

Summary of the Environmental Council's Immediate Needs and Future Goals

Submitted by Gail Grabowsky, Environmental Council Chair

January 12, 2010

The Immediate Needs of the Environmental Council:

These needs were determined by the Environmental Council members and **passed as a motion** at the Council's last meeting in July, 2009. The Council agreed at that time not to meet again until these needs were met:

In order to conduct successful meetings the Council requires the following:

1. Adequate funding to fly in all neighbor island members for a minimum of 6 in-person meetings a year, or, adequate public-friendly meeting facilities for video conferencing, and real-time, on-site staff support for the VC sites
2. Staff support equivalent to a 1/2 time position to (i) take minutes, (ii) conduct basic research, (iii) carry out communications, and (iv) assist with rules revisions, exemptions, and the annual report
3. Financial support for the production of the annual report
4. Prompt approval (within 2 months) from the Governor's office of appointments sufficient to bring the council up to the full membership, and prompt action (within 2 months) when there are any vacancies

The Future Goals of the Environmental Council:

A set of more long term goals for the Council were also drafted and **passed as a motion** at the last meeting of the Council in July, 2009:

Council Positioning and OEQC's Role:

1. The Council would like to see OEQC become a more independent agency with much more support/staff (15+) and the power to review EA's and EIS's.
2. The Council believes that agencies should draft EA's and EIS's and OEQC should confer/review them.
3. The Council, under this kind of scenario, would remain connected to OEQC.

Exemptions:

1. The Council would like to be able to initiate/order exemption list updates.
2. The Council would like exemption lists to be published in the Environmental Notice.
3. The Council would like to be granted the authority to request that agencies provide information pertaining to and/or list what projects they have declared and/or are planning to declare to be exempt.
4. The Council would like to look into a possible public comment process for projects proposed for exemption.

Annual Report:

1. The Council supports the existing legal description of the Annual Report and needs the resources to produce such a report.
2. The Council believes the Annual Report should not be stifled; it should be a quality report as mandated.
3. The Council would like to see efforts made to publicize the Annual Report better once it is produced.

Rules:

1. The Council is satisfied with the rulemaking authority it has been given, but very unsatisfied with the process of rules revision which has resulted in years of hard work leading to no rule changes.

Public Liaison:

1. The Council would like to continue to act as an ombudsman for environmental information exchange, public input and public inquiry.

Synergizing with the State into the Future:

1. The Council recognizes that the current EIS Study will result in many good ideas that will pertain to OEQC and the Environmental Council and we would like our ideas and recommendations to synergize with the ideas that come out of the EIS study.

Important New Developments:

Since July the Council has not convened because the conditions to run a successful meeting have not been met. At this time therefore our immediate needs remain the same, but, the Council Chair and a number of Council members have participated since July in a number of meetings relating to the UH EIS Study, public hearings, and meetings of the Council's *ad hoc* "Investigatory Committee on the Council's Future" with the result that the future, long term goals of the Council have likely evolved somewhat. We have not however been able to formally meet to pass a motion supporting revised/supplemented future goals. I as an individual Council member support the following changes to the current system:

1. Elevating the Council so that it is equivalent to other boards and commissions with OEQC serving as staff to the Council
2. Explicitly attaching the Environmental Council to OEQC
3. Adjusting the Director of OEQC's powers and duties towards supporting the Council's authority
4. Requiring that OEQC receive adequate budgeting and staff support for the Council.
5. Removing the OEQC Director as an ex officio member of the Council
6. Making the Council, instead of the OEQC Director, advisory to the Governor and making the Council the primary advisor to the Governor on environmental quality
7. Giving the Council rulemaking authority for Chapter 341 as well as 343
8. Giving the Council interim rule making authority that is exempt from the public notice, public hearing, and gubernatorial approval requirements
9. Streamlining the membership of the Environmental Council from 15 to 7 members with 4 members nominated by the legislature
10. Moving OEQC and the Council to DLNR
11. Moving the DPP to DLNR
12. Creating a pay-as-you-go system to ensure adequate funding for the Environmental review process
13. Establishing an environmental review special fund to be funded through filing fees and other administrative fees collected by OEQC, to be used to provide additional funds to OEQC and the Council
14. Requiring that OEQC and the Council conduct regular outreach and training for state and county agencies
15. Requiring that OEQC offer advice to NGO's, state residents, private industry agencies and others
16. Requiring that OEQC conduct annual statewide workshops and publish an annual state environmental review guidebook
17. Requiring that OEQC prepare a new kind of annual report that analyzes the effectiveness of the state's environmental review system, including an assessment of a sample of EA's and EIS's for completed projects
18. Allowing the Council to combine its annual report with OEQC's new annual report
19. Requiring OEQC to create and maintain an electronic communication system to meet best practices for environmental review

20. Adding at least three additional staff members to OEQC
21. Passing a supplemental budget for OEQC until the special fund is established to ensure adequate functioning and support for OEQC and the Environmental Council and continued improvements to the electronic communication and archiving system

NOTE: I, as the current Chair of the Environmental Council am considering calling a meeting of the Council in late January, after the proposed bills are out, so that the we may meet to declare as a body our support (or lack thereof) for the components of the a bill pertaining to the Council, OEQC and the EIS process. This meeting would be called even though the conditions to run a successful meeting have not been met by the DOH. The Chair of the Council feels it is important to have the Council weigh in on all of this at this time – if we can get a quorum.

Finally there are a number of other finer-grained Environmental Council duties and concerns, such as, exemptions, triggers, declarations, the full role of the annual report and finally, the role of the Council as an general liaison with the public, that the above statements from myself do not discuss and that the Council is concerned about and may want to weigh in on in the near future.

Thank you for the opportunity to testify before you.