



# STATE ENVIRONMENTAL COUNCIL

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

Chairperson  
Puananionaona Thoene

Vice Chair  
Mary Begier

Members  
Roy Abe  
Stephanie Dunbar-Co  
Scott Glenn (*Ex Officio*)  
Maka'ala Ka'auomoana  
I. Robin Kaye  
Theresita Kinnaman  
Robert Parsons  
Ron Terry  
Michael Tulang  
N. Mahina Tuteur

July 30, 2019 Meeting Minutes  
Approved on September 3, 2019

Meeting held on  
Tuesday, July 30, 2019, 1:30 PM – 3:30 PM  
No. 1 Capitol Building, Room 410  
Executive Office on Aging  
250 S. Hotel St., Honolulu, HI 96813

Members Present (12): Puananionaona Thoene (Chairperson); Mary Begier (Vice-Chair); Roy Abe; Stephanie Dunbar-Co; Scott Glenn (Director, *ex officio*, Office of Environmental Quality Control [OEQC]); Maka'ala Ka'auomoana; Robin Kaye; Theresita Kinnaman; Robert Parsons; Ronald Terry; Michael Tulang; Mahina Tuteur

Members Absent: None

Staff Present: Bill Cooper, Deputy Attorney General (AG); Leslie Segundo, OEQC

Public Present: None

Note: Text in **bold** indicates original text of agenda

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

With a quorum of twelve members, Chairperson Thoene convened the meeting at 1:39 PM.

## 2. **Review and approval of prior meeting minutes**

Chairperson Thoene asked members to review the draft minutes for July 2, 2019.

**MOTION:** Member Ka'auomoana moved, and Member Terry seconded, that the Council approve the draft minutes for July 2, 2019. A brief discussion ensued resulting in amendments to the draft. The Council approved the motion (11-0-1), with Member Dunbar-Co abstaining.

Chairperson Thoene noted that the Annual Report meeting minutes were provided to the Legislature's House Finance Committee as certain members attended the last Annual Report Committee meeting. Chairperson Thoene also reminded all committee chairs to prepare meeting minutes for posting to website within 30 days of meeting.

## 3. **OEQC Director's Report**

- **Administrative Rules Completed:** Director Glenn reported that Governor Ige had just signed Chapter 11-200.1, Hawai'i Administrative Rules (HAR), into law and just filed them with the Office of the Lieutenant Governor. The rules will have an effective date of August 9, 2019. A press release was issued.

- **Periodic Bulletins:** Director Glenn reported that the periodic bulletin of August 23, 2019, will be first under the new rules. The September 8, 2019, issue would be the first to contain agency lists of exemption notices.
- **Retroactivity and Outreach:** Director Glenn reported on actions (subject to the 1996 rules) that would be grandfathered under Section 11-200.1-32, HAR. Two separate submittal deadline dates would be published in the deadline calendar to actions that have been grandfathered via the retroactivity clause, or subject to the new rules. In the interest of facilitating a smooth transition to the new rules, Director Glenn also reported that the OEQC has conducted exemptions training with the various counties, the Department of Hawaiian Home Lands (DHHL), as well as community groups.
- **Projects vs. Process:** Given the current staffing, Director Glenn informed the Council to direct project questions to OEQC staff; he would handle process questions. Member Ka'auomoana suggested that OEQC reach out to Ulupono and other stakeholders for training.
- **Review of county exemptions training presentation:** Director Glenn discussed an expedited review of exemption lists that are reorganized as opposed to those that are updated. Briefly, the expedited process would include an agency providing their draft reorganized list to the OEQC and Exemption Committee Chair (Ron Terry), who would review the list and provide feedback, then request the OEQC to publish the draft list in the *Environmental Notice* for 30-day public comment. Following that, the Exemption Committee Chair would review the comments with the agency, provide feedback, and then bring the list to the Exemption Committee and then Council for a consideration to concur with the exemption list. The expedited process would still take about 60 days. Not all agencies would be submitting exemption lists and some agencies might choose to not have exemption lists.
- Director Glenn presented for Council review a sample table for the list of exemption notices and how the OEQC intends to manage intaking these lists, publishing them on the OEQC SharePoint site, and linking to them in the *Environmental Notice*.

#### **4. Information and Outreach Committee Updates**

Committee Chair Abe invited Member Dunbar-Co to debrief the Council on her participation in the Hawai'i Conservation Conference. She noted that the conference this year was geared toward a discussion of culture and conservation. She recommended that the Council attend future conferences.

Committee Chair Abe also reported that the Department of Health (DOH) issued a press release on the bacteria study (Kaua'i Berkeley Study, available on-line at the DOH Website) for Kaua'i watersheds. He noted that the report highlighted contamination concerns especially noting the high bacterial levels were not due to human origins.

#### **5. Annual Report Committee Update**

Committee Chair Parsons discussed a list of compiled questions to ask agencies that would be developed into a potential questionnaire focusing on obtaining data for the 2019 Annual Report. A brief discussion ensued on whether to use the Survey Monkey or not. Council members expressed concerns about the bandwidth of the OEQC and Council for using Survey Monkey,

which department staff would complete the survey, the varying priorities of department leadership and staff, and the level of effort needed to complete the survey and how that might affect response rates. Next steps for the Committee are to develop the questions by September 3; finalize questions and format; draft the letter to agencies with about six questions; ask department directors to designate liaisons to answer the questions; and ask Director Glenn to contact the department directors directly.

**6. Exemption Committee Update**

Committee Chair Terry plans to meet on September 3, 2019 if there is a need for it from agencies. He also noted that he would draft a letter to agencies and work with the Director and Secretary on finalizing it. He requested OEQC's help in finding the files that former Member Prentiss used to send out the last set of agency exemption list update requests.

**7. Rules Committee Update**

Director Glenn advised members to see if the Council may have missed something or adopted a process that does not work (and might require future amendments). If so, the Committee would take it up as new business.

**8. Legislative Committee Update**

The Council hopes that the Legislature does not amend Chapter 343, Hawai'i Revised Statutes (HRS), next session so that everyone can see how the new rules are doing. The Council should prepare a report to Senator Gabbard and Representative Lowen, the Senate and House subject matter committee chairs, about what the Council's rulemaking process was and feedback with respect to Chapter 343, HRS. The Legislature also suggested that the OEQC Director might give a briefing on the new rules.

Member Dunbar-Co left at 2:55 P.M.

Member Tulang expressed a desire to serve on the Exemption Committee.

**MOTION:** Vice-Chair Begier moved, and Member Terry seconded, that Member Tulang serve on the Exemption Committee. A brief discussion ensued. Chairperson Thoene called for the question. The motion was approved (11-0-0) and Chairperson Thoene appointed Member Tulang to the Exemption Committee.

**9. Next Meeting**

Chairperson Thoene noted that the Council plans to meet on September 3, 2019, as follows: Information and Outreach Committee at 10:00 AM; Exemption Committee at 11:00 AM; Annual Report Committee also at 11:00 AM; and Environmental Council from 1:00 PM until 3:30 PM.

**10. Public Forum**

Written communication to the Council and OEQC: Director Glenn reported on the Mānoa Neighborhood Board letter regarding the Ala Wai Flood Mitigation Project. He commented that this letter is premature in that no Final EIS has been published under HEPA and is only informational for the Council at this point.

**11. Adjournment**

The meeting ended at 3:11 PM.