



STATE ENVIRONMENTAL COUNCIL

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

March 12, 2019 Meeting Minutes

Approved on June 4, 2019

Chairperson
Puananionaona Thoene

Vice Chair
Mary Begier

Meeting held on

Tuesday, March 12, 2019, 1:00 PM - 3:30 PM

No. 1 Capitol Building Room 436, DBEDT Conference Room
250 South Hotel Street, Honolulu, Hawai'i 96813

Members
Roy Abe

Stephanie Dunbar-Co
Scott Glenn (*Ex Officio*)
Maka'ala Ka'umoana
P. Ka'anohi Kaleikini
I. Robin Kaye
Theresita Kinnaman
Robert Parsons
Charles Prentiss
Ron Terry
Michael Tulang
N. Mahina Tuteur

Members Present (12)

Puananionaona Thoene (Chair), Mary Begier (Vice Chair), Roy Abe, Stephanie Dunbar-Co, Scott Glenn (*ex officio*), Maka'ala Ka'umoana, Robin Kaye, Tessie Kinnaman, Robert Parsons, Charles Prentiss, Michael Tulang, and Mahina Tuteur

Members Absent (2)

P. Ka'anohi Kaleikini, and, Ron Terry

Staff Present

Bill Cooper, Deputy Attorney General (AG)

Leslie Segundo, Office of Environmental Quality Control (OEQC)

Public Present

None

Note: **Bolded** items indicate text from the agenda.

1. Call to order, roll call and quorum, introductions

- With a quorum of twelve (12) members present, Chairperson Thoene called meeting to order at 1:05 PM. Chairperson Thoene noted that no members of the public were present.
- Council members, the Deputy Attorney General, and OEQC staff introduced themselves.

2. Review and approval of prior meeting minutes

- **MOTION:** Vice Chair Begier moved and Member Ka'umoana seconded to approve the meeting minutes for January 8, 2018, as amended. Discussion of the following items ensued.
 - Page 3, item 6 – Member Kaye discussed the role of the Deputy Attorney General (AG) in the Annual Report (AR) committee meeting. The AG advised the Committee to consider the mission of the Environmental Council in its preparation of essays for the Annual Report. Committee Chair Kaye recommended that the motion be amended to reflect this.
 - Vice Chair Begier moved to approve as amended – adding in member Kaye's comment on earlier information, member Kaye seconded. The OEQC Director asked the Council if they were comfortable with him updating the minutes as requested by Council members.

- Member Kaye and the Council affirmed, indicating that the minutes should also reflect the discussion between the Council and the Deputy Attorney General. Chair Thoene called for the question.
- The Council approved the January 8, 2019 minute as amended (10-0-1, Member Dunbar-Co abstained).
- **MOTION:** Vice Chair Begier moved and member Kaye seconded to approve the meeting minutes for February 12, 2019 as amended:
 - Members indicated that on page five (5), regarding the Council reappointments, that member Begier is already reappointed and that it should be Chair Thoene instead. Vice Chair Begier indicated that the use of “term out” should be changed to “Member Prentiss will complete his term”. Member Ka’auomoana agreed.
 - Member Parsons stated that on page two (2), number five (#5), the first (1st) and third (3rd) bullet points, use the term “*de minimis*”, and that this should be italicized since it is Latin (not English). Member Parsons indicated that otherwise the minutes are very clear.
 - Vice Chair Begier moved that the minutes be approved as amended, and Member Kaye seconded. Chairperson Thoene called for the question. The Council approved the motion (10-0-1, with Member Dunbar-Co abstaining).

3. OEQC Director’s Report

- Director Glenn reported that the Planner V is still on extended leave due to serious illness. As a result, OEQC is still short-staffed.
- Ms. Ching, OEQC Secretary, has gone on vacation as of today and will not be back until the day after Kuhio Day. He noted that OEQC staff will help the Council prepare for the forum. Director Glenn indicated that both he and Mr. Segundo will assist as much as possible, including travel.
- Director. Glenn requested that Council members hold on to any travel reimbursement requests, etc. until after the OEQC Secretary returns from vacation.
- Member Ka’auomoana stated that travel is still hindered by TSA pre-check. Director Glenn stated that OEQC is working on fixing the problem.
- Director Glenn stated that the EIS Chapter 343 Rules package has not yet gone to the Governor. He reported that the guidance documents still need to be cleaned up and compiled. He commended the work of Ms. Gaskin (a student at the University of Hawai’i Law School) in reviewing and editing through the unofficial Ramseyer. Although minor typographical errors exist, Director Glenn informed the Council that he is in the process of line-by-line review of the unofficial Ramseyer versions. After such review is completed, Director Glenn will be updating the rationale document and the Response to Comments Version 2.0, prior to transmittal to the Governor. He also noted that the Deputy Attorney General and the Council Chairperson have signed the documents to be transmitted to the Governor.
- Director Glenn stated that he has received the hearing officers’ reports and all public comments.
- The Director stated that a formal letter, along with a short briefing sheet needs to be developed and sent to the State Director of Health and then the Governor.
- The entire Rules package needs to go to the State Department of Health (DOH) Director, Dr. Bruce Anderson, PhD. Once DOH Director Anderson, signs it, then it

goes to the Governor.

- State and County and City agencies will want to have enough time to prepare for transitioning to the Chapter 343 (EIS) rules. OEQC staff have been asking government staff and consultants to review the proposed new rules. Also, there have been questions from applicants on timing, concerning whether an action falls under the old or new rules.
- OEQC has identified an operational challenge. The new rules grandfather actions that have already published a draft EA or EISPN, or have completed environmental review prior to the new rules taking effect. OEQC will have two (2) publication deadlines. It is developing guidance for this.
- OEQC plans to compile a list of all actions to track this once the new rules are implemented. OEQC will ask all applicants and agencies to track their actions as well.

4. Legislative Committee

- **Update on current legislation.**
- House Bill 1403 Draft 2
 - House Bill 1403 Draft 2 relates to housing and has two parts, the Rental Housing Revolving Fund (RHRF) and County Permits. It requires approval of a permit application submitted by a housing development action that uses moneys from the rental housing revolving fund if a county does not issue a decision on the application within sixty days, subject to certain requirements.
 - It exempts use of the RHRF from Chapter 343 rules until the new rules are adopted.
 - The EC Legislative Committee recommended submitting testimony opposing the bill. The Committee recommended authorizing OEQC Director Glenn and Chair Thoene to craft language opposing the bill. Director Glenn mentioned that he is planning to submit OEQC testimony in opposition.
- **MOTION:** Member Kaye moved that the Council Chair submit testimony on HB 1403 Draft 2 on behalf of the Council opposing the bill. Chairperson Thoene call for the question. The Motion was approved 10-0-1 (with Director Glenn abstaining).
- House Bill 1586, Senate Draft (SD) 1 relates to the structure of government.
 - The bill proposes the Hawaii State Energy Office; Department of Business, Economic Development, and Tourism (DBEDT) with respect to the Barrel Tax and Fossil Fuel Tax, and a Deputy Director of Energy, and further requests an appropriation.
 - The bill seeks to repeal the establishment of the energy resources coordinator position, the coordinator's powers and duties, and transfers some of the powers and duties of the energy resources coordinator to the Deputy Director of Energy. The bill seeks to amend the allowable uses of the energy security special fund. It requests funds for the Hawaii State Energy Office.
 - This bill seeks to reorganize State government departments. The EC Legislative Committee recommended that the EC authorize Chair Thoene to prepare testimony recommending that a study be undertaken specifically to address the impact of this bill on the EC.

- **MOTION:** Member Kaye moved that the Council Chair submit testimony on HB 1586 requesting that the Council be included in any study. The motion was approved 10-0-0 (Member Parsons was absent from the room when the vote was taken).

5. Information & Outreach Committee

- Committee Chair Abe reported that they would draft an email to Rachel Ray and Josh Atwood concerning the upcoming Invasive Species and Biosecurity Public Information forum.

6. Annual Report Committee Report – There was no discussion.

7. Exemption Committee Update – There was no discussion.

8. Council Reappointments – There was no discussion.

9. Next Meeting - Tuesday, April 2, 2019, at 12:00pm (early start with brown bag lunch during forum).

10. Public Forum – No members of the public were present.

11. Adjournment – Chair Thoene adjourned the meeting at 2:50 PM.