

HAWAII STATE ENERGY OFFICE STATE OF HAWAII

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DAVID Y. IGE
GOVERNOR

SCOTT J. GLENN
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Testimony of
SCOTT J. GLENN, Chief Energy Officer

before the
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Wednesday, July 1, 2020
12:30 PM
State Capitol, Conference Room 224

In SUPPORT of
GOVERNOR'S MESSAGE 830, PUANANIONAONA THOENE
Appointment to the Environmental Council
(Written Testimony Only)

Chair Gabbard, Vice Chair Ruderman, and Members of the Committee. I am writing in support of the appointment of Ms. Puananionaona Thoene to serve as a member of the Environmental Council.

Pursuant to HRS § 341-6, the Council is tasked with the following functions and responsibilities: promulgate administrative rules for the implementation of HRS Chapter 343; serve as a liaison between the director and the general public by soliciting input concerning environmental quality through public hearings or any other means; make recommendations concerning ecology and environmental quality to the director; and monitor the progress of state, county, and federal agencies in achieving the State's environmental goals and policies.

In my former capacity as the Director of the Office of Environmental Quality Control, I had the great pleasure to work with Ms. Thoene. She is a demonstrated leader and invaluable as the Council's chair. She devoted a significant amount of time and expertise to the Council's rules update including serving on the Rules Committee. Ms. Thoene also served on the Exemptions Committee, on which she assisted agencies with updating their exemption lists and practices. Ms. Thoene's work has been vital in developing practical solutions to balance the need for public involvement with ensuring the Council's proposed rules solutions were implementable. For these reasons and more I support the appointment of Ms. Thoene to the Council.

Thank you for the opportunity to testify.

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OUR REFERENCE NO.:
000901-00030

June 29, 2020

Senate Committee on Agriculture and Environment
Senator Mike Gabbard, Chair
Senator Russell E. Ruderman, Vice Chair

Re: Testimony Supporting GM 830: Submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, Puananionaona Thoene

Hearing: July 1, 2020, 12:30 p.m., State Capitol, Room 224



Dear Chair, Vice Chair and Members of the Committee:

We proudly and enthusiastically support the confirmation of our partner, Puananionaona Thoene, to continue her service as a member of the Environmental Council, for another term expiring June 30, 2024.

We are co-chairs of Carlsmith Ball LLP, which encourages our attorneys to serve on civic, community, and public boards and commissions. Onaona's experience in land use, environmental, administrative, real estate, and corporate law, combined with her dedication to public service, made her an appropriate interim appointee to the Council in 2016 and a formal appointee in 2017. The leadership and skill set that supported her joining our partnership also supported her election as Council Chair in March 2018.

We wholeheartedly support Onaona's continued service as a member on the Environmental Council to fulfill the Legislature's goals to "assure a broad and balanced representation of educational, business, and environmentally pertinent disciplines and professions[.]" HRS § 341-3(c).

Sincerely,



Joanne L. Grimes and Jon T. Yamamura
Co-Chairs, Carlsmith Ball LLP

4814-3612-8961.1

GM-830

Submitted on: 6/25/2020 3:39:34 PM

Testimony for AEN on 7/1/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary	Individual	Support	No

Comments:

While I have served as a volunteer on the EC I am testifying as an individual. I highly recommend the reappointment of Puananionaona Thoene to the Environmental Council. Ms. Thoene has served as the Chair for the past few years. She has an uncanny ability to listen and capture group consensus. She is kind and generous with her time. The State of Hawaii is fortunate to have her willingness to volunteer in this role. Thank you for the opportunity to testify.

GM-830

Submitted on: 6/26/2020 2:53:38 PM

Testimony for AEN on 7/1/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Villalon	Individual	Support	No

Comments:

To whom it may concern,

Puananionaona Theone is an ideal candidate for this position. She successfully updated the EIS rules (and during her first term, no less), and has extensive experience in Hawaii state and federal land use law and environmental law. This, coupled with her native Hawaiian background, make her an outstanding candidate for this position. I was fortunate enough to be in Ms. Theone's law school class, and can testify to her sterling moral, ethical, and intellectual character. I wholeheartedly support her confirmation to the Environmental Council.

Respectfully submitted,

Tom Villalon

From: [Rocksford Takamatsu](#)
To: [Sen. Mike Gabbard](mailto:sen.mike.gabbard@capital.hawaii.gov); ["senrudeman@capital.hawaii.gov"](mailto:senrudeman@capital.hawaii.gov)
Subject: GM830- AEN Cmte hearing 7/1/2020: Onaona Thoenes - Environmental Council, term to exp. 6/30/2024
Date: Tuesday, June 30, 2020 4:55:41 PM
Attachments: [image001.png](#)

Dear Senators Gabbard and Rudeman,

I have never submitted any oral or written testimony to any committee, but I was notified by a good friend that Ms. Puanania Thoenes, Esq. would be considered to serve on the Environmental Council.

I have come to know of Ms. Thoenes through her work as an attorney at the law firm of Carlsmith Ball, where she is representing one of the community associations that I manage for Hawaiian Management. I have had attended several meetings where she is one of the attorneys that are assisting the association board with the legal implications of their tree landscaping issues with The City & County of Honolulu, Department of Planning and Permitting (DPP). Ms. Thoenes has been in contact with DPP, while working with the association team to get a favorable decision on behalf of the association.

I have attended several executive sessions (private board meetings) where Ms. Thoenes has briefed the board on the DPP issues, while offering superior legal advice in what are the options to consider, while supporting her opinions with facts, legal rationale, and a historical perspective, which allows someone to follow her thought process, and the reasons why that's a viable and logical course of action for the client. That, in of itself is impressive, but I have been particularly impressed by her composure, professionalism, and decorum when she had been repeatedly interrupted and insulted by a board member who disagrees with the majority of the board on the DPP legal strategy. Ms. Thoenes calmly answers any questions, and does not lose her cool when he behaves in this manner, while the other people on the call will basically tell him to stop interrupting her. In the end, she keeps doing what she is hired to do, while being polite and professional throughout the meeting.

I have worked with hundreds of companies over the past 18 years in condominium management, and many attorneys over the years, but Ms. Thoenes has been exemplary in her understanding of the legal issues, her ability to explain an issue with a well thought out and expressed narrative, while doing all of that with courtesy, respect, humility, and professionalism. I think that she would be a good representative in state government, and I hope that this written testimony is of help to you in considering her for this committee.

Sincerely,

Rocksford Takamatsu

The screenshot shows the Hawaii State Legislature website interface. At the top, there is a navigation bar with "Hawaii State Legislature" logo, "Sign In | Register | help" links, and a "Home" icon. Below the navigation bar, there is a section for "30th Legislature, 2020" with a "View Legislative Calendar" link, and "Session times for Monday, June 29, 2020" (Senate: 11:30 a.m. | House of Representatives: 12:00 p.m.). A search bar is present with the text "Find Your Legislator" and "Enter Street Name" followed by a "Go" button. The main content area is divided into several sections: "Search" with a magnifying glass icon; "How to use the Searchboxes" with four search boxes: "Bill Status/Measure Status" (gm830), "Keyword Search" (searches 2020 session), "Hawaii Revised Statutes" (searches 20219 HRS), and "Session Laws (Acts)" (searches 1959-2018 acts); "Sign in to the Hawaii Legislature" with a login form (email address: ddeportillo@carlsmith.com, password: *****), a "Log In" button, and a "Forgot Password? Click Here" link; "HELP! If you are unable to register or are having issues logging in, click here."; "NOTE: An account is required in order to submit online testimony." with instructions on creating an account and submitting testimony; "Browse Document Repositories" with links for "Bills and Resolutions" and "Committee Reports"; and a sidebar on the right with links for "Senate", "House", "Archives", "Legislative Information", "Special Studies", and "Links". At the bottom right, there is a photo of the Hawaii State Capitol building and its address: "Hawaii State Capitol, 415 South Beretania St., Honolulu, HI 96813", along with a "Help and Information" link.

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Aloha e Chair Gabbard, Vice Chair Ruderman, and members of the Committee on Agriculture and Environment. Enclosed please find my written responses to your questions regarding my interest in serving on the Environmental Council.

(1) Why do you wish to be a member of the Environmental Council?

I have served as a member of the Environmental Council (Council) since November 2016 and as Chair of the Council since March 2018. I have enjoyed my time giving back to the State of Hawai'i and the community through my work on the Council and wish to continue my service. The Council deals with subject matters in which I have a specific interest and experience. My experience as an attorney in the fields of land use and environmental law allows me to substantively contribute to Council discussions and to advise on matters before the Council. Since joining the Council in 2016, we have successfully completed updating the Environmental Impact Statement (EIS) Rules, Hawai'i Administrative Rules Title 11, Chapter 200.1. We are now in the process of implementing the updated rules and working on guidance for agencies and the public.

(2) How do you perceive the role and responsibilities of a member of the Environmental Council?

The functions of the Council are to serve as a liaison between the Office of Environmental Quality and Control (OEQC) Director and the general public and to make recommendations concerning ecology and environmental quality. The Council monitors the progress of state, county, and federal agencies in achieving the State's environmental goals and policies, and issues an annual report with recommendations for improvement to the Governor, the Legislature, and the general public. The Council also promulgates administrative rules for implementing Chapter 343, HRS and hears appeals of non-accepted EISs.

As a member of the Council, I take these roles seriously. I was nominated to the Council in part because of my particular areas of expertise and I believe that it is my duty to offer my knowledge and experiences to the Council so that the Council can effectively fulfill its functions. Included in my role as a Council member is acting as an educator to members of the public who wish to understand the Chapter 343 process and its intent, and as an intermediary between community members and OEQC so that the community has a platform and persons to whom they may want to raise ideas or concerns.

(3) Given your understanding of the role and responsibilities of a member of the Environmental Council, why do you believe that you are qualified for the position? Please include a brief statement of your skills, expertise, or knowledge that would aid in your decision-making ability as a member of the Environmental Council.

One of the Legislature's goals in creating the Council was to assure a broad and balanced representation of a number of areas and professions, including "educational, business, and environmentally pertinent disciplines and professions, such as the natural and social sciences, the humanities, architecture, engineering, environmental consulting, public health, and planning;

educational and research institutions with environmental competence; agriculture, real estate, visitor industry, construction, media, and voluntary community and environmental groups." HRS § 341-3(c).

While the legal profession is not explicitly mentioned in the statute, my practice as an attorney in land use and environmental law covers a number of these subject matter areas. I have worked on complex projects that have gone through the HRS Chapter 343 process so I am familiar with the 1996 rules for environmental assessments and EISs. Furthermore, because I was a member of the Council that promulgated the updated EIS rules, I am very familiar not only with the rules themselves, but the intent behind the changes and updates to the rules. I am also aware of what concerns applicants, agencies, and members of the public have with the Chapter 343 process and can use that knowledge to help to improve and provide guidance on the process. In addition, I have experience speaking before State and County agencies and am able to navigate working with those agencies. I also have experience working with community groups. These skills and experiences will aid me in my decision-making ability on the Council because I am able to anticipate what questions the public and agencies may ask as well as what issues could arise from decisions made by the Council.

(4) What do you hope to accomplish during your term of service?

The Council successfully completed updating the EIS rules which took effect in 2019. My short term goals for my first term with the Council were to improve the old rules with a process that is balanced in its consideration of environmental quality, conservation and growth. I believe the new rules help to accomplish that.

My goals, if confirmed for another term, would be to assist OEQC with completing guidance for the updated rules. This is something that the OEQC and the Council have been working on since rulemaking was completed last year.

I continue to recognize that progress involves balancing the thoughtful management of our natural resources, but also requires some development to allow for future growth. These are the concepts that I keep in mind for my work with the Council as well as with State and county agencies and the public.

(5) Name three qualities that best describe you and that would make you stand out. How would these qualities benefit the Environmental Council?

1. I am passionate about my work. I care very much about my commitments and have a good work ethic. This quality will benefit the Council because I work hard to help the Council accomplish its goals and fulfill its responsibilities.

2. I am intelligent and learn from experience. This quality benefits the Council because along with coming to the Council with experience specifically in land use and environmental law, I am able to learn new subject matter quickly and apply it. I am also able to

effectively communicate ideas and concepts. This is particularly helpful in the education aspect of my role on the Council.

3. I am objective and versatile. This Council was created with the express intent that its members represent a variety of disciplines and professions. As part of my legal training, I have the ability to be objective and to see things from a number of perspectives. This helps me, the members of the Council, and the public to work together to see views from all perspectives and to make recommendations that are balanced as best as they can be for all parties.

(6) Name one previous experience that would make you stand out. How would this benefit the Environmental Council?

The main experience that stands out is my previous service on the Council since 2016. Having gone through rulemaking to update the EIS rules has been a tremendous learning experience with my fellow Council members and all who participated in the process, including OEQC staff, legislators, State and county agency staff, and members of the public.

In addition, my collection of my experiences growing up in Hawai‘i, being raised with access to traditional Hawaiian culture and values, as well as urban life in Honolulu and San Diego, have shaped my overall perspective which I believe contributes to my work on the Council. I attended Kula Kaiapuni from kindergarten through the sixth grade then was a boarder at Kamehameha Schools, Kapālama Campus from the seventh through twelfth grades. I lived in California during my undergraduate studies and returned home for law school at the William S. Richardson School of Law. I currently serve as a volunteer on the Island Advisory Council for Hawaiian Islands Land Trust. I am a native Hawaiian attorney who has experience in the private sector and an appreciation for conservation and environmental efforts, but also recognizes the need growth and development.

(7) Can you foresee any possible conflicts of interests that could arise during your service on the Environmental Council? How would you overcome any possible conflicts of interest?

I anticipate that matters in which I may be conflicted out of could arise during my term on the Council due to my work as an attorney in the field of land use and environmental law and representation of clients who go through the HRS Chapter 343 process. If faced with a situation where I could be conflicted out, I would disclose the potential conflict and to recuse and abstain from all discussions and voting on matters in which there may be a perceived or actual conflict. Because the Council may have up to fifteen members, I do not anticipate that should I have to recuse from a matter, the Council's decision-making ability would be negatively impacted.

If you have any further questions, please let me know. I appreciate the opportunity to provide this information to the Committee.



Puananionaona Thoene