



STATE ENVIRONMENTAL COUNCIL

DEPARTMENT OF HEALTH, STATE OF HAWAII
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David Y. Ige
Governor

Chairperson
Joseph Shacat

Vice Chair
Scott Glenn
(Ex Officio)

Members
Roy Abe
Maka'ala
Ka'aumoana
Paulette Kaleikini
Koalani Kaulukukui
Robert Parsons
Charles Prentiss
John Richards
Ron Terry
Glenn Teves
N. Mahina Tuteur

Environmental Council Meeting February 23, 2016, 1:00-3:30 PM

Meeting Location – Leiopapa A Kamehameha Building, 15th Floor Conference Room

Minutes

Members Present: Joseph Shacat (Chair), Scott Glenn (Vice-Chair), Roy Abe, Maka'ala Ka'aumoana, Paulette Ka'anohiokalani Kaleikini, Robert Parsons, Charles Prentiss, John Richards, Ron Terry, N. Mahina Tuteur

Members Absent: Koalani Kaulukukui, Glenn Teves; 3 seats unfilled

Counsel Present: Edward Bohlen (Deputy Attorney General to the Council)

Guests/Speakers: None

OEQC Staff: Meg DeLisle, Tom Eisen, Leslie Segundo

Public: None

Note: Items in bold are items on the posted agenda. Text not in bold is the summary discussion.

1. Call to Order, Roll Call, Quorum

a. Welcome new Environmental Council (EC) members

- i. **Paulette Ka'anohiokalani Kaleikini**
- ii. **N. Mahina Tuteur**
- iii. **Ronald Terry**
- iv. **Maka'ala Ka'aumoana**

b. Chair Shacat called the EC to order at 1:04 PM with a quorum of 10 members, who introduced themselves. The EC welcomed the new members.

2. Review and approval of prior Meeting Minutes

- a. The Council discussed whether to approve the meeting minutes from September 17, 2015, given the changeover in Council membership. New members expressed reluctance to approve minutes for a meeting which they did not attend. The Council considered whether to leave the minutes as draft.
- b. MOTION: Mr. Prentiss moved and Mr. Richards seconded to approve the minutes.
- c. MOTION WITHDRAWN: Mr. Prentiss moved and Mr. Richards seconded to withdraw the motion after several members discussed abstaining from the vote.
- d. MOTION: Mr. Prentiss moved and Mr. Richards seconded to postpone approval of the minutes until the next EC meeting. The motion passed by acclamation.

3. Orientation to Environmental Council members' roles, and responsibilities

- a. Mr. Segundo and Mr. Glenn of the Office of Environmental Quality Control (OEQC) provided an orientation to the EC members of the statutes and rules establishing and governing the EC and OEQC. The EC reviewed Hawai'i Revised Statutes (HRS) Chapters 341 and 343, as well as Hawai'i Administrative Rules (HAR) 11-200. No decision making occurred during the orientation.

4. Committee Assignments

Mr. Glenn provided an overview of each committee's purpose. After the overview, Mr. Shacat requested members to volunteer for committees. After discussion and once everyone had a chance to join a committee, the committee rosters would be approved as one motion. Discussion was held on which members wanted to be on which committees. Mr. Shacat noted that committee assignments may change in the future once Mr. Teves and Ms. Kaulukukui's terms completed at the end of June 2016 and currently open seats are filled.

MOTION: Mr. Terry moved and Ms. Ka'auomoana seconded to approve the slate, as summarized below. The motion was approved unanimously.

(NOTE: The nomination of Ms. Kaleikini to the Exemption Committee was in a separate motion that occurred during the Exemption Committee Report. See below for the motion.)

a. Information/Outreach

- i. Purpose: To investigate issues in detail as assigned by the EC; operate the EC Facebook page; liaison with the general public and Director.
- ii. Members (6): Mr. Teves (Chair), Mr. Parsons (Vice Chair), Ms. Ka'auomoana, Ms. Kaleikini, Mr. Richards, Ms. Tuteur.

b. Exemptions

- i. Purpose: To assist agencies with creating and updating agency exemption lists and advise agencies on questions involving exemption determinations.
- ii. Members (5): Mr. Prentiss (Chair), Ms. Kaleikini, Mr. Richards, Mr. Shacat, Mr. Terry.

c. Legislative

- i. Purpose: To monitor and testify on measures before the State Legislature involving matters of environmental quality.
- ii. Members (5): Mr. Teves (Chair), Mr. Shacat (Vice Chair), Mr. Abe, Ms. Ka'auomoana, Ms. Kaleikini.

d. Rules

- i. Purpose: To review and update HAR 11-200.
- ii. Members (4): Mr. Glenn (Chair), Ms. Kaulukukui, Mr. Terry, Ms. Tuteur.

e. Annual Report.

- i. Purpose: To prepare the Annual Report of the EC.
- ii. Members (3): Mr. Parsons (Chair), Mr. Abe, Mr. Glenn.

5. Director's Report

- a. Due to time constraints, Mr. Glenn provided a brief statement that the OEQC is digitizing its workflows, pausing the current database project, hiring staff for the Planner III and Secretary II positions, working with Hawai'i Green Growth to promote the Genuine Progress Indicator, and participating in the Department of Land and Natural Resources Revocable Permit Task Force.

6. Committee Reports

a. Information/Outreach (I/O)

i. Selection of Environmental Council's Facebook page administrator

1. The I/O Committee previously addressed pesticides as an issue of public concern. It was a successful example of convening stakeholders and working through facts to arrive at a set of recommendations. Councilmembers requested copies of the recommendations, where were not handy at the time. Mr. Glenn offered to follow up with the recommendations.
2. The Facebook page administrator posts information about the EC to the public. Posts typically involve information outreach and collecting public input on topics.
3. Ms. Tuteur volunteered to be the Facebook page administrator.
4. MOTION: Ms. Tuteur moved and Ms. Kaleikini seconded for Ms. Tuteur to be the EC Facebook page administrator. The motion passed unanimously.

b. Exemption

i. Status of exemption list reviews

1. Mr. Prentiss gave an overview of progress to date on working with agencies to update their exemption lists. The past few years, the Committee has been reviewing all lists for state and county agencies. The Committee has almost concluded this effort. Future business includes contacting remaining agencies who do not have exemption lists, contacting agencies whose lists are more than five years old, and working with OEQC to update its website to have current agency exemption lists.
2. MOTION: Mr. Terry moved and Mr. Richards seconded to add Ms. Kaleikini to the Exemption Committee. The motion passed unanimously.

c. Legislative

i. Governor's Messages for new council member appointments

1. Newly appointed EC members noted that they had been contacted by the Senate Committee on Economic Development, Environment, and Technology to schedule their hearings. The hearing date appears to be tentatively scheduled for March 2, 2016.

ii. Protocols for the confirmation process

1. Mr. Glenn recommended that each newly appointed Council member contact each Senator and offer to meet with them in person or by phone, in the case of neighbor island members.

iii. Legislative measures relating to Hawai'i Revised Statutes, Chapters 341 and 343

1. Mr. Glenn noted that not many measures relate to Chapters 341 or 343, HRS, this session, so far. The House appears to have removed the exemption provision for the proposed prison relocation.

iv. Selection of council member(s) authorized to testify to the legislature on behalf of the Environmental Council

1. Not discussed.

v. Selection of legislative measures for discussion regarding the position of the Environmental Council

1. Not discussed.

d. Rules

i. Recent history of rulemaking process and status

1. Mr. Glenn addressed this earlier in the agenda when describing the Rules Committee. Several years ago, the Rules committee issued a “soft” draft of the administrative rules that received public comment. The Rules Committee reviewed the public feedback but was not able to complete its work at that time.

ii. Decision making regarding creation of a permitted interaction group (PIG) for ongoing rules development

1. The EC discussed establishing a PIG. The purpose would be for it to do a “nuts and bolts” drafting assignment to support the Rules Committee.
2. MOTION: Mr. Terry moved and Ms. Ka’auomoana seconded that the EC establish a permitted interaction group (PIG), composed of Mr. Glenn, Ms. Kaulukukui, Mr. Terry, and Ms. Tuteur, to investigate and consider specific language for inclusion in HAR 11-200, which would not be for the purpose of decision making, but to be brought to the Rules Committee for its consideration and decision making to make recommendations to the EC. The motion was approved unanimously.

Due to time constraints, the following agenda items were not discussed.

e. Annual Report

i. Presentation of draft annual report for 2015

ii. Process to finalize and approve annual report

7. Unfinished Business

- a. **2016 World Conservation Congress in Hawai’i – Continuation of discussion and decision-making regarding role of Environmental Council**
- b. **University of Hawai’i (UH) Environmental Center – Status of the Environmental Center at UH**
- c. **Commercial Aquarium Fish Trade – Status of DLNR response to Environmental Council and OEQC letters**

8. Correspondence Received

- a. **Surfrider Foundation - Nearshore water quality concerns regarding chronically polluted streams and beaches**

9. New Business

- a. **Discussion of Lepeuli, Kaua’i proposed fencing project**

10. Next Meeting Agenda – Public comment on issues for consideration for Environmental Council’s next meeting agenda

The EC discussed agenda items 11 and 12.

11. Selection of meeting dates through the end of Fiscal Year 2016 (March through June 2016)

- a. The EC decided to meet next on March 8, 2016, Tuesday from 1:00 to 3:30 PM. Committees may schedule to meet earlier that day.

12. Adjournment

- a. The meeting adjourned at 3:30 PM.