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Unofficial Version

Chapter 201 - Environmental Advisory Council Rules of Practice & Procedure

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Historical Note: Chapter 11-201, Administrative Rules, is based substantially on the Rules of Practice and Procedure of the Environmental Quality Commission. [Eff 6/2/75; R 12/6/85]

Subchapter 1 - Purpose

§11-201-1 Purpose

This chapter governs procedures before the environmental advisory council of the State of Hawaii under chapter 343, Hawaii Revised Statutes, and other related acts as may now or hereafter be administered by the council. They shall be construed to effectuate the purposes of chapter 343, Hawaii Revised Statutes, and to secure the just and speedy determination of every proceeding.

[Eff 12/6/85] (Auth: HRS §§91-2, 343-6) (Imp: HRS §§91-2, 343-6)

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Subchapter 2 - Definitions

§11-201-2 Definitions

As used in this chapter, unless the context otherwise specifically requires:

"Council" means the environmental advisory council of the State of Hawaii. Its membership shall be as provided in section 341-3, Hawaii Revised Statutes.

"Director" means the director of the office of planning and sustainable development (OPSD).

"Office" means the office of planning and sustainable development.

[Eff 12/6/85] (Auth: HRS §343-6) (Imp: HRS §343-6)

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Subchapter 3 – Environmental
Advisory Council

§11-201-3 Environmental Advisory
Council

- A. The office of the environmental advisory council shall be located at such place and address as the council shall from time to time designate. All communications to the council shall be addressed to the environmental advisory council, unless otherwise specifically directed.
- B. The office of the council shall be open from 7:45 a.m. to 4:30 p.m., Monday through Friday, with the exception of Hawaii state holidays and/or unless otherwise provided by statute or executive order.
- C. The council may meet and exercise its powers in any part of the State of Hawaii. All meetings of the council shall be open to the public, except that the council may meet in executive meetings, from which the public may be excluded, by a recorded vote of not less than two-thirds of the members present. An executive meeting shall be authorized only when, in accordance with law, it is deemed necessary for the protection of the character or reputation of any person or the protection of secret processes or methods of manufacture of any person or when the attorney general determines it is necessary for the preparation of the prosecution or defense of any action or proceeding. No order, ruling, appointment, contract, or decision shall be finally acted upon at an executive meeting. Meetings shall be held at times as the council deems advisable. Meetings may be scheduled by consensus of the council during the course of a meeting or during intervening days, at the call of the council chairperson or the director upon notifying the council chairperson. The public, petitioners, appellants, and respondents shall receive reasonable notice of all meetings. Notice of meetings of the council shall be posted as required under HRS Chapter 92 and any and all other applicable laws.
- D. A majority of all members to which the council is entitled shall constitute a quorum to transact business, and the concurrence of a majority of all the members to which the council is entitled shall be necessary to make valid any action of the council except those actions that the council authorizes, by concurrence of a majority of all members to which it is entitled, to be performed on its behalf by a limited number of duly designated council members, in which case the concurrence of a majority of all the council members so designated shall be necessary to make an action valid.
- E. The council shall maintain minutes of its meetings, setting forth an accurate record of votes and actions taken at the meetings. Unless otherwise required by the governor, the minutes need not include a verbatim record of discussions at meetings. The minutes of the council shall be deemed public records, provided that the minutes of any executive meeting from which the public has been excluded may remain confidential, as long as their publication would defeat the lawful purpose as stated in subsection (c), but no longer.
- F. All decisions, orders, and other actions of the council shall be authenticated or signed by the council members acting in the proceeding or by the chairperson upon delegation by the council members acting in the proceeding. Official copies of decisions, orders, and other council actions may be issued under the signature of the chairperson of the council or the chairperson's delegate.
- G. All documents required to be filed with the council shall be filed in the office of the council at

Honolulu, Hawaii within time limits as prescribed by law, rules, or by order of the council. Requests for public information, copies of official documents, or opportunity to inspect public records may be made in writing to the council office or in person at the office. [Eff 12/6/85] (Auth: HRS §§91-2, 343-6) (Imp: HRS §§91-2, 92-4, 92-5, 92-7, 92-9, 343-3, 343-6)

§11-201-4 Delegation of Administrative Duties

- A. The council may delegate to any individual the power or authority vested in the council as it deems reasonable and proper for the effective administration of chapter 343, Hawaii Revised Statutes.

[Eff 12/6/85] (Auth: HRS §§91-2, 343-6) (Imp: HRS §§91-2, 343-6)

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Subchapter 4 - Public Records

§11-201-5 Public Records

- A. The term "public records" as used in this chapter is defined as in section 92-50, Hawaii Revised Statutes, and shall include all maps, rules, environmental impact statements and related documents, written statements of policy or interpretation formulated, adopted, or used by the council all final opinions and orders, the minutes of meeting of the council, and any other material on file in the office of the council, which shall include all statements and other documents prepared under the provisions of chapter 343, Hawaii Revised Statutes, except materials and minutes submitted and reported in executive meetings of the council.
- B. All public records shall be available for inspection in the office of the council at Honolulu, Hawaii, during established office hours unless public inspection of those records is in violation of any state or federal law.
- C. Public records printed or reproduced by the council shall be given to any person requesting them and paying the reasonable cost thereof.
- D. Requests for public information, for permission to inspect official records, or for copies of public records shall be handled expeditiously. [Eff 12/6/85] (Auth: HRS §§91-2, 343-6) (Imp: HRS §§91-2, 343-6, 92-50)

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