

Honolulu, Hawaii

MAR 10 2011

RE: GOV. MSG. NOS. 524,
526

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. 524 and 526, submitting for study and consideration the nomination of:

DIRECTOR FOR THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL

G.M. No. 524 GARY HOOSER,
for a term to expire 6-30-2011; and

G.M. No. 526 GARY HOOSER,
for a term to expire 6-30-2015,

begs leave to report as follows:

Your Committee has reviewed the personal history, resume, and statement submitted by the nominee and finds Gary Hooser to possess the requisite qualifications to be nominated as Director of the Office of Environmental Quality Control (OEQC).

Your Committee received testimony in support of the nomination of Gary Hooser from Gary L. Gill, Department of Health; Bernard P. Carvalho, Jr., Mayor, County of Kauai; Tim Bynum, Councilmember, Kauai County Council; The Trust for Public Land; Unite Here, Local 5 Hawaii; Alan Johnson, Hina Mauka; Randy Perreira, Hawaii Government Employees Association; Amy Agbayani, Hawaii Friends of Civil Rights; Marjorie Ziegler, Conservation Council for Hawai'i; Al Lardizabal, Hawaii Laborers' Union; Kristeen Hanselman, University of Hawaii Professional Assembly; Hawaii Carpenters Union; John White, The Pacific Resource Partnership; The Nature Conservancy of Hawai'i; Will Okabe, Hawaii



State Teachers Association; University of Hawai'i, Water Resources Research Center and Environmental Center; Robert D. Harris, Sierra Club, Hawai'i Chapter; Jeff Mikulina, Blue Planet Foundation; Mark Duda, Hawaii Solar Energy Association; Robert King, Pacific Biodiesel, Inc.; Chipper Wichman, National Tropical Botanical Garden; Sheldon Char, Keahole Solar Power; Nadine K. Nakamura, NKN Project Planning; Shawn James Leavey, Moku Power; Michael Kliks, Hawaii Beekeepers' Association; Dawn Morais Webster, Ph.D., Loomis-ISC; Herman Tuiolosega; Maya Soetoro-Ng; Barbara Robeson; Alfred Laureta; Denise Antolini; Melissa Pavlicek; Sherrian Witt; Lance Holter; Andrew Winer; William Sager; Linda Wong; Karen Chun; Helen Nielsen; Faye Kennedy; John Webster; Evan R. Shirley; Juanita Mahienaena Kawamoto Brown; Scott Glenn; Anthony Aalto; Dr. Phil Barnes; Anita Glass; Amarisa Marie; Josh Stanbro; Debbie Hecht; Peter Ehrhorn; David Hamil; Janet Gillmar; L. Michael Klungness; Thomas T. Shirai, Jr.; Dorothy I. Cornell; Ann Fielding; Janice Palma-Glennie; Penny Levin; Mary Steiner; Dr. Michael Christopher; Beryl Blaich; Margery Freeman; Pat L. Griffin; Dr. Gail L. Grabowsky; Thomas and Lucinda Whittemore; Keiko Bonk; Edward Mersereau; Megan Deets; Ku'ulei A. Kilion; Dante K. Carpenter; Mary A. Wilkowski, Esq.; David Henkin; Joshua R. Frost; Jonathan Starr; Choon James; Leslie Segundo; Arvid Tadao Youngquist; and Dr. Robert A. Zelkovsky.

Gary Hooser served as the Senator for the 7th Senatorial District representing the areas of Kauai and Niihau for eight years from 2002 until 2010. From 2006 to 2010 he served as the Hawaii State Senate Majority Leader. While a Senator, Mr. Hooser served as the Vice-Chair for the Senate Committee on Energy and the Environment and as the Vice-Chair for the Senate Committee on Education. He also served as a member of the Senate Committees on Ways and Means, Human Services, Transportation, and Land and Water. From 1998 to 2002, Mr. Hooser served on the Kauai County Council where he chaired the Committees on Economic Development and Public Safety, and Energy and the Environment. While a member of the Council, he also served on the Council's Committees on Finance, Planning, Parks, and Public Works. Prior to, and concurrent with, his public service on the Kauai County Council, Mr. Hooser was the founder and principal broker for Wai'oli Properties, Inc. and a founder and partner of H & S Publishing. Mr. Hooser received a Bachelor of Arts in Public Administration from the University of Hawai'i, West Oahu.



Mr. Hooser's experience in the field of environmental protection began with over thirty years of living, working, and raising his family on Kauai, during which time he developed an awareness of the value and sensitivity of the natural environment as he witnessed the impacts of runoff ruining the reefs and restricted beach access. As a private citizen, a member of the Kauai County Council, and a State Senator, Mr. Hooser has been involved in many issues pertaining to environmental protection including mandating solar hot water heaters on new construction, public access to coastal or inland public areas, and green house gas emissions. He has served on Energy and Environment Committees at the County Council level and in the State Senate, and his legislative track record over the past twelve years has been dominated by issues involving environmental protection, energy, and sustainability.

In Mr. Hooser's response to your Committee's question regarding how the OEQC's strengths may be best utilized and how the OEQC's weaknesses may be improved, Mr. Hooser replied that the existing staff has tremendous institutional knowledge and that they are committed to doing the best job they can do despite the limited resources that have been provided. Mr. Hooser stated that the OEQC's weaknesses are mostly centered on a lack of adequate resources. Mr. Hooser's immediate assessment of the OEQC is that in order for it to adequately fulfill its existing legislative mandates, the Office is in need of at least one more planner, an additional administrative support person, and an extensive upgrade to its technical information technology capacity. Mr. Hooser also intends to utilize University of Hawaii interns for research and grant-writing projects.

In Mr. Hooser's response regarding his overall vision for the OEQC, he states that his vision would be determined and finalized through a process involving OEQC staff and Environmental Council members that begins with fulfilling the mandates spelled out in chapters 341 and 343, Hawaii Revised Statutes, including managing the Environmental Assessment and Environmental Impact Statement processes, providing education and outreach about the process to stakeholders around the State, eliminating the backlog of exemption list reviews and rule amendments that now exist; publishing an "Annual Report on Hawaii's Environment", and being the public's voice for the environment, including legislative advocacy, education, and being a complaint repository. Mr. Hooser plans to develop a questionnaire for stakeholders designed to discover what the principal troubles and shortcomings of the



process are as it stands now and to use the information to improve the OEQC's operations. Mr. Hooser plans to set annual benchmarks that would be a part of OEQC's strategic plan, included in its first annual report, and updated annually thereafter. Mr. Hooser hopes that at the end of four years, the OEQC will be fulfilling its legal responsibility in a robust and professional manner, utilizing modern technology and best practices as recognized around the world. Mr. Hooser believes that the ultimate measure of success would be the quality of Hawaii's natural environment, but intends to develop internal indicators from an agency's and applicant's perspective, as to the overall management and success of the Environmental Assessment and Environmental Impact Statement processes.

When asked about the OEQC's top budgetary priority for the biennium, Mr. Hooser responded that the top budgetary priority is passage of Senate Bill No. 699, stating that the bill's passage is essential for the Office to have a budget sufficient for basic operations including the proper review and comment of existing environmental review documents, support for the Environmental Council, education and outreach, and annual reporting requirements. He believes that with the passage of Senate Bill No. 699, there will be the potential to add one additional planner, additional administrative support, and a long overdue and much needed improvement of the information storage and delivery system. Mr. Hooser pointed out in his oral testimony that a long list of the OEQC's legal mandates remains unfulfilled due to a lack of resources.

When asked for an assessment of the OEQC staff's morale, Mr. Hooser responded that he believes that, considering the declining resource base and various issues and challenges that have confronted the Office in the past, staff morale is surprisingly good. In his oral testimony, Mr. Hooser acknowledged that there have been morale issues in the past and that he feels some of the issues stemmed from the staff feeling that they were second class citizens due to a lack of overall support. As Interim Director, Mr. Hooser has been holding weekly staff meetings in an effort to coordinate the Office and reinstate its sense of purpose.

Several statements made in his oral testimony indicated Mr. Hooser's particular aptitude for the job before him. Mr. Hooser cited the findings and purpose section of chapter 341, Hawaii Revised Statutes, bringing attention to the Legislature's



finding that the environment of the State is as important as the economy of the State and commented on the strength and significance of that finding, noting that when it comes to the environment one rarely gets a second chance. He showed a clear and accurate understanding of how the OEQC works in conjunction with the Environmental Council. He stated that businesses in the State need certainty when it comes to the environmental review process and that he would strive to take the mystery out of the process. He stated that if the environmental review process is executed correctly there would be no need for bills that provide exemptions from the process. When asked about his advocacy and position regarding the Superferry issue, Mr. Hooser responded that his concern pertained to deviating from the law and the resulting process, and that had the law been followed correctly there would not have been a problem. Mr. Hooser stated that as the Director of OEQC his chief concern would be to follow the law.

Your Committee finds that Mr. Hooser has been a principled advocate for the environment and that he couples that advocacy with a sense of balance as it relates to economic concerns. His experience doing business in the private sector has made him keenly aware of the many diverse issues related to the administration of environmental legislation. Throughout his years in public service Mr. Hooser has proven to be an adaptable and creative problem solver while staying firm in his core beliefs regarding environmental protection.

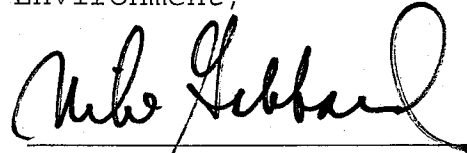
Your Committee believes that Mr. Hooser will bring to the OEQC organizational, communication, and team-building skills that will raise the morale and efficiency of the Office to a level that will instill public confidence in the environmental review process that has heretofore been sorely lacking.

Your Committee commends Mr. Hooser for accepting the responsibilities and challenges of the Director of the Office of Environmental Quality Control, and for his commitment to those he serves.

As affirmed by the record of votes of the members of your Committee on Energy and Environment that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.



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

A handwritten signature in black ink, appearing to read "Mike Gabbard", written over a horizontal line.

MIKE GABBARD, Chair



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.:* GM 524	Committee Referral: ENE	Date: 3/3/11		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is: <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> Advise and Consent 2340 </div> <div style="text-align: center;"> <input type="checkbox"/> Not Advise and Consent 2345 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)				✓
GREEN, M.D., Josh	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	4	0	0	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div style="text-align: center;"> Distribution: Original File with Committee Report </div> <div style="text-align: center;"> Yellow Clerk's Office </div> <div style="text-align: center;"> Pink Drafting Agency </div> <div style="text-align: center;"> Goldenrod Committee File Copy </div> </div>				

***Only one Governor's Message per Record of Votes**

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Twenty-Sixth Legislature
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Committee on Energy and Environment
ENE
Advise and Consent

Governor's Message No.:* GM 526	Committee Referral: ENE	Date: 3/3/11		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is: <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> Advise and Consent 2340 </div> <div style="text-align: center;"> <input type="checkbox"/> Not Advise and Consent 2345 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)				✓
GREEN, M.D., Josh	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	4	0	0	1
Recommendation: <div style="display: flex; justify-content: space-around; align-items: center;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature:				
Distribution: <div style="display: flex; justify-content: space-between; font-size: small;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

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