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KAHO'OLAWE ISLAND RESERVE COMMISSION

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PUBLIC MEETING MINUTES

Tuesday, April 15, 2014

10:00 am

Department of Land and Natural Resources
Boardroom
Kalanimoku Building
1151 Punchbowl St, Room 130
Honolulu, Hawai'i

COMMISSION MEMBERS

PRESENT: Michele McLean, Chairperson; A. Nāmaka Whitehead, Vice Chair; William

Aila, Jr.; N. Emmett Aluli, M.D.; C. Kaliko Baker, Ph.D.; Hōkūlani Holt;

Colette Y. Machado (arrived at 10:40 am)

KIRC STAFF: Michael Nāho'opi'i, Executive Director (ED); Ka'ōnohi Lee, Administrative

Officer (AO); Daniel Morris, Deputy Attorney General (DAG); Terri

Gavagan, Commission Coordinator (CC)

GUESTS: Alex Wegmann (Island Conservation); Hardy Spoehr (Protect Kaho'olawe

Fund); Kim Ku'ulei Birnie (Protect Kaho'olawe 'Ohana/Protect Kaho'olawe

Fund); Eric Brundage (Zapata, Inc.); Hoku Cody; Stanton Enomoto; Dr.

Davianna McGregor (Protect Kaho'olawe 'Ohana)

I. CALL TO ORDER

The meeting was called to order at 10:10 am. Quorum was established with six Commissioners.

II. APPROVAL OF MINUTES

A. Minutes of December 11, 2013 Regular Commission Meeting

Vice Chair Whitehead noted some misspellings and typographical errors.

Commissioner Aluli was pleased with the thoroughness of the minutes. He asked if Commissioner Aila's suggestion regarding speciation of organic and inorganic when analyzing soil samples had been facilitated. Staff responded Dr. Klein requested staff collect the samples.

MOTION: Vice Chair Whitehead moved to approve the regular public meeting

minutes of December 11, 2013 as corrected. Commissioner Aluli

seconded the motion

ACTION: The motion was approved by all Commissioners present.

B. Minutes of December 11, 2013 Executive Session

Commissioner Aila recused himself from the vote as he was absent from the session.

MOTION: Commissioner Aluli moved to approve the minutes of the December

11, 2013 Executive Session. Vice Chair Whitehead seconded the

motion.

ACTION: The motion was approved via roll call: McLean, yes; Whitehead, yes;

Aluli, yes; Baker, yes; Holt, yes; Aila, excused; Machado, absent.

III. COMMUNITY AND PUBLIC COMMENTS

Commissioner Aluli introduced Mr. Hardy Spoehr and Ms. Kim Birnie. Mr. Spoehr was the man behind the Kahoʻolawe Island Conveyance Commission (KICC) and personally compiled the documents that were submitted to Congress including the historical report. He is also a member of the Protect Kahoʻolawe Fund. Ms. Birnie is also a member of the Protect Kahoʻolawe Fund and was involved with the 'Aelike renewal discussions.

No public comments were made. The public was invited to offer comments when each agenda item is discussed.

IV. ACTION ITEMS

A. Review and Approve Palapala 'Aelike Kahu'āina, Stewardship Agreement Between The Kaho'olawe Island Reserve Commission and the Protect Kaho'olawe 'Ohana through its nonprofit corporation and fiscal agent Kohemalamalama O Kanaloa/Protect Kaho'olawe Fund

ED Nāhoʻopiʻi explained the last 'Aelike was signed on April 7, 2009 between the KIRC and the Protect Kahoʻolawe 'Ohana (PKO) through its nonprofit corporation and fiscal agent Kohemalamalama O Kanaloa. In a meeting in December 2013 both parties agreed to review the 'Aelike and make some changes. The Stewardship Working Group worked with the Attorney General's (AG) office. The major changes included:

- changing biannual meetings to meeting as needed
- changing titles of plans which have been finalized
- the traverse language was removed in Section 8
- Section 8 also clarifies the status and protection of volunteers

ED Nāhoʻopiʻi noted the Commission packet also included a letter from ED Nāhoʻopiʻi to Mr. Lopaka Aiwohi, Vice President of the Protect Kahoʻolawe Fund (PKF) which addressed the modifications in Section 8 and an opinion letter from DAG Morris.

KIRC staff felt there needed to be additional administrative procedures to document the status of participants, especially on boats. These additional administrative procedures will include:

- documenting the vessels the 'Ohana will be using
- documenting whether it is a volunteer vessel or commercial charter
- documenting the name of the vessel
- identification of crew members

- signed volunteer waiver forms for individuals on the vessel
- ensuring individuals on the vessel are on the SAR list

Commissioner Aluli requested clarification about the meeting schedule change. ED Nāhoʻopiʻi responded in the first year the parties had a midsummer meeting but over the years both parties contacted each other as needed. ED Nāhoʻopiʻi thought the parties worked very well together so there is no need to require meetings at certain times. Staff pointed out there is still a requirement for an annual meeting. Chair McLean asked if the agreement still specified the meeting be held by December for requests for the upcoming year. Staff stated yes. Commissioner Aluli commented his understanding was that these activities are presented to the Commission for approval at their January meeting. Chair McLean pointed out they could be presented at an earlier meeting.

Commissioner Aluli asked if there should be a placeholder if there should be a change in strategic planning. Staff responded there is a provision to amend at any time. Commissioner Aluli noted on page three in the second bullet it states "draft Cultural Use Plan" which is actually the final Cultural Use Plan. ED Nāhoʻopiʻi responded this was already corrected in the signature version of the agreement.

Chair McLean asked for any public comments on the agreement. Dr. McGregor (PKO) noted the Lu'uwai family was okay with the agreement. They will be working with staff to get all necessary volunteer forms.

Commissioner Baker asked if any paperwork was needed for the boat that transports 'Ohana participants from Moloka'i. Staff pointed out they are coming under the Makahiki activity. Commissioner Baker stated perhaps the 'Ohana coordinators need to stay up on the needed paperwork. There was a brief discussion on what is considered the most direct transit route from Moloka'i

DAG Morris pointed out the deletion of the reference to the "shores of Maui" so there seems to be accommodation if there is a departure from Moloka'i. He did not know why they would not take the most direct route to Kaho'olawe from Moloka'i. If there is a diversion such as a sightseeing tour they may not be considered volunteers during that portion of the trip.

ED Nāhoʻopiʻi brought up the possibility of the boat going to Maui to drop off people. DAG Morris stated in his view if picking up passengers from Maui is a necessary part of picking up people and they proceed to Kahoʻolawe in a direct route for a work project, it is fine.

Commissioner Aila noted there are times when the channels between Maui and Moloka'i are so rough that it may make sense to go behind Lāna'i and then go across to Kaho'olawe. That is not the most direct route. The captain is going to make that call. He would feel more comfortable if there was provision for this in the agreement. DAG Morris responded the language regarding the most direct and necessary route is built into a legal analysis of whether there would be coverage. An example is when

someone goes to work and parks in a parking lot designated for work. If he were to take a diversion to get coffee he would not be covered. If weather conditions required him to go on the covered walkway which is not the most direct route that would be fine. Having removed the language about direct and necessary route gives a little more flexibility to be realistic about the nature of getting to Kahoʻolawe.

Chair McLean referred to DAG Morris's letter and commented the footnote which discusses the removal of that language might answer Commissioner Aila's question. Commissioner Aila responded as long as it is referenced somewhere.

Staff explained at the previous KIRC meeting the access dates were approved through February 2014; however the Commission only approved the list of approved activities until April. Therefore staff asked to extend the approved list of activities until 3/1/15 as the second part of the motion.

MOTION:

Vice Chair Whitehead moved pursuant to KIRC's authority under HRS §6K-6(5) the KIRC approve the Palapala 'Aelike Kahu'āina Stewardship Agreement with the Protect Kaho'olawe 'Ohana through its nonprofit corporation and fiscal agent Kohemalamalama O Kanaloa from April 15, 2014 through April 15, 2019 as amended, including the edits discussed and extend the approved list of approved activities through March 1, 2015. Commissioner Holt seconded the motion.

ACTION: The motion was approved by all Commissioners present.

B. Review and Approve Site Stabilization Plan for Pokaneloa

ED Nāhoʻopiʻi noted if the plan is approved by the Commission it still needs to be sent to SHPD for approval.

ED Nāhoʻopiʻi explained the major part of the plan is to build a rock retaining wall in the gulch area that is leaning towards the stone and to build and extend the cliff base with backfill. Staff hopes to do the work this summer. The group who built the fishponds at Heʻeia may participate. Additionally there has been erosion control work done upland which has been successful. There are now plants growing above Pōkāneloa. Staff will return in November with the status of the stone to determine if it needs to be relocated.

Vice Chair Whitehead stated the motion was actually to have a detailed treatment plan including relocation in November 2014. At the May 2013 Commission meeting the Commission was actually prepared to pass a motion to move the stone. This extra time was given to allow for site stabilization. She stated she was not terribly familiar with site stabilization plans. The plan was good, but it seemed to have unnecessary background. She recommended focusing on this particular site. The plan needs to be tightened up. All the needed information is in the plan. It needs a good editor.

Commissioner Baker stated he had similar issues. The relocation plan was absent and he remembered relocation was part of the discussion. He thought that was Part B of the plan. The model has not been made. They are still trying to figure that out. ED

Nāhoʻopiʻi added that is dependent on the LIDAR. Commissioner Baker commented there was a lot of background but he liked how it illustrated the effort to be made and it is a basically good plan.

Commissioner Baker reported the PKO has been visiting the site. It seems the edge of the gulch where the stone sits is getting a little thin. The gulch mauka seemed to be filling in. There are definitely large boulders in place that are holding sediment. Milo is also taking hold. He hopes more work of that nature will be done to help with stabilization of that area.

Chair McLean asked if Kaho'olawe has been receiving as much rain as Maui. Staff responded they have seen a lot more water coming out above the gulch because wattles have been placed across. Commissioner Baker added the tanks at Hakioawa are full right now. In November it had rained the night before their visit to Kāneloa. Some of the wattles are catching water as well as sediment. Commissioner Baker, Momi Wheeler, Jonathan Ching and Commissioner Baker's son discussed how to capture the water in a reservoir to eliminate the water flowing down and to recharge that area with water. He will explore the issue on the side. He has mentioned it to KIRC staff.

ED Nāhoʻopiʻi stated staff has submitted some ideas for a DOH IV watershed plan for that area. In order to get funding there needs to be an approved priority watershed plan. Commissioner Baker stated he was looking for people who would want to consult on a pro bono basis.

Chair McLean asked for any public comments on the plan. Dr. McGregor commented she had not seen it. She referred to the previous motion which included the relocation.

Staff explained why the relocation was not included in the plan. There was no decision on what site the pōhaku would be relocated to. A relocation plan cannot be done without a relocation site.

Commissioner Baker commented the absence of relocation in the plan erases it out of the consciousness so he thought it needs to be mentioned. The issue of not knowing where to put it also needs to be mentioned. It could also be mentioned that perhaps using a digital model will help determine the best place to relocate it.

Vice Chair Whitehead stated she did not think the Commission should hold up this plan to include specifics about the relocation but it should be mentioned. She thought staff could already be working on the relocation plan. She was expecting staff to advise the Commission on the relocation site and that it would be a multi-phase plan to move it out of harm's way and then move it to a more permanent secondary location.

ED Nāhoʻopiʻi responded staff has the ability to carry out this phase as described in the site stabilization plan but not the relocation. Staff is still figuring out how to move the stone.

Commissioner Machado wanted to know if this was an update staff was providing the Commission. Staff explained it was requesting approval to build a retaining wall which is the actual preservation plan for this area. Staff has already started upland mitigation by installing rocks and wattles. These were placed outside of the site so no permits were required.

Commissioner Machado asked if staff was within the 18 month timeframe. ED Nāhoʻopiʻi responded he believed so. She asked if staff could comply with this timeline. ED Nāhoʻopiʻi responded the original 18 months was when staff would return to the Commission and ask for its decision on moving the stone. Staff will come before the Commission in November and determine whether the erosion controls are working. Commissioner Machado asked what the revised timeline is if this plan is approved. ED Nāhoʻopiʻi answered it should be completed by June or July.

Commissioner Machado asked how much money was allocated for this site stabilization project. ED Nāhoʻopiʻi responded staff is using all volunteer labor. Commissioner Machado asked if any experts are being used. ED Nāhoʻopiʻi confirmed the group working at Paepae o Heʻeia building the retaining walls around the fishpond have already looked at the site. There are also archaeologists who have volunteered to oversee the project.

Commissioner Baker stated these individuals are coming to Maui in order to get to Kahoʻolawe and asked if there is funding for their travel. ED Nāhoʻopiʻi responded there is some funding in the Cultural Working Group budget. The KIRC will also waive their access fees.

ED Nāhoʻopiʻi stated that the rocks for the wall would come from the quarry near Base Camp and that some of the rocks in the gulch may need to be moved. If they do have to be moved staff will incorporate them into the wall. Staff does not want to change the area's contours.

ED Nāhoʻopiʻi stated that the rock builders have looked at the proposed plan and that he will ask DLNR Engineering to review it.

Commissioner Baker asked if it would be accomplished over the summer. ED Nāhoʻopiʻi responded they would try. Commissioner Baker stated he did not want the end date to force the volunteers to work harder than they should. There should be realistic goals.

ED Nāhoʻopiʻi recommended amending the document to include a section that addresses the relocation and the issues of what still needs to be done regarding the relocation.

Vice Chair Whitehead asked if the edits will be done if the plan is approved now. Staff stated the plan will be edited and someone who has experience from SHPD will do a pre-read before it goes to SHPD. It will be read for content not just for the work. Commissioner Baker volunteered to review the document before it goes to SHPD.

MOTION: Commissioner Baker moved pursuant to HAR§13-261-13(b)(1)(B) to

implement the proposed stabilization plan as amended to include discussion of relocation and appropriate edits. Commissioner Aluli

seconded the motion.

ACTION: The motion was approved by all Commissioners present.

There was a break from 11:00 to 11:15 am.

C. Review and Approve a Cultural Access Request from Nā Leo O Nā Kūpuna ED Nāhoʻopiʻi presented an access request from Nā Leo O Nā Kūpuna. It is the Department of Education's (DOE) Kūpuna program. They would use Kai Kanani Charters on June 3, 2014. There would be 80 participants led by Uncle Les Kuloloio who will talk about Kahoʻolawe while circling the island. Staff will be on board to document the story.

Staff requested the submitted motion be amended to approve the request with the stipulations that a passenger list and non-volunteer waiver forms be submitted in advance.

Commissioner Aluli asked how non-volunteer status differs from volunteer status and whether non-volunteers are covered by workman's compensation for anything on the boat. DAG Morris responded his understanding was they would not have the protection of a volunteer or potential for AG representation or liability of the State based on negligent actions. He assumed the charter boat operator would have his own insurance. ED Nāhoʻopiʻi added the people who work on island, such as contractors, complete the non-volunteer forms.

Vice Chair Whitehead stated that would make complete sense if they were just sightseeing. It seems as if the kūpuna will be sharing moʻolelo about the island that will be recorded based on the memo. It sounds like this would be a very useful product so perhaps they should be considered volunteers.

ED Nāhoʻopiʻi responded no. Education is an allowed activity. The purpose of the trip is for a person to disseminate information to them so they can take it back to the classrooms. That portion is an authorized activity but the circling around the island is not a Commission approved activity. Commissioner Whitehead stated she was trying to understand the line between authorized and approved. She understood the seeing of sites is not an approved activity but the collecting of knowledge, stories and history is. ED Nāhoʻopiʻi responded staff would be doing the collecting.

Vice Chair Whitehead asked ED Nāhoʻopiʻi to provide clarification between approved activities and authorized activities. He used fishing as an example. It is an authorized activity. Fishermen submit catch reports which contribute to the knowledge of the island. However, fishermen are not considered volunteers when they are fishing within the Reserve.

Vice Chair Whitehead commented she thought it was like when kūpuna come to Honokanai'a and share stories. She assumed they would be volunteers so the fact that this group would be on the water should not make a difference. ED Nāho'opi'i explained the group must also be under staff supervision.

Chair McLean commented the KIRC did not generate the access. Commissioner Aluli asked what if the 'Ohana volunteered to sit down on the beach with them. ED Nāho'opi'i responded the other element that is in the volunteer provision is that there be supervision. If the 'Ohana sponsors the trip (like it did with the Hōkūle'a) they are taking on the supervisory role. The KIRC supervises the 'Ohana through the manuals and plans they submit as well as by the review of the SAR.

Commissioner Holt asked if Uncle Les Kuloloio would be giving the documentation to the kūpuna during this access. Staff stated Uncle Les would be giving the mo'olelo.

Chair McLean asked if the public wished to offer comments or testimony. Dr. McGregor wanted to know how the access is being categorized. ED Nāhoʻopiʻi responded it is educational. It is an authorized activity because it does meet the educational component since Uncle Les will be communicating his knowledge and history of the island to the kūpuna which will be utilized in the classroom.

Commissioner Holt noted that the memo states site viewing and not sightseeing.

Ms. Hoku Cody commented she spoke with Nā Leo O Nā Kūpuna on Maui a week ago. She understands it is a wahi pana excursion focusing on Honua'ula ahupua'a and Kaho'olawe is part of it. Ms. Cody gave them an overview of what they will see from the ocean. They were asking for mo'olelo rather than sharing it. They are coming from the Big Island, Moloka'i and Maui.

MOTION:

Vice Chair Whitehead moved to approve the request of Nā Leo O Nā Kūpuna with the stipulations that a passenger list be submitted; that all participants complete non-volunteer participant form packets and that there be no stopping or touching of land by the vessel or participants. Commissioner Aluli seconded the motion.

ACTION: The motion was approved by all Commissioners present.

D. Review and Authorize ED to enter into Contract with Island Conservation for NFWF Faunal Restoration Grant

ED Nāhoʻopiʻi explained Island Conservation (IC) was the KIRC's partner in receiving this funding. The grant amount is \$131,352.13. Half is allocated to IC. The KIRC and IC are developing a business plan to address the financial, social and biological implications associated with the removal of invasive vertebrates from Kahoʻolawe. This would include mice, rats and cats. The plan would also include any regulatory requirements. The KIRC would be the minority partner in this part of the grant. The KIRC's major responsibility will be to raise awareness about the purpose and need for the protection and restoration of Kahoʻolawe's natural biota. The KIRC will facilitate 12 forums on this topic through scientific conferences and community

outreach. IC has experience in developing business plans. Commission approval is needed because the contract amount exceeds \$50,000. The contract still needs to be drafted

Chair McLean noted the recommended motion does not specify a dollar amount. The amount would be approximately \$64,209 based on ED Nāho'opi'i's presentation.

Commissioner Aluli asked ED Nāhoʻopiʻi what would be the cost of ridding the island of invasive vertebrates. He responded approximately \$5 million to \$10 million. This plan will calculate the estimate for removal of invasive vertebrates. This plan also puts the KIRC in the running to get a million dollar grant from NFWF.

It was clarified that this money will be repaid by an incoming grant. The Commission needs to approve the contract so it can be paid out. Commissioner Aluli asked if it needed to go out to bid. Staff explained IC is written into the grant.

Staff introduced Mr. Alex Wegmann from IC who explained the big expenses for rodent eradication are the helicopter time, the planning and the permitting process, including an environmental impact statement.

ED Nāhoʻopiʻi explained the big part of this grant is the formation of a steering committee and a technical committee. The steering committee will help guide and answer questions while the technical committee will write the plan. Commissioners Aila and Holt have been invited to be on the Steering Committee. Others who have accepted are Sam Gon, as well as two staff from Fish and Wildlife. There will also be a member from IC and KIRC staff.

Mr. Wegmann stated he is based in Hawaii. He confirmed the estimate of \$5 million to \$10 million to implement the entire eradication program is about as accurate as one can get. It will depend on the flexibility of the regulatory framework for the project, for example, whether cats can be removed at the same time as rats and mice.

Commissioner Aluli asked what would be the timeframe. Mr. Wegmann responded if both cats and the rodents are targeted at the same time it would take about 1 1/2 to 2 years to actually implement the plan. The rodent component would be about a month. Then there would be trapping and hunting for the cats which would take approximately 1 to 1 1/2 years. Commissioner Aluli asked if accesses could continue. Mr. Wegmann responded during the rodent component it would be best to suspend accesses for a one to two month period while there is still bait on the ground. Commissioner Aluli asked if staff would be ready to go in 1-2 years. ED Nāhoʻopiʻi explained the goal is to have this plan in place at the end of this grant period which is about 1-1 1/2 years. The staff would then have to find funding. Once funding is secured in approximately two years, the rodenticide would need to be ordered in large quantities and stockpiled on island.

Commissioner Aluli called on Vice Chair Whitehead to share her thoughts about what happens when cats and mice are eliminated and birds return.

Vice Chair Whitehead stated she was very supportive of this effort, particularly focusing on cats, rats and mice together. The impacts to the ecosystem will be incredibly profound when seabirds return to the island. There will be all the nutrients seabirds bring on to land with their droppings. There would no longer be mice eating the native plant seed. It will be incredibly profound for environmental restoration. It is very expensive but it is absolutely something the KIRC should be pursuing, particularly if there is a possibility of getting funding.

Chair McLean asked for the timeframe to develop the plan. Mr. Wegmann responded they have until 2015. A year of steering committee meetings has been scheduled.

Commissioner Aluli stated projects should be prioritized and he felt this project should have high priority.

MOTION: Commissioner Aluli moved to authorize the Executive Director to

enter into a contract with Island Conservation for the NFWF Faunal

Restoration Grant in the amount of approximately \$64,209.

Commissioner Baker seconded the motion.

ACTION: The motion was approved by all Commissioners present.

The Commission decided to move Items V.D Strategic Planning Update and V.C Legislative Update before Item IV.E Review and Approve Proposed Budget for FY15.

V. ADMINISTRATIVE BUSINESS

A. Strategic Planning Update

Mr. Stanton Enomoto presented an update regarding strategic planning. The Strategic Planning Working Group (SPWG) consists of Mr. Enomoto, ED Nāhoʻopiʻi, AO Lee, Vice Chair Whitehead, Commissioner Aluli and Dr. McGregor who were present. The only SPWG members absent were Mr. Jonathan Ching and Mr. Joshua Kaakua.

Mr. Enomoto referred to hard copies of the PowerPoint presentation and PDF of the logic framework distributed to the Commission. He explained he reviewed the PowerPoint slides with KIRC staff and the access group from Maui Nui Botanical Garden while on island last week to get their thoughts and reactions.

He explained to staff and Maui Nui volunteers why the SPWG was looking at a 12 year planning horizon and the importance of the 50th anniversary of the initial occupation of the island. Most importantly the plan is for the entire island per the Commission's decision. The plan was developed around the idea of collective impact which includes shared kuleana. Everyone has expertise in different areas. More can be achieved together than individually. This plan could lead to a new chapter for the island.

The development of this plan took place about a year ago. The information gathering process took place during the summer of 2013. This included focus groups and various meetings on all islands but Kauai. However the SPWG did receive input from

Kauai. People were asked a variety of questions about their vision for the island, their priorities and preferred island activities. They were also asked how they envision Kahoʻolawe within the context of a new governing entity and its role and relationship to that entity. The SPWG received a lot of good feedback. The process extended to early this year when a few write-in responses were received. In summary, the SPWG conducted 14 meetings. There were 208 participants. The meetings were intended to solicit input from people who have a connection or a relationship to the island.

An analysis was done by Vice Chair Whitehead's intern at Kamehameha Schools and the information synthesized. The Commission was presented with a draft in December. The one presented today is semi-quantitative. It takes the key ideas from all the meetings and tallies them by location and frequency. Vice Chair Whitehead added since the last SPWG meeting she had her intern re-examine the information so some of the numbers changed a little bit. This is a more current version. Commissioner Aluli pointed out that the Lahui information was added.

Mr. Enomoto stated the SPWG's task was to try to synthesize all the information and develop something they felt others could get their minds around. They went through an intense synthesis of the information into a draft plan. The SPWG met three times for all-day workshops in January, February and March. They felt it was important to bring the plan around an organizing principle, concept or brand. What is the next 12 years going to look like? The working group discussed this and broke it down both in English and Hawaiian. They also examined how the organizing concept or principle will be manifested. They brought out some major concepts or themes that would support that overall idea.

The plan has been developed as a logic model. The organizing concept is E Ola Kanaloa (Life to Kanaloa!) It will be experienced through four concepts: 1) pilina 'āina (renewing connections), 2) paepae ola (living sustainably), 3) 'ike kūhonuhonu (elevating knowledge), and 4) kūkulu ea (realizing identity). These four themes will be manifested by eight priority areas:

- 1) restoring and conserving the natural environment; this includes both terrestrial and marine
- 2) developing knowledge through both formal and informal means of data collection
- 3) preserving the history of Kanaloa Kaho'olawe
- 4) building out the Use Plan by creating sustainable shelters, facilities and habitation sites, including the Kīhei site
- 5) maintaining cultural sites, customs and traditions
- 6) expanding awareness, access and experience of the 'āina
- 7) providing a neutral sanctuary for dialog, healing and self-discovery
- 8) maintaining Kanaloa's role through the transition to the Lāhui

Each of these priority areas are further broken down into specific projects. This a snapshot of the SPWG's work thus far. It may still be a bit rough.

The goal for the SPWG is to engage the broader community and share with them this vision in more detail. It will gather feedback during the summer. It will also do an analysis of the various projects and their feasibility. They will get together in the

early fall and go through revisions of the planning document. They intend to finalize it by November. Once that is completed and the plan has been adopted by the various groups that see themselves in this plan, it can serve as a foundation for approaching the Legislature, other funders or agencies.

At this point in his presentation to KIRC staff, Mr. Enomoto asked staff for input. He felt it was important for people to decide if they can see themselves in this plan. He added with both the KIRC staff and the Maui Nui Botanical Garden group he emphasized looking at the logic model. It is overwhelming for any organization. The point is this is not the KIRC's plan. When the various parties come together around this plan or a variant of it much more can be achieved. It should intentionally be seen as ambitious but with everybody coming together with their various strengths and each doing their part maybe it can get accomplished. He asked for any additional comments from the SPWG and anyone else.

Chair McLean stated this was outstanding. She admitted to having some concerns about some of the methodology but gratefully she was proven wrong. She made some notes but it was probably more a matter of wordsmithing than substantive concerns. She thanked the working group and especially Mr. Enomoto.

ED Nāhoʻopiʻi commented he had received comments from staff regarding UXO cleanup. He had also received a comment from Senator Solomon about this. She wanted to know does the KIRC intend to pursue more cleanups. This still needs to be discussed by the Commission. The other comment was about how UXO safety would be integrated into this plan. ED Nāhoʻopiʻi explained to concerned staff that this is integrated into each of the components. The foundation of doing these projects in a safe, meaningful way remains.

Commissioner Holt stated she liked how this laid itself out. It is not an easy job to get everyone's mana'o and synthesize it down to something that is clear. She had no problem with the goals being large because they must be large in order allow everyone to think about the total island and its future. It cannot just be about what the KIRC will do next year. One can see where different organizations might fall into these action items. She liked it very much.

Commissioner Aluli commented it was really nice to get the younger generation involved. They will be the ones to implement the plan.

Commissioner Machado asked Mr. Enomoto about missing areas because the SPWG is looking for partners. She thought it was unbelievable how he was able to bring altogether in one succinct page. The implementation phase is missing and she asked if there will be an opportunity to look at the implementation phase.

Mr. Enomoto responded the implementation phase would need to be added. This did come up at both meetings with staff and Maui Nui. The question that emerged was how they were going to do all of this. A lot of the operational KIRC staff were already looking at implementation; how many boat runs, etc. That part needs to be developed.

Mr. Enomoto added the other dimension is how this effort sustains itself. If this is going to be a true collective impact initiative there needs to be some guidance. This is something the SPWG will have to think about in the coming months. The pukas exist but Mr. Enomoto did not have a good answer as to where. There are areas where the University of Hawaii may see itself being placed or OHA can see itself. The goal of this plan is to bring in other partners. The SPWG planned to bring on a technical consultant to run numbers and provide a reality check.

Chair McLean asked for public comments. Dr. McGregor stated she thought the next step would be very important in working with the consultant and figuring out how to implement this and the cost as well as meeting with funders and getting commitments for the implementation. The Legislature is looking for matching funds; they do not expect to fund the whole thing. It will also need to be more self-sustaining as it transfers to a Hawaiian governing entity. This can only happen if major partners come in. She also stated that the SPWG needed to reach out to Hawaiian institutions that are providing cultural education to begin to look at the island as a place for higher learning such as at a university level. She visited Hā'ena and was surprised to learn that Hā'ena also views itself at a university level as a place of learning for hula. The PKO had the same idea from EKF. Hā'ena is very interested in hosting field schools and having dorms. She stated she thought there should be collaboration with Hā'ena. We should also work with halau hula.

Commissioner Machado commented there is a piece of property at Palauea that came to OHA. OHA just renovated the area and brought water in. That is something to keep in mind because it was generated by the community college. The title has been transferred to OHA so it is looking to develop a master plan for that area. Some initial improvements have been done with the remaining funds provided by the new homes there. Eventually, a certain percentage of the monies coming to the University through the telescopes could be committed to this operation. She thought OHA would be enthusiastic about a similar arrangement. OHA uses the Kānewai as a model for connecting with the university. It is the most successful field operation.

Commissioner Baker added Kaleikoa was talking about an open door policy between Palauea and Kahoʻolawe during the PKO access. He thought it was great idea for PKO to get more Maui folks to go to Kahoʻolawe and be involved on the PKO side. He thought places like Palauea would be great hubs.

Commissioner Aluli commented looking at the logic model he thought it would make sense to the legislators.

Commissioner Holt stated she saw the plan fueling an upsurge of interest in the future of Kaho'olawe as it gets explained to community groups and organizations that support Kaho'olawe. She agreed with Mr. Enomoto; people can see themselves in the plan.

Dr. McGregor confirmed the SPWG will go out to the community this summer. The plan is to show the "Standing on Sacred Ground" film "Islands of Sanctuary."

Hopefully people will want to come and see it and then the SPWG will review the plan with them and get feedback. The consultant suggested that the discussion should focus on what is one's commitment to the plan.

Commissioner Machado commented it was a good job; she had her doubts, too.

Commissioner Aluli stated the working group wanted to make sure it was going in the right direction.

Dr. McGregor commented the working group would need support as well from DLNR. Its contribution would be to have Mr. Syd Kawahakui working on the Ala Loa as part of his job as well as any other DLNR employees that are interested. Commissioner Baker added DLNR will be receiving a letter from the University about the same thing.

B. Legislative Update

ED Nāhoʻopiʻi reported that the KIRC currently has two measures in conference. One is HB 2101 which is the Conveyance Tax bill. When the House bill went for Senate review the Senate amended the bill to require that the executive director be hired by the BLNR. The House disagreed with the amendment. The House committee members are Hanohano, Evans, Nishimoto (co-chairs), Say, and Matsumoto. The Senate members are Solomon (Chair), Shimabukuro and DelaCruz (co-chairs). They still need to re-insert the percentage and the effective date. Staff has been notifying the various members of the Committee its preference is not to have the amendment but not at the risk of not getting the funding.

The other is a resolution that requests the Congressional delegation to provide funding for Kahoʻolawe.

Chair McLean commented it still looks pretty good that the KIRC will get Conveyance Tax funding. ED Nāhoʻopiʻi added it depends on how much is left after they finish the budget and how much money everyone else is getting.

Commissioner Aila agreed and added there is another bill that would increase the amount that goes to the public housing trust. ED Nāhoʻopiʻi noted they asked for 50%. If they get that amount and the KIRC gets 10% then 95% of the Conveyance Tax will not go into the General Fund which maybe too much for the Legislature.

Commissioner Machado asked who the champions for the KIRC were. ED Nāhoʻopiʻi responded Hanohano, Evans, Nishimoto, Shimabukuro and Solomon. She asked that staff notify the Commissioners of the hearing date. It is important to have faces in there even if no one can speak. There was discussion about the conference hearings notification process.

Chair McLean suggested the Commissioners contact the conferees if possible.

Commissioner Aluli asked if ED Nāhoʻopiʻi was comfortable with his job being approved by BLNR. He responded he thought the BLNR and the KIRC could work

out an agreement that the KIRC could still recruit and make a recommendation. Technically, the Commission does not do the hiring; it is always through the DLNR Chair. The only requirement in the statute is there is a hearing before the BLNR. The legislators wanted a public hearing as part of the selection process. He tried to explain to them that the KIRC is a public commission with public meetings.

Commissioner Aluli complimented Chair McLean, ED Nāho'opi'i and AO Lee on their good work.

ED Nāhoʻopiʻi added that if the measures get out of conference committees, they still need to be voted on and the governor still needs to sign them. The governor did not support Conveyance Tax last year.

Commissioners Aluli and Machado were excused at 12:35 pm.

The Commission decided to move to **Item IV. E Review and Approve Proposed Budget for FY15.**

IV. ACTION ITEM

E. Review and Approve Proposed Budget for FY15

Chair McLean explained the budget was not ready for approval. There were some pukas which needed to be filled in. Whether or not the KIRC will get the conveyance tax was a factor for Chair McLean.

ED Nāhoʻopiʻi explained staff needed direction of what to prepare for a budget at least through the beginning of FY15. If the KIRC gets the Conveyance Tax staff will resubmit a new budget. Staff will also reevaluate what is being done and possibly reorganize.

For planning purposes staff's current intent is to capture all the requirements for current grants; those monies must be expended to continue ongoing volunteer accesses for one more year. This year there was a very high number of volunteers because for every open week there has been a weekend access. There was a lot of interest in weekend accesses. Most of the weekend accesses were under the Culture Program. It has resulted in an insignificant increase in operating costs. Staff plans to have one weekend access per month next year. ED Nāhoʻopiʻi asked the Commission what direction staff should go. The memo reflects a \$2.9 million budget. It was estimated that at the end of FY15 the trust fund balance will be \$1,060,000.

Vice Chair Whitehead asked if that will be enough to shut down in FY16 if the KIRC does not receive a portion of the Conveyance Tax. Staff responded if the KIRC does not receive it the proposed FY15 budget will reflect some down sizing. Staff clarified the budget proposal does not assume receiving Conveyance Tax funds. Staff will adjust either way.

The Commission decided to defer reviewing and approving the budget for FY15.

Chair McLean pointed out the Commission would definitely need to meet before July 1. Staff added there are also contract renewals due by July 1.

Commissioner Baker expressed concern about the impact that decreasing the number of accesses would have on the Pōkāneloa site stabilization plan. ED Nāhoʻopiʻi responded the decrease would be over the course of a year. There may be months where there is more than one weekend access and months where there are none.

Commissioner Baker asked about the status of the photovoltaic project at Base Camp. ED Nāhoʻopiʻi responded it is already installed and running and providing power to the Volunteer Hut. A CIP request was submitted for \$2.5 million by Senator English to convert all of Base Camp to photovoltaic.

Chair McLean asked what the new proposal for county funding was. ED Nāhoʻopiʻi responded to either update the RO unit or convert either the Zapata Hut or the KIRC staff hut to photovoltaic. Chair McLean will follow up.

V. ADMINISTRATIVE BUSINESS

C. Executive Director's Report

ED Nāho'opi'i reported there are no variances and the KIRC is still under budget.

The KIRC has been awarded two grants from Hawaii Tourism Authority (HTA) for Kukulu Ola (Native Nursery and Hale at Kīhei Boat House) and Hoʻola Kahoʻolawe (native trails and gardens at Kīhei Boat House). Staff has been conducting Kakooia Kahoʻolawe events on the fourth Saturday of every month in which community volunteers build trails and clear out vegetation. The homeless sites have been removed. There are now public walking trails. Staff has received four hales from Lahaina which were in the process of being removed. They are currently being stored at the boat house. KIRC CRPC Gapero is currently working with an individual who was trained under Mr. Palani Sinenci to erect the hales. The KIRC has also received funding from the Atherton Foundation for 'Ai Pono which involves development of food crops on the island.

Staff did submit a grant application to the County of Maui for Photovoltaic II in the amount of \$25,000.

Staff is still waiting to hear from OHA regarding Pōkāneloa restoration grant request for \$50,000. Native Hawaiian Museum Services is still pending. A decision will be made in July.

The outreach schedule was attached to the Commission packet for review.

At the last Commission meeting the Commissioners approved staff's request to correct the administrative rules. Staff has determined the requested changes have to be submitted to the Small Business Regulatory Review Board. Once their approval is obtained staff will come back before the Commission so it can approve the change. Then staff will need to get the Governor's approval to conduct public hearings. Public hearings will be conducted. Staff will provide the Commission with any feedback.

The Commission must approve of any changes. The Governor will then to need to sign off on any changes.

MOTION: Vice Chair Whitehead moved to enter into executive session to

consult with its attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities pursuant to HRS§92-5(a)(4). Commissioner Baker seconded the

motion.

ACTION: Motion was approved by all Commissioners present.

The Commission resolved into executive session at 12:45 pm.

At 1:00 pm the Commission rose to report out of Executive Session. The Commission had discussion with its attorney and no votes were taken.

ED Nāhoʻopiʻi noted the list of interns provided to the Commission for review. Many come from the Hui Kāpehe Program. Staff distributed fliers about the Hui Kāpehe Program to the Commission.

ED Nāhoʻopiʻi noted Commissioner Machadoʻs interim appointment will expire at the end of this legislative session if she has not been confirmed. ED Nāhoʻopiʻi stated a letter has been sent to OHA regarding this matter. Another letter will be sent next week. OHA needs to notify the Governor to appoint someone else. Commissioner Machado told staff she was going to appoint Jon Ching. A Governor's message is needed. Commissioner Aila noted it was likely the Governor would name an interim appointment after the legislative session.

ED Nāhoʻopiʻi reviewed staff's interactions with the legislators. All Commissioners have been added to the KIRC's Constant Contact list. They will be receiving personalized updates which the public gets. The appeals made through Constant Contact made the big difference this year. There was a lot of supporting testimony submitted this year.

The Year In Review for FY 2013 was mailed to the Commissioners and is also available on line.

Staff conducted a maintenance program on the 'Ohua: complete servicing of the engine, rewiring, coolant system, jet drive, and fittings were replaced. There has been a proposal to install a davit by the Boating Division onto the 'Ohua which they would be willing to pay for. This would help launch and retrieve moorings and buoys. This request is still being evaluated. The Operations Staff wanted to acknowledge intern Eddie Wine. He has been doing a great job.

Chair McLean asked about the status of the Hakilo. Staff responded they have an estimate. There is only one person who can fix it and he is a noncompliant vendor with the State. Staff is waiting to see if the Conveyance Tax passes. If it does the Hakilo can be repaired for about \$23,000. One of the staff's suggestions was to

purchase a Molokai cat to provide passenger transport. It can do two runs in the time it takes one Ohua run. Staff explained it is a catamaran designed to run in open waters and channels. Chair McLean asked if \$20,000 is put into the Hakilo would it be used by staff or sold. Staff responded if the KIRC purchases the catamaran the Hakilo would be sold. Commissioner Baker asked if the Hakilo could be sold first and then the catamaran purchased. Chair McLean asked if \$20,000 is put into the Hakilo would it be recouped in the sales price. ED Nāhoʻopiʻi commented the Ocean Program staff liked the Hakilo as a dive platform, but the 'Ohua works as a dive platform as well. Chair McLean stated she did not mind spending the money if it is worth it. She did not know if it is worth it. She asked how much the Molokai cat costs. Staff did not know but it is cheaper than buying another 'Ohua. The 'Ohua would become a supply and dive vessel.

ED Nāhoʻopiʻi reported that GSI will be going to Hakioawa Shelter this Friday to repair the gutter. KIRC Volunteer Coordinator ʻĀnela Evans will be escorting the group. There are roof leaks which will also be repaired. The gutter will be taken off and realigned. New supports will be placed in it. Ms. Evans will sign off on the repairs.

Vice Chair Whitehead asked about the status of the Kīhei Executive Order. Chair McLean commented she had always questioned what is allowed on the site. She spoke with her boss, Will Spence, about the different designations on the property. The issue of doing overnight staging without it being a public facility is not something the County would allow. The site would need to be available to the public for that use because the Community Plan designation on the property is public/quasipublic and the uses have to be consistent with the designation. It would not be part of a government or public function because it would not be KIRC activities for the overnight part. The executive order could still be amended but the park/land use designation would still not be compatible with just the overnight part.

Commissioner Aila asked if it is a separate TMK. Staff confirmed it was. Commissioner Aila asked if County ordinances are preventing it. Chair McLean explained it is zoned park and is public/quasi-public on the Community Plan. One of the uses allowed by the park designation is camping but then the public/quasi-public on top of that means government facilities are allowed but it is for public uses. The overnight activities that are not government functions would not fit into that. Commissioner Aila asked if the KIRC was the only user. Chair McLean stated yes under the Executive Order. The use of the site for the KIRC as a government entity is fine under the land use designations regarding assembling and staging. The same is true about building the boat house and the trail project. This would also be true for any group who wanted to stage overnight at the site because of the public/quasi-public designation. The camping is okay because of the park designation. The public/quasi-public designation would require that it be allowed for everybody.

Commissioner Baker asked when the PKO volunteer status begins. DAG Morris responded volunteers are treated as employees and employees get workers compensation benefits. Usually, one does not get these benefits if one gets injured while driving from Central Oahu to town. Once one gets to a designated work parking

lot and one goes from there to work one is generally covered. The idea is the Maui staging area is like the work parking lot. When one gets there one is a volunteer, but maybe not from the airport to the staging area. It may start at the staging area which is part of the process since there the group meets there and there is orientation.

Commissioner Aila suggested Chair McLean check with county officials to see if they are willing to give the executive order back to DLNR. That could solve the problem and DLNR make some kind of disposition to the KIRC because now it would then be a state entity and as a state entity he did not believe the county rules would apply. Chair McLean stated they still would. County land use designations still apply to state property.

ED Nāhoʻopiʻi commented Senator Solomon indicated the KIRC needs to show it is fiscally contributing its share to the long term operation of Kahoolawe. Staff created a flier about the Kīhei site and the opportunities to generate revenues there. When staff showed these to legislators they received positive responses. It would show the KIRC is generating a portion of its fiscal responsibility instead of coming for a full hand out. A resolution was submitted recommending the KIRC build on the Kīhei site.

Vice Chair Whitehead urged the staff and County to find a solution. It is not that the 'Ohana wants to stay overnight on Maui prior to access. It is a matter of timing. Even if everyone came on the first flight they still could not get to Kaho'olawe before the winds picked up. The 'Ohana has a temporary solution. Commissioner Baker added that the Hawaiian Canoe Club has been very gracious over the past couple of years allowing the 'Ohana to stay at their hale.

Chair McLean asked if the 'Ohana comes the night before and gets to the Boat House to leave the next morning would they be considered volunteers when they get to the staging area to stay overnight. DAG Morris responded that was his understanding. He added whether they are volunteers or not does not affect whether or not that is an appropriate land use that the County would allow. Chair McLean commented that is where the public/quasi-public designation was problematic. It would not be a public function. The Planning Department's interpretation was if it was a government function then it would also be a public function. If they are volunteers at that point then that it is part of a government function. DAG Morris stated he thought it was a fair argument that they begin their volunteer service when they arrive at the staging area where they start learning about safety. Commissioner Baker stated technically when they are at Hawaiian Canoe Club going on a KIRC sanctioned access they are providing volunteer activities. ED Nāho'opi'i commented they would need to be doing the activities employees would be doing in the course of their duties. Commissioner Baker stated he understood that but he wanted to know at what point does someone become a volunteer and thus acknowledged as equal to the KIRC staff in that light. DAG Morris commented volunteers are treated as employees only for certain purposes. Vice Chair Whitehead stated if that argument works then the Commission could revisit the Executive Order. ED Nāho'opi'i and Chair McLean stated the wording needed to be changed. Staff submitted the change a couple of years ago. It is still at the Maui Land Division office.

Chair McLean commented if the land use and EO issues can be worked through then the rest is just details including the safety plan. ED Nāhoʻopiʻi stated these changes may require public hearings. The neighboring condo owners may have issues. Commissioner Holt commented once they think there is going to be night use it may be a little bit more difficult. Chair McLean stated she thought this is where her staff was coming from. Her department would be receiving the phone calls regarding the night use. They need to be able to explain what the zoning is and what it allows.

Vice Chair Whitehead stated the 'Ohana participants are usually coming in around or after dark. They have very long safety and logistics orientations and then go to sleep. They usually do not even set up tents. They wake up at 3:00 a.m., pack and leave. ED Nāho'opi'i commented staff may not open the Boat House itself because secure storage is needed. Vice Chair Whitehead stated that sounded fine to her as long as there is access to water. ED Nāho'opi'i commented they could stay in the hales once they are put up.

Commissioner Holt stated this speaks to the oversight concern for overnight use which needs to be worked out. ED Nāhoʻopiʻi commented the KIRC office will get the complaints. Vice Chair Whitehead stated the 'Ohana would have to make it very clear to its participants what the rules are. Commissioner Baker added this was also would be in the best interest of safety.

ED Nāho'opi'i pointed out the expenditure report and list of contracts for the Commissioners to review on their own.

VI. PROGRAM STATUS UPDATES

ED Nāhoʻopiʻi pointed out the amount of trash that has been cleared from the Boat House by volunteers under the Culture Program. Mr. Enomoto and others hiked the drones to Kanapou. Staff is still evaluating the use of the drones. They might replace the helicopter aerials, allowing the KIRC to save money. Two drones could be purchased for the cost of one aerial survey by helicopter.

Vice Chair Whitehead asked if the last Kanaloa plant is dead. ED Nāhoʻopiʻi responded staff did not know. Vice Chair Whitehead commented the situation sounded horrible based on the update. She had never heard the staff had not been able to get water to the plant during the driest year because of the lack of a helicopter. She asked why the KIRC did not reach out to other groups like DLNR earlier. ED Nāhoʻopiʻi explained nobody could contract with them. Windward cannot be used anymore because they decided not to continue servicing their floats. Vice Chair Whitehead stated she was shocked that staff did not try to do more. She understood that the helicopter issue is complex but she did not realize until reading the update how dire the situation was. ED Nāhoʻopiʻi responded the Kanaloa Working Group tried to reach out to everyone. The site visit was through the Plant Extinction Prevention Program (PEPP) but they were very limited in what they could do. Windward would only fly at high elevation and they could only take a passenger directly over the land. They could not swing over the water.

Chair McLean commented she thought with all of the rain it might start to come back. Staff noted girdling of the new growth by mice had been observed so it may not just be

the watering. Vice Chair Whitehead commented bait boxes could have been set out. Staff responded only mechanical traps can be used. If bait is used outside a residential area it becomes agricultural use and must be done by a certified pesticide applicator. Vice Chair Whitehead stated it reminded her of the situation at NTBG where the KIRC did not know how bad the situation was until the plant was dead. Looking back on it there were things that could have been done to save it. Now looking back on this there are things that could have been done to possibly save this plant if staff had thought outside the box more. Vice Chair Whitehead asked staff to let her know if she could help in anyway. She could not believe these plants have died during her tenure on this Commission. There are two left.

Chair McLean commented the KIRC needs to be able to say it did everything it could. She did not know that could be said. ED Nāhoʻopiʻi commented the KIRC knew the plant was on its way out for years. Chair McLean commented she was not sure about that. ED Nāhoʻopiʻi stated staff does not know if it is actually dead; it might come back. Vice Chair Whitehead stated if it does, the KIRC needs to do everything in its power to make sure it is kept alive. ED Nāhoʻopiʻi noted the seedling from the seed pod given to Lyons did not survive. However, they are getting closer to propagating the plant.

Chair McLean asked if the plant at Ho'olawa Farms is doing well. Staff stated yes and seems to be better at producing seeds than the one at Maui Nui Botanical Garden. That one is growing very large. Vice Chair Whitehead cautioned that the one at NTBG was also doing very well and then within a few months it was dead.

Chair McLean asked if there are more seeds. ED Nāho'opi'i there might be some next season.

Commissioner Aila was excused at 1:35 pm.

VII. ANNOUNCEMENTS/FYI

There were no announcements from the Commissioners. Staff noted there was a copy of the current version of HB 2101 in the FYI section of the packet along with ED Nāhoʻopiʻi's testimonies and letters sent to the Chairs of WAM and Finance Committees. There was a lot of press about the Conveyance Tax bill. There needs to be a Commission meeting before the next fiscal year for contract renewals and the FY15 budget. ED Nāhoʻopiʻi is trying to arrange a commemoration on May 7. He wanted to take staff to Palauea and invite former Commissioner Sakata and others who were at the transfer ceremony to discuss what they saw and experienced.

VIII. NEXT MEETING AND FOLLOW UPS

The following need to be addressed at the next Commission meeting: FY15 budget and contracts. The Commission decided the next Commission meeting should be on June 17 depending on the availability of Commissioners Aila and Aluli. Staff will try to schedule it on Maui.

Vice Chair Whitehead and Commissioner Baker asked for an update on Pōkāneloa at the next meeting. Staff explained SHPD approval is needed before anything can be done on the project.

Commission Public Meeting Minutes April 15, 2014 Page 22 of 22

IX. ADJOURNMENT

The meeting was adjourned at 1:50 pm.