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JOSEPH SHACAT
MARY STEINER
GLENN TEVES
MARJORIE ZIEGLER
JESSICA WOOLEY, OEQC DIRECTOR

ENVIRONMENTAL COUNCIL MEETING MINUTES

February 19, 2015 (Thursday)
1:00 PM – 3:00 PM

No. 1 Capitol District
250 S. Hotel Street #410
Honolulu, Hawaii 96813

Members Present: Mark Ambler (Chair), Scott Glenn (Vice-Chair), Charles Prentiss, John Richards, Joseph Shacat, Mary Steiner, Glenn Teves, Jessica Wooley
Members Absent: Koalani Kaulukukui, Marjorie Ziegler
Counsel Present: Edward Bohlen (Department of the Attorney General)
Members of the Public: Linda Hijirida (OEQC staff), Tom Eisen (OEQC staff), Klayton Kuba, Dan Purcell

1. Call to Order

Chair Ambler called the meeting to order at 1:05 pm with a quorum of 8 members.

2. Introductions/Attendance

All present members and guests introduced themselves.

3. Decision Making on Minutes from November 20, 2014

- Ms. Steiner asked whether or not Marjorie Ziegler was still on the Council. Ms. Ziegler emailed that she wanted to resign; but she had not informed the Governor's office. Ms. Wooley volunteered to contact Ms. Ziegler again; let her know that she needs to inform the Governor of her decision.
- A motion was made for approval of the November 20, 2014 meeting minutes by Mr. Glenn, the motion was seconded by Mr. Shacat, and the minutes were approved by the 8 Environmental Council (EC) members present. Ms. Hijirida will update the minutes on the website to remove the term "Draft" from the minutes.

4. Decision Making on Legislative Committee Chair

- Ms. Wooley is currently the Committee Chair of the Legislative Committee. She would like to step down and nominate Chair Ambler as the Committee Chair.
- Ms. Steiner moved to nominate Chair Ambler as the Chair of the Legislative Committee; Mr. Teves seconded the motion.
- Mr. Glenn commented that several Legislative Committee members wear multiple hats and because of conflicts, cannot testify at the legislature. Chair Ambler does not have any obligations at the legislature. As the Chair, he can offer the EC comments. Chair Ambler stated that if a conflict arose, he would inform everyone and not get involved.

- Public comments: Mr. Purcell thanked Chair Ambler for stepping up. Unfortunately, he has not seen the EC commenting on anything this year and that's unfortunate because we need a strong environmental voice in the legislature.
- Mr. Teves commented on the court case in Maui. The judge mentioned that the EC is supposed to give advice to the Dept. of Agriculture on environmental issues, like the GMO issue. Ms. Wooley thought she had that decision and will email it to Mr. Teves and Mr. Bohlen. Mr. Bohlen didn't recall anything in our statutes that give us that role.
- Chair Ambler stated, for the EC to be active in the legislature, EC members have to bring the content to the table. He'll try to bring some contents to the table.
- Ms. Wooley suggested that we delegate to the Legislative Committee, the authority to act. Many times the EC is hindered by not making quorum and miss acting during the legislative sessions.
- Mr. Teves asked if the Chair could email issues to the EC members and have the members comment. The answer is no; we are not allowed to do that because of the Sunshine Law. Further discussion on this matter was tabled till the Legislative portion on the agenda.
- Vote was taken to have Chair Ambler be the Committee Chairperson for the Legislative Committee. The motion was passed with 8 ayes, 0 opposed, 0 absentia.
- The Chair recommended that we revise the committee spreadsheet to read: Mark Ambler as the Chair, Joseph Shacat as Vice-Chair, members of the committee to include Scott Glenn, Mary Steiner, and Jessica Wooley.

5. OEQC Director's Report

- Ms. Wooley thanked Linda Hijirida for doing the minutes and organizing everything; recognized Genevieve Hilliard, who has left OEQC and is now with the Dept. of Transportation; and introduced Tom Eisen, their new planner.
- Mr. Eisen shared that he's learning his new duties in OEQC. He's been a planner in both the public and the private sector and is very familiar with the 343 process. Ms. Wooley added that Tom helped edit the Annual Report.
- Database - hopefully we'll have it working by late Spring where agencies can use it and the map viewer.
- Exemption Letters - sending out responses to the first letter. We're still waiting for others to respond.
- Legislature - focusing on the bills that are essential to OEQC.
- Short staff - looking to get more volunteers.
- Talk Story with Jay Fidell - DOH is doing outreach to explain the different functions of their branches and programs. OEQC's focus will be, "How the Environmental Review Process Relates to the Public." If you have anything you want us to add, let Ms. Wooley know. They will end up putting it on their website. Ms. Wooley was asked to let the Governor know about this Talk Story. We really need him to nominate people to the Council. There is a list of five people who have applied. We have seven seats expiring in June. Members can re-apply for a second term, just remember, there's a 2-term limit. John Richards and Mary Steiner are both serving their second term. Mr. Teves urged that we get representation from Maui and Kauai.
- Ms. Steiner asked Ms. Wooley what kinds of legislation have OEQC testified on. OEQC testified on 6 bills; 2 on environmental impact statements, a climate change working

group, a Dept. of the Environment study, an LUC enforcement authority, and an agriculture inspection for invasive species - SB499, SB500, SB1059, HB591, HB1086, and HB1169.

- Mr. Teves asked how we can be more active in the legislature. Ms. Wooley said to sign up for hearing notices, talk to the chairman of that committee, submit your testimony, and encourage others to do the same.
- Ms. Wooley stated that OEQC is there to serve the EC. Ms. Steiner would like to see more communication between OEQC and the EC regarding legislation. This can be discussed further when the Legislative Committee meets.
- Mr. Richards brought up the “Sunshine Law” and the EC meeting just once a month. We need to bring up legislation where we can meet more often using Skype or similar technology. Ms. Wooley volunteered to work with Ted Bohlen and the Director (of Health, Virginia Pressler.) Mr. Teves added that this will help to get input from the neighbor islands.
- Keith Kawaoka is currently the Deputy Director for Environmental Health.

6. Standing Committee Reports

a. Information/Outreach

- Chair Ambler said there’s not much to report; they didn’t meet.
- Facebook – have 471 “Likes”, will have a meeting before the next EC meeting, would like to feed information about the legislature, and would like to post on Facebook that there are openings on the EC.

b. Exemption

- Committee Chair Prentiss reported they had a meeting today from 12:00 pm to 1:00 pm.
- New proposed exemption list by DLNR; went through the list in detail and made some recommendations, some changes in the wording. They will provide a revised list based on the comments the committee made. The committee will review it and hopefully present it to the Council at the next meeting.
- The question was asked if DHHL had a list. Ms. Wooley reported that they’re very close to submitting their list; they’re just waiting for some final approvals.
- Ms. Steiner would like to receive copies of the lists before the EC has to vote on them.
- Ms. Wooley added that they received lists from the Honolulu Fire Department, the City’s Department of Design and Construction, and the County of Hawaii’s Department of Public Works. Some agencies said their current list is good.
- Chair Ambler reminded Committee Chair Prentiss to keep track of the minutes and get them to Linda so she can post them on the website.
- Ms. Steiner inquired if UH has an exemption list and if the letter was sent to them. Ms. Wooley reported they sent a letter to UH; we’re waiting for their response.
- Public comment: Mr. Purcell suggested that it might have been helpful if the minutes were typed up.
- Committee Chair Prentiss noted that if the minutes are posted and the committee didn’t approve them, then they should say “Draft”.

- Mr. Kuba introduced himself as a resident of Kauai. He mentioned that Kauai has a lot of environmental issues: companies spraying poison and water issues. He asked, "What does this Board do?" EC members responded that our main purpose is to communicate concerns about the environment to the Director (of Health), the Governor, and the Legislature. Also, to develop rules for the EIS process. It was mentioned that we are understaffed right now and would love to have someone from the island of Kauai.
- Mr. Purcell pointed out if the gentleman has to leave, we can amend the agenda and give him a few minutes to speak.
- Chair Ambler said the Annual Report was going to be discussed later; this shows what the EC does. Ms. Wooley volunteered to email a copy of the Annual Report to Mr. Kuba.
- Mr. Kuba came to the Capitol to testify on HB1514. They're spraying pesticides close to his house, massive amounts of dust coming into his home. Hopefully, the EC can make a difference.

c. Legislative

- Ms. Wooley (former Legislative Committee Chair) reported on last month's activities.
- Unfortunately because we didn't have quorum (in January), we missed the opportunity to submit the bills this committee worked on; including 343 and 341. The Governor did not include those in his package. The drafts were reviewed by the Attorney General and ready. We can introduce them next year.
- The minutes were posted. If anyone has questions, let her know.
- Ms. Wooley sees this Board as The Environmental Council for the State. This Board is the only body tasked specifically to look at the environment; advising the Governor, all agencies, and the legislature.
- Chair Ambler reported that last year, the EC held meetings and brought in the chemical companies, Dept. of Agriculture, UH professors, and people involved in pesticides. We solicited comments from both sides. From that, the EC drew up 8 recommendations.
- Mr. Kuba reported there were 70 complaints last year, only 4 were resolved. Chair Ambler saw a bill that would increase the number of inspectors in the Dept. of Agriculture.
- Mr. Teves commented on the pesticide issue. The mainland uses pesticides only three months in a year. Hawaii uses pesticides year round. They say new chemicals are safer, but there are no track records. On the buffer issue; the issue is not buffer, the issue is pesticides. Mr. Teves asked, "How do we get this to the next level?" Pesticides is a big issue in Hawaii and we need to address it.
- Chair Ambler said, step one is to get items on the agenda and we start discussing them.
- Ms. Steiner moved that Chair Ambler, as the EC Chair and Legislative Committee Chair, be given the authority to act on behalf of both bodies. This decision was put on hold until 7.b.
- Public comment: Mr. Purcell commented that anyone with an issue can email the Chair and ask to have it added to the agenda.

d. Rules

- Committee Chair Glenn reported that the Rules Committee has not met. They need to get organized and find out if the Governor's Office is even interested in updating the rules.
- Ms. Wooley will suggest in the next Rules Committee meeting that OEQC take the lead.

e. Annual Report

- Committee Chair Glenn got the Annual Report out. He received some feedback from a few members; he thanked Tom Eisen for his comments. He still has some minor edits. The EC thanked him for working on this report.
- The Sustainability report and recognition of all the volunteers were added to the report.

7. Decision Making on items presented by the standing committees

a. Decision Making on Annual Report

- Ms. Steiner made the motion to approve moving forward with the distribution of the Annual Report, pending minor edits, seconded by Mr. Shacat, the motion was passed with 8 ayes. The report will be published after minor edits.
- Committee Chair Glenn said the final pdf should be ready by next Monday.

b. Decision Making on Other Items

- Mr. Prentiss made the motion that the EC authorizes the EC Chair to testify at the legislature consistent with 343 and Council adopted positions. Ms. Steiner seconded it and made a friendly amendment to include his or her designee as a backup. The term would be for this year. Mr. Bohlen expressed concern with the phrase "consistent ... with Council adopted positions." The Chair would be bound to only testify on items discussed by the EC. Ms. Wooley suggested, "consistent with Council positions." Ms. Wooley wanted to make a friendly amendment to add Chapters 341 and 344.
- Mr. Richards wanted to make a friendly amendment that the Chair sends copies of his testimony to the EC members. Ms. Steiner asked to separate the two motions.
- Mr. Prentiss made the motion that the EC authorizes the EC Chair and his or her designee to testify at the legislature consistent with Chapters 341, 343, and 344; Ms. Steiner seconded the motion.
- Public comment: Mr. Purcell thought it should be for the 2015 Legislative session. Discussion followed.
- Mr. Prentiss made the motion again, the EC authorizes the EC Chair and his or her designee to testify at the legislature consistent with Chapters 341 343, and 344. The motion passed with 8 ayes.
- Mr. Richards made the motion that any testimony submitted to the Legislature will immediately be forwarded, via email to all Council members, seconded by Ms. Steiner, the motion passed with 8 ayes. The Chair was asked to also email it to the EC email account.

8. Correspondence Received

- The Chair conferred with Ms. Hijirida that there was nothing in the EC email account that required a review or comment; just junk mail.
- Public comment: Mr. Purcell saw that he was the only member of the public in today's meeting. He expressed his concern about making these meetings.
- Ms. Wooley announced that the date and time of the EC meetings will be in The Environmental Notice. She is also working on getting a hard copy and a digital copy of The Environmental Notice to the libraries with the hope to inform the public.
- Ms. Steiner asked to put in the Notice that the EC is looking for new members. She told the members serving in their first term, to re-apply. Last year, they had to write a statement on why you want to be re-appointed. If you don't re-apply, you will not be re-appointed.
- Mr. Purcell asked if the Council received any correspondence on the Ching nomination for the DLNR Chair; we did not. There was a petition signed by over 7,000 people and no one contacted the EC. That says something about the current stature of this Council.
- Discussion ensued about this nominee.
- Ms. Steiner wanted the "Correspondence Received" to include the exemption letters. Ms. Wooley will work with the Exemption Committee on how to handle these. Ms. Steiner also mentioned in the past, there was a folder with all the EC correspondence. The EC folder was on the table with the agendas and the minutes.

9. New Business

- Ms. Wooley would like to recognize all EC members and maybe previous members as well. Maybe with a certificate or a party to show our appreciation.
- Public comment: Mr. Purcell is very interested to see the new EC and Boards with all the new faces coming in.

10. Schedule March 2015 Meeting

- Next EC meeting will be on Thursday, March 19, 2015 from 1:00 pm to 3:00 pm.
- Mr. Bohlen mentioned that he can't make the next meeting.

11. Adjournment

The Chair thanked everyone for attending. The meeting was adjourned at 2:38 pm.