

STAND. COM. REP. NO.

1276

Honolulu, Hawaii

APR 14 2011

RE: GOV. MSG. NOS. 547,  
548, 550, 573, 609,  
610, 638

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature.  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Energy and Environment, to which was referred Governor's Message Nos. 547, 548, 550, 573, 609, 610, and 638, submitting for study and consideration the nominations of:

ENVIRONMENTAL COUNCIL

G.M. No. 547 DAVID ATKIN,  
for a term to expire 6-30-2015;

G.M. No. 548 SCOTT GLENN,  
for a term to expire 6-30-2015;

G.M. No. 550 MARY STEINER,  
for a term to expire 6-30-2015;

G.M. No. 573 MARJORIE F.Y. ZIEGLER,  
for a term to expire 6-30-2015;

G.M. No. 609 MALIA AKUTAGAWA,  
for a term to expire 6-30-2014;

G.M. No. 610 SHANNON D. MEARS,  
for a term to expire 6-30-2014; and

G.M. No. 638 IRIS TERASHIMA,  
for a term to expire 6-30-2014,

begs leave to report as follows:

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Your Committee has reviewed the personal histories, resumes, and statements submitted by the nominees and finds David Atkin, Scott Glenn, Mary Steiner, Marjorie F. Y. Ziegler, Malia Akutagawa, Shannon D. Mears, and Iris Terashima, to possess the requisite qualifications to be nominated to the Environmental Council.

Your Committee received testimony in support of the nomination of David Atkin from Gary Hooser, Office of Environmental Quality Control; Representative Mark Takai; Robert Harris, Sierra Club, Hawai'i Chapter; John Williamson; Susan Killen; Alan Pollock; Dawn Chang; Reshawn Fields; Scott Glenn; William Anonsen; Alan Fujimori; Pam Burns; Amy Zaref; and Denise Antolini.

Dr. Atkin received his Bachelor of Science degree from Stanford University and his Doctor of Philosophy degree in Biology from Princeton University. Dr. Atkin is currently a Certified Senior Project Manager, Senior Professional Associate, and Senior Supervising Environmental Planner at Parsons Brinckerhoff, as well as a lecturer for the University of Hawaii at Manoa's Department of Urban and Regional Planning. He has thirty-one years of environmental planning experience in the public and private sectors in fields including transit, telecommunications, renewable energy facilities, and marine facilities. Dr. Atkin has been involved in projects in the United States, Guam, Taiwan, Thailand, Saudi Arabia, Singapore, Mexico, Chile, Italy, Portugal, and Malaysia.

Dr. Atkin currently serves on the Environmental Council as the chair of the Standing Committee on Exemption Lists. In response to your Committee's written question regarding why he wishes to be a member of the Council, Dr. Atkin expressed his interest in continuing to work through the current backlog of exemption lists and his desire to work with others to reinvigorate the Council's role in rulemaking. During the hearing, Dr. Atkin commented that the rules committee should work on "reader-friendly documents" that rely less on encyclopedic chronicling and focus more on real issues and discussion. When asked about possible conflicts of interest and how he would overcome them should any arise, Dr. Atkin responded that his employer has contracts with government agencies that are required to meet environmental requirements and that should a matter arise that directly affects one of his company's clients, he would first get advice from an attorney at the Hawaii State Ethics Commission and also review the



ethics policies of his employer. He stated that if there was an appearance of impropriety he would declare his conflict and recuse himself, pointing out that this has happened once in the past. He also pointed out that he is married to Mary Steiner who is also a member of, and nominee to, the Environmental Council. He does not see their marriage as leading to a conflict of interest as he states that they have their own independent views.

Dr. Atkin's wealth of professional experience in the field of planning in addition to his experience on the Environmental Council provide him with an ideal skill set for continued service on the Council.

Your Committee received testimony in support of the nomination of Scott Glenn from Gary Hooser, Office of Environmental Quality Control; The Nature Conservancy; Robert Harris, Sierra Club, Hawai'i Chapter; Mary Alice Evans; Denise Antolini; Lee Sichter; George Krasnick; Peter Rappa; Paul Luersen; Cheryl Soon; David Atkin; David Henkin; Mary Steiner; and Wayne Tanaka.

Mr. Glenn received his Bachelor's degree from the University of Evansville in Evansville, Indiana and his Master's degree in Urban and Regional Planning from the University of Hawaii at Manoa. Mr. Glenn is a member of the Hawai'i Chapter of the American Planning Association and the International Association for Impact Assessment. He has been a contractor to the Center for Island Climate Adaptation and Policy and to the University of Hawaii Sea Grant College Program, as well as a subcontractor for the Lighthouse Consulting Group on a project for the National Oceanic and Atmospheric Administration.

Mr. Glenn is currently a consultant for TEC, Inc. as well as a public citizen volunteer to the Environmental Council. When asked by your Committee why he wished to be a member of the Environmental Council, Mr. Glenn stated that the Council has a critical role in Hawaii's environmental review process and that the Environmental Impact Statement Rules, which the Council is tasked with making, repealing, or amending, have not been updated since 1996. He expressed his intention to modernize the rules to reflect changes in the Hawaii Revised Statutes and common practice and to address twenty-first century challenges such as sustainable development.



Mr. Glenn's experience in the field of environmental planning and his work with the Council make him an ideal candidate for Council membership.

Your Committee received testimony in support of the nomination of Mary Steiner from Gary Hooser, Office of Environmental Quality Control; Donna Wong, Hawaii's Thousand Friends; Robert Harris, Sierra Club, Hawai'i Chapter; Carol Kwan; Laura Thompson; Carin Lim; Denise Soderholm; Scott Glenn; Bob Loy; and Denise Antolini.

Ms. Steiner earned her Bachelor of Arts degree from the Richard Stockton College of New Jersey and a Certificado Estudios Hispánicos from the University of Madrid. She has served on the Honolulu County Arborist Advisory Committee and as a National Board Representative for the American Civil Liberties Union of Hawaii.

Ms. Steiner is currently the Chief Executive Officer of The Outdoor Circle and Chair of the Environmental Council. She is also an experienced public speaker who gives presentations regarding community-based advocacy to civic groups, students, military service groups, and professional organizations.

In her testimony to your Committee, Ms. Steiner stated that she strongly believes in the integrity of the State's environmental review process. She believes that the Council must educate others to better understand how the environmental review process works and that the result will be the protection of the environment. As Chair of the Council, Ms. Steiner sees her role as keeping the volunteers involved and enthusiastic and getting the committees up and running. Ms. Steiner also plans to update the Council's website.

Ms. Steiner's interpersonal skills, background in community advocacy and outreach, prior experience on the Council, and knowledge of environmental issues make her a tremendous asset to the Council and will contribute greatly to its functioning smoothly.

Your Committee received testimony in support of the nomination of Marjorie F. Y. Ziegler from Gary Hooser, Office of Environmental Quality Control; Lea Hong, The Trust for Public Land; Joan Lander, Na Maka O Ka 'Aina; The Nature Conservancy; Margaret Primacio, Kahuku Plantation Residents Association; Donna



Wong, Hawaii's Thousand Friends; Robert Harris, Sierra Club, Hawai'i Chapter; George Massengale, Hawaii Audoban Society; Arvid Youngquist, I Love Kalihi Valley; Cynthia K.L. Rezentes; Robin Kaye; Manu Boyd; Dave Raney; Mary Ikagawa; Randy Ching; Jo-Ann M. Adams; Kevin Chang; Evan Tector; Leland Miyano; Jay Nelson; Les Welsh; Elizabeth Kashinsky; Penny Levin; William Devick; Patrick Conant; Deborah Ward; Jonathan Likeke Scheuer; Betsy Harrison Gagne; Tanya Rubenstein; Annette Kaohelaulii; Robert Kinslow; Louis Erteschik; Marion Poirier; Sally Kaye; Emma Kaimiola Yuen; David Henkin; David Duffy; Doug Lamerson; Rachel Neville; Keith Swindle; Richard Poirier; Alyssa Miller; Casey Leigh; Mele Coleman; Wayne Tanaka; Maile N. Sakamoto; Julie Leialoha; and William J. Aila, Jr.

Ms. Ziegler received her Bachelor of Arts degree with Highest Honors in Geography from the University of Hawaii at Manoa and completed two additional years of coursework in the University of Hawaii at Manoa's Master's program in Geography. She has worked for KAHEA: The Hawaiian-Environmental Alliance and the Sierra Club Legal Defense Fund (now known as Earthjustice), as well as a variety of environmental programs for the State and others.

Ms. Ziegler is currently the Executive Director of the Conservation Council for Hawai'i and has been working on environmental issues in Hawaii for twenty-five years. She has participated in two comprehensive reviews of chapter 343, Hawaii Revised Statutes, Hawaii's environmental impact statement law, and has a grassroots network of hundreds of colleagues, community leaders, and agency representatives who actively promote environmental protection and sound policy in Hawaii.

In her response to your Committee's inquiries regarding the Council and what her role would be, Ms. Ziegler stated that she would bring a "community-activist perspective" to the Council. When questioned further as to how she may be able to balance this perspective, Ms. Ziegler clarified that her perspective is not one that is contrary to business, but rather one that does not take time and staffing for granted and understands that many people need time to properly respond in certain situations, particularly on the neighbor islands. One testifier stated that Ms. Ziegler is able to balance her "intense love" for the environment with integrity, a reasonable thought process, and an ability to see the larger picture.



Ms. Ziegler's passion and large community network will facilitate one of the Council's key roles of public outreach and education. Her experience in many aspects of the environmental review process assures the accuracy of such outreach and makes her an excellent choice for the Environmental Council.

Your Committee received testimony in support of the nomination of Malia Akutagawa from Gary Hooser, Office of Environmental Quality Control; Penny Levin; and Denise Antolini.

Malia Akutagawa earned Bachelor's degrees in Biology and Philosophy from Whitworth University in Spokane, Washington. She received her Juris Doctorate and an Environmental Law Program Certificate from the William S. Richardson School of Law at the University of Hawaii at Manoa and was admitted to the Hawaii State Bar in 1998. She has also received a certificate from the Oceanic Institute focusing on marine finfish hatcheries, live larval feeds culture, nursery and grow-out, and broodstock management as well as a number of certificates in permaculture design. Her extensive list of employment with and participation in organizations that deal with environmental and cultural issues includes work as an attorney for the Native Hawaiian Legal Corporation and as a marine behavioral ecologist for the Kaho'olawe Island Reserve Commission. She has also been a member of countless boards and community organizations.

Ms. Akutagawa is currently the Director of the Molokai Rural Development Project for Maui Community College and Research Corporation of the University of Hawaii. She is also active as the President and founder of Sust 'aina ble Molokai which places her at the forefront of addressing relevant community concerns and issues.

Ms. Akutagawa stated in her testimony to your Committee that her interest in serving on the Environmental Council stems from positive experiences she has had interacting with the Council's leadership and the Office of Environmental Quality Control (OEQC) while at the University of Hawaii at Manoa. It was there that she began reviewing environmental documents in earnest and the Council and OEQC were part of what she thought of as a caring community to which she was able to contribute. Ms. Akutagawa sees her role on the Council as upholding the environmental laws of the State and providing her knowledge and skills base in the law to engage the other members in ways that will care for Hawaii's environment, resources, and people.



Ms. Akutagawa will bring an important neighbor island perspective to the Council in addition to her legal experience in the field of environmental review. She will undoubtedly be an asset to the Council.

Your Committee received testimony in support of the nomination of Shannon D. Mears from Gary Hooser, Office of Environmental Quality Control; Dorothy Mears; James Williston; Maria Lebron; David Brustein; Andrew Odell; Alicia Duffin; John Morsey; Denise Antolini; and Jacy Youn.

Mr. Mears received his Bachelor's degree from Brigham Young University-Hawaii and his Juris Doctorate from the William S. Richardson School of Law at the University of Hawaii at Manoa. He is currently a research attorney for the Legislative Reference Bureau. Mr. Mears has a wide variety of legal experience including work for private law firms, judges, and law professors.

In his testimony to your Committee, Mr. Mears stated that the job of the Council is to act as a liaison between the public and the Director of the OEQC, provide the Director with recommendations to promote economic development in an environmentally responsible manner, and monitor the proper implementation of the State's environmental laws, rules, regulations, and policies. When asked by your Committee about his statement that economic development and environmental protection are not in conflict, Mr. Mears replied by quoting an earlier nominee who stated that, in Hawaii, our environment is the economy.

Mr. Mears will bring a sharp legal mind, impartiality, and a strong work ethic to the Environmental Council.

Your Committee received testimony in support of the nomination of Iris Terashima from Gary Hooser, Office of Environmental Quality Control; B.J. Leithead Todd, County of Hawaii Planning Department; and Todd C. Barnes.

Ms. Terashima holds a Bachelor of Science degree in chemical engineering, a Master of Science degree in information systems, and a Master of Business Administration degree. Ms. Terashima was formerly employed with the engineering and construction firm URS Corporation where she was tasked with developing the Environmental Management System for Pacific Air Forces of the United States Air



Force. She has assisted the City and County of Honolulu Public Transit Authority with policy development and implementation of their Environmental Compliance Program. She also worked on the development of environmental programs for state-owned airports in the City and County of Honolulu and Hawaii and Kauai Counties for the State's Department of Transportation Airports Division.

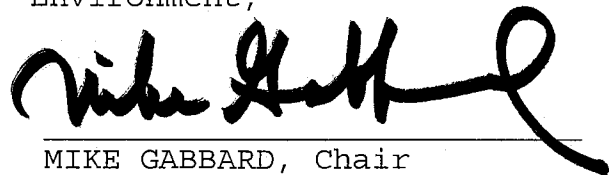
Currently Ms. Terashima owns and operates I Terashima Environmental Services, providing environmental management services, and continues her relationship with Pacific Air Forces.

When asked by your Committee about her prospective role on the Environmental Council she responded that that she would be a contributing member of the team that serves as the liaison between the Director of the OEQC and the public and aptly described the Council's other primary duties regarding the environmental review process, updating the State's environmental rules, and the compiling of an annual report.

Ms. Terashima's background as an engineer in the private sector has provided her with significant experience in identifying potential environmental issues, complying with environmental laws, and addressing public and community concerns. She will bring a professional perspective to the Council that is well-balanced with the experience of working with a variety of stakeholders of differing opinions.

As affirmed by the records of votes of the members of your Committee on Energy and Environment that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Respectfully submitted on  
behalf of the members of the  
Committee on Energy and  
Environment,



MIKE GABBARD, Chair





**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**  
**Advise and Consent**

Governor's Message No.:* <b>547</b>	Committee Referral: <b>ENE</b>	Date: <b>4/5/11</b>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Advise and Consent 2340 <span style="margin-left: 200px;"><input type="checkbox"/> Not Advise and Consent 2345</span>				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)				✓
GREEN, M.D., Josh	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <span style="margin-left: 150px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
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\*Only one Governor's Message per Record of Votes

**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**  
**Advise and Consent**

Governor's Message No.:* <div style="text-align: center; font-size: 1.2em;">548</div>	Committee Referral: <div style="text-align: center; font-size: 1.2em;">ENE</div>	Date: <div style="text-align: center; font-size: 1.5em;">4/5/11</div>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Advise and Consent 2340	<input type="checkbox"/> Not Advise and Consent 2345			
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)				✓
GREEN, M.D., Josh	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
<b>TOTAL</b>	3	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

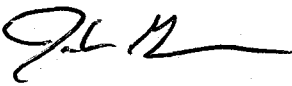
**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**  
**Advise and Consent**

Governor's Message No.:* <div style="text-align: center; font-size: 1.2em;">573</div>	Committee Referral: <div style="text-align: center; font-size: 1.2em;">ENE</div>	Date: <div style="text-align: center; font-size: 1.2em;">4/5/11</div>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Advise and Consent <input type="checkbox"/> Not Advise and Consent <div style="display: flex; justify-content: space-around; font-size: 0.8em;"> <span>2340</span> <span>2345</span> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)				✓
GREEN, M.D., Josh	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
TOTAL	3	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

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The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**  
**Advise and Consent**

Governor's Message No.:* <b>GM 609</b>	Committee Referral: <b>ENE</b>	Date: <b>4/5/11</b>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Advise and Consent 2340		<input type="checkbox"/> Not Advise and Consent 2345		
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)				✓
GREEN, M.D., Josh	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

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The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**  
**Advise and Consent**

Governor's Message No.:* <b>GM 610</b>	Committee Referral: <b>ENE</b>	Date: <b>4/5/11</b>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is: <input checked="" type="checkbox"/> Advise and Consent 2340 <input type="checkbox"/> Not Advise and Consent 2345				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	/			
ENGLISH, J. Kalani (VC)				/
GREEN, M.D., Josh	/			
IHARA, Jr., Les				/
SLOM, Sam	/			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-size: 2em; font-family: cursive;">JLH</div>				
<b>Distribution:</b> Original      Yellow      Pink      Goldenrod File with Committee Report      Clerk's Office      Drafting Agency      Committee File Copy				

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**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**  
**Advise and Consent**

Governor's Message No.:* <b>GM 638</b>	Committee Referral: <b>ENE</b>	Date: <b>April 7, 2011</b>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Advise and Consent 2340 <span style="margin-left: 200px;"><input type="checkbox"/> Not Advise and Consent 2345</span>				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	/			
ENGLISH, J. Kalani (VC)	/			
GREEN, M.D., Josh				/
IHARA, Jr., Les	/			
SLOM, Sam				/
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <span style="margin-left: 150px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
<b>Distribution:</b> <span style="margin-left: 50px;">Original</span> <span style="margin-left: 100px;">Yellow</span> <span style="margin-left: 100px;">Pink</span> <span style="margin-left: 100px;">Goldenrod</span> <span style="margin-left: 50px;">File with Committee Report</span> <span style="margin-left: 100px;">Clerk's Office</span> <span style="margin-left: 100px;">Drafting Agency</span> <span style="margin-left: 100px;">Committee File Copy</span>				

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