

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~~ (10) days 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. ERP staff will produce EAC meeting minutes while Committee chairs are responsible for maintaining their individual committee minutes.

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

Meeting minutes or recordings of the meetings must be given to ERP staff within 30 days so that ERP staff may post the meeting minutes 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. [Per the Ethics Commission email dated April 12, 2024, EAC members no longer need to file financial disclosures per HRS § 84-17 because the EAC is advisory only. The EAC to monitor this requirement should its role become non-advisory in the future.]
- 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.
- k. **Recruitment and Transition Planning.**
Although the EAC is not the primary source for new membership, the EAC should encourage citizen participation through the state's Boards and Commissions process with a focus on recruiting members for subject matter areas identified in HRS § 341-6 not covered by the existing membership.

Outgoing members should assist in new member recruitment by:

- Identifying gaps in areas of experience (see HRS § 341-6);
- Speaking with selected individuals regarding their possible interest in serving on EAC;
- Encouraging those individuals to submit their application to serve through the Boards and Commissions website, <https://boards.hawaii.gov/>;
- Once nominated and approved, transition planning should include (but is not limited to):
 - An in-depth overview of the Sunshine Law, HRS Chapter 341 and 343, and the Environmental Impact Statement Rules (currently HAR Title 11, Chapter 200.1);
 - A discussion of the EAC's role and authority, including its place within OPSD; and
 - Assignment of an existing EAC-mentor to each new EAC member.

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

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

meeting at dbedt.opst.erp@hawaii.gov or 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 an OPSD's annual report to the Legislature.
- c. **Annual Report Topics.** The Annual Report shall be consistent with the EAC's mandates in HRS § 341-6.

IV. RULES / EAC GUIDANCE PROCESS

- a. **Rules Committee.** The Rules Committee is responsible for taking the lead on making recommendations to OPSD regarding 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 Chapter 343.
 - ii. Where appropriate, conduct community outreach to engage in meaningful consultation with various stakeholders.
 - 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.