

Hawai'i Environmental Council
EIS Rules Update Process
Status Update – February 20, 2018

The following describes the Environmental Council's intended process for voting on Proposed Rules it may request for public hearing. This process may be amended by the Council at the request of a majority of the members during a Council meeting. This is just a preliminary step; there will be a full hearing and opportunity for the public to comment at the formal public hearings. For more information on the Council's rules update, including process, timeline, and working drafts, please visit: <http://health.hawaii.gov/oeqc/rules-update/>.

Introduction of Version 0.4 of the Proposed Rules

On February 20, 2018, the Environmental Council introduced Version 0.4 of the draft environmental impact statement (EIS) rules, Hawai'i Administrative Rules (HAR) Chapter 11-200.1 (the "Proposed Rules"). The Proposed Rules package includes two official documents.

- Version 0.4 Proposed HAR 11-200.1 Rules ([PDF](#)) ([CiviComment](#))
- Version 0.4 Proposed HAR 11-200.1 Rationale ([PDF](#))

In addition, the Council has prepared a guidance document.

- Version 0.4 Rules in Unofficial Ramseyer Format ([PDF](#))

Schedule

A schedule of major events is provided below, and can also be found at the EIS Rules Update website. Updates to the schedule will be posted on the website and distributed to the email list.

February 26, 2018	Deadline to submit comments regarding typographical errors in the Proposed Rules or other corrections to the Rationale document for incorporation into a Version 0.4a ("v0.4a") of the draft EIS Rules package. Comments regarding the Ramseyer Format do not need to be submitted at this time because it is an unofficial guidance document.
February 28, 2018	Publication of the Agenda for the March 6, 2018 meeting of the Environmental Council, including v0.4a of the Proposed Rules.
March 5, 2018	Deadline to submit written comments regarding the Proposed Rules for consideration by the Environmental Council. Again, this is preliminary; there will be hearings and opportunity for the public to comment if the Council approves moving the Proposed Rules to public hearing.
March 6, 2018	Meeting of the Environmental Council to be scheduled from 9:00 am to 4:30 pm. Agenda to include decision making regarding approval of v0.4a of the Proposed Rules (as amended) for public hearings for rulemaking.

Corrections to the Proposed Rules

If Council members or members of the public identify typographical errors in the Proposed Rules, or more general corrections to the Rationale document, they are strongly encouraged to submit those comments to the Chair by Monday, February 26, 2018. These may be submitted by sending an email to oeqchawaii@doh.hawaii.gov with a subject line of “Corrections to the Proposed Rules.”

Typographical errors to v0.4 of the Proposed Rules, and other corrections to the Rationale document, will be compiled by the Chair into v0.4a of the Proposed Rules. This step is intended to clean up the Proposed Rules package for consideration at the March 6, 2018 meeting of the Environmental Council. This package will be subsequently posted along with the agenda for the March 6, 2018 meeting.

Proposed Amendment and Decision Making Process on v0.4

Council members who wish to propose amendments to v0.4 of the Proposed Rules are expected to come to the March 6, 2018 meeting with prepared written amendments to the Proposed HAR Chapter 11-200.1 Rules *and* suggested changes to the accompanying Rationale document. Draft written amendments shall be submitted to the Chair prior to the start of the meeting. Members of the public are also encouraged to submit prepared written amendments to the Proposed HAR Chapter 11-200.1 Rules *and* suggested changes to the accompanying Rationale document, but are not required to do so.

The Chair will open the agenda item with a motion to approve v0.4 of the Proposed Rules, along with a reading of the proposed amendments that were submitted by Council members at the beginning of the meeting. All proposed amendments that are seconded will be retained for further consideration. Amendments that have been seconded will be tabled until all proposed amendments have been presented. Following amendments by Council members, the Chair will allow the public to suggest changes that Council members may move and second for consideration as amendments.

The Chair will allow discussion of the motion on the floor by Council members and the public, and may conduct a straw poll amongst the Council members regarding the manner in which the proposed amendments will be considered. This may include prioritization of the order in which amendments are considered, revisions to amendments, compilations of amendments that share a common theme, or any combination thereof.

All proposed amendments that have been seconded will be considered prior to voting on the Proposed Rules.

If the Council does not approve the Proposed Rules as amended, or the schedule prohibits all amendments from being considered before the Council reaches a decision on a satisfactory combination of amendments that a majority would approve, then the Council will decide whether to request a draft v0.5 be produced, or continue the meeting to a later date. If the meeting is continued, the Council anticipates that the continued meeting will occur on Wednesday, March 7 from 9:00 am to 4:30 pm.