

SR-197

Submitted on: 3/29/2022 9:46:29 AM

Testimony for WTL on 3/30/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Denise E Antolini	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Inouye, Vice Chair Keith-Agaran, and members of WTL,

I write in support of SR197, REQUESTING THE DEPARTMENT OF PLANNING AND PERMITTING OF THE CITY AND COUNTY OF HONOLULU TO PUBLISH ON ITS WEBSITE ALL DECISIONS REGARDING WAIVERS AND VARIANCES.

I have been involved in public interest environmental issues in Hawai'i since 1990, as a litigator, professor of law, community member, and member of various boards and commissions including as Chair of the State Environmental Council (now called the Environmental Advisory Council).

Public access to information by government agencies -- in a timely, easily accessible, and accurate manner -- is key to sustaining civic engagement and democratic governance.

Some agencies, like the Office of Environmental Quality Control (now called the Environmental Review Program) have made significant advances in transparency of decisionmaking in Hawai'i through timely and one-stop posting of critical information for the public through *The Environmental Notice (TEN)* (as mentioned in the resolution).

TEN posts timely information about state, county, and federal decisionmaking in the environmental law and policy arena. For example, decisions on county-level Special Management Area permits, (for O'ahu, under ROH Chapter 25) are posted twice a month in a clear accessible format.

County-level agencies such as the City and County of Honolulu Department of Planning and Permitting, which plays a critical role in land use planning and development decisions on O'ahu, are making small steps in right direction, but have a long way to go toward timely and accurate access for the public to key information, either on its DPP web site or via *TEN*.

This resolution points DPP in the right direction. I would suggest that the resolution be amended slightly to encourage DPP to not only publish waivers and variances on its web site **but to also more fully utilize *TEN as a publication portal***. The County already does this for SMAs, and should extend that publication process to include waivers, variances, and other decisions that have public comment or engagement opportunities.

Mahalo for considering my comments.

Denise Antolini

Professor of Law, William S. Richardson School of Law, University of Hawai'i at Mānoa

(Title provided for affiliation only; this testimony is provided in my private capacity and does not necessarily represent the position of the Law School or the University)