

## 2023 ENVIRONMENTAL ADVISORY COUNCIL ANNUAL REPORT

The Environmental Advisory Council (EAC) is established by HRS § 341-5.5. The functions of the EAC are to serve as a liaison between the Office of Planning and Sustainable Development (OPSD) Director and the general public to make recommendations concerning ecology and environmental quality. The EAC is also tasked with monitoring the progress of the State, county, and federal agencies in achieving the State's environmental goals and policies.

In 2021, with the passage of Act 152, the EAC's roles changed (with amendments to HRS Chapters 341 and 343). Most significantly, the EAC was administratively moved from the Department of Health and the Office of Environmental Quality Control to OPSD. In 2022, the EAC continued to explore the process of repealing its procedural rules under HAR Title 11, Chapter 201 to address those responsibilities no longer held by the EAC after the passage of Act 152 and began drafting its policies and procedures to replace its prior procedural rules.

After losing two members (whose terms ended) in 2023, the EAC now includes 13 members. While those positions are being recruited, 2024 will be another transition year with several members reaching their term limits. Recruitment to fill those seats has also begun. The EAC prides itself on a diverse membership with individuals from communities across the islands bringing broad expertise. Recruitment processes are in place to help ensure that EAC membership remains diverse.

The EAC has six committees comprising current EAC membership: Legislative, Strategic Planning, Information and Outreach, Exemptions, Rules, and Annual Report. Each committee operates under its policies and procedures with defined priorities. A summary of 2023 committee activity follows:

### **Legislative Committee**

In late 2022, as has been our annual "tradition," the Environmental Advisory Council (EAC) Chair and the Legislative Committee Chair met with Representative Lowen, Chair of the State House Committee on Energy and Environmental Protection, and Senator Mike Gabbard, Chair of the State Senate Agriculture and Environment. The committee meets with them to learn more about their environmental priorities for the 2023 session and share an annual update on the EAC.

Once the session starts, the Legislative Committee, with advice and input from the EAC and the OPSD builds a list of bills that need EAC attention. Members then select those bills they deem strongly connected to the EAC's role, and either submit written testimony or testify at the appropriate committee hearing. In 2023, comments were submitted for SB71, SB245, SB507 and HB185.

### **Strategic Planning Committee**

The Strategic Planning Committee (SPC) began as a result of several surveys and the re-positioning of the EAC from the Department of Health to the OPSD. In 2023, the committee had five priority areas of concern:

*Revising the Annual Report:* It was recommended that the EAC's Annual Report be folded into the OPSD Annual Report. However, upon learning that OPSD does not submit one, an alternate format with an EAC Committee-focused content was employed.

*Advancing the collaboration between the EAC and its new administrative "home," the OPSD:* Ongoing communications between the OPSD Director, the OPSD's Interim Director, and the EAC Chair have been very helpful.

*Exploration of the opportunity for a Department of Environment:* A bill has been introduced for the past several years to create that new department. Each time, it has failed to move forward, so the EAC began to explore what role, if any, it might play in that discussion.

*Communicating the role and mission of the EAC:* The previously mentioned surveys indicated a community-wide absence of understanding of the EAC's role and its limits; e.g., no budget, no Executive Director, no dedicated staff, etc. The Information and Outreach Committee has created several panels and workshops targeting this misunderstanding.

*Recruitment and Transition Planning:* In 2024, several EAC members will rotate off. Already, two key, long-time members rotated off in 2023. The SPC recommended many suggestions to help find replacement members and to ensure a smooth transition.

### **Information & Outreach Committee**

Information and Outreach Committee (I & O) leads and organizes public forums and presentations relevant to the EAC's mandates in Hawaii Revised Statutes, Section 341-6. The I & O Committee may also take the lead on communications with members of the public, agencies, and stakeholders. In 2023, the I & O Committee held two public forums – one on June 1, 2023, with the U.S. Fish and Wildlife, Pacific Islands Fish and Wildlife Office to discuss how to generate an official species list and – a second on June 27, 2023, titled "Clearing the Hurdles of EIS." A December forum will discuss the EAC's Exemptions Committee and its function.

### **Exemptions Committee**

The EAC encourages state and county agencies to update their existing exemption lists to conform to amendments to HAR Title 11, Chapter 200.1, and/or to create new exemption lists. Exemptions are the base of the pyramid for decisions made in the Chapter 343 HRS process. They are critically important for agencies to give a systematic look to even minor projects that they exempt to minimize environmental impacts and determine if projects require a more detailed review of an environmental assessment or environmental impact statement. The Exemption Committee assists agencies in understanding the administrative rules related to exemptions and reviews agencies' exemption lists to optimize the exemption process. In 2023, the Exemption Committee assisted in the review of exemption lists for the Hawai'i School Facilities Authority, County of Hawaii Office of Housing and Community Development, and Commission on Water Resource Management.

## **Rules Committee**

The EAC Rules Committee is comprised of existing EAC members. In 2023, the Rules Committee focused the process to repeal the EAC's procedural rules, Hawaii Administrative Rules (HAR) Title 11, Chapter 201 to address the EAC's new role as an advisory council, delete provisions that are no longer applicable to the EAC, while preserving those that are. The Rules Committee led the effort to transition the EAC's procedural rules to internal policies and procedures. Throughout the year, the EAC and the Rules Committee continued to monitor suggestions from EAC members and members of the public about potential amendments that may be required to the Environmental Impact Statement Rules, HAR Title 11, Chapter 200.1 (the EIS Rules). The EAC created a Permitted Interaction Group (PIG) to consider any change to the EIS Rules that might be needed to clarify the exemptions provisions. Once the PIG completes its work, the Rules Committee will consider any proposed amendments to the EIS Rules.

## **Annual Report Committee**

The Annual Report Committee guides and develops the EAC's annual report to be consistent with the EAC's mandates in HRS § 341-6. In addition to developing the 2023 annual report, the committee worked with the SPC to evolve the AR content to meet its statutory mandate and be feasible by the committee.