Legislative Committee. All other EC committee chairs will be contacted to participate.

Motion (Ms. Steiner presented, Ms. Akutagawa seconded, and passed unanimously) Ms. Salmonson was asked to provide a breakdown of what the EC spent in fiscal year 2013, and the anticipated expenses for the remaining portion of fiscal year 2014. This is to be broken down by categories. Mr. Atkin asked what budget line items were important to the EC and suggested being specific about this.

Questions were raised by counsel as to the requirement that EC be under the OEQC as far as the budget. Ms. Salmonson states that she thought the requirement was under Budget & Finance, but she will check. As the EC is under Loretta Fuddy/DOH, is it a requirement that EC be under OEQC?

There was an amendment to the motion for a breakdown allocation by committee; however, this amendment was not accepted by Ms. Steiner as she felt that the EC should figure out what their needs are first. As a function of the Legislative chair, Ms. Steiner would be willing to meet with each committee chair and work on a budget for that committee between now and the next meeting on October 17th.

Mr. Richards asked if the budget was going to be a one-time deal. He suggested that it not be made the responsibility of one of the standing committees to maintain it, but should probably fall under the Legislative Committee, which should also be the one to approach the Legislature. If the EC is to have an annual budget, then someone needs to oversee it. Ms. Steiner was appointed to head the budget proceedings, as noted previously, as an investigative committee.

Environmental Center - WRRRC

The EC chair sent a letter to the new director of WRRRC, Dr. Grau, to congratulate and welcome him.

5. OEQC Interim Director Report

Workshops completed: LUC, HPU (HEPA/NEPA class), UH Law School class, and DOT Airports.

October 15: Office of Planning Workshop on Green Industry Permitting.

Upcoming: City & County of Honolulu interested in doing workshops by departments.

Note: Mr. Richards asked that the OEQC power point presentations on Chapter 343 be e-mailed to EC members.

HCAP (Honolulu Community Action Program): Volunteer senior citizen scans documents that will be uploaded on OEQC data base, working 17 hours/week and paid by HCAP.

Fee Bill: This will be presented at the next legislative session.

Molasses Spill: A scheduled speaker was not able to attend due to the current crisis with the molasses spill and all involved working at the Command Center; therefore, the requested report by the EC could not be completed.

The OEQC Interim Director will be coming up for approval at the Special Session of the Legislature which starts on October 28th. No date has been determined. EC members requested to be informed of the confirmation date when it is scheduled.

6. Standing Committee Reports

Information & Outreach (I&O) Committee

Committee chair reported changes were made to the Social Media Site Creation Motion. These changes were reviewed by EC members.

Questions

- What happens if there is a conflict in opinion between the chair of the I&O committee and the director of OEQC in deleting something or posting something?
They both have deleting authority as it stands now.
- Publish minutes and agendas also on this?
Yes.
- Is there a legal issue if time constraints are not met?
No because agendas are published through the lieutenant governor's office/calendar within time so it is not the publication relied upon per counsel. No legal issue with minutes at this point.

Motion to approve setting up the social media site: All were in favor. None opposed.

An issue was raised by Mr. Richards as a member of the public was trying to reach into and communicate with a subcommittee from the outer island. The I&O should explore options and legal requirements, and recommend policy for approval. An e-mail was received from the OEQC secretary on this issue before today's EC meeting and the vice-chair asked that members be sure to read it.

Exemption Committee

Committee chair reported no meeting this month. There were no pending exemptions.

Legislative Committee

Committee chair reported no meeting this month.

Rules Committee

Committee member reported no meeting this month.

Annual Report Committee

- Ms. Steiner reported that Mr. Glenn met with the professors who agreed to move it forward and meet the timing requirements for publication. Ms. Akutagawa also reported that the write up will be completed before Thanksgiving.
- Mr. Ambler also has obtained use of photographs from a photographer.
- Ms. Ziegler created a timeline to keep the EC on schedule for publication which also includes a meeting in December for final approvals.
- Ms. Salmonson to look at a budget approval of between \$500-1000 for graphic artist to design layout
- Ms. Steiner reported that Mr. Glenn is committed to writing and reviewing the recommendations by December 1st.

Questions

- If OEQC cannot make funds available, which milestone is affected by that?
Printing was done on the OEQC copy machine.
- So this schedule is regardless the compensation of \$1000, \$500...it does not affect us?
If we do not have the money, we don't have anyone on December 1 for graphic layout. It won't happen with no funding.

7. Water Resources Research Center - WRRC (formerly called the University of Hawai'i Environmental Center UH-ENVCTR):

- The Endangered Species Recovery Committee, run by DLNR, met on July 24th and recommended that the Board of Land & Natural Resources approve a habitat conservation plan and issue incidental take license for development of the Kenai Industrial Park, Ewa.
- The Emergency Response Commission meets tomorrow, September 20, 2013 from 9-12 PM at 919 Ala Moana Boulevard. Items on agenda include the bunkers at Waikele; policies and procedures for releasing Tier 2 chemical inventory information about storage and use of hazardous chemical. There will also be a presentation of oil spill dispersant risk and use policies by Riki Ott, a fairly well known spill scholar/activist involved with the Exxon Valdez spill.
- Molasses was not explicitly listed as an agenda item. The market for the Hawaiian molasses is largely for animal feed.
- EIS's – Supplemental FEIS for Turtle Bay Resort Expansion; Kaloko Makai DEIS; Kalaeloa Barbers Point Pier EIS preparation notice; and the Pohakuloa Training Area for live fire training impacts to cultural resources.
- Permit – Stream channel alteration for culvert in Haiku, Maui.
- EA's – Hydroelectric power plant operations on Kaua'i; FEA for Kahoma Village on Maui; DEA for Mokuhinia Ecosystem Restoration on Maui; DEA for Parcel 26 in Kahalu'u on the Big Island.
- Legislative (upcoming session) - Fees for the individual wastewater system and requirement for management plans for nonpoint source pollution.
- NEPA – Big solar power generation on military base.
- Kakaako geohydrologic setting with changes in storm water drainage and sea level rise, recharge, and reconstruction – asked for any information from the EC to pass on.
- DOT Highways Division installing best management practices for storm water management in the Pearl Harbor watershed and windward side.
- Budget – EC/OEQC/WRRC partnering to obtain funds for items such as the Annual Report can possibly be an alternative source to funding.

Questions

- With social media site going up, comment was made that more scientific data will be needed for issues such as GMO's. Would Mr. Penn assist in obtaining university data to input onto the social media site?
Yes, is there a specific person or report?
- Specifically, data input would be on the GMO's and its environmental impacts. Would you also be prepared to help us research the questions and comments that come on Facebook?
It's possible if we can figure out a way to make it happen with tapping the CTAHR and some other organizations and making a pipeline for the I&O Committee, or possibly obtaining funding for a student or graduate student position.
- Question about the EIS procedure: Consultant for DLNR is doing a master plan for Kawaiui Marsh. He said that they presented a draft plan and asked for comments. He also said that they were working on the EIS preparation notice. How does that work? The state is preparing a plan for the marsh, it is DLNR, so the first question is does DLNR have to adopt that plan before they can do an EIS preparation notice since there seems to be something to do the notice on? They come in with one specific plan and there is no alternative. They come in with locations for these facilities, but there are no alternative locations for these facilities.
It is very easy to get confused about it. Different agencies may have different policies to how that all works, and there are different ways of interpreting depending on the agency.
When we do the reviews, one of the things we look for is where is the agency's or the applicant's statement of the trigger? What was the trigger which caused it to go down this road of preparing an EA or EIS, or even declaring an exemption because that is the first threshold? If the answer to that is no, then it stops and you don't have to go through that.
Mr. Teves discussed a similar situation on Moloka'i now where the Department of Agriculture and a private entity, Moloka'i Ranch, is trying to run water across state land, so that triggers the EA. So the DOA would be the one reviewing the EA, but the DOA is also the one that would benefit financially from the agreement, so who is the referee in this kind of situation? DLNR is in the same situation where it will come up with the plan and approve the plan and, again, who's the referee?
Because of the legal implications, the Rules Committee and the Legislative Committee should address this if it is something that rises to a statutory issue. It should be discussed in the committees and then brought up at the council meeting. Counsel should be primed for the questions and then you can have a full discussion and even go into executive session for some of these issues. Question was raised on obtaining an AG opinion on this.

8. Public Testimony

Shannon Alivado, General Contractors Association

- Will there be any timeframe for public input on the draft report or even input as it is being drafted? As EC is soliciting comments from professors, is there going to be an outreach to others or is it already pretty much done? Is there an opportunity to provide input as far as an issue?
The professors are actually going to prepare that part of the report. It is going to be on the same topic as last year's report, only we are taking it further.
- Are the issues of priority already set in stone or is the EC looking for more suggestions?
It will be discussed at the December EC meeting. We will be looking at the whole draft and that is when comments will be accepted.

- Would that draft be available prior to the meeting just so we can comment with questions or suggestions? Is that a possibility, even if it is raw?
It depends as we were quite late getting out the annual report and we got flack for that, so this is a really aggressive schedule to keep us on schedule and get it out for the year.
- My follow-up question to that would be would the EC welcome some suggestions as to topics?
The topic was decided several meetings ago, either at the June or July meeting, for the one that is due at the end of January. It is actually a calendar year report, so we would welcome suggested topics for the calendar year 2014. Mr. Atkin had agreed to put together some ideas of topics going forward, so you might want to check in with him. You can always send in requests for information and at least it will go into our correspondence files as somewhere to be seen. Communication is always welcome as that is one of our primary functions.
- It is difficult to engage with your voting and your decision making. Is there the possibility, as far as procedure, to entertain some comments from the public as the members are going into a vote because prior or post, the public has no input?
Actually you are correct and we should be doing that for each item. Thank you!

Dan Purcell, Public Member

- Subcommittee Assignments: The procedure of assigning subcommittee members needs to be tightened up. When were members appointed to these subcommittees and whose responsibility was it?
- Chair: Mr. Purcell felt that the chair was not attending enough meetings and stated that even if the chair is a completely qualified person, if he does not have the time to run this group, someone else should, and that went across the board. Mr. Purcell stated that this group would accomplish more and be more legitimate with organization, a budget, and making meetings more public. He has observed many groups over the years as he attends 3-5 public meetings a day full time, 5 days a week.
- Culture: Mr. Purcell went to a Department of Health meeting, board of directors. Their agenda stated that it was not a public meeting, no public comments would be accepted, and there was no address which he felt was totally inappropriate. When he showed up, he was met by security who took and kept his driver's license for the duration of the meeting.
- Overview: Mr. Purcell's basic belief for attending all these meetings is to help the process so better decisions can be reached with better meetings procedurally, better facilities and video conferencing.

9. Correspondence Received

None received.

10. New Business

- Next I&O Committee meeting will be two hours from 12-2 PM, Thursday, 17 October on the topic of GMO's. Outer island participation from Gary Hooser (Kaua'i Council) and Margaret Wille (Big Island Council) expected. Location to be determined.
- The Legislative Committee meeting will tentatively be scheduled to meet on the same day from 11-12 PM.
- "Seeds of Hope" will be aired at 9 PM on PBS, September 19th. This is a movie about agriculture in Hawai'i. DVD's are being worked on.

11. Adjournment

The Vice-Chair thanked everybody for attending and adjourned the meeting at 3:51 PM.