



STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII
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State of Hawai'i Environmental Advisory Council

Minutes for Hybrid Meeting

Approved March 7, 2023

Tuesday, January 10, 2023, at 1:00 PM

235 S. Beretania St., Room 405, Honolulu, HI 96813

Josh Green, M.D.
Governor

Chairperson
Puananionaona Thoene

Vice Chair
Mary Begier

Members
Roy Abe
Stephanie Dunbar-Co
Dawn Hegger-Nordblom
Makaala Kaaumoana
Ian Robin Kaye
Theresita Kinnaman
Michele Lefebvre
Gordon Scruton, Jr.
Rachel Sprague
Ron Terry
Michael Tulang
N. Mahina Tuteur

MEMBERS PRESENT: Puananionaona Thoene (Chairperson); Mary Begier (Vice-Chairperson); Roy Abe; Stephanie Dunbar-Co; Robin Kaye; Tessie Kinnaman; Michele Lefebvre; Gordon Scruton, Jr.; Rachel Sprague; Ronald Terry; Michael Tulang; Mahina Tuteur.

MEMBERS ABSENT: Dawn Hegger-Nordblom; Makaala Kaaumoana;

STAFF PRESENT: Alison Kato (Deputy Attorney General); Leslie Segundo (Environmental Health Specialist)

PUBLIC PRESENT: None

1. Call to order, Roll Call, Introductions, Quorum

With a quorum of twelve present (Thoene, Begier, Abe, Dunbar-Co, Kaye; Kinnaman; Lefebvre; Scruton; Sprague; Terry; Tulang, and Tuteur), Chairperson Thoene called the meeting to order at 1:00 PM. All present introduced themselves.

2. Office of Planning and Sustainable Development (OPSD) Director's Update

Postponed until Director Glenn (currently attending another meeting) is able to be present later in the meeting at about 1:30 PM. (see, item 6, below).

3. Exemption Committee Update

- Update on status of Permitted Interaction Group report to explore potential improvements to the exemption process
- Update on upcoming exemption list reviews

Committee Chair Terry reported that he expects to have meetings next month to consider lists from the Hawaii Public Housing Authority and the Hawaii School Facilities Authority.

4. Information & Outreach Committee Update

- Discussion of and planning for the next forum, "Clearing the Hurdles of EIS", scheduled for January 11, 2023
- Discussion of revised "elevator speech" and EAC Binder description
https://files.hawaii.gov/dbedt/erp/EC_Meetings/2023-01-10-Environmental-Advisory-Council-Binder-Description-and-Elevator-Speech.pdf
- Discussion of how and when to use "elevator speech"

Committee Chair Begier reported that forum of January 11, 2023, has been postponed till the last week in June. She apologized to the Council for the postponement. She also reported that the Committee met earlier and discussed what would be needed to prepare for the forum. She noted that the Information and Outreach Committee also plans to update procedures and checklists for future forums. The February 2023, United States Fish and Wildlife Service Presentation has been postponed to last week of March. The Committee plans on three forums per year (March, June, September). She noted that the Elevator speeches (work product from special planning session in April 2022) are complete. Chairperson Thoene explained that though the Committee was done with the speeches, she wanted to post them one more time for the Council to review. Chairperson Thoene noted that she would be working with staff on updating the description of the EAC on the ERP website.

5. Legislative Committee Update

- Discussion of possible legislative changes to be proposed by the EAC in the 2023 Legislative Session
Committee Chair Kaye reported that there was no legislative committee meeting. He noted that Chairperson Thoene drafted clean-up language for Chapter 341, HRS, to take out language pertaining to a section that was repealed in 2021. He noted that the bill was not yet numbered. He advised all EAC members to send him any concerns on any bills.

6. Discussion of EAC Policies and Procedures

- Review of draft policies and procedures (Version 5) and further discussion of adoption of policies and procedures, including what policies and procedures will be included and draft Committee descriptions https://files.hawaii.gov/dbedt/erp/EC_Meetings/2023-01-10-Environmental-Advisory-Council-Draft-Policies-and-Procedures-Version-5-1-3-23-compiled.pdf
- Discussion of procedures for media/public inquires to the EAC
- Outstanding/revisions draft policies due on January 31, 2023 for discussion at February 7, 2023 EAC meeting

Committee Chair Tuteur reported that the Committee met earlier to discuss ongoing revisions the Committee's policies and procedures, the extent of what community outreach might look like, and the role of federal and state policies and laws on environmental justice and what OEQC did. Need to discuss with Director Glenn how he wishes to proceed. Chairperson Thoene discussed Version 5 of the larger procedure document is the latest version includes changes in statutory reference for the meeting minutes, travel procedures, exemption procedures. There was a discussion on affidavit procedures for no tickets to confirm that the member took the scheduled flight (for Mokulele fliers). Deputy Attorney General Kato suggested that for the procedures for minutes, it should be stated that there is a 40-day deadline for making minutes available to the public after a meeting. Member Begier asked if minutes can be circulated to members of a committee before the next meeting. Alison will check on what to do.

Member Kaye brought up travel issues on direct flights versus the cheapest flights. He inquired if a solution would be to use language in travel policy on balancing cost with using the most direct flights. Chairperson Thoene requested that this issue be deferred until Director Glenn arrives. Member Terry commented on no sanctions for Sunshine Law violations for late minutes. Member Dunbar-Co noting that getting approved final minutes 40 days post meeting is difficult, inquired as to what would be an approved internal process for the Committees to use.

Chairperson Thoene asked the staff about posting committee recordings on Zoom in lieu of minutes. The Environmental Health Specialist said that he needs to inquire with staff and report back to the Chair.

Deputy Attorney General Kato opined that Sunshine law does not require board approval of meeting minutes (needs to be made available to the public 40 days post meeting) and that the EAC can provide recording of the meeting in lieu of that. Also, Deputy Attorney General Kato confirmed that internally, minutes can be circulated by the staff person following a zero communication policy between member; this would require that the EHS circulate, collect and incorporate comments and not identify board members) between members.

Director Glenn arrived at 1:37 PM. Chairperson Thoene welcomed him. She suggested that Member Kaye address Director Glenn about his issue under item 6.

Director Glenn listened to Member Kaye's and Member Sprague's complaint on travel to Moloka'i detailed above in item 6. Empathizing with them but noting that State Procurement requires the cheapest flight, Director Glenn said that he would look at the EAC's travel situation.

Chairperson Thoene suggested that Member Tuteur address Director Glenn.

Member Tuteur informed Director Glenn that she would send him an email to set up a meeting to discuss Policies and Procedures for the EAC. Chairperson Thoene also informed all that she would make changes discussed today at agenda item 6 as Version 6. She requested any revisions from members by January 31, 2023, after which it would be called Version 6.

Chair will make changes discussed today as Version 6 (January 31, deadline).

Deferred – OPSD Director's Update (from item 2, above)

Annual Report – Director Glenn acknowledged that the EAC passed out the Annual Report at the December 2022 meeting. He reported that OPSD does not have an annual report that it is obligated to provide to the Legislature twenty-days prior to the start of session. For that reason, he reported that the EAC report has not yet been transmitted to the Legislature. For the submission of the EAC's report, he was looking at using the DBEDT Annual Report as a vehicle for transmission of the EAC report. If that cannot be done, OPSD would submit the report separately to the Legislature.

Member Dunbar-Co noted that when the OEQC and the Environmental Council were transferred to DBEDT from DOH, Act 152 (2021) did not abolish the annual report requirement, but rather embedded it in an annual report for the OPSD. She noted that we now find that OPSD does not have a mandatory annual report. Director Glenn responded said he is still examining the circumstances surrounding the workings of the Annual Report in OPSD.

Member Terry opined that in his reading of the Act 152 (2021), OPSD is required to prepare an annual report because the language explicitly states that: "[t]he environmental advisory council shall monitor the progress of state, county, and federal agencies in achieving the State's environmental goals and policies and shall submit its report and recommendations for improvements concerning ecology and environmental quality to the office of planning, which shall include the report and recommendations in its annual report to the legislature."

Chairperson Thoene conjectured that when the law was passed attaching the Environmental Council to OPSD, they did not look at the OPSD requirements.

In response to Member Terry's statement, Deputy Attorney General Kato advised that there is no required report on the part of OPSD.

Chairperson Thoene noted that the EAC did not propose changes to the annual report language in Section 341-6, HRS. The only section where changes were proposed was Section 341-5.5, HRS. She asked if Scott was interested in approaching Senator Gabbard and Representative Lowen. He replied that the EAC is welcome to do so and he can mention it to them.

Member Kaye asked Director Glenn if he plans to prepare an Annual Report. He replied that he does not. Member Kaye then replied that the issue is moot for the EAC after spending forty-five minutes in a Strategic Planning Committee discussing the Annual Report that is now non-existent; the production of the Annual Report has placed an enormous burden on the EAC.

Director Glenn acknowledged Member Kaye's comments and said that the current State administration is pushing for stronger communications through public information officers. Going to see a stronger coordination on messaging and reports and doing more work with attached agencies.

Member Dunbar-Co suggested flagging the annual report issue for changes to Chapter 341, HRS, with Representative Lowen and Senator Gabbard because the EAC was operating under the assumption that the EAC report would be part of a bigger report that may not exist.

Chairperson Thoene agrees to flag the annual report.

Director Glenn reported on Climate week. He noted that \$100 million was committed to the Climate Adaptation Fund. He noted that he is also working with the DLNR Chair and the Governor on a position for chief climate officer in the Governor's office.

Director Glenn also reported on the Website Cost Study prepared by OPSD's HR 82 Task Force. The Environmental Health Specialist reported that the staff contacted two local representative for cost estimates on five types of improvements to the Environmental Review Program website. The cost was approximately \$95,000. The draft report was still in preparation and needed to be reviewed by Task Force members of the Environmental Council before being finalized and sent to the Legislature.

Chairperson Thoene asked Director Glenn if he would be able to attend the next in-person meeting of the EAC on March 7, 2023. Director Glenn responded until he can ascertain his legislative calendar, he could not commit to the date; he would examine his schedule and get back to the EAC. He noted that if members needed to meet with him, they would need to contact Ms. Mei Lynn Nakano of OPSD. Ms. Nakano is his Secretary and is responsible for his calendar.

7. Strategic Planning Committee Update

- Discussion on the Role/Contents of the Environmental Advisory Council's Annual Report, including how the Environmental Advisory Council can best utilize the opportunities presented by having its Annual Report as part of the Office of Planning and Sustainable Development's Annual Report; and also how the Environmental Advisory Council should best determine its content (i.e., how to blend "interesting" and "required" focus).
- Discussion on how the Environmental Advisory Council can help inform its constituencies about the purpose – and limitations – of the Environmental Advisory Council and how the Environmental Advisory

Council and the Office of Planning and Sustainable Development can best utilize the Environmental Advisory Council's "Elevator Speech."

- Discussion on how the Environmental Advisory Council can assist in the recruitment of new members and, given upcoming end-of-term situations, how the Environmental Advisory Council should prioritize new members and help with their recruitment.

Committee Chair Kaye reported that the Strategic Planning Committee met earlier to discuss three items on the agenda. He reported that Member Dunbar-Co joined the committee.

He reported that the Committee first discussed the Annual Report, including a suggestion of speaking to Director Glenn. The Committee also discussed going back to the scorecard idea for agency monitoring and looking at agencies that were not doing so well, and highlighting agencies that were doing well and rewarding them with attention. For future Annual Reports, the Committee discussed focusing on one specific issue, such as cesspools, runoff, forest stewardship, etc., and discussing how successful the agency has been in addressing that one issue and what resources they would need to continue and improve their efforts. Also discussed were the guidelines and boundaries OPSD placed on EAC's Annual Report (two pages) that relieved the burden of what the EAC complained about to both Representative Lowen and Senator Gabbard. Member Dunbar-Co discussed the fluctuations that the Annual Report went through over the years, and what would now constitute a realistic and meaningful Annual Report. She discussed her plans to contact Director Glenn's secretary to set up a meeting.

Committee Chair Kaye noted that when preparing for the Annual Report, it would be important to coordinate quickly with the Information and Outreach Committee on any one issue so that community conversations can begin as early as possible to obtain feedback.

Committee Chair Kaye reported that the Committee discussed how the EAC can inform its constituencies. He noted that an early survey done by the Committee showed wide discrepancies on what the community thought the EAC's role was. He informed Director Glenn that he hoped to have EAC have representation at Hawaii Congress of Planning Officials (HCPO).

Director Glenn left at 2:20 PM.

Committee Chair Kaye also reported that the Committee discussed the importance of recruiting new members to replace oneself. He noted that good sources for recruitment would be speaking with planning directors and getting them to become familiar with the EAC; members always consider persons they meet as potential EAC candidates to replace themselves.

Member Abe suggested using press releases for getting the message of the Annual Report read.

Member Kinnaman suggested posting the Annual Report on the ERP website.

Member Begier noted that with people not flying in for meetings, the EAC may want to consider having Committee meetings on another day besides the first Tuesdays. Chairperson Thoene was favorable to the suggestion. The Environmental Health Specialist was favorable to the suggestion, but noted that Room 405, Leiopapa A Kamehameha (the Land Use Commission Conference Room) would still need to be reserved for the meeting to fulfill the public's need to attend in-person for the hybrid-meeting.

8. Next Meeting: Tuesday, February 7, 2023.
9. Next In-person Meeting: March 7, 2023 (tentative)
10. Adjournment

Chairperson Thoene adjourned the meeting at 2:29 PM.