

2022 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 also monitors the progress of the State, county, and federal agencies in achieving the State's environmental goals and policies.

In the past, the EAC heard appeals from applicant environmental impact statements that were not accepted by the accepting authority, issued an annual report with recommendations to the Governor, the Legislature, and the general public, and promulgated administrative rules for implementing Chapter 343, HRS. In 2019, the EAC, working with Office of Environmental Quality Control (OEQC) (now the Environmental Review Program), completed rulemaking to update the Environmental Impact Statement (EIS) rules, Hawai'i Administrative Rules (HAR) Title 11, Chapter 200.1.

With the passage of Act 152 in 2021, the EAC's roles changed (with amendments to HRS Chapters 341 and 343). The EAC requirement to provide applicant EISs that are not accepted by the accepting authority with an appeal process is now done by Circuit Court rather than the EAC. Most significantly, in 2021 the EAC was administratively moved from the Department of Health to OPSD, along with the EAC's rulemaking authority.

In 2022, the EAC continues to explore the process to repeal its procedural rules under HAR Title 11, Chapter 201 to address those responsibilities that are no longer held by the EAC following passage of Act 152. In place of its procedural rules, the EAC began drafting its policies and procedures. The EAC also continued legislative efforts to advocate and support changes to HRS Chapters 341 and 343, while settling into its new roles and home under OPSD.

After filling three vacancies in 2022, the EAC now includes 15 members. These members come from diverse backgrounds and communities across the state bringing broad expertise to the EAC.

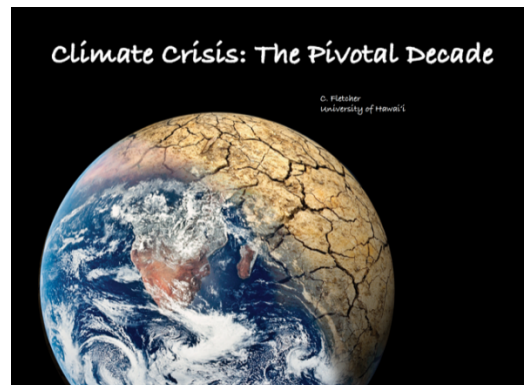


(Photo: The EAC's first in-person meeting of 2022 on October 4, 2022, in the State Office Building, room 405.)

The EAC's recent transitions led the EAC to conduct a strategic planning forum, which began with a 5-year "look-back" summary of selected EAC accomplishments and successes, including:

- revising the rules governing the HRS Chapter 343 process, including exemptions, EAs, and EISs, for the first time in over 20 years;
- working with agencies to update their exemption lists pursuant to HAR Title 11, Chapter 200.1;
- hearing the first appeal in EAC history;
- working with the Legislature to change (a) the appeals process, (b) the requirements for an Annual Report, and (c) the definition of “quorum” for the EAC;
- implementing two planning surveys, both leading to the strategic planning forum;
- restructuring the OEQC;
- moving the EAC from the Department of Health to the OPSD; and
- convening Information & Outreach (I&O) Committee forums.

Moving forward, the EAC will continue to focus on strategic planning efforts to strengthen the EAC’s impact in meeting its statutory requirements.



(Figures: In 2022, the EAC's I&O Committee organized two forums – one focused on watershed protection and another on climate change.)

The EAC continues to encourage 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 and, thus, are critically important for agencies to give a systematic look to even minor projects that they exempt in order to minimize environmental impacts and determine if projects require the 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 2022, the Exemption Committee assisted in the review of exemption lists for the Honolulu Board of Water Supply, the Honolulu Department of Transportation Services, the Kaua’i Department of Water, the Department of Transportation, the Housing Finance and Development Corporation, and the Hawai’i Public Housing Authority.

As the EAC transitions into 2023, it will continue to focus on its strategic planning efforts, creating guidance on HAR Title 11, Chapter 200.1, supporting legislation that may impact the EAC and the environment, as well as exploring recommendations related to the balance between economic development and environmental quality.