

ENVIRONMENTAL ADVISORY COUNCIL (EAC)
POLICIES AND PROCEDURES

I. GENERAL

- a. **Attendance.** Attendance at EAC meetings is mandatory. EAC members made a commitment to participate. It is expected that members clear their schedules on EAC meeting days and that EAC meetings take priority. Three unexcused absences is cause for removal from the EAC. The Chair determines whether an absence is excused.
- b. **Meetings.** Meetings of the EAC are generally hybrid meetings held via Zoom with a location open to the public in person pursuant to Act 220 (SLH 2021). The EAC aims to have two (2) to four (4) meetings in person annually, as the budget allows.
- Zoom Procedures. All hybrid and virtual meetings shall be held by Zoom or other interactive technology. Pursuant to Act 220, all EAC members must be visible on camera throughout the meeting. EAC members shall avoid using the chat function unless absolutely necessary.
- c. **Quorum.** Under Hawai'i Revised Statutes (HRS) § 341-5.5, quorum shall be a majority of all of the members currently appointed, and a concurrence of a majority of the members currently appointed shall be necessary to make any action of the EAC valid.
- d. **Agendas.** EAC and Committee agendas are due to the Office of Planning and Sustainable Development (OPSD) Environmental Review Program (ERP) staff and the EAC deputy attorney general no later than 12:00 pm HST one week prior to the scheduled meeting. All meeting materials to be reviewed at the meeting should also be provided with the agenda. Members of the EAC wishing to have an item on the agenda may contact the EAC Chair or the applicable Committee Chair. Agendas must be posted in accordance with HRS Chapter 92.
- e. **Meeting Minutes.** The EAC 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 of the executive meeting, but no longer. Pursuant to HRS § 92-9, written minutes shall include, but need not be limited to:
- (1) The date, time and place of the meeting;
 - (2) The members of the board recorded as either present or absent;
 - (3) The substance of all matters proposed, discussed, or decided; and a record, by individual member, of any votes taken; and
 - (4) Any other information that any member of the board requests be included or reflected in the minutes.

EAC meeting minutes and standing committee meeting minutes shall be reviewed and corrected, as needed, by the EAC or applicable standing committee, as applicable, prior to being finalized and posted to the EAC's webpage.

In lieu of meeting minutes, a video or audio recording of the meeting may be posted.

Meeting minutes or recordings of the meetings must be posted within 40 days of the applicable meeting.

- f. **Travel.** For in-person meetings, EAC members requiring travel are responsible for coordinating with ERP staff to book their flights and transportation to and from the meeting. EAC members will coordinate with ERP staff for travel reimbursement and comply with the procedures in the September 6, 2022 memorandum from OPSD-ERP (Attachment __), as it may be amended from time to time. In addition, EAC members flying Mokulele Airlines must submit an affidavit/form confirming that the EAC member took the scheduled flight. OPSD-ERP will do its best to balance the costs of flights with flights that offer the most direct route to avoid lengthy layovers or other delays.
- g. **Budget Requests.** Budget requests for the year should be made to the OPSD Director no later than the date set by the OPSD Director.
- h. **Orientation and Transition Sessions for New Members.** When new members are appointed to the EAC, the Chair may agendize one or more orientation sessions for new members related to the functions of the EAC. Prior to the end of EAC members' terms, the Chair shall agendize one or more transition sessions to transition institutional knowledge and train the remaining EAC members on the tasks performed by the member(s) exiting the EAC.
- i. **Other Training; Financial Disclosures.** All EAC members shall complete any required ethics or other trainings required by the State for participating on the EAC, and file any annual financial disclosures as required by law.
- j. **EAC Press Representative.** The Chair or the Chair's designee shall be the designated contact for any inquires by members of the media. The OPSD Director may act as the EAC press representative upon request by the EAC Chair.

Permitted Interaction Groups. Where a task can be defined discretely and temporally, the Chair of the EAC, at the Chair's discretion may appoint a Permitted Interaction Group (PIG) to investigate such tasks in accordance with HRS § 92-2.5. Membership of the PIG may include non-EAC members and EAC members, provided that the total number of EAC members on any PIG shall not exceed seven (7). After completing its investigation, the PIG will present its findings to the full EAC along with its recommendation, if any. The full EAC may consider the PIG's findings and recommendations at the next meeting following the PIG's presentation.

II. APPEARING BEFORE THE EAC OR EAC STANDING COMMITTEES

- a. **Public attendance of EAC meetings.** Members of the public are welcome at all EAC and Committee meetings and may provide verbal or written testimony on any agenda item.

- b. **Correspondence to the EAC.** Members of the public may direct correspondence to the EAC Chair or the applicable EAC Committee Chair and email or mail the same to ERP staff. Individuals or groups may also contact the EAC Chair or applicable EAC Committee Chair to request certain items be considered on the EAC agenda no later than ten (10) days before the next scheduled meeting.¹ The decision on whether to include the agenda item is at the EAC Chair's or applicable EAC Committee chair's discretion.
- c. **Individuals Requiring Special Assistance or Auxiliary Aids or Services** (e.g., sign language interpreter, computer-assisted note taking, wheel chair accessibility, or parking designated for the disabled) at the meeting, please contact the Environmental Review Program office at least three (3) business days prior to the meeting at 808-586-4185 so that arrangements can be made.

III. ANNUAL REPORT PROCEDURES

- a. **Annual Report Committee.** The Annual Report (AR) Committee is responsible for drafting the Annual Report. The AR Committee will aim to provide a draft of the Annual Report to the full EAC for review and approval no later than the October meeting of each year to allow for any necessary revisions. If the EAC requests revisions at the October meeting, the AR Committee shall make all required revisions and present them to the EAC for final review and approval at the November meeting.
- b. **Deadline.** The EAC's Annual Report is due to the OPSD Director no later than December 1 of each year, or such other deadline as set by the OPSD Director. The EAC's Annual Report will be included in OPSD's annual report to the Legislature.
- c. **Annual Report Topics.** The Annual Report shall be consistent with the EAC's mandates in ~~Hawai'i Revised Statutes (HRS)~~HRS § 341-6.

IV. RULES / EAC GUIDANCE PROCESS

- a. **Rules Committee.** The Rules Committee is responsible for taking the lead on any proposed amendments to the administrative rules implementing HRS Chapter 343 as well as the policies and procedures for the EAC. The Rules Committee also works with OPSD-ERP on guidance related to the administrative rules implementing HRS Chapter 343.
- b. **Procedures for Rules Committee to Draft, Review, and Update Guidance:**
 - i. Review requests from government agencies, Hawai'i state legislators, community members, and/or stakeholders to produce, review and formalize guidance on environmental policies and procedures as needed. Guidance should be written with the goal of compliance with the requirements of HRS Cchapter 343.
 - ii. Where appropriate, conduct community outreach to engage in meaningful consultation with various stakeholders.

¹ The EAC currently meets on the first Tuesday of each month.

- iii. Work with OPSD and ERP staff to articulate and manage the process of formulating appropriate guidance.
- iv. Respond to questions from agencies and/or the public about the guidance documents.

V. INFORMATION & OUTREACH COMMITTEE PROCEDURES

- a. **Information and Outreach Committee.** The Information and Outreach (I&O) Committee is responsible for leading and organizing public forums and presentations on issues relevant to the EAC's mandates in HRS § 341-6. The I&O Committee may also take the lead on communications with members of the public, agencies, and stakeholders.

SEE ATTACHMENT __.

VI. LEGISLATIVE COMMITTEE PROCEDURES

- a. **Legislative Committee.** The Legislative Committee is responsible for tracking legislation relevant to the EAC and its purposes. The Legislative Committee reviews relevant legislation and makes recommendations to the full EAC to monitor and/or submit testimony on legislation. The Legislative Committee also coordinates with the OPSD, ERP, and legislators on EAC priorities.

SEE ATTACHMENT __.

VII. EXEMPTION COMMITTEE

- a. **Exemption Committee.** The function of the Exemptions Committee is primarily to coordinate with agencies that create or update exemption lists for concurrence by the EAC, as provided by HRS Chapter 343 and its implementing regulations. The committee contacts agencies that have not developed or updated concurred lists and encourages them to do so, reviews submitted draft exemption lists and discusses them with the agencies, assists in public review of the drafts, and provides recommendations to the EAC on whether to concur with lists. The Committee also provides advice to the EAC on issues related to exemptions and the function of the exemption process. It may make recommendations to improve the process through changes to policies, regulations, or statutes.

SEE ATTACHMENT __.

VIII. STRATEGIC PLANNING COMMITTEE

- a. **Strategic Planning Committee.** The Strategic Planning Committee is responsible for exploring and recommending to the full EAC the short-term and long-term priorities of the EAC, consistent with the EAC's mandates in HRS § 341-6.

PROCEDURES AND CHECKLIST FOR ENVIRONMENTAL ADVISORY COUNCIL PUBLIC FORUMS AND PRESENTATIONS

A. Purpose

A goal of the Environmental Advisory Council (EAC) is to promote public outreach to disseminate helpful information related to protection of the environment and encourage discussion of environmental issues among stakeholders and the general public.

The purpose of this document is to assist EAC members in planning and executing successful public forums and presentations.

B. Initial Planning

1. Identify the purpose and objectives of the forum or presentation and the target audience. Identify delivery method (in-person, virtual, or both). Identify tentative date/time and duration.
2. Identify appropriate speakers. Provide speakers representing various perspectives and expertise on subjects being addressed, including controversial issues. When planning a forum with multiple speakers, evaluate time constraints and potential for duplication of material.
3. For live in-person forums, secure an appropriate venue. Factors to consider include: location, room capacity, cost, parking, availability of required audio-visual (AV) equipment, and suitability to serve refreshments and food (if applicable). Consider simultaneously conducting a virtual web-based forum to increase participation.
4. For virtual forums, coordinate with the Office of Planning and Sustainable Development (OPSD) Environmental Review Program (ERP) for use of OPSD-ERP's platform (such as the OPSD-ERP Zoom account). Use OPSD-ERP staff to conduct the virtual forum or be thoroughly familiar with the procedures, limitations, potential technical issues, etc.
5. Make arrangements to record the event if possible. Confirm with the speakers that there are no objections to recording the presentation. Evaluate the potentially very large size of the recording and the logistics of downloading and making the recording available to others.
6. Designate an EAC member responsible for the event and coordination. If assisted by outside organizations, establish a primary contact and closely coordinate the effort.
7. Identify budget requirements. Secure funding as needed, such as through the EAC budget or donations. Donations shall be approved by the Department of the Attorney General representative for appropriateness.

C. Follow-up Planning

1. Identify and confirm availability of appropriate presenters. Review the speaker qualifications and subject matter to be covered. Obtain bio or CV for speakers. Discuss and coordinate forum format, schedule and timing with presenters. Facilitate good coordination and communication between speakers and the material to be presented to minimize duplication of information and last-minute “surprises” among the speakers.
2. Produce informative and visually appealing promotional materials in coordination with appropriate State communications department personnel at least 30 days prior to event. Materials should include the event title, presenters, event partners, location, date, time and other event specifics. Consider including links to additional related information.
3. In coordination with State communications department personnel, OPSD-ERP and event presenters and partners, provide event publicity, including posting in The Environmental Notice, press releases, social media communication, personal contacts, physical posting of the flyer, and announcements through stakeholder organizations.
4. Finalize any arrangements for video recording and Internet posting of recording of event.
5. Establish and test links for on-line pre-registration.

D. Prior to Event (recommend no later than 14 days prior)

1. Designated EAC member to confirm venue set up, such as podium and seating arrangement, audio visual equipment, etc.
2. Confirm presenters and coordinate transmittal of presentation (electronic computer file). Confirm back up computer for presentations and ascertain any specific presentation or speaker requirements.
3. Verify event technical support and arrangements for backup support.
4. Coordinate and finalize introduction logistics and information with presenters.
5. Coordinate food and refreshments, lei, appreciation gifts, as applicable.
6. Coordinate and produce a forum sign-in sheet, program schedule, and any handouts, as applicable.

E. Day Before Event (last business day before event)

1. Reconfirm Items D.1 through D.6 above.

F. Day of Event

1. If an in person event, arrive early to check venue and AV equipment. Rearrange tables and chairs as needed (have sufficient manpower to do this if required). Arrange food and refreshments.
2. If a digital event log in 30 minutes prior to admit presenters first and then attendees when the time for the event arrives.
3. Greet arriving speakers and guests. Have them sign in and provide them with any handouts. Direct them to the refreshments, if applicable.
4. Thank speakers and event assistants. Distribute gifts of appreciation, if applicable.

G. Following the Event

1. Send out thank-you letter to event sponsors, key assistants and others, as appropriate.
2. Coordinate editing of video recording. Post on appropriate websites and publicize availability (notify those on sign-in sheet).
3. Conduct post-event evaluation (what went well, what could be improved, etc.).

PROPOSED ENVIRONMENTAL ADVISORY COUNCIL (EAC)
LEGISLATIVE COMMITTEE PROCEDURES/CHECKLIST/CALENDAR

September/October/November

- Full EAC discussion regarding possible legislative priorities, proposed changes
- Follow-up discussion in Legislative Committee
- Initial contact with key House & Senate committee leadership
- Exploration of possible inclusion of proposed legislation in Governor's legislative package

December

- Request permission for EAC Chair and Legislative Committee Chair to draft comments and testify on EAC-related legislation
- Full EAC discussion of priorities to be pursued

January

- Develop spreadsheet of legislation to be tracked (working with OPSD-ERP)
- Legislative Committee to review spreadsheet; determine priorities re:
 - Submitting Comments/Testimony
 - Tracking
- Present spreadsheet for discussion at full EAC meeting
- Meet with State House & Senate leaders

February

- Prepare and present testimony on selected legislation
- Ongoing update on progress of legislation

PROPOSED PROCEDURES FOR ENVIRONMENTAL ADVISORY COUNCIL (EAC) REVIEW AND
CONCURRENCE WITH AGENCY EXEMPTIONS LISTS

Procedures for Agencies to Review, Revise and Update Exemption Lists.

- a) Chair of the Exemption Committee will have an agenda item periodically, at least once a year, to request Exemption Committee to review the state of agency lists; i.e., are there agencies with no lists or an outdated list.
- b) Exemption Committee shall then undertake this effort by communicating with agencies, explaining the benefits of having updated lists and encouraging them to undertake the process, and providing a very brief outline of that process as it exists at the time.

Procedures for EAC Review of and Concurrence with Exemption Lists.

- a) Per procedures to be shared with agencies through process above, agency divides list into Part 1 and Part 2 and makes any other changes it considers appropriate. Agency is asked to designate a representative to the EAC with contact phone and email information.
- b) Agency provides draft list to OPSD-ERP, who relays it to the EAC Chair, who relays it to the Exemption Committee Chair (ECC).
- c) ECC reviews draft list, provides feedback to Agency representative via phone or email.
- d) Agency amends list if it deems it appropriate, provides it back to ECC. ECC Chair will place it on agenda for Committee action and will also request the EAC Chair to place it on EAC agenda for publication consideration. This process provides the draft list and notice of meeting to the EAC and the public.
- e) Exemption Committee reviews draft list in meeting, with Agency representative if Agency so chooses. Exemption Committee may recommend substantive further changes; if so, Agency may choose to amend the list and then resume the process at Step (b). If no changes, or if recommended changes are not substantive, Exemption Committee may choose to advance the list to EAC for consideration to publish in *The Environmental Notice* (TEN) for a 15-day comment period with comments, attn: to OPSD-ERP.
- f) EAC will be asked to vote to publish draft list. If vote is YES, move to Step (g). If no, agency may choose to go back to Step (b), or may choose to forego the public review process and use the list without concurrence.
- g) OPSD-ERP will provide copies of comments to the Agency representative and to the Exemption Committee.
- h) At the next EAC meeting, Exemption Committee will meet, also inviting Agency representative, to discuss comments, which will be included with the draft list on the agenda.
- i) Exemption Committee may recommend further changes; if so, Agency may choose to amend the list and then resume process at Step (b). If no changes, Exemption Committee and Agency may choose to advance the list to EAC for consideration of concurrence.
- j) If the EAC concurs, the list will be published on the OPSD-ERP website as a concurred list, with notice of such in TEN.

- k) If no EAC concurrence, the Agency may choose to restart the process, or may choose to use the list without EAC concurrence.